Community-Based Alternatives?

Lessons from a Restorative Justice Project for Youth

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This paper examines the challenges encountered in a community-based restorative justice project for youth. The findings suggest that, while there is apparent support by criminal justice system players for community-based alternatives, they closely guard their jurisdiction over the justice process. Community-based service providers, on the other hand, provided support and encouragement; however, their lack of resources and long waiting lists prevented them from playing a significant role. Ethnic community members gave considerable support to the project, identifying it as a valuable resource for them. Schools were an important part of the project. They represent a vital community for most young people, and they have the capacity to identify and respond appropriately to the needs of youth in conflict with the law. The implications of these findings are discussed in the context of the growing interest in community-based alternatives to the justice system, such as restorative justice.

Cet article traite des défis liés à un projet communautaire de justice réparatrice pour les jeunes. Les résultats démontrent que même si les intervenants du système de justice pénale ont semblé donner leur appui à des options communautaires, ils ont protégé étroitement leur juridiction tout au long du processus judiciaire. De l'autre côté, les prestataires de services communautaires ont fourni de l'appui et de l'encouragement au projet. Toutefois, leur manque de ressources et leurs longues listes d'attente les ont empêchés de jouer un rôle important. Les membres des communautés ethniques ont donné un soutien considérable au projet, une ressource précieuse à leurs yeux. Les écoles étaient également un acteur...
important du projet. Les écoles sont un milieu vital pour la plupart des jeunes et elles ont la capacité de déterminer les besoins des jeunes ayant des démêlés avec la loi et d’y répondre adéquatement. Les implications de ces résultats sont traitées dans le contexte d’un intérêt croissant pour les options communautaires au système pénal, telles que la justice réparatrice.

Introduction

Community-based programs have emerged over the past several decades as significant policy and service delivery alternatives to those provided by the state. This is particularly evident in the criminal justice system, where community corrections, community crime prevention, and community-based alternatives such as restorative justice have gained widespread support (Cohen, 1985; Crawford, 1995; Hughes, 1998; Rochefort, Rosenberg, & White, 1998). Restorative justice, in particular, has grown steadily, with programs based on this approach appearing in Canada and numerous other Western countries (Andersen, 1999; Braithwaite, 2000; Depew, 1996; LaPrairie, 1995; Miers, 2001; Umbreit & Bradshaw, 2000).

In this paper, we consider some of the issues related to the move towards community-based justice alternatives, based on observations made during a three-year restorative justice project for youth. Particular attention is paid in this analysis to the meaning of “community” and how this changed over the course of the project. We also examine the response of key players, including criminal justice actors (the police, Probation Services, and the Crown attorney), community service providers, community leaders, schools, and community residents (youth and adults). The paper concludes with a discussion of the lessons learned and their implications for the move towards community-based alternatives in the criminal justice system.

Traditional Criminal Justice Versus Community-Based Justice Alternatives

The shift towards the community represents a significant movement away from the formal and hierarchical processes that characterize traditional justice approaches. It is an attempt to address many of the perceived problems and shortcomings of the existing system. Umbreit (1998) identifies several of these, noting, for example, that there is confusion in the traditional justice system about the purpose of sentencing. Is it intended to deter, incapacitate, or rehabilitate? As well, he points out that victims have virtually no role in the criminal justice process and, as a result, often feel alienated and frustrated. The failure to reduce crime through increased punishment is another problem, and the enormous costs involved challenge “the wisdom of the current retributive system of justice, which relies so heavily upon incarceration, while largely ignoring the needs of crime victims” (Umbreit, p. 1).
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In many ways, restorative justice serves as an exemplar of the move towards community-based alternatives. It incorporates many of the features that differentiate these alternatives from the traditional justice system. Restorative justice processes replace individual culpability, retribution, top-down decision-making, and formal processes with a community focus, restitution, inclusiveness, and informal processes. Where the traditional justice system identifies crime as a harm committed against the state, restorative justice places the community at the centre and identifies the harm caused by crime as affecting victims as well as the community. And rather than being marginalized, victims are accorded a key role in a restorative process. At the same time, offenders are held accountable for their actions, but rather than retribution, they are offered an opportunity to make restitution and be reintegrated into the community.

