

Reclaiming a Position in Justice: A look at Community Justice Initiatives
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Abstract

This thesis argues that any effective justice initiative must start with the inclusion of the community it affects. The pursuit of justice is constructed, in this thesis, through a comparative analysis of two Canadian community justice initiatives, the Community Council of Aboriginal Legal Services of Toronto and Restorative Resolutions in Winnipeg. This research was conducted through semi-structured interviews, program observation and analysis of program records; it identified the difficulties of community and victim inclusion within urban justice processes and illustrated that, prior to reclaiming a position in justice, Canadian communities need to reclaim their communities through social justice initiatives.

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Chapter 1: Introduction

Reclaiming a position in justice is the pursuit of claiming a judicial process that involves those affected by crime. State regulating bodies have previously silenced victims, offenders and the community in the justice process. Reclaiming a position in justice envisions the community as the primary resource and location of repair. Within this paradigm, justice is concerned not only with a specific criminal act, but also with social justice; that is, “community justice” must also actively attempt to address significant issues of community development that may be contributing crime and dysfunction within that community.

The regulatory efforts of the state have not been able to effectively address the problems of criminality or dysfunction within communities (Clear 2007: 9). Caught in a revolving door of criminal justice involvement and cycles of poverty, marginalization and dysfunction, too many communities have lost any belief that the state is an effective resource in addressing the myriad of challenges they face. In the realm of justice, many communities are turning to community and restorative justice, in hopes that a process created by and for the community can generate greater results than state based solutions.

The pursuit of justice has been attempted by several restorative justice programs; however their attempts to produce justice are unclear and largely undocumented (Dickson-Gilmore and La Prairie 2005: 183; Clear and Karp 1999: 176), reflecting an ambivalence about evaluation and a wavering commitment to accountability. The pursuits of Canadian community justice initiatives, although neither a new concept nor program, have received limited academic attention for their abilities to reduce community

dysfunction and rates of recidivism. The lack of Canadian literature on this topic illustrates the importance of evaluating Canadian based community justice initiatives. Too often, Canadian research relies on American or Antipodean programs as examples within their analysis (Dickson-Gilmore and La Prairie 2005: 184). It is time that Canadian based programs receive the academic attention they deserve. This attention is vital in the construction of the 'what works' paradigm pertaining to Canadian based programs allowing for a true reclaiming of justice.

The initial focus of the research was to concentrate on dysfunctional communities. For the purposes of this thesis, dysfunctional communities will be defined as communities who experience marginalization shown through high levels of conflict and criminality. This marginalization is often apparent in inadequate housing, deteriorating infrastructure and insufficient social services. Individuals who reside within dysfunctional communities commonly experience poor socioeconomic status evident and implicated through unemployment, homelessness, addiction and poor educational attainment. Single parent households are common within such areas, and are linked with inadequate supervision of children as parents struggle to maintain employment, house and feed their families, leaving little time or energy for children and no funds for caregivers. The characteristics of a dysfunctional community have been strongly correlated with crime. Dysfunctional communities are a natural by product of the uneven distribution of social justice within society; indeed, the absence of social justice is evidenced in the greater intrusion of criminal justice and social welfare agencies in these communities.

While it was not the intention of this research to study any particular cultural, ethnic or minority population it is no surprise that while attempting to study disadvantaged groups in our society, the research was consistently confronted with the reality that difference too often equated with disadvantage, which is highly correlated to poverty, dysfunction and marginalization. It is thus not surprising that those who are served within urban-based restorative and community justice programs are commonly the Aboriginal and Black communities within Canada.

This research assessed two Canadian urban community justice initiatives and evaluated their abilities to reduce crime and dysfunction within an urban dynamic. The Community Council run by Aboriginal Legal Services of Toronto and Restorative Resolutions by the John Howard Society of Manitoba are the basis for analysis. Both initiatives centre upon a justice program created for and by the community. Their intentions are to reduce criminal activities by providing the offenders and the populace an opportunity for rehabilitation through the community. Both programs assert that they are able to achieve rehabilitative goals that the mainstream system cannot. Due to the inner city location of each program there was an expectation that they would serve marginalized populations found within dysfunctional communities. While this remained true for the Community Council by their selection of Aboriginal people, this was not the case for Restorative Resolutions. Upon researching the program it became apparent that the selection process of its participants captured clients who may be expected to have committed to desistance, and who were thus of low risk in terms of offence and previous record, and were most often not part of a marginalized population. What differentiates the two program is that the Community Council is a community justice program that has

focused on the social justice issues of the Aboriginal population, while Restorative resolutions appears to be a restorative justice program working on a case by case basis.

Methodology

An interest in dysfunctional urban-based communities within Canada guided this research and the criminal justice system's inadequate solutions to this issue were a motivating factor to conduct research within the field. The belief within this thesis is that justice programs created by and for the community can have a greater impact on reducing crime and dysfunction than state regulated efforts. It is posited that programs established by the community are more likely to be better informed about needs and resources present in the community, and thus better able to target the significant social justice issues evident within the area. An analysis of urban-based community justice initiatives was constructed to understand their ability to decrease dysfunction within their own communities. The research question, which guides this thesis, is to understand the potential of urban community justice initiatives to reduce the dysfunction and crime experienced in Canada.

The identifying element of the community justice movement is the community; as a result it was imperative to maintain it as the focal point of this research. With this perspective as a guiding structure, evaluation strategies will start with and concentrate on the community to capture an accurate analysis. Implementing a bottom up approach versus top down was crucial to ensure the ideas, viewpoints and knowledge of the programs came from those it served.

Program selection was based on the framework of community established within each program. Restorative Resolutions' defined community based on the geographical distinction of those within the urban city of Winnipeg. A geographical distinction will be defined within this research as an identified geographical location with specific borders. Members of the community must reside within the geographical border of Winnipeg to gain program eligibility. The defining community characteristics of the Community Council are based on a relational distinction, as the targeted population for this program was the Toronto-based Aboriginal community writ large. Relational is defined as having a common ethnicity or culture with those within the community. Members of this community share a relational commonality with other Aboriginal people within the Aboriginal community of Toronto.

A mixed-method approach was established to provide a holistic application to accurately conduct a comparative analysis. The mixed-method approach consisted of semi-structured interviews, ethnographic observations and quantitative data obtained through access to programs records. To implement a bottom up approach, semi-structured interviews were conducted with clients, community justice workers, program directors, and board members. In total 13 Interviews were conducted in Toronto and Winnipeg. Semi-structured interviews were implemented to provide an in-depth understanding of the program and its effects. Semi-structured interviews are a process of qualitative research that Bryman states "have the ability to present a static picture of social reality" (Bryman 2004: 281). It is with this understanding that interviews presented the most advantageous avenue to obtain the results required. Interviews were anywhere from twenty minutes to an hour in length in a mutually convenient location, allowing

unrestricted dialogue. Interview questions concentrated on acquiring information about interviewees' personal perspective on the program; their thoughts on the program's concept of community and the importance it had; identify strengths and weaknesses of the program; and recommendations for its future growth. The interview questions have been attached as an appendix to this thesis.

For the pursuit of this research an ethics clearance was obtained and granted. This was necessary to ensure the research adhered to the research principles outlined by the Research Ethics Board, the Social Sciences and Humanities Research Tri-Council Guidelines for the Conduct of Ethical Research, and to ensure the protection of participant's safety during the interview process. Consistent with ethical approaches to research, the thesis research anticipated and provided for any risks presented to the participants by the research; for example, in order to minimize potential risk of participants, non-attribution of responses was adopted. As a result, all comments are paraphrased and not linked to a specific identity.

Access was granted with few complications by approaching both Directors and outlining the method and intentions of this research project. Selection of past clients was determined by program directors to ensure the most ready and able clients were selected to participate in the program. Potential social and psychological risk to the participants was identified to be the possible disclosure of the nature or practice of their criminal acts, which lead them to the offence(s) committed, or disclosure of new offences which would trigger the researcher's obligation to report such offences. Although questions geared toward participants focused on their involvement within the program, it was recognized

that recounting such experiences could pose a possible risk of harm to some subjects. This recruitment decision necessarily had an impact on the information collected, however the vulnerable nature of the participant population dictated that methodological issues be balanced with security of the participants. Program workers also experienced a risk when speaking candidly or critically about a program and thus, by implication, their employer and colleagues. As with program clientele, risks to workers were mitigated by anonymity and non-attribution.

With the consent of participants all interviews were audio taped with the exception of one who declined, and for whom transcription was performed manually. All tapes were destroyed once transcribed. There were no identifiers of participants placed on the transcripts other than stating if they were an employee, client, director, or board member. To maintain anonymity throughout this thesis, participants will be referred to as client A-C, program worker (PW) A-E, Community Council Members (CCM) A-B, director and board member.

Ethnographical analysis consisted of observing the atmosphere and facility, as well as the relationships among program workers and participants. Quantitative data was obtained from the programs records, and consisted of such information as number of clients accepted into the program, offence types, successful completion rates and recidivism rates post-program.

Data obtained through the preceding methods was analysed through deconstructing participant's comments and providing a comparative analysis of the two programs with regard to such variables as construction of community identity, program

practices and policies, offender selection, victim participation, completion rates and recidivism rates. This analysis revealed a number of strengths and weaknesses of each program, which may shed light upon best practices for future community justice programs in urban communities and have implications for future research. The statistical information obtained supplements the data acquired.

This research addresses the challenges facing community justice by bringing attention to the condition of Canadian communities and how this impacts the viability and success of community justice programs and processes. To this end, the thesis scrutinizes the genesis of crime in communities and analyses the restorative approaches communities utilize in response to acts of conflict and disorder. Central to this analysis will be evaluations of two community justice programs to understand their ability to reduce recidivism and community dysfunction. This analysis will contextualize the concept of community within such a justice movement to address whether or not the inclusion of community can in fact produce the results idealized. The goal of this thesis is to facilitate the efforts of Canadian communities to reclaim their position in justice by adding to the literature on Canadian community justice initiatives and assessing whether community justice initiatives can in fact produce a decrease in crime and dysfunction for urban based communities.

Chapter 2: Background to the thesis

This chapter will identify the significant problems that are affecting dysfunctional communities and will solidify the importance of addressing the issues within the community by the community. The correlation of crime has many factors however the community remains to be the most significant factor that will be relevant throughout this chapter. The community has a significant impact on the rates of criminality within it. This is an important distinction as it is looking at criminal deviance as significantly impacted by the community rather than the individual. Focusing on the individual in terms of criminal theory has done little in the way of resolving the issues of criminality. Rather a focus on the community and acknowledging the connections that the causes of criminality and recidivism have with the community is the first step to understanding the true nature of crime.

This chapter will commence with a discussion of the concept of community in order to develop a working definition which will be used throughout this thesis. This will be followed by an identification of the significant social justice issues that underlie urban-based dysfunctional communities and an examination of how those factors intersect with crime. The chapter will then proceed to examine the role of the criminal justice system in the overrepresentation of marginalized populations and look at the effects of incarceration, reintegration and recidivism among these groups in Canadian society.

Community

The concept of community has received a great deal of academic attention, however a consensus on its meaning has yet to be established. Shaw argues that many

conceptions or definitions of community draw “imagined communities” consisting of what the world could or should be, as opposed to the actual characteristics of communities that exist in the western world (2008: 34). She goes on to argue that definitions of community often illustrate the utopias of community. This can be identified in the defining of communities based on a form of belonging under the guise that structural communities no longer exist in a modern day urban individualistic society. Kuecker, Mulligan and Nadarajah posit that the true form of community resides in the sense of belonging shared by its membership (2010: 12). Delanty agrees and goes further, arguing that, “A concept of community has always had ‘persuasive power’ because it exerts itself as a powerful idea of belonging in every age” (Delanty 2003: 11). He further argues that the “persistence of this dual notion of community through the ages consists in its ability to communicate ways of belonging and that this is becoming increasingly important in the context of an increasingly insecure world”. Community offers something neither the state nor society can offer and that is a sense of belonging (Delanty 2003:187).

Although this sense of belonging to something has an enticing appeal of the warm connection to other people, it creates no framework to which individuals are connected upon. It also leaves it open to interpretation of what that sense of belonging encompasses, as anyone can have a sense of belonging to something. Sampson argues the assumption city dwellers have lost the ability to be connected to a community is false. The sense of community is still maintained; the status of that community however, may not always have geographical boundaries. It may encompass smaller frames of restricted connections, but those relationship will be upheld and long lasting (Sampson 1999: 246). Within an urban frame, a connection based on a sense of belonging will not establish

social connectivity. Individuals must have meaning and structure to guide their connection towards others in order to provide structure that is not based on personal relationships. If this does not occur city dwellers will have nothing connecting them to others they do not have friendship or kinship ties towards. A sense of belonging alone will not aid a dysfunctional community to decrease the crime within it. Individuals who live in high conflict settings may be fearful of the criminal activity and the criminal actors who congregate within an inner city and thus they may feel they do not belong or claim belonging to such a community. Regardless of the consequences of a sense of belonging, it produces little in the way of establishing a framework for initiating effective community justice initiatives or community development processes. There must be a basic set of guidelines and principles to which the community adheres to that would underlie a community justice program.

Etzioni's definition of community supplies us with a framework for analysis and will be used for this thesis. Etzioni defines community as a combination of two elements a web of relationships among a group of individuals and a measure of commitment to a set of shared morals, norms and identity to a particular culture (Etzioni 2000:190).

Etzioni's definition relies upon the ideas of a set of relationships or sense of connectedness that enables individuals to share the same sense of beliefs to invoke a moral code. This moral code allows those to be engage within the community on a level that does not expect individuals to have friendship or kinship ties with others. No matter what relationship status an individual has with those in their neighbourhood or even in the city they live within, there is a set moral code, norms and values that all may adhere to. This is what can establish a community within an urban environment, a structure of

what is believed to be right or expected of those within that community. Without this formalized structure, there is not a sense of community in an urban dynamic. This social structure is what aids individuals in such a dispersed environment to maintain social capital and social connectiveness with others they may not have strong social ties towards. It is believed that this notion of community is one that can be derived within a set geographic boundary or without, enabling it to be applicable to the urban dynamic of this research.

Over-represented Communities

In Canadian society, the two main communities that are overrepresented within the criminal justice system are the Aboriginal and Black community. The Aboriginal community has faced great overrepresentation within the criminal justice system as Aboriginal people's representation in Canadian jails are seven times greater than their representation in Canadian society (Fitzgerald and Carrington 2008: 524). As of 2006, Aboriginal offenders represented 60.6 % of those incarcerated (Tony 2006: 492). Aboriginal people are more likely to be accused of a crime, to be denied bail, to spend more time in pre-trial detention, more likely to have multiple charges and are more than twice as likely to be incarcerated (Braken et al 2009: 66). It is expected that the Aboriginal population's position within the urban community plays a role in their connection to the criminal justice system (Fitzgerald and Carrington 2008: 523). This is identified by their position within the city's poorest, most unemployed and their inability to acquire suitable if any housing. At least 30% of the Aboriginal population in comparison to 18% of the non-aboriginal population live in inadequate, unsuitable or

unaffordable housing (Bracken 2009: 65). Carol La Prairie believes that the majority of Aboriginal overrepresentation within the criminal justice system has to do with their marginalization in the inner-city strata (Fitzgerald and Carrington 2008: 524; Dickson-Gilmore and La Prairie 2005: 33; La Prairie 2002: 193). The proportion of Aboriginal people living in urban Canadian cities has been increasing through out-migration from often untenable and dysfunctional reserves communities and rural living areas. Over half of the Aboriginal population in Canada live in one of its 10 major cities (Fitzgerald and Carrington 2008: 526). Evidence from these cities has shown that the Aboriginal population suffer higher levels of criminal activity, rates of poverty, residential mobility, lone parent structures, and lower levels of educational attainment (Fitzgerald and Carrington 2008: 526). Lack of resources or support, coupled with negative surroundings and influences, has impacted Aboriginal people in their involvement in crime greater than any other minority group in Canada (Proulx 2003: 33). This epidemic is one that is very much alive within the city of Toronto (Proulx 2003: 34). The downtown core has become an area where the Aboriginal population have high homelessness rates, drug and alcohol addictions and high unemployment rates. The impacts of life in the city are demonstrated in the histories of too many Aboriginal inmates in Canada: 53% of Aboriginal people who are incarcerated had spent the previous two years in an urban city and of that 55% planned on moving back to that same urban city once released (Fitzgerald and Carrington 2008: 526).

Aboriginal offenders are more likely to commit crimes against the person in terms of violent crime, more likely to have breach breaches in their criminal past and long criminal records (Bonta et al 1997: 133; Dickson-Gilmore and La Prairie 2005: 37;

Braken et al 2009: 66). The characterization of Aboriginal offenders as high risk, committing a larger percentage of the more serious crimes, has impacted their incarceration rates (Dickson-Gilmore and La Prairie 2005: 209). The seriousness of their crimes and likelihood of recidivating has made alternatives to incarceration a difficult choice for justice officials. Aboriginal offenders are more likely to have addiction issues, suffer from FAS (foetal alcohol syndrome), lack stable housing and a positive social environment (Proulx 2003: 59). These aggravating factors have impacted the freedom of judges to engage creativity in sentencing and often leave them little choice but to incarcerate Aboriginal offenders to protect society (Dickson-Gilmore and La Prairie 2005: 209). Such high-risk characteristics make it difficult for aboriginal offender's rates of incarceration to decrease.

If you take a look inside Ontario's prisons you will find the overrepresentation of Black males often exceeds that of Aboriginal people, especially in southern Ontario (Mangan 2009: 1). The Black population within Toronto specifically faces incarceration rates unequal to their representation within Canadian society. There is little research available documenting the extent to which the Black population, in Ontario, is overrepresented within the criminal justice system. However, a Royal Commission report was conducted in 1995 to establish reasoning behind the overrepresentation of the black population within Ontario jails (Cole and Gitten 1995). The commission spoke of the failure of the Black and other racialized minorities to integrate into wider society (Cole and Gitten 1995: 98). They illustrated the absence of integration into mainstream society impacted their ability to acquire successful employment. An absence of social integration cannot be the only factor impacting rates of employment; a more logical explanation for

unemployment implicates lack of education, employable skills, and a feeling of blocked upward mobility as contributing to a lack of employment opportunities. Individuals observe others in their community unable to obtain work and have little optimism about their own chances of gaining employment. The Black population in Ontario has disproportionately high rates of unemployment and dead-end jobs, particularly among young adults (Cole and Gitten 1995: 99). Poor housing conditions and lack of educational opportunities are also factors relevant in the Black population's overrepresentation within the criminal justice system (Cole and Gitten 1995: 98). The Commission identified the factors stated above did not correlate to all Black people in Ontario, within similar circumstances, as people within these circumstances do not commit crime, however:

“It does say, rather, that people with limited life-chances may be more likely to view some forms of criminal activity as more attractive or exciting than their other choices. They may see crime as a means to acquire material goods otherwise unobtainable. They may fail to respect the rules of a society that excludes them from its benefits. They may feel they have much to gain and little to lose from criminal activity. Crime may make them feel powerful. It may add excitement to, or provide a means of escape from otherwise dreary lives. Crime, in short, may be a rational choice” (Cole and Gitten 1995: 99)

The report from the commission illustrates the same systemic issues affect both the Black and Aboriginal urban populations. This evident in that they live in highly segregated areas of poverty characterized by blocked opportunities for upward mobility, rampant un- and underemployment, and a high incidence of single-parent, female-head of household families, with all the issues of supervision of children and reduced circumstances this implies. Their overrepresentation within Ontario prisons simply adds to the communities' struggle with social and economic disparity. It is important to acknowledge here that the issues faced by both communities are very similar, and they are social justice issues. The over-representation of Aboriginal and Black persons within

the criminal justice is highly influenced by their residence within dysfunctional communities and their experiences of poverty, unemployment and unstable housing.

Neighbourhoods with the highest rates of diversity in Canada are characterized by an overrepresentation of racial minorities (Charron 2008: 17). Racially diverse neighbourhoods in Canada are more likely to be characterized by low incomes, high population density, instability and low rates of home ownership (Hou and Zheng 2009: 701). The percentage of recent immigrants within a community is inversely proportional to criminal activity, specifically violent crime (Charron 2008: 23). The highest areas with criminal deviance in Toronto can be found in the Danforth, east downtown and the intersections of Lawrence and Morningside, Regent Park, Jane and Finch, and Jane and Eglinton (Charron 2008: 13). Research suggests that the economic deprivation of these communities, matched with limited access to social resources, creates a setting that is conducive to criminal deviance with violent crimes such as assault, robbery and sexual assault being the most common (Charron 2008: 22). Access to socio-economic resources has a high correlation to those affected by criminality in Toronto. In fact, in this city, socio-economic status is more directly related to violent crime than property crime (Charron 2008: 26). Uttering threats, major assaults and drug offences have also shown to be most common among those with low economic status in Toronto (Charron 2008: 26).

The average income of recent immigrants in Toronto is \$24, 679, which is considerably lower than other residents for whom the average income is \$48,141(Oreopoulos 2008: 239). These financial structures often cause immigrants to move to communities where socio-economic resources are low and criminality high. Toronto's Regent Park housing project represents one of the poorest neighbourhoods in

Canada. It currently houses 7500 residents within 87 high and low rise apartment buildings (Oreopoulos 2008: 238). In 2006, a large majority of these buildings fell below living standards and have been shown to be characterized by significant structural degradation. Among those living within this housing complex, 67% of them live below the poverty line while 59% of the residents were reported as having no earnings at all (Charron 2008: 18). The project now comprises mostly immigrants (69%) coming from Somalia, Congo, Vietnam, China, Latin America and Jamaica (Charron 2008: 18). Residents of this community experience increasing amounts of crime and drug activity (Oreopoulos 2008: 237). Regent Park was built to contain and isolate residents from the rest of the city by restricting open space and limiting traffic flow through the neighbourhood (Oreopoulos 2008: 238). This was constructed in order to keep those 'unwanted' exterior to the city. The architectural design allowed for the communities within this area to be absent from others viewing. This design however backfired creating a closed area filled with crime. The architectural design of the Regent Park complex is consistent with that of other housing projects in Toronto, which manifest similarly high rates of criminality (Charron 2008: 16).

Dysfunctional communities face a number of complicated socio-economic issues. The preceding discussion demonstrates many of these issues, including the design of such communities, which places the poorest and most marginalised groups within one location, separate from the rest of society, where they must continually struggle with degradation and criminogenic, unstable living environments.

The previous sections have demonstrated the consequences of dysfunctional communities; the following section will develop an understanding of the factors linking criminality and dysfunctional communities.

Background: Crime and Deviance

Criminality stems from a complex interplay of factors that have lead an individual to deviance. Research has documented that such factors as economic status, family, educational attainment, housing stability and employment have significant implications for individuals who come in conflict with the law (Wright and Younts 2009: 327). These factors are ones often experienced by those who live in dysfunctional communities.

Economic status is one of the main factors that has lead to lives of criminality (Fitzgerald and Carrington 2008: 522). Poor economic status leaves individuals struggling to survive, often causing them to view crime as the only solution. Poverty does not exist in a singular dimension; rather, it forms segregated localized urban pockets which create areas where children are forced to see the effects of poverty in their everyday lives. Poverty becomes manifested in specific multi-clusters within the city, causing major concentrations of the poorest people in a small amount of space (France and Hamel 2007: 228; Hay et el 2006: 340). The effects of poverty in general, and specifically within these urban pockets, are reflected in high levels of involvement in criminality. In fact, it is within the boundaries of these impoverished areas that a high percentage of the cities' crime is committed (Morenoff et el 199: 2). Fuelled by destitution, marginalization and despair, these communities become a revolving door of incarceration.

