“I think of Liz Elliott's words: 'You can't get to a good place in a bad way.'”

by

William Craig Norris

B.A., Simon Fraser University, 1995

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Abstract

Restorative justice is a term used to describe an array of practices growing in popularity as alternatives to the formal criminal justice system. Although restorative justice theory and process outcomes have been studied extensively, there has been minimal qualitative analysis in this field towards understanding how and why these practices work. This gap in knowledge led Choi (2008) to describe restorative justice as a “black box”. This research seeks to illuminate the ‘black box’ through a qualitative study of experiences of some of the practitioners who guide restorative justice with ‘serious’ cases. These participants described a great passion for restorative justice and a commitment to reflexive practice. They were willing to critically explore their own experiences, the processes they work within, and the theories and ethics of this evolving field. Emergent themes included: The importance of the impact of crime, experiences illuminating the ‘black box’, the role of mentorship in restorative justice, experiences of witnessing stories, the importance of relationships and communities, questions of standards and standardization, and the misuse of power in restorative justice. A dominant over-arching theme expressed by all participants was a caution that as restorative justice moves towards legitimization it should do so ‘in a good way’ by honouring the values and ethics it was founded upon.
Preface

All procedures of this research were carried out with adherence to the guidelines and ethical grounds for research involving human subjects presented by the University of British Columbia Behavioural Research Ethics Board. Approval was granted under certificate number H12-02918 by the Behavioural Research Ethics Board.
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Glossary

CAP: Community Accountability Program

*Criminal Code: The Criminal Code of Canada*

MSW: Master of Social Work

RCMP: Royal Canadian Mounted Police

RJ: Restorative Justice

PLEA: PLEA Community Services Society of British Columbia (formerly Pacific Legal Education Association.

UBC: University of British Columbia

YCJA: *Youth Criminal Justice Act*

YOA: *Young Offenders Act*
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Dedication

I dedicate this thesis to my daughter Sydney. She is my gift to this world.

There is nothing either good or bad,

but the thinking makes it so.

-W. Shakespeare

Hamlet (Act 2, Scene 2)
Chapter 1: Introduction

This qualitative study will examine experiences of practitioners who facilitate restorative justice processes for Lower Mainland Community Accountability Programs (CAPs). Throughout the restorative justice literature the terms mediator, facilitator and practitioner are used seemingly interchangeably to describe individuals who guide such processes. This thesis will consistently use the term ‘practitioner’ as inclusive of these terms.

CAPs are but one category of restorative justice programs within this province. But they are significant because of their proliferation and their growing networks of referrals from agencies such as municipal police, Crown Counsel, schools, and various community organizations. Because of their positioning as community-based examples of restorative justice, these programs often become a visible symbol of restorative justice. Since 1998, CAPs have been supported by the British Columbia Ministry of Justice through annual funding of up to $2500 per program (Ministry of Justice, 2012). Funding is contingent on certain criteria being met by programs such as: being volunteer-based; complying with the Ministry’s “Framework for Restorative Justice”; proving they have community and criminal justice support (including victims organizations); accepting referrals for only category 3 and 4 offences (minor crimes); and a prohibition from accepting any referrals that involve sexual assault, spousal assault, and hate crimes.

This study is not intended to provide data on a specific CAP or to analyze outcomes of restorative justice. The intent is to explore experiences of these practitioners within the broad context of restorative justice as it is practiced in Lower Mainland CAPs. Recruited participants
may not have worked in the same program or on similar cases. CAPs have been purposely grouped together because of their classification by the government and the proliferation of the victim-offender mediation model of restorative justice within these programs. Although the government does not mandate that CAPs utilize a specific restorative justice modality such as victim-offender mediation, the proliferation of this model across North America and among CAPs allows for a starting point in understanding the process that this study’s participants work within. This process will be described in detail later in this thesis.

1.1 Personal Location

My formal introduction to the theory and practice of restorative justice came in the early 1990’s during a Criminology class at Simon Fraser University that focused on First Nations experiences of crime and the criminal justice system. During that class I sat in a sharing circle and immediately recalled fond memories from early elementary school where I first experienced a circle process. It felt natural to me and I felt connected. I also realized that it had been a long time since I had sat in a circle and wondered why.

Criminology gave me a purpose in a university education that until then had been more focused on playing sports than on academics. Studying crime, deviancy and responses to this social phenomenon created a curiosity in me that I could not recall experiencing previously and led me to find my purpose in academia. This was also a time when I began considering the larger social and systemic factors that can be precursors to crime. Despite being a full-time student, working, and playing varsity football I began to volunteer with PLEA Community Services as a youth mentor. The young men I worked with were deemed ‘at risk’ and had been referred to PLEA by
probation officers after being sentenced for criminal activity. That experience began my journey towards understanding the larger context of crime such as poverty and inter-generational trauma, but it also gave me a glimpse of the resiliency of these youth. It was at that time that I began to recognize the inadequacies of the Canadian Criminal Justice System, but my curiosity and desire to work with those who commit crime and their victims was leading me towards that same system.

While completing a Criminology practicum with probation officers in the Ministry of the Attorney General’s youth gang program, I applied to take the Justice Institute’s Probation Officer training. I was accepted and, immediately after completing my undergraduate degree, I began my formal training in community corrections. I decided to apply for postings outside of the Lower Mainland and for the first time in my life moved out of an urban environment. My new home was Terrace, British Columbia and it was there that I cut my teeth on the criminal justice system. During my time in the Northwest I was mentored and educated by my coworkers and clients. This was also my first experience with Unlocking Aboriginal Justice Programs that utilize restorative justice for First Nations people.

The geography I covered for work was enormous; I traveled from Haida Gwaii to Burns Lake and as far north as the Yukon border. Despite the size of this territory, the reward of arriving in a small welcoming community always made a treacherous drive worthwhile. The Northern Court Circuit brought ‘justice’ to the far reaches of this province and a young, inexperienced but passionate, probation officer. I cannot help but grimace when I look back at some of the mistakes I made during those experiences, but I will always remember my attempts to incorporate values and ethics that I have come to associate with restorative justice.
Although I left employment in the criminal justice system years ago I could not lose my curiosity or desire to be involved in some capacity. After returning to the Lower Mainland I decided to resume my volunteer role with PLEA and have had the pleasure of mentoring some incredible young men. I also began volunteering in the restorative justice field which allowed me to sharpen some rusty skills that had long needed attention. I recently joined the Board of Directors of the Vancouver Association for Restorative Justice and have been working towards the promotion of restorative justice in a city that I believe desperately needs such a service.

As I near the completion of this MSW degree I contemplate what the future holds and how restorative justice may fit into this future. The only thing that I can be certain of is that the values that have been important to me for all of my adult life will guide my way. I believe in justice and accountability and demand it of myself and others. I also believe that there can be a place for restoration even after the most heinous crimes have been committed. But I am also a realist and recognize that I live in an individualist society that creates barriers to these values. My hope is that I can make enough of a difference in my lifetime that my daughter can remember that I stood up for something that mattered. I hope she believes that I played a part in making this world more just. It is my belief that I can move towards this through my work in restorative justice.
Chapter 2: Literature Review

The following literature review will begin with a brief examination of the formal criminal justice system in order to provide the reader with a context to which restorative justice can be compared. The legislative and political precursors to the use of restorative justice in Canada will be explored, followed by an examination of how restorative justice itself is conceptualized within the literature. This will be followed by a review of social work’s contribution to restorative justice and an exploration of the limited literature focusing on restorative justice practitioners. To conclude this literature review three studies specific to restorative justice in British Columbia will be reviewed.

2.1 A Brief Description of the Criminal Justice System

If restorative justice is to be seen as an alternative to the criminal justice system it is important to provide a brief description of the dominant system it contrasts. Some advocates present a binary or mutually exclusive view when comparing restorative justice to the formal criminal justice system (Choi, 2008; Zehr, 2002). Other theorists argue a more fluid relationship exists where elements of restoration and retribution exist in both systems (Acorn, 2004; Daly, 2002). Zehr (2002) describes how the dominant view of Western criminal justice emphasizes retribution through the punishment and stigmatization of offenders. Gumz and Grant (2009) critique this adversarial system for focusing attention on offenders and offering little opportunity for victim involvement. Van Wormer (2009) describes retributive and adversarial justice as especially disempowering to female victims because they can be re-victimized by a legal system that denies a safe space for their voices, experiences, and input in proceedings. The mainstream Eurocentric justice system defines crime as a transgression against the state, and uses punishment imposed by
an ‘objective’ professional jurist to deter future criminal activity by that perpetrator and other members of society (van Wormer, 2006). Elliott (2011) describes how in the criminal justice system a crime is referred to as Regina (or Rex) v. (offender’s last name) to symbolize that an offender is engaged in an adversarial battle with a representative of the Queen (government). The burden of the Crown is to prove criminal culpability through evidence that an offender transgressed a law codified by that government. This criminal justice system views crime as a violation of the social contract between individuals and the government that passed that law.

2.2 Precursors to the use of Restorative Justice in Canada

Several legislative changes have been credited with the growth of restorative justice in Canada. Most of these can be traced to initiatives seeking to reduce the over-representation of First Nations peoples within the criminal justice system. For example, in 1992 the Law Reform Commission of Canada recommended an alternative response for First Nations people within the criminal justice system through circle sentencing (Belknap & McDonald, 2010). Circle sentencing is one of several models of restorative justice which will be explained in more detail later in this thesis. In 1996 the federal government introduced new sentencing guidelines for judges through Bill C-41. This legislation mandated jurists to consider the “legacies of colonialism” including “poverty, substance abuse, family breakdown, and the impact of residential schools…and take into account all possible alternatives to incarceration” (Balfour, 2008, p. 101).

Bill C-41 also clarified section 717 (Alternative Measures) of the Criminal Code of Canada and added two sentencing principles to section 718 that have been instrumental in promoting the use
of restorative justice. These new principles mandated jurists to consider sentences facilitating reparations for harms and the promotion of a sense of responsibility in offenders (Belknap & McDonald, 2010). Both of these principles are consistently emphasized in restorative justice theory (Zehr, 2002). This legislation also added section 742.1 which allowed jurists to use conditional sentences, which can include restorative conditions, as alternatives to incarceration.

In 1999 the Supreme Court of Canada codified in case-law through R. v. Gladue the requirement for judges to consider First Nations identity as a mitigating factor in sentencing (Belknap & McDonald, 2010). This case has been praised by some First Nations scholars as a pivotal point in Canadian jurisprudence because it mandated judges to consider and acknowledge systemic factors attributed to the over-representation of First Nations people in the justice system (Turpel-LaFond, 1999). After the Gladue case, some judges recognized that restorative justice could be a viable process for First Nations offenders, either as an alternative to incarceration or as a parallel or sequential process to reduce the length of custodial dispositions (Belknap & McDonald, 2010).

Belfour (2008) provides a feminist critique of the Gladue case and asserts that this woman’s lived experience was ‘disappeared’ in this decision. This author notes that Jamie Gladue was convicted in a lower court for the manslaughter of her common-law husband who had repeatedly abused her, including an incident while she was pregnant. She resisted and killed this man, for which she was sentenced by that court to 3 years of incarceration (Belknap & McDonald, 2010). That judge did not consider her First Nations identity in sentencing because she lived off reserve. She appealed that decision to the British Columbia Court of Appeals where she received a conditional sentence. It was Crown Counsel that appealed the case to the Supreme Court of
Canada to challenge this conditional sentence. Balfour critiques that although the Supreme Court of Canada ruling mandated all judges to consider a wide range of social factors during the sentencing of First Nations offenders, they failed to recognize domestic violence as one of these. Jamie Gladue did not participate in a restorative justice alternative. The conditional sentence she had received on appeal from the British Columbia Court of Appeals was overturned by the Supreme Court of Canada. Because Gladue had already served her sentence this decision did not result in further incarceration. It should be noted that the Supreme Court of Canada case often used to promote and justify restorative justice was actually lost by Jamie Gladue.

Recent changes in youth criminal justice legislation also expanded opportunities for the growth of restorative justice in Canada. Hogeveen (2005) notes the *Youth Criminal Justice Act* (YCJA) replaced the *Young Offenders Act* (YOA) in 2003, and emphasizes community-based justice alternatives including restorative justice. For example, section 42 of the YCJA limits the use of custodial dispositions to only the most serious offences and youth with high recidivism rates. The corresponding emphasis on alternatives to incarceration for the majority of offenders under the YCJA has increased the use of restorative justice. The term ‘conferences’ is also used in several places in the YCJA and has been interpreted to include restorative justice processes.

Deukmedjian (2008) states that in 1999 Prime Minister Jean Chrétien used his Throne Speech to inform Canadians that the Federal Government was committed to the development of restorative justice programs to help victims heal and to provide ‘non-violent’ offenders with an opportunity to repair the harm resulting from their actions. This speech signalled the beginning of a short-lived Federal Government funding infusion into restorative justice in Canada.
When reviewing the implementation and growth of restorative justice in Canada it is important to consider the role of Canada’s national police force, the Royal Canadian Mounted Police (RCMP). In 1992 a national policy report completed for RCMP executives recommended that Canada’s national police force become directly involved in both the development and promotion of community mediation programs (Gates, 1992 in Deukmedjian, 2008). In that same year, two RCMP members in Sparwood, British Columbia implemented the Australian ‘Wagga Wagga’ model of restorative justice without either the knowledge or consent of RCMP upper level management (Deukmedjian). The ‘Wagga Wagga’ model will be described in more detail at a later point in this thesis. The Sparwood Youth Assistance Program was initially evaluated as being highly successful in reducing recidivism, resulting in support for the implementation of similar programs nationally. In Canada these programs became known as community justice forums.

Deukmedjian (2008) notes that the RCMP executive promoted the forum model as a means for officers to better engage with communities in a process consistent with their national community policing strategy. The RCMP and the Federal Department of Justice entered into a cost-sharing agreement in 1997 totalling close to $7.5 million to implement the forum model nationally. But there was significant reluctance within the RCMP culture to embrace restorative justice as an alternative to the formal criminal justice system. This, combined with a changing national political climate towards public safety and a new policing model focusing on inter-agency cooperation and intelligence gathering, led to the termination of national funding for community justice forums in 2002. Despite the termination of national-level financial support the forum
model is still practiced across Canada and some RCMP members maintain involvement in restorative justice programs.

2.3 A Description of Restorative Justice

Gavrielides (2008) notes a lack of consensus within the historical restorative justice literature with regards to what restorative justice actually means. He asserts it has only been recently that “the RJ literature and practice have advanced enough to create a general sense of at least what the RJ concept stands for” (p. 169). Restorative justice has been described broadly as “a concept, a theory, or a social movement” (Cohen, 2001, p. 209). It has also been described as an alternative to the dominant justice paradigm in that it recognizes and emphasizes the interpersonal aspects of crime and proposes a relational and interactive process to address it (Zehr, 2002; Choi, Green & Kapp, 2010a). Restorative justice has also been described as a community-based response to crime (Abramson, 2005). Pranis (1998) argues that the natural resources and supports found in communities are more capable of responding to crime than the formal resources and mechanisms available to the criminal justice system.

Restorative justice views crime as a violation of a social contract between people rather than a transgression against the ubiquitous ‘State’ or ‘Crown’ (Acorn, 2004; Elliott, 2011). As such, restorative justice views crime as ‘harms’ that create obligations for offenders to address with the people and relationships they impacted (Zehr, 2002). The role of practitioners is to guide these individuals in an inter-personal process towards restoration (van Wormer, 2009; Zehr, 2002). This is often accomplished through a process that allows voluntary victims, offenders and community members to find collaborative, non-punitive solutions to repair these harms in
communities (Belknap & McDonald, 2010). But there are criticisms of ‘voluntariness’ in restorative justice and some argument that the process can be coercive. For example, Acorn (2004) argues that restorative justice places obligations on victims towards ‘compulsory compassion’ and the forgiveness of offenders.

Van Wormer (2009) describes restorative justice as being a movement both within and without the formal criminal justice system that is ‘victim-centered’ and therefore especially relevant to marginalized populations. Restorative justice has been proposed as a viable option for even serious power-based crimes such as sexual violence (Koss, Bachar, & Hopkins, 2003; McGlynn, Westmarland, & Godden, 2012), domestic violence (Cheon & Regehr, 2006; van Wormer, 2009), and hate crimes (Coates, Umbreit, & Vos, 2006). Restorative justice is described as ‘victim-centered’ when the focus of the process is on the needs of the victim in contrast to the criminal justice system where the focus of proceedings is predominantly directed at the offender (van Wormer, 2009).

Restorative justice practices usually necessitate actual dialogue between victims and offenders within their community and offenders are expected to voluntarily take accountability for their actions (Acorn, 2004; Beck, Kropf, & Leonard, 2011; Belknap & McDonald, 2010; Umbreit, 1999). Restorative justice practices such as victim-offender mediation have become recognized, through evidence-based research of outcome satisfaction, as meeting the needs of victims as well as offenders (Bazemore & Umbreit, 1999; Umbreit et al., 2005; in Choi, Green & Gilbert, 2011; Umbreit, 1999).
Some scholars have indicated linkages between some models of restorative justice and indigenous traditions (Elliott, 2011; Morrison & Vaandering, 2012). There have also been criticisms of such correlations between modern restorative justice and indigenous culture and indigenous forms of justice (Daly, 2000, 2002; Hogeveen, 2005; Takagi & Shank, 2004). Hogeveen (2005) asserts that restorative justice in Western culture is often “overly simplistic, naïve, paradoxical and a parody of Aboriginal cultures” (p. 289). Daly (2002) describes one modern form of restorative justice as “fragmented justice” that problematically splices Eurocentric bureaucracy with informal justice practices. Daly asserts that “to say that conferencing is an indigenous justice practice (or ‘has roots in indigenous justice’) is to re-engage a white-centred view of the world” (Author’s emphasis, p.64).

Restorative justice is not limited to use as an alternative to the criminal justice system. For example, some literature has focused on the use of restorative justice in schools to build communities in classrooms and to address issues such as bullying (Morrison, 2002, 2003; Morrison, Blood, & Thorsborne, 2005). Morrison and Vaandering (2012) assert that restorative justice can be used to create school communities where social engagement is emphasized over social control. Morrison and Ahmed (2006) attempted to link the concepts of restorative justice and civil societies. In this article the authors postulated that restorative justice could use the power of relationships to strengthen the accountability and supportive mechanisms within a civil society.

Given these broad terms of reference restorative justice has become an umbrella term under which a wide variety of practices are clustered (Daly, 2000; Sharpe, 2004). Models considered restorative justice include: victim-offender mediation, circle sentencing, peace or healing circles,
transitional justice, family-group conferencing, community reparation boards, and truth and reconciliation commissions (Bazemore & Umbreit, 1999; Choi, 2008; Gavrielides, 2008; Umbreit, 1999; van Wormer, 2006; Zehr, 2002). Within North America, four models of restorative justice predominate: Victim-offender mediation programs (VOMP), family group conferencing, healing or sentencing circles, and community reparation boards (Choi & Gilbert, 2010; van Wormer, 2006).

The variation that exists even within these four models makes encompassing definitions impossible. Bazemore and Umbreit (1999) provide a description and evaluation of all four of these models as part of the Balanced and Restorative Justice Project that at least offers a framework to understand these categories of practice. They describe family group conferencing as a restorative justice model with roots from traditions of the Māori people of New Zealand. But there has been criticism that the family group conferencing model was imposed in a top-down fashion by the New Zealand government and was not actually based in indigenous practices (Daly, 2000, 2002). Bazemore and Umbreit describe family group conferencing as bringing together the community of people who were affected by a given crime. A restorative justice practitioner facilitates a discussion towards how that harm might be repaired.

The Australian ‘Wagga Wagga’ model modified New Zealand’s family group conferencing by utilizing police officers (usually in uniform), or school officials, rather than youth justice workers employed by the social services sector, as practitioners (Umbreit & Zehr, 1996). As stated earlier, the ‘Wagga Wagga’ model became known as the community justice forum in Canada and can be characterized by its “highly structured framework” (Deukmedjian, 2008, p. 126). In fact the mantra of ‘KTSS’ or ‘keep to the script stupid’ has been taught by contracted
Australian instructors where “one is encouraged not to worry about whether the process should be adapted to different cultural needs and preferences in a community” (Umbreit & Zehr, 1996, p. 28).

Bazemore and Umbreit (1999) describe circle sentencing as a multi-step community-directed process conducted through partnerships with the criminal justice system. Often a judge sits in a circle with other criminal justice professionals, the offender(s), the victim(s), and community members. The goal of circle sentencing is for the community to find consensus and advise a judge on an appropriate sentence for the offender. There are also a variety of other circle processes such as healing, talking, sharing, and peacemaking included under the umbrella of restorative justice (Abramson, 2005; Morrison & Vaandering, 2012; Pranis, 2005). Morrison and Vaandering (2012) assert that circle processes are grounded in North American indigenous practices and that these processes involve creating safe spaces for sharing and consensus decision making.

Community reparation boards are described by Bazemore and Umbreit (1999) as a quasi-judicial process, where highly trained community members conduct face-to-face meetings with offenders after they have been sentenced to participate by a judge. The community reparation board works collaboratively with an offender to develop sanctions or reparations to be completed within a specific time period. After these conditions have been met, the community reparation board submits a report back to the judge documenting the offender’s fulfillment of these sanctions. This model is also clearly distinguishable by the lack of victim involvement in the design.
Bazemore and Umbreit (1999) describe how victim-offender mediation is sometimes also referred to as victim-offender reconciliation, dialogues, conferencing, and meetings. The term mediation is sometimes avoided due to recognition it can incorrectly imply that victims and offenders are disputants in the process and of comparable status (Umbreit, 1999). Current victim-offender mediation programs around the world owe their foundations to a 1974 experiment by two Canadian probation officers in Elmira, Ontario (Bazemore & Umbreit, 1999; Umbreit, 1999; Zehr, 2008). Victim-offender mediation models evolved after the Elmira experiment through Canadian Mennonite community-based peacemaking initiatives (Morrison & Vaandering, 2012).

Victim-offender mediation programs allow victims an opportunity to meet their offenders in a safe setting, with practitioners facilitating a structured process of dialogue (Bazemore & Umbreit, 1999). The intent of this process is to provide victims with an opportunity to describe the impact of a crime to an offender and to ask lingering questions. Although the focus of victim-offender mediation is not necessarily to reach a settlement between parties, there is often a restitution agreement signed to signify the end of this process (Bazemore & Umbreit). As stated earlier, most CAPs utilize a model of restorative justice primarily based on the victim-offender mediation modality, although there can be hybridization to include elements of other models. Such modification can include the inclusion of a larger community in proceedings and the pronounced use of a circle process.

The bulk of Canadian restorative justice programs fall under the category of victim-offender mediation and offer pre-charge diversion from the criminal justice system (Gumz & Grant, 2009). The majority of these programs are used in cases involving minor property crimes and
with young offenders (Cheon & Regeh, 2006). Cases involving minor crimes and young offenders are sometimes referred to as ‘typical’ cases in the restorative justice literature (Choi, Green & Kapp, 2010a; Choi & Gilbert, 2010). This relegation of restorative justice to minor criminal activity shows how this alternative process is marginalized to offences and offenders often deemed less serious and less damaging to society (Woolford & Ratner, 2003).

Most offenders committing more serious violent or sexual offences cannot be considered for participation in community restorative justice programs such as CAPs. This is despite the fact that there is a significant interpersonal component to these crimes that restorative justice is designed to address (Choi, 2008). Cases that involve serious crimes are sometimes referred to community-based restorative justice programs. Such crimes have been described as ‘critical’ or ‘serious’ cases in the literature (Choi, Green & Kapp, 2010a; Choi & Gilbert, 2010).

