

CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



Restorative Opportunities Victim-Offender Mediation Services

2021-2022

Correctional Results for Face-to-Face Meetings

Background

The Correctional Service of Canada (CSC) began providing victim-offender mediation (VOM) in a limited capacity beginning in fiscal year (FY) 1991-1992. With its long-held belief in the benefits of the restorative justice (RJ) approach and its values/principles, CSC continued to expand its RJ footprint by establishing the Restorative Justice Division in 1996. In 2004, it launched the Restorative Opportunities (RO) program nationally.

The RO program provides people affected by a federal offence(s) the opportunity to communicate to address the harms caused by serious crime. RO 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 to safely reintegrate offenders into society by ensuring that offenders understand the human cost of their crime, are given the chance to address the harms, to take meaningful accountability for the harms caused, and repair some of the damage. For victims, it provides the opportunity to be heard, to ask questions, and have their needs met 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. In some cases, requests may not proceed if the other party is inaccessible, does not want to participate, or if either party's motivation is deemed inappropriate for the program. RO is dedicated to facilitating safe and constructive communication without causing further harm. To this end, preparation is key for all participants and delays may occur if further preparation is required. It is worth noting that not all participants want to meet face-to-face. There are other means to communicate that are made available depending on the participants' needs, which may include shuttle communication where the mediator relays messages and/or the use of letter/video exchanges.

Methodology

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

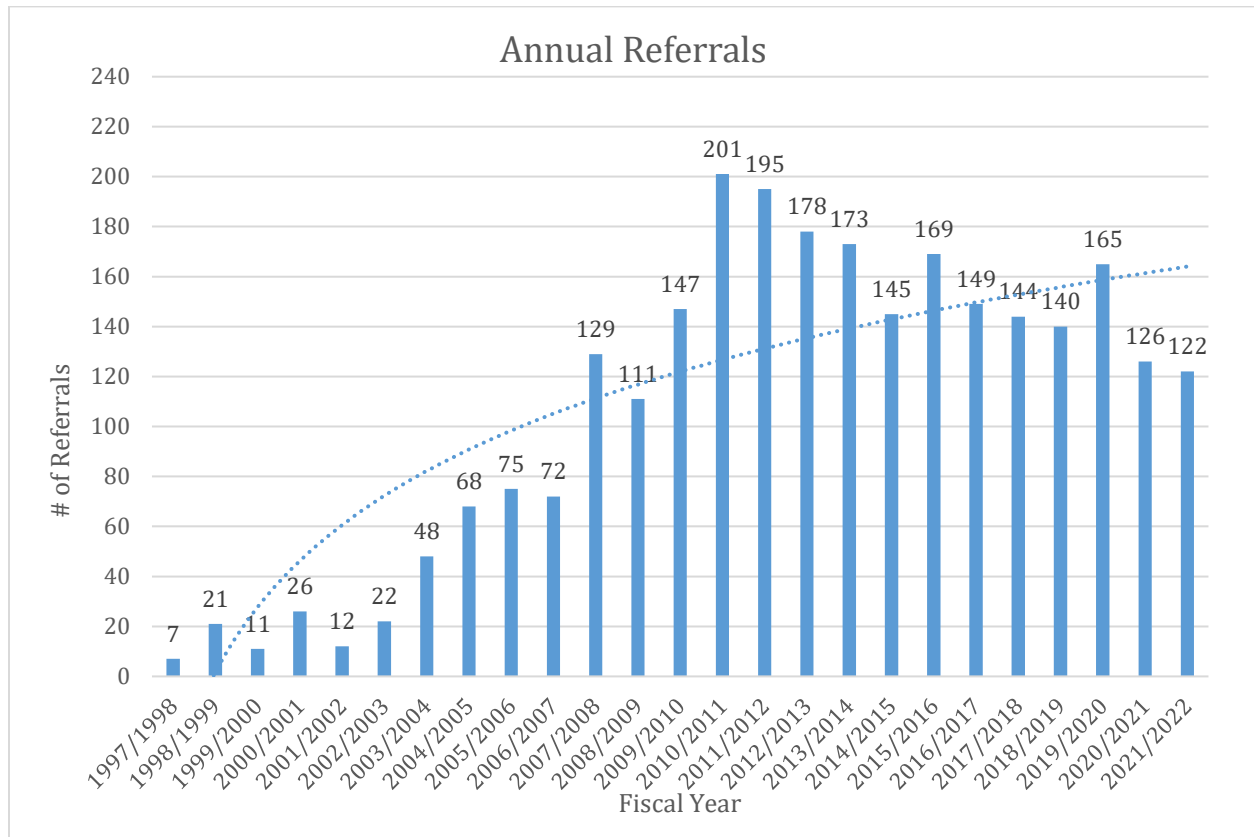
This report provides information about the requests for VOM services; the services delivered through the RO program; and the correctional results of 296 offenders who completed a face-to-face VOM meeting from 1992 to March 31, 2022. An analysis of the data provided, in correlation with data extracted 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 to 2022

