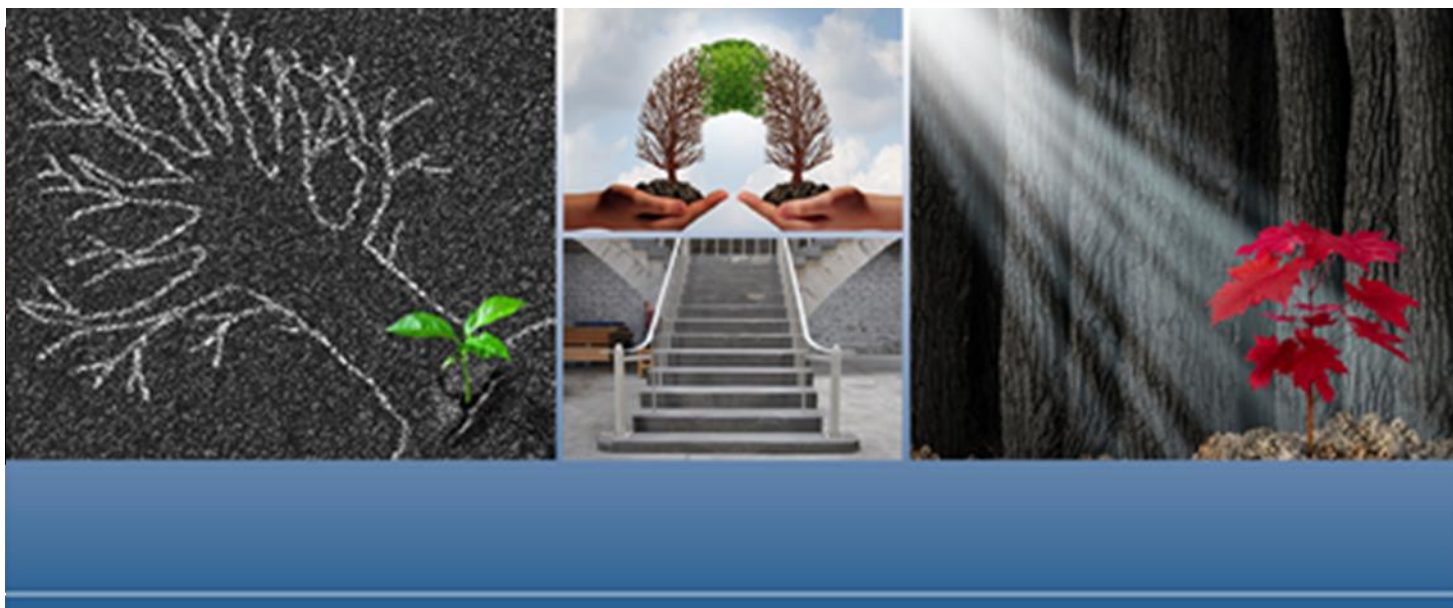


CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



Restorative Opportunities Victim-Offender Mediation Services

2020-2021

Correctional Results for Face-to-Face Meetings



Background

Since 1991, the Correctional Service of Canada (CSC) has provided a safe and constructive victim-offender mediation (VOM) program called Restorative Opportunities (RO), through which victims and offenders can communicate with each other to address the harms caused by serious crime. The RO program strives to meet the needs of all participants and contributes to public safety and the prevention of future crime.

VOM contributes to CSC's mandate of the safe reintegration of offenders into society by ensuring that offenders understand the human cost of their crime, and are given the chance to address the harms and repair some of the damage. For victims, it provides victims the opportunity to ask their questions and have their needs responded to by those directly involved.

All requests for service are carefully assessed to determine the appropriateness of the intervention and the readiness of the participants to proceed with communication. Some of these requests are screened out if the other party is inaccessible, unwilling to participate, or if either party's motivation is deemed inappropriate for the program. Others are managed using indirect communication, such as shuttle communication and/or letter/videotape exchanges. Finally, some are delayed to allow for further preparation.