2.4 Justification for Social Work Research in Restorative Justice

Gumz and Grant (2009) conducted a systematic review of social work literature on restorative justice and found that social workers have not been significantly involved in the research, scholarly writing, administration, or direct practice of restorative justice. Van Wormer (2006) searched the existing Social Work Abstracts ranging from 1977 to 2004 using the term ‘restorative justice’ and found only five articles. She contrasted this with the 258 articles found from the same key word search of Criminal Justice Abstracts and 119 articles from Sociology Abstracts. I conducted a similar search on October 11, 2012 and found the number of articles from Social Work Abstracts to have risen to 25, while a search within the Sociology Abstracts yielded 553 results.
This literature review also found that social work academics who do address restorative justice (for example: Elliott, Umbreit, and Choi) often publish in criminal justice journals rather than social work ones. Of those articles and research projects undertaken by social workers, a consistent theme is the need for further qualitative analysis, theory development, and process evaluation through a social work lens (Choi, 2008; Choi, Green & Kapp, 2010a; Choi, Green & Kapp, 2010b; Choi & Gilbert, 2010; Choi, Gumz & Grant, 2009; van Wormer, 2006). Van Wormer (2006) asserts that restorative justice should also have a significant place in the curricula of social work universities. She believes this is necessary to promote future social work participation in this emergent field.

Choi, Green and Kapp (2010a) argue that while there has been considerable quantitative research studying restorative justice, qualitative research is lacking. This choice of quantitative methodology by most restorative justice researchers seems paradoxical, given the relational and interpersonal nature of restorative justice practices. Most restorative justice research has focused on efficacy and outcomes rather than on the process itself (Bradshaw, Rosenborough, & Umbreit, 2006; Nugent, Williams, & Umbreit, 2003; Umbreit, 1999, 2001, 2003; Umbreit, Coates, & Vos, 2001, 2004, 2007). Choi (2008) even described restorative justice as a “black box” because of the lack of knowledge related to its process.

Restorative justice is dominated within British Columbia and Canada by Criminologist scholars and practitioners. Arguably these are the wrong pioneers of such research, programs and policies. Criminology is founded in theory and practice from an oppressive and adversarial system which necessarily views restorative justice as a radical alternative to be relegated to the fringes of that dominant system (Woolford & Ratner, 2003). Criminology foundations may also
limit the growth of restorative justice into non-criminal justice settings such as schools, civil disputes, and in building community capacity. Social work offers a skillset and ethical mandate that fits well with restorative justice theory and practice (Gumz & Grant, 2009; van Wormer, 2006). If a paradigm shift in the justice field towards a restorative approach is to occur, social work should be at the forefront.

Social work has roots in both egalitarianism and humanitarianism and the eradication of both oppression and exploitation at all levels of society (Heinonen & Spearman, 2010). Social work is also grounded by various professional codes of ethics that have commonalities in emphasizing social justice as well as the dignity and worth of all people (Beck, Kropf, & Leonard, 2011). Restorative justice offers an opportunity for social work to reclaim some of its roots to the justice system that have eroded over time (Beck, Kropf, & Leonard). Social work as a profession “has the aptitude, infrastructure, and capacity to serve as a bridge between the presently held traditions of justice and an evolving, more holistic and participatory model of restorative justice” (Gumz & Grant, 2009, p. 125). A social work analysis of restorative justice as it evolves will help ensure that it does not become simply a tool of the oppressive structure that is the current retributive criminal justice system.

2.5 The Importance of Practitioners in Restorative Justice

Given the interpersonal nature of restorative justice, it follows that there is a need to learn, through qualitative analysis, from experiences of all participants. This should be inclusive of experiences of restorative justice practitioners. Further, experiences of practitioners dealing with ‘serious’ cases should be explored because of the potential for re-victimization that exists, and
the likelihood that such practitioners are among the most experienced in the field (Choi & Gilbert, 2010). Practitioners, as the guides of these processes, have an insider view of restorative justice that should be heard.

My review of the social work literature on restorative justice revealed a series of articles resulting from one qualitative study. This research examined the perspectives of offenders, victims, referring agency representatives, and restorative justice practitioners with regard to their experiences in four separate cases of victim-offender mediation in a mid-sized Midwestern United States city (Choi, 2008; Choi, Bazemore & Gilbert, 2012; Choi, Green & Kapp, 2010a, 2010b; Choi, Green & Gilbert, 2011; Choi & Gilbert, 2010; Choi, Gumz & Grant, 2009; Choi & Severson, 2009a). These researchers observed two ‘typical’ and two ‘serious’ restorative justice conferences using a naturalist case study approach and conducted 34 face-to-face qualitative interviews with 37 individuals.

The end result was a dissertation and several scholarly articles detailing the qualitative experiences of various groupings of participants as well as observations of the process. Several separate publications analyzed this data from different perspectives and made recommendations to practitioners, the restorative justice field, and the profession of social work (Choi, 2008; Choi, Green, & Kapp, 2010a; Choi, Green, & Kapp, 2010b; Choi & Gilbert, 2010).

Choi and Gilbert (2010) assert there have been very few empirically based studies that have focused “on the roles and skills of mediators [practitioners] in negotiating restorative justice” (p. 209). This knowledge gap exists despite recognition that the process of victim-offender
mediation (VOM) is reliant on practitioners to facilitate a safe and structured encounter between participants (Bazemore & Umbreit, 1999).

Choi and Gilbert (2010) report that American restorative justice programs are predominantly operated by private agencies and implemented in practice by volunteer practitioners. These authors propose that the success of restorative justice programs is dependent on these volunteers who are expected to be both fair and impartial (United Nations Office for Drugs and Crime, 2006 in Choi & Gilbert, 2010). One of the participants in their study described practitioners as “Joe every day, people off the street” (Authors’ emphasis, p. 217). The point being made is that restorative justice practitioners are implementing a complex process with varying backgrounds and education levels and view themselves simply as members of the community. Another participant in their study noted that as a volunteer workforce there are not enough opportunities to work on a critical number of cases to maintain an acceptable practice skill set.

People who don’t do it often, or don’t do it with people…often, it doesn’t work that well. And, I know it doesn’t work well with me, because I don’t mediate often or I don’t have enough experience…I just don’t know that co-mediating this way would ever be perfect…I think there’s got to be a way that we can talk about or come to some kind of understanding on how to do it better (p. 222).

Choi and Gilbert (2010) reported that restorative justice practitioners in their study revealed difficulties related to being matched with co-practitioners with whom they had little prior experience. The study’s lead investigator also “observed several moments during the VOM…when the mediators did not know what to do; nor did they know the intentions of the
other mediators” (p. 222). Likewise, interviews with victims and offenders indicated a view of practitioners as sometimes being unprepared and unprofessional (Choi & Severson, 2009a). Victims and offenders also reported feeling rushed and unable to finish discussing their experiences (Choi & Gilbert, 2010; Choi & Severson, 2009a). Practitioners voiced a parallel concern of not being allotted sufficient time to devote to the process to allow clients to tell their stories (Choi & Gilbert, 2010).

Choi and Gilbert (2010) reviewed the literature and found several themes highlighting the central aspects of a practitioner’s role in the restorative justice process. These include:

1. Exercise nondirective and unobtrusive style by neither pressuring nor pushing;
2. allow sufficient time for the process;
3. play a ‘background’ role by being empathetic, respectful, patient, calm and understanding and showing good listening skills as well as treating participants fairly;
4. prepare the meeting in advance by providing in-person preparation;
5. provide follow-up contacts with offenders to ensure that they comply with agreements and victims to ensure their needs are met; and perhaps most importantly,
6. be fully committed to restorative justice philosophy and principles (p. 211).

Choi and Gilbert (2010) found that some of the skills and roles of practitioners in their study were inconsistent with the values of restorative justice. Their study points to a perceived gap between theory and practice in this developing field and a need for further exploration of the experiences of practitioners towards understanding these inconsistencies.
There are limitations to this study and the multiple publications it produced. It is an American study that focused on only four cases from one specific restorative justice program. Study findings should not be generalized to a Canadian context or even other programs. Because this study examined the process of four specific cases, the findings relate specifically to these and should not be generalized to other cases.

2.6 British Columbia Context

The Restorative Justice in British Columbia website (www.rjbc.ca) provides an example of a program evaluation of a Lower Mainland CAP. This study was completed by a Criminologist and a co-author whose educational background is unidentified. These researchers completed 22 telephone interviews lasting between 5 and 45 minutes during which participants who had been involved in a CAP process were asked 10 quantitative close-ended scaling questions (Roberts & Couch, n.d). The subjects were asked to self-identify their role in the process because the agency’s record-keeping was deemed inadequate to do so by the researchers. Of the 22 subjects who consented to an interview 2 were victims, 6 were offenders, 8 were support people, 2 believed they fit more than one category, and 4 felt they did not fit any of the provided categories. The ambiguity posed by the 6 participants who felt they fit into more than one category or into none was not resolved.

A review of the research questions in this study indicates they could be answered quickly and easily converted to tabular data. Interestingly, the researchers initially designed the study to have only these 10 quantitative questions but after the first interview “felt participants needed an opportunity to express thoughts in a qualitative, open-ended fashion” (Roberts & Couch, n.d., p.
A single qualitative question was added at the end of the telephone interview asking “do you have any further comments you would like to make?” (p. 15). Interestingly, the bulk of the meaningful data in this study seems to have come from responses to this single qualitative question.

The researchers did not discuss the methodology used to analyze this qualitative data, and direct quotes from participants were not included in their final report. Some of the paraphrased themes indicate participants felt that overall the restorative justice process “was handled well, honestly and straightforward” (Roberts & Couch, n.d., p. 15). But there were criticisms from some participants that the process did not address the “root of the problem” (p. 15), amounted to only a “slap on the wrist” (p. 16), and was not executed in a timely manner. Participants felt that they were not prepared enough to participate, that restorative justice practitioners should have asked more “why?” questions, and that there was insufficient practitioner follow-up after the restorative justice process concluded (p. 16).

All of these criticisms relate to the roles, skills, and competencies of restorative justice practitioners. But this study did not include practitioners within their research pool. Initially the choice may seem understandable, because practitioners are seen as part of the restorative justice system rather than as participants of the process. But this decision ignores the fact that, within a restorative justice paradigm, volunteer practitioners are part of a community response to crime (Braithwaite, 1989). Practitioners impact every case they participate in and are themselves impacted by these cases. To understand the process of restorative justice it should be analyzed in a manner that incorporates the experiences of the practitioners who guide it.
Roberts and Couch (n.d.) also attempted to incorporate a recidivism analysis as part of their study which reflects their roots in traditional Criminology analysis of program success. Although these authors acknowledged that recidivism rates are not the ‘central’ measurement of success in restorative justice, they nonetheless attempted to gather data on police contacts as a measurement of both recidivism and the efficacy of this restorative justice program. The authors were unable to acquire the desired data due to privacy concerns, but their intent to quantitatively represent these statistics highlights the need for a more critical analysis of restorative justice than Criminologists alone can provide.

It is not uncommon for studies to use recidivism rates as a measure of success for restorative justice (Nugent, Williams, & Umbreit, 2003; Umbreit, 2001; Umbreit, Coates, & Vos, 2007). Recidivism rates can be measured at different points within the criminal justice process: at the point of police contact, when Crown Counsel lays charges, and at the point of a guilty finding in court. Although these numbers may create easily tabulated data and statistical comparisons, they are founded in positivist theory that crime rates are knowable and quantifiable.

There are examples in the literature when such measurements have been invalidated due to self-selection bias (Deukmedjian, 2008). Daly (2000) asserts that recidivism rates are too narrow a gauge with which to measure the effectiveness of restorative justice. In my opinion, the desired definition of recidivism used by Roberts and Couch (n.d.), having contact with the police, is not a measurement of crime; it is a measurement of contact with the police. Such contact is influenced by socio-economic contexts such as where one lives and where police resources are invested, as well as the motivations and discretionary powers of individual officers. Police contact can also be due to non-offending factors such as witnessing crime or being the victim of
crime. Further, the amount of crime in an individualist society is unknown because not all crimes are even reported to the police. A profound example of this comes from the 1984 report of the Committee on Sexual Offences against Children and Youths (Canada) that asserted self-reporting rates of sexual violence and sexual coercion are significantly higher than the numbers actually reported to the police. Another issue with utilizing recidivism as a measurement of success is its emphasis on counting numbers of crimes rather than investigating the context of these offenses. For example, administrative crimes such as breaches of probation for ‘delinquency’ can be equated with other criminal acts such as a theft or assault. This also ignores that a person placed on probation is continually monitored by a peace officer to ensure compliance with a community disposition, whereas other citizens would only be investigated if a crime came to the attention of the police. In other words, a person engaged with the formal criminal justice system should be expected to have an increased likelihood of re-offending compared with other citizens.

Umbreit (1999) conducted an outcome-based mixed methods analysis of four Canadian restorative justice programs including a victim-offender mediation program in Langley, British Columbia. This study used a large number of interviews with victims, offenders, criminal justice officials, and program staff as well as observations of 24 conferences. This research also produced easily tabulated data about the outcomes of victim-offender mediation. No quotes from participants were included and the observations of the process of restorative justice were not articulated in the findings. This research did not provide insight into the actual process of restorative justice, or why interviewees responded as they did.
Souza and Dhami (2008) conducted a study in which 76 volunteers from 12 different British Columbia restorative justice programs responded to mail surveys. This study placed restorative justice programs into three categories: community conferencing, circles, and victim-offender programs. Results indicated that over 80% of respondents volunteered in community conferencing programs. Conferencing is an ambiguous category because of the manner it is used in the YCJA, and because in restorative justice it can refer to both family group conferencing and victim-offender conferencing.

The mail-out survey included only closed-ended multiple choice and scaling questions. As in other restorative justice studies, this research was seemingly designed to produce simple categorical results that could be easily tabulated and represented. This research produced a demographic profile that restorative justice volunteers in British Columbia are mainly Caucasian women in their early 50’s (classified as ‘older’ women) with some university education, who were motivated to volunteer because of restorative justice values.

This research is limited to producing a profile of the practitioners from the 12 programs who replied to their mail-out survey. It should be noted that in the Lower Mainland alone there are over 12 CAPs and several other restorative justice programs. Given that the majority of respondents identified themselves as working in a ‘conferencing’ model it is curious that results were generalized to create a provincial profile. By limiting their exploration to closed-ended, multiple choice, and scaling questions, the researchers also failed to provide practitioners with an opportunity to qualify, or expand on their responses. This research was also not designed to provide any insight into the inner workings of restorative justice processes.
2.7 Summary

The literature pertaining to restorative justice is significant and growing and the review provided here is by no means all-encompassing. My intention has been to present a summary of themes relevant to this study in order to provide a context for readers to understand the experiences of participants. It is clear that research on restorative justice has focused predominantly on outcomes and theory rather than qualitative analysis of processes and experiences. I have also attempted to exemplify the lack of social work presence in this body of literature and justify the need for further social work engagement in this field.
Chapter 3: Methods

3.1 Introduction

This chapter will focus on the methodology used in this study. Methods for sampling and recruitment will be described, along with ethical, risk and confidentiality considerations. The research question that guided this study will be presented, as will a description of the data gathering process. The theoretical and methodological framework that guided both the data gathering and analysis will also be described, along with the analysis process itself.

3.2 Sampling and Recruitment

The sampling method for this study was ‘purposeful’ because a specific population group was targeted for recruitment (Creswell, 2013; Sandelowski, 2000). The inclusion criteria for this study limited participation to practitioners of Lower Mainland CAPs and excluded individuals whose sole role in such programs has been administration. Inclusionary criteria also purposefully sampled participants who have worked on at least one ‘serious’ restorative justice case. The definition of ‘serious case’ is ambiguous in the literature and therefore potential participants were asked to self-identify if they had worked on a ‘serious’ case. The limited literature on this subject indicates practitioners of these serious cases may be a sub-group in the restorative justice field specifically assigned by administrators because of their skillset and experience (Choi & Gilbert, 2010).

The recruitment of potential participants utilized ‘snowball’ or ‘chain’ sampling methods (Creswell, 2013). The justification for this recruitment option was partly due to the time limitations of this study, and the need to maximize the number of potential participants quickly. I have a significant number of personal contacts within the restorative justice field, including
practitioners, administrators, CAP board members, government employees, and academics. I approached some of these contacts directly and requested they forward the recruitment poster (Appendix C) to individuals they believed might be interested in participating and who also met the inclusion criteria of this study. My hope was that individuals they approached would also be willing to pass the recruitment information on to others to expand the number of potential participants. There are also a number of social work students and alumni who have some involvement in the restorative justice field, so the recruitment poster was forwarded to University of British Columbia (UBC) social work students and alumni through the school email list-serve.

The initial responses to my recruitment methods were overwhelmingly positive. I was able to find all six participants to interview in a timely manner and had to turn away potential participants after that. Potential participants who met the inclusion criteria of this study were offered a first-come, first-serve space in the individual interview and were also offered a space in the sharing circle to take place after the interviews.

3.3 Risks

Because restorative justice practitioners deal with cases involving significant harms and emotional responses to them, it is possible that the interviews could have elicited negative emotions in study participants. Therefore, I provided a list of potential counseling services to all participants prior to both the individual interviews and the sharing circle by email. By giving this list to every participant I attempted to ensure that, if an emotional reaction occurred after the interview or circle ended, participants had this information without having to initiate further contact with me.
3.4 Ethical Issues

There were several ethical considerations to consider with this method of sampling and recruitment. I have a significant number of contacts in the field and, while this certainly aided in generating a pool of potential participants, it was also a concern. The restorative justice field is fairly small and it is not unreasonable to have expected that at least some of my participants were known to me and could have been concerned about that relationship being impacted. In order to minimize this risk I was transparent with potential participants by clearly presenting my name in all recruitment material and by beginning all interviews and the circle by emphasizing the voluntary nature of participation.

3.5 Data Security and Confidentiality

All of the research data was stored on my computers with password protection and names were removed from transcripts. Participants were identified in transcripts through a numbered code and data that could be personally identifying (such as a coding chart and interview recordings) was stored in a locked cabinet.

I had initially designed this study with the intention that participants would be provided an option to be personally identified somewhere within my final thesis. But, as I began the process of recruitment I received feedback from potential participants who wanted to participate only if everyone remained anonymous. Because the recruitment criteria limited participation to a smaller sub-group of CAP practitioners, it might be possible to identify participants through the process of elimination if others were identified. I found agreement among all participants that I would remove any data from this thesis I thought could identify any participant or program. I did include some contextual information if it was vital to understanding the context of the quotes.
of participants. For example, there are quotes from individuals who identify themselves as police officers which seemed to provide a critical context. I will not disclose how many of the participants in this study held employment as police officers to promote anonymity. In cases where I removed information from quotes that appear in this document I inserted an ellipse. There were also times when I had to insert a word due to such a deletion and these words were placed in brackets to signify that they are mine rather than a participant’s.

An ethical concern of bringing together participants for any focus group, including a sharing circle, is the loss of control around confidentiality if participants choose to reveal intimate or privileged information. I believe this was minimized because all of my participants work within restorative justice processes that maintain the confidentiality of clients. All participants were asked to maintain this confidentiality during the check-in that started the sharing circle. Participants generally avoided using personally identifying information from specific restorative justice cases during both the sharing circle and interviews. If specific names were used these were removed from the transcripts unless permission was received to include them, and it would not identify participants.

Although this study is unlikely to directly benefit participants there may be some indirect benefits. It is possible that a study describing their experiences may lead to an exploration of ways that the restorative justice process could be improved. My literature review found a significant gap in knowledge of the actual process of restorative justice and practitioners have been relatively ignored in Canadian qualitative research. My hope is that this study provided a forum for their voices to be heard in a safe and supportive environment.
3.6 Generalizing Results

The participants of this study cannot be considered a representative sample of restorative justice practitioners. In fact, the sample size of this study is so small that generalizing the findings should be considered problematic. However, the recruitment criteria utilized in this study purposefully targeted a sub-group of practitioners who I believe can offer valuable experiences of the restorative justice process. While results of this study may not be generalizable, my hope is that they do provide a collective document that represents these experiences.

3.7 Research Question

The over-arching research question for this study was: What are experiences of restorative justice practitioners in Lower Mainland Community Accountability Programs?

3.8 Theoretical and Methodological Framework

This study utilized a qualitative descriptive approach as its overriding theoretical modality. Caelli, Ray, and Mill (2003) provide support for the use of a more generic approach to qualitative research for masters’ students because of lack of time to “develop an in-depth understanding of qualitative methodological approaches” (p. 2). While I do fit into that category of student researcher, I also recognize that qualitative description can be a rigorous methodology and should not be seen as inferior to other qualitative methodologies (Sandelowski, 1986, 1993, 2000, 2004, 2010). Some researchers who claim to follow methodologies such as grounded theory and narrative research actually fail to adhere to their guiding standards in their research design and methodology (Sandelowski, 2000, 2010).

My intent has been to design a study utilizing qualitative description as a framework for analysis and to draw on other approaches such as grounded theory and narrative research as the study
unfolded. Sandelowski (2000) supports this methodology through her assertion that “qualitative work is produced not from any ‘pure’ use of method, but from the use of methods that are variously textured, toned, and hued” (p. 337).

Sandelowski (2000) also asserts that qualitative description can “have shadings from larger paradigms” (p. 337). In this research I have attempted to make my personal location and bias about the criminal justice system and restorative justice evident through my literature review, analysis, and personal reflections. I also acknowledge being significantly influenced by a larger paradigm of post-structuralism and a belief in multi-storied lives and identities (Foucault; 1979; Madigan, 2010; White, 2007; White & Epston, 1990). Post-structuralism contributes to my worldview and biases and has shaped the lens through which I conducted and analyzed this research.

3.9 Data Gathering

I conducted six individual interviews lasting between one and two hours. Interviews took place in a variety of settings including: police offices, community centers, restorative justice program offices, and on First Nations reserves. One interview was conducted by telephone due to travel considerations. All of the participants were emailed a copy of the study consent form (Appendix B) at least 24 hours prior to their interview and were asked to sign a copy on the date of their interview. These interviews were semi-structured and loosely based on an interview guide (Appendix A). The intent of these interviews was to allow participants to tell stories of their experiences with as little intervention as possible from me. It was my hope that the inclusion and exclusion criteria of this study would provide most of the required structure for the interviews by selecting from a specialized sub-group of restorative justice practitioners.
My intention during these interviews was to speak as little as possible and to use active listening skills such as verbal and non-verbal encouragers, paraphrasing, theme and content summaries, and empathetic interventions when necessary. Basic listening skills were used to build rapport with participants and to ensure I was able to clarify and understand the stories being told. My intention was to allow the interviews to be as free a process as possible and to respond in the moment to my participants rather than attempting to rigidly control their direction.

My initial intention was to end the data gathering phase of this research with a focus group which would be better described as a sharing circle (Lavallee, 2009). Although a circle process is a common practice to elicit thick descriptive stories in restorative justice, I found little reference to its use in qualitative research. There were some examples such as Abramson (2005) who used a series of circles as part of her Master of Arts thesis in Criminology at Simon Fraser University to explore the concept of community in restorative justice. A circle process is predominantly considered an indigenous research methodology and I was able to find indigenous scholars who also explained their use of this data gathering technique and its validity (Evaluation Division: Office of Strategic Planning and Performance Evaluation, 2011; Lavallee, 2009).

While there was initially a great deal of interest in this part of the data gathering portion of my research this waned as the date of the circle approached. Because of the low number of potential participants I made a decision in consultation with the principal investigator to use the sharing circle as a form of ‘member checking’. Therefore the process of the sharing circle will be presented under the analysis section of this thesis.
3.10 Analysis

Sandelowski (2000) suggests that, within a qualitative descriptive study data can be collected and simultaneously analyzed. Through this process the researcher should reflexively incorporate new insights into future data gathering and interpretation. In keeping with this methodology, as I was completing the interviews I attempted to simultaneously transcribe the recordings. In doing so I was attempting to incorporate a ‘data analysis spiral’ rather than approaching analysis as a linear process (Creswell, 2013). My hope was that I would be able to incorporate my personal reflections and the lessons I was learning as I progressed. I carried my iPad with me constantly and kept a digital notebook of ideas, questions, and emergent themes. In keeping with this circular method of data gathering and analysis, the nature of my interview style and questions became a fluid process, attempting to adapt to participants and the themes emerging within and between interviews. The interview guide that I began with evolved towards data collection consisting primarily of open-ended questions corresponding to emerging themes. Simultaneously, my confidence and proficiency as an interviewer increased with each opportunity to engage with participants.

