

**Lanark County Community Justice Capstone**

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Monday, December 7, 2020

Presented to Dr. Raggo

PANL 5010 - Capstone Project

Carleton University

## **Acknowledgement**

Our thanks goes out to Dr. Paloma Raggo, Dr. Tessa Hebb and Christopher Dougherty for their guidance. We would also like to thank the team at Lanark County Community Justice, Joellen McHard, Ross Dickson, Scott Ferguson, Rayna Critchley, and Dave Burkett, for their partnership.

## **Executive Summary**

Founded in the year 2000, Lanark County Community Justice (LCCJ) is a small, community-focused nonprofit charity aimed at providing court diversion services in Lanark County and the Town of Smiths Falls (Lanark County Community Justice, About Us). The core program is focused on the facilitation of restorative justice forums for youth and adults in the region who have been involved in criminal activity (Lanark County Community Justice, About Us). This process brings the victim, the accused, and other community participants together to create a legally binding written agreement outlining the steps the accused will take to right their wrong (Lanark County Community Justice, Our Programs). Through the forum process, both the accused and the victim have the opportunity to share their feelings about the incident and to come up with the solution to move forward (Lanark County Community Justice, Our Programs).

LCCJ's vision is for their community to "embrace restorative practices to repair harm, build community and strengthen relationships" (Lanark County Community Justice, Our Vision, Mission and Values). Restorative justice focuses on repairing the harm done, while holding the offender accountable by opening a space for all parties to address their needs moving forward (Tomporowski et al., 2011). Restorative justice works to empower its participants through the values of inclusion, democracy, responsibility, healing, and reintegration (Sharpe, 2004).

This paper will evaluate the effectiveness of restorative justice programming at LCCJ,

through exploring 4 impact areas of their work:

- (a) the impacts on recidivism,
- (b) the impacts experienced by victims,
- (c) the impacts experienced by the accused parties
- (d) and the cost-benefits.

Analysis will be conducted using exit surveys from victims, those accused and other participants, and financial data from LCCJ (recidivism data was not available at the time of submission, but recommendations have been provided for data analysis when available). Overall, the victims, the accused, and participants in the forums found the experience to be satisfactory and would recommend restorative justice over the traditional court system. Further, the vast majority of the forums concluded with agreements that the parties found fair and achievable for the accused. Additionally, by participating in the program, accused parties were provided with an opportunity to grasp the full results of their actions, participate in the process of being held accountable, and receive support from the community moving forward. Additionally, a cost-benefit analysis of LCCJ's Court Diversion Program for the years 2013/14 to 2018/19 found that, on average, for every \$1.00 spent on the program, \$2.53 of benefits was generated. This indicates a positive economic benefit of the program, which is complementary to the positive benefits that the program generates for victims, the accused parties, and the community.

## Introduction

In 2018, Canada had one of the highest incarceration rates in the western world, with 114 individuals incarcerated per 100,000 population (Data on Canada's prison system, 2020, January 25). For the majority of these individuals, the hyper-punitive nature of the traditional criminal justice system is a painful reality, not just something they experience through watching a movie or reading a book. Further, many will finish their sentence with a wide array of complications: reinforced criminal behavior, drug addiction, deteriorated mental health, stunted economic prospects and a criminogenic social identity (Bonta et al., 2002). Bonta et al. (2002) highlight that there have been serious questions about the legitimacy of this system and that the inefficiencies of Canada's justice system have come under increasing scrutiny. However, in the 1970s, an alternative approach emerged: restorative justice (Bonta et al., 2002). Bonta et al. (2002) describe this process as the involvement of a victim and community in holding an offender responsible for repairing the harms they have committed. Although restorative justice processes range in design and practice, they broadly strive to uncover why criminal behavior occurs and discuss how to "make right the wrong" (Bonta et al., 2002, p. 32). Tomporowski et al. (2011) describe restorative justice as a voluntary process in which victims, offenders, and other community members discuss what happened during the offence, who has been harmed, and how the matter can best be addressed. For victims, this process provides an opportunity to talk about the harm that has been caused, assisting in their healing processes (Tomporowski et al., 2011). For offenders, this process provides an opportunity to take responsibility for the harm that was caused and to make positive changes in their life (Tomporowski et al., 2011). For the community, it provides an opportunity to understand and address the root causes of crimes that may be occurring locally, and to support victims as well as the offender in the restoration process

(Tompsonowski et al., 2011). Ideally, restorative justice programs result in the offender making amends to those whom they have wronged, usually in the form of restitution or community service (Bonta et al., 2002).

One such restorative justice organization is Lanark County Community Justice (LCCJ), located in Perth, Ontario (Lanark County Community Justice, About Us). Driven by the values of inclusiveness, responsibility, and trust, LCCJ has worked since 2000 to repair harm caused by crime, to build community, and to strengthen relationships (Lanark County Community Justice, Our Vision, Mission and Values). They facilitate restorative justice forums for youth and adults in the region, which bring the victim, accused, and other community participants together to create a legally binding written agreement which outlines the steps the accused will take to right their wrong (Lanark County Community Justice, Our Programs). Through the forum, both the accused and the victim have the opportunity to share their feelings about the incident, and to come up with the solution for moving forward (Lanark County Community Justice, Our Programs).

In 2019, the organization had around 90 clients and around 200 other participants involved in their programs (Lanark County Community Justice, Annual Report 2019). In order to support these programs and the core costs, the organization relies on funding from provincial and municipal governments, donor agencies, individual donors, and membership fees (Lanark County Community Justice, Annual Report 2019). Thus, it is essential that the organization is able to provide these funders with concrete data that demonstrates their impact. The production of data is one of the core reasons that this research is being undertaken. Additionally, the organization is seeking to learn from this research in order to understand how to improve their

programs. In this paper, the effectiveness of LCCJ's programs will be evaluated by studying 4 key areas:

- 1) the impacts on recidivism,
- 2) the impacts experienced by victims,
- 3) the impacts experienced by the accused parties
- 4) and the cost-benefits.

Through studying these 4 areas, the researchers will be able to identify the effectiveness of LCCJ in comparison to the broader literature and also provide suggestions for how LCCJ could become a more effective organization going forward.

This paper will first discuss the broader restorative justice literature, in order to provide an understanding of the history and theoretical underpinnings of restorative justice and the 4 key areas of evaluation. Following the literature review, the findings derived from the 4 key areas will be explained in detail, as well as supplemented by surveys completed by forum participants. To understand how these findings were developed, please see Appendix A for the complete methodology<sup>1</sup>. Overall, victims participating in LCCJ's forums had a positive experience, as 95% felt it was better for their case to go through restorative justice than the traditional justice system. Additionally, 85% of those responding to the survey were satisfied with LCCJ's forum, with 90% reporting they felt the agreement was fair and 91% feeling as though the accused would complete the agreement. Participants in the forums were also surveyed and reported similar levels of satisfaction, with 91% of participants were satisfied with the forum, and 99.5% recommending the case go through restorative justice rather than the traditional court system.

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<sup>1</sup> Recidivism data was not available at the time of submission.

Additionally, by participating in the program, accused parties were provided an opportunity to grasp the full implications of their actions, participate in the process of being held accountable, and receive support from the community moving forward. Through a cost-benefit analysis, it was also found that LCCJ's court diversion program generated, on average, \$2.53 for every \$1.00 spent on the program. This finding suggests that restorative justice programs are more economically efficient than the traditional criminal justice system. Lastly, this paper will explore the implications of these findings as well as provide suggestions for how LCCJ can improve upon their programs in order to become a more effective organization. As previously mentioned, within the below section the broader literature of Canadian restorative justice will be explored.

### **Literature Review**

Tomporowski, Buck, Barga & Binder (2011) contend that Canadian restorative justice has recently evolved to the point that it is a social movement with a variety of agendas. Accordingly, there is significant variation in the different practices and definitions of restorative justice (Tomporowski et al., 2011). To this point, the authors present a fluid definition of the concept:

. . . an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime — victim(s), offender and community — to identify and address their needs in the aftermath of a crime. (Tomporowski et al., 2011, p. 817)

Further, restorative justice emphasizes the values of inclusion, democracy, responsibility, healing, and reintegration (Sharpe, 2004).

According to Deukmedjian (2008), the theoretical roots of restorative justice are found in the Chicago School of Criminology. Specifically, Shaw and McKay's (1943) theory of social disorganization, Lemert's (1951) labeling theory, Sutherland and Cressey's (1966) theory of differential association, and Sampson, Raudenbush and Earls' (1997) theory of collective efficacy were all foundational in the design and implementation of Canadian restorative justice practices (Deukmedjian, 2008). Drawing upon these theories, restorative justice practitioners seek to address local problems that underpin crime, such as: social strain, criminal subcultures, community disorganization, and social stigma (Deukmedjian, 2008). It is through the resolution of these factors that restorative justice initiatives seek to resolve crime within communities (Deukmedjian, 2008). Moreover, especially in Canada, restorative justice has been focused on youth and resolving the social issues that spur their deviant behavior (Caputo & Vallée, 2007). For example, many young people in conflict with the law are also coping with substance abuse or mental health issues that influence their deviant behavior (Caputo & Vallée, 2007). Thus, treatment programs have been central to Canadian restorative justice initiatives (Caputo & Vallée, 2007).

Restorative justice practices have been developing in Canada since the beginning of the 20<sup>th</sup> century (Caputo & Vallée, 2007). In Canada, the first practical instance of modern restorative justice dates back to the 1974 implementation of the Victim Offender Reconciliation Program (VORP) in Elmira, Ontario (Hudson & Galaway, 1990). This program began when a probation officer led 2 youths to meet their victims and pay restitution for property damage after a vandalism spree (Tomporowski, 2014). Since then, restorative justice has evolved into a multifaceted approach to criminal justice (Tomporowski et al., 2011). In today's environment, there are 4 general types of restorative justice programs in Canada: "victim-offender mediation,

conferences, circles, and justice” (Tompsonowski et al., 2011, p. 817). Tompsonowski et al. (2011) contend that restorative justice in Canada have developed fairly consistently to similar developments within the US. However, unlike in the US, restorative justice has been incorporated into the Canadian justice system for over 30 years (Tompsonowski et al., 2011). Additionally, Canadian restorative justice has seen an increasing amount of governmental funding and policy support since the mid 1990s (Tompsonowski, 2014). One of the most notable developments occurred in 1996, when the Criminal Code of Canada was amended to authorise community-based sentencing alternatives for adults (Tompsonowski, 2014). Likewise, in 2003, the Youth Criminal Justice Act (YCJA) increased the use of restorative approaches by including provisions for referring young people to extrajudicial sanctions. Today, there are forms of restorative programming in every province and territory (Tompsonowski et al., 2011).

In Canada, a great deal of restorative justice activity is undertaken by community initiatives under the Aboriginal Justice Strategy (Tompsonowski, 2014). These programs are operated by First Nations, Tribal Councils, and other Indigenous organizations (Tompsonowski, 2014). Programs that fall under this strategy take into account the specific traumas and racial stigmas that are associated with Indigeneity in Canada (Tompsonowski, 2014). Further, they reflect local, cultural practices and provide services such as: case resolutions, sentencing alternatives, victim support, and offender reintegration (Tompsonowski, 2014)<sup>2</sup>.

#### **a. Recidivism Literature**

According to the Government of Ontario, recidivism is defined as an instance when a former inmate or community supervision client returns to correctional supervision on a new

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<sup>2</sup> It is worth noting that, in Canada, “community justice” often refers specifically to programs operated by Indigenous organizations (Tompsonowski, 2014). For the purposes of this paper, the terms “community justice” and “restorative justice” can be understood as interchangeable, and are referring to justice initiatives that are not involved with Indigenous justice approaches, unless otherwise indicated.

conviction within 2 years of completing a probation, parole or conditional sentence, or a jail sentence of 6 months or more (2019). The Government of Ontario also indicates that there are certain factors associated with re-offending: antisocial attitudes, anti-social peers, family/marital issues, a lack of pro-social leisure activities, and substance abuse issues (Government of Ontario, 2019). In Ontario, recidivism decreased significantly, from 55.2% in 2001 to 37% in 2015, among adults who served a 6 month or more jail sentence (Government of Ontario, 2019). However, recidivism among adults who served community sentences remained relatively stable during the same period of time, increasing only slightly from 21.2% in 2001 to 22.6% in 2015 (Government of Ontario, 2019). On a federal level, similar trends can be observed; Stewart and Wilton (2019) found that reconviction rates steadily declined each year from 32.1% in 2007/2008 to 23.4% in 2011-2012<sup>3</sup>.