Methodology

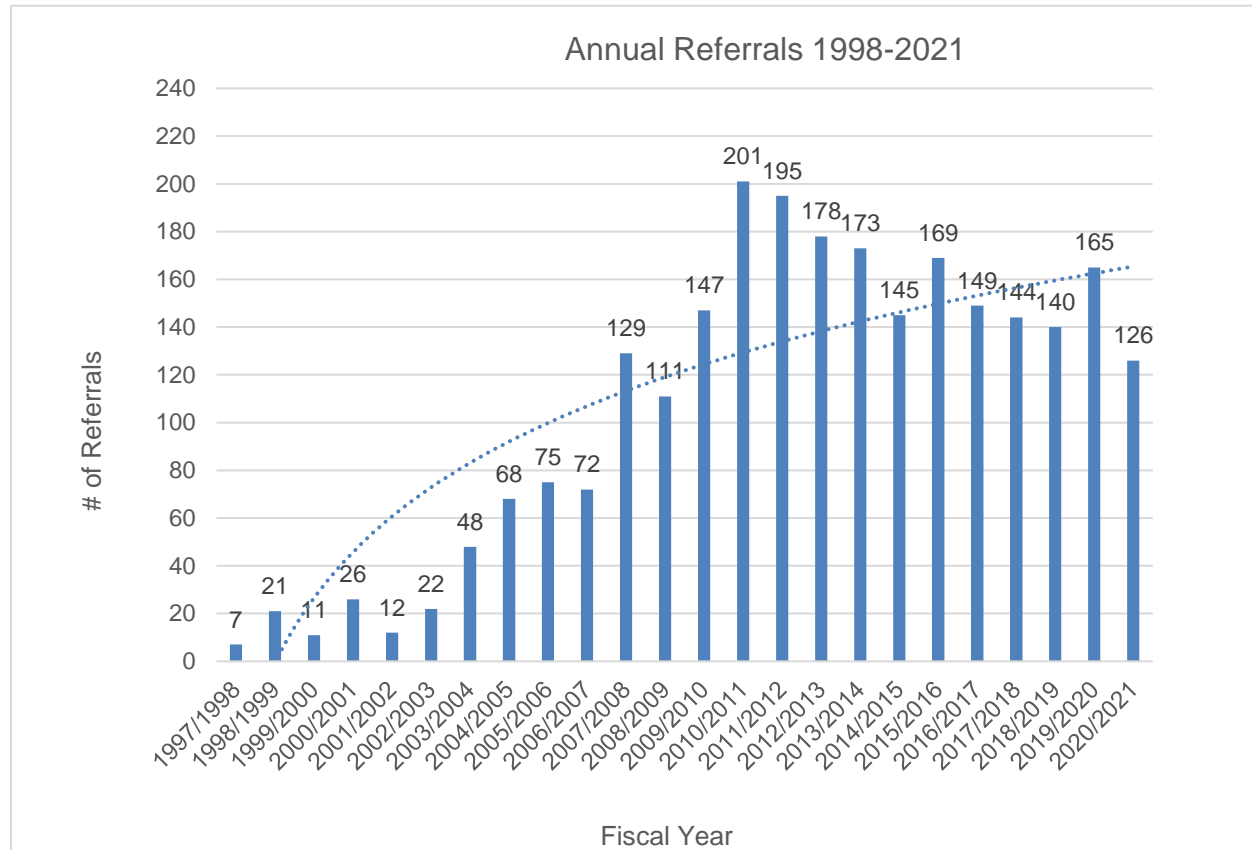
This report is produced annually in order to present the cumulative number of referral statistics over the years, as well as the cumulative results of participating in a face-to-face VOM meeting.

This report provides information about the requests for VOM services; the services delivered through the RO program; and the correctional results of 287 offenders who completed a face-to-face VOM meeting from 1992 to March 31, 2021. An analysis of the data provided, in correlation with data extracted from CSC's Offender Management System (OMS), was used to verify offender status and offence history post-VOM.

For additional background information, see [Annex A – evaluations of the Restorative Opportunities program](#).

REFERRAL STATISTICS

Annual referrals 1998-2021



Since 1992, the RO program has received referrals from victims, victim representatives, and offenders. Although CSC's VOM services have been available since 1992, this graph only includes referrals received since January 1998. From 1992 to 1997, program data collection on incoming referrals was not standardized and requests for VOM services were not recorded.

In the last five years, the average of annual referrals has been 145. The total number of referrals received during fiscal year 2010/2011 remains the largest number of referrals received since the beginning of the RO Program. RO program outreach and presentations were completed in-person from 2007/2008 to 2010/2011 and were effective in increasing referrals; while the years where CSC's Restorative Justice Division was unable to deliver any in-person presentations shows the opposite. The slight increase in 2015/2016 may be due to communications about the coming into force of the *Canadian Victims Bill of Rights*, which provides victims with a right to information about restorative justice programs.