The intent of this study is to describe experiences of practitioners and my hope is that I have produced results as close to the data as possible. Qualitative description can provide a theoretical framework to produce such findings that Sandelowski (2010) refers to as ‘data-near’ (p. 78). I provided some interpretation because the data cannot speak for itself, but my intent was to organize and present themes in such a way that interpretation was as ‘low-inference’ as possible (Sandelowski, 2000, p. 335). My intent has also been to avoid fragmenting stories in a manner that could reduce them to ‘bits of nature’ (Suzuki, 2002 in Lavallee, 2009). Although care was
taken to keep the stories of participants intact, the transcripts were examined for evidence of higher order themes (Lavallee, 2009). These themes seemed to be evidence of a dominant storyline in the experiences of participants.

Drawing on grounded theory, I was also able to find and represent several sub-themes, or what Creswell (2013) refers to as ‘properties’. Although this study drew on grounded theory, the number of participants was insufficient to reach, or even approach, a point of research saturation. The transcripts were also examined for evidence of counter-stories that contradicted or subverted the dominant themes. This returns to the post-structuralism lens that influences my analysis and maintains that every participant can have multiple stories that may even contradict the same experience. I triangulated my results by comparing the data produced by the interview recordings with my field notes (Maxwell, 2013). Most participants declined to review their transcripts after being offered this opportunity, so transcription validity was only controlled by my review.

I completed the transcription of two of the interviews myself and found this to be an arduous and time consuming task. I applied to the University of British Columbia (UBC) School of Social Work Community Care Research Fund and received funding allowing me to hire a professional transcriber to complete the final four interviews. As the transcriber completed her work I reviewed all the text while listening to digital recordings of the interviews. The transcriber did not transcribe the interviews absolutely verbatim and sent me a note indicating she removed repeated ‘stuttering’ words and sounds such as ‘umm’ which were prolific in some interviews. I reviewed all of these transcripts to ensure that these omissions did not ‘edit’ the words of participants, or change meanings and emphasis. At first I questioned this decision, but found that
these transcripts flowed much better than the ones I had completed and found few removals overall. I returned to the two interviews that I had transcribed myself and removed sounds like ‘ummm’ to make all the transcripts consistent. As stated earlier, I also removed any names, geographic information, or information I thought might link my research to the participants or their programs. If the transcript no longer made sense I inserted a word in brackets to aid readers in understanding the stories of participants.

All of the transcripts were entered into Microsoft Word. They were formatted to be double-spaced with continuous line numbering and I increased the right margin to produce room for notes. I then printed hard copies of the transcripts and spent time reading through them while listening to the digital recordings. I attempted to allow themes to emerge from the data in a natural way through a process of open coding (Creswell, 2013) and used a pen and different colour highlighters to identify blocks of text and ideas. I initially saw a significant number of themes and then combined similar ones to make the number manageable. I began to identify higher order themes that emerged across participants and organize these through a process of axial coding (Creswell).

Dr. Vedan, who has mentored me through this process, took time to share an analogy related to grounded theory that also aided in my analysis. Dr. Vedan spoke about the practice of making Ooligan (eulachon) grease which I had witnessed on the Nisga’a Nation during my time in the Northwest. Ooligan are tiny smelt that can be harvested for their high fat content, but the process of reducing this fat into ‘pure’ grease is time consuming. Buckets of Ooligan are placed into a boat that has been dug into the ground and then this is covered for a lengthy period of time. Dr. Vedan noted that one must be patient to allow time for the pure grease to rise to the top.
so that it can be skimmed off. The process repeats and each time more of this pure grease can be harvested. Having personally experienced the bad taste of grease harvested too soon this analogy helped me to accept that it would take time immersing myself in the data to allow the ‘pure’ themes to emerge.

I began looking for methods to organize blocks of text from all of the transcripts into emergent themes. In my research methods class a method of data analysis using scissors to cut out blocks of text to place into piles was proposed. I attempted this method but found it problematic, in part because I was forced to place each block of text into only one theme, and because some blocks of text had to be fragmented to place them into separate dominant themes. I also managed to drop the scissors on my foot, cutting my toe in the process. I took this as a sign and put aside the scissors in favour of a method that was less fragmented (not to mention less painful).

My paramount concern, as mentioned earlier, was that the stories of participants not be fragmented in this process. Restorative justice is itself a storytelling craft and I wanted this research to reflect this by presenting the stories of practitioners as cohesively as possible. In some ways my goal has been to produce a collective narrative document that synthesized emergent themes while incorporating experiences from all participants.

After failing to organize themes using the ‘cut and pile’ method I resigned myself to searching for another method of coding. I examined some of the research software available to qualitative researchers but was not impressed with what they offered. I decided to use Microsoft OneNote as an indexed workbook into which I could copy and paste blocks of text from Microsoft Word. I arranged the screen of my computer so that I could have Word minimized on one side and OneNote on the other.
I was able to create different colour tabs in OneNote which allowed me to organize and change the themes as I worked. I began with a separate computerized notebook for each interview and then compared the themes from all six of these notebooks to identify commonalities. I then created a separate computerized notebook into which I imported blocks of text from the other six notebooks.

Simultaneous to this analysis process I was planning for the sharing circle that, as I stated earlier, was to be the conclusion of the data gathering process. I had planned to recruit up to ten participants for this circle. Initially there was significant support from potential participants for this circle to the point that I stopped recruiting and turned away requests. But once I chose a specific date and time for the circle several potential participants declined to participate. I acknowledge that there may have been a barrier due to scheduling times and locations that matched the needs of a large group of potential participants. But I was surprised at the number of initially interested potential participants who withdrew from the study at that point.

I spoke with the principal investigator, Dr. Vedan, about my difficulties in recruiting for the circle and was on the verge of simply cancelling this part of my data gathering. In consultation with Dr. Vedan, I conducted the sharing circle with only three participants and used it as an opportunity to ‘member-check’ emergent themes from the interviews. None of the participants was provided with the raw data; rather I presented some of the dominant themes and asked for comment during separate rounds of the circle.

I used a circle process commonly practiced in restorative justice programs in the Lower Mainland so participants were accustomed to the procedure. I found the process to be balanced and respectful, and received feedback from one participant that reflected the same experience. I
chose to bring a stone frog that my daughter and fiancé had given me as the talking piece and shared with participants the significance of this item. We used the first round of the circle to introduce ourselves and to collaborate on the purpose of the circle and some ground rules pertaining to confidentiality. All of the participants indicated they did not want to be identified in the research, which was in keeping with the confidentiality provided to participants of the individual interviews. We also agreed that the research would not identify whether the sharing circle participants also took part in the individual interviews.

The collaborative decision of the sharing circle participants was that I would record the sharing circle for future reference and take field notes, but would not transcribe the recording. But the recording was of such poor quality I was left with only my field notes to analyze. Because of the nature of a sharing circle, where each individual has a turn to speak, it was a fairly easy and organized process to take these field notes. I took the feedback from the sharing circle and re-evaluated my analysis of the emergent themes from the interviews. I found that, although there were multiple stories and counter-stories related to the themes I presented, there was still a great deal of consistency between that discussion and the six individual interviews that had been conducted.
Chapter 4: Findings

The participants in this study described an overwhelmingly positive orientation towards restorative justice. In fact, most used emotional terms such as ‘love’ and ‘transformation’ when they referred to restorative justice and how it has impacted their lives and values. But, these participants were also willing to interrogate their own practices and restorative justice itself during interviews. In the words of one participant:

I come up with more questions, and I'm happy, because the minute I...tell you I know everything, please tell me I know nothing. Because I know nothing if I start to approach this practice knowing everything. I will never be in that place, and I’m glad, because people are changing constantly and I sure hope I continue changing with them. Otherwise, I shouldn't be facilitating any dialogues in any situation.

4.1 Dominant Themes

Consistent with what Creswell (2013) refers to as selective coding there was one dominant and over-arching theme that emerged across interviews. This theme was also reinforced during the sharing circle. This theme can best be expressed through an ‘in-vivo’ code (Creswell) from the words of a participant: “I think of Liz Elliott’s words: ‘You can’t get to a good place in a bad way.’” Dr. Liz Elliott was a Criminologist who also held a Master of Social Work degree and was the founding co-director of the Center for Restorative Justice at Simon Fraser University. Dr. Elliott was completing her PhD at Simon Fraser University when I was working on my undergraduate degree. She passed away after a battle with cancer in 2011, but her influence on several participants in this study and the field of restorative justice has been profound. This ‘in-
vivo’ code not only recognizes her influence on participants, but also their experiences, suggesting that as restorative justice grows towards legitimacy as a viable alternative to the criminal justice system, it should do so in a ‘good way’.

There were other dominant themes that also emerged from the data but all of these can be seen as relating back to this over-arching theme. These other themes also represent common experiences of participants and have been organized under the headings: The context of crime; illuminating the ‘black box’; mentorship; witnessing; standards and standardization; relationships and communities; and (mis)use of power. Sub-themes, or properties, have also been presented under these larger categories.

4.2 The Impact of Crime

This dominant theme emerged during the first interview and was also experienced by every participant that followed. This was not surprising because it reflects some of the dominant ideology of restorative justice, which views the context and impact of crime as being more important than the act itself (Zehr, 2002). One participant noted from their experiences:

One of my main learning that I feel like I've obtained through 10 years as a practitioner in restorative justice is that it's more about what the impact has been rather than the name of the crime. So even a mischief offence can be extremely traumatic to a victim...So it really is about impact, and I think that's very much in line with the restorative justice philosophy is it's not what crime has occurred, it's what happened and who's been affected and how. And so that impact, no matter if it's a mischief or a murder, can be extremely serious for someone.
Participants also consistently described the ‘impact’ of crime to be broader than immediate measurable markers, such as financial loss or physical harm, which are emphasized in the criminal justice system:

I guess really again we think of serious harm perhaps as bodily harm, but harm in restorative justice and life is not only confined to that. It takes many forms – social, emotional, spiritual, mental. So restorative justice allows for those kinds of harms to be addressed in a meaningful way.

All of the participants also spoke of the importance of acknowledging the broader context of the lives of restorative justice clients. The following quote is from a participant speaking to an experience of seeing the context beyond the crime itself:

The idea that the cases that we get are simply just a shoplifting case, or… oh, a graffiti case; you take away the human element, which is that people are so dynamic you don't know what else has happened and what else is going to happen outside of that incident. So you know, it's almost a mistake to just think solely about the incident like it's the defining thing about that person. There's more things going on, right?

One participant told a story about a crime that affected a large number of victims with one couple being much more impacted than others. This quote exemplifies experiences shared by all participants suggesting the unpredictability of how any act will impact on clients they work with. The offence being referred to would be categorized, and minimized, as a ‘minor’ property crime in the formal criminal justice system:
They lived in that neighbourhood their whole life, and for them, this was incredibly traumatic. It meant that their community was no longer safe, it meant that their property was no longer safe, and they considered moving out of the neighbourhood…[It] affected this couple's whole world, their sense of safety, even their sense of spirituality – ‘Why did this happen to us? What does this say about the world today?’ It was profound. In that case…there were several victims of the same type of offence. Other victims had no impact – ‘this thing happens, it's not a big deal…I'm not worried about it.’ So exact same crime, exact same fact pattern, tremendously different impacts.

This example also illustrates how participants experience restorative justice as not ‘minimizing’ impacts of crime. They are describing how restorative justice avoids assumptions made when correlating certain categories of crime such as ‘assault’, ‘mischief’, and ‘murder’ to impact. This participant went on to describe how restorative justice was able to provide a process that they experienced as meaningfully addressing the differing impacts from this crime. In that process the different victims were able to describe to the offender how they had been impacted, and the offender was able to be accountable to these differing impacts.

One participant who is also a police officer provided some insight to how the formal criminal justice system can lead police officers and other criminal justice professionals to minimize the impacts of crime:

Well, we’ll look up Joe Blow, and Joe Blow might be what we call our, he’s a chronic offender…We might minimize the offence that he has against him because of the stigma that’s attached to him. Well as an RJ facilitator you don’t know their criminal record.
Okay, yes you might know that they’re alleged to have committed assault, but you realize that there are so many other problems that stem. It’s not just that a murder’s been committed it’s not just that an assault’s been committed. There’s obviously an underlying issue here.

This participant then emphasized the difference in their experience between the role of restorative justice practitioner and police officer. “I think that’s the beauty of RJ, that nothing, and again I don’t mean to refer this back to the police officer but that’s just my experiences…you minimize everything and that’s what RJ doesn’t do, it doesn’t minimize it.”

Another participant spoke to how categories of crime defined by *The Criminal Code of Canada* often fail to reveal or acknowledge the true nature of crime and the way impact can differ between individuals:

I would think I would determine serious case on how much the participants have been affected. And obviously there's more serious cases in terms of the *Criminal Code*, but those to me don't always correlate with the effect that they've had on the participants. I've worked on very serious cases in terms of the *Criminal Code* where people seem to be done with it and not have too much to say, and they don't have too many needs to [be] met from a process like this. And then I've also worked on cases, like shoplifting cases, where this is the most serious thing that has ever happened to this person or this family, and it has huge effects.
In this case the participant is referring to experiences common among all interviews that the impact of crime can have a ripple effect beyond the immediate victim. It was the experience of participants that, although the criminal justice system usually produces categories of clear victims and offenders, there are also impacts to offenders and family members as well.

Some participants also felt that the categories of ‘offender’ and ‘victim’ can sometimes seem blurred or fluid. Police often acted as gatekeepers of restorative justice programs by determining who is an ‘offender’ and who is a ‘victim’:

And so both sides felt a sense of having been harmed in some way or another by the other person even though ultimately it was one party who phoned the police to make the case happen. And therefore they become the victim and the other person becomes the offender so to speak, because they made the call first.

For most participants, a restorative justice process provides all parties with an opportunity to dialogue about crime and its impacts. This fluidity, as opposed to a binary relationship between victims and offenders, can help to create space for meaningful conversations in cases where multiple parties feel harmed.

There was also an acknowledgement by some participants that cultural diversity is a contextual element of crime related to impact, that can be addressed through a restorative justice process. In the following, the participant is referring to victims who believed they had been targeted with a hate crime because of their ethnicity. Through a restorative justice process the victims were able
to ask questions to reveal the context of the crime. This greatly contributed to their understanding the motivations of their offenders.

I don’t know if culture or race adds to seriousness. It can add another layer to a case if, (pause) if the ethnicity of the people in the case has any impact or any relationship to the actual situation that occurred, then I guess it could add a layer there. And in fact it has added a layer there. I’m thinking of a specific case again where the people involved believed it to be a hate crime initially because they weren’t sure. They didn’t have an understanding about why it happened to them. Right, so there is a layer, I guess, that can add to the complexity of a case, or add to the seriousness of a case.

This experience is consistent with research into the use of restorative justice with ‘hate crimes’. For example, Coates, Umbreit and Vos (2006) conducted research into the use of restorative justice and found that a process of dialogue can be an effective tool to respond to the needs of hate crime victims.

It can be difficult for offenders to hear the broad context of harm they caused to victims. For one participant a process emphasizing dialogue can place this context of harm into perspective for some offenders:

Because they have a sense of real responsibility-taking and remorse and some level of humility even, knowing they have to explain it to somebody they’ve harmed. And it’s powerful for them to have to actually hear how what they did affected somebody else. Because it may just have just been, you threw a punch and carried on and you were drunk
and you didn’t know what happened. But man, when you actually hear that brief moment and how it has, for however long, affected somebody else...

Participants also spoke about experiences of receiving referrals where they did not believe the offender would be able, or willing, to answer questions that victims wanted or needed to know. Although the process of restorative justice is examined elsewhere in this thesis it is important to highlight that all participants spoke about the importance of case preparation through initial meetings, prior to bringing together victims and offenders. Participants expressed that one of the primary reasons for this preparation was to avoid causing additional harm to clients. It is during these initial meetings that participants were able to gauge the suitability of bringing victims and offenders together. Reasons cited by participants for not involving offenders in meeting with victims included serious addiction issues as well as serious and persistent mental health conditions such as autism and schizophrenia. In these cases there was often another person who volunteered to provide answers to victims. The concern of participants seemed to lean towards a ‘victim-centered’ approach, as can be seen in the next quote:

That was important to them. So we’re talking about somebody who’s harmed somebody else in a general sense and their caregiver and their parent being able to say ‘you know I think it would be really valuable for the people who have been harmed by what took place to hear from us and why and be able to answer some of the concerns or curiosities of theirs’. And in fact in the end it was, it was critical. And it allowed them, because they lived in a general sense near each other, to build a relationship with somebody else so if there was any future interaction which was likely when people live in the same neighborhood, that there would be somebody else that they could turn to. So if they
couldn’t resolve their future interactions with this individual they knew that they had a phone number and a parent, or somebody down the street that they could contact, that they could give a heads up to, that they could now talk to. As opposed to that scary person in the neighborhood who I don’t know, some level of relation, relationship, or interaction can happen.

This quote also speaks to the relationship and community capacity building aspects of restorative justice which will be expanded under another the theme ‘relationships and communities’.

Restorative justice has been used with the most serious of offenses under the Criminal Code including murder. The next participant is speaking about a high profile murder in British Columbia where restorative justice was used. The participant is also referring to their own journey towards humanizing offenders and understanding, or at least finding some meaning, from the context of crime:

You know, it just made sense. Nobody wakes up in the morning and says ‘you know what? Today I’m going to go kill somebody’. There’s very few people in the world who do that. You gotta be able to see the underlying issues. And if you aren’t able to see those issues, well then it just becomes a murder.

Several participants interviewed in this study described experiences of journeying from a place of judgement to a place where they could empathize with offenders. These experiences were sometimes referred to as a transformation towards humanizing offenders while hearing stories that contextualized their crimes. Experiences indicated this transformation was seen as part of
the process towards being able to work effectively and utilize the skill of empathy with offenders who caused great harm:

And at that point I stopped looking at people with the stigma of ‘offender’ and started looking at people as if they’re people. I think we lose touch. We put the stigma of ‘offender’ on these individuals and it loses that human emotion. You know, you can, ‘Well he’s an offender’ and ‘he’s categorized as such and such’ and ‘we’re going to treat him as such and such’. You take that away from them and you give them their human qualities back and as Joe Blow, who painted the school, or punched Joe in the face after a high school party. Then you bring back a person, you bring back a kid, a father, a son, a mother, a daughter. You bring back that human emotion to it and it becomes real again. That, to me, is kind of why I got into RJ.

Some participants described how they first experienced hearing stories about the context of crime through Criminology classes in which instructors brought offenders who committed very serious crimes including murder. This was a point in the interviews where Dr. Liz Elliott’s name was prominent in the experiences of several participants. Dr. Elliott also worked inside British Columbia prisons and some participants volunteered in that context leading to contact with serious offenders. The following quote is from a participant’s experience inside a Federal prison:

I think it was partly their stories, because it was quite a few different men I met. I think it was first of all their stories and seeing how, in my opinion, the reason that they might be in prison serving a life sentence of whatever kind...Seeing how in that moment, in that
situation, from their stories, I could understand how those actions occurred. I’m not saying they were okay, but more just understanding how somebody could get to that point, and thinking about how many people could get to that point and how easily… Those people, I didn’t think deserved to be locked up for something that got out of control, and without meaning to, and just kind of snowballing in that way. And from that, I think that started the... or kind of opened the door for the empathy in that way.

All participants expressed that the most vital component of restorative justice is the participation of victims. But, although stories humanizing offenders were prominent in all interviews, corresponding stories related to the humanization of victims were less pronounced. The following quote from a participant exemplifies how some participants experienced humanizing victims:

Yeah, and it was a lot of money, but the person... the victim was very willing to want to understand why someone would do that, why someone that they had a relationship with would do that, and try and make sure that this was going to be a chance for them to be accountable, but also a chance for them to learn from it, as they were a youth. And I think that was the thing that struck me the most in my first case, is that victim's willingness to do that.

Experiences of participants revealed that it is common for victims to have questions that lingered after the crime. From these experiences the most prolific and important question seemed to ask “why?”
I have never been involved in a case where there’s a whole list but there’s that one particular question, or these two things that really have been wearing on me that I wanted to know about. And often it’s just about why. ‘Why me? Why did you pick me to do this to?’

A participant who had extensive experience with the criminal justice system made a comparison between that system and restorative justice with regards to such questions:

And I think I can say pretty honestly that I don’t know if I’ve experienced much in the criminal justice system where that’s ever resolved. It’s so rare for anybody to have a sense of understanding of why. ‘Why did you do this to me?’ And in an RJ process that’s probably question one that gets answered.

Roberts and Couch (n.d.) presented results critical of practitioners who do not ask enough ‘why’ questions. But participants in this study emphasized the importance of these throughout their interviews. There was also acknowledgement by most participants that there is a degree of facilitator skill needed to ensure ‘why’ questions get answered to the satisfaction of victims. In their experiences this level of skill was especially important when clients had been significantly impacted by a crime:

I think it’s such a critical question for people. And it always, it’s about the response that they get from it. I mean a “why” question is so open ended. Anyone can snake their way through a “why” question with some sort of excuse but when you’re sitting face-to-face and you’re able to get beyond just “why me?” And you get to hear the breadth of the
story and what led up to the incident and how it’s that whole conversation speaks to the “why” question without just saying “why?” and getting a response. It’s much more in depth than that.

Participants also experienced instances when victims asked these questions only to learn that their victimization was random. Some participants felt that even learning of this randomness can provide closure for some victims:

For many people in my experience, what happens to them is so random. They weren’t chosen, it just happens to be them, that they were… something was broken of theirs, or they were assaulted, or they were whatever. That helps give people a sense of relief. You weren’t picking me, or you didn’t choose me specifically, or you weren’t following me or checking out my car in advance. That it just happened in the moment gives some people a sense of relief to some level.

Although the dominant story from participants was that these “why” questions get answered and bring closure, there were also counter-stories of experiences when these answers were insufficient to bring closure or healing to victims:

Because your sense of safety or your sense of who you are in a community, or your sense of freedom and independence is somehow altered because somebody has done something to something you own. But when there’s that sense of harm to the self, absolutely, I think there’s a deeper level of fear that can come from that. Not just against you as the person who harmed me but my role in community. If you can harm me, than who else can harm
me? There’s that broader sense of fear that happens for people that I think has to be dealt with to some degree. And again that’s where you might be able to walk away from a case knowing that they have a better sense of why that person harmed them. But you can’t necessarily fulfill them to a satisfactory level that somebody else won’t harm them in the future…It sort of raises, it heightens, their awareness that they never thought that they could be harmed by somebody because of how they carry themselves and suddenly this happens to them in a random fashion. It heightens their sense that it could happen again. Where maybe they never experienced that before; they never thought that somebody would harm them. So you can’t necessarily take that away, that’s something that will inherently be in them probably for a long time.

Participants also spoke about how dialogue revealing the context of an offender’s life can help victims and offenders to collaboratively find restorative resolutions that are meaningful to everyone. Such resolutions were also predominantly experienced as being more likely to have a long-term impact. Understanding the context of an offender’s life helped reveal strengths and interests that became part of the resolution:

He just had too much time and he didn’t know what to do with it. And so he just, he decided to go steal his dad’s car and that was it, and I remember now, took his dad’s car for a joy ride. Which kid wouldn’t want to go for a joyride at the age of 14 or 15? Who wouldn’t want to go and drive their dad’s car? Any kid would. But at the same time he just had way too much time on his hands, and he just didn’t know what to do with that time. And obviously there was something lacking in his life and I think we were able to give him a release where he was able to take his passions which was automobiles and let
him use it to his advantage. And that’s what RJ does, that’s what RJ fixes, it lets you have the time to sit down and look at these problems.

The resolution agreed upon involved the youth completing community work service in a placement that involved automotive work.

To summarize this theme, participants expressed experiences that understanding the context of crime and its impact is more important than categories of crimes. This conceptualization of harm as contextual was also expressed as one of the factors that increased participants’ abilities to empathize with both victims and offenders. Participants also expressed that a restorative justice process could allow for an exploration of this context, leading towards providing closure for some victims and offenders.