While the RO program has received referrals from victims, victim representatives, and offenders since 1992, this graph only includes referrals received since January 1998 as program data collection for incoming referrals from 1992 to 1997 was not standardized and requests for VOM services were not recorded.



In the last five years, the average number of annual referrals has been 139. The total number of referrals received during the fiscal year 2010-2011 remains the largest number of referrals received since the beginning of the RO Program, likely due to the higher volume of outreach and presentations from 2007-2008 to 2010-2011. Years when CSC’s Restorative Justice Division was unable to deliver as many (or any) in-person presentations show the opposite. The 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.

The infection prevention and control measures during the COVID-19 pandemic continued to have an impact on new referrals and service delivery throughout 2021-2022. The number of institutional referrals was at its lowest level during the first, third and fourth quarter, which corresponds with the third (Gamma variant), fourth (Delta variant) and fifth waves (Omicron variant), respectively.

As in the previous fiscal year, victim referrals were not impacted as much and remained constant throughout 2021-2022. 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. Since the start of the pandemic, Victim Services Officers continue to deliver services without interruption, as services have always been delivered virtually (i.e. by telephone, mail and the on-line Victims Portal).

Referral origin 1992 to 2022

Victim-Initiated Referrals	959	33%
Institution-Initiated Referrals	1733	60%
Other / Unknown¹	191	7%
Total	2883	

Victim-initiated referrals consist of referrals received from victims registered to receive information from CSC, victim representatives, and non-registered victims. Institution-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.).

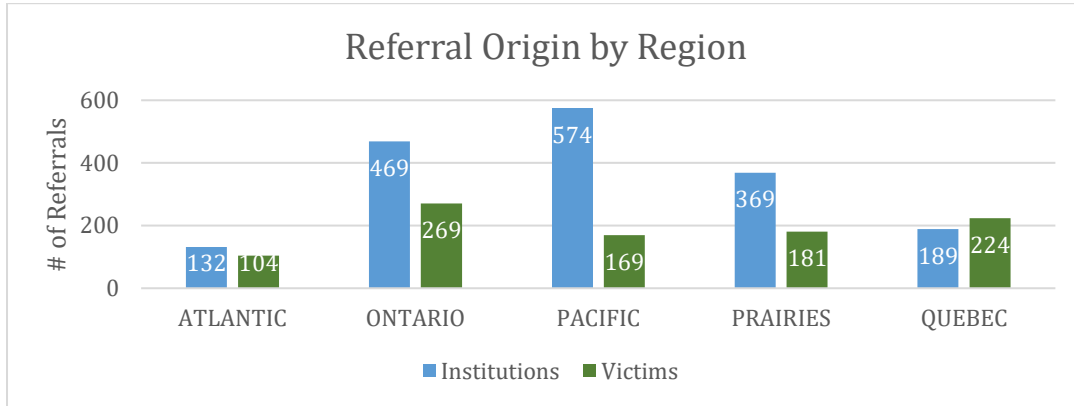
Parole Officers (POs) play a very important role in the program by referring offenders. If the victim initiates a request for mediation, the PO helps RO staff and mediators determine whether the offender would be suitable to participate and whether there are any concerns. They offer valuable insight into offenders' progress and level of motivation, as well as their likelihood of making themselves available for communication with the victim(s).