Moore (2003) quotes a Law Commission of Canada report that found that Canadians are not satisfied with the current state of the justice system, which they see as being costly and ineffective. Advocates of restorative justice, by contrast, note that it provides an approach that is fair, equitable, and responsive to the needs of victims, offenders, and communities. Miers (2001) conducted an extensive review of the literature and noted that supporters believe restorative justice is a "better" response (p. 85). Braithwaite (2002) takes this a step further, arguing that restorative justice goes beyond better responses for offenders. He believes it is more effective than the existing criminal justice system in restoring and satisfying victims, offenders, and communities.

Questions exist, however, about the effectiveness of restorative justice. For example, if the intent of reintegrating offenders is to reduce the likelihood that they will reoffend, it is unlikely that such an outcome will result from a single restorative justice forum or even several forums (Levrant, Cullen, Fulton, & Wozniak, 1999). Daly (2002) agrees, pointing out that transformation of offenders is not a common outcome of restorative justice processes. Other questions about restorative justice relate to its use in domestic violence and sexual assault cases (Stubbs, 2004).

In a seminal work, Cohen (1985) provides a detailed analysis of the move towards the community and away from "total" institutions such as prisons and psychiatric hospitals. He notes that intellectual support for the deinstitutionalization and decarceration movements of the 1960s and the development of a community ideology was drawn from four different but converging sources: 1) pragmatic and utilitarian — the system was simply not working; 2) humanitarian and civil libertarian — the system was doing serious harm, since it was brutal, degrading, and inhuman; 3) social scientific — the system, through labelling and stigmatization, had serious, long-term consequences for those in it; and 4) cost benefit — the system was costly and unproductive, and the same results could be achieved in the community at a lower cost (p. 117).
Cohen (1985) himself, however, is cautious and critical about the move towards community-based justice alternatives. He argues that, in the area of corrections, they have served to blur the boundary between the public and the private spheres. He notes that the development of community corrections, with its halfway houses, three-quarter-way houses, and community alternatives, has made it increasingly difficult to tell who is “inside” and who is “outside” the system. What was once a private space becomes transformed into an extension of the prison, and citizens are increasingly implicated in social control functions.

Pavlich (2002) is also critical of community-based alternatives such as restorative justice, arguing that they are not true alternatives at all. He notes that they remain trapped within the existing justice system, being shaped by and reflecting conventional non-restorative practices. This, he says, is due to the fact that restorative justice activities are triggered by what the state defines as a criminal event. Further, restorative justice continues to view conflicts as pathological and requiring containment, rather than seeing them as potentially productive events that expose underlying systemic problems or inequities. Moreover, Pavlich argues that restorative justice processes continue to rely on the victim-offender dyad that circumscribes the conflict and forecloses the possibility of seeing these events as part of a larger, more complex set of social interactions.

A concern held by both advocates and critics of restorative justice is that it will lose its connection to the community and be co-opted by the traditional justice system. Pavlich (2002), for example, cautions that some see restorative justice as a supplement or addition to the traditional system. Its attraction is that it is cheaper and less formal, while it increases the overall efficiency and reach of the existing system. Umbreit (1998), a supporter of restorative justice, is also concerned about co-optation. He states:

at its worst, restorative justice could become another generation of correctional euphemisms to make current highly retributive practices look more effective or fair. Such a “window dressing” effect is clearly not the intent of restorative justice advocates, yet it could become the eventual reality of this movement if the underlying vision and values of the movement become lost.

Understanding “Community” in Community-Based Alternatives

While community is the foundation of community-based alternatives, there is no clear, universally accepted definition or use of this term. Indeed, it is variously defined in the literature and used to refer to many disparate phenomena (Rochefort et al., 1998). In some cases, community refers to a geographic location, such as a neighbourhood or a city. In others, it means being a member of a group that shares
values, beliefs, and practices (e.g., an ethnic community). Still another definition is that of a “community of interest,” which is based on shared interests or activities (e.g., the arts community, the university community). In many cases, the definition of community is situationally determined and depends on who is using the term and in what context.