In order to fully understand the nature of recidivism rates within Canada, it is important to understand the recidivism rates of different demographics. Generally, men recidivate at a much higher rate than women. At the federal level, “the two-year post-release reoffending rate for the entire 2011/2012 cohort was 23.4%; the rate for men was 24.2% and for women was 12%” (Stewart & Wilton, 2019). Further, Indigenous offenders recidivate at a higher level than non-Indigenous offenders. During the same federal 2011/2012 cohort, the recidivism rate was 37.7% for Indigenous men and 19.7% for Indigenous women (Stewart & Wilton, 2019). Overall, research indicates that restorative justice may have the most impact in reducing recidivism when used to address violent offences (Shapland et al., 2008). Further, it is suggested that restorative justice also has a subtle impact on reducing revocation rates within prisons (Stewart & Wilton, 2019; Beaudette & Thompson, 2015).

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<sup>3</sup> Interestingly, the exception to the general decrease of recidivism at the provincial and federal level was a slight increase in the rate of violent reoffense within the 2011-2012 federal cohort (Stewart & Wilton, 2019).

Throughout the literature, it is suggested that restorative justice subtly reduces recidivism, with a difference in reduction between youths and adults:

Based on 46 studies with nearly 23,000 participants, restorative justice programs, on average, were associated with a decrease of three percent in recidivism. Contrary to expectations, the programs were more effective with adults (8% reduction) than with youth (2% reduction). Providing some form of restitution to victims was the activity most associated with reductions in offender recidivism. (Bonta et al., 2002).

Sherman (2014), corroborates the findings of Bonta et al. (2002) by demonstrating that, across a variety of cultures and restorative justice programs, youth still tend to recidivate at a higher level than their adult counterparts.

According to Bonta et al. (2002), the key activities in a restorative justice program associated with a reduction in recidivism are victim impact statements, restitution, and community service. While the literature generally supports the above conclusions, there is also a call among authors for additional studies that more rigorously measure the effects of restorative justice on recidivism (Latimer & Kleinknecht, 2000; Federal-Provincial-Territorial Working Group on Restorative Justice, 2016).

#### **b. Impact on Victims Literature**

For the victims of crime, the impacts are both immediate and long-lasting. A crime can have physical, emotional/psychological, spiritual, and financial impacts on the victims (Wasserman & Ellis, 2010). Victims may be physically harmed during an incident, or experience physical symptoms of mental illness, such as rapid heart rate or hyperventilation from anxiety or panic disorders (Wasserman & Ellis, 2010). After the crime, victims will experience a period of

‘disequilibrium,’ where they will experience stress, anxiety, and distress (Chan et al., 2016, p. 231). Victims can experience emotional and psychological impacts, including decreased mental health, higher levels of vulnerability and fear, and lower levels of self-efficacy (Wasserman & Ellis, 2010; Chan et al., 2016; Kilpatrick & Acierno, 2003). Victims may also experience a range of mental illnesses, with post-traumatic stress disorder, depression, and anxiety being most commonly noted (Kilpatrick & Acierno, 2003). Victims can experience spiritual impacts as a result of their experience, as they may look to religion or a higher power to help make sense of what happened. Further, the victim may experience dissatisfaction in not finding the answers they seek (Wasserman & Ellis, 2010). This can be spurred by the reaction or lack of support from their faith community, who may further exacerbate existing conflict in the individual (Wasserman & Ellis, 2010). Finally, victims can experience financial burden as a result of the crime (Wasserman & Ellis, 2010). It may be an immediate financial impact, in the case of the victim being robbed or property damage for example; or a more long term impact, if the crime affects their life and livelihood (Wasserman & Ellis, 2010). For example, victims may need to pay for medical costs, increased insurance premiums, or could experience a loss of wages due to time off for their participation in criminal justice proceedings (Wasserman & Ellis, 2010).

These devastating impacts are experienced by a victim as a direct result of the crime itself, but they can also experience revictimization. Revictimization refers to a victim experiencing trauma again as a result of their participation in criminal justice proceedings (Herman, 2003). Importantly, Herman notes that “[t]he mental health needs of crime victims are often diametrically opposed to the requirements of legal proceedings” (2003, p. 159). As victims look to heal from their trauma and regain a sense of control, that process is hampered by rules and procedures that require victims to confront the accused, reliving and retelling their

experience under a line of questioning designed to discredit their story (Herman, 2003). Herman states that mental health workers commonly report that their patients' trauma symptoms are worsened by negative experiences within the justice system (2003). This issue is particularly relevant in cases of gendered violence, such as cases of sexual assault or domestic violence, as these crimes are underreported, face many barriers during prosecution, and are less likely to result in a conviction (Curtis-Fawley & Daly, 2005). For example, only 5% of Canadian sexual assaults were reported to police in 2014, with only 12% of substantiated sexual assault cases reported by police leading to a criminal conviction, in contrast to 23% of physical assault cases (Rotenberg, 2017). More broadly, it is estimated that less than 1% of all sexual assaults lead to a conviction (“Sexual Assault And Harassment in Canada: The Facts”). With such low rates of reporting, high rates of dropping the case, and low rates of conviction, this demonstrates the challenges that a victim can experience through the traditional justice system in attempting to achieve justice.

The movement for restorative justice offers a number of potential benefits to victims (Herman, 2003). Restorative justice can open space for victims to share their story and be heard in a way that puts them and their needs at the centre of a justice process (Chan et al., 2016). Victims are able to ask questions of the accused and gain more information about what happened to them and about the motivations of the accused (Johnstone, 2017). Victims are then able to express the impact of the crime on their life directly to the person who caused the harm (Johnstone, 2017). Through this dialogue, restorative justice aims to increase the likelihood that the crime and its impact will be recognized in a way that is “meaningful and consequential” for both the victim and the accused (Curtis-Fawley & Daly, 2005). With that, the victims are also able to maintain more control over the process and the outcome, which can be an essential part of

the healing process (Johnston, 2017; Herman, 2003). The aim of the restorative justice process and outcomes is to validate victim's experience, give them greater priority in the legal process, and offer more diverse options (Curtis-Fawley & Daly, 2005).

Overall, most victims are satisfied following their involvement in restorative justice proceedings (Government of Canada, Department of Justice, 2018). For example, in a study of victim offender conferences facilitated by the Restorative Justice Unit in New South Wales Australia, Bolitho (2015) found a 95% success rate, with victims describing it as a positive experience and their justice needs as being met. In a Minnesota study, 100% of victims were satisfied with the outcome of their case, and 80% felt it was also a fair outcome for the accused (Government of Canada, Department of Justice, 2018). An additional study of family group conferences found victim satisfaction levels between 93-95% (Government of Canada, Department of Justice, 2018). In a study of Canadian and Belgian participants, Van Camp and Wemmers (2013) also found that every participant interviewed was satisfied with the restorative approach. Within this study, even in instances where victims were not satisfied with the outcome of the restorative proceedings, they still expressed satisfaction with the restorative intervention (Van Camp & Wemmers, 2013). When it comes to victim satisfaction with the restorative justice system, critics such as Latimer et al. (2005) have argued that there is a self-selection bias, where, because victims volunteer to participate in a restorative justice forum, they are "predisposed to be satisfied" with their experience (Van Camp & Wemmers, 2013, p. 119). Van Camp & Wemmers respond by suggesting that it is through having control over the process that victims find satisfaction (Van Camp & Wemmers, 2013)<sup>4</sup>.

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<sup>4</sup> In addition to improved victim satisfaction, it has also been demonstrated that restorative justice can have a positive impact on mental health. Angel et al. found that those who participate in face-to-face restorative justice conferences had 49% fewer victims with post-traumatic stress syndrome, compared to those who only go through the criminal justice process (Angel et al., 2014).

It is important to note that within the literature there are critics of restorative justice from the victim perspective. Some of the key critics contend that the practice trivializes crime, results in net-widening and fails to provide justice for the victims (Morris, 2002; Curtis-Fawley & Daly, 2005). Additionally, critics of restorative justice point to victims being revictimized through restorative justice, as victims have to recount their story and come face-to-face in open dialogue with their victimizer (Morris, 2002; Curtis-Fawley & Daly, 2005). In particular, feminist researchers have expressed concerns about the trauma that could come from participating in restorative justice in cases of domestic violence or sexual abuse (Curtis-Fawley & Daly, 2005). They argue that these cases of gendered violence should be treated more “seriously” (Curtis-Fawley & Daly, 2005, p. 608). More generally, critics of restorative justice express concern that the process and outcomes are not formal and stringent, and could be a “soft-option” that does not give the victims the justice they deserve (Curtis-Fawley & Daly, 2005, p. 607).

In response to these concerns, a growing number of feminist researchers are arguing that restorative justice offers more benefits to victims of gendered crimes. Restorative justice offers victims the opportunity to share their story in a way that is more tailored to their needs and wants, which can be an empowering experience (Morris, 2002; Curtis-Fawley & Daly, 2005). Unlike the formal justice system, restorative justice also encourages the accused to offer admissions, rather than denial (Morris, 2002; Curtis-Fawley & Daly, 2005). Morris argues that many of the reservations around restorative justice come from a place of misunderstanding what restorative justice seeks to achieve, what is realistic to expect from restorative justice at “this stage of its development” and what the experiences of victims and accused are like in the criminal justice system (2002, p. 596).

### **c. Impact on the Accused Literature**

In a study by Goodman, 40% of participants said that they had knowingly lied about their criminal record to employers, in an attempt to secure work (Goodman, 2020). This represents a sinister trend in the effects of the criminal justice system, namely that it encourages people to re-offend. While lying on a job application may not be a serious offense, other research has found that 40% of unemployed male ex-convicts reoffend within a year of re-entering society, compared to the 17% who are able to find employment (*Crime and Unemployment*, 2009). By exacerbating the existing social stigma associated with criminal records holders, the Canadian justice system continues to harm those it processes, and the communities they live in.

As with previous sections of the review, the impact of justice on accused parties is an important component of the restorative justice model. By providing opportunities to accused parties to meet with those impacted by their actions, make amends with them, and grow from the experience, restorative justice provides a unique opportunity for youth and adults to make amends in a fashion that is less harmful to them in the long run.

The handling of Youth Justice in Canada has been a central topic of debate for several decades. Dictated by 3 bodies of law over history – the Juvenile Delinquents Act (or JDA), Young Offenders Act (or YOA), and Youth Criminal Justice Act (or YCJA) – criminal processing for underaged individuals is a complex nexus of legal and social service provisions (Caputo & Vallee, 2007). As our understanding of youth justice has evolved over time, it became apparent in the early 2000s that the current body of law, the YOA, was too punitive. In 1999, the then Minister of Justice and Attorney General of Canada, Anne McLellan, said in a press release that “the federal government had made too much use of custody for young offenders who had not

committed serious violent offences” (McLellan, 1999). This proved to be true, as in 2003, Canada had “one of the highest youth custody rates in the western world” (Caputo & Vallee, 2007). The Youth Criminal Justice Act was passed in 2003, with the important stipulation that required “police to consider all possible options when dealing with young offenders before proceeding formally and laying charges” (Caputo & Vallee, 2007). This shift in priorities led to the establishment of restorative justice programs such as: family-group conferencing, facilitated conferencing, school-based conferencing, and victim-offender mediation (Caputo & Vallee, 2007). Organizations like LCCJ exist primarily as a result of the funding provided by government agencies in support of providing alternatives to the traditional justice system for youth. Understanding the evolving role of youth justice in Canada is therefore closely tied to the development of restorative justice as well. This notable legal shift and subsequent structural adjustment highlight the legal, social, and community obligation that Canadians have to ensure that youth do not themselves become victimized when tried for their offences.