Poverty within these pockets becomes inescapable (France and Hamel 2007: 228; Chaskin and Joseph 2010: 300) causing isolation due to limited social networks. Children living in poverty are more likely to experience multiple stressors including, but not limited to, incarceration of family members, substance abuse, mental health issues, poor health, substandard housing, disrupted schooling, family conflict and food insecurity (France and Hamel 2007: 229, Gibson and et el 2010: 34; Leschied et el 2008: 438; Yessine and Bonta 2009: 33). Living in poverty greatly restricts the resources that can aid an individual in escaping its effects and their ability to begin living a more stable lifestyle. Marginalized populations who live in high poverty areas lack the social resources of informed individuals and organizations, which would enable them to connect to the broader society. This absence of social support networks fuels an even larger impact on poverty levels (Rankin and Quane 2002: 81; Wright and Younts 2009: 332). The lack of economic resources for businesses that struggle to survive, leave those within the area relatively little employment opportunities (Clear and Karp 1999: 52). Transportation to areas with job availability is costly and constitutes a further negative impact on employability. Poverty for individuals within these urban clusters can thus be seen as a complex entanglement that perpetuates a range of other issues, such as unemployment, inadequate housing, addiction and criminality, all of which may combine to result in heightened criminogenic effects in communities. When the selected communities are congregated into pockets of poverty it remains difficult to find hope to escape or find the resources to provide that escape. The pockets of poverty within the city produce a form of isolation that caused members of the segregated communities to feel they have no hope for a better way life or future. When community members see no hope

for positive change they look for other ways to achieve what they aspire and crime becomes an affective avenue to do that.

A lack of social and financial resources not only affects an individual's life chances, but can also have a significant influence on a youths' perception of their circumstances, which negatively influences the nature of their future life choices (Fitzgerald 2010: 8). Children growing up in an area where poverty is abundant, begin to develop a negative impression of the labour market, thus affecting their willingness to live law-abiding lives (Zeman et al 2006: 14). Children, who see a life where their parents and loved ones face nothing but problems trying to find stable employment, tend to look towards other means of financial gain (Zeman et al 2006: 16; Fitzgerald 2010: 9). A bleak social outlook leaves the youth of these communities with a low attachment to societal norms, which encourages them to consider a criminal lifestyle. A life of criminality offers rapid financial gain that may allow youth to provide for themselves and their families in ways not possible in the non-criminal sphere. The opportunities for financial stability resulting from criminal acts provides a means of survival. In this light, crime is not simply a form of resistance against an unyielding market economy, but a rational choice. Youth see the financial gains offered by selling drugs, committing theft or other criminal acts, and the legitimate labour market pales by comparison. Poverty has great effect on the social, educational and intellectual outlook of the youth who grow up in an atmosphere devoid of hope and opportunity for improvement (Zeman 2006: 14). When youth see generations of poverty their desire for a life outside of this becomes stronger, however their belief that they will be able to produce that within existing societal norms becomes weak. This mentality produces a cycle of criminal deviance that is perpetuated

within dysfunctional communities and has been a significant factor in their over-representation within the criminal justice system. When poverty is seen as inevitable, the threat of incarceration loses much of its power.

Within poverty stricken areas, housing levels are low and what is available is substandard (Charron 2008: 16; France and Hamel 2007: 2009) Individuals end up living in compromised social assistance complexes (Charron 2008: 16). These pockets may be geographically conceptualized as interior mini cities that gather and constrain the poor, rendering them hidden, unnoticed and ignored (Clear and Karp 1999: 113; Sampson and Groves 1989: 779; Chaskin 2010: 300). Within these areas individuals experience constant and extreme stress, as they have little time or energy available to care about the community or their neighbours. Graffiti is rife and often remains on the walls, parks are missing swings and have drug paraphernalia mixed in the sand (Clear and Karp 1999: 115). Wilson and Kelling identify this as 'broken window theory' in which degradation of the physical environment promotes crime by creating an atmosphere that welcomes criminality (Charron 2009: 18). When disorder in both social and physical manifestations takes root in a community, it sends the message to offenders that informal social controls are weak (Clear 2007: 117). Offenders are then encouraged to commit criminal acts, with the result of greater criminal in these communities. When crime and disorder become commonplace, residents withdraw from community life thereby exacerbating the problem and sending the community into a spiral of crime and urban decline (Kohm 2009: 5). When a community becomes filled with degradation it is not uncommon for members to feel as if they are the 'unwanted' groups of society stuck in the poorest, most run down area to ensure the rest of society does not have to deal with them. This mentality produces

a disregard for their surrounding and anger against the state body that fails to adequately address the areas in which they live. This then reinforces individuals disregard for societal norms producing an increase in the criminal activities they see as necessary to produce enough money to leave the area of the 'unwanted'.

Poverty is only one of the factors which can lead individuals to crime. The familial sphere is another realm that has a large impact on an individual's choice to live a pro-social life and to divert from deviance. A pro-social life is one that enables an individual to think about the effects of their actions upon others and work towards making decisions that do not negatively affect those surrounding them nor their environment (Benabou and Tirole 2006: 1654). An individual's childhood and the relationships they maintain with their family play an integral role in their lives and ultimately influence their decisions. Shaw and McKay argue that it is the family relationships and their connectivity that have the highest correlation to criminality: solid, enduring connections reduce the potential for, and attractiveness of, criminal lifestyles, while weak or absent connections encourage the opposite outcome. A solid family life, however constructed, plays a large role in a child's future (Gibson et al 2010: 33; Karp 1998: 65; Sampson et al 1999: 635). The impact of poverty on parenting is complex and multi-faceted, and is apparent in the quality of family life, self-efficacy of family members, and connectedness between them (France and Hamel 2007: 230).

Research has confirmed that both living in dysfunction and single parent households increases the risk of crime among their members (Clear 2007: 88).

Relationship instability within families has been found to be prominent among delinquent

youths (Blackburn 1993: 165). Wright stated single parent households have a greater representation among non-white households versus white households. His research into American inner city neighbourhoods documented that 75% of white households had two-parent families versus non-white households in which 38% had two-parent households (Wright 2009: 331; Blackburn 1993: 165). Women are predominantly single parents within these areas and spend the majority of their time trying to survive financially (Clear 2007: 88). These women face the dual hardships of rearing children on their own bearing the financial burden of the family. Women often try to work more than one job; leaving the children of the community unsupervised with no role models or mentors present to encourage them to lead pro-social lives (Wooldredge 2007: 241; Clear 2007: 88; Clear 2008: 7; Elam 2008: 41).

Researchers have found that rates of both property and personal crimes were higher within communities where fathers were absent in the childrearing process (Blackburn 1993: 167). A lack of a father figure has been identified as being a factor that significantly impacts male youths in their decisions whether to be involved with criminal deviance. Within communities of high poverty and criminality, male role models are often few and far between; in fact, a large percentage of males within the high risk areas of Toronto have had a past record of deviance at some point. A youth who has a father with a history of incarceration has an increased chance of criminality. (Zeman and Bressan 2006: 14).

Child monitoring becomes a difficult task for single mothers who are trying to provide for their families (Takahashi 2008: 33). Children are often left on their own while

the parent tries to make enough money to support the family (Takahashi 2008: 33). Studies have identified that children who are monitored less by their parents are more likely to engage in criminal behaviour (Rankin and Quane 2008: 82; Fitzgerald 2009: 8; Rossem 2008: 562). Youth who face little monitoring, and who live in areas where the connectiveness of the community is low, tend to spend much of their time with others in similar situations (Fitzgerald 2010: 5). In their research into the lives of offending youth in Toronto, Zeman and Bressan found that youths who reported spending most of their time with friends had higher reported instances of property offences (93%) and violence (57%) than youth who spent the majority of time with their families. As well, youth who spent most of their time unmonitored were most likely to associate with peers who had aggressive tendencies or criminal affiliations (Zeman and Bressan 2006: 16).

Fitzgerald's 2006 study on youth delinquency among students in grades 7-9 documented that approximately one third (35%) of students reported that their parents rarely or never knew who they were with when they went out. About one in six indicated they spent time with a group of friends who were committing illegal acts (Fitzgerald 2009: 8). Research by Rossem documented that 80% of youth crimes were not committed by a single individual acting alone, but in a group. Their research noted that criminality among youths was stronger when conducted among like individuals within a group (Rossem 2008: 562). Youth tend to attract friends with similar socio-economic backgrounds who can understand the circumstances of each other's lives. Thus, youth who are from low socio-economic backgrounds whose parents are unable to consistently monitor them congregate, and this can be a leading factor of criminality and foster gang activity. The circumstances within these specific communities for youth make the

financial rewards of criminal deviance a strong recruitment mechanism (Fitzgerald 2010: 6; Blackburn 1993: 165; Hay et al 2006: 328). When youth faced with similar social and economic situations band together it can provide a sense of power that can produce positive energy for change, but can also produce powerful disruption and dysfunction with a neighbourhood. Youth who feel as if there is nothing positive in their future can use the strength in numbers to commit deviant acts and create careers of criminality. State regulated responses to such actions that incarcerate youth do not resolve the problems as they are incarcerated with youth from similar life circumstances. This only further perpetuates the problems and releases them back into the community often more entrenched in criminality than they were previously.

Delinquency has also been found to be high in families less inclined to participate in recreational or social activities, as well as with parents who lack community involvement (Blackburn 1993: 165; Hay et al 2006: 328). Researchers have also found that fragmented families who are in constant conflict with one another produce children who commit greater deviant acts. Thus, families where parents have greater conflicts, in the form of disagreements or hostile attitudes, produce a breeding ground for criminality (Dickson-Gilmore and La Prairie 2005: 33). Family violence can also be a high trigger for crime (Leschied et al 2008: 456). Youth who live with domestic violence very commonly look outside the home for ways to deal with the anger and hostility in their personal lives (Yonas 2010: 43). This often influences youth to commit violent acts in an effort to deal with their family experience, but is also a directly learned trait from their parents (Yonas 2010: 44). Youth who experience this type of domestic violence present a higher likelihood of being abusive themselves in an intimate relationship, and of

demonstrating violent tendencies (Anderson 1999: 213). Being the targeted victim of abuse within the family also increases the odds of delinquency at a later age (Yoans et. el. 2010: 38; Johansson 2009: 229). Furthermore, victims of child maltreatment may lack positive role models and supervision within the family. Statistics show that 78% of youths who were mistreated growing up, 55% of youth with a history of physical abuse and 60% of youth who have been neglected will have a relationship with the criminal justice system (Yoans 2010: 41). An absence of a positive parental relationship, poor monitoring or supervision, abuse and conflict within the home become high predictors of criminal deviance (Clear 2007: 85)

Poor educational attainment is another high predictor of criminality, which is found in dysfunctional communities. Research has shown the higher an individual's level of academic achievement, the lower are their chances of conflict with the legal system (Payne 2008: 430; Petersilia 2003: 33). When a youth perceives there is little connection between the school's curriculum and their future, the youth becomes more vulnerable to involvement in deviant behaviour (Browning 2008: 30). Since most schools generally set middle to upper class careers as goals, those who struggle academically or see those jobs as simply unattainable, are also more likely to rebel (Browning 2008: 30). The tendency of schools to group students according to academic achievement and behaviour will also tend to result in congregations of students who have negative perceptions of education within the same classroom, creating a greater likelihood of delinquency and dropping out of school (Browning 2008: 30; Natsuaki et el 2008: 433). This research was made evident in a study done on Toronto secondary students in 2008, which found that youth from high

poverty areas are disproportionately more likely to drop out of school and experience long periods of unemployment (Zeman and Bressan 2006: 12).

Furthermore, youth who live in high poverty communities are more likely to have friends that do not value education, which undermines their own commitment to education and academic achievement (Rankin and Quane 83, 2002). Research has concluded that success in school serves as an important preventative measure in decreasing criminal deviancy, and anti-social behaviour (Pertersilia 2003: 33). Academics can serve as a positive stabilizing influence among youth whose family and social circumstances are dysfunctional; however it remains difficult to engage youth within these community typologies (Hennen 2007: 42-50).

Exterior factors affecting criminality include employment status and housing stability. These two factors are implications of the previous factors discussed above. Unemployment remains elevated within high poverty, high risk neighbourhoods (Griffiths 2007: 7). As discussed previously, those within these communities face low education and high incarceration rates, rendering their suitability for employment questionable for many employers (Takahashi 2008: 33). Offenders within these circumstances face a heightened risk of recidivism and criminality due to the complications they face in finding a stable income (Takahashi 2008: 33). Costs of taking care of their families, paying restitution and program fees add up quickly and place offenders in considerably difficult, high stress situations. Barron identifies an individual's perception of themselves within the employment market as a large predictor of criminal involvement, as often it is how they perceive their value within this market that allows

them to either participate in the market in a law-abiding way or to enter it through the 'back door of deviance'. This is linked with the 'schooling theory' which posits that youth who do not envision themselves as obtaining a career within the market or do not predict acquiring a successful career as realistic, are significantly more likely to experience unemployment and criminality in their future (Baron 2008: 400).

Lack of employment makes the acquisition of stable housing a difficult task. Housing instability tends to highly correlate with poverty, low education, a past history of incarceration, lack of a positive social network and addictions (clear 2007: 67). An absence of stable housing can be linked to criminal deviance more than any other standalone factor (Griffiths et al 2007: 7). Unstable housing exacerbates limited employment opportunities, undermines efforts to maintain relationships or gain any new relationships, which could assist in living a pro-social life (Griffiths 2007: 7).

There are significant factors within dysfunctional communities that correlate with conflict and criminality. Poverty, unstable as well as unsuitable housing and unemployment are the main issues faced within these communities. Solutions to crime must look to addressing the social justice issues in order to see results. Incarceration will not address these important, much larger structural issues affecting dysfunctional communities.

Criminal Justice System

The purpose of the Canadian criminal justice system is to provide and render justice within Canadian society. Justice is constructed to meet the needs of the

community by creating a safe and just society, and to emphasize fairness and protection of public safety (Department of Justice 2009: 1). This is produced by placing limits on acceptable behaviors and by implementing various punishments for breaches of those limits and to deter further criminal deviance (Corrections Canada 2010: 1). Incarceration has been the predominant mechanism used as punishment in Canada. The reality is 75% of those incarcerated will reoffend within three years of their release from prison (Kurlycheck and Kempinen 2006; Kubrin and Stewart 2006; Bales et al 2008; Resig et al 2007; Petersilia 2003; Hennen 2004). The longer an individual stays incarcerated, the greater the chance they will recidivate. This criminal justice approach to get tougher on crime has produced little results in the form of justice (Clear 2007: 36). The implementation of sentencing reforms to address the over-incarceration of marginalized populations has been met with difficulty. As the populations, seeking community-based sentences have high-risk profiles that make it difficult for a judge to produce a community sentence for such an offender (Bonta et al 1997: 133; Dickson-Gilmore and La Prairie 2005: 37; Braken et al 2009: 66). Thus, provisions though presenting theoretical hope did not provide any realistic possibility of illustrating what it set forth. The sentencing amendments have simply identified the criminal justice systems inability to address the issues of the overrepresentation with in marginalized populations. The rhetoric displayed by the courts was simply providing false hope for what could not realistically occur.

The production of justice for the state versus the production of justice for the communities overrepresented within the criminal justice system is conflicted. Justice is intended to protect the safety of the public however justice has not done so in the

communities at risk. Justice has taken individuals away from the community only to return them worse off than they were previously. Justice within the criminal justice has not produce the goals it has intended for the dysfunctional communities.

The criminal justice systems production of justice is not adequately represented within the results it obtains. The system has become one that serves only itself. It has failed at reducing criminal deviance within communities, it has failed to deter individuals from recidivating, and finally, the system has failed to mend the harm caused to victims and communities. The criminal justice system remains a cyclical process constantly promoting incarceration, and failing at decreasing crime within Canada's communities. Most criminal justice reforms have focused on improving the structure, process, and techniques by which offenders are treated or punished, but never questions the reasons why these actions occur or the effects they have (Bazemore 1998: 775).

The criminal justice process has become an offender-centered process in which crimes are committed against the state (Hindle and Rosen 2004: 2). Bazemore established that the only questions asked when a crime is committed are who did it and what should be done to them (Bazemore 1998: 768). The focus on punishment, however, often encourages the offender to concentrate on themselves and the circumstances they are currently in, rather than on the victim and others who have experienced harm as a result of a criminal act. The accused become focused on how to best navigate their way through the system (Bazemore 1998: 791; Hindle and Rosen 2004: 4; Cooley 2002: 6). It is here that the true value of justice diminishes. Within this process no reparation for the harm as been produced and all those affect have been adjacent to the process. Justice in this

instance has not mended the harm of the community, it has not decreased the criminality nor risk in the neighbourhood, it has not enabled the victim closure and repair and it has not held the offender accountable the consequences of their actions.

Offenders are not the only ones dismissed in the criminal proceedings. Victims are silenced, made invisible and forgotten. Victim participation is generally limited to acting as a witness for the state. This denies the victim the opportunity to publicly air their losses or vent their anger and frustrations towards the offender and the court process (Hindle and Rosen 2004: 5). A victim's absence from the process denies them any opportunity for closure or healing through the court system.

The criminal justice system does not produce victim participation; it has produced little if any results for offenders and has done nothing to address the dysfunction within communities. An individual-centered approach to addressing dysfunction does not work; (Lemley 2004: 45) this is evident in the understanding of both the results and processes of the criminal justice system. Locking an individual up for the crimes they committed does not change their circumstances when they return to their dysfunctional community. Once they return to such a community, the odds are against them for maintaining desistance.

Incarceration

On any given day in Canada in 2008/9, 37,301 adults and 1,898 youth were in custody (StatsCan 2009: 1). These results implicate an incarceration rate of 117 people for every 100,000 of the population (StatsCan 2009: 2). Canada's incarceration rate has tended to be higher than most Western and European countries, with the most significant exception being the United States (StatsCan 2009: 1). In Ontario, the Black community

represents the majority of offenders incarcerated at 30% (15% incarcerated, 15% supervised), while the Aboriginal community is the second highest represented within the Ontario jails at 15% (11% incarcerated and 6% supervised) (Mangan 2009: 1). Those incarcerated are likely to have numerous previous incarcerations in maximum-security prisons and with significant time spent in solitary confinement; most have lengthy criminal records and 80 per cent manifest some form of drug or alcohol addiction (Clear 2007: 66). In addition, those who serve carceral sentences are more likely to have an unstable economic record characterized by an inconsistent employment history prior to entering prison and homelessness; most have children awaiting their release. In dysfunctional communities, serving a jail sentence has become a normalized, so much so that these communities see incarceration as a normative function of their society (Petersilia 2003: 21; Clear 2007: 67).

For some families the cycle of incarceration and release poses a serious strain on the family bonds and financial well-being, as family members must either find means to support the costs of maintaining contact with their incarcerated loved one, or simply surrender to no-contact until his or her release date (Clear 2007: 73; Takahashi 2008: 68).

Those who go to prison leave families behind them who have to suffer the consequences of their actions through greater poverty due to the loss of a second income and the loss of a parent. Although the second income may have been through criminal actions that income plays a substantial role in the ability of that family to survive financial. A sudden loss in income puts a single-parent in a difficult situation. Unless they have strong social supports to aid them within this process a loss of someone to incarceration can lead them to poverty (Takahashi 2008: 69). The loss of a parent

decreases the level of monitoring available for their children. A single parent with only a single income makes it very difficult to juggle the financial as well as child monitoring pressure that exist within such a situation.

Not only does the loss of a parent have affects on the family and surrounding social support system, but it has affects on the community as well. As stated previously single parent's households have greater difficult monitoring their children due to their financial obligations. Statistics that were evident earlier on in this chapter documented children who were unmonitored and lacked a father figure had a greater likelihood to commit deviant acts. Incarceration thus can have a large impact on the community the individuals come from as well as the family.

The longer an individual is incarcerated, the greater is their sense of isolation (Bales and Mears 2008: 303). A lack of visitation only increases the feeling that they are in a world completely distinct from the one they lived in previously. Research has documented that few offenders actually receive steady visitation during their period of incarceration. 58% of inmates report receiving no visitation during their incarceration, and among those who did receive visitation, most common visitors tended to be parents (27%), relatives (22%), friends (12%) and significant others or spouses (5%) (Bales and Mears 2008: 304). Among all those incarcerated, the average amount of visitations within a year was four (Bales and Mears 2008: 305). Those who received visits had a significant lower recidivism rate (30.7%) than those who received no visitations at all (Bales and Mears 2008: 305). The implications of such disconnections for inmates' sense of 'belonging' to, and connection with, family and community are significant as this loss of

attachment increase their chance of recidivism through the feeling they have nothing to lose but themselves.

Through their period of incarceration, offenders go through a process of institutionalization as they learn how to survive within a penal facility. The longer an individual is incarcerated, the greater the difficulty they will experience attempting to reintegrate back into society (Kurkychek and Kempinen 2006: 364). The process of institutionalization allows offenders to see prison as survivable and no longer something to be feared (Clear 2007: 66). This often increases criminality as the offenders know if they get caught for another crime, they can come back to prison and survive the time they need to in order to get back out onto the streets (Petersilia 2003: 28; Clear 2007: 67).

Lack of effective rehabilitative outcomes through incarceration has achieved little for dysfunctional communities. The process of incarceration enhances an individual's criminal network, which can lead to greater criminality within their community upon release.

Reintegration and Recidivism: How it all Unravels

The reintegration process comprises of the mechanisms and support given to the offender in order to aid a successful integration into the community. It has had a relatively low success rate with two-thirds of offenders or 75% re-incarcerated within three years of their release (Kurlycheck and Kempinen 2006: 364; Kubrin and Stewart 2006: 172; Bales et al 2008: 288; Resig et al 2007: 409; Petersilia 2003: 3; Hennen 2004: 41). When individuals are returning to a community that lacks the social services necessary to support their effective re-entry, and is filled with social justice issues that influenced their criminality initially it remains difficult for desistance to be maintained.

Current research estimates that approximately 30% to 50% of all new prison admissions are probation and parole breaches (Resig et al 2007: 409). Recidivism is highest among drug and property offences (Resig et al 2007: 409). Offenders who have a drug addiction have an 83% re-arrest rate and are ten times more likely to recidivate than those without a drug addiction (Denning and Homel 2008: 207). Criminal recidivism can also occur due to unresolved problems previous to release. Offenders with high recidivism rates tend to manifest low coping skills and are unable to recognize and resolve problems (Zamble and Quinsey 1999: 13). One of the consequences of insufficient coping mechanisms is enhanced stress which can often trigger criminal activity as a coping mechanism (Zamble and Vernon 1999: 13; Zamble and Quinsey 1999: 13).

93% of all offenders are released into the community (Petersilia 2003: 3; Braga et al 2009: 412). How these individuals reintegrate into the community becomes a vital piece in their shift to leading pro-social lives or leading a life towards further incarceration. The most important tools that can aid an effective integration are employment, housing and social support. Employment creates a structured routine that assists offender's adjustment to life out of custody while improving their self-esteem, quality of life, and social connectedness to the community (Griffiths et al 2007: 17). Employment, however, is very difficult to come by for those with a criminal history, and even harder within the low-income, high crime areas they reside (Clear 2007: 230). Where offenders are able to locate and sustain employment, research has determined that the rate of pay they receive can be as much 30% lower than those without a criminal history (Petersilia 2003: 40).

Housing, the support of family and a stable social network are additional factors which can facilitate the successful reintegration of offenders into the community (Clear and Rose 1998: 445). While employment and housing are significant challenges over which the criminal justice system has little control, involving family and social networks in the reintegration process is less problematic (De Beus and Rodriguez 2007: 340). If the system is truly committed to justice and rehabilitation, the facility of restorative justice mechanisms to engage family and reinvigorate social networks suggests that a commitment to restorative processes offers one means by which the system can aid in offender reintegration and rehabilitation.