Within the area of criminal justice, being community-based implies being outside of the formal justice system and not being controlled by professionals. While the need to maintain distance and autonomy from the traditional justice system is clear, there is less certainty about where this line should be drawn. There is some concern that community-based processes can easily become dominated by professionals, leaving little room for input and decision-making by others involved in the process.

While decisions about community membership represent one type of problem, similar challenges exist at the other end of the spectrum. Here the concern is that the ambiguity of the concept allows it to be generalized to such an extent that it loses its explanatory power. Thus, when we evoke society at large as the “community,” as one former Canadian prime minister did when he described Canada as a “community of communities,” the concept loses its ability to differentiate between what is community-based and what is part of the traditional system (Walgrave, 1995).

McCold and Watchel (1998) have argued that community is not a place, per se, and that our connections are really to micro-communities. These micro-communities include people with whom we have strong emotional and/or personal ties. The notion of micro-communities, however, also raises a number of concerns. For example, while having supportive individuals involved may assist victims and offenders in the process of healing and accepting responsibility, this definition severely restricts the meaning of community. It excludes some of the people in the “community” who may have been affected by the events. A broader definition of community than the one implied in the notion of “micro-community” may be required in a restorative justice approach.

A Community-Based Restorative Justice Program: The ARC Project

In 1999, the Alternative Responses in Communities (ARC) project began to develop a community-based restorative justice alternative for young people in conflict with the law in a large Canadian city. The ARC project was similar to many youth-focused, restorative justice programs (Andersen, 1999; Braithwaite, 2000; Depew, 1996; LaPrairie, 1995; Miers, 2001; Umbreit & Bradshaw, 2000). It was based on a partnership between university researchers and a large youthserving agency (YSA) that has provided comprehensive services to young people in the city for over 40 years.
A community justice forum model of restorative justice was used in ARC. Community justice forums typically involve a meeting of the offending youth and his or her supporters with the victim and his or her supporters. The forum is coordinated by a trained facilitator. The police officer involved usually attends and, on occasion, so do other professionals and community representatives (e.g., social workers, school counsellors, lawyers, and representatives of local businesses). At the forum, participants are asked to discuss what happened and how it affected them. The goal is to find a way to repair the harm done and reintegrate the young person back into the community. An agreement is developed that typically requires the young person to do various tasks such as writing a letter of apology, making reparation, and/or doing community work.

Some young people who come to the attention of the authorities do so because they face multiple challenges (Chatterjee, 1997; Levrant et al., 1999; Zehr, 1995). Restorative justice programs, however, are not designed to address the needs of offenders. Instead, they are more narrowly focused on the offence, the victim, and repairing the harm that has been caused. As a result, we decided to offer selected young people participating in the ARC project an opportunity to take advantage of a more intensive set of services.

All participants were assessed on intake through a multi-stage process that included the completion of an intake assessment survey, as well as interviews with the youth alone and then with the youth and family together. The survey documented areas of need, including addictions, experiences of abuse and neglect, school-based problems, and previous conflict with the law. This assessment process was used to determine which youth should be offered the opportunity to participate in a wraparound process (WP).

The wraparound process is based on a specific set of policies and practices that are used to develop individualized services and supports for youth and families who are experiencing ongoing emotional and behavioural difficulties. WP offers more intensive support that could last for a longer period of time (up to one year) than is typical for restorative justice programs. WP has been effective in dramatically improving the quality of family life and individual functioning of family members (Clark, Prange, Lee, & Boyd, 1994; Clarke, Schaefer, Burchard, & Welkowitz, 1992; Duchnowski, Johnson, Hall, & Kutash, 1993; Northey, Primer, & Christensen, 1997; Tighe & Brooks, 1995; Whitbeck et. al., 1993; Yoe, Bruns, & Burchard, 1995).