While the goal and motives of restorative justice for youth remain clear, it is also important to highlight the *why* and *how* of the process. In a report prepared for Le Cheile Mentoring and Youth Justice Support Services project in Ireland, the researchers found 6 notable benefits to accused parties who go through the restorative justice process: increased victim empathy, improved family relationships, reduced stress, improved engagement with education, reduced substance misuse, and improved peer group/social experience (Quigley et al., 2014). While these findings are not perfectly analogous with the Canadian context, they highlight several of the potential benefits to accused parties that may be achieved with the use of restorative justice.

Though all the factors identified by Quigley et al. are valuable to accused parties, education for youth has historically been a priority for Canadian society and government. The benefits of increased education engagement are numerous. For example, a UN report on restorative justice found that “children who complete community-based restorative justice programmes are more likely to return to school and so increase their chances of becoming productive members of society” (UN & ONU, 2016). Completing education is a vital step in developing the tools necessary to operate in modern society, and absenteeism due to custody can have a major impact on an individual’s performance. Notably, a study performed in the United States found that “students who missed more than 10 days of school scored nearly two-thirds of a standard deviation below students who did not miss any school” (Garcia & Weiss, 2018). These disadvantages continue beyond academic performance, as a similar study performed in the New England area of the United States found that youth who dropped out of school found themselves in social isolation (Macdonald & Marsh, 2004). In addition to the mental stress of losing one’s social supports, many of the individuals interviewed by MacDonald and Marsh reported ongoing issues finding employment and experiencing the weight of regret for not completing their time at school (Macdonald & Marsh, 2004). Preventing a disconnect from ongoing education is one of the key objectives of restorative justice, as remaining engaged has immediate and long-term benefits.

In contrast to the mental, economic, and social repercussions of being criminally charged as a youth, individuals charged as an adult must carry a different weight with them into the future: their criminal record. Similar to restorative justice directed at youth, restorative justice for adults is often utilized to divert them from the traditional justice system. By addressing potentially criminal events in this way, restorative justice has the direct benefit of preventing

accused parties from gaining a criminal record. Having a criminal record in Canada can be a daily concern for many. In a report by the Ontario Human Rights Commission, researchers found that “differential treatment based on one’s criminal history is widespread and yet very difficult to prove” with regards to housing (*Housing Discrimination and the Individual*, 2008). This is a challenging issue to tackle, as a record of offence is not a legally permitted basis to discriminate in who housing is awarded to, but one in which personal bias can play a considerable role (*Housing Discrimination and the Individual*, 2008). These records also have implications for individuals long into the future, as discussed by an interviewee in an article by The Star. In the article, the authors speak with an Ontarian who, despite 20 years of lawful behaviour, continues to have everyday socio-economic issues due to his criminal records (Powell & Winsa, 2008). The article mentions that 2.9 million Canadians<sup>5</sup> in 2005 had criminal records, including 500,000 records for individuals who were never convicted (Powell & Winsa, 2008)<sup>6</sup>.

Research shows that biases resulting from the social stigma surrounding a criminal record are difficult to measure, though they are certain to have financial ramifications (*Housing Discrimination and the Individual*, 2008). While it remains difficult to place a precise price tag on the cost of a criminal record, it may prove useful to create a frame of reference. The easiest cost to assume in relation to a criminal record is a measure of the labour time lost while incarcerated. However, the economic consequences of a criminal record hardly stop there. In an article from the Canadian Bar Association’s website, the author estimates that the full processing

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<sup>5</sup> 11% of the population, at that time.

<sup>6</sup> The limitations placed on individuals subjected to criminal record checks have become so drastic that, in 2012, an amendment was added to the Criminal Records Act to allow for the suspension of criminal records by the federal government (Criminal Records Act, 1985). Under this legislation, federally charged Canadians who have conducted themselves lawfully for a period of 3 to 10 years after the end of their sentence may apply to have their records suspended (Parole Board of Canada, 2020). While this process does not completely expunge these records from the legal system, as they may be re-opened in the event of subsequent offence, the suspension of records aids citizens in avoiding discrimination due to previous criminal charges (Parole Board of Canada, 2015).

charges of suspending one's criminal record is approximately \$1,000 (Kane, 2020). This could be considered the most direct 'price tag' a criminal record implicates, but potential losses extend well beyond. In the same article, it is suggested that a realistic waiting period before applying for suspension is 5 to 10 years with no additional offenses (Kane, 2020). While some may argue that this is a fair waiting period for convicted criminals, Kane provides an example of a woman she had worked with who had recently been denied a job due to her criminal record of stealing a bottle of pop 20 years ago (Kane, 2020). For individuals unable to accumulate the necessary funds, or unable to navigate the suspension process, a criminal record can continue to impact their earnings for a long time.

When assessing the impact of a criminal record, researchers often seek to quantify the rate of unemployment as a key indicator of disadvantage. Unlike direct cost analysis, which involves the investigation and quantifying of expenses on personal, provincial, and federal levels, unemployment rates are significantly simpler to assess. As such, unemployment data is better reviewed, and warrants consideration as one of the more exact measures of the impact a criminal record can have. In a study by the John Howard Society of Ontario, it was found that over 60% of Canadian employers screen applicants with a criminal records check (*The Invisible Burden*, 2018). That same study also found that 15% of employers who screen for criminal records do not hire individuals with criminal records and over 55% admitted to never knowingly hiring a person with a police record (*The Invisible Burden*, 2018). This corresponds with a similar finding from a study conducted in the United States, where it was found that the likelihood of a callback for an interview for an entry-level position drops by 50% for applicants with a criminal record (Emsellem & Rodriguez, 2015). The exact impact on an individual's odds

of finding employment with a criminal record is difficult to ascertain, but these findings make it clear that the task is considerably inhibited.

With these more abstract implications in mind, what does it realistically cost to carry a criminal record? Disregarding losses due to time spent incarcerated, and assuming that the hypothetical individual was previously incarcerated, they may experience a loss of revenue of as much as \$109,413<sup>7</sup>. While this figure is by no means a precise measure, it emphasizes the considerable financial strain placed on the convicted portion of the population.

#### **d. Cost-Benefits Literature**

The costs of crime are shouldered by a multitude of stakeholders: victims, offenders, family, friends, governments, taxpayers and social services providers. Calculating the costs of crime and of restorative justice programs in Canada is not without its challenges; each victim, offender, and incident are unique, and each government level plays a different role in addressing crime. Furthermore, many costs of crime, such as damaged emotional well-being or the opportunity costs of choosing to “participate in illegal activities as opposed to the legitimate marketplace” are not easily quantifiable (Gabor, 2016, p. 9). Evaluating the potential cost-benefits and savings of restorative justice calls for an examination of the costs of both Canada’s criminal justice system and restorative justice.

It is helpful to look at government spending on justice to understand the magnitude of the cost of crime and the criminal justice system in Canada. According to research conducted by the Canadian Forum on Civil Justice (2018), the 4 largest areas of justice sector government spending in Canada are: policing, correctional services, court services, and prosecutions. In 2017, operating expenditures for police services in Canada totaled approximately \$14.7 billion,

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<sup>7</sup> See Appendix B

operating expenditures for adult correctional services totaled \$4.7 billion, estimated operating expenditures for youth correctional services totaled \$1.2 billion, estimated court services expenditures totaled \$1.5-\$2.5 billion, and estimated prosecution expenditures totaled \$911 million (Moore, Perlmutter, & Farrow, 2018).

The literature also examines the costs of crime measured on a more manageable scale, such as cost per offender or type of crime. Ellingwood's (2015) report estimates police costs by offence type in Canada in 2013. Offences that restorative justice programs may address, such as uttering threats to a person, possession of stolen goods, and mischief, cost \$308, \$12,295, and \$145 per crime, respectively (Ellingwood, 2015). Segel-Brown's (2018) report estimates the financial costs per offender in federal custody in Canada by taking into consideration correctional facilities' costs. While the cost varies by type of facility, the national average cost per offender in 2016/2017 was \$114,587 (or \$314 per day) and \$78,475 in Ontario (Segel-Brown, 2018).

Using a sample of male offenders in Ontario, Day and Koegl (2019) examine the costs of different categories of crime across 7 criminal trajectories (i.e. classes of offenders based on their longitudinal rate of offending) over 15 years (calculated in 2013 dollars). Unsurprisingly, the per crime costs rise with the severity of the offence, and the aggregate costs rise as the longitudinal pattern of offending becomes more frequent (Day & Koegl, 2019). Some per-crime cost estimates that are relevant to restorative justice include minor theft (\$1,834), motor vehicle theft (\$14,183), and common assault (\$54,737) (Day & Koegl, 2019). The authors suggest "targeted intervention programs should be focused on those most likely to accrue the highest per-person costs before the age of 15" (Day & Koegl, 2019, p. 214) to increase the potential for cost savings on crime. If restorative justice can prevent future crimes, it may result in considerable cost

savings and reallocation in policing, court services, correctional services, and prosecution. To demonstrate the potential for cost savings through prevention of future crime, in the trajectory group “moderate adolescence peaked,” the aggregate cost per person ages 12-14 was approximately \$36 million (\$266,231 annually), whereas the aggregate cost per person ages 15-17 was approximately \$170.3 million (\$1.3 million annually) (Day & Koegl, 2019, p. 213).

Gabor (2016) takes an international, multi-costing method approach to researching the cost of crime and criminal justice responses, noting the underwhelming amount of related Canadian studies. He notes 4 broad categories of costs of crime: victim costs (property loss and damage, lost wages, medical costs), criminal justice system costs (law enforcement, court, correctional facilities), opportunity costs (criminal career costs), and intangible costs (such as victim pain and suffering) (Gabor, 2016). For example, the mean total cost of motor vehicle theft in 2014 Canadian dollars was \$8,157, where \$6,319 represented tangible costs to victims, \$553 represented intangible costs to victims, \$846 represented criminal justice system costs, and \$439 represented criminal career costs (Gabor, 2016). Gabor also notes that different costing methods should be used to “establish a range in costs rather than a precise number” , considering the varying contexts in which individual incidents occur (Gabor, 2016, p. 9). Due to a lack of available data, Gabor’s sample size is limited, but it is worth noting his findings on the costs of criminal justice processes. For example, “Court/Trial Proceedings” costs amounted to \$44,280 per conviction, \$6,866 per case, and \$1,445 per contact (Gabor, 2016). These costs are worth considering when examining the potential cost-benefits and savings of restorative justice diversion programs.

The tangible costs of *Criminal Code* offences in Canada in 2008 totaled approximately \$31.4 billion, while the intangible costs totaled about \$68.2 billion, according to Zhang’s (n.d.)

detailed report breaking down the costs of crime in Canada (Zhang, n.d.). “The most direct impact of crime is borne by victims” (Zhang, n.d., p. 5), with \$14.3 billion incurred for health care (\$1.4 billion), productivity loss (\$6.7 billion), and stolen or damaged property (\$6.1 billion) (Zhang, n.d.). The value of lost wages for victims in 2008 totaled \$30.5 million (Zhang, n.d.), the value of lost school days for undergraduate students was \$32.7 million, and the value of lost childcare days was approximately \$11 million (Zhang, n.d.). There are also costs borne by third parties, such as family members of victims and services providers, which totaled about \$2.1 billion in 2008 (Zhang, n.d.). More difficult to quantify are the intangible costs incurred by victims, such as pain and suffering and loss of life, which Zhang’s report estimated to be \$65.1 billion and \$3 billion, respectively (Zhang, n.d.). There are also considerable costs experienced by offenders, as has been discussed previously, such as the costs of carrying a criminal record.

Proponents of restorative justice contend that it can save on costs. However, calculating the cost-benefits and savings of restorative justice is not as straightforward as calculating the costs of criminal justice processes. A 2015 Social Return on Investment study of an Ireland based restorative justice program for youth explains how restorative justice can lead to savings on the costs of crime by diverting offenders away from formal court processes. Calculating savings is not as straightforward as “dividing the costs of the criminal justice by the number of people who are estimated to have been removed from the system, and stating this amount as a saving,” (Quigley, Martynowicz, & Gardner, 2014, p. 94) because there are still fixed costs to be considered, such as operations and staff. However, marginal costs, such as legal aid, can be saved because they are attributed to each individual case brought to court. Moreover, when restorative justice successfully prevents future crimes, the resources required to process those would-be crimes, such as time spent taking and responding to reports of crime, can be diverted

elsewhere, such as to prevention work or lowering the amount of undetected crimes (Quigley, Martynowicz, & Gardner, 2014). Restorative justice may also result in cost savings for health services. For example, some programs “save on health expenditure per individual who does not require treatment” for cases where future substance misuse by victims and/or offenders is prevented (Quigley, Martynowicz, & Gardner, 2014, p. 99).