A stable social network can aid in creating and establishing an effective social network which will allow the offender to create employment opportunities and establish other pro-social connections within the community (Griffiths 2007: 20). Believing that others care about them aids the offender to feel they are being accepted back into the community and are able to begin to rebuild their lives (Bales et al 2008: 291). An important attribute for an effective integration into the communities is believing that you have a community to integrate within. If one does not believe they have a community to integrate within then the integration process becomes a difficult one as the individual has no social networks to aid in the reintegration, nor do they have a community to integrate to.

Access to programs is an important aspect of an offender's successful re-entry into the community (Astbury 2008: 33). Community based programs have been proven to have a greater effectiveness as they are able to apply the skills they learn within the

programs directly to their lives (Astbury 2008: 33). A lack of access to these programs within their community can pose a greater risk of ineffective integration and recidivism.

An important aspect to the reintegration process that is often forgotten is the victim. The victim plays an important role within the reintegration process, as they are the ones who will be directly affected by the offender. This being said the victim is often ignored and is not notified when the offender has been released within the community. For some victims being notified their perpetrator is being released can be a matter of life and death and thus ignoring the victim can pose greater danger upon their lives (Petersilia 2003: 164).

The above research illustrates the characteristics of individuals who are at risk to end up in a life of deviancy. The picture painted identifies criminality and dysfunction within such neighbourhoods as factors that have influenced community members' criminal activity. Incarceration will not eliminate the factors influencing criminality, nor will it be able to eliminate the criminality that persists. Significant issues within the community remain and need to be addressed in order to decrease the dysfunction and crime within these urban communities.

Shaw and McKay perceive the genesis of crime and dysfunction within dysfunctional and marginalized communities in a way that is separate from the social justice issues discussed previously. As their theory of social disorganization states, the social justice issues that run rampant within communities do not cause the dysfunction experienced in such neighbourhood, this is caused by the lack of social control and connectivity among its members. The theory of social disorganization is explained below.

Social disorganization refers to disorder within a community produced by the inability to realize the common values of its residents and maintain effective social controls (Sampson and Groves 1989: 780). Shaw and McKay's research on juvenile delinquency and urban areas found that delinquency was not based on individual characteristics of the community, but it was based on the inability of the residents of that community to be able to act collectively to address problems such as crime (Fitzgerald and Carrington 2008: 6; Sampson and Groves 1989: 779; Jacob 2006: 34). Shaw and McKay solutions to crime and dysfunction start by the engagement of the community to act collectively in order to take back their communities. Within this framework the local community is viewed as a complex system of friendship and kinship networks, associational ties rooted in family life and ongoing socialization processes (Sampson and Groves 1989: 777). When the community's social networks are unable to act collectively to produce a set of values and enforce social control within their neighbourhood disorganization can persist.

The theory establishes that social networks based within the community are the core of social control (Coleman 1988: 100). Social control is a mechanism that attempts to regulate both individual and group behaviours to produce compliance to a specific set of norms or values (Hay et al 2006: 328). When residents have social control collective norms are established within the neighbourhood and they feel more comfortable within the area (Clear 2007: 225). Neighbourhood norms are the rules and regulations of the area which produce a set of values that add to, and reinforce, individuals' social connectiveness (Sampson and Groves 1989: 779). The norms exist in order to produce advantages for the community (Coleman 1988: 104). Norms reinforced by social support,

status and other rewards are the social capital that builds communities, strengthens families and leads people to work for the public and collective good (Coleman 1988: 105). The production of social control and social connectivity for those who are living in *dysfunctional communities may seem out of reach; however increased social connectivity among the members of the community can produce strength and a sense of empowerment for that community. This type of empowerment is not something that can be produced by the state or by mechanisms of incarceration, as it is fundamentally an act of the community taking back the community.*

Self-regulation of a community is important, without it, the state will step in and regulate the community for its residents. State regulation can come into force through greater surveillance of the community, and thus higher incarceration rates in attempts an effort to rid the community of criminal activity. As the state takes over however, the problems of social disorganization do not diminish, but worsen as the community's social control diminishes (Rose and Clear 1998: 9). State regulation weakens social ties, community members withdraw from the community and leave the problem-solving to the state (Rose and Clear 1998: 9). The state does not reconstruct community bonds, nor does the state work on individual's civic engagement with the community (Rose and Clear 1998: 10). Once under assault from the regulatory interests of the state, weakened social networks can turn a community from facing issues of disorganization to entering a state of disrepair. The state can create greater alienation among the community instead of decreasing it (Rose and Clear 1998: 55).

This chapter has provided an understanding of the causes and consequences of dysfunctional communities and has argued the criminal justice system's inability to address these issues. It is time to begin to think about alternatives to mainstream processes by looking at community and restorative processes. This will be discussed in the following chapter.

Chapter 3: Restorative and Community Justice – What does that really mean?

“So we make mistakes-can you say-you (the current system) don’t make mistakes....If you don’t think you do, walk through our community, every family will have something to teach you...By getting involved, by all of us taking responsibility, it is not that we won’t make mistakes....But we would be doing it together, as a community instead of having it done to us. We need to find peace within our lives...in our communities. We need to make real differences in the way people act and the way we treat others...Only if we empower them and support them can they break out of this trap”. -*Rose Couch, Community Justice Coordinator, Kwalin Dun First Nations, Yukon, Canada* (Karp 1998: 353).

The previous chapter has outlined the significant social justice issues that have affected urban-based dysfunctional communities. It is evident that the solutions supported by the criminal justice system, such as restorative and community justice initiatives, have inadequately addressed the issues faced within these communities. Communities within an urban dynamic who face great dysfunction now look to the alternatives of community and restorative justice with optimism. The following chapter will briefly outline the principles of both restorative and community justice. Through this research, restorative justice has been identified as a micro approach to establishing justice within a community, by targeting specifically those that are harmed by the crime victim, offender, and community members. Community justice is seen a macro-focused approach focusing on community development as the end goal, as opposed to the specific repair of the criminal act committed. While it is unclear whether either approach has the ability to effectively address the social justice issues characterizing the discussion that follows will examine the approach and ideas exemplified in community and restorative. Following this, discussion will turn to an introduction of Aboriginal Legal Services of Toronto’s

Community Council program and Restorative Resolutions the two community-based programs that have been selected for analysis.

The evolution of alternatives to state regulated criminal sanctions has increased the development and focus of restorative and community justice practices. The increasing failure as well as the backlog of the criminal justice system has resulted in the greater use of restorative practice as alternatives to incarceration. Communities have faced the effects of the criminal justice system through over incarceration, high crime rates and the overall destruction of the areas within which they live. These areas have become highly dysfunctional causing its members to feel ignored and silenced as they feel the state is not aiding them in regaining their communities, but contributing to the increasing destruction they see around them. They no longer feel they are fighting against crime; they feel lost in a process that excludes and disempowers them. They now look beyond state regulation toward restorative and community justice as opportunities to construct more meaningful, inclusive and positive processes for redressing crime and conflict. It is a search for a process that is about and involves those who are affected by crime.

The criminal justice system has come to rely on the use of restorative sanctions as part of the sentencing process. Restorative processes and practices have been adopted as alternatives to incarceration in an attempt to address the recidivism and over-incarceration rates as well as improve the administration of justice to those who do not share the system's western legal tradition. Restorative justice practice unites a growing number of community leaders and justice professionals around a common understanding

that the criminal justice system is not producing the results expected or necessary to maintain safe communities (Bazemore 1998: 774).

Restorative Justice

The principle of restorative justice is about alleviating or mending the harm caused by a criminal act and restoring the community to the way it was prior to the act or actions that caused the harm. Currently the criminal justice system is focused on the offender. Questions that are asked are formulated around determining individual culpability and punishment. The actions and the mental state of the offender remain the focus within a criminal trial. The harm caused is usually only reflected upon when the evidence of the case is displayed, and its translation from experience to evidence often excludes or marginalizes the victim and the human face of victimization (Strang and Sherman 2003: 16). Even in situations where the offender is found guilty, victims as well as others affected by the crime are estranged from the process (Strang and Sherman 2003: 16; Bazemore 1998: 767; Dhami 2009: 433; Hindle and Rosen 2004: 4).

Offender rehabilitation, within and outside of incarceration, has been an individual based treatment model, which is seen as insular and one-dimensional (Bazemore 1998: 769). This model works on the offender's return into society by addressing the characteristics influencing their criminality. Formalizing a process around the offender decreases the magnitude of the crime through silencing those harmed (Rodrigues 2007: 357; Bazemore 1998: 769; Menkel-Meadow 2007: 164). It places no responsibility on the offender to address the pain caused, nor does it produce accountability for the crime(s) committed. Successful re-entry into their community

remains difficult when the impact of the crime and those affected by it are taken out of the equation.

A common issue within the criminal justice system and offender-centered approaches is their inability to provide victims with a process of reparation. There are emotional and psychological dimensions to the loss that are ignored by this, as “victims themselves say the emotional harm is healed, as opposed to compensated for, by an act of emotional repair” (2003: 22). Without engaging the relevant issues for the victim involved, an offender’s return into society can be problematic. Herman and Wasserman state “For many who have struggled to overcome the consequences of their victimization, the release of offenders may revive trauma, renew fears, heighten tensions, and threaten personal safety”(2001: 428). The failure to address the existing problems can produce an increased sense of vulnerability for the victim through mistrust, anger, shame, or self-blame (Strand and Sherman 2003: 22; Bazemore and Schiff 2001: 88). Removing the victim from a victimized state begins by providing them with the opportunity to receive a greater understanding of the crime that happened to them. In order for this to occur, it is important for the victim to receive justification for the acts committed in the form of the reasoning behind the crime, as well as why they were the chosen target. Integral to this process is an apology from the offender representing their responsibility for the crime, and the victim’s blameless position within it (Strand and Sherman 2003: 23; Bazemore and Schiff 2001: 89). Producing accountability for the actions of the offender by the offender is a way for the victim to feel an acknowledgement of the harm perpetuated upon them physically, mentally and emotionally (Williams 2005: 57; Menkel-Meadow 2007: 164). This can enable validation of their experiences and provide the victim with a

higher level of safety and a greater understanding of what had happened to them. This will provide them with a lower level of anxiety about the potential of encountering the offender within the community and create a greater possibility of the victim accepting the offender's presence within the neighbourhood once again (Herman and Wasserman 2001: 429).

The offender-centered process robs not only victims, and those affected by the crime but also robs the offender of any ability to take the necessary steps forward to truly mend what has been done. The offender-centered process makes it far easier for the offender as they are able to ignore the crime and harm they committed by focusing on other aspects of their lives. The easy route however does not provide the accountability that is necessary to truly manifest justice. Such intervention strategies may aid the offender in acquiring the tools necessary to become a productive member of society, but does not provide the community or victim with healing or closure. This process can illustrate an offender's return to society, but does not navigate their reintegration. For a process of reintegration to occur, effective stages of reparation to the victim and community must be initiated. Without effective reintegration an offender's return to the community can be faced with rejection and resentment, which can lead the offender towards their past social networks creating a stronger potential for recidivism.

Restorative justice shifts focus from an offender-centered process, to one that strives to address the harm caused by the act and holds offenders responsible for apology, harm-reduction and reparations for the crime (Cooley 2002: 1; Hindle and Rosen 2004: 2; Cormier 2002: 2; Bazemore and Schiff 2001: 54; McCold 2004: 14). Essential to restorative justice is the recognition of the community, rather than criminal justice

agencies, as the primary site of crime control (Cooley 2002: 3; De Beus and Rodriguez 2007: 338; Bazemore 1998: 769). Within this process, outcomes seek to change all parties affected by the crime, not just the offender, focusing on healing, reparation, reintegration, safety and sense of community (Bazemore 1999: 14; McCold 2004: 15; Rossner 2008: 1735). Instead of asking who committed the crime and how should they be punished, questions are centered around the nature of the crime; repairing the harm and illustrating responsibility (Bazemore 1999: 16; Cooley 2002: 779)

Restorative justice literature presents many viewpoints and has yet to form one distinct definition of restorative justice. However, a common thread throughout them all is evident; and can be demonstrated as the concentration of repairing the harm caused by crime and restoring parties to a state of repair or wholeness (Johnson 2003: 8; McCold 2004: 14; Bazemore 1998: 779; Roberts 2007: 86; Cooley 2002: 772; Bazemore 1999: 12; Dhami and Joy 2006: 10; Bazemore 2000: 230). Marshall defines restorative justice as “...a process whereby parties with a stake in a particular offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (Marshall 1999: 5). Cormier offers the follow definition,

“Restorative justice is an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime – victim(s), offender and community – to identify and address their needs in the aftermath of a crime, and seek a resolution that affords healing, reparation and reintegration, and prevents future harm.”
(Cormier 2002: 3)

The focus in restorative justice is not on establishing guilt or exacting punishment, but on repairing what has been damaged while minimizing the extent of possible future crime (Hindle and Rosen 2004: 2; Rodrigues 2007: 357). Crime is described as having three

main impacts: physical, financial and emotional. The most devastating impact of crime is the emotional effect (Bazemore and Schiff 2001: 8). Lemley argues that crime is a violation of relationships. It is a breakdown of social bonds that link individuals and communities as well as a cause of further weakening in these bonds (Bazemore 1998: 772; Bazemore 1999:13; Chaskin and Joseph 2010: 326; Souza and Dhami 2008: 14; Bails and Mears 2008: 328; Bazemore 1998: 772; Kubrin and Stewart 2006: 178). The focus of justice, Lemley argues, should be on fixing those relationships to be stronger than they once were and thus, decreasing the possibility of this harm occurring again (Lemley 2004: 6; Johnson 2003: 9). An important part of that process is the inclusion of citizens, community groups, victims and offenders in that process. This is initiated through the offender identifying accountability for their actions and the consequences of them (Bazemore 1998: 772; Bazemore and Schiff 2001: 76; Dhami et al 2009:437; Taylor et al 1997: 39; Bazemore 1998: 779; Menkel-Meadow 2007: 170; Clear 2007: 182; Bazemore and Schiff 2001: 33).

Justice in the state based system currently results in the offender playing a passive role, never really having to get involved in the process or take responsibility for their actions. The victim remains absent within the process and the community is only allowed involvement through jury participation or voting, or as an absent, passive audience for the theatre of the criminal justice system and the trial process. These fragile linkages to the criminal justice system do little to repair the damage that has been caused by crime and conflict. It is important in restorative justice practices to have the offender take responsibility for their actions. Part of the offender accepting this responsibility, is

taking the necessary steps towards mending the harm they have caused and becoming an active member in mending the wrongs that have been committed.

It is important to identify restorative justice as a process, rather than a particular program model. It is a process that takes time, energy and the participation of all parties involved; offender, victim and community (Umbriet 2007: 25). All actors have a specific role to play within the restorative process. The absence of any actor discredits this process and does not truly address the harm caused, nor does it allow the individuals affected to see the full impact of the crimes committed or experience the full potential of a restorative response to crime. True restoration must originate from the individual willing to be a part of the practice of correcting the wrongs that have been caused. Unwillingness to participate in the restorative justice process can produce negative outcomes for all parties involved (Williams 2005: 62). The offender's participation can produce hostility towards the community and the victim with the possibility of producing re-victimization of the victim which causes further harm. Williams illustrates an offender's disgruntled or hesitant participation with can yield insincerity or resentment towards the victim, which is unlikely to aid in their restoration and has greater potential to cause further harm through revictimization (2005: 66). Bazemore states forced participation can cause the feeling of degradation and isolation of the offender, which can weaken social bonds and heighten the risk to public safety (Bazemore 1998: 790). The state of the offender's willingness and ability to participate in such a process is important in its ability to produce restorative gains and ensure the safety of the victim.

As stated previously, all parties play a vital role in the process of restorative justice. The offender's role within the restorative process is their obligation to repair the

harm to victim(s) and the community (Bazemore 1998: 778). The community's role begins by denouncing the deviant behaviour and by demonstrating that they are engaged in assisting victims and offenders in the process of restoration. They are there to identify the ways in which the criminal act harmed the community at large and have an obligation for involvement and participation in the sanctioning process. They must assist in the reintegration of offenders, establishing social control as well as repair damaged relationships (Bazemore 1998: 772). The victims role is to be a key stakeholder in the decision making process, to present their story as well as the losses incurred and the affects it has had on their life (Bazemore and Schiff 2001: 90). For victims the restorative process has the potential to address their sense of safety, through providing them with answers to their questions. This allows the victim to be provided with a greater understanding of what has occurred, which can aid in resolving any feelings of blame. Most importantly, this process offers the victim an opportunity to feel empowered, through the recognition of the harm that was committed to them as well as provide the possibility of restitution (Bazemore 1998: 771; Bazemore and Schiff 2001: 91)

Restorative justice supplies the offender with opportunities to develop social skills, the capacity to avoid future crime and obtain as well as mend relationships within the community and offers the potential for reintegration into society (Bazemore 1998: 771). The community has a chance to receive the results of a safer environment, an accessible justice process and accountability for the crimes committed. The process of restoration is not a small process and when executed properly, it can have great affects on individuals and communities. The end goal of this process is to establish a balanced and adequate social control within the community.

There are three main types of restorative justice programs: victim-offender mediation, family/community conferencing and sentencing circles. All three processes focus on bringing those affected by the crime together in attempts to heal and move towards positive outcomes for both the individual victims and the community as a whole. The restorative movement does not have one set format, but is able to use guidelines to inform its practices to best fit the community it serves. Programs can operate at any of the five stages in the criminal justice, which are before an offender has been charged, prior to trial, previous to sentencing, after an offender has been sentenced and previous to their release (Latimer et al 2001: 2; Hindle and Rosen 2004: 9; Cooley 2002: 5).

Victim-offender mediation is generally referred to as VOM or VORP (Victim-Offender Reconciliation Programs). Victim-Offender mediation is a process that involves victims and offenders coming together to solve conflict and repair the harm created by the crime (Nugent et al 2003: 137; Proulx 2003: 30). This process promotes open dialogue between the parties illustrating the harm caused while also providing offender accountability (Lemley 2004: 53; Umbriet 1999: 216; Wemmers and Cyr 2005: 532). Offender accountability is initiated through presenting an apology to the victim with the recognition of the harm they have caused. It is guided by a trained mediator who facilitates the dialogue to produce mutual participation and problem solving (Dickson-Gilmore and La Prairie 2005: 102; Umbriet 1999: 215). Mediations can induce various forms of emotion and participants must be prepared for this fact. It is vital that the victim feel that they have been able to share their experiences and be a part of a resolution process, which, acknowledges that the act committed against them was significant, and which prioritizes their issues and needs.

Bazemore and Schiff differentiate VOM from group conferencing or FGC as it did not emerge from the victim's movement and was established as a way to address the actions of the offender (2001: 174). Conferencing invokes the participation of the victim, offender and their communities of care (Bazemore 2001: 175; McGarrell and Kroovand 2007: 223; Dickson-Gilmore and La Prairie 2005: 167). Conferencing is often used for juvenile offenders and is facilitated by a youth justice worker. The Family Group Conferencing Project (FGCP) of Toronto sees the purpose of FGC "to better enable family groups to have a voice in developing and implementing plans to ensure the emotional and physical safety and well being of children through increasing the creative use, integration and mobilization of formal and informal procedures"(FGCP 2006: 10). Within this process, the offender must admit guilt and offer an apology to those harmed. The victim and their community of care will receive an opportunity to speak about the harm caused and provide recommendations for the decision (FGCP 2006: 18). All parties will agree upon a final decision, which normally includes restitution, a written apology and community service.

Sentencing circles are designed to encourage local community participation in resolving conflict (Coates et al 2003: 265). They function as an alternative to a formal court hearing and are most often used within northern Aboriginal communities in Canada. There is not one specific process practiced by sentencing circles, as they tend to differ based on those running it. They can be presented in the form of diversion (within the community) or convened in a courtroom by a judge (Cameron 2007: 51). The idea of the sentencing circle is based on the assumption that putting everyone in a circle with equal opportunity to speak will eliminate the structural inequalities that are manifested within

the court process (Dickson-Gilmore and La Prairie 2005: 133). Bazemore and Coates et al, have stated the intention of sentencing circles is to enhance community participation and stake in criminal justice, to provide the victim with a safe setting to be heard, and to offer an opportunity for the offender to own their actions and participate in constructing ways of accountability (Coates et al 2003: 266). The intentions of such practices have been met with resistance due to the belief it inadequately addresses the needs of victims. The safety of victims has been questioned and the process is thought to have the potential of causing re-victimization (Cunliffe and Cameron 2007: 35; Cameron 2007: 1021). Dickson-Gilmore and La Prairie further this point identifying the only difference between the criminal justice system and the sentencing circle for victims is that their re-victimization is done by their own community (Dickson-Gilmore and La Prairie 2005: 153). NSW Attorney General's Department (AGD) conducted an evaluation in 2008 and the analysis found that "Circle Sentencing did not influence the rate of reoffending or the seriousness of the offence for those that reoffended. It appears there is a conflict between people's perceptions of the impact of Circle Sentencing on recidivism and the reality of the data" (NSW AGD 2008: 49). Cameron states the representation of effective sentencing circles erases and minimizes the experiences of victims and sees it as problematic to be involving victims within a process that has not proven to be safe (Cameron 2006: 59). Based on the above literature it is evident that evaluation is necessary to understand the present issues in regards to victim engagement in sentencing circles.

Dickson-Gilmore and La Prairie state that although restorative programs have run for several years, only a small amount of evaluation on the effectiveness of the programs

in reference to recidivism rates exists (2005: 192; Menkel-Meadow 2007: 171; Cooley 2002: 23; McGarrel and Kroovand 2007: 222). Bazemore and Schiff establish that restorative programs have failed to build-in evaluation that can “assess practice and outputs against values, mission, and philosophy. Often this neglect is a result of financial concerns; evaluation can seem like a luxury when struggling to fund basic operations” (Bazemore and Schiff 2001: 94). Restorative practices have not received the evaluation necessary to understand the effects of each practice in reducing recidivism. Although the success of the process remains unclear, Umbriet’s research on VOM has illustrated two thirds of those participating in the process were satisfied with 92% of mediations reaching successful agreements (Umbriet 1999: 222). Although participant satisfaction has been documented, it is unsure to what extent Victim-Offender Mediation produces results in terms of recidivism (Nugent et al 2003: 164; Lemley 2004: 54). Research conducted by Hayes and Daily on Family Group Conferencing speculated its ability to create change among young offenders, however could not produce conclusive results on the program’s outcomes (2003: 757; Lemley 2004: 55). It is evident that greater research into the results produced for restorative justice must be taken up in order to understand the effectiveness or ineffectiveness of such programs.