WP has emerged as a major alternative to traditional treatment planning processes for children and adolescents with serious emotional and behavioural disorders. According to VanDenBerg and Grealish (1996), the 1% of children and families in the United States with the most complex mental health needs take up roughly one-third of all available human services resources in categorical services. The situation is similar in Canada (Offord, Boyle, & Racine, 1990). The long-term outcomes for these traditional, high-cost services (primarily residential and out-of-
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Community (Ballantyne & Raymond, 1998; Friedman & Duchnowski, 1990).

Positive results have been seen in American projects that have used WP in conjunction with other services (Northey et al., 1997). For example, the 25 Kid Project in Milwaukee successfully melded WP with the child welfare and juvenile justice system (Kamradt, Kostan, & Vera, 1997). This result gave us confidence that adding a WP component would be beneficial to ARC participants.

WP is used to help develop individualized plans of care that are based on the unique strengths, values, norms, and preferences of the child, family, and community. A trained facilitator usually leads the wraparound sessions, and parents are included at every level. WP is based upon Integrated Systems of Care (ISOCs), which are cooperative arrangements in which a variety of human service organizations (schools, mental health providers, child welfare agencies, public health services, etc.) join together and establish a process which will enable any component of the system to respond with a wide range of flexible, highly individualized services. (Franz, 1995, p. 6)

A community-wide wraparound initiative had been established in the city at the time the ARC project was getting under way. A large network of service providers had agreed to participate, and a committee was established to oversee the delivery of WP services. ARC project staff members were trained in WP and were part of this larger city initiative. The decision to offer a participant an opportunity to participate in a WP was made by ARC staff during the intake process based on criteria established by the city-wide WP committee.

Identifying “Community” in the ARC Project

The ARC project began in two specific communities and evolved to include appropriate cases from across the city. The two communities identified for this project were selected on the basis of three criteria: 1) they had to have a recognized youth crime problem; 2) they had to have an identified network of service providers; and 3) they had to have existing “grassroots” activity. We began by examining police statistics on the number of youth crime incident reports by neighbourhood. This allowed us to identify key “hot spots.” We then examined these hot spots for existing grassroots activities and a network of service providers. This resulted in the identification of two neighbourhoods as being particularly suited to the ARC project. Each had a large public housing complex as well as an active tenants association. In addition, each had different but well-developed networks of service providers.
The definition of community used at the outset of the ARC project was thus based on geographical location. That is, we identified two clearly defined neighbourhoods in a large city. This definition was used at the suggestion of the police, who indicated it was necessary if they were to be able to make referrals, since it would fit in with their administrative processes.

Once the ARC project got started, the definition of community changed and the ethnic communities in the neighbourhoods we selected became the focus of the project. Both of the communities had a large number of ethnic minorities, including many new Canadians. Unlike a community of place, however, members of an ethnic community need not live in close proximity to each other. Individuals living in the two neighbourhoods identified for the ARC project had contact with members of their ethnic community living throughout the city. This had implications for the ARC project with respect to referrals, as well as with respect to finding support for project participants.

Another way the term "community" can be defined is as a "community of interest." This definition of community began to emerge near the end of the ARC project as our focus turned increasingly towards schools in the two neighbourhoods.

During the early phase of the ARC project, extensive consultations were held with community residents (including youth), members of the tenants' associations, service providers, local merchants, and representatives of the criminal justice system. The ARC project had considerable credibility, since the host agency (YSA) had been providing services to young people in these communities for over 40 years. As a result, most of the individuals and agencies contacted readily agreed to participate once they learned about ARC and its intentions. More than 50 individuals, groups, and organizations provided letters of support at the proposal stage.

A steering committee was formed with representatives from each of the constituencies identified above. Steering committee meetings were held once a month for a year and a half. They were open to interested community members, and food was provided, as were child care and transportation subsidies. The needs and concerns of community members were voiced at these meetings and incorporated into the ongoing planning and administration of the ARC project.