4.3 Illuminating the “Black Box”

I asked most participants if they had any insights into what would make a good practitioner. One participant answered: “Is there an algorithm that will tell you what’s a good facilitator? No. I don’t think so. I don’t even know if I should have even been allowed into the program.” This response surprised me because of the significant level of experience this participant has in both restorative justice and the formal criminal justice system, and so I probed further. The response from this participant was:

So sometimes I think, I don’t even know if I should have been an RJ facilitator. But it just so happened that I got the chance and I was lucky enough. And you know people were like – you know what, here’s a chance, try it, have fun with it.
Participants also described experiences that provide some understanding of the ‘black box’ of restorative justice. I will present some of these experiences that illuminate the roles and skills they experienced as important for practitioners.

4.3.1 Learning through Doing

For most participants core practitioner skills were developed through experience rather than through formal training:

You know some of the best experience and skills that you can get is facilitating cases and the more you do the better you’re going to have those skills. But I think the approach that’s generally accepted for us is that we give you an intensive training in the beginning and then it’s only experience after that that guides you.

This experience of learning through doing and the lack of advanced training opportunities available to experienced practitioners will be explored further under the theme ‘Mentorship’.

4.3.2 The Process Gives You Time

Most participants reflected on experiences that the process of restorative justice can be a flexible framework which allows them to practice effectively. According to several participants, a restorative justice process gives them the time to create relationships with clients. Participants also indicated that, for the process of restorative justice to be effective, they must give sufficient time to victims and offenders to tell stories of how they had been impacted by crime: “How does RJ let you do it? I don’t know if RJ lets you do it, I think RJ lets you have, I think it lets you give the time, and the space, and the ability to let that person talk.” This perceived need for time to
allow clients to express their stories is consistent with some restorative justice literature (Choi & Gilbert, 2010; Choi & Severson, 2009a).

4.3.3 Being Open Minded

For most participants being open minded and flexible is a key skill:

But I think when you’re able to sit with an open mind, so to speak, or a free place to just be who you are, to say what you want to say, and just, I think it is just that much less oppressive. And I think it’s that much more free.

This skill of being open minded will be discussed further under the theme of “Mentorship”.

4.3.4 Learning through Mistakes

Several participants experienced making mistakes as a central component in their learning. Being transparent after making mistakes also helped to build relationships with clients because it shows practitioners are genuine, and models positive behaviour:

And you will screw up, and that’s good that you screw up because you learn. And, and that’s the great thing about RJ, it doesn’t matter if you screw up. It’s not a big deal because it’s just real, and that makes it more real; you’re allowed to make mistakes.

Interestingly, this experience contradicts the work of Choi and Gilbert (2010), who criticized practitioners when they were observed making mistakes in the process. Another participant expanded on the experience of being ‘real’ or genuine as a practitioner:
It’s important to be real. Like I said it’s okay to not know what you’re doing. Hell, sometimes I show up to police scenes and I don’t know what the hell I’m doing. You know what, but you just, you’ve got to let the process work, because the process works, I’ll tell you that. And I didn’t really understand what that saying meant- ‘let the process do its thing’. I never got that. Until I was like, “You know what? Let it do its thing.”

This also calls into question whether a rigid ‘scripted’ model of restorative justice would allow practitioners this opportunity to build relationships through making mistakes and being ‘real’. A scripted model is used by some programs in British Columbia and will be expanded upon later in this thesis under the theme “Standards and Standardization”.

4.3.5  **Being Non-Directive**

All participant responses suggested that good practitioners work in a non-directive and non-obtrusive way:

It means that you just got to take a step back and that’s what makes a good facilitator. Just letting- taking a step back. Letting it just unfold the way it’s meant to unfold. Because people want to fix things, people want to come up with the solutions, people want to help themselves, and they just don’t know how. And they- maybe they just sometimes need you in the room with them. Maybe sometimes they need you to tell them, you know give them a suggestion, and then maybe they’ll spit it up. Who knows what people want? Who knows what people need? Just taking that step and saying – “What do you think? What do you think should happen here today?” And letting it
unfold. Because when people come to their own decisions they’re more likely to stick with it.

These qualities of being non-directive and non-obtrusive are also highlighted as important for practitioners in the literature (Choi & Gilbert, 2010). This participant also refers to successful resolutions that result when clients find their own solutions. Most participants found that meaningful and lasting resolutions are usually found through collaboration between the parties directly involved in the crime, rather than through practitioner directedness. Another way this experience was expressed was when participants cautioned against the practice of giving advice: “Absolutely. Absolutely. And also wanting to give advice, right? There's a big piece for all of us, and some more than others, to wanting to give advice to people, you know?” This participant then proceeded to describe how giving advice can ‘impose’ solutions on clients as opposed to promoting them to find their own resolutions.

Another participant reflected on their experiences of working with co-practitioners who attempt to make the restorative justice process an inflexible, ‘one-size-fits-all’ approach:

I think it’s (pause) being on the same page in terms of willing to let the person figure out their own destiny. I don’t even think- you know, I’ve worked with some co-facilitators that are hard and strong. That the kid needs to do this, the kid needs to do that, and the kid needs to...And you just say – Wait a minute. Wait, wait a minute. We just told this child at the beginning- sorry this youth-at the beginning of this interview that RJ’s great; it's not a cookie cutter, but you can kind of go wherever with it. It’s meant for each individual person. And now you’re telling this kid that they are-or this youth- that they
have to do this or they have to do that. Well, then your being hypocritical, you’re lying to them. Well, you can’t do that…you got to let people figure out their own ways of paying back to the community.

The experience of difficulties working with co-practitioners expressed in the previous quote will be expanded under the theme of “Mentorship”.

4.3.6 ‘Meeting People where they’re at’

Participants often referred to experiences where skills of being respectful, fair, and non-authoritative were valued. The following quote exemplifies how one participant experienced these skills in relation to individualizing responses to each client:

It's a sense of meeting people where they’re at and where they are. And not being any more or less than, but just simply being equal to another person. I think that’s a critical piece to the process. Respect is such an overused value or term but I guess you can define respect by meeting people as who they are, and meeting them with who they are in the moment and knowing that behaviour is not necessarily who they are. Fair, I think I mentioned it. It’s got to be a fair process and a fair opportunity for people who’ve made a mistake to make right.

I found it interesting that this participant and others expressed the social work mantra of ‘meeting clients where they are at’ despite not having any formal social work education.
4.3.7 ‘Start Right Away’

Some participants expressed that when victims and offenders are brought together it is important that practitioners are prepared to begin the process immediately:

…start right away. Everybody comes into that room, there's a high level of tension or anxiety, start right away. Don't allow time for even chitchat. ‘This is what we're here to talk about.’ Really demonstrate leadership and normalize that it's okay to feel a little bit anxious. I might be feeling a bit anxious right now. So that level of transparency and honesty that this is and can be difficult really helps.

4.3.8 Attention to Language

Some participants believed the language used by practitioners sets the stage for clients in a restorative justice process. Some spoke of avoiding the use of terms like ‘punishment’ and others felt it was important to use language such as ‘victim’ and ‘offender’ that avoid minimizing crime:

You know, we use all this language. So if we're saying: ‘Oh, you're the person that's harmed here, and also the person who did this, he's experienced some harm too,’ it is… yeah, I like your… it's minimizing, it can be. So I think we need to be really careful about language always, and I'm getting more comfortable…using the words ‘victim’ and ‘offender’ as it applies to a particular incident, acknowledging that there are incidents where both parties are victims, both parties are offenders, both parties contributed in some way. But a lot of the work around… especially when we're thinking about issues of
violence, that is a power-based incident, so we need to understand it that way and talk about it that way.

4.3.9 Avoid Shaming

Most participants felt that great skill needs to be practiced to ensure offenders are not ‘shamed’ in restorative justice processes. This is in stark contrast to the forum restorative justice model, which is actually designed to shame offenders through a process known as ‘re-integrative shaming’ (Braithwaite, 1989). This forum model will be expanded on under the theme of “Standards and Standardization”. Despite trying to avoid shaming, some participants experienced times when this occurred unintentionally:

It is never our intention with (RJ program) to shame somebody. Absolutely, unintentionally, sometimes that takes place, right? You know, ‘I'm feeling really ashamed right now as you are repeating back to me what I just told you.’ It's almost… I do my best to avoid… it's never intentional. ‘I'm ashamed at what I did, right, which makes what I did the wrong thing, but I'm not a shameful person.’ You know, there's that guilt and shame. ‘I'm guilty of this. I did this, right? And I'm ashamed of what I did.’ But we do not ever intentionally shame somebody…‘I did wrong, but I'm not wrong. I'm not wrong.’

4.3.10 Committing to Reflective Practice

All participants worked in programs utilizing a co-practitioner model that was experienced as conducive to reflexive practice. The critical feedback built into this model allows practitioners to plan for cases and debrief afterwards in a process of continual skill development:
So there’s a piece of reflection that has to happen there first at the front end. And then once the case is over my experience has been that there’s always a debriefing process as well. It helps to look at that case, and the unique aspects of that case. Which helps go ahead and say “Okay well here’s what happened here, in the future would I be prepared to continue doing this kind of case or was this too much for me? Was this whatever? Or was there a skill-set I was lacking that I still feel I need to get?”

The transfer of knowledge built into this co-practitioner model of practice will be elaborated under the theme of “Mentorship”.

4.3.11 Pay Attention to Body Language

According to participants the skill of reading body language was difficult for both new volunteers and veteran practitioners to master. Some participants felt that reading body language and responding appropriately was more art than skill:

I got him to that place to come to circle, and I also told him that when you can't take it anymore or you are going to start saying things that are inappropriate, right, or you're going to lose your temper, you give me a signal, and we will call a break. And he did. He came to the first part of the circle. I recognized when we needed a break through his body language. I called a break. I went outside. He broke down in his vehicle and wept like a baby. And I just thanked him for his courage to be present, and he went home because he couldn't come back. He knew that. He was so mad, right, because he was hurt, protecting his daughter, you know?
This quote also speaks to the significant level of preparation experienced by participants as a necessary component of readying clients to come together in a restorative justice process.

4.3.12 Maintain Curiosity

Several participants articulated the experience of moving from a place of judgement to curiosity in their development towards competency in practice. Most also reported that this curiosity aided in their expression of empathy towards both offenders and victims:

If you can move from that place of judgment to curiosity and just always taking in mind that, like Liz says—and a lot of other people—all behaviour makes sense if we can go to that place of—‘I wonder what's been going on for this person or what went on for them earlier on in their childhood that brought them to do this incident’, for instance, or to be living in this kind of lifestyle. When one of our clients, a person that's been referred here, whether they're the person that's been harmed or the person that has made a terrible mistake and harmed others, whether it was intentional or unintentional, they're in a bad place, you know? They're hurting, right? And it's so important that we can be genuine when we're present with them, to be able to even say, ‘Wow, this looks really hurtful right now for you. I can imagine how this has been, right?’ Or ‘I can try to imagine how this might have been for you.’ When they… I mean, we're human. We have such a capacity to know if somebody's being genuine or not, and for the most part the people here sitting at our table just… they so get that, and you hear so often back, ‘I just really felt supported by you.’ And when they know that empathy is there, they open up so much
more, that ‘I feel safe enough that this person isn't going to judge me, that they're here to listen. They're here to listen.’

It is important to note that the ‘Liz’ in the above quote refers to Dr. Liz Elliott, and that this was not the only participant who referred to her in the present tense despite the fact that she died over a year ago.

4.3.13 Neutrality?

All participants used the term ‘neutral’ at some point in describing their experiences of how they orient themselves to a restorative justice process. Although neutrality aligns itself well with the practice of formal mediation, experiences of participants in this study suggested a different definition of neutrality in restorative justice: “I think facilitators ideally are trying to be neutral, whether or not anyone is really ever neutral or not, I don’t know if they are. For me personally, I'll always have my own biases or assumptions or judgments – those are normal things.”

Another participant equated neutrality with being open-minded, flexible, and non-judgmental. Another understanding among most participants was that crime should not be equated to a dispute among parties, or that victims and offenders should be considered equals in power:

What I try to do is to be open all the time. Maybe that's a better word to use than neutral, is that we're being open and I'm being non-judgmental. I'm not neutral about crime; if someone commits a crime, I don’t think that's okay. If someone gets hurt, whether it's a crime or not, I don't think that's okay. So I'm not neutral about people being hurt, but I
am open and non-judgmental of people and their interactions and trying to stay curious and learn from them.

Another participant believes that the field of restorative justice is evolving towards a different understanding of neutrality:

I would be lying if we said we've never used the word ‘neutral,’ but we've evolved our understanding to really pull that word apart and understand what we mean by it. No, nobody's neutral. We all come in with our...we're human, we come in with our own stuff.

One participant revealed a word that, from their experience, is starting to be used by some restorative justice practitioners to represent a different form of neutrality:

…instead of saying you're neutral or impartial, you're multipartial. That's what we're trying to do, [laughs] to promote. So you have the best interests of all parties in mind, that you're not siding with one person over another, that you're working in the best interests of all. And that there are I would say as a restor-… by the very nature that you're there as a restorative justice facilitator/practitioner, you are bringing with you a particular bias...You believe that a restorative outcome is the most appropriate and ethical.

In relation to neutrality, some participants expressed there are times when they empathize with offenders more than victims and must be conscious of these feelings to promote a ‘safe’ space for all clients. The following participant expressed a significant level of mindfulness and
reflection while examining such feelings and how their bias had potential to impact the process and their clients:

I have to be very careful on a personal note that sometimes…that my heart quite often will go to the person more so that's caused the harm because I know more about them sometimes, and I can understand why that happened or what led them to do that. And I think, of course, it comes from my own personal journey, my life. So I have to be very careful that that isn't out there for everybody, that everybody equally feels very much supported by me and that none of us are taking sides, and it keeps me coming back. It keeps me doing what I'm doing and fighting for this program in spite of some of the barriers that we've had and the challenges. Absolutely.

4.3.14 The Power of the Circle

As previously stated, these participants primarily practiced in victim-offender mediation models of restorative justice. But experiences described by participants suggest this model is often modified to incorporate an enhanced circle process. Many participants equated a circle process as being synonymous with restorative justice as can be seen in this next quote: “Yes, I believe that the circle...is the model of practice that aligns itself most closely with restorative justice values. So I think it's inseparable in a way - Circle is restorative justice, restorative justice is circle.”

One participant explains that a circle process promotes balanced communication:
Well, I find the circle reflects respect and that everybody has an opportunity to speak and to be listened to. I find there's balance in a circle. I don't remember a time where I've sat in circle and thought, ‘This person really needs to say less.’ There's been times where I think, ‘I hope this person will say more,’ but there seems to be this balancing of people who need to speak, are allowed the time to do that, and people that don't need that opportunity, that just want to listen, can also feel free to be who they are in that moment.

Experiences of some participants indicated they found the structure of the circle process itself to be a safe environment that can be helpful in promoting empathy without other interventions from practitioners:

Like it's a natural way of coming together for me. So I guess that's all I can speak to, is my own experience, but I feel that it's not a pressured place, it's a safe place. There's balance, there's respect, there's a tremendous amount of empathy, and there's a tremendous amount of compassionate witnessing when somebody's able to share what they need to share and everyone just holds that space for it to happen.

This participant also speaks to “witnessing” which will be expanded later in this thesis under a theme using that same term. Participants experienced the use of a circle process not only in practice but also during CAP volunteer and board meetings. As one participant points out, a circle can facilitate dialogue and honest sharing among practitioners during program meetings:

If there is a circle process introduced, and there usually is because we're a group of RJ people, the sharing that happens there is profound. Because, well, it's the thing about
circle, you share your story, you put it into the circle, and the other participants take what they need and leave behind what they don't. And I found that there's a lot that I need in those circles in terms of just lessons from cases or working within another program.

While analysing this sub-theme it brought back memories for me of the last time I saw Dr. Liz Elliott. It was at a meeting of restorative justice advocates who were discussing possible responses to the Stanley Cup riot. There was a large outdoor circle with a bonfire in the middle. My recollection is that Dr. Elliott sat in the circle and when it was her turn to speak she stated she was going to pass and that she was there to experience the power of the circle and to take that away with her. Dr. Elliott was near the end of her life at that point and yet she found the strength to join that circle. Even without saying a word she contributed to my positive experience by sitting with us. For me, that day will always represent the power of a circle and the sense of connectedness and community in restorative justice.

4.4 Mentorship

A strong theme emerged around the role of mentorship in restorative justice. Mentorship was talked about in every interview and its importance was verified during the sharing circle. For participants, it was the primary approach to learning the craft of restorative justice. It was also one of the best ways for different community-based restorative justice programs to network and learn from one another. There was also a counter-theme expressed by some participants who reflected on problems that can arise during the mentorship of some volunteers.

Most participants experienced a lack of advanced training opportunities available to restorative justice practitioners. While there seemed to be consensus that the initial training offered by
programs was sufficient, there was almost universal agreement that more advanced training is minimal or non-existent. The following participant expresses how their training and development primarily comes from working with other practitioners and the process of mentorship:

Any ongoing training for myself and any ongoing development for my communication facilitation skills is all based on working with various practitioners, various volunteers… If I were to want more training, I’d have to seek it out myself, which is unfortunate and it’s difficult.

All participants of both the individual interviews and the sharing circle identified themselves as involved in both the training and mentoring of new practitioners. This was not unexpected given the inclusion criterion related to self-identification of working on a ‘serious’ case. The expectation related to this criterion was that primarily experienced and skilled practitioners would be interviewed. The following quote from a participant exemplifies how the process of training and mentorship has been experienced in their program:

And so the role of mentoring, I think, is a critical piece. And so, the way in which we have it done is those who provided the training mentor those that have been trained. And so they’re with you, at least this is how I went through, so you do all of your cases with them to begin with, so they ensure that your skills are where they need to be. They ensure that you’re progressing forward with your skills the way it needs to be before you move off to the sort of volunteer with a volunteer.
An interesting point is that it seems as if it is up to volunteers to assess how skill development is evolving for new practitioners. Some participants felt that, when they had difficulty with another practitioner, the lack of power associated with being a volunteer was a barrier to finding solutions. This will be expanded under the sub-theme of “The Problems with Mentorship”.

Several participants spoke of the transition they experienced when moving from being mentored to taking on more of a ‘lead’ role in practice. Most participants spoke of how when they first became restorative justice practitioners the expectation was that they would take a ‘minor’ role in cases. A common experience of the majority of participants was that as they developed skills and confidence they progressed to more prominent roles:

And I really learned a lot of my skills and a lot of my tools came from people that I worked with…and looking at role models…Like I remember…just sitting back and being astonished. And as a facilitator your job is not to so much to carry the conversation or keep it going, but you’re there when you need to pipe up, and you're there, you know, when to back off. You just, like you pick up things from different people, and at first I picked up things from…experienced facilitators. I picked up things from the lead facilitators and eventually I think I got comfortable enough to say ‘you know what, I want to take it, I want to take a chance’.

After taking on more leadership while paired with experienced practitioners, most participants eventually became mentors themselves. This process of passing the torch is explained by one participant:
Because I feel that – why should I try to be so fortunate to be able to be the lead facilitator? I’m going to let somebody else do it and I’m going to be there to support them. Because somebody supported me obviously to get me to where I am.

Sometimes being a mentor requires providing passive support and waiting until their co-practitioner needs help. Being non-directive was therefore experienced as important both in mentorship of new practitioners and in working with restorative justice clients. Also of note is that this next participant felt there was a need to assertively ‘push’ new practitioners to go outside of their comfort level to take on a higher level of responsibility:

Mentorship, it totally, that’s what RJ’s all about...I tried to say to people: “You know what? I’ll totally help you, why don’t you take this on? Why don’t you do this? And I’ll be there to support you. If you need anything, if you have any questions. Or if I feel like you’re kind of drowning, and don’t worry, it happens all the time, I’ll be right there.” And then some of them would really flourish. Like I know a couple of girls I worked with. Awesome, awesome, awesome, awesome. And they just needed an extra push. “And I’m right here, if you need anything, I’ll take over, just give me a tap.”

Some participants also spoke of having mentors in the restorative justice field with whom they had never worked. For example, one participant spoke of meetings in which practitioners from multiple community-based restorative justice organizations met to support each other and provide mentorship across programs:
But in the last few years there hasn't been that direct mentorship on cases for me. However, being able to sit in circle with other practitioners from other communities is a different form of mentorship. By sharing our stories, by sharing the tough cases, the struggles, the challenges, I've learned a tremendous amount. So I would consider several other people from other programs that I've never co-facilitated with to be my mentors in this work.

Several participants acknowledged that different restorative justice programs are at differing stages of development and that some have more capacity to provide mentorship than others. There appears to be a correlation between the sense of community in restorative justice and the provision of mentorship across programs. The next quote comes from a participant speaking about a mentor from another program that deals with what they see as ‘serious’ cases:

I consider this person one of my mentors, not because they directly worked beside me on cases but from all of the conversations I had in my early exposure to restorative justice. His work with serious and violent crime—I feel his approach in terms of the level of safety that he was using in these very, very serious cases, very often involve loss of life; that level of safety and skill… maybe not skill—… that level of safety and that care and attention to the work was something I always wanted to bring to whatever level of case that I was dealing with.

This concept of creating a ‘safe space’ for people to share their stories was mentioned by several participants and is discussed further under the theme of “Witnessing”. It is also important to highlight that this participant is noting that safety is important in all cases and not just those
considered ‘serious’. This attention to the needs of all clients no matter what the crime or their role as victim or offender was prominent in almost all participants’ stories.

Several participants acknowledged a desire to have First Nations practitioners of restorative justice provide training and mentorship to CAP practitioners. Only one participant discussed having significant teaching and mentorship from First Nations practitioners. One participant explained that the motive behind their desire to learn more about indigenous ways of knowing is to work effectively with First Nations clients referred to CAPs:

> Just inviting First Nations practitioners who do practice restorative justice – and there are some, I've met them. Just inviting them to come and do a training, to come and speak to their experience and speak to their perspective about restorative justice as a First Nations practitioner, even something like that. In all the time that I've been in this field, I've never had that opportunity. So I think that's unfortunate. I think we need to do more than talking about it.

Several participants spoke about forming mentorship relationships with restorative justice clients. For some participants this mentorship occurred over an extended period of follow-up with a youth as they completed requirements of a restorative justice process. One participant described a mentorship relationship that actually continued long after the youth finished his involvement with the restorative justice program:

> I think first of all I never would have met him if it wasn’t for RJ. I would have never met this kid and he hit me, like he immediately, he was just one of those kids that you can
strike a conversation with. And I don’t know what it was about, I don’t know how. We just became good buddies.

4.4.1 The Problems with Mentorship

Although most participants in this study viewed the process of mentorship as positive, there were also counter-stories. Some participants experienced working with practitioners who did not seem to flourish in this mentorship model of skill development. In the following quote the participant was quite animated and emotional when discussing the experience of working with a practitioner whom they felt was too involved in the process and was offering unnecessary advice:

And it really pissed me off when I had to work with them, because you always had to work with two facilitators. There was one facilitator that didn’t want to work with youth, or didn’t know how to communicate well with youth, or thought they always had to be a mother to the youth. Kids these days don’t need mothers, they don’t need fathers, they need people to chat with. And that’s what pissed me off.

This participant was of the opinion that their co-practitioner was not using active listening skills to create a space for communication. Restorative justice is founded on the concept of dialogue (Umbreit, Coates, & Vos, 2007) making this a significant criticism from a practitioner.

Some participants clearly indicated a need for restorative justice programs to recruit volunteers with specialized knowledge and skills to adequately respond to complex cases and community diversity. One of the primary reasons expressed for this recruitment objective was a perceived lack of training opportunities available to veteran practitioners:
And we do, and I often feel like I don't have the background to be able to know how to modify the process to be most helpful, so I rely on colleagues in those other areas. One of the things that I promote in larger restorative justice programs, that in their volunteer recruitment they should be actively recruiting people with that specialized knowledge…We are very lucky that we have people with lots of different experiences from their past as volunteers, so if we're dealing with a case involving a young person or an adult with Fetal Alcohol, we can draw on somebody that has that specialized knowledge as a facilitator. So not only committing to our own training but in our programs, our volunteers should reflect the diversity of our community, paying particular attention to what makes people more marginalized.