There is growing, but still limited research of the cost savings and cost-benefits of youth-focused programs that focus on prevention and diversion. Farrington and Koegl (2015) measured the costs and benefits of Stop Now and Plan (SNAP), a re-offence prevention program which helps young boys, and their parents, to replace negative behaviour response patterns with positive ones. They studied 376 boys over a 9 year period and, in calculating the costs of SNAP, the costs of different crime categories, and estimating the cost savings of future crime prevention, they found that, for every \$1.00 invested in the SNAP program, between \$2.05 and \$3.75 was saved (Farrington & Koegl, 2015). Craig, Petrunka, and Kahn (2011) reported similar findings in their study of Better Beginnings, Better Futures (BBBF). While BBBF is a prevention program, this report demonstrates the economic costs of youth contact with the criminal justice system. For example, missing a significant amount of school due to judicial processes may cause youth to repeat a grade. In 2002/2003, the estimated cost of grade repetition was \$6,151 (Craig, Petrunka, & Khan, 2011)<sup>8</sup>.

Finally, the Department of Justice Canada published a report in 2016 evaluating the Aboriginal Justice Strategy’s (AJS) effectiveness based on recidivism rates and the program’s efficiency and operational economy. The authors found that, in 2014, the average court cost per case was \$1,159, the average legal aid cost per case was \$1,145, and the average prosecution cost

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<sup>8</sup> About \$8,167 in 2020 dollars.

per case was \$2,131. The total present value savings to the Mainstream Justice System per AJS participant in the 2014-2015 cohort over 8 years was calculated as \$2,264 per participant, totaling approximately \$20.5 million for 9,039 participants (Government of Canada, Department of Justice, 2016). The authors contend that their findings demonstrate a net benefit resulting from government investment in the AJS program (Government of Canada, Department of Justice, 2016).

Although the programs and sample sizes vary, these cost-benefit studies of restorative justice programs demonstrate the positive economic impact of restorative justice. The results of these studies can provide LCCJ with a basis for comparison in examining the economic impact and effectiveness of their own programming and can be used to demonstrate the value of investing in restorative justice to LCCJ's current and potential funders and donors.

## **Findings**

### **a) Recidivism Findings**

At the time of submission of the final draft of this paper, the research team has not yet received the official recidivism data from the police department cooperating with the research project. Upon gathering this information, the results will be added retroactively to this section, even after the research period ends, in order to maximize the benefit of this paper for the community partner. The results will be framed within the context of the literature in order to provide an explanation as to how the community partner can best continue or adjust their programming<sup>9</sup>. Further, the implications of not having recidivism data readily available will be discussed within the recommendations section of the paper.

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<sup>9</sup> While assumptions could be made about LCCJ's impact on recidivism, based on the previously discussed literature, these assumptions would not aid LCCJ in the refinement of their programs. However, LCCJ can still find value in the general findings of the literature review through presenting these findings to current or prospective funders in order to demonstrate the general, positive impact that restorative justice *can* have on recidivism.

## **b) Impact on the Victims Findings**

In analyzing the survey responses from the victim participants in LCCJ's programming, it is clear that the majority of participants benefited from the restorative justice forums. 85% of respondents were satisfied with the forum<sup>10</sup>, and 95% felt that it was better for their case to go through community justice as opposed to the regular court process. LCCJ's results here are in line with the satisfaction levels found by Umbreit & Fercello, and Van Camp & Wemmers (Government of Canada, Department of Justice, 2018; Van Camp & Wemmers, 2013).

Additionally, survey respondents noted their beliefs that restorative justice is a more effective response. For example, a participant noted, "I have been a part of many forums in the past and I feel that this one was the most effective, efficient and restorative. Thank you for the amazing job you did to help make this such a positive experience." Critics such as Latimer et al. (2005) argue that restorative justice participants are pre-supposed to be satisfied, which may be the case here, but Van Camp & Wemmers disagree with that argument, stating that they find satisfaction in their control of the process (2013).

With that, in terms of how victims felt during the forum 98% felt everyone was treated with respect and understanding<sup>11</sup>, 99% felt they had a fair chance to express their feelings and opinions in the forum<sup>12</sup>, and 78% said they felt the forum helped them have more control over the process<sup>13</sup>. A reported benefit for victims to participate in community justice instead of formal criminal justice is that it is centred on the participants and gives them the power to share their experiences on their terms, as opposed to criminal justice questioning designed to discredit their story. As the criminal justice system can victimize victims if they do not feel heard or are not

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<sup>10</sup>selected quite a bit (4) or very much (5) on their survey

<sup>11</sup> selected quite a bit (4) or very much (5) on their survey

<sup>12</sup> selected quite a bit (4) or very much (5) on their survey

<sup>13</sup> selected quite a bit (4) or very much (5) on their survey

satisfied with the outcomes, restorative justice programs aim to shift power back to the participants. To have such a strong response from participants feeling treated with respect, and feeling as though they had the opportunity to express their feelings demonstrates that LCCJ has been very successful in fostering a space for this to take place in their programs. A respondent shared, "...[T]his process has helped me feel that it is not just going to get pushed aside and that the accused will hopefully get put on the right track."

In terms of forum outcomes, 73% felt the accused took responsibility for their actions<sup>14</sup> and 75% felt the accused understood the effect their actions had on the victim<sup>15</sup>. Further, 90% felt the written agreement was fair<sup>16</sup>, 91% thought the accused would complete the written agreement<sup>17</sup>, and 85% selected "not at all" when asked if they felt pressured to agree with the written agreement. The collaborative and inclusive nature of restorative justice is clearly at work here, as the victims felt they were able to be active in determining the outcome and terms of resolution in the forum. This also demonstrates the effectiveness of LCCJ's process, as the vast majority of victims felt confident the outcome was fair and that the accused would follow through with the agreed upon terms.

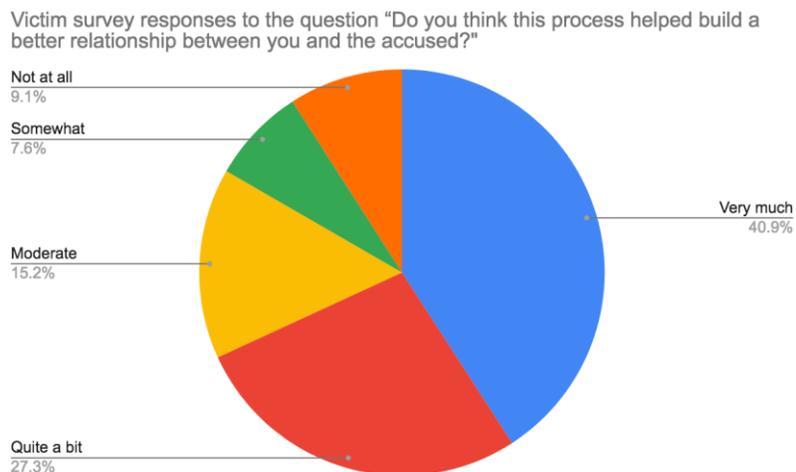
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<sup>14</sup> selected quite a bit (4) or very much (5) on their survey

<sup>15</sup> selected quite a bit (4) or very much (5) on their survey

<sup>16</sup> selected quite a bit (4) or very much (5) on their survey

<sup>17</sup> selected yes (1) or yes but it will be difficult (5)

**Figure 1**

The results were more mixed when it came to the victim's perception of the accused's response and their relationship with the victim. 68% felt that the forum helped improve their relationship with the accused<sup>18</sup> (see Figure 1 for full comparison and breakdown of responses), but 78% would feel comfortable if they happened to meet the accused in the future<sup>19</sup>. 76% thought that it was unlikely that the accused would commit the same offence in the future<sup>20</sup> and 78% thought it was unlikely that the accused would commit a different offence in the future<sup>21</sup>. In their responses, multiple participants noted their best wishes for the accused moving forward, with statements such as "I hope this helps him as much as me" and "I think that [the accused] is off to a good start in repairing his life. I wish only the best for him."

For the few participants who were less satisfied with the process, the critiques of restorative justice are demonstrated in their responses. The critique that restorative justice is an easy way out was echoed by a victim as they shared, "Process is very much an accused's way to

<sup>18</sup> selected quite a bit (4) or very much (5) on their survey

<sup>19</sup> selected quite a bit (4) or very much (5) on their survey

<sup>20</sup> Selected not at all (1) or somewhat (2) on their survey

<sup>21</sup> Selected not at all (1) or somewhat (2) on their survey

a lighter punishment while the victims get shafted.” Another factor in victim dissatisfaction indicated was feeling that the victim was not invested in the process. Another victim shared a similar sentiment:

This was an excellent process. I really believe that it is the best method of dealing with this type of situation. Unfortunately, I do not think it is effective when the accused is not remorseful and does not show respect for the process, which is the case here.

While the instances are small in number, it is important to consider the negative impacts on victims, in order to be aware of cases where they may be revictimized through the restorative justice process.

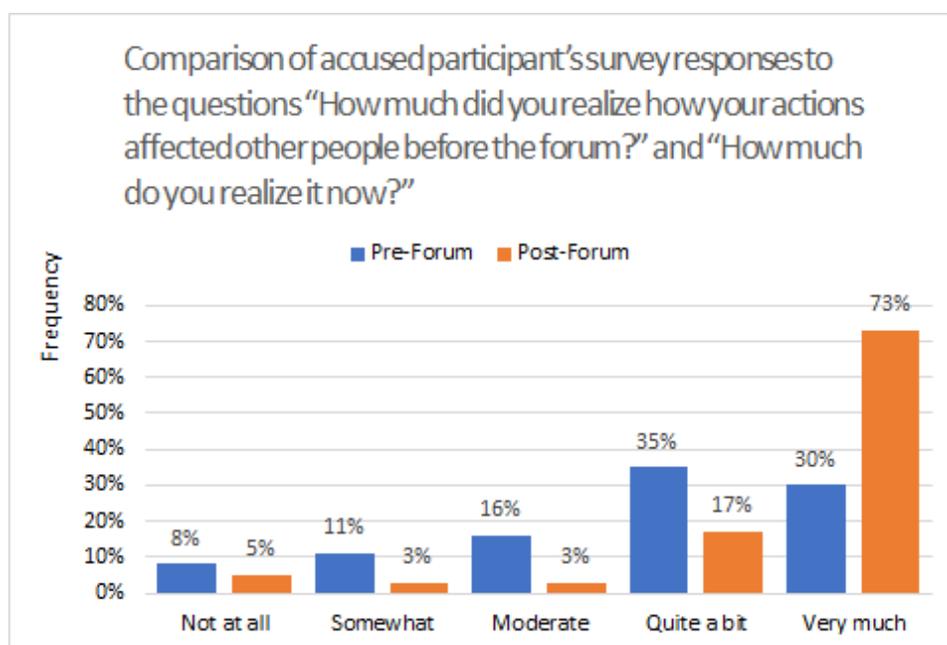
### **c) Impacts on the Accused Findings**

In reviewing the responses provided by accused individuals who took part in LCCJ’s exit survey, the value of the program seemed to break down into 3 categories. Firstly, accused individuals had a better understanding of the consequences of their actions. Second, it provided accused individuals the opportunity to participate in the process of being held accountable. Finally, the forum worked to benefit accused participants as well, providing them with support and assistance moving forward.

One of the central factors to consider when discussing the restorative justice performed by LCCJ is their service demographic. According to the responses on the surveys, 79% of the accused parties that participated in LCCJ’s forums were 18 years old or younger, with the mode age being 16. According to a report by Correctional Service Canada, the average age at first conviction for convicted males was 17.5 years old (*The Life Span of Criminal Behaviour*, 1993). For the majority of those that participated in this survey then, this would likely be considered

their first criminal offense. As such, the ability to illustrate the potential harm and impact done by such infractions becomes vitally important. After participating in a forum hosted by LCCJ, there was a 43% increase in accused parties who reported that they understood how their actions affected other people very much, as illustrated in Figure 2. In addition, the percent of accused parties reporting a strong understanding of their impact on others increased by 25%.<sup>22</sup> In contrast to traditional justice systems, where criminal charges can be obscured by legal jargon, and prosecuted parties may never interact directly with the injured party, this process offers a unique benefit. By illustrating the misfortune their actions can cause to others at a young age, restorative justice aims to reduce the likelihood of infraction in the future.

