

Pilot to Co-Pilot: An Integrated, Community-Based Approach Helps Restorative Justice Pilot Program Take Off in Nova Scotia

By Mary Shafer

In its eighth year, a pilot restorative justice program shows promising results with youth and sets the stage for an adult-oriented strategy as one Canadian province overcomes the traditional “silo” mentality in managing efforts and measuring outcomes through a holistic approach, government commitment and mindful implementation.

“It was more of an evolution rather than a single ‘aha’ moment,” recalls Jennifer Llewellyn, professor of law at Halifax’s University of Dalhousie, of how the concept of Restorative Justice (RJ) emerged as a tool to deal with youth criminal offenders in Nova Scotia. “It reflects the particular strength of the restorative approach to be able to evolve along the lines of each community’s needs.”

Restorative Justice Nova Scotia (RJNS) consists of eight service agencies and one aboriginal organization. All their efforts are guided by the question: How can restorative approaches work toward building stronger communities?

According to Pat Gorham, Director of Crime Prevention for the Nova Scotia Department of Justice, “Our provincial government is trying to find out what the capacity might be for RJ in Nova Scotia, and identifying frameworks that might be put into place for schools that want to participate. The work has largely been from the community up. All pilot programs are still at the local level, with individual school administrators opting to commit to a restorative approach, and being supported by regional RJ agencies.”

Llewellyn delivered a paper at the 2009 IIRP Conference that describes the foundations of the province’s RJ program (http://www.iirp.org/article_detail.php?article_id=NjI5), while this article will detail some of its early successes, challenges and what’s been learned about best practices.

From Criminal Justice To Community Service

If there’s one word to describe the impetus to bring RJ into play in Nova Scotia, it’s “integration.” Not only in the contemporary sense of the word—treating all segments of a culturally diverse society with equality—but also in the structural sense of addressing every building block of that society in an integrated, holistic manner.

Typically, Llewellyn says, government works in silos. “Traditionally, explicit government strategies carve kids up instead of treating them in an integrated way, but kids come in one body. They need an integrated response. Government silos allow cracks for them to fall through. We asked, ‘Why don’t we start looking at the children and their integrated reality?’ This way of thinking allows us to gain insight into thinking in more collaborative ways.”

Llewellyn believes the direct-to-community approach taken by the entire RJNS program works because communities don’t have these same kind of “silos” endemic to the

criminal justice system. Instead, it sees a problem as being across all stakeholders' responsibilities, forcing government to think less in terms of a narrow problem and more about an integrated, collective issue.

“Systems have inertia and will continue to want to operate the way they do. This integrated approach has provided a way for incredibly creative people in government to move the elephant slowly. The government clearly sees the value of this approach, and it's been tremendously important that some of our government liaisons have been willing to take risks and be creative, and understand how important it is to make relationships a priority.”

She feels the Nova Scotian government hasn't gotten enough credit for its willingness and ability to keep the program alive through three very different administrations, but admits it wouldn't have been able to happen without working collaboratively with the community. “This model is one of the core strengths of the success of our program,” she says.

SIDEBAR: Language And Targeted Initiatives

Two elements that have played an important part in the success of Nova Scotia's foray into the implementation of restorative justice in its communities through work with their youth are the language through which they speak about RJ and some targeted initiatives that allow laser-like focus on areas identified as most receptive to positive change.

Unlike the United States, which uses the phrase “restorative practices” to denote the wider social science and its attendant applications, Nova Scotia uses the umbrella term “restorative approach” in referring to the principles of restorative justice as “relational theory.” Llewellyn, an important liaison between the Provincial Department of Justice and the social service agencies that participate in the Nova Scotia Restorative Justice Program, explains:

“We refer to it this way because it *is* an approach: It's not just a set of practices. It's not just what we do. It's a way of thinking about what we're doing in a whole different way, an integrated approach to how we deal with fulfilling our mandates.” And those mandates have found expression in some narrowly focused yet deep-reaching initiatives that allow efforts to be tightly targeted to areas and populations that hold the most potential for positive response. A few examples include:

- The “Schools Plus” program was formed by the Tri-County Restorative Justice agency in Yarmouth, in response to the recognition that schools are the hub that touches children and youth in many areas of their lives. Its goal is to create an atmosphere of inclusiveness and connection for all students, through which to maintain a mutual sense of investment, respect, and an understanding that each individual's behavior affects the entire community.