In April 2020, it became clear that the pandemic and public health restrictions in institutions and in the community would have a significant impact on new referrals and service delivery throughout 2020-2021. The number of institutional referrals decreased significantly during the first two quarters (April 2020-September 2020) as CSC reduced all services to critical services only, which impacted the duties of many staff, including institutional parole officers.

Victim referrals were not impacted as much. CSC's National Victim Services Program has a legislated

responsibility to provide information about the RO program to victims who register to receive information about the offender. During the pandemic, Victim Services Officers continued to deliver services without interruption, as services have always been delivered virtually (i.e. by telephone, mail and the on-line Victims Portal).

In the third and fourth quarter of 2020-2021, institutional referrals increased. This could be because correctional staff adjusted to the new working protocols on-site, which increased their ability to work on their caseload, as well as their interactions with offenders.

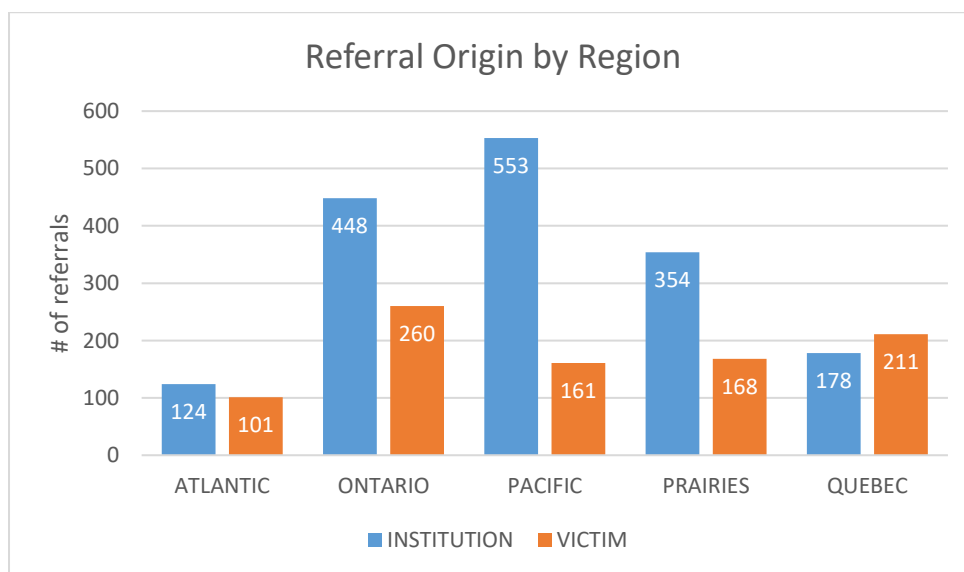
Referral origin 1992-2021

Victim-Initiated Referrals	914	33%
Institutional-Initiated Referrals	1657	60%
Other / Unknown¹	191	7%
Total	2762	

Victim-initiated referrals consist of referrals received from victims registered to receive information from CSC, victim representatives, and non-registered victims. Institutional-initiated referrals consist of referrals from offenders who are currently serving a federal sentence in an institution or the community and have the support of a referral agent (e.g. Parole Officer, Chaplain, Psychologist, etc.).

The number of institutional referrals exceeds the number of victim-initiated referrals. The large difference is likely due to more exposure to the Restorative Opportunities (RO) program in institutions through Parole Officers, Chaplains, and community-based restorative justice groups. The RJ Division continues to share information about the program through outreach activities in order to increase the number of victim-initiated referrals, especially for victims not registered to receive information from CSC.