**Figure 2**

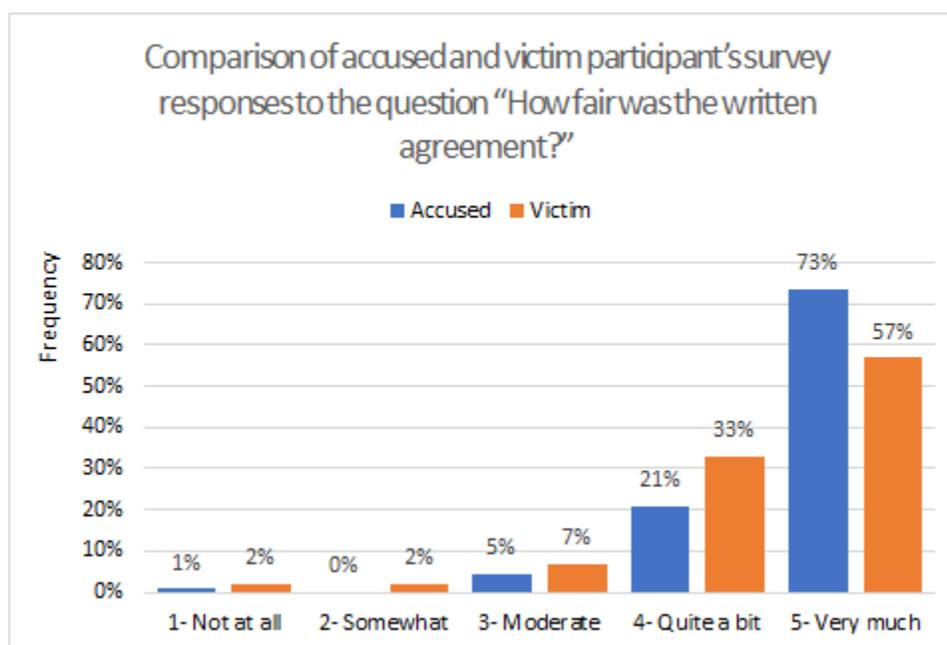


Another value to the accused who take part in the forum is the opportunity to sit in the community circle and decide how they should be held accountable. This provides the opportunity for accused parties to repair some of the harm done to a victim directly, rather than complying

<sup>22</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

with court mandated sentences. Both the accused and victim parties that participate in LCCJ's forums have a say in what steps should be taken to atone for previous misdeeds, and this process has proved beneficial for both parties. Figure 3 shows how responses provided by accused participants to the survey, an overwhelming 94%, reported they found the written agreement of settlement to be fair to them, while 90% of victims reported they felt the same.<sup>23</sup> This is further supported by the fact that 97% of accused participants reported that they felt the terms of the agreement were personally achievable.<sup>24</sup>

**Figure 3**



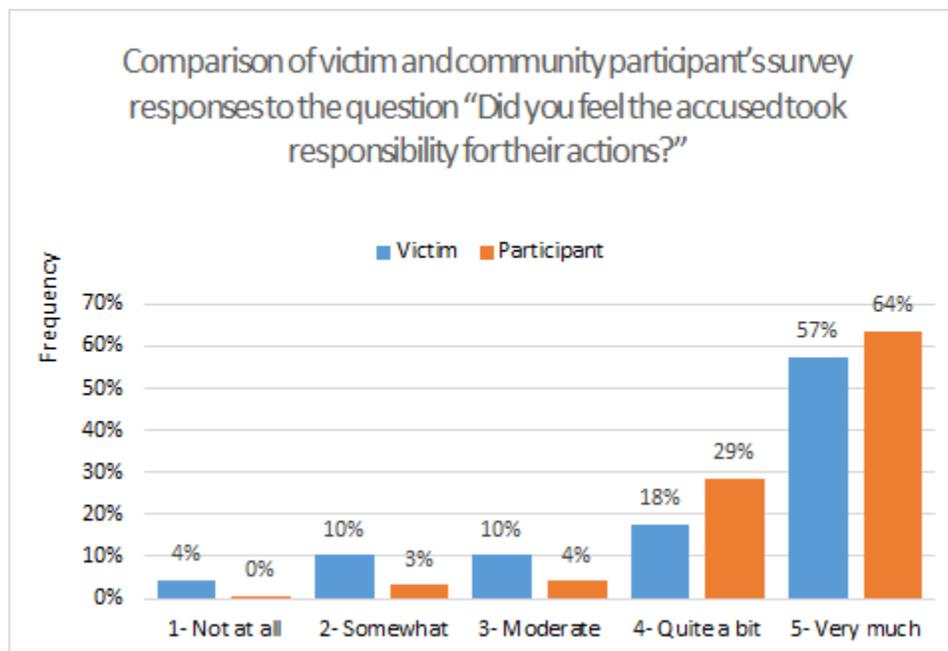
The face-to-face nature of these forums also provides a chance for accused individuals to be able to hold themselves accountable in a community setting. Rather than place blame on the justice system or victim, open discussion in the forum provides an opportunity for accused parties to take responsibility. According to survey responses, 75% of victims and 93% of

<sup>23</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

<sup>24</sup> Selected *yes* (1) or *yes but it will be hard* (5) on their survey.

participants felt that the accused party at their forum took responsibility for their actions.<sup>25</sup> This can be seen represented in Figure 4. In contrast with the pricey, stigmatized, and long-term impacts associated with a criminal record, restorative justice offers accused parties preferable, and realistic, ways of atoning.

**Figure 4**



The final, major opportunity that restorative justice forums provide to accused individuals is the chance to reconcile with their community and receive the support they need to move forward. For instance, 68% of victims felt that their relationship with the accused notably improved due to their participation in the forum,<sup>26</sup> while 78% said they would feel comfortable encountering the accused in the future.<sup>27</sup> In addition, the majority of both victims and participants felt that the accused party was unlikely to commit the same or a different offense in the future. This sentiment of cooperation can be seen on the part of the accused as well, of whom 83% reported

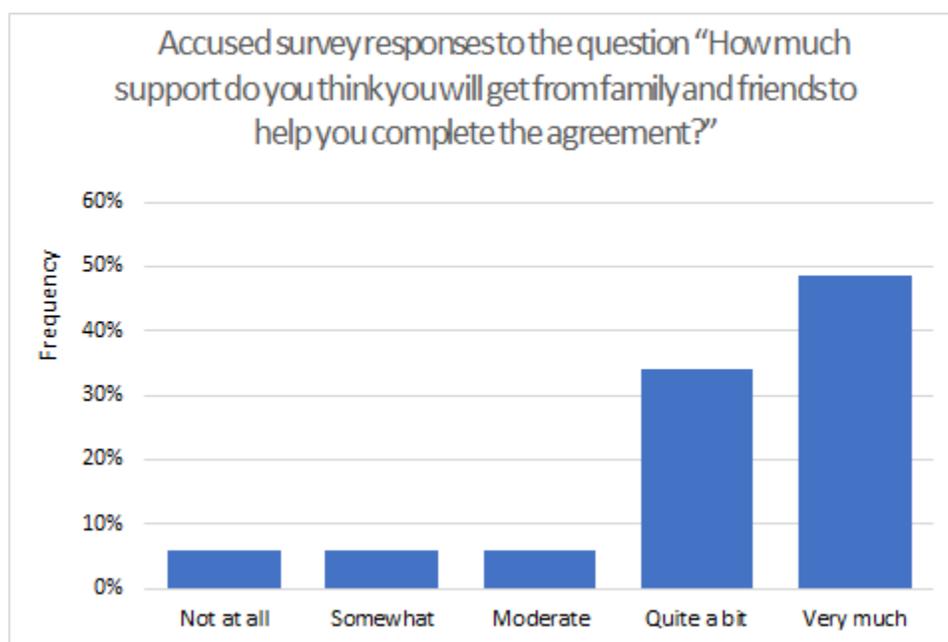
<sup>25</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

<sup>26</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

<sup>27</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

they felt confident they would receive support from friends and family to help complete their written agreement, as seen in Figure 5<sup>28</sup> These positive responses given by victims, participants, and accused suggest a community ready to work towards reintegration.<sup>29</sup> These benefits, so difficult to quantify directly, show a distinct, positive trend to helping those who need it at an early stage. By constructing a positive, supportive process that enables accused parties to learn, repair, and grow from their experience, restorative justice has the potential to change the course of a young person's life. To quote a survey from a more recent participant in 2017: "[this forum] let me have my life back."

**Figure 5**



<sup>28</sup> Selected *quite a bit* (4) or *very much* (5) on their survey.

<sup>29</sup> It is worth noting that all juveniles present at a forum must be accompanied by at least 1 guardian who fills the role of "participant." As such, the impression of future family support is also representative of the community present at the forum's willingness to support an accused individual.

#### **d) Impact on the Participants Findings**

In addition to the victims and accused, other forum participants (accused or victim supporter, investigating officer, and school representatives) were also provided with a similar survey as the victims and accused to gain their feedback.

Overall, the satisfaction responses from the participants were similar to those received from the victims and the participants. 91% of participants were satisfied with the forum<sup>30</sup> (see figure 6 for comparison of responses between victims, accused, and participants), and 99.5% thought it was better for this case to have gone through community justice rather than the regular court process (see figure 7 for comparison of responses between victims, accused, and participants). 92% of participant respondents felt the accused took responsibility for their actions<sup>31</sup> (higher than the victims which rated 73%), and 98% felt the written agreement was fair<sup>32</sup> (compared to 90% of victims). Participants demonstrated confidence in the next steps for the accused, as 96% believed they would complete the terms of the agreement<sup>33</sup>. They also demonstrated slightly higher confidence that the accused would not recommit, with 87% thinking it unlikely they would commit the same offence<sup>34</sup> and 88% a different offence<sup>35</sup> (compared to 76% and 78% of victims). The similarity between the satisfaction responses of victims, accused and participants, indicates that overall the forum was beneficial for all parties involved.

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<sup>30</sup> selected quite a bit (4) or very much (5) on their survey

<sup>31</sup> selected quite a bit (4) or very much (5) on their survey

<sup>32</sup> selected quite a bit (4) or very much (5) on their survey

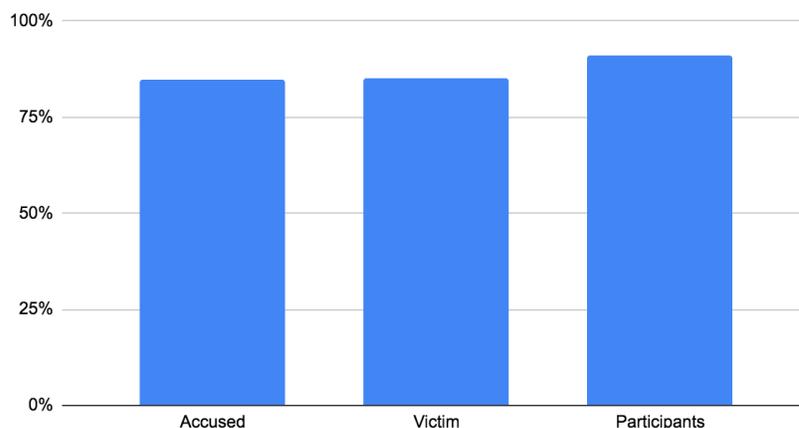
<sup>33</sup> selected yes (1) or yes but it will be difficult (5)

<sup>34</sup> Selected not at all (1) or somewhat (2) on their survey

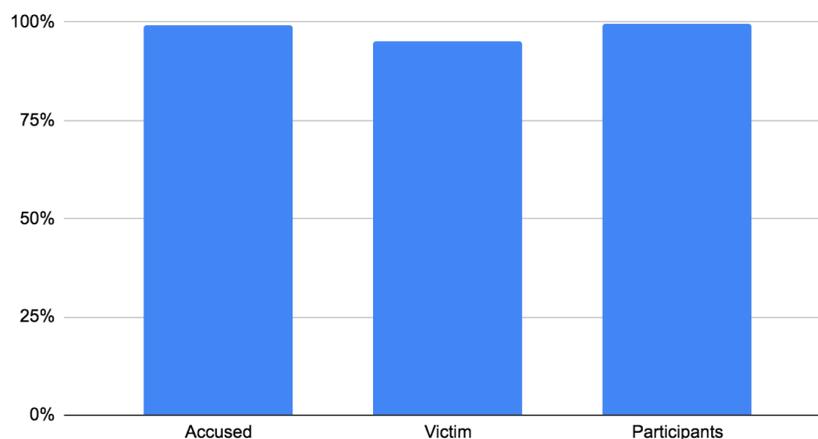
<sup>35</sup> Selected not at all (1) or somewhat (2) on their survey

**Figure 6**

Percentage of participants who said they were “quite a bit (4)” or “very much” satisfied with the forum.