It is my analysis that social workers could provide an array of specialized skills to respond to these diverse needs. But, there were also experiences among practitioners that recruitment based on specialized skills alone can lead to difficulties. The following participant explained that although certain professions such as lawyers, mediators, police, and counsellors have relevant and complementary skills, they may also come with fundamentally different values and goals than those of restorative justice. Several participants described experiences where these dichotomies became evident during the process of mentorship:

As great as it is when you're interviewing them, when they start not…aligning the value of neutrality and in facilitation with the ‘directedness’ of mediation, when they start having a conflict in those two things that are very different, I would hope that there's a red flag that kind of starts flashing up there. Or something that starts flashing up there saying, ‘Something is not…aligning for this person. Perhaps we need to revisit their
training, or whether or not they're even going to be able to proceed with being trained as a facilitator.’

Although this theme was not consistent across all experiences there was significant emphasis in some interviews and during the sharing circle that certain professions may have professional ethics and worldviews that conflict, or are entirely incongruent, with restorative justice values, ethics, and philosophy. One participant questioned if recruitment was directed at these professions primarily to increase the status of restorative justice:

…we need to be mindful of what kind of volunteers we have. Having lawyers and mediators for volunteers, I mean, are you… is it because you can say that you've got lawyers and mediators for volunteers, or is it because you want to be able to say, ‘These facilitators are certified and well-trained.’ What is that we're trying to say?

Participants experiencing difficulties with other practitioners also often felt it was difficult to ‘mentor’ change in these volunteers. The following participant describes attempts to mentor some restorative justice practitioners towards being more ‘open minded’:

**Interviewer:**

So, I mean, what’s it like, what kind of response would you get from a co-facilitator if you tried to sort of tell them to be more open minded? To let people find their own solutions if they weren’t in that kind of head space?

**Participant:**
Well, nobody likes being told (pause) nobody likes being told that. I’ll tell you that. (participant laughs) Who likes to be told that they need to be more open minded? But I think that you got to, just as your selling it to the youth, just as you’re selling it to people, you need to sell it to your co-facilitator. You say: Look, I think the best method would be, you know, why don’t we let them project some opinions? Let them project themselves. You know we’ve done too much work already, let them project some. And sometimes it works and sometimes it doesn’t. I think that harder-core facilitators to work with are the way they are because of the way they are. I don’t know, I wish I could tell you. They have their own way of doing stuff and that’s okay. That’s their way of doing stuff. It doesn’t necessarily mold my. Maybe they think that I’m an idiot. Maybe they think I don’t know what the hell I’m doing. And that’s, hey, fair enough, sometimes I don’t (participant chuckles).

This experience seems to suggest that the difficulty is not necessarily a lack of skill, but rather a deeper sense of values or identity. The last quote also highlights the experience of ‘selling’ restorative justice which was evident in experiences of other participants as well. The use of the term ‘selling’ may be misleading if taken out of context of the larger interview. This participant and others noted that restorative justice victims and offenders have usually never been through a restorative justice process before. Participants spoke of a process of acclimatizing clients and new volunteers to restorative justice values and its non-adversarial dialoging approach to resolving crime and conflict. Although some participants described this as a ‘natural’ process that victims, offenders, and new volunteers quickly adapted to, there was also an acknowledgement that a conscious set of skills are needed to facilitate this.
Several participants believe that even after extensive mentorship some practitioners may never develop a competent level of skills:

No. We've had volunteers that really believe in this system, really believe in restorative justice, all the values and principles, that have not missed one hour of training…and that have never been handed a file. We know it's more than that, absolutely more than that. And our new facilitators spend a long time with a co-facilitator that has a lot of experience…And we strongly believe that we've built within that training…that group of people have built a pretty good relationship that we can talk about the tough stuff…Through learning and being able to do that and, of course, building that relationship…We're asking these people that don't know us, that have been traumatized, to come and do that for us. If we can't also do that… and we've had volunteers that we've had to say, ‘I'm really sorry, but right now we don't feel that you're ready to do this, but please come back next year, give it another try.’

In this case the participant seems to be referring to the idea that there is a significant level of trust that practitioners feel is placed in their hands and a corresponding ethic to do no further harm to both victims and offenders.

4.5 Witnessing

As the interviews progressed it became evident that the witnessing of stories was a prominent theme. One participant described this experience in emotional terms stating: “I guess I experience an immense sense of gratitude that people feel open to share these kinds of things. I
feel it's a deeply honouring experience.” This same participant linked how witnessing stories fits within their conceptualization of restorative justice philosophy:

And to me, that kind of offering of support to people that were struggling, I think even as I think about it today, is the heart of restorative justice – that offering of compassion, that idea of walking alongside somebody that's going through a difficult time.

Another participant was direct in their interpretation of the role of practitioners in restorative justice processes. “I find that RJ facilitators are there to listen and they’re there to provide support.” One participant spoke of the feelings they associate with witnessing victims’ stories: “I continue to be inspired by the resilience that it takes for a victim to share something that's been difficult for them.” This same participant elaborated on this statement later in the interview by stating:

I was thinking about victims and how I find it incredible-their courage to come and talk to a stranger about something that's been difficult. And then if they choose to participate in a process where the offender will be there, how much courage that is. I find that very inspiring.

Most participants also experienced emotional reactions to witnessing the stories of offenders:

I'm completely blown away by the courage that…we're dealing with mostly young people, but young people who have caused harm that feel shame about what's happened. Their courage to sit in the same room with somebody that they've harmed, especially when there often is an age gap…And then their parents are there and maybe some other
adults are there, and the facilitators are adults. And they come into that room to take responsibility and to do what needs to be done to repair the harm, and I think that's difficult…I've always said as a teenager going through my own struggles, I don't think that I would have been able to do it.

Almost all participants felt that the restorative justice process itself creates conditions conducive to witnessing stories. As one participant explains:

But, it’s really this process, being such a human process, and one that creates some respect and safety that allows people to tell a bit more of that story. And it humanizes the experience of what they did and why they did it. And I think it allows, it also allows not only the offender to speak to that, but it allows the party that’s been harmed to share more of that experience for themselves, too.

This participant is also expressing a belief that the storytelling and witnessing aspect of restorative justice can facilitate the humanization of both victims and offenders. Seemingly, the participant is expressing a belief that there is a balancing in this sharing and witnessing and that both victims and offenders are involved.

For most participants the witnessing of stories was one of the most significant rewards of being a practitioner. For several, this was expressed as a reason why they gave so much time as volunteers. The next quote explains feelings that come from witnessing while also referring back to the impact of crime:
So, I guess for me it's honouring, it's quite humbling, and it's always eye-opening to realize how different everyone's experience is. No matter if it's the same kind of fact pattern that I've dealt with a hundred times, everyone's experience is slightly if not radically different.

The ability to place oneself into a mode of curiosity to witness stories was consistently experienced as desirable. There were also experiences consistent among several participants that if they were to read extensive police reports and other documentation prior to meeting with individuals that this could have a negative impact on their ability to be non-directive and non-judgemental in the process. The following participant reveals how they prepare to witness stories:

I think the first thing that I do and that I've learnt to do it to make sure that I'm in a good place to be in a case, where my mental well-being and my mental health is in a good place. That I can be open to listening to people's stories, hearing their stories, and also be open to what I can and cannot deal with in that place. I think being self-aware as a facilitator is incredibly important, and we have an obligation to our participants, to our clients, that we're there to support them and that we're there to be open and non-judgmental.

This attention to preparation reflects one of the recommendations made by Choi and Gilbert (2010) in their research into the role of practitioners in a victim offender mediation program.
One participant associated witnessing with the fluidity of socially constructed identities. For this participant, witnessing involved an openness to allow clients to construct themselves and their stories differently during each encounter:

So I feel people respond way better when you come in so open for them to construct whoever they are in that moment for them. I really work hard to not construct people in a way that they've been talked about or even as per their particular offence or what happened to them. It's really important to me to stay very open and recognize that the next time I see them they might want to construct themselves differently, and that's okay too. And so it really is…I take this idea of walking alongside someone wherever they're at very seriously in this work. It's not my job to pull them in one direction or another or to push them to a place of discomfort.

4.5.1 The Need for Self-Care

The witnessing of stories can be difficult and even traumatic for practitioners. Some spoke of it as taking on a ‘burden’ and there were acknowledgments of being ‘triggered’ while witnessing. Several participants explained that triggers are often exposed early in the training of new volunteers:

As a result of our training also, it brings up…it's inevitable. It brings up some of their history. It brings up… if there are triggers, right? And maybe they have some work to do that they recognize that they have some work to do and might need some counselling or healing.
Participants acknowledge that ‘triggers’ will emerge for almost all practitioners as they work on a variety of cases over time. As a result, being aware of one’s own triggers and self-care becomes an essential part of the work:

Again, I think just knowing my own triggers of what…when I'm getting stressed, and what happens when I get stressed and watching for those. And realizing that at the end of the day, I can't work on every case all at the same time, and that some people will have to be delayed a bit, and just communicating that with, you know, your other teammates, the staff and volunteers on board. But also just making sure that as a facilitator, you have healthy outlets of how to make sure that you're de-stressing. Whether it be exercise or reading or friends or family, but making sure that you do have those healthy outlets and making sure it's part of your routine.

When this participant is speaking about people being ‘delayed a bit’, they are referring to postponements that can occur while they work on self-care during a case. Also of note is that this participant believed that transparency is important when delays are necessary. Some participants experienced times when they felt overwhelming emotions that made appearing professionally detached difficult:

And there are times, absolutely, that I will tear up when somebody's telling me their story. I work really hard at not doing that. There are times when it's absolutely inappropriate because I think – and I think we know for sure – that it takes away… you know, ‘This is my pain. Don't you be crying and taking away my time and my pain’, right? Lessening it, or relating to it, so to speak.
Most participants also felt that being emotionally impacted while witnessing stories is positive for practitioners:

I think it's incredibly normal and a good thing to be affected by the stories you hear from people. I don't want to become a robot and be ok and not be affected by things people are saying. But at the same time, it's important to have a healthy balance, to have the ability to be empathetic and passionate towards people and care, but be able to leave it behind so you're not taking it home with you.

Several participants also spoke of witnessing stories impacting their personal lives:

But there was a while there, probably in my first or second year, when I started to feel like I couldn't relate to my friends that I had been friends with forever as well. We'd be out having a glass of wine or whatever, and talking, and they'd be complaining about something in their life that was an issue to them, but very small in the grand scheme of things – you know, whatever it might have been. And I remember thinking “How could they be complaining about these tiny things and feeling sorry for themselves when there's huge and much larger problems out there with people that are going through really traumatic stuff.” And so that greatly affected me for a while, but then I came to the understanding that it's a good thing that those people don't have to understand the other traumas that people can incur, and it's a good thing that some people do get to be sheltered from harm in those ways. And it's an important realization, I think, as a facilitator.
Some participants feel an ethical responsibility to identify possible triggers and to be self-reflective of their skill-set and ability to take on cases. This perceived obligation even extends to program administrators who are responsible for delegating cases to volunteers:

I think by and large RJ practitioners are maybe a little bit more self-reflective as a population of people than non-practitioners. The responsibility on us calls on us to be more self-reflective, because we’re having to be more self-aware of what we put out there and what we’re getting ourselves involved as volunteers with the people who are sitting before us. And so I think it’s a bit of a serious piece that we have to take responsibility for and I certainly think that the people that are responsible for handing out cases, at least within our organization, see that as an important piece and take that time to go down the list and determine who’s going to get what case, based on their presumptive understanding of who they think can handle it.

Another participant holding a leadership role in a restorative justice program perceived an obligation for volunteers to identify their difficulties with administrators:

At least in our volunteers, we ask them to…have some ownership over what they are feeling and how they're doing, and to come to us if they're feeling overwhelmed and if they don't think they can work on a case and things like that.

Some participants in this study also shared a common experience of believing ‘burnout’ is frequent among practitioners: “I think it's probably very common to burn out. I don't think it's something-self-care-I don’t think it's talked about enough.” Some participants maintain that the
level of stress associated with witnessing is amplified because practitioners are volunteers who also have other responsibilities such as work, school and personal lives.

One of the ways self-care has been addressed in some programs is through regular volunteer meetings. Such meetings are not mandatory in all programs, but through these meetings a process of group debriefing is used to promote self-care:

Well, having an opportunity always, like, whether it's at our monthly meeting to debrief, is huge, to be able to share with people that you trust and know. I lose sleep on every file, some more than others, absolutely. So I'm recognizing that I'm not doing enough for myself, for self-care. I guess part of my self-care is advocating for this, and that feels good, and I think that helps, the more people I can open their eyes to looking at a different way of being.

Several other participants also felt that advocating for restorative justice was a component in their self-care.

4.6 Standards and Standardization

As I was conducting and analyzing the interviews, this theme of standards and standardization seemed prominent and therefore it was presented to the sharing circle. The discussion in the sharing circle caused me to question the assertiveness with which I would present this theme. Although I still think this is a dominant theme that all participants experienced either directly or indirectly, I also acknowledge that both the terms Standards and Standardization seem to be ‘trigger’ words in both the theoretical and practice-based camps of restorative justice.
4.6.1 Standard Definitions?

One participant articulated a dilemma also expressed in the literature that even the term ‘restorative justice’ is ambiguous (Cohen, 2001; Gavrielides, 2008). This participant also seems to be articulating that there are benefits to not having a standard definition:

And so we need to be clear when we talk about restorative justice what that means, and there is no congruency in the field around what that is, around a definition. And there's pros and cons to that, right? If we have a too limited definition, it doesn't allow for maybe more creative ideas, but if it's everything and anything, that's not helpful either.

Most participants described experiences of practicing in flexible processes combining elements of different modalities of restorative justice predominantly grounded in victim-offender mediation. Several participants believed that even providing standardized definitions of restorative justice models such as victim-offender mediation can be problematic:

I never start by introducing it as any model, especially victim-offender mediation, because I believe it comes with a pile of assumptions. That…you have these equal parties and I'm coming in as a mediator to help you find a solution, that's not often what is needed or wanted or required. But also it comes with the baggage of ‘Well, RJ must look like this. You have to have a victim in a room and an offender in a room and a neutral third party.’ All of that is incredibly problematic and doesn't respect restorative justice as a philosophy. That may be a model that's helpful to express restorative justice values, but not always. And there's many processes of mediation that, unless you're
grounded in the values, you'll end up with an incredibly punitive outcome. So again you can't be outcome-focussed. It's not about an outcome.

This participant is also highlighting a question raised by several others related to a perceived incongruence between formal mediation and restorative justice as well as the tension between outcome and process-based definitions of restorative justice. This tension has also been reflected in the restorative justice literature (Gavrielides, 2008), and seems to highlight a gap between the theoretical restorative justice camp and practitioners. At a later point in the interview this same participant qualified their statement about outcome-based restorative justice practice, asserting:

Well, if an outcome is what the parties want, that's great, but we have to make sure that the restorative justice process reflects the values, and the outcome reflects the values as well. And so if we equate RJ with mediation or even victim-offender mediation, we've lost the richness of the philosophy there.

One participant contends that standards are possible even between outcome-based and process-based definitions of restorative justice: “I don't know which is more important, but there are process-based and outcome-based definitions of restorative justice and I think we need to just be mindful that both of those things must reflect the values if it's to be called restorative justice.”

Another participant noted that a lack of standards or standardization can lead police, as the predominant referral source to restorative justice, to think that all programs are the same. While this participant is not arguing for either standards or standardization they are articulating a common negative experience among several participants when fundamentally different programs are lumped into one category:
And provincially we know that there are so many different restorative justice processes that look different and are different and different values and principles and different guidelines. So if an RCMP member, let's say, is in one community and on a personal basis doesn't think that that's a really good service or due to lack of funding we don't have good, trained professional facilitators and directors, then they're not going to refer when they go to another community because they might believe that it's all the same. How do we educate them in the differences and why we do what we do?

Another participant asserted that a variety of restorative justice models need to exist in order to ensure that practitioners can respond to dynamically different clients and communities. But this participant is also articulating that different models of restorative justice can be based on similar values and ethics:

No, and I think that's why presenting restorative justice as one champion model, it’s not going to be realistic. I think that we need to start…realizing that just applying restorative justice values and the philosophy can look like many different models…I think that we need to be open to the idea that it's going to be…different models, different types of circles. I think we can't present one champion model, because I don't think that's going to work…I think there's going to be incidents where it requires participation of different community members who are not just the direct victim, the direct offender, and their supporters.

Another participant questioned what should be included under the banner of restorative justice:

“And what I've noticed is anything that doesn't look like retributive justice is slotted underneath
the restorative justice label, and that is incredibly unhelpful to advancing or deepening an understanding of what restorative justice is and its potential.” According to one participant, different types of programs, including some with fundamentally different views of restoration, are lumped together under the general heading of restorative justice: “One thing that I find even within restorative justice practitioners (that) gets muddied is whether or not we're doing restorative justice or we're doing rehabilitation of offenders.” Several participants critiqued programs that exclude victim involvement and experienced these as necessarily being ‘offender-focused’.

According to a participant, one category of restorative justice known as a community reparation panel, in particular, fails to meet the values of restorative justice:

We're going to have this panel, we're going to have an offender come, he'll tell us what he did, the community will sort out the outcome, and then they're going to go do that. – That might make sense in a lot of communities, but it's not restorative justice. That at best is an attempt at offender rehabilitation, but it's not restorative justice for many reasons. The first is that it's missing a very important component, which is the victim. It lacks a dialogue often. It lacks… Well, many problems, but anyways… So when we start to slot things that are focussed on offender rehabilitation under restorative justice, it's get very, very muddy.

An even stronger critique towards the lack of standards across restorative justice programs can be seen from this next quote:
In this province, it has been lost, by and large, I feel. There's many programs that exist without engaging victims at all. So for me, we've got the engagement of the offender right, we've even got the engagement of the community right – many of these programs rely on community people to oversee them at the board level, to be facilitators, to be panel members, to be representatives in the circle. We've got the community engagement right. We have failed victims in this province, I believe, by making our processes geared towards first-time non-violent young people who for the majority of the time are committing shoplifting offences. And so we've tailored our models to those cases rather than demanding that our referral sources look at restorative justice and we refine our own practice so we have other models available that are more respectful of victim needs.

There are many things that can be unpacked about this quote but one of the most prominent issues is that many restorative justice programs were designed to provide a safe process for young offenders and minor property crime. This participant is articulating a common concern among several participants that great care needs to be taken to ensure that as programs take more serious cases they do so in a good way by examining potential changes to the processes they use.

Another participant was very blunt in their concern for the lack of standards in restorative justice and articulated grave concern for the restorative justice movement. They expressed that there is a need to take care to ensure that the foundational philosophies, values, and ethics of restorative justice are maintained as the field evolves:

How far away from restorative justice values…do we want to get in order to make restorative justice happen?…My biggest question for practitioners who truly want RJ to
succeed is: What will RJ look like if it were to stay in the course it is going now? The RJ that you want to legitimize, the RJ that you want to-as a movement-to succeed, what does it look like? And how does it measure up to the principles and the values and the philosophy of restorative justice?

One participant referred to an analogy used by Catherine Bargen, who is the Restorative Justice Coordinator for the British Columbia Ministry of Justice. I contacted Catherine and received her permission to publish her name within this thesis in relation to her analogy:

I don't argue for standardization, I argue for standards...a colleague of mine, Catherine Bargen, has used the analogy of the restaurant industry. So the restaurant industry has food safety standards, and within those standards you can have whatever kind of restaurant you want. You can serve whatever kind of food you want, but there is minimum standards because it's about health and safety.

This participant then elaborated by explaining that Catherine makes the argument that these standards could be applied with the same flexibility used in the food industry in both large urban communities and smaller rural ones. In other words, there can be many different types of restorative justice programs in diverse communities that all share core standards implemented to protect clients:

So I don't have the answer, but it would be very cool to develop what are the standards that restorative justice practitioners are committing to adhere to. And no matter what model you're using, if we can agree there are certain things that are okay and aren't okay
in restorative justice, no matter what you're doing. I think that that would be a good step forward, but I don't believe we should all be doing the same thing. It's very disrespectful to the grassroots community spirit of restorative justice.

4.6.2 The ‘Forum’ Model

A prominent sub-theme related to standards and standardization was the model of restorative justice introduced to British Columbia through the RCMP. Throughout interviews different participants referred to this modality of restorative justice as the ‘Wagga’ model, the ‘scripted’ model, the ‘forum’ model or the ‘RCMP’ model. For the sake of clarification I will refer to the ‘forum’ model in my narrative and analysis. It should be noted that there are CAPs that utilize this modality of restorative justice.

One participant articulated a common concern shared by most participants related to the police controlling restorative justice programs:

Some of the programs that are funded by the municipalities work directly in the police building and are under the supervision of a police officer. So they [the RJ programs] do not get to define what restorative justice is, the police do, and that's highly problematic in my view.

Many participants had received the ‘forum’ model training at some point in their careers and one participant noted that “our organization also feels it's very important that when the RCMP model training becomes available in this area, we encourage our volunteers to take the three-day training.” This participant went on to describe how this is not a supportive statement of the
forum model of restorative justice. “And so the biggest piece for me of taking that training and the feedback we get, absolutely, 100% of the time, from every one of our volunteer facilitators is, ‘Wow, I'm so glad I took that because it really teaches me about what not to do.’” Experiences indicate some Lower Mainland CAPs suggest their practitioners take the forum training as a litmus test to gauge suitability and congruency of their values to these CAPs.

The lack of preparation for victims and offenders, and absence of basic communication skills believed to exist because forum practitioners rely on a script, was also criticized:

That model is problematic for many reasons, and the training is problematic in that they say that case development is important, that it is important to have initial meetings, but there's no, or little, training on how to do that. And in my experience, as I mentioned earlier, the basic communication skills, empathic listening, open questions, summarizing, those basic skills needed to have good initial meetings are not being trained under the restorative justice banner. People are expected to know them and they often don't. Unless they're coming from a background where that was used, most people don't have training in non-violent communication or however we want to call sort of basic empathy communication skills, and that's a problem.

Some participants illuminated a perceived danger that can come from promoting standardization in light of this forum model’s proliferation in British Columbia. Several participants were mindful that the forum model is already highly standardized and that its practitioners also receive formalized ‘certification’ of competency after training. In other words, there already exists a standardized model of restorative justice in British Columbia that is supported by the RCMP that
participants found problematic. Several participants challenged the competency provided by forum training:

No, and there is absolutely no standardization or certification process around restorative justice in this province. There is according to the community justice forum model; you can be a certified practitioner in that model, but that doesn't necessarily mean another restorative justice program will think that that means a lot.

Experiences suggest restorative justice ‘works’ when both practitioners and processes are flexible. One participant noted how the use of a script, and corresponding lack of flexibility, can promote practitioners to take a more directive role in the process:

So all I can say from my training in the scripted model was that the level of, for lack of a better word, the level of control the facilitator takes over a process by having scripted questions. And the ways the process moves forward is less flexible, and is more centered on the facilitator in my opinion and not as centered around the people involved. I wonder if it also leads to less work on the front-end of assessing and preparing people to be involved in a face-to-face that we take in an unscripted model.

The point this participant makes about preparation before bringing together victims and offenders was echoed by others who described the forum model as reminiscent of a restorative justice factory. Experiences suggest the forum model is designed for efficiency over efficacy: “In that evening I think they had a three-and-a-half or four hour block of time, and in that time they did three or four referrals.” This short time-frame is far less than what most participants
considered necessary to commit to a restorative justice case. Literature also supports that restorative justice processes should provide clients with as much time as needed to find closure (Choi & Gilbert, 2010).