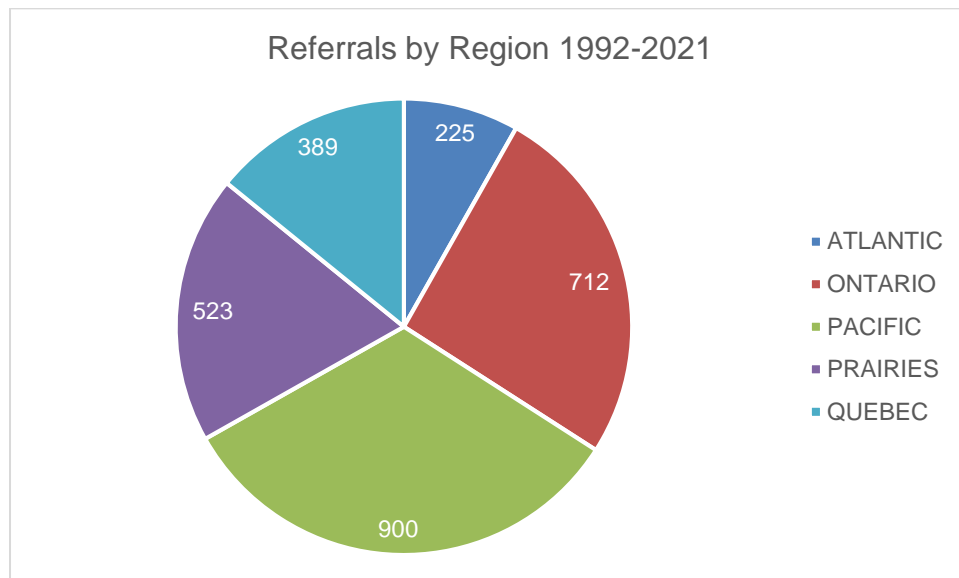
Referral origin by region 1992-2021



¹ The origin of referral was not recorded during the earlier years of the Victim-Offender Mediation Program (VOMP), which provides VOM services in the Pacific Region, where the program was piloted.

The Quebec Region is the only region to maintain higher victim-initiated referrals versus institutional-initiated referrals. This difference is likely due to the different nature of the criminal justice system in Quebec. The Quebec region maintains strong collaborations with other victim-serving organizations and social services in the province. Pacific has the highest ratio of institutional-initiated referrals.

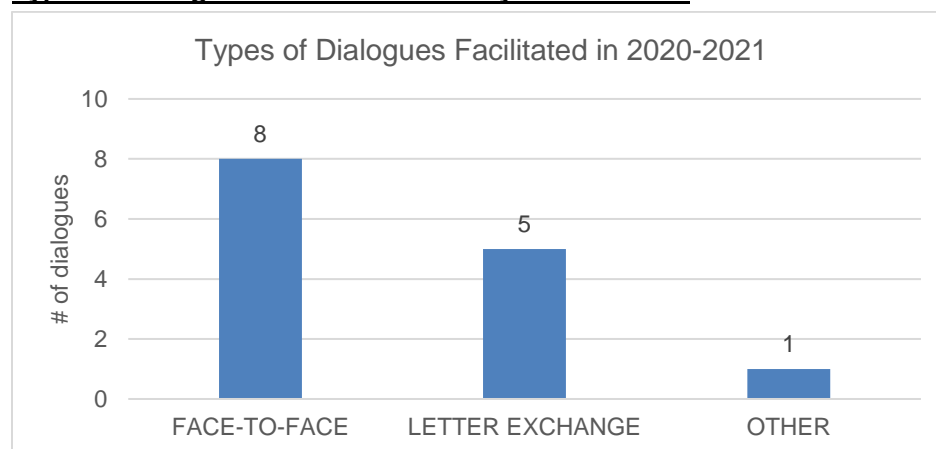
Regional snapshot 1992-2021



The Pacific Region has provided VOM services for more years than any other region in Canada, which is why this region has the highest number of referrals. In 1991, CSC funded Community Justice Initiatives (CJI) in Langley, BC to pilot a victim-offender mediation program and, for the years that followed, CJI provided VOM services in Pacific region, and a few other regions. In 2004, the RO program officially began to expand services to all regions.

VICTIM-OFFENDER MEDIATION SERVICES FISCAL YEAR 2020-2021

Types of dialogues facilitated in fiscal year 2020-2021



The RO program provides VOM services that include a number of RJ processes or types of dialogues. The types of dialogue processes used are guided by the needs of the participants. For example, they can meet face-to-face (in-person or by videoconference), correspond in writing, have a circle process and/or exchange video messages. The mediator can also relay messages back and forth between participants (referred to as “shuttle mediation”).

In FY 2020/2021, the types of dialogue consisted of face-to-face, letter exchange, and other type. The other type of facilitated dialogue was completed using teleconference calls.