**Figure 7**

Percentage of participants who said they thought it was better that the case went through community justice over the regular court process.



### e) Cost-Benefits Findings

A cost-benefit analysis is the “process of identifying, measuring, and comparing the benefits and costs of an investment project or program” (Campbell & Brown, 2017, p. 1) compared to some alternative or not investing in the project or program. Cost-benefit analyses can be used to assess past decisions and inform future decisions around policies and programs.

Decision makers can compare the *present values (PV)* and *net present values (NPV)* of the costs and benefits of different projects and policies, where the PV “is the value of money that will be received or paid in the future” given some specified rate of return, and the NPV “calculates the PV of inflows and outflows and compares them” (Finkler, 2016). If an NPV is greater than 0 (PV inflows are greater than PV outflows), a project is considered economically viable (Finkler, 2016). While calculating the NPV of LCCJ’s diversion program is beyond the scope of this project, it is worth noting the usefulness and importance of comparing the NPV of multiple alternatives before making policy and programmatic decisions. For example, understanding the NPV of funding LCCJ’s Diversion Program would be beneficial for governments in deciding whether to budget more funding towards restorative justice programs rather than towards the traditional criminal justice system.

The purpose of this cost-benefit analysis was to ascertain the economic utility of LCCJ’s Court Diversion Program as an alternative to traditional justice processes. A more detailed description of how this cost-benefit analysis was conducted can be found in the Methodology section of Appendix A. A benefit-cost ratio of LCCJ’s Diversion Program was calculated by dividing the *average monetary benefit* of the program, which was found to be \$200,400 (shown in Table 1), by the *average cost* of the program from 2013/14 to 2018/19, which was found to be \$79,130 (shown in Table 2 and Table 3). The benefit-cost ratio:

$$\text{Benefit-Cost Ratio} = \frac{\text{Average Benefit}}{\text{Average Cost}} = \frac{\$200,400}{\$79,130} = \$2.53$$

This ratio of \$2.53 indicates that, on average, for every \$1.00 spent on LCCJ’s Court Diversion Program from 2013/14 to 2018/19, \$2.53 in benefit was generated. This ratio demonstrates that LCCJ’s Court Diversion Program is an economically viable investment as an alternative to processing offenders through the traditional criminal justice system. This aligns

**Table 1**

*Benefits of LCCJ's Court Diversion Program (Calculated as Costs of Court, Legal Aid, and Prosecution Avoided)*

Year	# of Offenders Who Attended a Court Diversion Forum	Average Court Cost Per Case (adjusted for inflation from 2014\$) *	= (Average Benefit)/(Average Cost) Average Legal Aid Cost Per Case (adjusted for inflation from 2014\$) *	Average Prosecution Cost Per Case (adjusted for inflation from 2014\$) *	Total Average Cost of Court, Legal Aid, and Prosecution Per Case	Total Benefit**
2013/14	41	\$ 1,159.00	\$ 1,145.00	\$ 2,131.00	\$ 4,435.00	\$ 181,835.00
2014/15	52	\$ 1,170.98	\$ 1,156.83	\$ 2,153.02	\$ 4,480.83	\$ 233,003.16
2015/16	46	\$ 1,186.64	\$ 1,172.31	\$ 2,181.82	\$ 4,540.77	\$ 208,875.42
2016/17	45	\$ 1,205.07	\$ 1,190.51	\$ 2,215.70	\$ 4,611.28	\$ 207,507.60
2017/18	38	\$ 1,231.78	\$ 1,216.90	\$ 2,264.82	\$ 4,713.50	\$ 179,113.00
2018/19	40	\$ 1,254.82	\$ 1,239.66	\$ 2,307.17	\$ 4,801.65	\$ 192,066.00
<b>Total</b>					<b>\$ 27,583.03</b>	<b>\$ 1,202,400.18</b>
<b>Average</b>					<b>\$ 4,597</b>	<b>\$ 200,400</b>

\* **Note:** Adjusted for inflation based on estimates of costs of court, legal aid, and prosecution per case in 2014\$.

**Source:** Government of Canada, Department of Justice. (2016). *Evaluation of the Aboriginal Justice Strategy December 2016*. Ottawa: Department of Justice. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2016/ajs-sja/ajs-sja.pdf>

\*\***Note:** Total Benefit is calculated as the sum of the Average Court Cost Per Case, Average Legal Cost Per Case, and Average Prosecution Cost Per Case. The Average Total Benefit was used to calculate the benefit-cost ratio of the Diversion Program.

**Table 2**

*Calculation of Present Value of Staff Salaries Attributable to LCCJ's Court Diversion Program\**

Staff Position	Total Days/Week	Hourly	Salary Annual (+8%)	Per Quarter	Portion of Time Spent on Diversion	Diversion Program Salary Cost	Portion of Total
Exec Dir	2	\$ 25.00	\$ 22,464.00	\$ 5,616.00	67%	\$ 15,050.88	21%
Prog Mgr	4	\$ 24.00	\$ 43,130.88	\$ 10,782.72	75%	\$ 32,348.16	45%
Bookkpr	0.5	\$ 30.00	\$ 6,739.20	\$ 1,684.80	75%	\$ 5,054.40	7%
Admin Assist	0	\$ 20.00	\$ -	\$ -	75%	\$ -	0%
<b>TOTAL</b>			<b>\$ 72,334.08</b>	<b>\$ 18,083.52</b>		<b>\$ 52,453.44</b>	<b>73%</b>

\***Note:** This information was provided by LCCJ.

**Table 3***Costs and Funding Sources of LCCJ's Court Diversion Program\**

FISCAL YEAR	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14
<b>Number of Forums</b>						
Youth Forums	29	23	26	37	45	19
Adult Forums	11	15	19	9	7	22
Total Forums	40	38	45	46	52	41
<b>Forum Funding</b>						
MAG Funding youth)	\$ 48,800	\$ 53,596	\$ 53,595	\$ 53,595	\$ 53,595	\$ 53,595
United Way (adult)	\$ 2,029	\$ 8,000	\$ 13,000	\$ 15,000	\$ 12,000	\$ 11,513
<b>Staff Costs</b>						
Total Staff	\$ 193,501	\$ 169,083	\$ 130,547	\$ 68,681	\$ 51,653	\$ 50,426
Number of Other Programs						
Diversion Staff Cost	<i>Assume Diversion Staff cost as given as Present Value in Table 1 = \$52, 453.44</i>					
Other Program Costs						
Ratio						
Staff/ Total Costs	82%	73%	67%	57%	61%	65%
<b>General Expense Costs</b>						
Total General Expense	\$ 41,073	\$ 63,593	\$ 64,420	\$ 52,380	\$ 32,531	\$ 26,621
Direct Cost Forums	\$ 3,164	\$ 2,934	\$ 3,192	\$ 2,486	\$ 1,457	\$ 2,970
Direct Cost Other Programs	\$ 3,975	\$ 14,208	\$ 17,872	\$ 5,177	\$ -	\$ -
Indirect Costs General Expense	\$ 33,934	\$ 46,451	\$ 43,356	\$ 44,717	\$ 31,074	\$ 23,651
Assumption: Portion of Indirect Expenses to Forums	60%	60%	60%	70%	70%	70%
Indirect Costs Attributable Diversion	\$ 20,360.40	\$ 27,870.60	\$ 26,013.60	\$ 31,301.90	\$ 21,751.80	\$ 16,555.70
Total Direct and Indirect Costs Diversion	\$ 23,524	\$ 30,805	\$ 29,206	\$ 33,788	\$ 23,209	\$ 19,526
<b>Total Staff &amp; General Expenses Diversion</b>	<b>\$ 75,977.84</b>	<b>\$ 83,258.04</b>	<b>\$ 81,659.04</b>	<b>\$ 86,241.34</b>	<b>\$ 75,662.24</b>	<b>\$ 71,979.14</b>
<b>Cost / Forum</b>	\$ 1,899.45	\$ 2,191.00	\$ 1,814.65	\$ 1,874.81	\$ 1,455.04	\$ 1,755.59
Funds / Youth Forum	\$ 1,682.76	\$ 2,330.26	\$ 2,061.35	\$ 1,448.51	\$ 1,191.00	\$ 2,820.79
Funds / Adult Forum	\$ 184.45	\$ 533.33	\$ 684.21	\$ 1,666.67	\$ 1,714.29	\$ 523.32
<b>Total Diversion Program Cost 2013/14-2018/19*</b>	<b>\$ 474,778</b>					
<b>Average Cost*</b>	<b>\$ 79,130</b>					

\*Note: This information was provided by LCCJ. The "Total Diversion Program Cost 2013/14 to 2018/19" represents the sum total cost of the Diversion Program over the 6-year period. The "Average Cost" represents the average cost of the Diversion Program over the 6-year period and was used to calculate the benefit-cost ratio of the Diversion Program.

with findings in previous studies on restorative justice programs, such as Farrington and Koegl's (2015) study of the Stop Now and Plan program, Craig, Petrunka, and Kahn's (2011) study of Better Beginnings, Better Futures, and the Government of Canada's (2016) evaluation of the Aboriginal Justice Strategy. Like these studies, this benefit-cost ratio indicates that LCCJ's Court Diversion Program has positive monetary benefits compared to processing offenders through traditional justice processes and should be considered by funders and governments as a favourable and economically viable alternative.

Finally, it should also be noted that some assumptions were made about the costs of crime for the purposes of this analysis, and that the monetary benefits of LCCJ's Diversion Program that have been calculated are conservative estimates. It is difficult to calculate a precise cost of crime and crime responses. For example, the estimates of court, legal aid, and prosecution costs, though adjusted for inflation, do not take into account the potential for increased wages of courthouse employees and other cost increases associated with processing offenders over time. It also does not take into account cost to victims, such as property damage or medical costs. Furthermore, different types of crime have different costs. The costs of incarceration were intentionally left out of this calculation because of the wide variation in potential cost savings by preventing incarceration: the amount of time spent in correctional facilities - and, therefore, the cost of incarceration - can vary depending on the type and severity of the offense, as well as the offender's history with the criminal justice system. Therefore, the reader should caution against taking this cost-benefit analysis as a true valuation of LCCJ's Diversion Program's benefits, but rather as a conservative estimate of its potential economic advantages.

## Implications

For victims of crime, the satisfaction levels from LCCJ's programming are in line with other studies cited, and all 3 groups of parties almost unanimously recommend the restorative justice route programs over the traditional court system. For victims, the opportunity to find resolution or closure with the crime and their accuser can be an important step in their healing. The restorative justice approach aims to empower the participants to share their stories in their own way, and come to a collective agreement on how to make things right. From the victim survey responses, LCCJ has overall been successful in designing and delivering restorative justice forums where they feel respected, seen, and heard. As restorative justice is a relatively new, emerging, and often grassroots or community-based practice, LCCJ should seek opportunities to share their best practices and learnings with other Canadian restorative justice organizations.

For accused individuals who participate in LCCJ's programming, many of the expected benefits identified in the literature are represented. Much like Quigley et al. suggested in their report, accused parties who responded to the survey show signs of increased victim empathy, improved family relationships, improved engagement with education, and improved peer group/social experience (Quigley et al., 2014). This can be seen represented in the data in several ways. Notably, the improved understanding of how the victim felt, high confidence in the accused from participants in the forum, and the direct support that the forum process provides, allowing accused youth to remain in school. The value of time spent in class is addressed in detail in the literature review, but even by saving one of their participants as many as 2 days out of class can have a notable benefit for their overall performance (Garcia & Weiss, 2018). Diversion from formal charges can also have the benefit of sparing a young person the

considerable financial burden a criminal record can carry, as addressed in the literature review. As such, LCCJ's programming can be shown to have a notable impact on the education performance, personal lives, and monetary situation of their accused participants.