Some experiences suggest that the content of the script is not the problem: “The script, actually I like the script. The script, when you read it, is good. It's got great open questions, they cover off a lot of the most important points that are key to a process or on confidentiality and those kinds of things.” Experiences suggest it is the rigidity imposed by the script that is problematic:

The practitioners are actually told, ‘Don't stray from the script.’ So how is it that you can be in the moment dealing with human beings who are incredibly unpredictable? And what happens when the script doesn't work or if people are working on outcomes that are incredibly punitive? I think that we just need to be really careful when we're trying to use a cookie-cutter approach when we're dealing with people, things, situations involving human beings who are so complex. I don't think one model ever fits all, and so while the script might work very well in certain situations, without good case development, we're not going to know that. And so while there's things we can take from the script that might be helpful in a restorative justice process, to say that you have to stick to that…I understand the philosophy, is that it's all about minimizing risk. If you stick to the script, you can't mess up. However if you stick to the script, you can mess up too. And the philosophy of the community justice forum is ‘Oh well, if it doesn't go well, if they don't reach an agreement, if stuff happens, well, it's up to the participants. The participants own the process.’ But that's actually not the case. We as facilitators have an obligation to prepare people well, to bring them into a process that we feel has restorative value. So
it's not good enough, it's actually not ethical in my mind to say, ‘Oh well, things are blowing up, I'm just the facilitator here and I'm neutral and I'm not taking sides’, and ‘work it out.’ It's not okay.

Shortly after the forum model of restorative justice was introduced to North America, Umbreit and Zehr (1996) also expressed a similar concern about the inflexibility of its design because practitioners are unable to deviate from the script.

4.7 Relationships and Communities

Throughout all of the interviews, the experience of being a restorative justice practitioner was related to both relationships and communities. All participants experienced restorative justice as a community-based approach to dealing with crime and conflict. There was also a common belief that restorative justice can build communities and community capacity as it repairs relationships and builds new ones.

4.7.1 Volunteering and Community

All participants shared a common experience of ‘giving’ something to their communities through volunteering as practitioners and advocating for the expanded use of restorative justice. For one participant restorative justice is linked to community through volunteerism, which is in contrast with paying practitioners: “I think there’s something to be said about people willing to come forward to provide this in their community as volunteers. I think there’s a level in there that could be more pure or more harmonious to community than providing some sort of dollar figure to people.” This same participant spoke about the support that comes from communities towards restorative justice in terms of people willing to give their time to programs: “I mean I think every
time we do a training, every time we ask for people to be volunteers in our program, regardless of the kind of cases that they take, we have tremendous response from people in the community to want to come forward to be volunteers."

Another quote shows the connection to community that one participant felt through their volunteer work in restorative justice. This connectedness to community through volunteerism was a common theme across all of the interviews:

I think that the approach that I take in coming into RJ and my willingness to be a volunteer for an organization to do this kind of work is more in the sense of being a responsible member of my community and wanting to provide an opportunity for people in my community who’ve been harmed to make right and to feel resolution. To go back into their community and feel safe, and feel respected, and feel equally treated, that’s the core of what this is about. And I think those are the values that have to go into being a practitioner of RJ.

Restorative justice is relational in nature and the dialoguing process of some restorative justice programs were seen as actually building relationships, rather than being limited to repairing damaged ones:

There’s a magic in RJ. I don’t know what it is and I can’t put my finger on it but I think it has to do with relationships. And that skill that I’ve learned about building relationships has helped so much. In police work, in my personal life, with my own family, dealing with conflict in the community. As a citizen, as a police officer, just
listening to people. Give people the time of day and you’ll learn so much. I don’t think we do it as a society, and I don’t think we do it with justice. I’m going to try to change that.

The majority of participants expressed common experiences that the skills they utilize as practitioners are important in other aspects of their lives. In one participant’s opinion the values of restorative justice are more congruent with those of community than those expressed in the criminal justice system:

Yes. I would say that it is probably the more natural and human way of dealing with conflict and harm. I think the criminal system is… I’m not saying it shouldn’t exist because there’s a great need for it in many cases. But I think it doesn’t speak to the values that are inherent in who we are as people and how we want to be in community.

Furthermore, this participant argued that the criminal justice system lacks clear values beyond public safety. It should be noted that this participant is speaking from extensive experience working within both the formal criminal justice system and volunteering in restorative justice. In the following quote the participant is referring to values when speaking of a ‘critical’ piece:

Yes, it’s critical, and it’s a critical piece of this that I don’t think you find in the legal system. I think there are some laws made on value but by-and-large the system doesn’t speak to that. I think the system essentially says we want to keep people safe, and beyond that-I don’t think there’s any sense of anything beyond that. And I think RJ
provides a process that is inclusive of both sides. The justice system is very offender-based. It doesn’t speak to victim’s needs and victim satisfaction as much.

The final sentence in the last quote speaks to the growing research on restorative justice outcomes that have shown significant levels of satisfaction by both victims and offenders in restorative justice (Coates, Umbreit, & Vos, 2006; Umbreit, 1999, 2003; Umbriet, Coates, & Vos, 2001; Umbriet, Coates, & Vos, 2007).

4.7.2 Building Communities?

The fluid nature of ‘community’ led me to probe some participants as to what they envisioned when they used this term. One participant defined community in terms of relationships and communication stating: “Totally, and that’s community...what’s community? When you’re sitting down and chatting with your neighbors and figuring out what’s going on today.” This same participant spoke about their experience of youth becoming disengaged from community because they disconnect from relationships with others:

These kids are so ingrained in their Facebook and their phones. We lose touch, and we lose talking with these people and they just need someone to talk to. And so as an RJ facilitator I would love to talk with them...Or as a police officer I’d like to talk with them. It doesn’t matter, at the end of the day I’m still the same…I just put on a different pair of trousers.

Some participants spoke about restorative justice’s ability to build communities: “But it’s, it’s creating that community, cause that’s what we’re trying to achieve here I think. It’s community.
And that’s what RJ taught me, its community. It’s all about people and trying to get people involved.” Other participants also expressed that restorative justice has the potential to build new relationships and therefore also promote and strengthen communities:

Yeah, I think restorative justice can be used as community development. I think it can be used in building relationships where there were none before. Whether it's in a community meeting about... what to do with a special space, or building. Understanding and listening and using those communication skills in restorative justice can help in that way. Or whether it's building community in a school or a classroom and getting people, kids or young adults, to understand one another better, and to listen and appreciate the value of one another.

Of note is the assertion that restorative justice can bridge the generation gap and also has potential to enhance both communication and empathy in the process. This same participant also felt that restorative justice could expand towards a preventative role rather than simply being a response to crime. This was a common opinion of several other participants, as was the topic of the expansion of restorative justice into classrooms. Several participants spoke of how the values of restorative justice could be used to build communities within schools. Some participants spoke of this involvement in terms of programs using conflict resolution to attempt to directly address harms such as bullying. Others had experiences within schools where the role of restorative justice was preventative through building communication and community capacity:

A circle doesn't mean something bad has happened...It can be prevention. Like, the Grade 5 student that said to me last year, ‘when we don't have our circles in the morning, I don't
know who didn't have breakfast this morning in my community,’ because that's what I teach, that this is our community. ‘So then I don't know who to share my recess snack with at recess or lunch. When you don't give me time for circle, I don't know which one of my community members is hungry.’

The goal of restorative justice as a crime prevention mechanism is also shown in the following quote:

Ideally, I think that's a very key component of restorative justice in the prevention model. The idea of restorative justice, I think, is to dream big and to work ourselves out of a job, to become prevention rather than just reaction. And ideally, you're building the capacity in people to have better communication skills and conflict resolution skills, so that things don't escalate to the criminal level, so that crime's going down and we're not having to respond to that.

A point made by several participants was that restorative justice can build what one participant described as “emotional literacy” in both children and adults. This emotional literacy was seen as a precursor to empathy which can be built through dialogue in a restorative justice process. The use of restorative justice to build empathy in even serious sexual offenders has been supported in the literature (Roseman, Ritchie & Laux, 2009). Some participants experienced that during restorative justice processes designed to repair harm and relationships there are also times when new relationships are built and that these can prevent crime:
And I think once you create those relationships, they might not always stay as close, but you always have that appreciation of another person in a different way, and I think it makes the community strong overall. And I also think it helps prevent crime, because if you have a connection with your community and people in your community, you would be less likely, in my view, to then hurt it.

An interesting topic that emerged under this theme was that almost all participants articulated a desire for police officers to be part of restorative justice processes towards building and strengthening communities. When one participant was asked what could have improved their experience with restorative justice their first response was: “You know what? I’ll tell you what I think (pause), I think…cops. Police officers would have been better…not once did police officers show up to one of the cases.” I probed for further information related to this experience and the participant stated:

Because I think, and I know it sounds weird, I know it sounds stupid, what is a cop going to do? You know? Well he’s going to build a relationship, or she’s going to build a relationship. She’s, he’s, they’re there to help. And I, you know I understand, don’t get me wrong. I know how busy we are, I know and it sucks. That’s what makes community. And you know, even creating that position, or getting the youth liaison, or getting somebody in a uniform. Getting somebody out there to say they’re not bad people. Because that’s what a lot of these youth think that we’re bad people. Getting them out there, you know?
In this case, the participant is using the phrase ‘how busy we are’ as a fellow police officer. Some other participants who were not police officers concurred with this experience. One participant recalled hearing positive feedback from clients who had gone through a restorative justice process with police officer involvement. In the following quote the participant is paraphrasing what they recalled hearing from that client who was the parent of a young offender:

‘I'm so glad that I had an opportunity to do this. I'm so glad that there was an RCMP officer present in the circle because it really changed my view on what our police do and who our police are. And I'm thankful that my son got to go to that place instead of being punished. He got to heal and be heard and not hurt any further.’

My field notes indicate that I believed this participant was emotionally moved when talking about the impact that this police officer had on the restorative justice process. This same participant also recalled a restorative justice case in which a different police officer shared a personal story within a circle process:

I've had police officers come on days off here because they care about this process. I've had police officers that have been here on duty, wearing their uniform, and sat with parents and youth and wept...Absolutely, they've shared, too, because they believe in this. And them sharing, you know, some of the things that have happened as a result of drinking and driving was one where the police officer just wept because when he got the call to this incident. That they were sitting here, he knew it was a youth and there was alcohol involved in vehicles. And he just went to that place because of his past
experience, right, and caring deeply. Because they're a part of our judicial system, they're asked to uphold the law. As peacekeepers, right, they are our connection.

One participant expressed a counter-story that was only common to a minority of participants. They questioned the community that restorative justice is ‘building’. My interpretation of these experiences is that some participants felt communities are actually being ‘constructed’ rather than strengthened, and questioned who is excluded during this construction:

But restorative justice presents itself as a community alternative approach. It's been pushed by communities. It is promoted by citizens. It is utilized by citizens. It's organically designed. But why is the legitimacy of it dependent on who sits on the board, who are the volunteers, what are their titles? Another thing that we need to consider, is that the community we're creating: Is that the sustainable community of volunteers we want? And what's our intention in creating that particular community? So I don't know.

Here, restorative justice is referred to as a ‘community’ itself that is being constructed purposefully. The concern of restorative justice creating communities of exclusion was raised in the literature by Hogeveen (2005), who questioned if the Canadian government could be artificially creating communities that exclude First Nations people through the Youth Criminal Justice Act (YCJA). The crux of this argument is that it is the dominant culture that becomes the community in restorative justice processes rather than the ‘natural’ First Nations community of support. Some participants in this study also experienced the parents of First Nations young offenders being excluded during restorative justice processes:
And I don't know. I don't know why that family institution isn't being utilized. I don't know why suddenly the school and the criminal justice institutions are suddenly the authority over this child and the parents aren't being brought into the conversation as a separate representative of this child's character or whatever. I don't know why that is. I'm…(pause) it's…(pause) it's all still being worked out in my head, in regards to why it looks like that and why it's manifesting into that kind of process.

My field notes indicate that this participant appeared upset when discussing this experience. The indicated pauses were quite pronounced as the participant appeared to be searching for words. This experience also reflects on the larger theme that restorative justice should move forward in a good way.

4.8 (Mis)use of Power

Power was a dominant theme in all of the interviews and as a term was used to refer to positive and negative experiences of participants. All of the participants in this study noted that restorative justice has a perceived potential to re-balance power differentials. In the words of one participant: “Many crimes involve a power imbalance that restorative justice…aims to sort of shift that power imbalance for victims to be empowered.” In this context power was used in a positive way. But in the experience of most participants power was expressed in negative terms.

4.8.1 Gatekeeping and Power

All participants felt that the predominant referral source for their restorative justice programs is police officers. One participant succinctly stated: “They are the ones that set the stage in which restorative justice is going to be utilized.” Not surprisingly all participants expressed the
importance of creating and maintaining good relationships with the police. Some participants also spoke of a need to ‘educate’ officers about the potential benefits restorative justice offers to the criminal justice system, and to the victims and offenders of crimes. Deukmedjian (2008) asserts that RCMP officers view their role primarily as gatekeepers to the criminal justice system: “Members considered the courtroom as the principal and valued means to address offenders (and when they did not, they were critical of meting out ‘extralegal justice’)” (p. 124). This envisioned role that police officers have of themselves in the criminal justice system may help to explain the difficulty some participants expressed in expanding or even maintaining a consistent referral base from them.

However, some participants felt both they and their restorative justice programs have positive relationships with the police. Those that felt this way attributed this to the dialogue they were able to maintain with officers and their supervisors. In this next quote a participant is referring to having a dialogue with officers to determine the appropriateness of a referral:

Because we have to filter out what comes to us as being an appropriate case. We have to stand by the principle of no further harm to anybody. So it first starts with police when they bring us a file and we have a conversation about the file, we have a look at it and we talk to police to determine if we think it even has merit.

Most participants expressed that separateness from the police internal power hierarchy contributes to balancing power in their relationships. One participant explained how the power structure of community-based restorative justice programs leads to more freedom in turning down inappropriate referrals from the police: “We are run by a board of directors, not through
the RCMP or other police agencies. So we have the luxury of picking and choosing somewhat what cases we take.”

Noteworthy, is that the above quote was qualified with the word ‘somewhat’. Another participant had a similar opinion about separateness from the police contributing to sharing power with regard to referrals. But, they acknowledge that even these community-based restorative justice programs are forced to be ‘linked’ to the police because of their positioning as gatekeepers to CAPs:

I think we are linked to the police, but what we're not is we're not controlled by the police, which is, I think the important part. Because we have a very good relationship with the police, and we have a very close relationship with the police. But the police do not dictate what cases we can and can't take, or what we can and cannot work on, or how we deal with our processes, or the outcomes of the processes. I mean, in some ways, as a referring officer, they can dict ate what cases come our way or not. But they're not a supervisor role to us in terms of, we don’t have quotas that we have to send to them or they do n't have quotas that we have to meet. I don't have to ask permission or approval from them for things. It's much more of a partnership of us helping them and their realizing that we're doing a service for them.

A different participant called into question whether it could ever be possible to create a clear boundary between the police as the gatekeepers of restorative justice and the programs that provide this service. This participant and others indicated that trying to form close relationships
with the police to increase the referral base for restorative justice programs can consequently lead to difficulties when inappropriate referrals are made:

I used to think that if you had good relationships with the police then they can respect restorative justice as something…as a philosophy, and in a sense, would actually align with some of their values in community policing. But I can also imagine if a particular program has such close relationships with the police, it makes it very difficult to say to a police officer who you have close relationships with, who you built rapport with, to say, ‘This file is simply not appropriate.’ I can imagine that being very difficult for some practitioners, because...if I were to put myself in their shoes, I can see that…I can see myself struggling with that as well.

I asked several participants what characteristics were indicative of an ‘appropriate’ police referral. Despite being drawn from different programs there were consistent attributes that these participants felt were important:

It's tough, and again, I kept thinking, You know what? If we just have these great relationships with the police then we can feel more comfortable in saying what we look for. We look for remorsefulness. We look for the victim wanting to be a part of a process, that they have a voice - they are empowered. We look for all those important elements. If we have this relationship with the police we can educate them better about the power of restorative justice, the values, the philosophy, and the practice, to be used in a way where perhaps...they wouldn't imagine it to be used.
I probed this participant for clarification and when they were referring to ‘a way’ they were speaking about educating police of restorative justice’s potential to be used in more ‘serious’ cases. This participant and others articulated that police officers often have a very ‘tight’ definition of cases considered appropriate to refer to restorative justice. Often this definition is based on categories of offences rather than on the guidelines that restorative justice uses. In other words, some participants encountered officers who will categorically refuse to refer certain offences but will make many referrals for ‘minor’ crimes. This was problematic when these minor crimes were referred despite offenders being unwilling to take any responsibility for their actions or victims not expressing a desire to participate. A participant expressed a need for clear boundaries between the police and restorative justice programs:

I can see our relationships with the police being positive in that way, but we have to maintain boundaries. We have to maintain that. Yes we're building a relationship with you because we want you to get to know the capacity of our organization, the capacity of our volunteers, the capacity of our practitioners. But at the same time, you liking us, and you referring cases to us, doesn't mean that we can take whatever case you want to give us. We also have a standard. We also have the capacity to handle things that you may not be aware of, or be educated enough to understand that that's something that we can handle. And so it has to be an ongoing discussion, an ongoing conversation, and I'm wondering if that's happening.

Another participant had a more critical view of the police as gatekeepers even though their program is also separate from direct police supervision. This participant recalled a senior officer asserting his authority over referrals to restorative justice. The participant referred to a time
when representatives from their restorative justice program approached the police administration about explaining the referral process to officers at the detachment. At that time there was a concern that individual officers were unaware of the simple manner in which they could refer to the program, or the attributes that make a referral appropriate. The participant recalled a senior officer stating: “‘No. My guys will do what I tell them. If I don't tell them to refer, they won't refer. They listen to me. They won't listen to you.’” Despite the fact that the program they practice in is well established, the high turnover of RCMP officers has been a barrier to educating them about the potentials of restorative justice and maintaining a referral-base of appropriate cases:

The watch commanders or the bosses, the inspectors, are not even giving information...we have a huge turnover because it's a small precinct. What we do know is that they're [police officers] sometimes 11 or 12 months, and they're in and out, two years, three years. How can we possibly promote our service if we don't have the inspector or the sergeants promoting it also, right?

The program decided to try a creative response by creating a ‘cheat sheet’ to simplify the referral process for officers:

We even created what we call the ‘Pocket Guide’ for RCMP. We got the measurements of their pockets because we want to keep it as simple as possible, right? So here's their pocket guide that we created. We fold it up three ways. It fits perfectly in their jacket pocket.
The participant showed me the pocket guide while speaking and then rolled their eyes and said with some sarcasm: “How do I make a referral? Yeah.” There were some participants who believed some officers are willing to make referrals even when their superiors are not in agreement. Such an action was experienced as directly challenging the power structure within the police hierarchy. Some officers seem to feel that continually putting an offender through the formal criminal justice system might not always be the answer. The quote is also of significance because most participants experienced referrals for first-time offenders as the most common for their organizations:

That also depends on the individual RCMP officers. So for one incident, as an example, when he wrote up the report and he asked his watch commander, no, told his watch commander, ‘I'm going to refer this to [RJ program]’ the watch commander said, ‘Are you kidding me? Look at this man's file. This man's 55 years old. Look at his file. How many times has he been in trouble with the law?’ And the RCMP officer, a brilliant man, said, ‘Exactly. Let's look at his file. What we have done hasn't worked in the past. Let's look at something different.’

My field notes indicate that this participant was smiling broadly when describing this experience. It should be noted that this experience was not reflective of most participants but I believe it has significance as an outlying experience.

One study participant, who is also a police officer, provided some insight into the reasoning behind some officers’ decision against making referrals to alternative process such as restorative justice: “At the end of the day as a police officer I’m looking for a conviction. I want my charge
rate to be higher than Joe Blow’s. I want to get as many charges as I can.” This same participant expressed a significant desire to be able to use the communication and conflict resolution skills of restorative justice in their role as an officer but described significant barriers. Time to make an accurate assessment of a crime’s suitability for a restorative justice referral is also an issue for police officers:

But at the same time, at the end of the day we want to talk to people. But, it’s so hard when you don’t get the time to talk to people. Cause you’re running from call to call. You’re tired, you’re stressed out, you have so much paperwork. You’re so understaffed, and you’re so hard, your so worked...Ya, anybody can talk about that in a Criminology class and anybody can tell you how the life of a police officer’s hard, but you don’t realize it, and I think it really affects the people we deal with. The victims, the offenders, people that caused harm and the people that are harmed. That’s who it affects...unfortunately.

The implication of this experience is that police officers are conscious of the limited time they have and the number of charges they can process. According to this participant there are times when the pressure to lay a certain number of charges takes precedence over considering cases for alternative measures like restorative justice.

Most participants indicated a belief that ‘inappropriate’ referrals should be rejected by their programs, but several participants acknowledged they had worked on questionable cases that caused them discomfort. Some participants wrestled over whether restorative justice can still do

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positive things with such ‘inappropriate’ referrals, or if these referrals necessarily distort restorative justice:

The double-edged sword is that you take these cases and you basically dilute the process. I don't think you uphold the benefits of restorative justice to its fullest, which is unfortunate that you would do that, but then I guess what is the balance there? What is the balance with ensuring that you get cases? You get referrals to showcase what restorative justice is capable of, but how do you showcase what restorative justice is capable of if you keep taking cases that don't showcase what restorative justice is capable of? Hence the huge dilemma.

4.8.2 Net-Widening and Social Control

Some participants in this study expressed concerns that they had worked on cases that widened the net of the criminal justice system. Net-widening refers to when an alternative such as restorative justice increases the total number of people that enter a criminal justice process (Prichard, 2010). Some have argued that net-widening is positive from a public health perspective because it can bring difficult to engage populations into contact with formal services (Roberts & Lindermaur, 2006). Braithwaite (1994) contends that net-widening can also bring crimes like domestic violence to the attention of communities. Further, there has been some research that indicates diversionary programs do not capture more individuals into the net of the criminal justice system through their existence (Prichard, 2010).

The concern with net-widening is that for some individuals this enhanced contact with the criminal justice system will have a negative impact. Also problematic is that it extends the social
control power of the criminal justice system. The argument follows that such contact is undesirable and counter to the ‘diversionary’ goals upon which they are founded (Prichard, 2010). This concern was not a theme that all of the participants spoke about but it was prominent in some experiences. For example, several participants spoke of receiving referrals from police officers for cases that could not proceed to court. “Sometimes even when we get the file from the police, the police will give us a bit of a sense of – we’re bringing this file to you, maybe because they don’t have enough for a charge.” In a case like this the police are able to maintain contact with an individual and follow their progression through a ‘quasi’ criminal justice process despite the fact that the case is not really an ‘alternative’. In other words, if the program did not exist the officer would be forced to either find more evidence through investigation or disengage. Participants in this study were divided as to whether taking cases like this is an appropriate use of restorative justice.

One participant bluntly stated an opinion that restorative justice is being used as a measure of social control in cases where the police are unable to pursue other criminal justice avenues: “To me restorative justice is being used as a secondary measure of social control, a secondary measure of punishment, to ensure that deviance is corrected in this population [First Nations].”

A minority of participants expressed concerns that cases are being referred by the police to restorative justice programs for First Nations children as young as seven years old. Only two participants indicated instances where children this young were referred by the police through the same mechanism used for criminal files. Both participants noted that in their experiences this practice seems limited exclusively to First Nations children:
First Nations, young, young, kids...and it's typically, usually, for the reasons of escalating violent and deviant behaviour. And so what does that look like? That can look like a kid in a classroom who just speaks out of turn, who doesn't listen to rules, who doesn't necessarily follow rules, who may exhibit over-activeness or...it can even be a lot to do with bullying...So I mean, what does that imply? What does that imply, escalating to what? The criminal justice system? The system that they're already overrepresented in? I find... I don't know. I just wasn't understanding why.