In the last five years (2015-2020), the average number of each type of dialogue facilitated is the following:

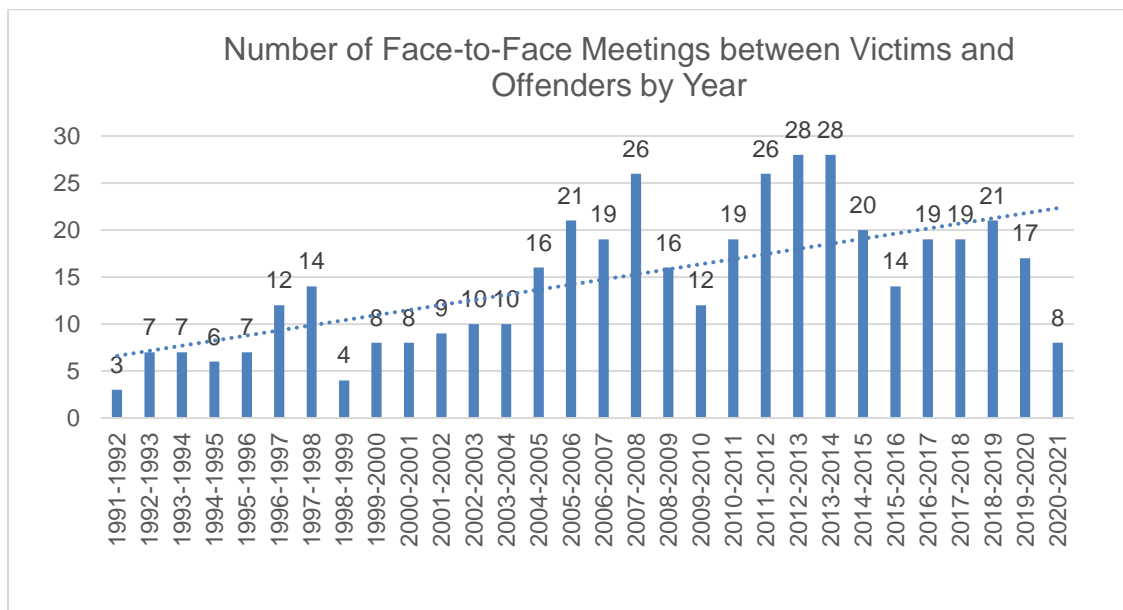
- Face-to-face : 20
- Letter exchange : 29
- Other : 1
- Shuttle mediation : 3
- Video exchange : 1

Based on this average, this particular year saw a 74% decrease in the total number of facilitated dialogues compared to the dialogues completed in the last five years. The number of letter exchanges and face-to-face dialogues were the most impacted. Given meeting and travel restrictions across Canada, RO mediators were unable to provide in-person services throughout most of the year, which is most often the preferred form of communication required by participants in order to meet their needs throughout the process.

FACE-TO-FACE DIALOGUES 1992 to 2021

Face-to-face meetings per year

Between 1992 and 2021, 287 offenders participated in 465 face-to-face dialogues.



The variance in number of dialogues per year can be due to a multitude of factors. Prior to 2004, the program was being provided mostly from CJI in the Pacific region and was not yet well known. As of FY 2004-2005, there was a significant increase in face-to-face meetings likely due to the program protocols

being approved by CSC's Executive Committee and VOM services being provided nationally. All other variance is likely due to varying numbers of referrals from year to year, readiness of participants, and other uncontrollable factors.

In FY 2020-2021, the COVID-19 pandemic impacted the number of face-to-face meetings that could occur as travel required to meet with clients in person was restricted for much of the year. Videoconferencing was used in some cases, while in-person face-to-face dialogues were completed following Infection Prevention and Control (IPC) measures (masks, social distancing, etc.).

Number of face-to-face meetings per offender

Due to the serious nature of the offences addressed by the RO program, VOM services are flexible and guided by the participants' needs in order to address the harms caused by the crime. As a participant's needs may evolve throughout the process, some cases require additional face-to-face meetings. To date almost 70% of cases have resulted in at least one meeting.