The cost-benefit analysis demonstrated that the costs saved by diverting offenders from the court system to LCCJ's Court Diversion Program between 2013/14 and 2018/19 were greater than the costs of running the program. This corresponds with similar studies on other restorative justice programs in Canada, such as Farrington and Koegl's study of SNAP, and may incentivize funders and governments to allocate greater funds to restorative justice programming in Canada. Moreover, there are many potential cost savings that this cost-benefit analysis did not account for, such as those associated with preventing future policing or incarceration, or reducing recidivism, that could add to the economic advantages of LCCJ's Court Diversion Program. However, it should be noted that funders and governments must also consider the many social benefits of LCCJ's programming, such as victim empowerment or increased offender empathy, that, as this paper has demonstrated, extend far beyond monetary benefits.

### **Recommendations**

The exit surveys completed by the forum participants were a very helpful tool to understand their experiences and gain their perspectives on the effectiveness of the forum. A number of adjustments and additions could be made to enhance the monitoring and evaluation practices of Lanark County Community Justice. First, LCCJ could consider conducting a pre-survey in addition to the post-survey, to assess participants' perspectives going into the forum, and analysing if their opinions of restorative justice truly changed. The accused survey includes a question that asks for their opinions before and after the forum; however, since the activity has passed, the response may not be as accurate as it would be if asked prior to the intervention. It

could also be helpful to survey the forum facilitator or other LCCJ volunteers running the forum. They are likely most knowledgeable and experienced in this area, and their perspectives on the success or challenges of the forum could be helpful to continually improve the forums. Additionally, it would be effective to code the surveys so the analysis could look at and compare the results of the surveys from all participants (victim, accused and participants) from one forum, to that of other forums. This level of analysis would allow the community partner to better identify which factors in the forum determine its success and failure.

The researchers also recommend that LCCJ digitize their surveys, so they can save time on data entry and coding in the future. This will also allow them to gain instant results and insights from the data. The facilitator could provide computers or tablets at the forums to receive survey responses immediately after the forum. The researchers recommend that LCCJ should instruct the participants to complete the survey immediately on site, as one would with a scientific survey. If participants are given the option to fill out the survey at a later time, this could impact response rate. Alternatively, as digital forums are conducted during the COVID-19 pandemic, a survey link could be sent to all participants. More, the data analyzed in this paper was taken from the years 2012 to 2016, spanning a 5 year period. Moving forward, the researchers suggest that LCCJ should complete another assessment of their survey data in 2022. Repeating this process will allow LCCJ to measure change in survey results over 2 comparable periods and allow for a more rich analysis of their programs in the future.

Additionally, if feasible, it would be rewarding to collect feedback from program participants in the future, a year later or more, to see if accused parties did complete the agreed upon terms, if they reoffended, and if their perspectives on the forum have changed in that time. This feedback could be collected through survey or by interview. This could provide the

opportunity to collect testimonials that could be used for future fundraising and reporting. Participants, if they are satisfied with the outcome, may also be interested in advocating or raising awareness for the importance of restorative justice through activities such as volunteering at forums, participating in government advocacy, or speaking at events. Maintaining long term relationships and contact with the participants could help expand the group of supporters for LCCJ.

While some data points, like age and date, proved central to interpretation, other questions polled by the surveys seemed less impactful. For example, questions inquiring into the participant's understanding of the forum process would better be collected on a short-term basis. Feedback given directly to facilitators/volunteers on how the process could be improved is important for development of the program overtime, but superfluous to the analysis of forum benefits. As demonstrated countless times throughout the literature review, effective research and data collection is rare in the Canadian restorative justice field. The research team's recommendations align with this finding, as the team believes that effective data collection will be central to the continued success and growth of restorative justice in Canada. LCCJ must keep this in mind when adopting the research team's recommendations.

While this study focused on LCCJ's Court Diversion Program specifically, a cost-benefit analysis of LCCJ's other programs would also be useful for LCCJ's strategic decision making and determining resource allocation. As LCCJ draws their funding from a diverse pool of funders, they will benefit from a greater diversity of data for funders to review (Lanark County Community Justice, Annual Report 2019). This will allow LCCJ to market their programs more effectively. Further, as demonstrated in the cost-benefits literature, the measurement of benefits is a broad and imprecise calculation which requires a multitude of inputs. Thus, as LCCJ begins

to make more cost-benefit calculations, they will gain a clearer picture of the economic efficiency of their organization as a whole.

Finally, recidivism data on LCCJ's Court Diversion Program was not available at the time of this study's submission. This reveals the importance of establishing an ongoing communicative relationship with local police stations in order to acquire this data with greater ease. The research team recommends that LCCJ should establish this ongoing point of contact so that they can present their funders with current data and to understand the effectiveness of their programs. Further, when the data is made available to LCCJ, the research team recommends they incorporate this data into future cost-benefit analyses in order to demonstrate further economic benefits of the Diversion Program. If LCCJ's recidivism data signifies a reduction in recidivism compared to offenders who are processed through the traditional criminal justice system, LCCJ can further emphasize their economic impact to policy makers, law enforcement officials, and potential funders and donors. Farrington and Koegl's (2015) assessment of the monetary costs and benefits of the Stop Now and Plan prevention program provides a useful model for conducting this type of analysis.

### **Limitations**

Throughout the course of the research there were a variety of factors that negatively impacted the strength of the findings. First, as supported by Tomporowski (2014), the breadth of terminology and types of restorative justice practices has made it difficult to gather comparable data on programs. As discussed throughout the paper, restorative justice can take a variety of forms and is strongly influenced by the individual experiences of those involved. Thus, it should be noted that while the researchers took every effort to ensure the reliability of this study, the accuracy is impacted by the broad nature of the restorative justice landscape.

Second, the surveys analyzed in this research were not created nor administered by the research team. Further, it cannot be definitively claimed that they were conducted in a way that most effectively reduced bias. However, LCCJ informed the research team that all forum participants are asked to complete the survey at the end of the forum; however, it is not mandatory, and some participants may have declined. As a pre-survey was not completed, a baseline for the participant's perceptions for restorative justice was not established prior to the forum. Additionally, on occasion, the facilitators did not hand out the surveys, which created some gaps in the data set. The researchers also found that some of the surveys were incomplete. Despite these minor inconsistencies, the research team feels that the survey responses are representative of LCCJ's participants as they were completed by the majority of those who were engaged in the programs.

In addition, some limitations were identified during the coding process. In addition to the survey data being processed via self-coding, several assumptions were made by the researchers when gathering data from slightly varied versions of the survey. The researchers assumed that surveys with subtle differences in wording had the same meaning to the participants. For example, when an victimized individual filled out a participant survey, their responses were coded using the same method as the surveys meant for the accused<sup>36</sup>. This may have caused a slight variation in the interpretation of the surveys between these two parties. However, the research team is confident that their cross comparison of surveys is highly representative.

———For the purposes of relevance and utility to Lanark County Community Justice, the literature review of the cost of restorative justice focused mostly on Canadian data. It should be

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<sup>36</sup> Notably, participant survey question 7 - "Do you think the accused will complete the terms of the agreement?" - was counted as a response to the accused survey question 8 - "Do you think that you will complete the terms of the agreement?" Also, participant survey question 14 - "Do you think the accused understands the effect their actions have had" - was counted as a response to the accused survey question 15: "How much do you realize it now?"

noted that there are limitations to researching the costs of crime and restorative justice in Canada. In particular, there is a wide variability of costs of crime and restorative justice programs across jurisdictions. Precise costs are also difficult to calculate, especially when psychological costs and other intangible costs of crime are taken into consideration. It is difficult to precisely quantify the monetary value of crime, crime responses, and the impacts of crime: the costs of crime and crime responses are affected by many variables that are not always easily quantifiable or applicable to every offence. Therefore, a significant limitation in this study is the potential for inaccuracies in the identification and quantification of the costs and benefits of LCCJ's Court Diversion Program and the traditional criminal justice system. These inaccuracies may be due to omission of costs, forecasting errors, and valuation errors. Moreover, the values used for the cost-benefit analysis of LCCJ's Diversion Program are estimates from secondary data that were collected in different time periods. As a result, the researchers adjusted these costs for inflation to correspond with the year being analyzed. There is also a strong likelihood that these numbers are underestimated, as the literature suggests the costs of the criminal justice system rise over time. Finally, because the cost-benefit analysis in this study focuses on *court* diversion, it does not account for the potential monetary benefits of avoiding incarceration, avoiding future policing costs, or reducing recidivism rates, which could further demonstrate the long-term monetary benefits of LCCJ's Diversion Program. Despite these limitations related to cost, the researchers are confident that the cost-benefits that were calculated are a valuable representation of the economic efficiency of the program.

### **Conclusion**

Demonstrated by the restorative justice literature, restorative justice is a broad concept that can take a variety of forms. However, as stated by LCCJ, restorative justice programs are

united by values such as inclusiveness, responsibility and trust (Lanark County Community Justice, 2020 November 6). This research sought to evaluate LCCJ's restorative justice programs based on 4 criteria: the impacts on recidivism, the experiences of victims, the experiences of the accused parties, and the cost-benefits. Overall, victims participating in LCCJ's forums had a positive experience, were satisfied with LCCJ's forum, and believed that the accused would complete the agreement. Additionally, by participating in the program, accused parties were provided an opportunity to grasp the full results of their actions, participate in the process of being held accountable, and receive support from the community moving forward. Through a cost-benefit analysis, it was also found that, on average, for every \$1.00 spent on LCCJ's Court Diversion Program from 2013/14 to 2018/19, an average of \$2.53 in benefit was generated. This suggests that there are economic benefits of restorative justice programs as an alternative to the traditional criminal justice system. These findings largely parallel the benefits that are described in the broader restorative justice literature. The researchers recommend that, in order to provide a continuously improving program, LCCJ should refine their data collection techniques, ensure they have constant access to recidivism data and apply this level of analysis to their other programs. This research will hopefully be used to improve LCCJ's programs so that they can continue to provide a more efficient and humane alternative to traditional justice. As explored throughout this research, the traditional justice system presents a more cruel, more expensive and never ending criminal justice method. As activist, abolitionist and author Angela Davis wrote, "prisons do not disappear problems, they disappear human beings" (Davis, 1998, p. 1). It is the hope of the research team that restorative justice can be continually refined and used to develop a healthier society.

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## Appendix A

### Methodology

This research operated under the assumption that restorative justice programs and the individuals that compose those programs are empirical objects that can be observed and measured (Gaudet & Robert, 2018). The methodological framework reflects this assumption, aiming to observe and evaluate LCCJ in both qualitative and quantitative ways. As the community partner of this research study, LCCJ requested that the researchers evaluate how effective the organization is in presenting benefits to society, the benefits of restorative justice for victims, the benefits for the accused, and the cost-benefits. The internally collected data on these 4 areas of evaluation were compared to the broader restorative justice literature in order to understand how effective LCCJ is compared to traditional justice and compared to other restorative justice programs. The findings of this research will not only add to the broader restorative justice literature, but they will also provide the community partner with an idea of why their programs are successful or how their programs can be improved.

To understand the benefits to society that are created by LCCJ's programming, the researchers intended to evaluate the recidivism rate of LCCJ's program participants. The community partner and researchers felt that recidivism was an important area of evaluation, because public safety should be the main concern of any criminal justice program. This sentiment is also reflected in the recidivism literature (Government of Canada, Department of Justice, 2018, January 18); however, at the time of this study, this data was not available. If and when this data is available, to understand the recidivism rate of the accused who were previously involved in LCCJ's programming, the researchers will analyze anonymized recidivism data from a confidential source within the Canadian justice system. Further, similar to the research

conducted by Bonta et al. (2002), the recidivism rate of LCCJ's program participants will be compared to the general population of offenders and to the recidivism rates associated with other restorative justice programs. This comparison will provide an understanding of how effective or ineffective LCCJ is in providing a broad social service to their community. Additionally, all data received by the confidential source within the justice system will be de-identified, and at no point will the researchers know the identity of any LCCJ program participants. Moreover, the entirety of this research will be conducted under the Carleton University Ethics Code.