In-depth discussions were held with the police about the types of cases that would be referred. An agreement was reached to use a tripartite classification of cases that included pre-charge, post-charge (which required the cooperation of the Crown attorney), and post-custody (which required the cooperation of Probation Services). Similar negotiations were held with both the Crown attorney's office and Probation Services. The senior Crown attorney was familiar with community justice forums and provided a letter of support for the ARC project. However, he had retired by the time the project grant was approved. We met with the new senior Crown attorney and made her aware of our program. Repeated meetings were held with her during the term of the project, and we received verbal assurances of
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support. Ongoing discussions were also held with Probation Services about using restorative justice conferences as a way of reintegrating youth coming out of custody into their communities.

Findings and Discussion

The referrals made to the ARC project are displayed in Table 1 (see page 94), which shows the referral source as well as the month in which the referrals were made. As can be seen in Table 1, a total of 126 young people (in an area where youth crime numbered in the hundreds each year) were referred to the ARC project over the two and a half years in which forums were offered. (While the project was active for three years, we were able to begin taking clients only after six months, due to start-up activities such as hiring and training staff and setting up an office.) This included 54 referrals by the police, 25 involving the Crown attorney's office in some fashion, and 17 by schools. The rest were referred by parents, defence lawyers, community members, and community service providers, with one referral by Probation Services. Referrals were much lower than anticipated, which was difficult to understand given the assurances of support we had received.

The experience we had with the police is especially instructive. As noted above, we consulted with them extensively, both at the proposal stage and during the time the project was in operation. We had a letter of support signed by the Chief of Police. Our selection of neighbourhoods was based on police statistics. Detailed referral procedures were developed with their cooperation, and they were repeatedly reminded that we were focusing on the two target neighbourhoods and gearing our resources to meet the needs of minority youth living there.

Given the level of apparent support and participation from the police, their referral practices were both surprising and frustrating. They provided only 11 referrals during the seven months in the first year in which we held forums. These did not include any minority youth. In fact, two early referrals were upper-middle-class Caucasian youth from outside the target neighbourhoods who we reluctantly agreed to take in order to maintain a positive relationship with the police. Repeated meetings and information sessions did not improve police referrals: only 20 cases were referred in the second year and 23 in the third. This was particularly frustrating since the police had worked extensively with the YSA in the past on numerous non-justice-related initiatives.

The referral practices of the Crown attorney's office were even more disappointing. At the end of the three-year project, the number of cases with any Crown attorney involvement totalled 25. This included 9 cases referred by the Crown attorney's office, 13 cases in which the Crown attorney agreed to transfer the case after a request was made by the defence counsel and parents, and 3 cases that involved consultation with defence counsel alone. Even though we had held
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a Involved judge, not Crown attorney, with parent and lawyer
b Involved parent and Crown attorney but not the defence lawyer
c Involved a referral from Probation Services
repeated meetings with the new Crown attorney, received assurances of support, and contacted her frequently throughout the duration of the project, few referrals were forthcoming.

Finally, we had only one referral from Probation Services during the time the project was in operation. This referral came at the end of the three-year period and reflected the efforts of a local probation officer seeking additional help for a client.

Our experience with referrals raises a number of important questions about community-based alternatives to the justice system. Why would these agencies be so supportive of our restorative justice program in theory, yet refer so few cases in practice? In the case of Probation Services, the fear of cutbacks and the loss of staff may have resulted in a desire to maximize the use of internal resources to keep their caseloads high at a time when provincial service cuts were being contemplated. As well, our program may have been seen as duplicating services they felt they already offered. They may also have been reluctant to use our program given that their own reintegration services were available.

The experience with the Crown attorney's office is a little more difficult to understand. Being new to the office, the senior Crown attorney may have been facing a steep learning curve and may have been concerned with more serious challenges than dealing with a small, community-based restorative justice program. ARC project staff who attended various meetings reported that other community-based alternative justice programs were having similar experiences with referrals from the Crown attorney's office. Repeated meetings with the new Crown attorney (to the point of being annoying!) resulted in verbal assurances of support but little in the way of actual referrals.