Restorative justice processes have attempted to focus on increasing both victim and offenders ties within the community (Bazemore 1999: 55). A large critique of restorative justice is that it does not in fact produce such a balance and is largely offender based (Williams 2005: 57; Hindle and Phillip 2004: 20; Bazemore 1999: 12; Bazemore 1998: 12; Robinson and Shapland 2008: 340; Lemley 2004: 25). A large issue for such programs has been the low victim participation rates, however Williams states the low

rates are due to a victims concern that the offenders interests are placed before theirs (2005: 61; Cormier 2002: 13). An important aspect to the restorative process is the safety of victims. It is important that they have a safe place in the aftermath of the crime (Bazemore and Schiff 2001: 91). Victim's safety, however, has been identified to be held at risk by some restorative processes. Part of this failure has to do with the exclusion of victims in the process of design and implementation of programs (Bazemore 2001: 94). In order to maintain this safety, their experiences and possible risks must be identified within this process. Cameron, Dickson-Gilmore and La prairie have identified a concern for victims within the restorative process (Dickson-Gilmore 2005: 152; Cunliffe and Cameron 2007: 35; Cameron 2007: 1021). Cameron calls for a "moratorium" for restorative practices in relation to intimate violence until research has established the assurance that such process will not produce re-victimization. As she states without this assurance such practices are gambling with the lives of victims (Cameron 2006: 59). Williams' states no attempt has been made to understand what processes would actually be best for victims (2005: 88). An important aspect to the restorative process was to engage the victim in order to produce more effective results than the criminal justice system. Without taking the time to ensure restorative processes are in fact producing such goals it is risking the safety of those involved and thus producing results no different than the criminal justice system.

Essential to restorative justice programs is the reliance on volunteers to run them. In fact, without their assistance many programs would not exist. Program developers see the use of volunteers as a vital link to the community, providing and implementing the existing values and social norms (Umbriet et el 2007: 26). Volunteers assist in bridging

the gap between the community and the offenders, instituting the foundation for the development of social relationships. They are established as the restorative program's foundation through their ability to extend their social networks and knowledge of social programming to rebuild the offender's social relationships within the community (Dhami and Joy 2006: 10; Souza and Dhami 2008: 34; (Rodriguez 2007: 358; De Beus and Rodriguez 2007: 338). Offenders often see state actors as unable to understand or comprehend their life experiences, showing concern only because it is in their job description. Volunteers however, present themselves to the program willingly, with no attachments or financial benefits. The idea that volunteers participate out of a genuine concern for the individuals who come forth to the program and the communities they reside within, can be a powerful mechanism for change. Research on the participation of volunteers has been concerned that they do not understand how the criminal justice system works. Many programs still maintain a link to the formal system and it is important volunteers have that understanding or the program has ensured there is staff among the workers who have the knowledge necessary (Souza and Dhami 2008: 45).

Restorative justice has been critiqued for imposing a one-size-fits-all mentality for program implementation (Lemley 2004: 67). This has been rejected as an effective approach to obtaining the goals intended (Lemley 2004: 67). Lemley, in fact, has illustrated that the failure of restorative justice programs to define and conceptualize community has caused programs to not truly understand who they are representing. Without a key understanding of the community the program is placed within, it cannot effectively work towards the goals set (Lemley 2004: 69). Dickson-Gilmore and La Prairie state that "restorative justice practices must be measured by the degree to which

they are truly grounded in the community, 'fit' with the culture of that community, and are effective at resolving conflict and encouraging greater peace and health in communities" (2005: 88). If a restorative program is not grounded within the community then it cannot truly resolve the conflicts that are evident. A grounded understanding and definition of the concept of community remains necessary to understanding the relevant factors involved in the process of resolving harm and beginning reparation.

The intention of restorative justice is to resolve conflict and dysfunction within the community. However, this researcher questions whether or not this micro-focused lens is able to address the significant issues that underline the crime and the greater social justice concerns within the area. A micro-focused program may work toward mending relationships and individual feelings of harm but may not be able to address the greater issues of dysfunction that is experienced by the community and is heavily influencing the criminality they are dealing with.

The communities that could benefit most from restorative programs are also the programs that lack the ability to do so. Communities with high levels of dysfunction and low levels of interconnectedness often lack the ability to run a restorative program (Lemley 2006: 35; Dickson-Gilmore and La Prairie 2005). In communities like this, implementing programs of restorative justice becomes complex. Communities with high dysfunction often lack the social programming necessary to assist a restorative program in rehabilitating and reintegrating offenders into society, as well as assisting victims in their process of healing (Clear 2007: 183). Without the foundation of a positive social environment and social relationships existing to aid the offender, restorative justice

programs will not succeed in reducing recidivism. As such, communities with high dysfunction remain dependent on state regulating bodies to hold the community together. Until a community has created some form of social control, restorative programs have a small chance at surviving or existing for an extended period independent of the ‘coercive backup’ implicit in partnering programs with the criminal justice system. A community, which lacks pro-social ties, does not have the social connectiveness and social control to enable foster and sustain a successful restorative program. Dickson-Gilmore and La Prairie conclude in their book that:

“Effective restorative justice requires effective communities, and it cannot be parachuted in, as many programs and reforms have been in the past. Communities must have support and resources to develop their agency and potential from within; they must be built – or rebuilt- into the solid foundations necessary to counteract forces favouring dysfunction and conflict which threaten all our communities. Once this foundation is in place, the sort of positive symbiosis between community and community programs that foster healthy lived environments can arise and persist. If, however larger community issues are neglected in favour of criminal justice issues, little more will be done than ensure that any restorative justice programs implemented in communities will face robust and entrenched caseloads and challenges, few of which they have the resources to resolve” (Dickson-Gilmore and La Prairie 2005: 235)

The cohesion of the community plays a large role in the effectiveness of the restorative program. It is not just the offender and their actions that impact the ability to reintegrate into society or reduce recidivism. In dysfunctional urban communities in particular, it remains difficult to move beyond an individual rehabilitation perspective when a pro-social collective community environment is absent.

Community Justice

Community justice, though similar to restorative justice, has many defining principles that make it distinct. Its central aim is to provide justice to communities by increasing their quality of life making business, residential and recreational spaces safe (Clear 2007: 120; Karp 1998: 16). Community justice concentrates on the localised affects rather than broader society, seeking to minimise the influence of crime on everyday life (Crawford and Clear 2001: 128). It differentiates itself from restorative justice in many ways such as their goals and means of justice, stakeholders, the normative priorities and the vision of community (Arrigo 2004: 94). Restorative justice sees crime as harm to people and relationships, where as community justice sees crime as harm to individual's quality of life. This justice process is focused on community building and seeks to improve the community by motivating individuals to become involved in the prevention of crime (McCold 2004: 18). Alternatively, restorative justice is focused on repairing the harm and relationships. It seeks to repair the harm of a specific incident and for the offender to understand the harm that was caused due to their actions.

Karp and Clear define community justice in the following excerpt:

“Community justice is a new approach to crime that explicitly includes the community in criminal justice processes. It is expressly concerned with improving the quality of community life and the capacity of local communities to prevent crime and to effectively respond to criminal incidents when they occur” (Karp and Clear 2002: 13).

In 2000, Clear and Karp stated that:

“Community justice broadly referred to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as an explicit goal. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level

outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual good to the common good. Typically, community justice is conceived as a partnership between the formal criminal justice system and the community, but often community autonomously engage in activities that directly or indirectly address crime.”(Clear and Karp 2000: 6)

The harm inflicted by crime is perpetuated as a violation of relationships and social trust within the community. This becomes evident in the fear of public space where crime resides, causing a reduction of social control governing that space. Once social control becomes decreased, dysfunction has the potential to reign. Community justice sees crime as both a cause and a result of dysfunctional neighbourhoods (McCold 2004: 16). It is instituted within structures of social inequality, poor housing, neighbourhood instability, poverty and lack of economic opportunities. The impact these social structures have on criminality is an important reminder that crime has a distinct correlation to a community’s quality of life (Clear and Karp 1999: 92). The goal of this process is to strengthen neighbourhoods and their moral order to reduce crime by producing stronger forms of social control. Here an emphasis is on the collective environment not the particular occurrence (Clear 2007: 191; Karp 1998: 5). Community justice transforms the role of the community through their active engagement in the decision making process. This is identified by the production of intervention strategies, as well as instituting change through social development (Taylor et al 1997: 31).

The main elements of community justice are focused on reparation and community-based solutions. Not only is it important that restoration begin with the victim and the surrounding community, but it is also important that it be extended to the offender. This enables the offender the opportunity to take ownership for their actions

and become a pro-social member of society. Active offender engagement, however, is not mandatory for community justice to be deemed successful. At the end of the process, the goals remain to increase the social control and quality of life within the community; *improvement to the life and lawfulness of the offender is an important but secondary goal.*

The second principle is an attempt to produce and implement justice solutions within the community. Part of this process is preventing offenders from removal from the community through incarceration. Community justice sees the use of incarceration as a contributing factor to dysfunction inflicting further disruption and conflict. Part of restoration involves the offender mending the harm caused to the victim and the surrounding community. Incarceration prevents this process from occurring. The offender's presence within the community enables them an opportunity to maintain positive relationships and to work towards re-establishing those they have lost (Clear 2007: 194). Community justice has a responsibility to the offender, which includes presenting them with the option to perform reparative tasks for the victim and the community within the community. Offenders must also be given the chance to retain assistance, supervision and support, including access to treatment programs and other services, necessary to allow them to reside within the community free from deviance (Clear and Karp 1999: 104).

This process views the community as a complex social environment and to allow it the ability to maintain functionality, a solid foundation of social control must be erected. This is achieved by the reinforcement of norms, values and behaviours relevant

to establishing order (Clear and Karp 1998: 42). It is formalized by addressing the condition of social control within high-risk areas by focusing on civic engagement, the improvement of schooling in terms of attendance, commitment and academic achievement, and creating or re-establishing jobs and efficient housing (Clear 2007: 195). The restoration of social control within high crime areas is significant to reducing the dysfunction within it. Community organizations and members play a significant role in reaching this goal by providing a collective presence and concern for the place in which they reside. Community justice sees working with schools, organizations and government officials as an important avenue to implement crime prevention efforts in order to present this concern to the wider community. Having strong social supports within high crime communities is a vital step towards addressing criminal issues (Clear 2007: 198; Karp 1998: 12). Not all communities have the same resources available to them. To combat this it is vital for communities to mobilize internally based on mutual trust and willingness to intervene on the behalf of others to create a strong social capital (Bazemore and Schiff 2001: 137; Anderson 1999: 304). The engagement of the community cannot replace the presence of vital programming, but can aid significantly in the reproduction of social control and decrease community dysfunction.

Community justice programs are commonly organized in the form of sentencing panels, peer courts, neighbourhood councils or community diversion boards. Programs often work towards establishing a plan of action to provide the opportunity for the offender to become a pro-social member of the community (McCold 2004: 16). Programs work toward establishing methods of prevention, intervention, reparation and community engagement (Ryan 2006: 309). Community justice encompasses any program intended

to strengthen a community's social control and ability to self-regulate. Programs can extend into many different environments and are not restricted to one specific entity or format.

Volunteers are an extremely important aspect to community justice programs, as they aid in implementing the community's values, morals and forms of regulation within it. They have the ability to provide the offender with a feeling of integration or inclusivity into the community. Volunteers are able to supply the most effective bridge from justice responses to community change. Their presence within such programs reinforces the community's drive to gain control of the areas they reside within (Williams 2005: 31). Volunteers provide vital links to local resources and supply the offender the opportunity to seek help and assistance. In community justice active participation of volunteers and workers from within the community provides the program with strength and has the ability to conduct neighbourhood mobilization.

For communities who have relied on state regulation this can be an effective process to begin to shift control from the state to the community. This is not a process that is done rapidly but is a process that when done effectively can help to change community characteristics and aid in creating a functional environment (Karp 2004: 65). Community justice is about increasing the ability of the community to regulate themselves. Thus, these programs should not focus their results on offenders; they should focus on the impact of victims, as well as the betterment of the community and its members. Efforts should concentrate on strengthening social control, connectiveness,

enforcing social values, mobilizing community action and ultimately to making communities safer (Bazemore 2000: 231).

Community justice similar to restorative justice presents programs that are offender-centered. Victims tend to feel neglected and eliminated from the justice process (Bazemore 1998: 345; Williams 2005: 33; McCold 2004: 22). Through the literature that has been gathered, the role of the victim with community justice is not specified giving the broad defining principles on what programs may look like it. Due to this information, it remains difficult to understand what the impact of the victim is on this process. Community justice programs are criticised for being open to interpretation and not having a strict set of principles or guidelines to be followed (Astbury 2008: 34). The effectiveness of such community based programs becomes problematic within an urban dynamic that lacks interpersonal relations, community program and community organizations. Evaluations of existing programs are rare and far between. Programs tend to lack funding and struggle to afford the costs of program survival (Clear and Karp 1999: 176).

It is evident that community justice has a wider focus on social justice than restorative justice, which may lead to greater results in decreasing the issues within dysfunctional communities. However due to the dysfunction that does remain within the community such a process that relies on its community members to actively come together to create change may pose to be difficult given the demographic that is being dealt with. Although it is evident there are some significant concerns regarding whether such initiatives can produce effective results, this researcher is optimistic that the

concentration on social justice issues will have a greater impact on decreasing dysfunction.

Community Justice Programs

The following section will discuss the two community justice programs chosen for this research, which are Restorative Resolutions and the Community Council.

Restorative Resolutions

Restorative Resolutions is a community-based sentencing program sponsored by the John Howard Society of Manitoba. It seeks to “hold offenders accountable for their behaviour in the community, to be sensitive to the needs and concerns of victims, and to encourage members of the community to become involved in the criminal justice process” (Maloney and Lloyd 1999: 1). The program was initiated as an option to assist in reducing over-representation through alternatives to custody (Bonta et al 1998: 7).

In 1992, Restorative Resolutions was given a three-year funding contract, by the Provincial and Federal Justice Departments and the Solicitor General, to conduct a pilot project (Maloney and Lloyd 1998: 2). After the three years and two evaluations the program gained full funding status and has been running ever since (Maloney and Lloyd 2000: 5; Bonta et al 1998; Bonta et al 2002). The program has been sighted as one of the few programs that had an evaluation component built in since its creation (Bonta et al 1998: 1).

Consistent with the philosophy of the John Howard Society to work with those above the ages of 18, Restorative Resolutions is committed to serving the adult offender

population. The goals of the program have been established as an appropriate client selection, achieving restorative justice goals and reducing recidivism (Bonta et al 1998: 9). The program only accepts individuals who are facing a minimum of six months incarceration and who are willing to demonstrate responsibility for their acts by pleading guilty (Maloney and Lloyd 1999: 3). Offenders facing the following charges are eligible for inclusion in the Restorative Resolutions process, including break and enters, theft, fraud and breach of trust; personal offences such as assault and robbery and driving offences where there are identifiable victims. Offences that are excluded from entry are sexual assaults, domestic violence, drug trafficking, as well as those activities, which are clearly linked with active gangs (Maloney and Lloyd 2000: 3; Bonta et al 1998: 15). Restorative Resolutions has a very strict entrance policy, and, in 2002 accepted only 174 (58.6%) of the 297 referrals sent to them (Bonta et al 2002: 327). The program will only accept the most ready and able clients, and will only consider individuals who are at the appropriate stage in their life to make pro-social changes. Given that the program accepts only those individuals facing incarceration it is not surprising that those who gain entrance into the program have had previous engagements with the criminal justice system; in fact, Restorative Resolution clients averaged three prior incarcerations (Bonta et al 1998: 17). Notwithstanding (or perhaps at least in part as a result of) clients' prior experiences with the criminal justice system, it is possible that at least some of those participants selected into the program are predisposed to desistance prior to their engagement with Restorative Resolutions. The location of the program within the inner city of Winnipeg encourages a perception that the client base is drawn from the program's locale, and will thus reflect common inner-city community issues of poverty

and marginalization; additionally, given the significant inner-city Aboriginal population of Winnipeg, it was anticipated that Restorative Resolution's client base would include a significant number of Aboriginal individuals. As it was, both assumptions were challenged by the research findings: not only were few of the clients drawn from the inner city, but the majority were non-Aboriginal, predominantly middle-class individuals with records of property-based or economically-motivated crimes such as fraud. This will be discussed further in chapter 5 of this thesis.

Restorative Resolutions defines community in geographical terms and the targeted population resides within the borders of the city of Winnipeg. Program referrals are accepted through probation services, defence attorneys, crown attorneys, community resources, the judiciary and self-referrals. Defence attorneys produce the most referrals at 57.2% (Bonta et al 1998: 12). Involvement in the program is voluntary, and an offender is able to decline participation at any stage of the process. Restorative Resolutions currently employs five case planners, a director and office administrator, normally holding caseloads of 180 clients, with an average of 30-40 clients per planner.

Among those accepted into the program, 43.7% are first time offenders. The two most common offences are property offences 66.7% and offences against the person 28.2% (Bonta et al 1998: 17). 49.5% of clients were employed during their acceptance into the program, while 42% were on social assistance (Bonta et al 1998: 28).

Once the individual is accepted into the program the planning process begins. This process involves creating a community-based plan that will be presented to the Crown Attorney and judge. The assigned program worker for the particular client creates

the community-based plan, which consists of an historical outline of both the social and criminal factors relating to the offender's history and record. This is displayed in a similar form to a pre-sentence report, however infused with detail. A comprehensive victim report as well as any suggestions or wishes the victim may communicate will be attached to the plan for the judge to view. Recommended conditions by program workers will be illustrated to demonstrate the ways in which the offender will be made accountable for their actions within the community. Justification for the recommendations are accompanied by a suggested restitution order. Restitution to the victim is always included in the plan, and must be paid in full to the victim as a central part of plan completion.

The case plan involves all affected parties consisting of the offender, their family, community members, the victim and their supports. The case planner attempts to build a relationship with the offender to develop a level of trust and respect. During that time, the program worker will assess the offender for any psychological or social issues that may impede their ability to make the changes necessary for successful completion of the program. During this initial assessment of the offender, program workers will make any referrals for experts outside of the program. Such referrals can consist of consultations with psychiatrists/psychologists, addictions counsellors, educational assessments and attendance at violence prevention, employment or parenting programs. 96.7% of plans include recommendations for counselling and treatment (Bonta et al 1998: 19; Bonta et al 2002: 328). Asking the offender to seek outside help is a way to test the offender's motivation towards completing tasks and working towards repairing the harm caused.

The victim is contacted during the process of planning and the program's involvement with the offender is outlined. The victim is given many opportunities to participate, including involvement in mediation, writing a victim impact statement, providing a verbal statement to be included in the plan; they may also decline to be involved (Maloney and Lloyd 1999: 10). 83.9% of victims are contacted and 78.9% provide a Victim Impact Statement (Bonta et al 1998: 18). The (VIS) is prepared with the assistance of the program; this statement is different from the normal statement provided to the courts in that the victim is able to identify not only the harm suffered, but also ways in which they see the reparation to be completed (Bonta et al 2002: 325). The VIS also includes the reconciliation process that has existed previous to the sentencing of the offender.

In order to complete the community-based plan the case planner will generally meet with the offender on a weekly basis. The program will normally ask for a 10-12 week period commitment previous to sentencing in order for this process to take place.

Once the plan has been formalized by the program worker and director it will be presented before the judge, crown and defence council (Bonta et al 2002: 324). At sentencing, the judge will either accept the plan or send the offender to incarceration. Proposed plans have a high acceptance rate, as 93% gain the judge's approval (Maloney and Lloyd 1999: 4).

Should the offender fail to complete the plan violate the restrictions of his or her sentence or commit another criminal act, they will be returned to court where the judge

will make a decision whether incarceration or an alternative sentencing measure are warranted.

Although the program does encourage victim engagement only 10.3% of victims actually meet the offender face to face and only 23.9% received written apologies (Bonta et al 1998: 18; Bonta et al 2002: 328). The program had produced \$130, 741.37 of restitution paid to victims as of 1998. The average amount of restitution paid by a client was \$2,563 (Bonta et al 1998: 19) while only \$1,517 was ordered by the courts for probation clients (Bonta et al 1998: 20). Recidivism rates three years prior to program participation identified 34.7% of participants to recidivate compared to the 66.1% of a comparison probation population (Bonta et al 2002: 329).

Community Council

The Community Council is run by Aboriginal Legal Services of Toronto (ALST) and is designed to serve Aboriginal offenders within the city. It has been in operation since 1992 aiding over a thousand participants within the almost two decades of its construction (Rudin 2005: 93). The Council is designed to divert Aboriginals away from a system that is foreign to them, and which is viewed as a system of oppression, colonial domination, subjectification and hierarchical superiority (Proulx 2003: 35). Jonathan Rudin, the program's creator and current director, argues forcefully that the criminal justice system is a system that has failed the Aboriginal people of Toronto (Rudin 2005: 95). Thus, the purpose of the program is to place justice back into the hands of the Aboriginal people by allowing the process of healing and rebuilding to be formulated within their own community.

During the initial creation of the Community Council the provincial Crown Attorney's office questioned the cohesiveness of an Aboriginal community within Toronto (Proulx 2003: 42). They illustrated that the diversity of Aboriginal offenders across the city did not resemble the 'theory' of a cohesive, intimate Aboriginal community imagined within restorative and community justice, but was rather one consisting of widely-scattered, unconnected Aboriginal people living within a large urban city (Proulx 2003: 152). The previous director of ALST gave the following statement, which illustrates the council's working definition of community:

"We are often asked whether it is fair to describe the Native population in Toronto as a community. After all, it is widely dispersed across the city and there is no one place that Native people live or congregate. But communities are not just defined by streets and blocks-communities, particularly in the urban context are defined by a sense of association and belonging. Native people in the city acknowledge themselves as Native and wish to be acknowledged and recognized as Native by others in their community as well. They have a wish to be served by people who understand their needs, their culture and their way of life. So even if there is no neighbourhood that can be seen as a Native neighbourhood there is a very real Native community in Toronto" (Rudin 1996: 149).

ALST believes the program is a start to mending the harm caused to Aboriginal people by re-establishing their community within Toronto and providing it strength through this process. The program's definition and infiltration of 'community' promotes the question of how strangers with various Aboriginal backgrounds, residing in various, disparate locations, are able to create the close-knit environment integral to produce restorative outcomes. In the past, restorative programs have used the intimacy of relationships as a vital tool to define their processes and produce resolutions. McCold states that when programs put power into the hands of strangers they "fail to empower anyone but the

existing apparatus” (Williams 2005: 36). Whether or not the council members, with a connection based on culture, can provide a bond sufficient to establish the intimacy of relationships crucial to restorative outcomes presents an interesting realm of discussion, which will be addressed within chapter 5.

The Community Council was the first, and is the longest-running, urban Aboriginal program in Canada. The program was designed through consultation with elders and with justice officials, and formally launched in 1992 (Rudin 1996: 149; Proulx 2003: 47). It took approximately a year to complete this process and implement the program (Proulx 2003: 42). The program is based on a sentencing panel consisting of community members that work with the offender and victim if they choose to, in order to establish a community-based plan.

It was important to the members of ALST to have the program come from the community. To this day, the program continues to be run by Community Council members with ALST staff only providing administrative support. The community members, not the ALST staff, make all decisions in regards to the program. It is with this mentality that the program identifies itself as entirely community based. Council Members consist of representatives of the Aboriginal community many of whom have had past experiences with the issues faced by the clients of the program. Council members often share their experiences with clients during the hearing process in order to provide a common understanding among them. One of the important impacts of community members sitting on the sentencing board is providing shared perspective of the systematic hardship the Aboriginal population has experienced. This allows the

offender and community members to develop a bond, which may aid them in discovering a way to live a pro-social life (Proulx 2003: 44).

The main objectives of the program are not only to return ownership of the justice process to the Aboriginal community but to reduce recidivism among its clients. These goals are approached by supporting clients to accept responsibility by being accountable for their criminal behaviour through active involvement in mending the harm committed (Campbell research Associates 2000: 2). The evaluation conducted by Campbell Research Associates has identified the Councils ability to produce the results of recidivism has been slim. The evaluation of Canadian Police Information Centre (CPIC) records of clients two years previous to and following their involvement with the program indicated only an 11% reduction in the average number of charges per client (2000: 2). Research documents that 21% of clients displayed a decreased involvement with criminal justice system after involvement with the Community Council; however, 26% of their clients had an increased involvement with the criminal justice system, as well as an increase in crime severity.