- In Sydney, a model called CATCH (Children At The Critical Hour) is being developed for children under 12. It takes representatives from schools, law enforcement and the community to engage kids where there aren't facilities to engage in straight conferencing models. It uses gaming strategies to give them skills to recognize a threat of conflict, then to de-escalate and avoid.
- A Halifax program addresses University of Dalhousie students' off-campus conflicts with the law.

The targeted nature of these programs also allows them to address specific needs without feeling overwhelmed by the enormity of their task as a whole.

Schools as an Entry Point

Lawyer Emma Halpern, a consultant to the Tri-County Restorative Justice agency, began her work in RJ as a project manager for the Bringing Restorative Justice into Schools program in Nova Scotia. She was involved in training students all over Nova Scotia as RJ facilitators through Tri-County, which is tasked with handling diversion of police-referred youth. Since Tri-County is also responsible for community-building programs, they responded well to Emma's pitch for bringing the program in to deal with behavior issues by addressing lack of attachment in community, specifically to schools.

“We began with a discipline model, using student facilitators for restorative practices, and have expanded to using teacher circles in classrooms, talking with administrators and staff about how to engage and discuss to create a culture of respect, and reaching out into the larger community through classrooms.”

Challenges have included gaining enough capacity to help all schools who need help; continuing to grow the program on a sustainable basis and making sure all schools have equitable access to RJ programs. Halpern says it's also a challenge to be able to connect with schools on an ongoing basis, so they continue to be supported after training. “We need to not do it so fast that we don't have the ability to keep doing it well.

“What we're really (trying to achieve) is a culture shift, which takes a lot of thought and a lot of time. This is far more than a checklist of ‘Are you using circles? Have you had a restorative conversation today?’ What it takes is to have everybody in that school thinking differently about how they relate with each other and the community at large.”

Benefits so far include a more positive and collegial environment among staff resulting in fewer staff absentee days, a higher level of student involvement in school life, and incredible reductions in discipline referrals.

The Rubber Meets the Road

One of the places where these benefits are accruing is Shelburne Regional High School, which has seen an 80-83% reduction in office referrals and suspensions in the first two years of its RJ involvement. Principal Mary Manning realized back in 1997 that RJ was

sympathetic with her views of administration and teaching, but couldn't use it right away because there were too many barriers, mostly scheduling conflicts with bringing in outside facilitators on a timely basis when there was an incident. Now, with students being trained as restorative practices facilitators, it's working.

Along with helping resolve conflicts among students, Shelburne also uses RJ to resolve issues between students and teachers. In one situation, they held a circle and prepared a teacher to hear criticisms from students who had been acting out as a group. It turned out to be simply a matter of the lessons moving forward before the students were able to grasp the previous concepts. The teacher was moving too fast and the students were becoming frustrated, so the teacher understood how to remedy the situation.

"Usually, I'll sit down with the student to ask what happened," Manning says. "We don't ask why because that's a blaming word. I'm pretty persistent and continue to the spot where they're open to admitting that what they did was wrong. I think sometimes they honestly didn't see their actions as something that impacts others and are realizing it for the first time. Other times, they know but just aren't at the point of accepting responsibility."

Manning doesn't always use the nine restorative questions. In one case where a racial incident was brewing that she knew would find its way into the school, she recalls, "I went in with my little card and started a circle. It always starts off really stiff. But there's always a point where there's a shift. It varies among different circles, but finally someone says something so real and so honest, that everyone feels the shift. They realize they're not there to be yelled at, but so everyone can get at the root of the problem." At that point, she put away the card and just let the conversation flow naturally. In the end, the students felt relieved that the incident had ended and was over. There would be no cycle of violence.