The following outlines the number of face-to-face meetings of the 287 offender participants who have participated since 1992:

1 Meeting	2 Meetings	3 Meetings	4 Meetings	5 Meetings	6 + Meetings
197 (69%)	57 (20%)	15 (5%)	8 (3%)	4 (1%)	6 (2%)

OFFENDER PARTICIPANT SNAPSHOT

Age

At the time of their offence, the age of the 287 offenders ranged from 15 to 77, with an average age of 30. Their age at the time of their first VOM face-to-face meeting ranged from 19 to 85, with an average of 42. The time between offence and VOM face-to-face meeting ranged from 1 year to 47 years, with an average of 11 years.

Gender

Of the 287 offenders, 268 (94%) identify as male, 18 (6%) identify as female, and one participant (<1%) identifies as another sex. These ratios are comparable to the general federally-sentenced offender population:

Federal Offender Status	Women	%	Men	%	Total
Incarcerated & on release	1335	6.2	20,174	93.8	21,512 ²

Religious affiliation

Out of 287 offenders who have participated in the face-to-face dialogues, 214 (75%) identified as practicing a religion or holding a spiritual belief. Of those 214, 11 offenders (5%) identified as practicing

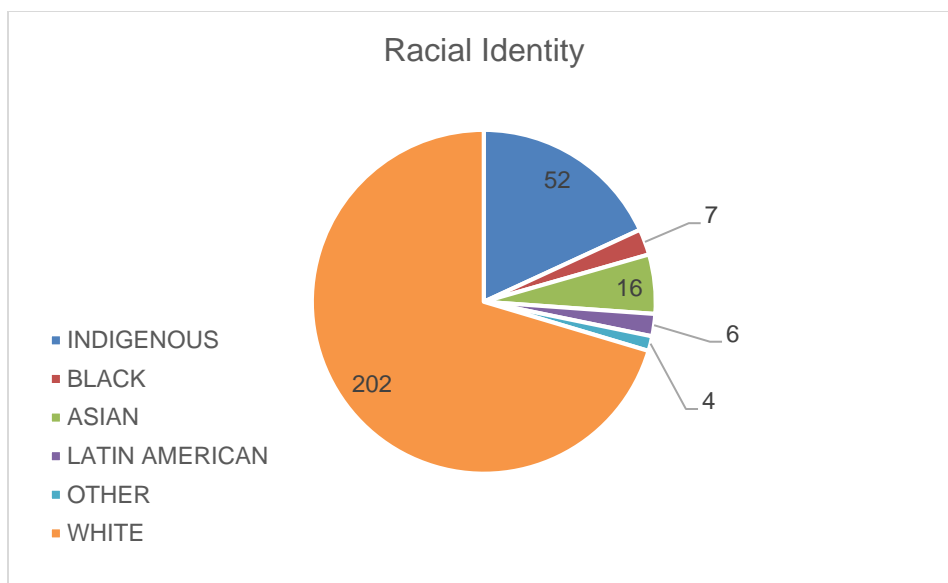
² Source: CRS-M 2021-06-23

some form of Indigenous Spirituality. The remaining offenders did not identify practicing religion or indicated that they are Atheist.

Racial Identity

Out of 287 offenders who have participated in the face-to-face dialogues, the majority self-identified as Caucasian (n=202 or 71%), six percent (6%) self-identified as Asian³ (n=16), three percent (3%) self-identified as Black (n=7), and two percent (2%) self-identified as Latin American (n=6).

Seventeen percent (17%) of participants self-identified as Indigenous (n=52). While this is higher than the percentage of Indigenous Peoples who self-identified as an Indigenous person in Canada's 2016 Census of Population (4.9% of the population of Canada), it is below the Indigenous representation in the total federally-sentenced and incarcerated offender population of 26.5%⁴.



Risk/Needs

Of the 287, for those assessed at the time of intake (n=243), the majority of offender participants were rated as high risk to reoffend and moderate needs for intervention, such as programming.

Risk

52% high risk
36% moderate risk
12% low risk

³ The term Asian includes East Asian, West Asian, South Asian, and Southeast Asian populations.