The number of institution-initiated referrals exceeds the number of victim-initiated referrals. The large difference is likely due to more exposure to the Restorative Opportunities (RO) program information in institutions through Parole Officers, Chaplains, and community-based restorative justice groups.

The RJ Division and CSC's Victim Services continue to share information about the program through outreach activities in support of victims' right to information about the services available to them by CSC and in order to increase the number of victim-initiated referrals.

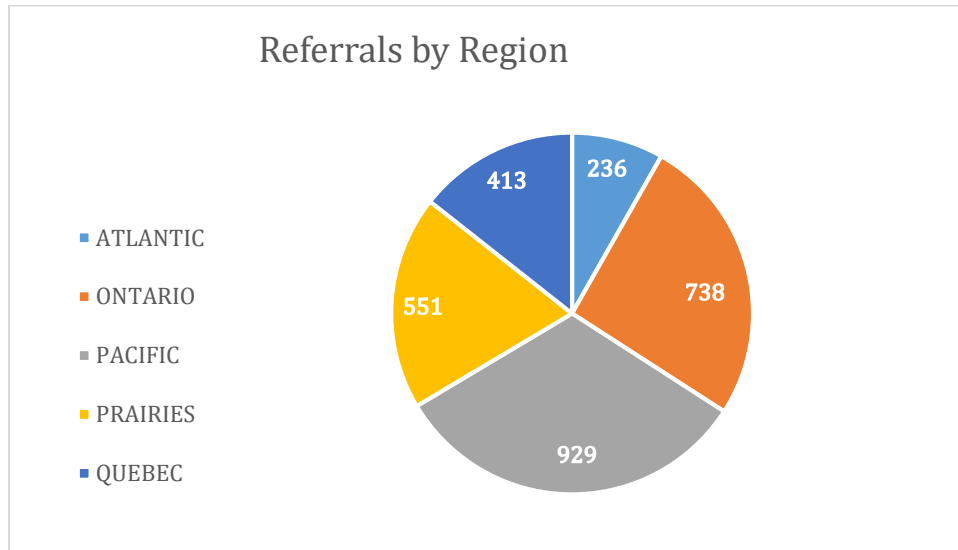
¹ The origin of referral was not recorded during the earlier years of the Victim-Offender Mediation Program (VOMP), which provides VOM services in the Pacific Region, where the program was piloted.

Referral origin by region 1992 to 2022



The Quebec Region is the only region to maintain higher victim-initiated referrals versus institution-initiated referrals. This difference is likely due to the different nature of the criminal justice system in Quebec as compared to other provinces and territories, which affords the Quebec Regional Victim Services Unit stronger connections to other victim-serving organizations and social services in the province. The Pacific Region has the highest ratio of institution-initiated referrals.