The program has great flexibility around client selection, as all offences or offenders qualify for inclusion in the community council process. Notwithstanding this formal flexibility, the council consistently excludes murder, domestic violence and sexual offences (Rudin 1996: 215). Under the terms established for the program, once an individual has been diverted to the program their charges are withdrawn or stayed and can never be brought back *whether or not the offender completes the program* (Proulx 2003: 45). This is intended to remove as many Aboriginal offenders from the criminal

justice system as possible, although it is questionable whether in the interests of reducing over-representation the Community Council Program has also significantly reduced the formal accountability of its processes. This issue is an important one, and it will be discussed in greater detail later in this thesis.

A staff of Aboriginal court workers manages the selection process for entrance into the Community Council. The court worker will approach an apparently eligible offender who they identify as Aboriginal and tell them about the Community Council Program. Court workers are instructed to accept all offenders within the diversion guidelines unless they feel the programs services do not adequately address their needs. If a prospective client is amenable to involvement in the council process, the court worker will refer the offender to a "Community Council team lead" who will check the background of the offender to determine whether they have previous involvement with the ALST process. If such experience is present in an offender's history, the lead will attempt to determine whether that experience was successful or not; if the latter, the prospective client will be denied the right to return to the program. Should the offender be approved for entry into the process, the team lead will approach the Crown to have the offender diverted (Proulx 2003: 43).

Offenders who are accepted into the Community Council have faced many issues causing them to come into conflict with the law. Clients' issues of homelessness and employment have influenced their criminality and this is displayed in the Council, as the most diverted charges are failure to appear/comply 31.2% and theft 25.4% (Proulx 2003: 1999). Clients of the council experience many of the similar issues faced by the offending

population, in terms of low educational attainment and lack of a positive social network. Clients commonly experience issues with addictions and have had past experiences of abuse, which is a pattern of many Aboriginal offenders. One of the biggest issues claimed by Aboriginal legal services is that their clients have lost their connection to the Aboriginal community and culture (Campbell Research Associates 2000: 3). ALST believes it is extremely important for Council members to consider these issues previous to entering a hearing.

Once the offender has been formally diverted into the program, preparations begin for the offender to be heard before the Council. These preparations will include a meeting between ALST and the offender to gather background information about the offender's life, criminal history and the issues they struggle with. ALST will encourage the offender to seek treatment on certain issues previous to their council hearing to start the process of healing. It is also during this time that the victim will also be contacted to see if they would like to participate in the process. Victim participation is flexible, and may include participation in the actual Council hearing or, where this is not appropriate or consistent with the wishes of the victim; they may speak to council with the absence of the offender; write a victim impact statement or write a letter to be read out at the hearing.

Victim participation within the program has been identified as low (Proulx 2003: 218). To what extent is unknown due to lack of evaluation on their victim involvement by Campbell Research as well as other academic publications. The program claims that they have encountered considerable difficulty in locating and involving victims, as by the time the charge has been diverted many victims have moved on with their lives and want

nothing to do with the offender. Proulx quotes the community councils coordinator at the time stating “most victims do not wish to attend hearings and confront the client....quite often the council members will put themselves in the victims position to get their concerns across to the offender” (Proulx 2003: 218). Of the 846 clients analyzed in, Proulx’s research, 106 were asked to complete apology letters. From this, 87 or 78.3% were completed (Proulx 2003: 200). It is noteworthy that the absence of the victim in the hearing is matched by their absence at virtually every important stage of the process. The victim is not consulted regarding the decision to divert the offender, or whether the case is one, which is appropriate for the council process. It is interesting that a process which is intended to improve on the ‘doing of justice’ by involving victims and offenders appears, in fact, to fare little better than the courts regarding the meaningful involvement of victims in their processes. This will be discussed further in chapter 5.

Hearings are generally held seven or eight times a month with three council members sitting at each hearing. The hearing is an informal process with all parties sitting in a small room around a small circular table. The hearings are closed to all parties other than the victim, offender and the council members. The Council process opens with introductions, which, once completed, are followed by an invitation to the offender to share his or her story of the offence. Councillors want to know about the individuals and the events in their lives that influenced the offender’s choice to commit the crime. They will try to identify whether there are addictions or similar issues, which must be addressed in order to promote healing of the offender and reduce the potential they will reoffend. Council members will explore personal stories to connect to the offender and the issues they are facing. Following this, the offender will be asked to step outside and

the council will discuss what appropriate conditions should be put on the community-based decision. The decision is reached by a consensus and once this has occurred the offender will be let back into the room at which time a council member will read out the plan and discuss it with the offender. The idea is not to make a plan that the offender will not comply with, or feels overwhelmed with, but rather to make a plan the offender can successful complete and take steps forward with (Rudin 1996: 155; Proulx 2003: 85). Proulx identifies 64.6% of the plans to be completed, 12.5% reached partial completion and 22.9% were not completed at all (Proulx 2003: 1999).

Chapter 4: Results

This research had set out to analyse the ability of urban community justice programs to reduce dysfunction and crime. The previous literature written on the Community Council and Restorative Resolutions had painted them in a very positive light demonstrating their ability to achieve goals of reducing recidivism and community dysfunction. Based on the supplementary information and articles written about each program the researcher expected to receive, within the interviews, an understanding of what makes the programs so successful. Prior to the interviews, there had been an understanding that each program encompassed the following three aspects: a program produced for and by the community, victim participation/involvement, and a client base representing a marginalized population characterized by previous encounters with the criminal justice system. It was evident after the completion of all interviews and an analysis of the quantitative program data that there are some significant issues within both programs which undermine both their success and the ability of researchers to analyse and comment upon that success. It is also clear that the portrayal of both programs masks the reality of what was really going on within them. For example, in almost direct contradiction to claims made both in the earlier program reviews and by the programs themselves, there was an absence of both community and victim participation within the programs, which in turn created and reinforced a strong offender-orientation. As will be seen in the discussion of research findings which follows, the Community Council process appears as a program well-distanced both from its 'community' and the parties to crime and conflict - the data produced by the program did not confirm workers' assumptions about, nor did it produce a sentencing process that truly included

the offender within the decision making process. Similarly, Restorative Resolutions did not distinguish itself as a true ‘community justice program’ incorporating the larger social change and social justice agenda this status implicates, but rather resembled a mainstream, offender-centred restorative justice program. Their client base did not represent a marginalized population despite their inner city location; rather, Restorative Resolutions’ predominant clientele was revealed as white middle class, first time perpetrators of primarily economically-motivated crimes such as fraud, who appeared strongly to have committed to desistance before entering the program.

The following section will document and analyse the results from the interviews.

Community Council

Results

This section will present the results of the interviews conducted with the director, program worker, two council members and one client of the Community Council program.

Community

Program workers of the Community Council (CC); define community as a sense of belonging based on cultural and traditional practices. They understand it to be a family like atmosphere, a group that individuals could depend on and trust. Both Community Council Members (CCM) A and B illustrate a conception of community to be a group of people who have a sense of belonging. They establish belonging through their connection to other Aboriginal people based on their common life struggles and historical suffering.

CCM's spoke of their participation in this community as demonstrated through their commitment to mending the harm and reconstructing the Aboriginal community in Toronto. Both CCM A and B spoke of the Aboriginal community as one they were not always a part of. They saw their participation in the CC as their avenue to regain entrance into the community. Both workers stated the Aboriginal community in Toronto would not form itself. In order for individuals to be a part of the Aboriginal community in Toronto they had to claim belonging to it. Belonging towards this community however, also encompassed participation in rebuilding the urban Aboriginal community from its dysfunctional state. CCM A and B spoke of their commitment to the CC as proof of their dedication to the Aboriginal community. Their participation in rebuilding offenders within the CC program was their contribution to restoring the Aboriginal community one by one. CCM B illustrated as a member of the Aboriginal community one has an obligation to give aid to those within it. Both workers displayed an enhancement of their connectedness to the community through the help they have administered, guiding individuals through the times of dysfunction and chaos. Based on individuals perception it was evident the fight for a functional community was a large part of how the community's civic engagement was created.

The CCM's notion of community is confusing as it is not clear what exactly they are belonging to or what that sense of belong will produce. It would appear their definition of community had more to do with the political motivations of community justice than the operationalization of a central pillar of a local justice program. The process of 'belonging' within the CC program is a mechanism that they use to bring the Aboriginal population together, however it is not clear at any point in the Council process

how this 'belongingness' correlates with practical measures for reducing the crime and dysfunction experienced by the Aboriginal population. While a sense of belonging may assist individuals to construct an identity, it is not apparent how that identity can impact on the marginalization of the Aboriginal population within Canada, nor whether or how it might begin to address the social justice issues related to conflict with the law.

The Community Council members (CCM) stated the purpose of the program was to reconstruct the Aboriginal community within Toronto. If this was in fact an endeavour, to re-connect the Aboriginal population within Toronto, it is questionable to focus on the marginalized population in order to do so. This is a mobilization based on a sense of 'belonging' of those within the community dealing with crime and conflict.

The director of CC emphasised the community was not geographically located; it did not have a physical place but compiled of people who want to belong. The community was assembled of those who have always made a claim and of those who may have just recently declared membership to the Aboriginal community. Those who come forth to the CC do not necessarily have history with the Aboriginal community or any community at all, but illustrate a desire to be part of something and have a connection with other people. A sense of belonging was consistently threaded through the discourse of community perpetuated by those connected to the CC. This was identified to have great significance as they felt their sense of belonging was taken from them through historical and colonial domination. Regaining a sense of belonging within the Aboriginal community was seen as not only promoting collective engagement but also promoting a sense of restoration and healing. A common understanding that those within this

community have had the same trials and tribulations brings individuals together to begin to rebuild what they lost.

It is evident that there are many distinctive cultures and traditions among Aboriginal people. Combining individuals based on an obscure sense of belonging does not manifest what cultural practices or beliefs are guiding the programs justice process. Etzioni's definition of community produces a measure of commitment to a set of shared morals, and norms (Etzioni 2000:190), and this in turn allows for an understanding of the community beliefs that should guide and inform a community justice program. "Belonging" does not produce a common set of values or principles integral to the shared normative positions which guide the administration of justice in most contexts; in the absence of a common philosophical position on community or justice, it is hard to define this program as representing any form of community. Anyone can belong to something, that belonging however does not produce the connection based on a set of values or beliefs that is produced within a community.

CCM A, B and Program Worker (PW) A spoke of their commitment to the program as their own process of healing. CCM B stated they felt a responsibility to the community and thought it was important to let those who entered the CC know that many people have gone through dramatic, troubling events in their lives, but have gotten through it. They illustrated themselves as an example that one can face traumatic experiences and still maintain a pro-social lifestyle. For them it was important to show that Aboriginal people are making positive lives for themselves despite the events that have occurred. They saw this as providing a sense of hope and empowerment for clients,

to illustrate a future that they too can obtain. CCM B stressed the importance of letting the clients know they have not been written off, that they are there for them not themselves, to help clients have what they have found. It is important to distinguish here that although it appears the CCM are members of the Aboriginal community at large, it must be noted that most members interviewed were either employed at an Aboriginal agency or occupying a government position. Those who are representing the community have and do in fact live a much more privileged life than those who come across the program. Clients become stories they have seen before, not people they know and want to help. Just because an individual is Aboriginal does not automatically provide them with an understanding of the issues those within the program have faced within their lives. A community justice process, as stated by Clear and Karp, is about the community taking back their community to produce a superior quality of life for their members. Council members are not part of the program client's community in this sense. CCM are there to help disadvantaged people address the issues in their lives that caused them to come into conflict with the law, they are not there to help a member of their own community.

It is interesting to note when clients spoke of CCM they referred to them as people to look up to or people they would like to be, rather than individuals who were members of their community. Instead, clients made clear distinctions between volunteers and workers at Aboriginal Legal Services and their own community, which they defined as consisting of other people of disadvantage. For example, Client A spoke of their time on the streets and identified young Aboriginals wanting to hang out with them on the as they drank the day away. Client A stated it was sad to see Aboriginal youth with an aspiration to be like them, thinking their life of alcoholism and homelessness was

desirable. Client A identified this as an undesirable community illustrating the importance of providing guidance to others in order to understand what it means to live a healthy life. Client A demonstrated that many Aboriginals in Toronto do not know what a healthy life, or a healthy community is or looks like. They discussed that many do not know there are places to help them, many are confronted with dysfunction, poverty and incarceration and see alcoholism or drugs as the best way to get through it.

Community Council

The director of CC defined the program as an Aboriginal justice program that uses traditional customs and applies them to Aboriginal people living in an urban setting. PW A defined the program as community driven right from the beginning through the consultation of elders as a guiding force. They stated the elders handed the program down to the community to run and take ownership of. They identified the program as representing a true sense of justice because it does not measure someone's sentence based on what they have done, but it is providing a way to help people move forward. PW A defined the program as a second and sometimes first home to those who enter it. It is defined as a place where clients can come to for anything, about anything and know the program and staff will be there to assist them. It is a place where everyone actually knows who they are and what is going on in their lives. The CC was defined as a large circle that everyone is encompassed within. Attempting to stay away from hierarchical structure ensures everyone has a stake in the decision making process. Clients referred to the program as a place to help you overcome your downfalls and to help you understand that there is a better way of living.

The clients from the CC come from various cultural upbringings and a majority of the clients who come forth to the program have no connection to their Aboriginal community of origin or the much more nebulous urban aboriginal community theorized by Aboriginal Legal Services. This creates a pan-aboriginal community in that it “obscures specific cultural differences to create a common identity that can unite members of very different cultural groups and nations” (Dickson-Gilmore and La Prairie 2005: 135). Due to this characteristic of the client population, it does not seem that a traditional focus, which is foreign to them, would serve a meaningful purpose. Secondly, based on the many diverse cultural practices of various Aboriginal nations it would seem difficult to choose one specific cultural practice to implement.

A major criticism of the criminal justice system is its inability to understand or address the cultural issues of the Aboriginal population. One of the goals of the CC is to produce a traditional Aboriginal justice process however to counteract that, however, a program that focuses on a pan-Aboriginal identity, which ignores the diverse backgrounds and cultures of Aboriginal people in Toronto, does not produce this. In fact, it merely emulates a process that is similar to what the criminal justice system has been criticised for. If those who enter the program do not have any connection to the Aboriginal community, the question remains as to how their connection with Aboriginal culture will aid them. After viewing the program it is evident the traditional practices referred to by program workers and supporters are not actively or pragmatically incorporated into the program; instead these appear to be largely window dressing used to secure state funding.

Program Workers identified it was important for the council to ensure they did not impose the same barriers existent in the criminal justice system. For the PW they thought it was important to break hierarchical boundaries to ensure everyone was equal. PW A identified understanding those on the council are those from the community makes the program a safe place for clients to enter. They went further to state the council members represented the community reaching out to help clients not a state authority condemning them for their actions. CCM A thought the importance of community council was about people feeling and actually connecting to individuals. That was one of the reason they identified it was important for the program to inquire about clients connection to the Aboriginal community. This allows the council members to understand the individuals feeling of belonging to the aboriginal community and what they may need to do in order to aid them in gaining or strengthening it.

CCM A illustrated program involvement in a community-focused direction as vital in providing a connection to the community, which was what they saw as making the program successful. PW A saw the community's involvement throughout the decision making process as significant in establishing the program with distinct from others. No decision is made without the consultation of the community members. PW A stated if the community members no longer saw the program as purposeful then it would no longer exist and ALST would honour that decision, as it is the community's program, it is only housed within the office of ALST.

Client demand and Victim Involvement

The director stated it was difficult to keep up with client demand based on their current resources. Ideally, they would like the hearings to be scheduled a day or two after they have been diverted but the wait time is usually six to seven weeks. If the wait gets longer, the council will close the program to new clients. The purpose of this is to ensure they were not in backlog like the state regulated system. Short wait times are important for the program to address the needs of the clients they serve. They identified most of their clients were homeless, with no source of employment and stated it was difficult for this client base to wait 7 weeks to receive help. Many will not have the resources to attend the hearing or will become conflicted with the law within those seven weeks losing their opportunity to obtain diversion. The council makes space for special hearings of those who are homeless to help them at a faster pace. They also encourage clients to come see the ALST caseworkers prior to their hearing so they can begin to form a relationship and identify existing issues.

When asked about the participation of victims it was acknowledged that victims are welcomed as part of the process, but not common. The director stated victims are always contacted, informed about the program, its process and options for possible involvement. At the time of diversion, there is a consultation with victims where they asked their opinions about the incident and offenders acceptance into the program. They relay the victim's statement to the crown. The director stated it to be important that the acceptance of diversion be the crowns not victims decision in order to limit any possibility of re-victimization. The director stated intentions of obtaining a victim rights worker in the future to be able to address the needs of the victims more accurately.

If the victim would like to participate within the hearing, they are welcomed to. They are allowed to speak to the council members without the presence of the client if they prefer. The director stated they work with whatever is best for the victim. They stated that when a victim does participate they are never sure what will occur there is no set format about how it will proceed. They also stated the lack of resources makes it difficult to provide the support necessary to achieve the standard of care they would like for victims of crime.

An important aspect of the community justice approach is the ability of this process to allow all parties active involvement. One would expect that a community justice program that focuses on a population which has experienced extensive and protracted victimization by the state would have a greater concern and acknowledgement of victims within their own process. It is problematic that the CC does not adequately conceptualize victim involvement within their process. This is a failing which impacts both the victims of their program and the community at large. As evident within the literature, victims have long been silenced in the criminal justice system; community and restorative justice was to have as a central goal the rectification of this situation. However, the CC program, similar to the criminal justice system, process focuses on the offender and ignores the harm that has been done to the victim.

The offender-centered nature of the program is further identified through the administration of diversion. When the director spoke of the process of diversion, they stated they would ask the input of the victim before they would approach the Crown. The director stated that he did not want to burden the victim with the decision of accepting or

denying diversion to avoid possible revictimization. Although the CC inquires input of the victim it is evident that it carries no weight in regards to the final decision of diversion. The failure to acknowledge the wishes of the victim is not a mechanism that protects victims from victimization; it is a process that produces it. The CC has made it evident through their treatment of victims that offenders are the sole concentration of the program. Researchers have long been concerned that the poor preparation and inadequate safety mechanisms put in place to ensure the safety of victims have done little to achieve that end. The CC does not have an effective process indeed, any process - to engage the victim within the actual workings of the restorative process. It appears they may simply assume an unwillingness on the part of the victim to participate, and thus are unconcerned with ensuring there is an adequate process in place to effectively and safely include their participation within the process. As stated in chapter 3 of this thesis, Dickson-Gilmore and La Prairie provide an important insight into victim participation within restorative practices when they state that the only difference between restorative practices and criminal justice is that, in too many instances of the former, the re-victimization is perpetrated by their own community, whereas in the latter, it is a distant and largely anonymous system – in neither case, however, is this an acceptable outcome (Dickson-Gilmore and La Prairie 2005: 153).

Council Members

The individuals who represent the community in the program are the Community Council members. They are volunteers from the Aboriginal community who sit in and make the decisions at the hearings. CCM's are commonly compiled from existing social justice agencies within Toronto. When asked what the importance of these individuals

were to the program, PW A stated they were the program. CCM A stated they were important because they were a cross section of the Aboriginal community, representing all different backgrounds similar to those who come before the council. In general, they thought it was crucial that the community members program involvement voluntarily. The director of the program illustrated the CCM's are able to relate to the clients in ways that are almost impossible for professional staff members. When individuals are getting paid to listen to clients stories it creates a different relationship, but the council members are not getting paid they are there because they want to be and because they care about what that person has gone through. CCM B stated the Council members were an external voice, the council does not know the clients but wants to know them and they will not prejudge them. PW A stated the council members present the client with a welcoming into the community, a helping hand there from the Aboriginal community, trying to help them take positive steps forward. The council members often have experienced the same life history as the clients, having experienced drug and alcohol problems or histories of abuse. Through those experiences, they are able to share their stories and their family's stories, which make the client, feel a sense of understanding and a personal connection towards them. The director illustrated the sharing that goes on within the circle as exceedingly powerful. Individuals open up in the circle in ways they have never opened up previously. The director believed that the client feels the powerful presence of those within the community from the minute they enter the room to when the process starts. They believed it was the impact from the community that gives them the motivation to work with the staff, to finish their plan and to belong within the Aboriginal community. The director acknowledged the clients active participation in the hearing as important.

The community members will ask about the client's life so the clients feel they are contributing to the process.

Clients of the program saw the role of the CCM's as someone who shares their insights, provides encouragement, assistance and demonstrates themselves as a pro-social member of the Aboriginal community. CCM's were characterised as mentors by clients, who exhibit sincerity, kindness and an understanding of their experiences. Client A explained the CCM's knew the affects of addiction having experienced it themselves, but more importantly, they illustrated strategies to overcome it, which is proven through their success in the community and careers. Client A believed they were proof that addiction and many other struggles within your life are obstacles you can overcome if you take some initiative and receive proper guidance.

CCM's saw it as their role to be non-judgemental, listen, provide a selfless approach, and ensure client inclusion throughout the process, specifically in the creation of their community-based plan. CCM A identified their role was to give back to the community and to ensure the continuation of the program as they have an investment in it. CCM's communicated the importance of bringing forth their own personal life experiences to establish that connection with the clients. They illustrated that it is significant for them to acknowledge in their introduction that they are not there to judge the clients they are there as members of their community. CCM A put a large emphasis on the importance of having a one on one conversation with the clients and have the ability to dig deep down to understand the underlying reasons for that individual's criminality.

Council members describe the volunteer experience as almost more rewarding for them than the clients. CCM A speaks about the moment in a hearing when they can see a shift in the individual's demeanour demonstrating an understanding of present issues and a desire to take necessary steps forward as an amazing experience. CCM's saw their participation in helping the community begin to heal as a very powerful process that maintains their involvement.

There is a real impact for individuals to be able to share their story with volunteers purportedly present out of care and concern for the offenders' future. However, the value of the volunteers is becomes diminished when they are also strangers. CCM's who sit around the table with the clients of the CC (even though they are volunteers and may have been for several years) are still absolute strangers to the clients who come to the program. Part of the community justice process was to produce a sense of empowerment among those involved to institute formalized change within the community. The process is diminished when individuals do not know each other and really have no connection to each other beyond participation in the program. McCold states that putting decision making power into the hands of strangers who are unrelated to those directly involved fails to empower anyone but the existing justice apparatus (Williams 2005: 36). There is no empowerment within a scenario where an individual must confess to committing criminal acts, and express intimate information about their life to people they have never met before, who are not directly impacted by the crime or conflict, and have little or no stake in the outcome.

Hearing

Council members describe the hearing to be about having a conversation, no judgement or barriers just a conversation. Hearings generally take an hour, which is more than they will receive in the state regulated courts. It takes place in a small room, with all participants sitting at a round table, providing an intimate environment. CCM B identified the process to begin with a voluntary smudging followed by introductions of all members present. The council will then request the client to explain why they are before them. CCM's will ask personal and background questions to acquire a greater understanding of the characteristics and life circumstances of the individual. They will not focus on the crime but ask what happened that day to establish a dialogue with the client. Sometimes CCM's can get the clients to really open up and share about their lives and issues they are dealing with, other times they are not willing to say anything. In the hearing, it is important to gain the clients trust and get them to have a conversation; it is only when this occurs that the process can take flight. CCM's will often interject with personal experience to illustrate a commonality. It is not uncommon for CCM's to lecture the client about their life choices.