⁴ Source: CRS-M 2021-06-23

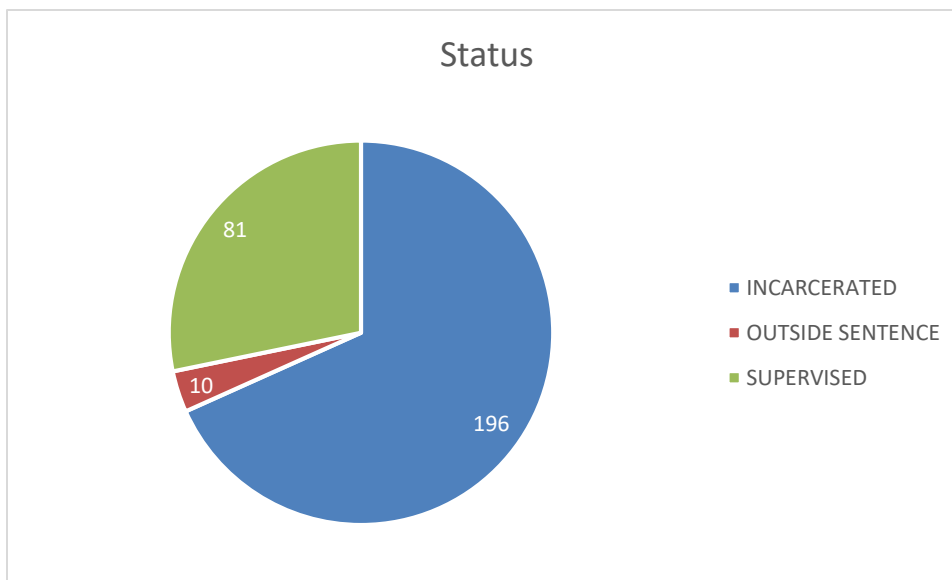
Needs

39% high needs
45% moderate needs
16% low needs

INDEX OFFENCES**Offence Type**

Offences for which a VOM face-to-face meeting was sought for the 287 offenders:

- 51% murder, manslaughter or attempted murder
- 25% sexual offences
- 6% robberies or break and enter
- 7% driving offences causing death or bodily harm
- 4% assaults
- 3% death by criminal negligence
- 1% kidnapping and forcible confinement
- 1% threat and criminal harassment
- 1% other

CONDITIONAL RELEASE SUCCESS STATISTICS**Participant status at time of face-to-face****Current participant offender status**

Of the 287 offenders, 49 are presently incarcerated; 221 offenders have either reached warrant expiry or are on release; 13 are deceased; and 4 offenders were deported.

Sentence Completed	Incarcerated	Supervised	Deceased	Deported
140 (49%)	49 (17%)	82 (28%)	13 (5%)	4 (1%)

RE-OFFENDING FOLLOWING VOM FACE-TO-FACE

Recidivism

Of the 240 offenders who were either on release when they participated in a VOM face-to-face meeting or who were subsequently released:

- 97.5% had not re-offended within 1 year of their face-to-face meeting.
- 91% had not re-offended within 5 years of their face-to-face meeting.
- 90% had not re-offended by year 10.

These 240 offenders who had participated in a face-to-face meeting were less likely to re-offend than other offenders who also finished their sentence between FY 1991/1992 and FY 2020/2021⁵. When comparing re-offending rates after five years, 84% offenders who had not participated in a face-to-face meeting had not re-offended.

There are many factors that may influence an offender's success post-release; therefore, it cannot be concluded that participation in a face-to-face meeting has a causal relationship with success upon release. In addition, the sample size of the comparison group is far greater than the number of offenders who participated in a face-to-face meeting. Nevertheless, those that do participate in a face-to-face process generally do well upon release.

Offences committed post-VOM

Of the 287 offenders involved in face-to-face meetings (this includes all offenders since 1992 who were on release at the time of their face to face meeting, subsequently released, and incarcerated at the time of this report):

- 261 offenders (91%) had not committed a new offence
- 26 offenders (9%) had committed a new offence

Types of offences that occurred post-VOM

Of the 26 offenders convicted of a new offence post-VOM:

- 7 robbery as their major offence
- 2 sexual assault as their major offence
- 6 assault
- 2 criminal harassment
- 2 break and enter
- 1 theft of a credit card
- 1 possession of substance for trafficking
- 1 under a provincial statute
- 1 possession of restricted firearm

⁵ Source: CRS-M 2020-09-15

- 1 breach of long term supervision order
- 1 kidnapping
- 1 indecent act with intent to insult

18 (69%) of the new charges are for lesser offences than those for which mediation was sought.

Observations

2020-21 has been an extraordinary year, and the pandemic has had an obvious impact on CSC's operations and the RO program was no different. The use of videoconferencing was introduced and utilised primarily to follow-up with clients and maintain contact throughout the year. Eventually, it was used as a tool to complete some face-to-face video meetings with consenting clients, when it was determined to be appropriate and safe to do so.