Earlier the theme of building communities and relationships referred to restorative justice programs in schools, and the positive experiences of participants related to emotional literacy and building relationships. But that experience seems distinct from this concern about young First Nations children being referred for deviancy. In those positive cases restorative justice was experienced as building community capacity and emotional literacy to prevent crime. In this experience it is expressed as widening the net of social control over First Nations people who the participant acknowledges are already over-represented in the criminal justice system. In this particular case, the participant is referring to the police initiating an alternative criminal justice process to respond to a perceived wrong for children less than 12 years of age. This is the minimum age that criminal justice mechanisms can be utilized under the *Youth Criminal Justice Act*. Although Prichard (2010) found that overall there was no net-widening from diversion in Tasmania it is interesting that the study did not control for sex, culture, indigenous or socioeconomic status (p. 125). The obvious question that follows is whether certain groups or categories of people, such as First Nations, become over-represented in diversion through restorative justice. I could not find Canadian research on this topic.
This participant also challenged the practice of police referrals to restorative justice programs for deviancy. In this case the term deviancy was being used by the participant to refer to acts deemed socially undesirable by an authority figure but that are not actually crimes: “They couldn't even go to court. They can't even be charged…I don't think that's even defined in the Criminal Code.”

One participant expressed that the police have the ability or power to change the nature of restorative justice through their decisions as gatekeepers:

So already I'm seeing issues in who is...making these interpretations of what is deviant behaviour? What is behaviour that needs to be sent to restorative justice? Who [police officers] is utilizing restorative justice as a means to correct these behaviours alters the very practice of restorative justice.

Another participant provided a counter-story to the criticism of net-widening, through their assertion that there is a place for such police referrals. They assert that these referrals provide citizens with a forum to be accountable to one another and to make amends for non-criminal harms:

The piece that restorative justice…when a law hasn't been broken, so it's not a judicial process, when we don't offer an alternative, the people that have been harmed don't have that opportunity to move through their grieving and their harm and their trauma in a way that's more helpful. We also…the person that's caused the harm never has an opportunity
to get to that place to be forgiven, even from self. ‘You know what? I did this, and this is what I did to right it.’

This participant is describing a gray area of restorative justice where programs that were set up to be alternatives to court can be seen to offer value to resolving other types of harm and other types of conflict. Of note, though, is that they are indicating a voluntary process where a person can choose to be accountable. A participant spoke about the type of process that they feel would be best suited to deal with non-criminal justice referrals and noted that an expanded circle of supports from the community should be considered:

Perhaps a circle like that requires the school community, the parents of course, and other various community members that not only can speak to the concerns but that can speak for the child's character and have more of a community discussion rather than some type of incident-based circle that we're trying to resolve. So I think if they're going to start taking cases like that, that's really important.

Another concern related to net-widening came from a minority of participants who saw problems with restorative justice being used for very minor drug offences and other minor ‘victimless’, or morality-based crimes. In this next quote the participant is also a police officer which seems important to note because of the context that it provides:

We get a file because a girl has one or two joints. And you sit there and you’re saying ‘are you kidding me?’ Like ‘is this a joke?’ How are you sitting here and taking this girl and making her come in for all this stuff? Don’t get me wrong, I know that marijuana is
illegal and I know the ramifications of marijuana. As a police officer I don’t even know if I should be saying this but it’s a joke, it’s honestly a joke. And those are hardest cases for me. To tell a 17 year old girl that marijuana is bad for her. She knows what’s good and bad for her, what’s right and wrong for her. She knows what she should or shouldn’t be doing.

When this participant is referring to having to ‘tell’ this client that marijuana is bad they are referring to the lack of victim presence in this case. Despite this participant’s program being based on a victim-offender mediation model this practitioner had to represent the victim. The participant articulated their unease representing the victim and ‘society’ when they did not agree in the morality basis for the transgressed drug law. This became more evident as the participant began to use emotional language stating: “But just having to deal with cases like that, it makes you want to, it gets you angry. It made me angry.” This participant then criticized the officer who made the referral for this case. Significantly, this officer was willing to question the discretion of another in their choice of pursuing restorative justice as an alternative instead of a police caution or no action which are also options for a minor drug offence: “You’re just sitting there thinking – what the hell man, you have bigger and better things to. As a police officer I’m sitting here and- come on buddy, you’ve got bigger and better things to do, you’ve got bigger fish to fry.”

One participant expressed unease with police making referrals for crime and delinquency linked to the school system. There was concern that the goal of the school in being part of a restorative justice process was not necessarily aimed at repairing harm and building relationships:
It's reaffirming what the school had thought all along, giving it more reason… Suddenly there's a need to assess them for mental illness, behavioural issues, and there's more and more assessments. So I'm not sure if it's two systems working together to identify this…I don't know what's happening there, but I find that I don't know necessarily if they impact each other. They may, but I would almost say it's almost like a collaboration. It's not necessarily one impacting the other's perspective. It's almost like something's…coming together there to work against…I don't want to say ‘against’ this young person, but in a sense it is. In a sense it is.

There was a minority opinion expressed by participants that some school officials are using restorative justice as an adjunct disciplinary process to their own formal mechanism. In such cases participants experienced restorative justice being used as a ‘punishment’ or at the very least a tool of social control. Such a use of restorative justice is contrary to the participants’ experiences with the foundational values and goals of restorative justice. It is also contrary to some of the research on the use of restorative justice in schools (Morrison, 2003).

4.8.3 Voluntariness

All of the participants in this study spoke about voluntariness for both victims and offenders to be a cornerstone of restorative justice. In the words of one participant: “And then the other key components, I think, would be that people really do want to be there, that it is actually voluntary and that people are actually being open.” But all participants expressed that voluntariness can be a fluid continuum and is never absolute. One participant noted: “We need…it to be as voluntary as possible for people to participate, both the victim and the offender. We do need the victim’s
involvement, and we need the offender to take accountability in as much capacity as they are able to.”

Most participants expressed that the police or other referring parties have an impact on the ability of restorative justice to uphold the requirement of clients being voluntary. The police in particular can present restorative justice to offenders as a choice to consider instead of court which reduces the voluntariness of that option. This coercion was also experienced as an expression of power:

I think a lot of the times, how restorative justice is presented as an option by the referring person, whether it's a police officer or whether it's a community organization, if it's presented in a way that it's one or the other – you can go to court or you can do this...I think it's not so much a threat, but it's the easier way out, is the way it's been presented to them, so it's not so much voluntary as in they're choosing they can do that rather than nothing. It's that they're choosing in their minds what they would prefer, the better of options.

Some participants noted that as part of their preparation prior to bring together victims and offenders they assess the voluntariness of clients. Several participants expressed the need to also assess if offenders are ready to take accountability for their actions prior to bringing them into a process with the victim:

And in any file regardless you have to wonder about; does the young person, or does so-and-so feel that by doing this they’re going to get off easier? Or they’re going to get
away from a criminal charge and therefore there’s a motivation to want to participate in the process and that may factor into folks’ mind coming into the process.

Other participants recalled working on cases where parents were coercive with their children and demanded their participation. Another participant reflected on experiences of professions such as lawyers promoting conditions that do not promote voluntary participation:

But I’m a little bit cautious about it because RJ’s a voluntary process. We need everybody involved in that to be willing to come forward as a volunteer. And any time you’re involved in the criminal justice system it can create some ulterior motives to possibly participate in an RJ process. For example, an offender might think that if they participated in the RJ process and if the result of that process had any bearing on their sentence that it might be a good path for them to take. Or defense counsel might suggest to their client that it might be a good path for them to take because it will look better for them. Those kinds of influences can be a little concerning with both processes taking place.

4.8.4 Shaming

Another criticism of the forum model of restorative justice is that it is based on a process of shaming the offender before reintegrating them back into a community. The component of shaming was seen as contrary to values and ethics of most of this study’s participants. One participant vividly recalls the way an offender was shamed during a forum:
So it was at one point in their process this woman was just weeping, weeping. She had her head down and was saying, ‘I'm so sorry. I'm sorry. I know what I did wasn't right, and I'll never do it again.’ And one of the facilitators was a gentleman. He raised his voice, was pointing his finger at her and said, ‘What you did was absolutely… that was just selfish, selfish. Your son, your four-year-old son could have lived without those batteries for that little toy that you were buying them for. How dare you? And then taking a toy? Is that necessary? We have food banks. We have church groups that supply food.’

This participant then went on to describe their interpretation of the intent of the practitioner in this case to shame the offender. The expression of power in this process of shaming was pronounced in this participant’s experience:

And it was intentional. Absolutely, hands down, that was their intention, to break that person down so that they felt like dirt. And they don't specifically say, ‘Make the person feel like dirt’ in their process, but that is exactly what they did. Their intention was to shame.

4.8.5 Barriers

I asked all participants if there were any barriers that they encountered in their experiences as restorative justice practitioners. These experiences were varied but have been included under a sub-theme here because several related to expressions of power. An experience emerged from some participants that, although police officers are valued in restorative justice processes, the choice to wear a uniform in the circle can have a negative impact. One participant emphasized
that: “It's suggested, and it's recommended I should say, that they come in plain clothes because of the power that uniform brings, and the gun and everything else that's attached to that uniform.” This participant then elaborated that in their experience police officers always insist on coming in uniform even if they are off-duty. This participant went on to describe the effect of having a uniformed police officer in a restorative justice process:

But it does take away from the restorative justice process. It does take away a little bit, because you're interjecting authority into the process. In a circle, we're supposed to be even, right? Then suddenly the circle, one side looks really heavy because there's that...And it does change the dynamics of the circle, of the dialogue, of how people behave and how people react to things.

This participant is clearly speaking about the power associated with the uniform of the police but also the power being expressed by officers in refusing to be part of a community-based practice without their uniform. This type of power was interpreted by this participant and others as being a barrier to creating a safe space for clients.

One of the participants of this study, who is also a police officer, provided an ‘insider’ context of how a uniform can interfere with communication and forming relationships:

But, I’ll tell you this, as a police officer it’s really hard for people to see past that barrier. To see past that gun, to see past those handcuffs. It’s really hard for people to see past that, that big sign on my chest that says ‘police’...It’s really hard for people to see past it...and I recognize that. And I recognize that people don’t like to talk to the police.
All participants in this study not only experienced barriers to their work in restorative justice but also to the growth of the field itself. Several participants recognized the lack of funding in restorative justice and correlated this to significant criminal justice expenditures in other areas:

Yeah, so I guess that's all. Our government's not…we're not looking at it, we're not funding it as well as we should be, right?...Yeah, and the capacity. You know, you eliminate a couple police officers from each community if a restorative process was available, right?...What do we do? Well, I know, what's the bigger piece, right? What do we do with all those lawyers and Crown counsel and prosecutors, right?

All participants also recognized that a significant barrier to restorative justice is its reliance on a volunteer workforce. Although this was seen as having positive consequences it was also experienced as significantly delaying the response time of restorative justice:

Scheduling, I think, is always a hard thing, but the biggest thing underlying that is again the lack of resources in terms of, you know, it's a volunteer-run movement, mostly, which is fabulous. But with that, you're dealing with people's schedules that already have full-time jobs, and then on top of their full-time jobs, they have family, friends, commitments, and their volunteer service and volunteer work. And so people don't have the full time, whereas if you had more paid people that were able to have the luxury of having their full-time job be on case work, you could deal with cases quicker, you could work on them quicker, and not have people have to wait so long. And you could also essentially work around the participants' schedules rather than the volunteers' schedules, which just again make it a time delay for cases.
Related to this is most participants’ opinion that the lack of well-trained practitioners contributed to delaying the response time of restorative justice programs. According to one participant, a possible solution could be paying practitioners in order for them to devote more time to restorative justice. The idea of paying practitioners was cautiously shared by most of this study’s participants although some also saw this as detracting from the community roots of restorative justice:

That's our biggest barrier. Our biggest barrier to restorative justice, generally speaking – and I'll just speak provincially – our biggest barrier is that there are not enough trained facilitators to do the work. I've heard this lots from the RCMP, from the school district, other community members, organizations: your process takes such a long time. Absolutely it takes a long time because people are doing this in their evenings and weekends, after their workday, right, the volunteers? So we could shorten that up by far by having the capacity to pay more people to be a part of it.

A related barrier to restorative justice and the perceived lack of resources is the belief that this prohibits practitioners from having mentorship opportunities with other programs. The next participant expresses this as well as the experience that police-based restorative justice programs can be denied these opportunities by their supervisors:

The piece around mentorship and ongoing support I can't promote enough. There's very few opportunities for restorative justice programs to get together collectively. They're super under-resourced. They don't have the time to do it. What I learned is programs that are working under the police, often they have to ask permission from the police to
get release time to go and have a networking experience with another group. So that's not conducive to reflective practice and advancing our practice and learning from one another. You've got these now siloed restorative justice programs that are doing their own thing and having these learnings that aren't being shared across programs. It's very unfortunate.

This participant perceived power imbalances between the police and their forum model practitioners. This can also be seen as an expression of power against the development of the larger community of restorative justice practitioners.

4.8.6 Diversity or Lack Thereof

Diversity, or the lack of diversity in restorative justice was also a prominent theme in experiences of most participants. Diversity has been included under the theme of power because, in the experiences of some participants, these themes were clearly linked. Most participants believed that flexibility in restorative justice practices should help it to respond to diverse communities, but there was also recognition that the majority of practitioners that guide such processes are from the dominant culture. Some participants expressed that as guides they had a corresponding obligation to attempt to be either culturally competent or culturally sensitive.

Most participants noted that the very essence of restorative justice as a ‘story-telling’ and relational process necessitates that clients and practitioners be able to communicate with each other. Several participants recognized that language can be a barrier in some cases:
Yeah, the right skills, the right language is key…I think it's really important, something we're still working on, is trying to get all the different languages. And obviously that's going to be near-impossible to get all of them, but you know, I think it's important for people… For them to express their stories, for them to be able to do it in the language that they feel most comfortable in. So if they're trying to do it in their second language, or third or fourth or fifth, it's I think a drawback, and we don't get the full information. So I think it's important to have that ability, again, to adapt and make a process, not just be your standardized method.

But another participant who noted: “I'm typically called in for… obviously because of my ethnicity”, also noted that they struggle to convey some of the specific language and values of restorative justice into other languages despite being proficient in both:

I do find it challenging because some of the ideas in restorative justice and the philosophies of it, you have to take into account how that might translate in another language. And some people… there's this saying, and I think it applies to almost every language, it's like, ‘that's a really deep word’, or…‘it's a really big word’, or something like that. And so that happens.

But several participants also expressed that being able to communicate through language is only one of many factors important to working with diverse cultures:

Yeah, and I haven't actually seen too much discussion or… even in a lot of literature around the notion of cultural diversity, cultural… culturally competent practice, right?
And so that's a concern for me, because even if...even if language isn't the barrier, I think understanding someone's culture, like the fact that some cultures take a long time to speak because they want to think about what they're going to say first. Just the communication skills that you have to utilize are very different. Or someone that doesn’t make as much eye contact... Remorse looks very different for somebody perhaps who's Japanese who doesn't make eye contact because it's actually more respectful to not make too much eye contact. Things like that, I don't know if that's considered too often in our practice, and I think it's important.

The concerns of the preceding participant reflect the work of Choi and Severson (2009b) who provide a framework of practice for restorative justice with Asian Americans. These authors argue for practitioners to work towards cultural competency with Asian clients through a greater understanding of cultural differences associated with both shaming and interpersonal relationships.

Several participants shared experiences related to how they approach working with cultures and ethnicities that are different from their own. The following participant expresses that both knowledge and intentions are important in their experiences:

I mean in some sense I think my everyday life involves working with people who are not of the same cultural background as me so I have to be reflective of that. And so the best I can do is present myself in a respectful manner. Present myself in a way that hopefully builds relationships and trust. And that, I guess that’s half the distance right there. But the other half has to come from having good knowledge about who people are and how
best to approach and how best to interact. I think those are some specific knowledge areas of various cultures that are important. You can bring good intentions and a positive approach but you still need to have some specific knowledge too.

Although most participants believe that some care is taken to match practitioners with certain skills with specific cases, there was also the experience that even identifying cases with other cultures can be difficult prior to meeting face-to-face:

Cultural competency is huge; that is sometimes harder to know until we're in the situation, because you won't always know by somebody's name, of what their culture or background is. So it's sometimes a lot harder to know ahead of time than a language, because when we make that call, it's pretty obvious that they don't speak English, other than their culture. But we do, I mean, if it is obvious and we're made aware of... we try and match that, or at least try and get that background information before going in.

Most participants who spoke about working with diverse clients expressed that they attempt to be sensitive and reflective in their approach. But, the following quote highlights the majority acknowledging the lack of training available in this area:

There’s only been a couple of times when I’ve been with cases where the cultures of people involved have been different than my own. And so, ya, in one of them, the one case I’m thinking of there was a little bit of a hesitancy on my part. A little bit of uncertainty around ensuring that as I was sitting at the table with these folks, hearing their story. Was I being appropriate in my line of questioning and in the process to their
cultural knowledge? Who they are? Just asking someone those personal questions around being harmed and how it’s affected them, and how it’s affected their relationship with their partner. And we ask some really intimate questions of people because we want to get a good understanding of how they’ve been affected. But it may not always be culturally appropriate in what we ask and how we ask it even. Is my gender going to impact that? Is my line of questioning going to impact that? Those kinds of things I think are critical and I don’t know that we do enough training and preparing people.

This participant echoed this concern about a lack of training but also commented on what they experienced as a lack of diversity in the field of restorative justice itself. “And I find that that's one thing RJ lacks at this time, is I think RJ lacks… RJ does lack diversity, not only in the practitioners and the volunteers, but also in the training.” When I asked one participant about their experience with other practitioners and how those practitioners approach working with diverse cultures the response was blunt and critical:

I don't think they think about it. I think that there are a group of facilitators that I've encountered, a handful maybe, who are… who would call themselves ‘culturally sensitive.’ And some are, but some, I think, the notion of being culturally sensitive limits them to being curious outside of what they know about that culture… I think it's almost better…to just own the fact that you're not aware of some of the things about this culture, and just be more curious about it. Because I think…sometimes people… know one thing about that culture and just…know that one thing, and then they go into a meeting or interaction with that particular culture and it's the driving force to which they are going to
communicate with that culture. There may be a million other things that they need to be aware of too.

Another quote indicates more optimism but still reflects a critical perspective towards what needs to be done to promote more dialogue related to working with diverse clients:

I think that RJ practitioners are trying to be culturally sensitive; they're trying to be aware. But I think there can be more to be done in terms of training, in terms of…it being an actual dialogue piece, that needs to be continually explored and some of the issues or challenges that practitioners and facilitators are experiencing. Because of their lack of knowledge or their knowledge or their assumptions, right?

The experience of working with First Nations people in restorative justice processes was significant for several participants. One participant reflected on the experience of explaining a restorative justice process to victims and offenders at the first encounter with their program. This ‘introduction’ to restorative justice appears to often include reference to roots from indigenous cultures. This was also uncomfortably experienced as an exertion of power:

Since I learned about Restorative Justice… it's always been said that it comes from Aboriginal Justice. So I find it very awkward, actually, to meet with First Nations people and be explaining Restorative Justice to them…And I guess I'm just very conscious about… I'm very conscious of the fact that Restorative Justice has been said to have been rebranded…taken and rebranded as…our version, yeah. And it kind of bothers me. It bothers me particularly, especially when I'm working on a case involving First Nations.
Some participants were mindful of the over-representation of First Nations people within the formal criminal justice system and pondered whether this demographic is also over-represented in restorative justice. The following quote from a participant linked this concern to the theme of cultural sensitivity. “So how are we avoiding the over-representation of First Nations in a restorative justice system as well? And I think that plays again into the notion of being culturally sensitive and understanding that that can happen in any system.” Daly (2000) provides some caution towards assuming that restorative justice can create equal outcomes from equal treatment in unequal societies. She also critiques the ‘assimilation’ of minorities into “a white-centered process” and asserts that the dominant culture must make accommodations for other cultures to create a more ‘just’ system (p. 183). Daly asserts that restorative justice can be the same tool of inequality and oppression as the criminal justice system if it forces marginalized cultures into restorative processes created through a Eurocentric lens.

4.8.7 The Question of Ethics

Some participants questioned the ethics of restorative justice practice. One participant thought that ethics are not even a topic of discussion in the training of new practitioners: “How many volunteer manuals have you opened up and actually seen a page or even… yeah, half a page, a page on what ethics… what does ethics look like for a restorative justice practitioner?” This participant went on to qualify this statement through their assertion that in years of experience in restorative justice they had never seen a volunteer manual that specifically addressed the issue of ethics in the practice of restorative justice.
Another participant questions why the topic of ethics in restorative justice is only addressed by theorists and not practitioners: “And yes, of course, ethics will always be a philosophical discussion. But in a practice in which we deal with people every day in times of crisis, in times of conflict, why is it only a philosophical discussion?” According to one practitioner the absence of discussion related to ethics may be related to the lack of critical perspective in the field of Criminology: “I do think that it's the lack of critical perspective, I think, and that maybe aligns also with the lack of critical perspective that's no longer prevalent in Criminology as well.”

Another participant was of the opinion that restorative justice may be straying from the values and ethics that brought many practitioners to volunteer:

It's the way that we're…trying to legitimize RJ. It's the way we're doing it that I'm not…

I'm struggling with, I'm being critical of. It's the way we're doing it, because I'm wondering if we're doing it without realizing that we're moving away from the values that we have, that brought us to this practice to begin with.

This also relates to the over-arching theme from experiences of participants that cautions as restorative justice moves forward it should do so in a good way. A participant believes restorative justice practitioners have ‘strayed’ from the values of restorative justice. They contend that this is happening in an attempt to ‘prove’ restorative justice to the formal criminal justice system:

I still absolutely believe in restorative justice philosophy. I still absolutely believe in community. Those are the things that matter most to me. Building communities and
transferring conflict. But in regards to the restorative justice movement I think that we need to really evaluate as practitioners, whether we're paid or doing it for free, I think we're all practitioners. We should really consider in our quest to make this practice legitimate in the eyes of criminal justice: How far do we want to stray from the actual values? Because we are. There are days… maybe not all the time, maybe not all cases, but there are cases, there are individuals, there are meetings in which we stray from those values.

4.9 ‘You can’t get to a Good Place in a Bad Way’

The overarching theme that emerged from experiences of these participants was that restorative justice should move forward in a good way. To repeat the words of one participant: “I think of Liz Elliott’s words: ‘You can't get to a good place in a bad way.’” Participants expressed that they want restorative justice to be successful and to grow as a viable response to crime and conflict. But there was also an overwhelming expression that this needs to happen in a way that honours and maintains the values and ethics that restorative justice was founded on.

Under the theme of mentorship some experiences of participants pertained to the recruitment of certain professions as volunteers in restorative justice programs. The following participant speaks of their experience related to this trend in restorative justice and questions whether this is moving forward in a good way:

I think that RJ's trying to legitimize itself. I think we're trying to present it as a legitimate option against a system that's been around for a really long time. That has a lot of professionals working in it, lawyers and police officers and a bunch of experts that come
with their own titles. And so I think RJ, that's one way it's manifesting, that's one manifestation of how RJ's trying to legitimize itself. It's trying to find volunteers who have particular status, particular things that we might be able to say align with restorative justice practice, but does it really?

Another quote exemplifies how this move towards legitimization impacts the ‘community’ of restorative justices:

But I think that we need to really be mindful of our intentions in regards to who we want representing our organizations, our restorative justice organizations. I think we need to really be transparent with ourselves about whether the intention of taking on volunteers who have particular professions of status, is it because their values align with RJ and they do have an inquisitive nature and they're really wanting to understand restorative justice? Or is it because we want to legitimize our organizations by having these kind of volunteers, who already have professions that are seen as prestigious or seen as revered?

Participants in this study had experiences with restorative justice being used as an alternative to the criminal justice system but also as a mechanism to resolve other disputes and to build relationships and communities. Although the utility of restorative justice expanding to so many areas was predominantly seen as positive, there were some participants who called for caution. One participant described their experiences working on referrals that appeared to be civil disputes. In such cases the ‘victim’ parties appeared to choose restorative justice because it offered a better chance to receive financial compensation, rather than for the purpose of finding a restorative resolution:
What's our process capable of? What's our process not capable of? Because...we become very vulnerable to being misused and by many different people, many different organizations, many different types of agencies. And this is not saying that people would misuse RJ intentionally. It's because of the lack of education on what RJ philosophy is, and I think maybe there's more promotion on the RJ practice than there is about the philosophy. I don't know. But the philosophy extends to all the different types of circles, all the different types of models. I think that's important to say that, rather than presenting a restorative justice process, because then the process becomes the mechanism for resolving delinquency, deviancy, civil matters, so many things...It becomes the silver bullet. Although we often say in RJ, ‘It's not the silver bullet’...we seem to be going in that direction.