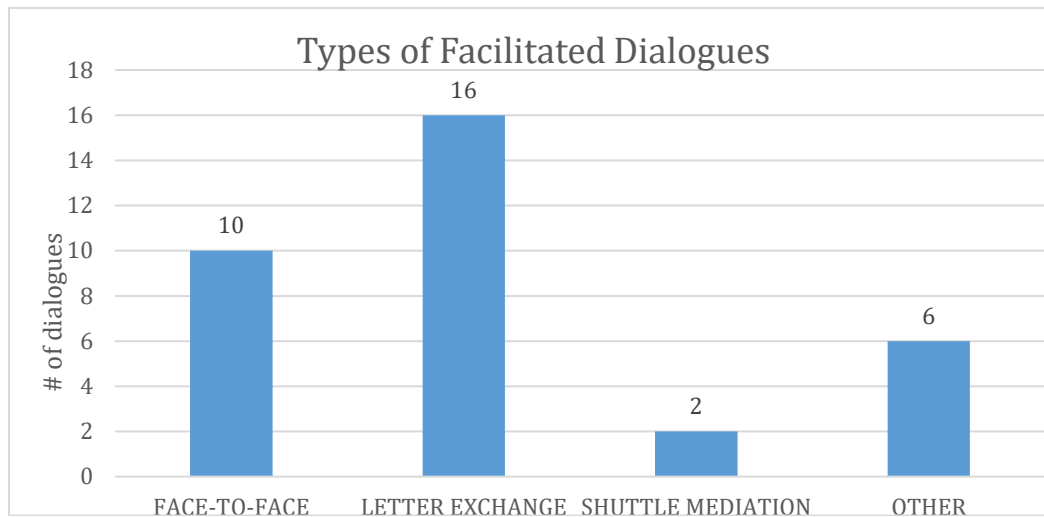
Regional snapshot 1992 to 2022



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 1991-1992, CSC funded Community Justice Initiatives (CJI) in Langley, British Columbia to pilot a victim-offender mediation program and, for the years that followed, CJI provided VOM services in the 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 2021-2022

Types of facilitated dialogues in fiscal year 2021-2022



The RO program provides VOM services that include a number of RJ processes or types of dialogues. For example, participants can meet face-to-face (includes 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”).

The types of dialogue used are guided by the needs of the participants. In one case study that was recently published on a victim-offender mediation, the process began with a letter. From the offender’s perspective, this letter was “full of brutal illuminations”². The victim had questions that the offender tried to answer as honestly and thoroughly as possible, acknowledging that he owed her a great deal more.

In FY 2021-2022, the types of dialogue consisted of face-to-face, letter exchange, shuttle mediation and other types. The other type of facilitated dialogues were completed using teleconference calls or videoconference.

It is worth noting that in FY 2021-2022, letter exchanges saw an increase of 220% compared to last FY. This increase could be due to the participants’ need to communicate without further delay during the second pandemic year.

In the last five years (2016-2021), the average number of each type of facilitated dialogue is:

- Face-to-face : 15
- Letter exchange : 23
- Shuttle mediation : 3
- Other : 3

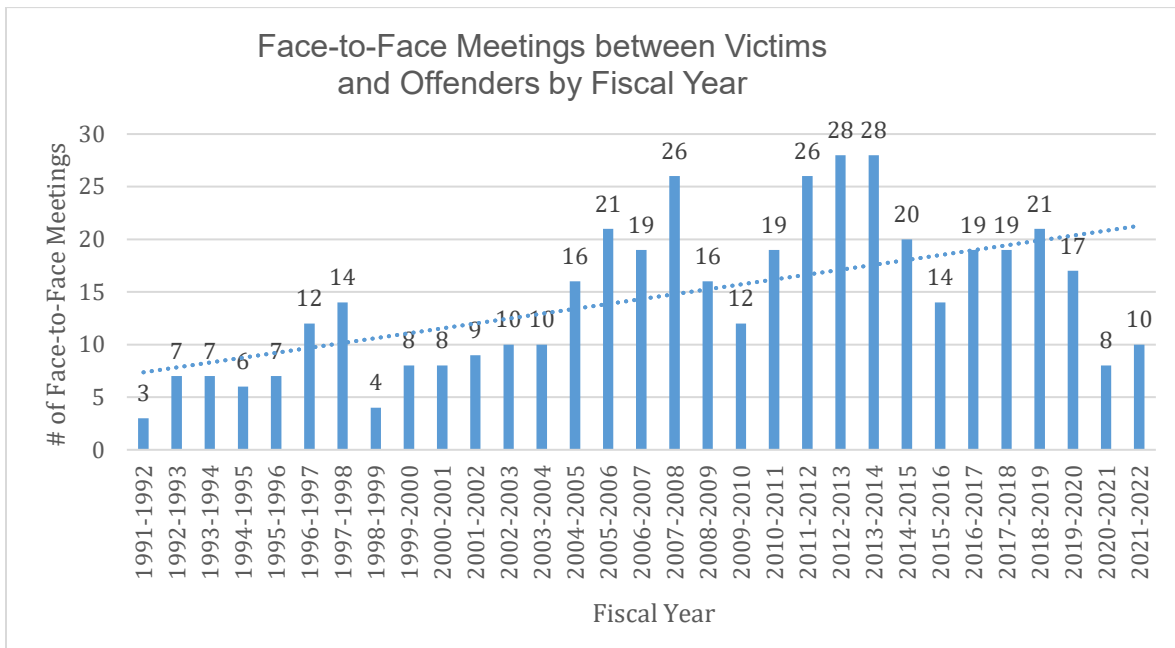
Based on this average, this particular year saw a 23% decrease in the total number of facilitated dialogues as compared to the number of dialogues completed in the last five years, which represents an improvement on the 74% decline in the previous year. The number of letter exchanges and face-to-face dialogues continued to be impacted by pandemic-related infection prevention and control measures.