Once all the questions are answered, the client will be asked to step outside of the room. During this time, CCM's will discuss the plan. Once a plan is decided, the client is brought back in. At this time, a council member reads the plan aloud. The client will be asked if there is anything, they would like to change within it, if so they discuss alternatives until the client is in agreement. When constructing the plan CCM's try hard to evaluate what is and is not achievable for the client, it is important that the plan be seen as achievable otherwise the client will not be motivated to complete it. A plan that is

unachievable becomes another failure evident within the client's life and this will not aid them in a path of recovery.

Once a plan is decided, it is given to a staff member at ALST to be processed, which signals the completion of the hearing. Plans normally include community service, cultural programming, counselling or social programming if necessary and regular meetings with an ALST caseworker. There is no set timeline for the decision they can take as long as it needs to, sometimes it will take a person two weeks, sometimes three months, others a year. Participants thought it was important to have no timeline, as they did not want to restrict the healing process to a specific period. If they do not finish their plan, they will be contacted by the ALST and if they do not decide to complete it after they are contacted then they will be put on the list denying them any further diversions into the program. Program Worker A identified clients have come back 10 years later to finish their plan so they could regain entrance into the program. At that time, if the plan or decision no longer works for them they will have another hearing and a new decision will be formulated.

Client A spoke of their experience within the hearing as a very relaxed atmosphere that they could openly speak within. They saw the experience as a positive one enabling them to better themselves. Client A felt secure and safe in sharing their feelings to the council, as they felt the council understood their troubles of addiction and homelessness. The client identified the importance of the council's guidance and support through the process. The client stated the council gave them the push forward they

needed. They stated the program workers and council member's belief in them allowed them to begin to believe in themselves.

Client A spoke about their rejection from their Aboriginal community and banishment from their reserve providing a feel of isolation and distrust of others. The client stated they were so used to protecting the person inside of them who had been abused mentally, physically and sexually and using alcoholism as a coping mechanism. The assistance however, from the council provided them with confidence that they could trust and rely on them through the entire process. They illustrated their negative feelings dissolving through the guidance of the council members, which provided new light into their life, as well as a new found connection to the Aboriginal community they had thought they lost forever.

The criminal justice system conducts a hearing by the court, asking the offender their plea for the charges laid. If the offender pleads guilty the Crown will recommend a sentence and judge will produce a verdict. In this process, the offender has no say in the outcome. Within the CC hearing an offender is asked to tell the council what had happened, and the council asks questions and the offender is expected to reply. When the council feels they have enough information they send the offender out of the room and bring them back in when they have made a decision. The offender will receive the decision and hearing is complete. The offender has little say in the outcome of the process. When the criminal and restorative processes are contrasted in this way, they do not seem to differ that greatly. The decision is still provided to the offender by an external

authority in a context of hierarchy and quite clear power relationships clearly marked by those who have power and those who do not.

Difference between Community Council and the Criminal Justice System

Client A discussed his experience within the criminal justice system as one they were lost within and could not see beyond. The client expressed feelings of failure expecting to be sentenced to jail similar to times before. Client A identified the state justice systems unwillingness to identify them as having the ability to change as frustrating. CCM B spoke of clients involved within the criminal justice system for so long that they try to give the council the answers they think they want to hear. Others have been in the system so long that they are not use to anyone asking questions about their life. CCM B stated that the criminal justice system just assumes that the client is guilty and will continue to be in trouble. CCM B spoke of the council's process to be different. They spoke of the criminal justice system as jaded along with those who pass through it. CCM B said the clients are often taken back when people take a vested interest into their lives.

Program Worker A identified the criminal justice system to be a confusing process for the clients. PW A stated an individual could go before the court or be incarcerated several times and never take responsibility for their actions. PW A stated one of the first requirements of the council is the individual take responsibility and they are not punished for it they are served justice for it. The Program worker believed the criminal justice systems neglect of community involvement as a factor in its failing results. They explained the justice system neglects to know the individuals before them

and makes no attempt to try and understand the reasons causing their crimes. They believed the council has being willing and able to do this, as they have a desire to know the individuals for who they are as well as the problems they face. When individuals come before the council, they are given the opportunity to tell their story that is not something that they are given the opportunity to do in the mainstream system. The biggest difference the program worker stated was that the focus is on the person not the charge.

Accountability is major component of restorative practices and is evident within both restorative and community justice programs. The restorative process holds the offenders accountable for their actions by expecting them to apologize and mend the harm committed to the victim and the community. When this is done, it is posited that true reparation has been achieved. The CC claims to hold their clients accountable for the crimes they have committed as well as producing a true restorative process by allowing them to mend the harm caused to the community and victims. It is unclear how this is possible within a format that does not hold offenders liable for their plan completions. Although 64% do complete their plan and thus it would appear that a that majority of clients are held accountable for their actions, 36% of clients do not complete their plan. What happens to the accountability of those who do not complete their plans? Given that there are no measures to enforce plan completion, those who do not complete their plans remain consequence-free. How does this provide accountability to the victims and others who have been harmed? Such a process questions the accountability a program has to others as well as the ability of the offender to be held accountable for their actions.

This offender-focused perspective neglects those others involved in the crime and the consequences that have been perpetuated upon them.

The restorative process is about the community holding the offender accountable for their actions; this process does not do that. Although the program may look different from the criminal justice system when analysed it actually reveals little difference. The CC produces a process that concentrates on the crimes committed, it ignores the victims and community affected, and although it manifests a clear offender-focus, often fails to hold the offender accountable for their actions.

Evaluation

When asked about the evaluative process the director stated they never had a formalized process for evaluation but simply work on what feels and works best for the clients. The process of evaluation has been to look at what the program has done and try to conceptualize what could make the process better. For evaluation, the director stated they rely on rates of attendance at the hearing and plan completions. If this is not occurring than they look towards how they could change that to make that a better process for the clients. The director stated other people evaluate the program based on recidivism rates, but the program does not evaluate itself on those measures. The director stated they did not have the funds to do formal evaluations. As of November 2010 their plan, completion rates were 64%, with 11.4% partially completed and 24.6% nothing completed. The majority of clients are between the ages of 18-30. The percentages of participation per age are as follows: 12-17 (5.6%), 18-25 (20%), 26-30 (18.3%), 36-40

(13.6%), 41-45 (13.1%), 46-50 (6.4%), 51-55 (3.6%), and 55+ represent 2.5%. This research was not given access to further data from Aboriginal Legal Services.

A large success for the director was their longevity. They stated the CC to be the longest running urban Aboriginal justice program. The program has the most diversions than any other program in Toronto. The director stated the program was about saving lives, and they know they were achieving that goal, based on clients feedback. The director stated they have had clients who have lost their lives, so they stated that they know the clients who do make it they are not only helping them out of issues they are dealing with but they are helping them live and not become another urban Aboriginal person dead. The director stated that they are able to accomplish all of these goals and remain concentrated on the community and to them that was one of their ultimate goals. Program Worker A thought successes were identified through program entry; introduction to culture and the Aboriginal community: hearing attendance; participation in their own justice process and plan completion. The worker stated a clients ability or even make an attempt to address the issues within their life as a large success.

CCM B stated when people are given the opportunity to grow, heal and move forward with their life they are less likely to need to fall into the criminal justice system again. When a decision addresses their core issues and the root causes a lot of times that can help them be on a better path, be healthy and that usually correlated to less criminal involvement which is a key success. The ultimate success for the program worker was the rebuilding of the community within the community.

One of the largest successes for the program can be identified as having the ability to produce community-based sentences to Aboriginal offenders who would have otherwise received a custodial sentence. A large issue for this population is their inability to obtain community-based sentences due to the severity of the charges laid. This program enables Aboriginal offenders the opportunity to obtain community-based sanctions, thus working towards reducing their over-incarceration, even if on a small scale, within Toronto. This may be seen as a great success if in fact the program was able to improve the desistance of their clients. Currently evaluative data on such results is unavailable due to the restriction of access to the program files of ALST. However if the results from Campbell Research Associates evaluation in 2000 identifying only a 11% reduction in crimes committed per client are consistent with the current results, it holds that the program is not reducing the over-incarceration of the Aboriginal population. It is merely providing their clients with a temporary absence from their ongoing relationship with the criminal justice system.

Through the interviews, the following additions to the program were suggested: a greater incorporation of elder involvement; more programming available for the clients; greater in house programming; additional caseworkers; additional funding; greater resources and more time available for hearings.

Mission Statement

When participants were asked about their thoughts on the mission statement of the program they identified it to be to truly reduce recidivism in the Aboriginal community from the perspective of the client but the other mission was to return justice control to the

Aboriginal community. They also believe it was their duty to provide an environment that has a non-judgemental approach, is safe and produces confidentiality. It is about helping people on their path of healing whatever that may encompass.

Key Characteristics of a Community Justice Program

When asked what should be included in a justice program those who were interviewed suggested that a lengthy period of consultation was a key characteristic. The director emphasised the importance of the communities determining what their needs were and understanding how to address them. The director stated that there was a tendency to create a 'cookie cutter' justice program and that it was not a good idea, as communities need to own their justice process by contributing to the process. PW A emphasised the need to be community driven. They also thought the ability of volunteers to run the process, to be non judgemental and be guided by the principles of respect, caring was important. CCM B thought it was important to keep hearings small as too many people can cause the environment to be intimidating. The space they thought should be welcoming and safe. The workers they saw as key, they believed it was important to have people who were committed and will be there to help those within the program take positive steps forward.

Restorative Resolutions

The following will display the results of the interviews with a board member, program director, four program workers and two clients of Restorative Resolutions.

Restorative Resolutions

When asked what the purpose of the program was and why it was constructed Program Worker (PW) E explained it was initiated to explore a different way of dealing with crime, something that would produce results the criminal justice system has not been able to do. PW stated it was meant to help people deal with the issues in the clients lives that cause them to commit crime. The director states the programs goals were and still are to repair the harm, reduce recidivism and provide accountability within the community. PW D illustrated the purpose of the program was to acknowledge all the people forgotten or left behind in the process specifically the victims and the community. PW C spoke of the program providing a more holistic point of view. PW B saw it as an alternative to incarceration giving offenders a second chance and the opportunity to repair the harm within their communities.

Interview participants of Restorative Resolutions (RR) defined the program as helping individuals make pro-social changes in their lives and to ensure offenders are accepting responsibility for their actions. PW E stated it was a sentencing alternative that assists offenders in repairing the harm they have caused. PW C identified the program as giving victims a voice and providing support to programs within the community. The director explained the program as based on restorative justice principles; they described it as a marriage between restorative justice and the 'what works' principles. The participation of the victims, offender and community were described as equally important to the program.

After the completion of the interviews, it was evident that the structure outlined by workers of RR illustrates RR to be consistent with the principles of restorative justice. It has a micro focus in that it concentrates on the offender; victim and community harmed by the crime committed. As demonstrated within the literature similar to other restorative programs RR has an offender focused perspective. Although the program states all members of the process are equally important it is evident after evaluation that this is not so, as the victim and community have little involvement with the program. This is something that is common among restorative programs, as victim participation with such processes is low.

Community

PW C defined community as everyone who lives within a specific location. They stated it to be the place where life happened and the relationships of all individuals were located. PW E saw community as a group of people with a common interest or concern who live in close connection with each other. Client C described the community to be everybody and every person in their life, a group of people in a close-knit area or family. The board member spoke of community in open terms. They identified that community was not something that had boundaries and stated it was problematic to try and attempt to put up specific boundaries as it created an 'us and them' relationship. What makes community they said was the act of the people constantly in the process of negotiating a common identity amongst themselves. They identified it was a process through which people were both consciously and in reflection working together to identify common

interest and common concerns. Community they said was a process of becoming rather than an end state.

PW D stated community for the program was established based on the people surrounding the crime. PW D thought it was important for the community to be defined in micro terms, as the geographical mass of Winnipeg would make it difficult to encompass a meaningful process. The director spoke of community as always changing depending on the case and the individual they are dealing with. When acknowledging the community they identified it as important to not only consider the victim, but to understand the ripple effect the crime has on the community as a whole. The director illustrated it was important for the client to identify all of those traumatized from the event in order to produce true reparation. They said most people try to erase or cover up the events but the program insists on honesty through the full disclosure of events. The importance of the community in this program was stated by the director to be crucial in enabling the offender to understand the individuals affected by the crime and the consequences the crime has had on the community at large. They provide an example of individuals now scared in the neighbourhood due to the robbery committed. The single robbery that the offender may have thought affected only themselves and those who resided within the house, actually affected a full neighbourhood who is now afraid for their homes and families. The community thus is vital to the program in order to truly understand the harm caused by the crime, make reparations and work towards preventing that individual from committing further acts. The director discussed difficulty in obtaining community involvement but spoke about the role of the community as important no matter how little or how much is involved in the program.

Urban-based restorative programs often define community surrounding the crime due to the lack of social connectivity among city dwellers. It becomes difficult to produce community involvement with an individualistic inner city population as most people are too focused on their own lives to bother with program participation.

PW C spoke of the importance of community in a different light. They stated their involvement in helping individuals through the program as correlating to an increase in safety to that community. This illustrated the goals of the program as directly linked to the quality of life of the community. The program becomes important not only in allowing the offender to see the wrongs they have committed, but through its ability to assist the community and victims by ensuring, the harm is repaired. The job of the program becomes making clients healthier so they can become pro-social members within the community, thus increasing the social control. PW C stated that the better results the program can administer in terms of clients would influence the safety, employment, production and general viability of the community. People who live pro-social lives get involved with the community more, through which it is enhanced, and begins to thrive. PW C's understanding of the importance of community within the program was identified to be more of an explanation of what results the program was producing for the community of Winnipeg at large.

Program Worker`s Role

When interviewed program workers spoke of their role in the program as primarily a parole officer. It was their job to assess the offender's ability to meet the requirements of the program. They work with the client to explore the different reasons

that caused their criminality, as well as their life experiences that have affected their current life situations. Part of their job is to assess the risk level of the offender based on their risk management test and demonstrate how the client can be supported within the community. Program workers also assess the individual's willingness to take responsibility of the offence(s) they have committed, as well as their willingness to make pro-social life changes. PW C stated some individuals are just not ready to be in the program and thus those who are not ready to make the necessary modifications are denied entry into the program. Once they are sure the individual is right for the program, they will compile a plan for them. When the plan has been accepted, the client is strictly monitored ensuring they are completing the tasks asked of them. It appears that program workers selection of clients is largely focused on their commitment to desistance. It is not surprising that they are able to produce such effective results due the fact that they only select the clients that have already committed to leading a pro-social life. The intentions of community based practices were to decrease the dysfunction within by focusing on individuals who really are not the problem within the community it ignores the true issues within the community causing dysfunctional to continue.

The Plan

Previous to the constructing the plan a client must fill out a lengthy client information package, a copy of this package was given as part of the evaluation material. The second page identifies steps in accountability illustrating what the client must be accountable for in order to be eligible to enter the program. They must give a minimum of five references that can verify personal information and issues within their lives.

Referee's can be councillors, employers, family members or anyone else that knows in-depth knowledge pertaining to the individual. The client must tell those individuals that the program may be calling as well as identify the reason for the programs contact. Full disclosure is an important aspect to the program and is fully enforced.

The client is expected to fill out a series of questions about the offence(s) they committed including who they were with and their feelings through the process. The next section is pertaining to their family background. They are expected to write a list of their family members, their relationships towards them and the status of that relationship. Other family related questions are asked in terms of disciplinary measures used during their childhood, any forms of abuse or addiction, the current support system of the client and the family's perspective of their actions. Their education, employment and financial situations are expected to be divulged as well. Their financial situation must account for all of the expenses they currently have as well as any bills or debt owing. The package also inquires about the individual's hobbies, activities, interests, what clubs or organization they belong to as well as the types of people they associate with. They are expected to attach a written apology, as well as recommendations for an appropriate sentence. The package consists of 20 pages and that does not include the extra sections that may be needed to produce the information necessary, creating program entry to be a difficult task.

Once all of this information is obtained the creation of the plan will begin. PW B gave a breakdown of what consisted within the community-based plan. They stated it would start with a biography of the person's life to identify various issues they may have

incurred. They look towards the client's empathy for what has happened, they also look at the victim impact statement; family background; and personal and social background. They look to see if they have any addictions issues or mental health issues that may need to address. If the client presents social or psychological issues, they are sent to the appropriate professionals to have assessments completed. The conclusions of the assessments are put into the plan, any treatment recommendations represented within the assessment will be ordered. The client participates in the construction of the plan, if they are not part of the plan then there is no point in doing it, stated PW B. Normally there are at least 10-12 conditions on the plan; it is designed to be difficult.

A plan from 2006 was obtained as part of the evaluation material. The plan provides significant detail consisting of 8-10 pages of information pertaining to the client. The plan begins with the explanation of the offence, as well as the days previous to and following the offence in the view of the client as well as addressing their attitude of the crime committed. The plan will identify the clients life circumstance both past and present as well as identify any previous encounters with the criminal justice. Generally, the family members and others who support the individuals are interviewed previous to the writing of the plan to get an understanding of those within the client's life and supporting them through this process. Any personal growth the individual has done previous to their hearing will be acknowledged. Personal growth can be courses taken or a serious change in behaviour. Their response to previous correctional services is stated within the plan as well as the risk level based on the risk management survey. The impact on the victim is also identified as well as the victims condition recommendations. The final section illustrates the conditions and a justification of the plan. The general

conditions that are given for a plan are: restitution; a written apology; attend restorative resolutions programming; treatment programs; community service; an alcohol or drug ban; counselling and normally a curfew. The conditions of the plan are extremely difficult. The clients are also expected to come in and see their program worker at least once a week. Any violation of the plan is addressed as a breach of probation to which they will be sent back to the judge and risk incarceration.

Client B spoke about their process through the program and the creation of their plan. They stated they were considered a medium risk to the program and were unsure if they would be able to gain entrance. Client B stated they had never been through anything like this program before so the plan seemed normal. The client was concerned about having to get in touch with staff at the place where they committed their crime. They were not sure how they felt about contacting people they had hurt and how they would react to what they had done, in the end Client B stated it was a positive experience.

When first viewing the plan Client B was overwhelmed with all the work that it entailed, while trying to maintain employment. Client B also stated that they knew that if they had not gotten into the program they would be in jail not able to work at all, so no matter what the program put in front of them they knew they had to do it. Client B illustrated the most significant aspect was the programs ability to see them not as another case but as a person. The client stated that they had to go to AA, therapy, group meeting all during the day as they had a curfew at night. It was a lot they said to fit in during the day, but had been worth it. Client B said the apology letter to the staff and owner of the company was very difficult as they had worked with them for over 15 years and were

good friends with many of the employees. Initially Client B had a hard time understanding how the crime had affected those within the company, but through working with their program worker they were able to identify the money that was stolen affected more than the company's bottom line. They stated that they had lost so many people within their life over one criminal act they decide to commit.

Client B spoke about the programs commitment to enforce the rules they outline. Client B stated they would not be there today if it were not for the Restorative Resolutions program and staff. Client B stated the program workers have a better understanding of them and the mistakes they made. They stated that they made them realize there are people out there who do care and establish effective avenues of aid if they are in distress again. Client B stated the crime they did, they did alone as they had no respect for themselves, and had lost respect from others. They are now able to see what they did and how it affected other people. Client B illustrated that even if they are trying to get back at just one single person their actions always end up affecting more than that one individual. Client B stated that the steps they took through the program made them realize and understand those principles.

Client C spoke of the program and plan as extremely difficult stating they make them do a million different tasks. They did not finish the program the first time they entered in it. Going to a different program every day, they found to be overwhelming, and they thought it would just be easier to do three months in jail then to do everything the program involved. Client C stated that they had made them pay restitution, which was something they would never have had to do if they just went to jail. Client C stated RR

needed to space out all of the things they made them do as it was too much for them especially when they were trying to pay for a child that was on the way.

Difference from the criminal justice system

Client B identified the differences between the criminal justice system and RR. They stated the criminal justice system treated them as if they were not a person. They stated there was no caring, feeling or accountability for the crimes committed. When they were sitting in the holding cell, they were not sorry, they were bitter that they were caught and locked up, so it did not really help aid them. Client B stated RR was different because people cared about them as an individual and actually wanted to help them out. The program made Client B think about the crime they had committed and think about the people that were affected. They made them think about their future and the possible losses they could incur if they did not make the appropriate changes. Client B says they really make you stand up and think about what you have done as well as the consequences of it. There is no one in jail that makes you think about anything Client B stated. Client C stated RR was just better, as they did not have to go to jail. They said it gave them a chance to turn their life around. They stated that RR gave them a chance and in the criminal justice system, they just threw them in jail. At RR, they actually cared and made second chances available. In the criminal justice system, Client C said they just treat you like a number. PW C stated they work with the families as well and not just the client, the courts do not even know the person's name let alone their family. RR treats clients like a real person and provides a safe environment, somewhere they could go if they needed help.

PW B stated the biggest difference between RR and the criminal justice system was establishing responsibility for their actions and acknowledging the consequences of their past decisions. RR places an emphasis on criminal thinking errors and their impact on the decision-making process. Such steps are not taken in the mainstream system. PW D stated that one of their clients had said they had never received so much support and that if they had received this support the first time they were in conflict with the law, they would probably have never been there that day. One of the issues with the system, PW D states, is the provinces focus on supervising by risk. RR supervises by need, so the clients receive the support they need to make pro-social life changes. PW E stated that individuals who are deemed low risk get lost in the system never receiving any help. PW C stated that RR actually knows their clients, they have a real sense of who the person is and that makes them able to create a plan for them aiding them to make the appropriate steps to living a pro-social life.

PW D stated RR has a good relationship with the courts and is very selective of who gains entrance. Some clients are in no position to accept the responsibility for the crime they have done and so the program is not for them. The director stated they were the only place that would make them pay restitution, the criminal justice may order restitution but never makes them pay it and it never goes to the victims. At RR, they have had over 1,500,000 dollars worth of restitution paid to their victims. Another difference the director stated is that they make all clients write an apology letter whether the victim wants one or not. PW C stated the court receives the program very well as over 95% of the plans are accepted by the judge.

Victim

The director stated the victim plays a large role within their program and are contacted in all cases. They stated that it was very difficult to track down the victims, as sometimes they do not receive cases until a length of time has passed after the offence took place. The director stated they never force a victim into anything and if they say they do not want anything to do with it they leave it there. The biggest thing they said they gave to victims was someone to vent to. No one has listened to them speak; RR gives them a voice, a place to put their anger which they would normally never receive. PW D stated there was a lot of apprehension from the victim, but it was important to give them that option to participate as a process of closure for them. Through the interviews, it appeared that RR had no interest in producing victim involvement. Their process of repairing the harm for the victim was to supply victim apology letters and restitution. A common issue with restorative justice programming is low victim participation rates. Williams believed low victim participation had to do with the victim feeling as if the process was centered on the offender (2005: 33). Other research has identified that the victim does not want to be involved within the restorative process and would rather be left alone or receive money for the harm caused.