Several participants noted that, as restorative justice programs expand by taking on different types of cases, it becomes increasingly difficult to use the same measurements of success that have previously been employed. The following quote reflects this tension but also questions if some of the arguments used to promote restorative justice are incongruent with each other:

And if we are taking these particular cases so that we can demonstrate the effectiveness of restorative justice, well, we need to understand what it is that we're showing... What is the efficacy of restorative justice? What does that look like? …Are we trying to demonstrate that we're a cheaper system? Are we trying to demonstrate that we have better outcomes and meaningful outcomes? What is it that we're trying to demonstrate? And if we want to demonstrate both of those together, then we need to start understanding what that might look like, and that there are times when those things can
look like the same thing. And so is RJ doing it to itself? Yes, absolutely. I think in our challenge…in trying to meet those challenges and trying to overcome some of the challenges to legitimize RJ, I think we are making some mistakes. But I don't think that...we're doing it selfishly.

Several participants expressed the opinion that one of the ways in which restorative justice can hold itself accountable and prove its efficacy is through evaluation and research. One participant felt that the clients of restorative justice processes should have an active role in such evaluation:

But I think it is so critical for us because we’re constantly being looked at from the outside in. Does RJ work? Is RJ appropriate for these cases or those cases? Should we be relying on RJ more? We need to be building that awareness and knowledge from people who participate.

Several participants suggested that the result, or outcome, of taking different paths can look the same, but that the journey towards that point is more important. This returns to the tension between process-based and outcome-based definitions of restorative justice as seen in the following:

So even if you end up with an outcome that looks quite restorative – you know, there's community work service or an apology or whatever – if you've gotten to that place in a way that's been punitive or shaming or retributive, then it's not restorative justice in my mind.
Some participants believe that restorative justice has already moved forward in ways that fail to honour its foundational values and ethics. The next quote comes from a participant who expressed concern that some programs are nearing metaphorical boundaries in this regard: “So I think in our endeavour to legitimize restorative justice we have come a little close to the edge…We've tested the waters a little bit.”

There was an overwhelming expression from participants that the current criminal justice system is necessary. There were also almost unanimous expressions that the current system does not address the context of crime and is mostly ineffective in repairing the damage to relationships that come from crime. This next participant reflected on the need for proactive approaches such as restorative justice to augment the criminal justice system:

And to me that’s fixing the underlying problems. Him assaulting someone at the age of 14, 15. Big fricking deal. He punched a kid in the face, back there in a school fight. Life goes on. But my question is; in 10 years where’s he going to be, in 15 years where’s he going to be? Cause if he’s going to cost us more money to ‘rehabilitate’, quote, unquote. And I really stress that quote, unquote. You know, our federal justice system, why not invest the time now? Him as a youth and fix the problems. Give him the support he needs and push him to allow him to become a quote, unquote, ‘a contributing member of society’. That’s what you need to fix. We’re investing so much money now on reactive problems when really I think we need to start involving a proactive approach. But, with lack of funding, and lack of education, to a lot of the people making the decisions, that’s what I think we get.
An idea shared by most participants is that critical reflection is necessary as restorative justice grows. They are also cautioning that restorative justice should not be promoted as ‘the’ answer to crime and conflict:

But I do think that we need to practice more mindfulness and more reflection and more critical discussion. We need to start having those in RJ. I think we need to start realizing that it's not a perfect system. It's not a perfect process that we can just simply put up against the criminal justice system, say, ‘Look at this. This is way better.’…I think it'd be foolish for us to start presenting ourselves that way, but I think people are learning as they go along and hopefully they're not making too many mistakes to turn back.

The final quote under this theme comes from a participant who expressed: “There's so much heart there for this work, and that's so exciting. And there is so much risk involved when we're dealing with people, especially with serious offences, and we need to be ready to do that in a good way or we shouldn't be doing it.
Chapter 5: Discussion

When conducting the initial stages of the literature review for this study, I was surprised at the lack of qualitative inquiry into a practice based on telling stories. I wondered why this field is being evaluated with the same closed-ended questions and directedness criticized as negative qualities in restorative justice processes (Choi, 2008; Choi & Gilbert, 2010). How can this be seen as an adequate method to ask victims, offenders or practitioners to describe or evaluate their experiences and satisfaction? I make no attempt to ‘tip-toe’ around my bias that there is a fundamental flaw with the conceptualization that restorative justice should, or can, be evaluated primarily through such quantitative inquiry.

As I complete this research I am very cognizant that it will be seen by some, if not most, in the restorative justice field as inconsequential. My methodology from recruitment to analysis is subjective and I advocate for an absence of truth or even reality in the stories I present. I also have only presented the experiences of practitioners and did not interview a single victim or offender, and did not observe a single case as part of this research. But, despite these shortcomings I believe the presented experiences and themes offer a glimpse into the inner workings of restorative justice for these participants. These experiences are not generalizable to others, but I assert that no experience should be.

Some of the themes and sub-themes that emerged in this research were not unexpected. As much as I tried to not influence these results, I presumed I would hear experiences matching the dominant story told about restorative justice in the literature. For example, restorative justice views crime as a violation of relationships and proposes a community-based response to repair
these (Zehr, 2002). Therefore, the theme of relationships and communities was expected. Experiences that communities can be exclusionary to some groups, especially those that are marginalized in society, have also been represented in the literature (Hogeveen, 2005).

Likewise, the theme representing participants’ experiences that the impacts of crimes are more important than categories used in the criminal justice system should be expected from any practitioner. Almost every article I have read in the literature emphasizes the importance of this point as an essential component of restorative justice philosophy. With inclusion criteria selecting for experienced practitioners, this theme was probably guaranteed. Despite these expectations the experiences of participants were rich with description and should provide a context for some readers who have not been exposed to restorative justice theory.

There have been several times during my academic journey when I have been asked to speak about restorative justice and often I return to explanations of the importance of acknowledging the impacts of crime. One of the first questions individuals ask me usually relates to whether I believe restorative justice can be used with offenses like sexual assault, hate crimes, and domestic violence. My starting point in such conversations always returns to the necessity of voluntariness for any victim in restorative justice and the obligation of practitioners to be prepared to investigate possible coercion. But, then I explain that my experiences have led me to the opinion that the criminal justice system is woefully inadequate in meeting the needs of victims and that we should consider processes that can offer more.

I profess no expertise in this area, but I do have specific experiences that led me to question the prohibition of certain categorical constructs of crime from being used in restorative justice. Part
of my experience has involved working exclusively with sexual offenders. Many would probably be surprised to hear that a proportion of the individuals I encountered had not actually been convicted of sex crimes. I conducted sexual offender risk assessments on individuals for crimes like theft, assault, uttering threats, and break and enter, where the sexual context was so pronounced it created significant concerns for future sexual violence. I also had involvement with individuals who pled guilty to charges of sexual assault for crimes with only a peripheral sexual context and relatively minor impacts on victims. The criminal justice system uses these categories when dispensing justice, but my experience has been that the context and impact of crime are often more important to victims. I can be criticized for minimizing serious crimes by arguing a property crime can have as significant an impact as a sexual crime, but my point is that these categories do not always correspond to the level of harm caused by offenders or the needs of victims.

Is a crime a sexual assault because an investigating police officer identifies it as such? Is it a sexual assault because a victim feels it was? Is a crime a sexual assault only after Crown Counsel approves a charge? Or should we only assign that label to offences that have been proven in a court of law and result in a conviction? Can we be assured that police are not referring serious crimes that could be considered sexual assault to restorative justice under benign categories? I do not have an adequate answer to any of these questions except to say that it is important to acknowledge the context of crime, and design processes that can address this and the impacts of any offense towards meaningful outcomes and finding justice. We should honour victims who have been impacted by any crime and offer them options including restorative justice.
Choi and Gilbert (2010) reviewed the restorative justice literature and found several important points related to the role of practitioners. These include: Being non-directive and non-obtrusive; avoiding rushing the process; using active listening skills, showing empathy, and being fair; preparing clients before bringing victims and offenders together; following-up with participants to ensure offenders complete their obligations; and being committed to the values and principals of restorative justice. All participants in this study emphasized the importance of these points to some degree in their experiences.

Overall, there was a level of self-reflection and critical orientation from participants that was surprising and refreshing. I believe that some of the themes that emerged reflect critical thoughts that are not well-represented, or were entirely absent, from the restorative justice literature. For example, I could find no specific restorative justice literature that corresponded to the experiences I categorized as ‘witnessing’. I, therefore, drew on literature from another field to conceptualize this theme. Reynolds (2010) describes a ‘metaphor’ for witnessing that incorporates both active listening and the sharing of power between those telling stories and those witnessing. She also describes a relational and collaborative process where the witness has an obligation to provide safety for another to tell or perform their story. Reynolds also asserts that witnessing is not a passive process but rather creates an obligation towards social justice. She writes that witnessing involves a sense of collectivity through shared ethical responsibility. Similar to this definition, the witnessing described by study participants was not experienced as passive but rather as an active process towards a more ‘just’ response to crime. These participants described creating safer spaces for the stories of people who may be marginalized or
silenced in a professionalized formal criminal justice system. In their witnessing of stories I see these practitioners as creating space for justice.

The sub-theme under witnessing relating to the need for self-care was pronounced in experiences of many participants. This was not unexpected as these practitioners are working in processes where they witness stories of the rippling and deep impacts of even minor offences. There are volumes of literature from other fields including social work that attest to the impact of vicarious trauma and a corresponding need for self-care (Berceli & Napoli, 2006; Moulden & Firestone, 2007; Profitt, 2008). I could find no restorative justice literature that addressed this sub-theme and believe this speaks to a need for future qualitative research. This is especially important as volunteer-based programs take on an increasing number of ‘serious’ cases where inter-personal impacts of crime may be more traumatizing to hear.

The theme of power was of particular interest to me. My experiences working in the formal criminal justice system are filled with examples of the misuse of power including the overt over-representation of First Nations people. Experiences of a minority of participants in this study suggest that this over-representation may also be a concern in restorative justice. There are restorative justice programs specifically mandated to work with First Nations people under the Aboriginal Justice Strategy (Evaluation Division: Office of Strategic Planning and Performance Evaluation, 2011), and yet it appears from experiences of participants that First Nations people are also being referred to CAPs. I contacted both the Provincial and Federal Ministries of Justice and it appears there are no statistics kept with regard to First Nations referrals across CAPs in British Columbia (Bargen, 2012, personal communication; Cheney, 2012, personal communication).
Experiences of a minority of participants in this study also suggest that First Nations children as young as seven are also proceeding through community-based restorative justice programs in this province. Deukmedjian (2008) asserts that the ‘Sussex program’ in New Brunswick utilizes the RCMP forum model to specifically target children less than 12 years of age in a restorative justice process. Deukmedjian’s research raises the question as to whether children are being referred to ‘alternative’ justice processes so that police can begin a process of gathering lifelong intelligence towards managing risk. The roots of restorative justice in Canada intended this process to be a mechanism to reduce the overrepresentation of First Nations people within the criminal justice system. Therefore, it is cruelly ironic that First Nations children too young to even be charged are being referred by police to these programs.

I should be clear that I am not suggesting a quantitative inquiry into the net-widening phenomenon. I recognize that, even at a conceptual level, a discussion of net-widening contradicts my assertion that recidivism and crime rates are unknowable. This is an area that speaks to a need for future qualitative research into the experiences of police officers as the gatekeepers of restorative justice, and the children and families who experience this phenomenon. Experiences of participants in this study also support that future qualitative research could be valuable in examining experiences of First Nations families who may be excluded from ‘community’ responses in some restorative justice programs.

Although a minority proportion of available literature such as Choi (2008) and Choi and Gilbert (2010) allude to the use of mentorship in restorative justice, I have never seen this concept addressed directly. In this study the theme of mentorship was pronounced as a means of training new practitioners, building the restorative justice community, and maintaining competency
standards across programs. The lack of existing literature related to these experiences suggests that future qualitative analysis may be helpful.

Many participants spoke of experiences of working with a diverse array of clients from cultures that were different from their own. Some participants advocated that program recruitment should address the lack of diversity among restorative justice practitioners. Daly (2000) asserts that caution is needed because assimilating minority cultures into ‘white’ restorative justice processes is neither ‘sufficient’ nor ‘acceptable’ in addressing inequality.

Several participants spoke of language barriers in restorative justice and concerns related to achieving ‘culturally competent’ practice. Umbreit and Coates (1999) provided some insight into how culture and differing worldviews can impact on communication and understanding in restorative justice processes. There is limited restorative justice literature related specifically to the concept of cultural competency, although it does exist (Choi & Severson, 2009b; Umbreit & Coates, 1999). This concept of cultural competency seems to assume that members of a dominant culture can gain a ‘competent’ level of understanding to work effectively with a culture different from their own. The concept of cultural competence has been challenged in some social work literature (Dean, 2001; Kohli, Huber, & Faul, 2010). Other participants in this study expressed experiences more consistent with the concept of ‘cultural safety’. Brascoupe and Waters (2009) describe cultural safety as a de-colonizing process that questions if competency is possible and instead emphasizes acquiring knowledge towards interacting safely with other cultures. This is another area that speaks to a need for future qualitative inquiry.
Experiences of participants also produced the theme of standards and standardization. It became clear to me that this was conceptualized as a difficult topic for participants. This has also been identified as a contentious issue in the literature (Gavrielides, 2008). There were strong expressions from participants that restorative justice must remain flexible enough to respond to diverse individuals and communities. But, many participants also expressed significant concern at the inclusion of some practices under the umbrella of restorative justice that were seen as retributive or offender focussed. This tension may reflect some of the work of Daly (2000, 2002), who argues there are elements of retribution and restoration in both the criminal justice system and restorative justice. She counters the assertion that either justice paradigm be seen as a ‘pure’ or an antithesis example of these binary poles of retribution and restoration.

5.1 Implications to Social Work Practice

Participants in this study described experiences that align strongly with the skills, values, and ethics of the social work profession. Experiences of participants also suggest that these skills, values, and ethics are not tied to specific restorative justice processes but, rather, are a lens through which one can approach crime and conflict. In other words, restorative justice values, ethics, and skills can offer a practice framework to be utilized in a variety of criminal justice settings.

The implication is that this framework offers social work an opportunity to ethically re-enter the criminal justice system in order to make changes at every level. Experiences of participants indicate that restorative justice continues to expand beyond its role as an alternative to the criminal justice system. Participants experienced restorative justice as a viable option in schools,
to build civic engagement, and to resolve civil disputes. As restorative justice expands into non-criminal justice arenas, links to social work become even more pronounced.

Van Wormer (2006) makes a strong argument for restorative justice to be incorporated into the curricula of social work schools. My experience is that there is a lack of interest in criminal justice involvement, including restorative justice, in British Columbia social work schools. This may be attributable to the perceived lack of specific social work roles in those systems. But, how are these roles expected to develop if social workers do not attempt to make inroads to those systems?

The growth of the criminal justice system as a potential employer could be reason in itself to consider more focus, but the need for social justice within the criminal justice system provides a clear invitation to social work. I also note that the criminal justice system intersects with many of the other systems that are more traditionally the realm of social workers. I question how social workers can credibly challenge the injustices and oppressions of the criminal justice system and restorative justice if they lack even a foundational knowledge of these systems.

When I was completing the introductory classes that form the prerequisites for the Master of Social Work program at the University of British Columbia I found that almost all of the roles of social workers detailed by Hick (2010) could be utilized in restorative justice. The exception that some might find surprising is the role of ‘mediator’ which I feel has no place in this field. One social work role that is extremely important to restorative justice as it grows is that of ‘broker’. Restorative justice practitioners are not therapists yet they provide a process where people can make self-disclosures through stories of the multiple impacts of crime. When clients
reveal the larger contexts of their lives, this can be an entry point for practitioners to link them with other community services and systems. This is a role that social workers flourish in. It is my sincere hope that through my research, and that of other social work students, inroads can be made into the restorative justice field that others will follow.

On my final day of class I was asked by my fellow students if after two years of classes I could tell them what social work is. I sat speechless for a while (a short while) and then provided my answer: Social work is what you make it. Upon reflection I would only change this response slightly. I believe that social work is what ‘we’ make it. To me this speaks to those of us who want to make the social work footprint more pronounced in restorative justice. It also includes those who are making restorative justice more prominent in social work.

5.2 A Personal Reflection on this Research

In my decision to interview practitioners of restorative justice from Lower Mainland programs, I was conscious that I was going to face challenges as an insider of this community. While this probably helped in recruitment and to build relationships with participants, it also had drawbacks. As I immersed myself in the data, I realized that most of the transcripts had extensive use of the term ‘you know’. During the interviews I often failed to probe these statements further, assuming that I did know. I wonder if an outsider of restorative justice would have probed for more contexts in those cases and if that would have revealed different interpretations?

There were also times when some participants referred to me directly, or situations I was involved in, during interviews. These were helpful to my understanding of their experiences but
I had to delete these references in order to promote confidentiality. The result was that parts of their stories were lost.

Another drawback of trying to maintain the confidentiality of participants was that I was unable to provide more contextual or profile information about my participants. Providing the educational and employment information about my participants may have given more weight to their statements. But supplying that type of context could also lead some readers to prioritize some experiences over others.

5.3 Conclusion

To paraphrase one of my participants: I now have more questions than when I started. This research aroused my curiosity rather than satisfying it. I hope that it also arouses curiosity in others, including social workers, towards practicing or researching in the restorative justice field.

I am appreciative of my participants and the gift of stories they gave to me. My hope is that this process gave them an opportunity to tell these stories with the same safety that they provide for the many people they work with. I also hope that the opportunity to tell these stories provided them with some benefit as well.
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Appendices

Appendix A

**Interview Questions for Restorative Justice Practitioner Participants**

When individual respond to the recruitment flyer, I will invite them to identify their gender, education level, vocational experience, and the length of time they have been a restorative justice practitioner.

Prior to the interview, consent provisions will be discussed and an opportunity to sign the consent form will be given.

To begin the interview, the purpose of the study will be outlined briefly. The following questions will guide the interviews:

1. Could you tell me what Restorative Justice means to you in theory?
2. How does restorative justice theory translate into practice?
3. What would you consider a ‘typical’ restorative justice case?
4. What would you consider a ‘serious’ or ‘critical’ restorative justice case?
5. Can you describe some of your experiences as a practitioner in ‘typical’ restorative justice cases?
6. Can you describe some of experiences as a practitioner in ‘critical’ restorative justice cases?
7. Can you please describe any barriers that reduce your ability to facilitate a safe and effective restorative justice process?
8. Can you please describe any supports that have increased your ability to facilitate a safe and effective restorative justice process?
9. What additional supports would help to improve the restorative justice process?
10. Can you please describe some of your experiences that you saw as very successful?
11. Can you please describe any experiences that you saw as less successful?
Appendix B

THE UNIVERSITY OF BRITISH COLUMBIA

School of Social Work

2080 West Mall

Vancouver, B.C. Canada V6T 1Z2

Tel: (604) 822-2255  Fax: (604) 822-8656

Date

Consent Form
The Experiences of Restorative Justice Practitioners from Lower Mainland Community Accountability Programs

Principal Investigator:

Richard Vedan, Associate Professor

Co-Investigator:

Craig Norris, MSW Candidate

- This study will be used in a thesis towards the co-investigator’s fulfillment of the requirements of a Master of Social Work Degree.

Purpose of the study

The goals of this study are:
• to explore experiences of restorative justice practitioners of Lower Mainland Community Accountability Programs.

• to provide knowledge potentially useful to restorative justice practitioners and restorative justice organizations towards developing policies and practices responsive to the experiences of these practitioners.

**Study Procedures**

Participation in the study will involve:

• Participation in a focus group interview of approximately 2 hours, and/or an individual interview of approximately 1 hour.

• Topics to be discussed:
  
  o -The meaning of restorative justice to you as a restorative justice practitioner
  
  o -How your experiences with the practice of restorative justice may be impacted by the type of case you facilitate.
  
  o -Policies, procedures or other aspects of restorative justice practices that support or hinder you in your role as a restorative justice practitioner
  
  o -Your ideas regarding how practitioners can be supported within the restorative justice process.

• Identifying your gender, education and professional background.

• You may decline to answer any questions.

• Field notes will be taken by the researcher.

• The interviews and focus group will be recorded by the co-investigator and transcribed by the co-investigator or a typist.

• You will receive a copy of the transcript of your interview and have an opportunity to change it if you wish by contacting the researcher.
You will be offered an opportunity to review a draft of the research findings and will have an opportunity to comment.

**Potential Risks**

It is not expected that there will be any risk to those interviewed individually or for those who participate in a focus group. However, some experiences discussed by participants may be emotionally charged and therefore a list of supportive resources will be provided to all participants in case you wish for follow-up support to deal with issues that arose during the interview.

**Potential Benefits**

There are several indirect benefits that may follow from participation in this study. There has been very little research to date in which restorative justice practitioners have been given a safe forum from which to describe their experiences. The knowledge gained in this study may help restorative justice practitioners to improve their service delivery. It may also allow Community Accountability Programs and other organizations to become more responsive to these experiences and the ‘insider’ knowledge of practitioner. Results will contribute to the growing body of knowledge of restorative justice. In order to receive a copy of the findings of the study, please provide your address below.

**Confidentiality**
Your identity will be kept strictly confidential and you will not be named in reports of the study unless you request such disclosure as indicated below. Potentially identifying information such as geographic location and program names will not be provided.

A typist will have access to the recording of the interviews and focus group for the purpose of transcribing, and will substitute a code for your name if it occurs during the interview; your name will not be in the transcript.

The thesis committee of the Co-Investigator will only have access to written transcripts of the focus group/interviews once personally identifying information has been removed.

Documents will be identified only by code number and kept in a locked filing cabinet in the co-investigators home. Computer data including digital recordings of interviews will be password protected.

Personally identifying information (i.e., signed consent forms and the list of names and code numbers) will be stored separately from other data (i.e., interview recordings and transcripts).

**Contact for information about the study:**

If you have any questions or desire further information with respect to this study, you may contact:

Principal Investigator: Richard Vedan; or Co-Investigator: Craig Norris

**Contact for information about the rights of research subjects:**

If you have any concerns about your treatment or rights as a research subject, you may contact the Research Subject Information Line in the UBC Office of Research Services.

**Consent:**
Your participation in this study is entirely voluntary and you may refuse to participate or withdraw from the study at any time without jeopardy.

Your signature below indicates that you have received a copy of this consent form for your own records.

Your signature indicates that you consent to participate in this study.

____________________________________________________
Subject Signature  Date

Printed Name of Subject

I have voluntarily agreed and requested that my full name be used in this research.

Subject Signature  Date

Address to which findings should be sent:
Invitation to Participate in a Study of:

The Experiences of Restorative Justice Practitioners from Lower Mainland Community Accountability Programs

What is the Purpose of the study?

- To provide an opportunity for restorative justice practitioners from Lower Mainland Community Accountability Programs to share their experiences.

- This insider knowledge of the restorative justice process may be useful to organizations towards supporting practitioners and improving service delivery.

What’s involved?

- An opportunity to share from your experience as a restorative justice practitioner in one or more ways, through participation in:

  - A focus group with other restorative justice practitioners lasting approximately 2 hours.

  And/or

- An individual interview of approximately 1 hour.
**Who’s Invited?**

- Restorative justice practitioners from Community Accountability Programs who have facilitated at least 1 case that they felt was of a ‘serious’ nature.
  - A ‘serious’ case could involve a certain type of offence, the special needs of participants, or something else that made the case feel that was more serious than typical cases you work with.
  - If you are unsure if the program you are a practitioner in is categorized as a Community Accountability Program please contact the co-investigator for clarification.

If interested, contact the co-investigator:

**Craig Norris, MSW (candidate)**

**Principal Investigator: Richard Vedan**

**Associate Professor, University of British Columbia, School of Social work**

- This study will be used in a thesis towards the co-investigator’s fulfillment of the requirements of a Master of Social Work Degree.