As for the response by the police, several factors may have influenced the situation. Importantly, a sensational case involving a young offender gained national attention just as the ARC project was getting under way. A provincial member of parliament disclosed the names of two young offenders in the provincial legislature. This had a chilling effect, since the provincial Attorney General sent a directive to all police agencies cautioning them about releasing young offender information. This was a decisive blow for the ARC project, as the main source of referrals was being hindered from participating in the manner that had been agreed upon. The police actually sought legal advice about what information they could and could not share with programs such as ARC. This included information essential to our program such as young offenders' names, addresses, and telephone numbers.

Numerous meetings were held with the police after this incident, and attempts were made to find a satisfactory solution. Clearly, the police did not want to violate the provincial directive, but they were still interested in working with the ARC project. In the end, both parties decided that when the police had a case they thought was appropriate for ARC, they would inform the young person and his or
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her parents about the program and give them our business card so they could initiate contact with us directly. While this was not ideal, it was the best that could be done, given the circumstances. As time passed, the impact of the provincial directive waned, and we began getting referrals again directly from the police.

In addition to the difficulties related to the sharing of information, the police liaison officers working with ARC changed several times during the course of the project. Each change led to numerous and ongoing meetings to ensure the active support of the police. At the same time, there was a lot of turnover among the front-line officers assigned to the two project communities. This also required ongoing information and education sessions to inform the new officers of the program and encourage their participation. In part, these changes in police personnel resulted from a municipal amalgamation that was going on at the time and the subsequent reorganization of municipal services, including the police.

This discussion of our experiences with Probation Services, the Crown attorney's office, and the local police highlights some of the practical and political challenges that may have influenced referrals to the ARC project. An alternative explanation regarding these traditional criminal justice agencies is that they are willing to be involved in community-based alternatives only as long as they can control the process. The police and Crown support restorative justice programs in numerous communities across the country, but in many of these, they operate the programs "in-house." Institutional barriers may have made police officers reluctant to refer cases to the ARC project, especially since such referrals necessitated the release of confidential information about young offenders. This explanation is questionable, however, since the police continued to refer youth (and to provide confidential information) during this period to other programs offered by the YSA (e.g., anger management).

It may be that support for community-based alternatives by the justice system is more apparent than real. That is, community practices receive considerable support in theory and when they require a superficial level of commitment. However, support dwindles when more extensive collaboration and power-sharing are required. In our experience, both the police and the Crown attorney's office were reluctant to give up jurisdiction over their cases.

The participation and support of other service providers was also instructive. While a large number provided letters of support, the role of the community-based service providers proved to be minimal once the project got started. We enjoyed cordial and supportive relations with most of the other agencies working in the two neighbourhoods; however, many were strapped for resources. They had long waiting lists for their services (e.g., mental health and specialized counselling) making it difficult for them to offer support to ARC project youth in a timely manner. The time factor is particularly important in restorative justice programs, as the interventions should be completed in a two- to three-month period.

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In many cases, ARC had to avail itself of the services offered “in-house” by our partner YSA. Fortunately, they were able to accommodate requests from ARC participants and staff. Otherwise, our ability to deliver specialized services through the ARC project would have been severely limited.

On the positive side, community agencies were supportive, and some referred clients to ARC. Others established protocols to facilitate working together more effectively. Interestingly, this worked especially well when the ARC Project had something to offer their clients.

The participation and support of community members is another issue for community-based initiatives. At the proposal stage, we held numerous community meetings and offered community members training in community justice forums and the wraparound process. A steering committee was formed and, as noted above, monthly meetings open to community members were held for 18 months. While a large number of community members participated in community meetings and took the training that was offered, we faced a number of challenges involving them more directly in the project.

A number of community volunteers were trained and potentially available to serve as community justice forum facilitators and as supporters in the wraparound process. Once the project got under way, however, the police objected to using community members as facilitators and made the use of professional facilitators a criterion for referrals. This may have been due to their confidentiality concerns after the case in the provincial legislature. As for WP, ARC project youth and families who participated in the WP component were encouraged to use the available trained community supporters. The confidential nature of the wraparound process was stressed, and they were told that everyone involved had to sign confidentiality agreements. Despite our efforts, ARC participants insisted that they didn’t want fellow community members involved in their private affairs. Instead, those who participated in WP selected supporters from their personal networks — family members, friends, community leaders, and professionals (e.g., teachers). In retrospect, training resources for WP would have been better directed at those individuals participants choose as supporters.