To understand the benefits for victims in LCCJ's programming, the researchers analyzed anonymized, self reported exit surveys distributed by LCCJ to their community justice forum participants. Specifically, the research focused on the quantitative data from the surveys. These surveys were created by a committee of staff, forum facilitators and board members, and were unchanged from 2012-2016. The surveys are filled out anonymously by participants at the end of the forum and are told the purpose of the survey. Youth participants fill out the survey themselves but may ask clarifying questions to the facilitator or other support persons. Each survey provides victims (who are referred to as "complainant" on the survey) with the opportunity to communicate how effective they felt LCCJ's programming was based on a variety of factors. More specifically, victims indicated on a Likert scale how satisfied they were with the program, how fair they felt the forum was, how much responsibility they think that the accused took, and the degree to which they preferred community justice over regular court process. All of the Likert scale data from the surveys from 2012-2016 were coded and analyzed in order to draw conclusions about how beneficial the victims of LCCJ programs viewed the program. Additionally, the quantitative findings were supplemented by qualitative data from the surveys, provided by the comments given by the victims involved in the program. Quotes from the

victims were used to exemplify and elaborate on the quantitative findings. The results generated from these surveys were then compared to the broader literature in order to understand how effective LCCJ is for victims in comparison to other restorative and traditional justice programs. Similarly to the recidivism analysis, all of the surveys, including the accused surveys discussed below, were de-identified by the community partner before being given to the researchers.

Evaluating the benefits of the program for the accused was done in a similar fashion that it was done for the victims. The accused parties in the LCCJ programs were also given exit surveys, which were coded and analyzed similarly to the above mentioned victim surveys. The findings generated from these surveys were compared to the broader literature, in which the indirect impacts of justice programming, such as the social stigma of having a criminal record, were assessed.

Additionally, the researchers analyzed surveys completed by other forum participants to understand their perceptions of their experience and the restorative justice process. Those surveyed included support people for the accused and the victim (such as parent), investigating officer, and school representative. This data assisted in providing further context to the benefits and impact of LCCJ's restorative justice programming. In total, the researchers analyzed 67 complainant (victim), 105 accused, and 223 participant surveys from the years 2012-2016.

Finally, the researchers conducted a cost-benefit analysis to evaluate how much monetary benefit, if any, was generated by LCCJ's Court Diversion Program for the fiscal years 2013/14 to 2018/19. Since "society pays for crime when individuals decide to pursue a criminal career rather than participating in the legitimate marketplace as productive citizens" (Gabor, 2015, p. 4), conducting cost-benefit analyses of programs such as LCCJ's Court Diversion Program can help inform policy and resource allocation that will "yield the greatest reductions in crime at the

lowest costs” to society (Gabor, 2015, p. 4). The costs of the program for each fiscal year were calculated and provided by LCCJ, which included staff salaries attributable to the program, direct forum costs, and indirect general expenses attributable to the program (refer to Tables 2 and 3). The monetary benefits of the program were calculated using secondary data estimations from a 2016 cost-benefit analysis of Canada’s Aboriginal Justice System evaluation, which included the estimated judicial costs (i.e. court, legal fees, and prosecution costs) that were avoided by diverting cases from the court system to LCCJ’s Diversion Program (refer to Table 1). The researchers adjusted this estimate for inflation because this estimate was in 2014 dollars. The estimated total monetary benefits for each year were calculated by multiplying the estimated judicial costs per case by the number of court diversion forums held by LCCJ in that year. Once the costs and benefits of the program were calculated for each fiscal year, the total costs and benefits for the 6 year period were calculated. The total costs and benefits were then divided by 6 to find the average cost and benefits of the program over the 6-year period. A benefit-cost ratio was then calculated by dividing the average benefits by the average costs. The findings of this cost-benefit analysis were then compared to the broader literature in order to evaluate the economic utility of LCCJ’s Court Diversion Program compared to the traditional justice system and other restorative justice programs.

## Appendix B

### Approximate Cost of Canadian Incarceration

Using the statistically average time spent unemployed after spending time in prison in Canada, the mode Canadian salary, and the total approximate reduction in wages for individuals with criminal records, the following is an estimate of the total loss of income resulting from a prison sentence.

Source of Income Loss	Cost
6 Months Unemployed <sup>37</sup>	\$22 335 <sup>38</sup>
17 Weeks Unemployed <sup>39</sup>	\$14 606 <sup>40</sup>
Reduced Wages Due to Record <sup>41</sup>	\$71 472 <sup>42</sup>
<b>Total</b>	<b>\$109 413<sup>43</sup></b>

<sup>37</sup> In a study by Gillis et al., it was found that two-thirds of ex-convicts were unable to find employment within the first 6 months of release (Gillis et al., 1998).

<sup>38</sup> In 2019, the average Canadian's salary was approximately \$52 600 (Dodge, 2019). While this is a tempting measure to use to represent the majority of Canadians, it is worth noting that "the top one percent of Canada's families hold about 25.6 percent of the wealth [and] the distribution of wealth among households is heavily skewed toward the wealthiest families" (Wodrich & Worswick, 2020). These extreme outliers likely skew the average higher, so it may be more accurate to use the mode income, \$44 671 yearly, in its stead (*Mode Salary - Average Salary*, n.d.). Modal Income = \$44 671 yearly.  $44\,671 / 2 = 22\,335.5$ , rounded to 22 335.

<sup>39</sup> Assuming that, as a result of the systemic biases in hiring practices, the average individual with a criminal record would be unemployed at least once before applying for record suspension. The average length of unemployment in Canada is 16.7 weeks, rounded to 17 (Duffin, 2020).

<sup>40</sup>  $52 \text{ weeks} - 17 \text{ weeks} = 35 \text{ weeks}$ . Modal income = \$44 671 yearly.  $\$44\,671 / 52 \text{ weeks} \approx \$859 \text{ weekly}$ .  $\$859 \times 35 \text{ weeks} = \$30\,065$ .  $\$44\,671 - \$30\,065 = \$14\,606$  in lost potential income.

<sup>41</sup> An American study found that the effects of incarceration on employment reduced annual earnings by 40% (*The Invisible Burden*, 2018).

<sup>42</sup> The minimum realistic length of time required before applying to have criminal records suspended in Canada is 5 years (Kane, 2020). Modal income = \$44 671 yearly.  $\$44\,671 / 10 \approx \$4\,467$ .  $\$4\,467 \times 4 = \$17\,868 \approx 40\%$  of \$44 671.  $\$17\,868 \times 4 \text{ years} = \$71\,472$ .

<sup>43</sup> Cost of suspension of criminal records process (\$1 000) + hypothetical time spent looking for employment (\$22 335 over six months + \$14 606 over 17 weeks) + assumed decrease in income due to criminal records (\$71 472 over 4 years) = \$109 413

### Appendix C - Complainant Questionnaire

Age (optional): (open text)

I think justice is done when: (open text)

Please circle the most appropriate response below:

1. How satisfied were you with this forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
2. How well did you understand the process before you came in today?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
3. How well did you understand what was going on during the forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
4. Was the process clear?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
5. Was everyone treated with respect and understanding?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
6. Did you feel the accused took responsibility for their actions?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
7. How fair was the written agreement?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
8. Do you think the accused will complete the terms of agreement?  
Yes - No - Maybe - Some of it - Yes but it will be hard
9. Did you feel pressured to agree to it?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
10. Did you have a fair chance to express your feelings and opinions?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
11. Did you feel the forum helped you have more control over the process?

Not at all - Somewhat - Moderate - Quite a bit - Very much

12. Do you think this case was better to go through the community justice or through the regular court process?

Community Justice - Regular Court Process

13. Do you think this forum took too long?

Not at all - Somewhat - Moderate - Quite a bit - Very much

14. Did you feel all of your questions and issues were addressed?

Not at all - Somewhat - Moderate - Quite a bit - Very much

15. Do you feel closure now that the process is finished?

Not at all - Somewhat - Moderate - Quite a bit - Very much

16. Do you think the accused understand the effect their actions have had on you?

Not at all - Somewhat - Moderate - Quite a bit - Very much

17. Do you think this process helped build a better relationship between you and the accused?

Not at all - Somewhat - Moderate - Quite a bit - Very much

18. How comfortable will you feel if you happen to meet the accused in the future?

Very uncomfortable - Somewhat - Moderate - Quite a bit - Very comfortable

19. Do you think it is likely they may commit the same offence in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

20. Do you think it is likely that they will be charged with a different offence in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

Do you have any additional comments or suggestions that you would like to make? (Open text)

### Appendix D - Accused Questionnaire

Age (optional): (open text)

I think justice is done when: (open text)

Please circle the most appropriate response below:

1. How satisfied were you with this forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
2. How well did you understand the process before you came in today?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
3. How well did you understand what was going on during the forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
4. Was the process clear?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
5. Was everyone treated with respect and understanding?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
6. Was everyone open minded about the problem that brought them here? (They weren't

trying to blame someone)

Not at all - Somewhat - Moderate - Quite a bit - Very much

7. How fair was the written agreement?

Not at all - Somewhat - Moderate - Quite a bit - Very much

8. Do you think that you will complete the terms of the agreement?

Yes - No - Maybe - Some of it - Yes but it will be hard

9. Did you feel pressured to agree to it?

Not at all - Somewhat - Moderate - Quite a bit - Very much

10. Did you have a fair chance to express your feelings and opinions?

Not at all - Somewhat - Moderate - Quite a bit - Very much

11. Did you feel the forum helped you have more control over the process?

Not at all - Somewhat - Moderate - Quite a bit - Very much

12. Do you think this case was better to go through the community justice or through the regular court process?

Community Justice - Regular Court Process

13. Do you think this forum took too long?

Not at all - Somewhat - Moderate - Quite a bit - Definitely too long

14. How much did you realize how your actions affected other people before the forum?

Not at all - Somewhat - Moderate - Quite a bit - Very much

15. How much do you realize it now?

Not at all - Somewhat - Moderate - Quite a bit - Very much

16. How much support do you think you will get from family and friends to help you complete the agreement?

Not at all - Somewhat - Moderate - Quite a bit - Very much

17. Do you think that this process helped build a better relationship between you and the

victim?

Not at all - Somewhat - Moderate - Quite a bit - Very much

18. How comfortable would you feel if you happened to meet the victim(s) in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

19. Do you think that it's likely you may commit the same offense in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

20. Do you think it is likely that you will be charged with a different offense in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

Do you have any additional comments or suggestions that you would like to make? (Open text)

## Appendix E - Participant Questionnaire

Role: (circle one)

- Victim Supporter
- Accused Supporter
- Investigating Officer
- Community Member
- School Representative

Age (optional): (open text)

I think justice is done when: (open text)

Please circle the most appropriate response below:

1. How satisfied were you with this forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
2. How well did you understand the process before you came in today?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
3. How well did you understand what was going on during the forum?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
4. Was everyone treated with respect and understanding?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
5. Did you feel the accused took responsibility for their actions?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
6. How fair was the written agreement?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
7. Do you think the accused will complete the terms of agreement?  
Yes - No - Maybe - Some of it - Yes but it will be hard
8. Did you feel pressured to agree to it?  
Not at all - Somewhat - Moderate - Quite a bit - Very much
9. Did you have a fair chance to express your feelings and opinions?

Not at all - Somewhat - Moderate - Quite a bit - Very much

10. Did you feel the forum helped you have more control over the process?

Not at all - Somewhat - Moderate - Quite a bit - Very much

11. Do you think this case was better to go through the community justice or through the regular court process?

Community Justice - Regular Court Process

12. Do you think this forum took too long?

Not at all - Somewhat - Moderate - Quite a bit - Very much

13. Did you feel all of your questions and issues were addressed?

Not at all - Somewhat - Moderate - Quite a bit - Very much

14. Do you think the accused understand the effect their actions have had?

Not at all - Somewhat - Moderate - Quite a bit - Very much

15. Do you think it is likely they may commit the same offence in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

16. Do you think it is likely that they will be charged with a different offence in the future?

Not at all - Somewhat - Moderate - Quite a bit - Very much

Do you have any additional comments or suggestions that you would like to make? (Open text)