Evaluation

The evaluation of the program is done on a regular basis as the program was constructed with an evaluation component to it. Due to that evaluation component, a large database has been constructed and maintained. The statistics that have been acquired are up to date data as of March 2010. In total, the program has collected over 1,500,000

dollars in restitution and has managed over 2200 clients. As of March, the program had 192 cases open with each program worker handling 35-40 cases. Currently the programs recidivism rates are 27% leaving 72% of their clients remaining crime free. 63 % of their clients have employment as their source of income with 17.8% relying on social assistance; the remaining 20.2% relied on other means for their source of income. The employment rates of RR are not consistent with the literature on individuals who come into conflict with the law. As the majority of offenders within the inner-city face un-and underemployment. The average age of their female clients is 34.02 and 26.99 for male. In total 76.3% of their clients have completed their plans, 12.3% completed but had a technical breach, 9.3 completed but reoffended, .6% had their decision over turned and 1.5% of clients are incarcerated. 57.1% of referrals have been accepted into the program, 23.6% were denied entry, 19.4% were accepted but were sent to jail by the judge; others were either accepted than the charges were dropped, accepted than went to a different office or were sent to drug treatment court. It is evident that RR only selects clients they believe will be committed to desistance. 65.9 % of the clients were Caucasian, 15.8% were Aboriginal, 8.7% were black, the remaining 9.5% consists of Asian, Philippino, East Indian, Latin and South American, and Cambodian. The most common charges of those who were accepted into the program were person major (31.9%), property major (21.8%). property minor (8.4%) and breach of trust (29.3%). The low percentage of marginalized populations within the program combined with the high employment rates identifies that regardless of its location with an inner-city the program clients do not represent individual who reside within dysfunctional communities. In fact, the clients

who participate within the program appear to be of relative privilege. This is also evident through the majority of clients representing first offenders of mainly property offences.

When asked what the successes of the program were PW C stated that success was a client embarking on a healthy journey, realizing they need to make a change and beginning to take those steps to achieve it. Success they said is disclosure of secrets, successful completions of their order, finding employment they thought they could never have, living an honest life and feeling good about themselves. PW E stated success was helping clients repair the harm they have caused and having the ability to reach such a large number of clients. PW B saw the recidivism rates and the low amount of technical breaches as a great success. PW D saw the collection of over one million dollars in restitution as a great success. The director stated the successes of the program was to watch clients come to the program dragging their heads between their legs and to leave with their heads held high with confidence in themselves and an improved self-esteem. It is important to analyse the results acquired by RR critically as though they do produce a high success rates the clients they select appear to be chosen based on their willingness to desist and thus it is expected that such a selection process would produce higher success rates than a program who did not perform a selection process. Previous articles demonstrated that RR's client based had previous criminal records prior to their involvement with the program, however, upon completing the interviews it was understood that the majority of the client population is in fact first time offenders who commit both property and break of trust offences.

When asked what they would improve in the program PW C stated they would improve resources and have a greater understanding of the needs of mental health clients. Most important was a greater involvement of victims and to be more active in addressing their needs. PW E stated they would like to add more caseworkers so they could deal with a larger client base. PW B would like to see more culturally based programming that would allow the program workers to understand the cultures that come to them through their clients. A board member stated they would like to see the type of resources available to the offenders be available to the victims.

Mission Statement

PW E exemplified the mission statement was to assist clients to make the necessary changes in their life while they are repairing the harm they have done. Another aspect they stated was to reduce recidivism in Winnipeg. PW D saw the mission statement to be establishing the opportunity for the victim and offender to come to a common ground; to give the offender a chance to explain their behaviour and take responsibility for their actions; as well as making the offender repair the harm caused.

Recommendations for a Community Justice Program

When asked what recommendations they would give to other programs PW C stated they needed to keep strict client criteria for the selection process and emphasize the importance of comprehensive reports. PW C also stated it was important to have a commitment to having clients obtain education on going from pre-contemplative in wanting to make to change to ready to make changes in their life. PW E stated they

should always try to involve the victim and the community into the process. PW B stated it was important to have employees that truly believe in restorative practices. PW D stated it was important to get the community on board, without the support of the program would not work. They stated that you need to consult the leaders of the community and get them on board before anything can be done. They also saw it important to educate the community about the program and get the word out there so the community can become supportive. The director stated the only way you can have a program be successful is to ensure that you hold the offenders accountable for their actions and repair the harm caused.

Chapter 5: Have Communities Reclaimed a Position In Justice?

This thesis set out to understand the ability of community justice initiatives to decrease crime and conflict within dysfunctional communities. An analysis of two urban-based community justice programs was performed in order to provide answers to the inquiry. It was evident that the research did not produce the results expected. The main findings of this thesis identified a lack of community engagement within community justice initiatives; significant differences in program participants as well as selection processes; victim participation was absent and finally a gap existed between social justice and community justice.

Where does the community stand in community justice?

Community justice aims to produce safer communities. It seeks to motivate the collective to become active members of their community and increasingly involved in the efforts of crime prevention (Clear 2007: 191; Karp 1998: 5). For the administration of this process to be successful, participation of the victim, offender and community members is necessary, however it is not evident whether this is viable within the dysfunctional communities examined. Those (victim, offender and the community) affected by the crime within this environment, do not appear to demonstrate the active engagement or the willingness to be actively engaged in the process of reclaiming justice.

Whom do they serve?

As stated previously individuals who reside within dysfunctional communities are often members of marginalized populations who experience un- and underemployment,

inadequate housing, low educational attainment and are commonly a minority population. Based on the selection of two urban-based community justice initiatives one would expect their client base would encompass marginalized, inner city populations. The Community Council's focus on urban Aboriginal people in Toronto provides a concentration on a widely marginalized population in Canada. Restorative Resolutions however, notwithstanding their location in the inner city of Winnipeg, appeared to serve populations that were not in fact marginalized. This was evident based on 65.9% of their client population characterized as Caucasian, as well, 63% maintaining full time employment. These characteristics are not ones that are consistent with the marginalized populations found in dysfunctional communities. After analysis, it was evident that the client base and the selection process of only individuals committed to desistance played a key role in their successful recidivism rates.

What about the Victim?

Both programs illustrate an offender-centered process, with little to no victim involvement. Bazemore states, "One of the critical standards for gauging success in any community justice initiative is the extent to which the process identifies and meets the needs of citizens and crime victims as primary clients" (Bazemore 1998: 345). Community justice initiatives have been produced to help those exterior to the system take back their communities. It has seemed this movement has failed our victims. A movement that's intentions are to increase victim involvement, to give victims a voice has not produced this result in fact the movement has produced extremely low participation rates of victims. It was evident within both programs that victims were often

unwilling to participate within the process. Although this may be the case justice initiatives should not give up on attempt to include victims with the process. Future research should look into better understanding victim's participation within community justice initiatives. Research should attempt to understand the factors influencing their unwillingness to participate and look towards constructing effective strategies to produce greater victim participation.

Can Community Justice be Performed in an Urban Dynamic?

The results of this thesis have shown a significant gap between community justice initiatives and social justice. Community justice initiatives will continue to fail unless significant advances are made in the development of communities. Research has illustrated and has been shown within chapter two of this thesis that communities who breed crime display common traits of dysfunction. Without an increase in social justice initiatives to address these issues it remains difficult for community justice to achieve success in decreasing dysfunction and crime. Dickson-Gilmore and La Prairie stated in their book a concern for community justice programs who look for solutions within a dysfunctional community. They illustrated very clearly that a community must be constructed prior to any form of a justice initiative can be built within it. The communities who often need the community justice program the most are often the communities who cannot sustain such a program due to lack of resources (Dickson-Gilmore and La Prairie 2005:139). This research has shown similar results to be evident as the programs evaluated have failed and lack the abilities to address the underlying issues of crime and conflict that continue to persist within their urban high crime

communities. This research implies funding and research must look towards addressing the persistent issues faced by our dysfunctional, high crime communities in order to begin building effective community justice initiatives.

Conclusion

It was the goal of this thesis to understand the ability of community justice initiatives to decrease conflict and crime within dysfunctional communities. After an in depth analysis of the literature and the primary data collected there was no question that the ability to decrease such dysfunction was far out of the scope of a community justice initiative. In order for conflict and crime to decrease within these areas, significant social justice initiatives need to be implemented.

Appendices

Question Sample – Community Council - Director

1. Why was the program initially constructed?
2. Why did you personally get involved with the program?
3. How would you define the program?
4. What does a community mean to you? How would you define community?
5. What is the importance in the use of community within this program?
6. How do you perceive the use of community within this program to be a mechanism of change?
7. Why is the use of community so important?
8. What do you think the importance of the community council members are for this project?
9. What is your role within the program?
10. What were the underlying reasons for the creation of the program?
11. Do you think the program is meeting those reasons it was initially created for?
12. How has the program evolved since its initial construction?
13. How have the relationships between the crown and the court with community council changed over the years?
14. Would you say this has been positive or negative?
15. What relationship do you have with the courts, crown attorney in selecting those who enter the program, getting them to be accepted for diversion by the crown?
16. The program worker had mention that it is sometimes difficult to get crowns to be receptive to the program and that you could sometimes go and speak to them in a form of an educational piece? Can you explain when you would do this, how you would go about it, why it is important and if you find it to be effective?
17. In general comparing clients who have had the experience to participate in the community council program and those who have not, what differences would you identify in their post offence progress?
18. What do you see as the purpose or mission statement of the program?
19. What do think are the successes of the program?

20. If you could add anything to the program to improve it, what would it be?
21. What do you see as the main factor to which the effectiveness or failure of the program should be analyzed on?
22. What would you say are the key elements of the program?
23. If I was looking at creating a community justice program, what key elements/strategies or policies of the community council program would you say should be transferred?
24. How important has the support and strength of the community organizations surrounding this project been in its daily functioning?
25. Can this program work without the support of community organizations surrounding this initiative?
26. Do you see this project as having the ability to run as a mainstream project?
27. How do you see this program reducing recidivism and why?
28. How is the program evaluated?
29. What are the key criteria you use when examining the progress and or success/failure of the program?

Question Sample – Community Council - Program Workers

1. Why did you get involved with the program?
2. How would you define the program?
3. What does a community mean to you and how would you define community?
4. What is the importance in the use of community within this program?
5. How do you perceive the use of community within this program to be a mechanism of change?
6. Why is the use of community so important?
7. What do you think the importance of the community council members are for this project?
8. What is your role within the program?
9. What were the underlying reasons for the creation of the program?
10. Do you think the program is meeting those reason it was initially created for?
11. How do you decide who enters the program?
12. When the client leaves the hearing, how is their progress monitored?
13. If a client says no to the plan and the plan cannot be re-negotiated to allow them to accept the plan what happens?
14. What relationship do you have with the courts, crown attorney in selecting those who enter the program, and getting them to be accepted for diversion by the crown?
15. What follow up if any is there with the crown after diversion has been selected?
16. In general comparing clients who have had the experience to participate in the community council program and those who have not, what are the differences you would identify in their post offence progress?
17. What is the process of the program from start to finish for a client?
18. What do you see as the purpose or mission statement of the program?
19. What do think are the successes of the program?
20. If you could add anything to the program to improve it, what would it be?
21. What do you see as the main factor to which the effectiveness or failure of the program should be analyzed on?

22. What would you say are the key elements of the program?
23. If I was looking at creating a community justice program, what key elements/strategies or policies of the community council program would you say should be transferred?
24. How important has the support and strength of the community organizations surrounding this project been in its daily functioning?
25. Can this program work without the support of community organizations surrounding this initiative?
26. Do you see this project as having the ability to run as a mainstream project?
27. How do you see this program reducing recidivism and why?
28. How is the program evaluated?
29. What are the key criteria you use when examining the progress and or success/failure of the program?

Question Sample – Community Council - Clients

1. What does community mean to you? How would you define community?
2. How did you get involved with the program? How were you recruited?
3. How would you define the community council program?
4. What do you think the role of the community council members are for this program?
5. What was your impression of the community council members at your hearing?
6. Can you explain to me the process you went through within your hearing?
7. Would you say the program was formal or informal and relaxed?
8. What difference have you seen in the community justice program versus the criminal justice system? How did you experience with the two differ?
9. How do their decisions differ? How has the decision differed in your life?
10. Has the impact of the community program impacted you differently than the mainstream system? How so?
11. Has this program impact your life or person in anyway?
12. Previous to your experience in the community council program what was your connection to the aboriginal community like?
13. Through the community council program has your connection to the community changed?
14. Why do you think this program is effective?
15. Do you think the programs can be transferred to different communities?
16. What do you think are the main elements of the program are?
17. If you could add elements to the program what would they be?
18. If I said I was going to create a new community diversion projects what parts of the community council project would you say should definitely be used in this new project?
19. What point of the community justice program had the greatest impact on you and why?

Question Sample – Restorative Resolutions – Program Workers

1. Why was the program initially constructed?
2. Why did you personally get involved with the program?
3. How would you define the program?
4. What does a community mean to you? How would you define community?
5. What is the importance in the use of community within this program?
6. How do you perceive the use of community within this program to be a mechanism of change?
7. Why is the use of community so important?
8. What is your role within the program?
9. What were the underlying reasons for the creating of the program?
10. Do you think the program is meeting those reason it was initially created for?
11. How has the program evolved since its initial construction?
12. How have the relationships between the crown and the court with Restorative Resolutions changed over the years?
13. Would you say this has been positive or negative?
14. What relationship do you have with the courts, crown attorney in selecting those who enter the program, getting them to be accepted for diversion by the crown?
15. It is sometimes difficult to get crowns to be receptive to program how the program has gone about addressing this issue?
16. In general comparing clients who have had the experience to participate in the Restorative Resolutions program and those who have not, what differences would you identify in their post offence progress?
17. What do you see as the purpose or mission statement of the program?
18. What do think are the successes of the program?
19. If you could add anything to the program to improve it, what would it be?
20. What do you see as the main factor to which the effectiveness or failure of the program should be analyzed on?
21. What would you say are the key elements of the program?

22. If I was looking at creating a community justice program, what key elements/strategies or policies of the Restorative Resolutions program would you say should be transferred?
23. How important has the support and strength of the community organizations surrounding this project been in its daily functioning?
24. Can this program work without the support of community organizations surrounding this initiative?
25. Do you see this project as having the ability to run as a mainstream project?
26. How do you see this program reducing recidivism and why?
27. How is the program evaluated?
28. What are the key criteria you use when examining the progress and or success/failure of the program?
29. What caseload do your case workers hold?
30. What are the wait times to gain entrance into the program?
31. What happens when the plan is rejected by the offender? Crown? Judge?
32. What happens to the offender if they do not follow the plan?
33. Do they receive a set time for completion of the plan?
34. Can you explain the process of the victim within the program?
35. When the client leaves the hearing, how is their progress monitored?
36. What is the process of the program from start to finish for a client?

Question Sample – Restorative Resolutions – Clients

1. What does community mean to you? How would you define community?
2. How did you get involved with the program? How were you recruited?
3. How would you define the Restorative Resolutions program?
4. What do you think the role of your caseworker is for this program?
5. What was your impression of the restorative resolutions members at your hearing?
6. Can you explain to me the process you went through with this program?
7. Would you say the program was formal or informal and relaxed?
8. What difference have you seen in the community justice program versus the criminal justice system? How did you experience with the two differ?
9. How do their decisions differ? How has the decision differed in your life?
10. Has the impact of the community program impacted you differently than the mainstream system? How so?
11. Has this program impacted your life or person in anyway?
12. Previous to your experience in the restorative resolutions program what was your connection to the community like?
13. Through the restorative resolutions program has your connection to the community changed?
14. Why do you think this program is effective?
15. Do you think the programs can be transferred to different communities?
16. What do you think are the main elements of the program are?
17. If you could add elements to the program what would they be?
18. If I said I was going to create a new community diversion projects what parts of the restorative resolutions project would you say should definitely be used in this new project?
19. What point of the program had the greatest impact on you and why?

Question Sample – Restorative Resolutions – Board Member

1. What is your personal connection to restorative justice and why did you originally get involved?
2. How would you define restorative justice?
3. Why is restorative justice important?
4. What does community mean to you?
5. Does community have a purpose in restorative justice?
6. What experience have had with Restorative Resolutions?
7. What is Restorative Resolutions? How would you define it?
8. What are the main obstacles the program faces?
9. Do you think the program is successful?
10. What do you think separates Restorative Resolutions from all the other programs?
11. What is the role of the victims in this process?
12. What influence do you think they have on the process?
13. If you could add anything to the program what would it be?
14. What key elements should be transferred to a new criminal justice system?

Question Sample – Restorative Resolutions – Director

1. Why was the program initially constructed?
2. Why did you personally get involved with the program?
3. How would you define the program?
4. What does a community mean to you? How would you define community?
5. What is the importance in the use of community within this program?
6. Do you think the program is meeting the reasons it was initially created for?
7. How has the program evolved since its initial construction?
8. How have the relationships between the crown and the court with Restorative Resolutions changed over the years?
9. Would you say this has been positive or negative?
10. What relationship do you have with the courts, crown attorney in selecting those who enter the program, getting them to be accepted for diversion by the crown?
11. It is sometimes difficult to get crowns to be receptive to program how the program has gone about addressing this issue?
12. In general comparing clients who have had the experience to participate in the Restorative Resolutions program and those who have not, what difference would you identify in their post offence progress?
13. What role does the victim play?
14. What about re-victimization?
15. What do think are the successes of the program?
16. If I was looking at creating a community justice program, what key elements/strategies or policies of the Restorative Resolutions program would you say should be transferred?
17. What caseload do your caseworkers hold?

Bibliography

1. "Adult and Youth Correctional Services: Key Indicators". Statistics Canada: The daily. 2009.
2. Anderson, Chris. "Governing Aboriginal Justice in Canada: Constructing Responsible Individuals and Communities through Tradition". Crime, Law and Social Change. V. 31. 1999. pp. 303-326.
3. Andreson, Martin. "Crime Specialization across the Canadian Provinces" Canadian journal of Criminology and Criminal Justice. V. 51. N. 1. 2009 .pp. 31-53
4. Andrews, D.A; Bonta, James; Wormith, Stephen. "The Recent Past and Near Future of Risk and/or Need Assessment". Crime and Delinquency. V. 52. N. 1. 2006. pp 2-27
5. Arrigo, Bruce. "Rethinking Restorative and Community Justice: A Postmodern Inquiry." Contemporary Justice Review. V7. N 1. 2004. Pp. 91-100
6. Astbury, Brad. "Problems of Implementing Offender Programs in the Community" Journal of Offender Rehabilitation V. 46. N 3. 2008. pp. 31-47
7. Bala, Nicholas; Carrington, Peter; and Julian Roberts. "Evaluating the youth criminal Justice Act after Five Years: A Qualified Success" Canadian journal of Criminology and Criminal Justice. V 51. N 2. 2009. pp. 131-167
8. Bales, William and Mears, Daniel P. "Inmate Social ties and the Transition to Society: Does Visitation Reduce Recidivism". Journal of Research in Crime and Delinquency. V. 45. 2008. pp. 287-321.
9. Baron, Stephen. "Street Youth, Unemployment, and Crime: Is it That Simple? Using General Strain Theory to Untangle the Relationship" Canadian Journal of Criminology and Criminal Justice V. 50. N 4. 2008. pp. 399-434
10. Barton, Michael; Jensen, Bonnie; and Joanne Kaufman. "Social Disorganization Theory and the College Campus". Journal of Criminal Justice. V. 38. 2010. pp. 245-254
11. Bazemore, Gordon. "Restorative Justice, Earned Redemption and Communitarian Response to Crime." The Communitarian Network: Position Papers and Case Studies. 1999. pp. 1-76

12. Bazemore, Gordon. "Community Justice and a Vision of Collective efficacy: The Case of Restorative Conferencing." Policies, Processes and Decisions of the Criminal Justice Systems. V 3. 2000. pp. 225-297
13. Bazemore, Gordon. "Restorative justice and earned redemption: communities, victims, and offender reintegration". American behavioural scientist. V. 41. No. 6 1998. pp 768 – 813.
14. Bazemore, Gordon and Mara Schiff. Restorative Community Justice: Repairing Harm and Transforming Communities. Anderson Publishing. 2001
15. "Beyond the Revolving Door: A new response to Chronic Offenders. BC Justice Review Board. 2005. pp. 1-142
16. Blackburn, Ronald. The Psychology of Criminal Conduct: Theory, Research and Practice. John Wiley & Sons Ltd.: New York. 1993
17. Bonta, James; Wallace-Capretta, Suzanne; Rooney, Jennifer; McCanoy, Kevin. "An Outcome Evaluation of a Restorative Justice Alternative to Incarceration" Contemporary Justice Review. V 5. N. 4. 2002. pp. 319-338.
18. Bonta, James; Wallace-Capretta; Rooney, Jennifer. Restorative Justice: An Evaluation of the Restorative Resolutions Project. Solicitor General Canada. 1998.
19. Bonta, James; Andrews, D.A. "Risk-Need-Responsively Model for Offender Assessment and Rehabilitation". Public Safety Canada. 2007
20. Bonta, James; La Prairie, Carol and Suzanne Wallace-Capretta. "Risk Prediction and Reoffending: Aboriginal and Non-Aboriginal Offenders" Canadian Journal of Criminology. 1997. pp. 127-144
21. Bottoms, Anthony. "The Community Dimensions of Community Penalties". The Howard Journal. V. 47. N. 2. 2008. pp. 146-169.
22. Bracken, Denis; Deane, Lawrence and Larry Morrissette. "Desistance and Social Marginalization: The Case of Aboriginal Offenders" Theoretical Criminology V. 13. N 1. pp. 61-78

23. Braga, Anthony; Piehl, Anne; and David Hureau. "Controlling Violent Offenders Released to the Community: An evaluation of the Boston Re-entry Initiative". Journal of Research in Crime and Delinquency. V 48. 2009. pp. 411 – 436
24. Braithwaite, John. "Shame and Criminal Justice" Canadian Journal of Criminology V42. N 3. 2000. pp. 281-298
25. Braithwaite, John. Crime, Shame and Reintegration. Cambridge University press. 1989
26. Browning, Sarah. "Neighbourhood, School, and Individual Effects on Substance Abuse, Violence, and the Drugs/Violence Nexus: A study of Toronto Secondary Students." Dissertation University of Toronto. 2008. pp. 1- 244
27. Bryman, Alan. Social Research Methods 2nd Ed. Oxford University Press. 2004
28. Cameron, Angela. "Sentencing Circles and intimate Violence: A Canadian Feminist Perspective" Canadian Journal of Women and the Law. V.18. N. 2. 2007. pp. 1020-1052
29. Cameron, Angela. "Stopping the Violence: Canadian Feminist Debates on Restorative Justice and Intimate Violence." Theoretical Criminology. V. 10. N. 1. 2006. pp. 49-66
30. Campbell Research Associates. Evaluation of the Aboriginal Legal services of Toronto Community Council Program: Final Report. 2000
31. Casey, Sharon; Day, Andrew; and Kevin Howells. "The Application of the Transtheoretical model to Offender populations: Some Critical issues". Legal and Criminological Psychology. V. 10. 2005. pp. 151-171
32. Charron, Mathieu. "Neighbourhood Characteristics and the Distribution of Police-reported Crime in the City of Toronto". Canadian Centre for Justice Statistics. V. 18. 2009. pp. 1-56
33. Chaskin, Robert and Mark Joseph. "Building Community in Mixed Income Developments: Assumptions, Approaches, and Early Experiences." Urban Affairs Review. V. 45 N. 3. 2010. Pp. 299-335.