While there was some success in its use given the circumstances, the program faced challenges with digital infrastructure that included:

- lack of access to a private videoconferencing platform in institutions that could support the confidential nature of the process;
- lack of access to the internet for clients (both victims and offenders in the community) with sufficient bandwidth and/or phones with sufficient data; and
- lack of interest from victims in participating in videoconference meetings, preferring to wait for in-person service;

While we continue to work with our colleagues in Information Management Services to look at digital options in our institutions, for VOM service delivery, we also recognize the concerns raised by RO mediators in the delivery of virtual service, which included:

- clients wanting to assert their choice and preference to meet in-person in order to meet particular needs;
- clients' reluctance to dive deep and discuss serious crime, impacts and trauma experiences via video;
- most meetings with clients occur multiple times over multiple hours. Video proved difficult to clients over a 30-45 minute period; and
- difficulty to assess body language over video meetings when exploring sincerity, readiness, and safety factors.

During the training sessions in 2020-21, opportunities and challenges that the pandemic presented were discussed between program staff and mediators. While importance of participants' needs and the value of meeting in-person continues to be respected, digital service delivery offers certain advantages and will continue to be offered and used as a useful communication tool for some elements of the RO process, as an option for those who do not want to meet in person, and to address other logistical challenges. The RO program and RO mediators will continue to offer virtual VOM services as long as they are accessible to participants without placing a financial burden on them.

Conclusion

For 2020-2021, the RO program has seen a decrease of new referrals, which has been the lowest number of referrals since 2007-2008. Along with new referrals, all types of facilitated dialogues were also lower than in previous years. Both of these decreases can be attributed to the COVID-19 pandemic that began mid-March 2020. As CSC focused on providing critical services only, case management staff were limited in their access and types/quantity of interactions they could have with offenders, which likely impacted their ability and availability to discuss the RO program. For this reason, institutional referrals to the RO program were impacted significantly. Furthermore, restrictions around travel and in-person meetings impacted the number of face-to-face meetings that could occur during the year.

In the coming FY 2021-2022, we anticipate new referrals to return closer to pre-pandemic numbers, given that in Q3 and Q4 (October 2020 – March 2021) referrals seemed to return to the normal quarterly range. It is highly likely that the number of dialogues, especially face-to-face dialogues, may remain low if restrictions are ongoing. When restrictions begin to ease, the number of dialogues should increase with an understanding that should the pandemic situation continue to disrupt service delivery in 2021-22, or worsen, numbers may equally reflect those of 2020-2021.

Annex A: Restorative Opportunities Evaluations

A 1995 qualitative evaluation demonstrated high levels of satisfaction for both victims and offenders. For victims, they reported having greater control over their safety and their lives, and that the process offered them a measure of closure. For offenders, in addition to personal growth, they reported having a greater commitment to addressing their criminogenic needs. Staff interviewed confirmed a higher commitment on the part of those offenders to participate actively in their correctional plan.

In addition, Rugge (2006) examined the effects on participant's physical and psychological health. Both victims and offenders exhibited positive changes over the course of the program in relation to the pre-post Physical Health Checklist and to the pre-post Psychological Health Checklist. There was a significant positive difference between participants who experienced a victim-offender meeting and those who did not.

Victim and offender participants of the RO program have also provided feedback on their experience participating in the program to the RJ Division. Overall, participants show great satisfaction, finding strong support from the RO mediators and highlighting their level of professionalism, honesty, and dedication. Victims expressed their expectations being met and, in some cases, surpassed. Many offenders expressed an increased level of empathy toward the victim and appreciation for the compassion the mediators provided them.

In May 2013, a [Preliminary Analysis of the Impact of the Restorative Opportunities Program](#) was conducted by CSC's Research Branch. The preliminary examination indicated that the program shows promise in reducing recidivism. The trend suggested that after one year of release, offenders involved in a face-to-face had fewer returns to custody despite lower reintegration potential and motivation ratings.

Following the Preliminary Analysis the Research Branch conducted an [Analysis of the Impact of the Restorative Opportunities Program on Rates of Revocation](#). The findings from the study provide support for RO program participation, particularly when meetings were offered in the community. The results also suggested that taking part in RO while in the institutions may reduce revocation rates over time.