Facilitators not only get students ready for restorative circles, they also prepare them for challenges and questions they'll receive from other students afterward. "It empowers them," Manning says. "We'll actually bring in students we've identified as leaders to ask them to proactively start conversations about issues we see arising. They then work on presentations around that issue, which they present to the whole student body during gatherings called 'Coffeeless Coffeehouses' at lunchtime. Sometimes they also do poetry jams, performances and skits, and other creative presentations using RJ frameworks."

Manning feels that the strengths of the RJ program are that it's proactive, providing a process and a language to deal with issues that affect youth. Trusting youth facilitators to arrange the circles, choose participants and draw up contracts is empowering for them.

Challenges include struggling with sustainability, since every new group of teachers or students requires figuring out how to train them. They've addressed this by holding a training from one class to another for seventh-graders. Sustaining the vibrancy of the program is also difficult. It's easier to do morning-noon-afternoon check-ins in single elementary classrooms, but where high school kids change classrooms, it's more difficult.

She says it's also hard to find ways to encourage keeping up circles while still delivering curriculum.

Still, she's hopeful about the program in her school, and hopes it will spread to every one in Nova Scotia. "My hope is that students will carry on thinking about (restorative practices) outside of school, in relationships with friends and family, realizing there is power in conversation."

Moving to the Broader Community

For the past five years, Yvonne Atwell has been Executive Director of the Community Justice Society, which delivers the Restorative Justice program in the Halifax Regional Municipality under contract to the Department of Justice. They target at-risk youth between ages of 12-17, including those from under-resourced families and indigenous African Nova Scotians.

Restorative sessions are facilitated by volunteers who receive 35-40 hours of training. They're recruited from a variety of organizations, universities, training programs and businesses, so as much of the fabric of that community is represented as possible.

Atwell reports a successful completion rate of about 89%. "There will always be the 10-15% of young people for whom nothing will work," she admits. "But (their experience with us) is usually a single instance for most youth we work with, and they don't re-enter the justice system."

The Community Justice Society really looks at individual situations around the offenses. It has a group home program called Restorative Options For Youth In Care that goes farther, holding circles inside the home if residents are willing. The Society also brings RJ to the surrounding community through its Community Conferencing program.

This proactive program was key to a recent case in which a New Canadian (immigrant) from Somalia was having issues in school with some students who didn't understand this young boy's language and cultural customs. He was being bullied, and the escalating situation was brought to the attention of Community Conferencing facilitators already working in the community. They met with as many people as they could in several small circles, to build the capacity of the group to have a properly valued dialog, and the situation was resolved.

In another community-based effort, a young woman of 16-17 had lost her kids to Community Services because she had committed a crime. "I was in a circle with her, representing the community that had been harmed," remembers Atwell. "Her caseworkers were trying to help her understand that everyone was there to help her. But she said, 'No one can help me!' I agreed and said, 'You're right. We're here to help, but you have to choose to do the hard work yourself.' It was her third time through this process and finally, the look on her face changed. Something happened in that circle, and she seemed to understand something she hadn't gotten out of it before. She ended up getting her kids back, she got a job and has resumed her life, as far as we know."

The Community Justice Society was also involved in an explosive case that was responsible for finally bringing RJ into the province's schools, soon after Atwell had taken her current position. "We had four facilitators in a huge circle, a group of about 25 people held in a school," she recalls. "The young girl offender this circle was about had been in the car with a man who had caused a death, and the family against which the offense was committed was in the circle. At one point, the boy from the victimized family—the son of the person who was killed—and the girl had a direct dialog about really powerful feelings."

The boy said, "I'm not sure my mother knew I loved her." The girl responded, "Of course she did! She may never have said anything, but she loved you and knew you loved her." Having that dialog allowed these two people to make a human connection and to see that each was affected by the incident on an emotional level. It eased feelings of resentment and the desire for retribution.

Atwell says that many of the young people served by her Society have family violence and mental health issues, and it's a challenge sometimes to maintain an outlook open to positive outcomes. "You have to sit down and look at each person as if you've seen them for the first time." And the work can be grueling, because there can be a lot of negativity. Many of her staff are young, and the burnout rate can be high, so they work a lot on self-care and training in how to deal with these difficulties.

She says her main challenge is teaching people to have patience with the process. "The first time I sat in a circle, I realized this was a community development tool, and that's how I've seen it ever since."