34. Clear, Todd and David Karp. The Community Ideal: preventing Crime and Achieving Justice. Crime and Society. 1999.
35. Clear, Todd. "The Effects of High Imprisonment Rates on Communities" Crime and Justice. V. 37 N. 97. 2008. pp. 97-131
36. Clear, Todd. Imprisoning Communities. Oxford University Press. 2007.
37. Cole, Justice David. "The Umpire Straight Back: Canadian Judicial Experience with Risk Assessment Instruments". Canadian Journal of Criminology and Criminal Justice. 2007. pp. 494 -513
38. Cole, David and Gitten, Margret. Report of the Commission on Systemic Racism in the Ontario Criminal Justice System. 1995. pp. 1 -482
39. Coleman, James S. "Social Capital in the Creation of Human Capital" The American Journal of Sociology. V. 94. pp. 95-120.
40. Cooley, Dennis. "Restorative Justice in Canada: Lessons learned" Law Commission of Canada. 2002. pp. 1-34
41. Cormier, Robert. "Restorative Justice: Directions and Principles- Developments in Canada" Centre for Criminal Law Reform and Criminal Justice Policy. 2002. pp. 1-25
42. Crawford, Adam and Clear, Todd R. "Community justice: Transforming communities through restorative justice" Restorative community justice: Repairing harm and transforming communities, ed. Gordon Bazemore and Mara Schiff. 2001. pp 127-149
43. Cunliffe, Emma and Cameron, Angela. "Writing the Circle: Judicially Convened Sentencing Circles and the Textual Organization of Criminal Justice. Canadian Journal of Women and the Law. V. 19.N.1. 2007. pp. 1-36
44. Day, Andrew; Bryan, Janet; Davey, Linda and Sharon Casey. "The Process of Change in Offender Rehabilitation Programmes". Journal of Psychology, Crime and Law. V. 12. N. 5. pp. 473-487
45. De Beus, Kimberly, Rodriguez, Nancy. "Restorative Justice Practice: An Examination of Program Completion and Recidivism". Journal of Criminal Justice. V. 35. 2007. pp 337-347

46. Denning, Rebecca; Homel, Ross. "Predicting Recidivism in Juvenile Offenders on Community-Based Orders: the Impact of Risk Factors and Service Delivery". Journal of and Parole: Current Issues. V 46. N. 3. pp. 189-215
47. Delanty, Gordon. Community. Routledge: London. 2003.
48. Dhami, Mandeep; and Penny Joy. "Challenges to Establishing Volunteer-Run, Community-Based Restorative Justice Program". Contemporary Justice Review. V.10. N. 1. 2006. pp. 9-22
49. Dhami, Mandeep; Mantle, Greg and Fox, Darrel. "Restorative Justice in Prisons". Contemporary Justice Review. V. 12. N. 4. 2009. pp. 433-448
50. Dickson-Gilmore, Jane and Carol La Prairie. Will the Circle Be Unbroken?: Aboriginal Communities, Restorative Justice, and the Challenges of Conflict and Change. University of Toronto press. 2005.
51. Donohue, Erin and Dawn Moore. "When is an offender not an offender" Punishment and Society. V 11. N 3. 2009. pp. 319-336
52. Doob, Anthony; Sprott, Jane. "The Sentencing of Aboriginal and Non-Aboriginal Youth: Understanding Local Variation". Canadian Journal of Criminology and Criminal Justice. 2007. pp.110-123
53. Elam, Paul. Explaining Recidivism: The Impact of program integrity on the success of African American Male offenders`` Dissertation Michigan State University. 2008. pp. 1 - 147
54. Etzioni, Amital. "Creating Good Communities and Good Societies". Contemporary Sociology. V. 29. N. 1. 2000. pp. 188-195
55. "Fair and Effective Sentencing – A Canadian Approach to Sentencing Policy". Department of Justice. 2005. pp. 1-3
56. Toronto Family Group Conferencing Project. Toronto Family Group Conferencing Project: Manual. Toronto, Canada 2003.

57. Fitzgerald, Robin and Peter Carrington. "The Neighbourhood Context of Urban Aboriginal Crime". Canadian Journal of Criminology and Criminal Justice. V 50. N 5. 2008. pp. 523-558
58. Fitzgerald, Robin. "Self Reported Violent Delinquency and the Influence of School, Neighbourhood and Student Characteristics". Canadian Centre for Justice Statistics. 2009. pp. 1-22
59. Fitzgerald, Robin. Parenting, School Contexts and Violent Delinquency. Crime and Justice Research Paper Series. Canadian Centre for Justice Statistics. V. 19. 2010. pp. 1-17
60. France, Alan; and Hamel, Ross. Pathways and Crime Prevention: Theory, Policy and Practice. 2007
61. Gavazzi, Stephen; Yarcheck, Courtney; Sullivan, Jason; Jones, Sheri; Khurana, Atika. "Global Risk Factors and the Prediction of Recidivism Rates in a Sample of First-time Misdemeanant Offenders". International Journal of Offender Therapy and Comparative Criminology. V 52. N. 3 20087. pp. 330-345
62. Gerkin, Patrick M. "Participation in Victim-Offender Mediation: lessons Learned From Observations". Criminal Justice Review. V. 34. N.2. 2009. pp. 226-247
63. Gibson, Chris L; Sullivan, Christopher; Jones, Shayne and Alex R. Piquero. "Does it Take a Village?: Assessing Neighbourhood Influences on Children Self-Control" Journal of Research in Crime and Delinquency. V 47. 2010. pp 31-62
64. Griffiths, Curt; Dandurand, Yvon and Danielle Murdoch. "The Social Reintegration of Offenders and Crime Prevention" National Crime Prevention Centre. 2007. pp. 1-61
65. Haw, Kaye. "Risk Factors and Pathways Into and Out of Crime, Misleading, Misinterpreted or Mythic" From Generative Metaphor to Professional Myth. The Australian and New Zealand Journal of Criminology. V. 39. N. 3. 2006. pp. 339-353
66. Hay, Carter; Fortson, Edward; Hollist, Dusten; Altheimer, Irshad and Lonnie Schaible. "The Impact of Community Disadvantage on the Relationship between Family and Juvenile Crime." Journal of Research in Crime and Delinquency. V. 43. 2006. pp. 326-356.

67. Hayes, Hennessey and Daly, Kathleen. "Youth Justice Conferencing and Reoffending". Justice Quarterly. V. 20. N. 4. 2003. pp. 725-764
68. Hennen, Christopher. "A Study of the Relationship Between Academic Achievement and Recidivism among violent Male Juvenile Offenders in New York State. Dissertation Regent University. 2004.
69. Herman, Susan; and Nasserman, Cressida. "A role For Victims in Offender Re-entry" Journal of Crime and Delinquency. V. 47. N. 3. 2001. pp. 428-445
70. Hindle, Karen; Rosen, Philip. "Restorative Justice-A Complementary Approach to Resolving Criminal Justice Issues". Parliament Research Branch. 2004
71. Holtfreter, Kristy; Reisg, Michael; Morash, Merry. "Poverty, State Capital, and Recidivism Among Women Offenders". Journal of Criminology and Public Policy. V 3. N 2. 2004. pp. 185-208
72. Hou, Feng and Zheng Wu. "Racial Diversity, Minority Concentration, and Trust in Canadian Urban Neighbourhoods". Social Science Research V 38. 2009. pp. 693-716
73. Jacob, Joanna. "Male and Female Youth Crime in Canadian Communities: Assessing the Applicability of Social Disorganization Theory." Canadian Journal of Criminology and Criminal Justice. 2006. pp. 31-60
74. Johansson, Pernilla; Kempf-Leonard, Kimberly. "A Gender Specific Pathway to Serious, Violent, and Chronic Offending? Exploring Howells Risk Factors for Serious Delinquency" Journal of Crime and Delinquency. V. 55. N. 2. 2009. Pp.216-240
75. Johnson, Sara. "Restorative Justice Programs and Services in Criminal Matters: Summary of Consultations." Statistics Canada. 2003.
76. Karp, David. "Birds of a Feather: A Response to the McCold Critique of Community Justice". Contemporary Justice Review. V 7. N. 1. 2004. pp. 59-67
77. Karp, David and Clear, Todd. "Community Justice: A Conceptual Framework". What is Community Justice? Case Studies of Restorative justice and Community Supervision. Thousand Oaks: Sage Publishing. 2000. pp. 323-368

78. Karp, David. Community Justice: An Emerging Field. Rowman and Littlefield Publishers Inc. Oxford, England. 1998
79. Karp, D and Todd Clear. "The Community Justice Frontier: An Introduction". What is Community Justice?. Thousand Oaks, CA: Sage Publications. 2002. pp. ix-xvi
80. Kemshall, Hazel; Marsland, Louise; Boeck, Thilo and Leigh Dunkerton. "Young People, Pathways and Crime: Beyond Risk Factors" The Australian and New Zealand Journal of Criminology. V. 39. N. 3 2006. pp. 354-370
81. Kenny, Scott; Clairment, Don. "Using the Victim Role as both a Sword and Shield: the Interactional Dynamics of Restorative Justice Sessions". Journal of Contemporary Ethnography. V. 38. N. 3. 2009. pp 279-307
82. Kohm, Steven. "Spatial Dimensions of Fear in a High-Crime Community: fear of Crime of Fear of Disorder?" Canadian Journal of criminology and Criminal Justice. V 31. 2009. Pp. 1-30
83. Kubrin, Charis; Stewart, Eric. "Predicting who Reoffends: the Neglect Role of Neighbourhood Context in Recidivism Studies". Journal of Criminology. V 44. 2006. pp. 165- 197.
84. Kuecker, Glen; Mulligan, Martin; and Yaso Nadarajah. "Turning to Community in Times of Crisis: Globally Derived Insights on Local Community Formation". Community Development Journal. V. 45. N. 4. 2010. pp. 1-25
85. Kurlychek, Megan; kempinen, Cynthia. "Beyond Boot Camp: The Impact of Aftercare on Offender Reentry". Journal of Criminology and Public Policy. V 5 2006. Pp 388
86. La Prairie, Carol. "Aboriginal Overrepresentation in the Criminal Justice System: A Tale of Nine Cities". Canadian Journal of Criminology. V. 44. Iss. 2. pp. 181-209
87. Lee, Mathew R; Thomas, Shaun. "Civic Community, Population Change, and Violent Crime in Rule communities". Journal of Research in Crime and Delinquency. V. 47. 2010. pp. 118-147
88. Lemley, Ellen. "Restorative Justice, Community Integration, and Perceived Fairness: An Exploratory Analysis" Dissertation Washington State University. 2004.

89. Leschied, Alan; Chiodo, Debbie; Nowicki, Elizabeth and Susan Rodger. "Childhood predictors of Adult Criminality: A meta-Analysis drawn from the Prospective Longitudinal Literature". Canadian Journal of Criminology and Criminal Justice. 2008. V. 50. pp. 435-467.
90. Liberman, Akiva ed. The Long View of Crime: a Synthesis of Longitudinal Research. National Institute of Justice: Washington, D.C. 2008.
91. Maloney, Lana, and Lloyd, Wayne. "Restorative Resolutions: A Community Based Sentencing Alternative." Department of Justice. 1998
92. Mangan, Christine. "Ethnocultural initiatives Presentations: Building Inclusive Institutions for Public Safety." Corrections Canada. 2009
93. Marlowe, Douglas. "When What Works Never Did: Dodging the Scarlet M. In Correctional Rehabilitation". Journal of Criminology and Public Policy. V 5. 2006. Pp. 339-346
94. Marshall, T. F. "Restorative Justice: An Overview". Home Office Research Development and Statistics Directorate. London, England. 1999
95. Maurutto, Paula; Hannah-Moffat, Kelly. " Understanding Risk in the Context of the Youth Criminal Justice Act". Canadian Journal of Criminology and Criminal Justice. 2007. pp. 465-491
96. Mazerolle, Lorraine; Wickes, Rebecca; McBroom, James. "Community Variations in Violence: The Role of Social Ties and Collective Efficacy in Comparative Context". Journal of Research in Crime and Delinquency. V. 47. 2009. pp. 3-30
97. McCold, Paul. "Paradigm Muddle: The Threat to Restorative Justice Posed by Its Merger with Community Justice". Contemporary Justice Review. V 7. N. 1. 2004. pp. 13-35.
98. McCord, Eric; Ratcliffe, Jerry; Garcia, Marie; Taylor, Ralph. "Non-residential Crime Attractors and Generators Elevate Perceived Neighbourhood Crime and Incivilities". Journal of Research in Crime and Delinquency. V. 44. 2007. pp. 295-320.

99. McGarrel, Edmund; and Kroovand, Natalie. "Family Group Conferencing and Re-Offending Among First-Time Juvenile Offenders: the Indianapolis Experiment". Justice Quarterly. V. 24. N. 2. 2007. pp. 221-246
100. McGovern, Virginia. "Racial and Ethnic Recidivism Risks". The Prison Journal. V. 89. N. 3. 2009. pp. 309-327.
101. Menkel-Meadow, Carrie. "Restorative Justice: What is it and Does it Work?". The Annual Review of Law and Social Science. V 3 2007. Pp. 161-83
102. Minor, Kevin; Wells, James; Angel, earl. "Recidivism among Juvenile Offenders Falling Release from Residential Placements: Multivariate Predictors and Gender Differences ". Journal of Offender Rehabilitation. V. 46. pp. 171-188
103. Morenoff, Jeffrey; Sampson, Robert and Stephen Raudenbush. "Neighbourhood Inequality, Collect Efficacy, and the Spatial Dynamics of Urban Violence". Presented at the Conference on Neighbourhood effects on Low –Income Families. 1999.
104. Murdocca, Carmela. "From Incarceration to Restoration: National Responsibility, Gender and the Reduction of Cultural Difference". Social and Legal Studies. V. 18 N.1. 2009. pp. 23-45
105. Natsuaki, Misaki; Ge, Xiaojia and Ernst Wenk. "Continuity and Changes in the Developmental Trajectories of Criminal Career: Examining the Roles of Timing of First Arrest and High School Graduation". Journal of Youth Adolescence. 2008. V 37. pp. 431-444
106. NSW Attorney General's Department. "NSW Attorney General's Department Evaluation of Circle Sentencing: Report". Cultural and Indigenous Research Centre Australia. 2008. pp. 1-90
107. Nugent, William; Williams, Mona; and Umbriet, Mark. "Participation in Victim-Offender Mediation and the prevalence and Severity of Subsequent Delinquent Behaviour: A Meta-Analysis". Utah Law Review. N. 1. 2003 pp. 137-166
108. Oreopoulos, Philip. "Neighbourhood Effects in Canada: a Critique". Canadian Public Policy V.34. N2. 2008. pp. 237-258

109. Ousey, Graham; Lee, Matthew. "Racial Disparity in Formal and Social Control: An Investigation of Alternative Explanations of Arrest Rate Inequality". Journal of Research in Crime and Delinquency. V 45. 2008. pp. 322-355
110. Payne, Allison Ann. "A multilevel analysis of the relationships among communal school organization, student bonding, and delinquency" Journal of Research in Crime and Delinquency. V 45. 2008. pp. 429-455
111. Petersilia, Joan. When Prisoners Come Home: Parole and Prisoner Reentry. Oxford University Press. 2003
112. Portes, Alejandro. "Social Capital: Its Origins and Applications in Modern Sociology". Annual review of Sociology. V. 24 1998. pp. 1-24
113. Proulx, Craig. Reclaiming Aboriginal Justice, Identity, and Community. Purich Publishing. Toronto, Ontario. 2003
114. Putnam, Robert, "Bowling Alone: America's Declining Social Capital" Journal of Democracy. V. 6. N. 1 1995, pp. 65-78
115. Rachitskiy, Marina; Serin, Ralph; Viki, Tendayi G. "The use of risk factors proposed by development pathways of antisocial behaviour in predicting program dropout." Canadian Journal of Criminology and Criminal Justice. V. 51. 2009. pp. 511-536
116. Rankin, Bruce, and James Quane. "Social Context and Urban Adolescent Outcomes: The Interrelated effects of Neighbourhoods, Families, and Peers on African- American Youth". Social Problems. V. 49. N. 1 2002. pp. 79-100
117. Reisig, Michael et al. "The Effect of Racial Inequality on Black Male Recidivism". Justice Quarterly. V. 24. N. 3. 2007. pp. 408-434
118. Roberts, Julian. "Public Attitudes to Sentencing in Canada: Exploring Recent Findings" Canadian Journal of Criminology and Criminal Justice. V. 9. N. 1, 2007. pp. 75-107
119. Roberts, Julian; Cole, David. Making Sense of Sentencing. University of Toronto Press. 1999.

120. Robinson, Gwen and Joanna Shapland. "Reducing Recidivism: a Task for Restorative Justice?". British Journal of criminology. V. 48. 2008. pp. 337-358.
121. Rodrigues, Nancy. "Restorative Justice at Work: Examining the Impact of Restorative Justice Resolutions and Juvenile Recidivism" Journal of Crime and Delinquency. V. 53. 2007. pp 355-379
122. Rose, Dina R. And Clear, Todd. "Incarceration, Social capital, and crime: Implications for Social Disorganization Theory". Criminology. V. 36. 1998. pp. 441-480
123. Rossem, Ronan. "Revisiting Selection and Influence: An Inquiry into the Friendship Networks of High School Students and Their Association with Delinquency". Canadian Journal of Criminology and Criminal Justice. V 50. N. 5. 2008. pp. 559-589
124. Rossiter, Marian; Rossiter, Katharine. "Diamonds in the Rough: Bridging Gaps in Supports for At-Risk Immigrant and Refugee Youth". Journal of International Migration and Integration. V. 10. 2009. pp. 409-429
125. Rossner, Meredith. "Healing Victims and Offenders and reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory". Sociology Compass. V 6. N 2. 2008. pp. 1734-1749
126. Royal Commission on Aboriginal Peoples. Bridging the Cultural Divide. Ottawa: Minister of Supply and Services. 1996.
127. Rudin, Jonathan. "Chapter 5: Aboriginal Justice and Restorative Justice". New Directions in Restorative Justice: Issues, Practice, Evaluation. 2005. pp.89-114
128. Ryan, Neal et al. "Engaging Indigenous Communities: Towards a Policy Framework for Indigenous Community Justice Programmes". Social Policy and Administration. V. 40. N. 3. 2006. pp. 304-321
129. Sampson, Robert. "Linking the Micro-and Macrolevel Dimension of Community Social Organization". Social Forces. V. 70. N. 1. 1999. pp. 43-64
130. Sampson, Robert. "Local Friendship ties and Community Attachment in Mass Society: A Multilevel Systemic Model". American Sociological Review. V 53. N. 5. 1988. pp. 766-779

131. Sampson, Robert. "Chapter 6: What Community Supplies." Urban Problems and Community Development. 1999. pp. 241-293
132. Sampson, Robert, and Byron Groves. "Community Structuring Crime: Testing Social Disorganization Theory." American Journal of Sociology. V 94. N. 4. 1989. pp. 774-802
133. Sampson, Robert, Morenoff, Jeffrey and Felton Earls. "Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children" American Sociological Review V. 64. 1999. pp. 633-660.
134. Sampson, Robert, Morenoff, Jeffrey and Thomas Gannon-Rowley. "Assessing "Neighbourhood effects": Social Processes and New Directions in Research" Annual Review of Sociology. V 28. 2002. pp. 443-478
135. Shaw, Mae. "Community Development and the Politics of Community". Community Development Journal. V. 43. N. 1. 2008. Pp. 24-36
136. Sheppard, Joanna. "The Imprisonment Puzzle: Understanding How Prison Growth Affects Crime" Journal of Criminology and Public Policy. V 5. 2006. pp 285-298
137. Smith, Paula; Goggin, Claire; Gendreau, Paul. "The Effects of Prison Sentence and Intermediate Sanctions on Recidivism: General Effects and Individual differences" Public Works and Government Services Canada. 2002.
138. Solomon, Amy et al. Life After Lock up: Improving Reentry from Jail to the Community" Bureau of Justice Assistance. 2008. pp. 1-189
139. Souza, Karen, and Mandeep Dhani. "A Study of Volunteers and Community -- Based Restorative Justice Programs" Canadian Journal of Criminology and Criminal Justice. V 50. N 1. 2008. Pp. 31-57
140. Strang, Heather. "Repairing the Harm: Victims and Restorative Justice". Utah Law Review. N 1. 2003. 15-42
141. Takahashi, Yoshiko. "Reentry of Offenders and the Role of Jail in the Context of Community: System-Wide Analysis of Chronic Offenders. Dissertation University of North Carolina. 2008. pp. 1-145

142. Tata, Cyrus et al. "Assisting and Advising the sentencing Decision Process" British Journal of Criminology. V. 48. 2008. pp. 835-855
143. Taylor et al "Plenary Papers of the 1997 Conference on Criminal Justice Research Evaluation" U.S Department of Justice. 1997.
144. Tonry, Michael. "Purpose and Functions of Sentencing" Journal of Crime and Justice. V. 34. 2006. pp. 1-53
145. Umbreit, Mark. "Victim-Offender Mediation in Canada". International Social Work. V. 42. N. 2. 1999. pp. 215-227
146. Umbreit, Mark; Coates, Robert; Vos, Betty. "Restorative Justice Dialogue: A Multi-dimensional. Evidence Based Practice Theory" Contemporary Justice Review. V. 10. 2007. pp. 23-41
147. Van Der Laan, Andre; Bloom, Martine; Kleemans, Edward R. "Exploring Long-Term and Short-Term Risk Factors for Serious Delinquency" European Journal of Criminology. V. 6. 2009. pp. 419-438
148. Wallace, Marnie; Turner, John; Matarazzo, Anthony and Colin Babyak. "Measuring Crime in Canada: Introducing the crime Severity index and Improvements to the Uniform Crime Reporting Survey." Statistic Canada. 2009. pp. 1-45
149. Weinrath, Michael. "Inmate Perspectives on the remand Crisis in Canada". Canadian journal of Criminology and Criminal Justice. V 51. N 3. 2009. pp. 355-379
150. Welsh, Andrew, Ogloff, James. "Progressive Refroms or Maintaining the Status Quo? An Empirical Evaluation of the Judicial Consideration of Aboriginal Status in Sentencing Decisions" Canadian journal of Criminology and Criminal Justice V. 50. N 4. pp. 491 -517
151. Welsh, Brandon; Farrington, David. "Evidence-Based Crime Prevention: Conclusions and Directions for Safer Society" Canadian Journal of Criminology and Criminal Justice. V. 47. N. 2. pp. 337-354
152. Wemmers, Jo-Anne and Cyr, Katie. "Can mediation be therapeutic for crime Victims? An Evaluation of Victims' Experiences in mediation with Young Offenders". International Centre for Comparative Criminology. V. 47. N. 3. 2005. pp. 527-544

153. Williams, Brian. Victims of Crime And Community Justice. Jessica Kingsley Publishers: Philadelphia, PA. 2005
154. Wooldredge, John. "Neighborhood effects on Felony Sentencing" Journal of Research in Crime and delinquency. V 44. N 2. 2007, pp. 238-263
155. Wortley, Scot; and Akwasi Owusu-Bempah. "Unequal Before the Law: Immigrant and Racial Minority Perceptions of the Canadian Criminal Justice System". Journal of International Migration and Integration. V. 10. 2009. pp. 447-473
156. Wright, Bradley, and C. Wesley Younts. "Reconsidering the Relationship Between Race and Crime: Positive and Negative Predictors of Crime among African American Youth" Journal of Research in Crime and Delinquency V 46. N 3. 2009. Pp. 327-352
157. Yessine, Annie; Bonta, James. "Pathways to Serious Offending". Public Safety Canada. 2008. pp. 1-56
158. Yessine, Annie; Bonta, James. "The Offending Trajectories of Youthful Aboriginal Offenders" Canadian Journal of Criminology and Criminal Justice V 51. N. 4. pp. 435-472
159. Yonas, Michael et al. "Perceptions Of Neighbourhood Collective Efficacy Moderate The Impact of Maltreatment on Aggression" Child Maltreatment V. 15 N 1. 2010. pp. 37-47
160. Zambie, Edward and Vernon L. Quinsey. The Criminal Recidivism Process. Cambridge Criminology Series: Cambridge University Press: New York, NY. 1997
161. Zeman, Klarka; Bressan, Angela. "Factors Associated with Youth Delinquency and Victimization in Toronto" Canadian Centre for Justice Statistics. 2006.
162. Zimmerman, Gretchen; Olsen, Cynthia and Michael Bosworth. "A 'Stages of Change' Approach to helping Patients Change Behaviour". American Family Physician Journal. 2000. pp. 1 -11