² Petrellis T. Gustafson, D. L. (2021). Transforming lives: Demonstrating the power of victim-offender mediation for those who have experienced serious crime in Canada. Perspectives. The Journal of the American Probation and Parole Association, 45(2), 38.

FACE-TO-FACE DIALOGUES 1992 to 2022

Face-to-face meetings per year

Between 1992 and 2022, 296 offenders participated in 476 face-to-face dialogues.



A multitude of factors can cause the number of dialogues to fluctuate per year. Prior to 2004, the program was being provided by the 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 VOM services being provided nationally. Any other variances are likely due to varying number of referrals from year to year, readiness of participants, and other uncontrollable factors.

Compared to the previous FY, there was a 25% increase in the number of face-to-face meetings in 2021-2022. Videoconferencing was used in some cases, while in-person face-to-face dialogues were completed following infection prevention and control (IPC) measures (e.g. masks, physical 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 emphasize the importance of offering processes tailored to the participants’ specific and individual needs. The program operates on the principle that a one-size-fits-all approach and prescribed timelines can cause greater harm.

Participants’ needs may evolve throughout the process and some cases may 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 296 offender participants who have participated since 1992:

1 Meeting	2 Meetings	3 Meetings	4 Meetings	5 Meetings	6 + Meetings
205 (69%)	58 (20%)	15 (5%)	8 (3%)	4 (1%)	6 (2%)

OFFENDER PARTICIPANT SNAPSHOT

Age

At the time of their offence, the age of the 296 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.

Gender

Of the 296 offenders, 277 (94%) identify as male, 19 (6%) identify as female, and one participant (<1%) identifies as another gender.

These ratios are comparable to the general federally-sentenced offender population:

Federal Offender Status	Women	%	Men	%	Total
Incarcerated & on release	1416	6.1	21 682	93.9	23 098 ³

Religious affiliation

Out of the 296 offenders who have participated in face-to-face dialogues, 229 (77%) identified as practicing a religion or holding a spiritual belief. Of those 229, 13 offenders (6%) identified as practicing some form of Indigenous Spirituality. The remaining offenders did not identify practicing religion or indicated that they are Atheist.

Racial Identity

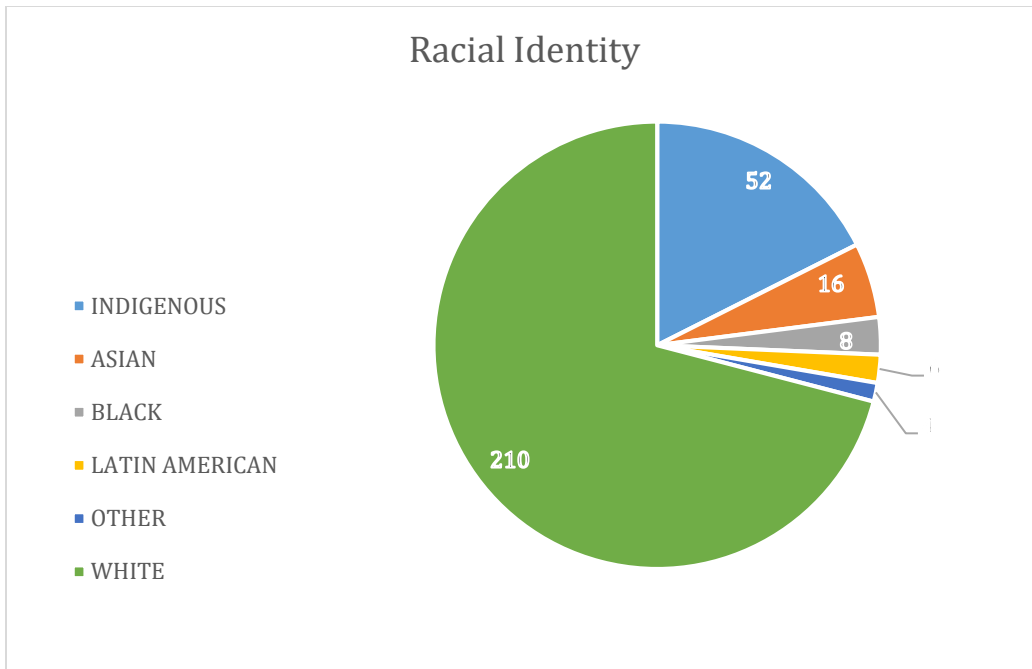
Out of the 296 offenders who have participated in face-to-face dialogues, the majority self-identified as Caucasian (n=210 or 71%), six percent (n=16 or 5%) self-identified as Asian⁴, three percent (n=8 or 3%) self-identified as Black, and two percent (n=6 or 2%) self-identified as Latin American.