Our relationships with leaders of the ethnic communities in the two neighbourhoods were important to the project. We were aware that these leaders were concerned about their young people coming into conflict with the law and were supportive of the more culturally sensitive and appropriate response provided by ARC. When referrals from the justice system faltered, we turned to the ethnic community leaders for support. We had hired staff with similar ethnic backgrounds, and this allowed for communications with community leaders and for forums in their own languages. These relationships helped the ARC project become a valuable asset for minority youth in these communities who were in conflict with...
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the law. At the same time, the ethnic communities provided support for the project in the form of mentors and meeting places.

A more direct appeal to youth in conflict with the law and their families was also initiated. Project staff began to attend youth court sessions and to provide visible minority youth and their families with information about the project and its services. These efforts proved to be effective in generating referrals.

We also built on the relationships we had with several local schools that had supported the project from the outset. The schools emerged as one of the most important referral sources and supporters of the project. School-based forums involving teachers and students became a key part of the ARC project. The recognition that school is a significant “community” for young people, and the response of school authorities to our program, suggests that future interventions such as ARC should focus more directly on schools. More young people who could benefit from restorative justice programs could gain access more easily if school authorities were involved in programs such as ARC. School authorities could also seek the support of criminal justice agencies to channel appropriate cases involving their students to such programs. Most importantly, however, the restorative justice process is particularly suited to repairing the harm when an offence is committed in a closed environment such as a school, where those involved have to interact with each other in a circumscribed space on an ongoing basis. Like peer mediation and peace building, restorative justice may be another valuable tool for school administrators to use to promote safety and harmony in the community where young people spend the better part of their waking hours.

Conclusions

This paper discusses some of the practical and theoretical issues raised in the debate over the move towards community-based alternatives to the justice system. Some have hailed this move as a promising way of empowering communities to address existing concerns about the traditional justice system. Others, however, have argued that community-based justice alternatives simply blur the lines between the formal system and the community while implicating ordinary citizens in the process of social control.

Our experience with a community-based restorative justice project provides little support for either of these claims. While community-based alternatives to the justice system may be given substantial support in theory, in practice, criminal justice system players are often reluctant to relinquish their control over the justice process. In fact, some appeals to community are made by non-institutional actors precisely to counter the considerable power and authority of the criminal justice system and its formal and hierarchical practices. However, even when processes are
community-based, they continue to rely on the criminal justice system for referrals and approval. The challenge for community-based criminal justice alternatives lies in figuring out how to retain their independence while working with representatives of the traditional justice system.

Cooperation with the criminal justice system forces community-based programs to operate within narrowly circumscribed parameters. In the case of the ARC project, we faced considerable pressure to accede to police requests and did so reluctantly (e.g., changing boundaries, taking cases outside our target neighbourhoods, and using professional facilitators) in order to maintain positive working relations. The hallmarks of community-based activities, such as the involvement of community actors, self-government, bottom-up decision-making, and local ownership, become much more challenging when key decisions are constrained by the power and influence of external agents.

On the other hand, the move towards community-based alternatives had a positive and empowering impact for the ethnic and school communities we worked with. It engaged ethnic community leaders and community members, as well as schools, in providing more appropriate responses for their young people. Their involvement in referrals and their provision of support for the project were clear markers of its value for them. Indeed, the ARC project provided culturally sensitive interventions that allowed participants to engage in the process of making decisions and in doing justice. This sensitivity to ethnic, cultural, individual, and institutional particulars made participation in a community-based program meaningful and valuable for those involved.

What remains at the end of this project is a realization that community-based alternatives to the justice system neither simply reinvigorate local communities nor increase the influence of the formal authorities. Instead, they open up space for local concerns (variously defined as cultural, ethnic, situational, and individual), within parameters that are partially set by and partially negotiated with representatives of the traditional justice system. However, once a case has been referred, the potential exists for community members to engage, bring their concerns “to the table,” and gain some control over the justice process.

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