Eighteen percent (n=52 or 18%) of participants self-identified as Indigenous. This represents a 1% increase over the previous year and a 2% increase over the last 5 years. While this is higher than the percentage of Indigenous Peoples who self-identified as an Indigenous person in Canada's 2021 Census of Population (5%), it is below the Indigenous representation in the total federally-sentenced and incarcerated offender population (26.1%)⁵.

³ Source: 2020 Corrections and Statistical Release Overview <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2020/index-en.aspx>

⁴ The term Asian includes East Asian, West Asian, South Asian, and Southeast Asian populations.

⁵ Source: 2020 Corrections and Statistical Release Overview <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2020/index-en.aspx>



Risk/Needs

Of the 296, for those assessed at the time of the intake (n=252), the majority of offender participants were rated as high risk to reoffend and moderate needs for intervention, such as programming.

Risk

- 51% high risk
- 37% moderate risk
- 12% low risk

Needs

- 39% high needs
- 46% moderate needs
- 15% low needs

INDEX OFFENCES

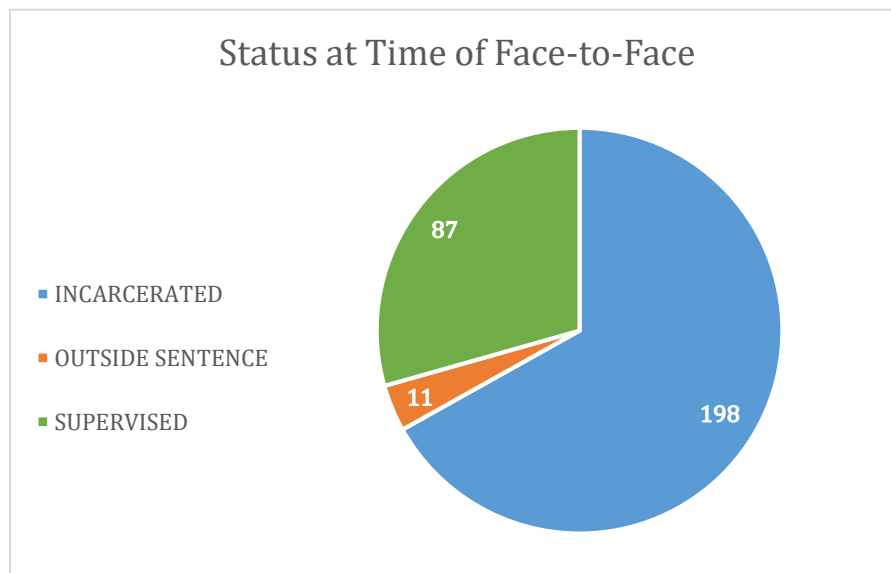
Offence Type

For the 296 offenders, the offences for which a VOM face-to-face meeting was sought include:

- murder, manslaughter or attempted murder (51%)
- sexual offences (26%)
- robberies or break and enter (6%)
- driving offences causing death or bodily harm (6%)
- assaults (4%)
- death by criminal negligence (3%)
- kidnapping and forcible confinement (1%)
- threat and criminal harassment (1%)
- other (2%)

CONDITIONAL RELEASE SUCCESS STATISTICS

Participant status at time of face-to-face



Current participant offender status

Of the 296 offenders, 46 are presently incarcerated; 228 have either reached warrant expiry or are on release; 3 are temporarily detained following a suspension of their conditional release; 14 are deceased; and 5 were deported.

Sentence Completed	Incarcerated	Supervised	Deceased	Deported	Suspended/ Temporary Detention
152 (51%)	46 (16%)	76 (27%)	14 (5%)	5 (2%)	3 (1%)

RE-OFFENDING FOLLOWING VOM FACE-TO-FACE

Recidivism

Of the 248 offenders who were either on release when they participated in a VOM face-to-face meeting or who were subsequently released:

- 98% 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

The 248 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 2021-2022⁶. 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 296 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):

- 269 offenders (91%) had not committed a new offence
- 27 offenders (9%) had committed a new offence

Types of offences that occurred post-VOM

Of the 27 offenders convicted of a new offence post-VOM, offences included:

- robbery as their major offence (n=6)
- sexual assault as their major offence (n=2)
- assault (n=2)
- criminal harassment (n=2)
- possession of substance for trafficking (n=2)
- possession of weapons contrary to prohibition order (n=2)
- dangerous operation of a motor vehicle (n=2)
- break and enter (n=1)
- under a provincial statute (n=1)
- breach of long-term supervision order (n=1)
- kidnapping (n=1)

⁶ Source: CRS-M 2022-12-09

- indecent act with intent to insult (n=1)
- accessing child pornography (n=1)
- fraudulently obtain transportation (n=1)
- traffic in schedule I/II substance (n=1)
- failure to comply with condition of under recognizance (n=1)

Nineteen (n=19 or 70%) of the new charges are for lesser offences than those for which mediation was sought.

QUALITATIVE FEEDBACK

While CSC regularly receives positive feedback from participants about the RO program, the organization does not systematically request information about the impact of the program due to the highly personal nature of the experience, which many victims and offenders do not want to share publicly, in order to respect the confidentiality of the process.

In 2021, CSC was invited to publish an article in the journal of the American Parole and Probation Association, *Perspectives*, where we presented a case study illustrating the impact of the victim-offender mediation process from the perspectives of the victim, offender, mediator, and the offender's Parole Officer. This case study allowed us to share these personal reflections that we often hear of anecdotally. Below are two quotes from the article, from the perspectives of the offender and victim, to illustrate the impact of the VOM process in their own words.

From the offender's perspective:

It was very difficult coming to terms with the extent of harm I was responsible for. It really was so much worse than it had ever occurred to me. That comprehension was also the most potent catalyst for change.⁷

There can be nothing as viscerally real and elucidating as the victim-offender mediation process; consequently, there can be no greater opportunity for true insight and healing.⁸

From the victim's perspective:

It was without a doubt, the most emotionally charged and powerfully healing day of my life. [...] I remember every detail of that day. For the first time, I saw a glimpse of Adam's full humanity and was given the gift of knowing that I had truly done what I needed to do and was where I was supposed to be. By the end of the day, as I walked out of the penitentiary, I felt lighter, like I was lifted off the ground. Heaviness, bitterness and hate had dropped away, leaving only freedom and a deep sense of peace.⁹

[...] I saw changes in Adam, a deepening of what I had seen at our previous meeting: humility, remorse, sincerity. His responses to my questions were thoughtful. He displayed genuine concern regarding the well-being of my family. Through our

⁷ Petrellis T. Gustafson, D. L. (2021). Transforming lives: Demonstrating the power of victim-offender mediation for those who have experienced serious crime in Canada. *Perspectives. The Journal of the American Probation and Parole Association*, 45(2), p. 38.

⁸ *Ibid*, p. 40.

⁹ *Ibid*, p. 39.

conversation he took full responsibility for his crimes and the actions that had harmed others. [...] He also spoke for the first time of his hopes and plans for the future.¹⁰

OBSERVATIONS AND CONCLUSION

Throughout the year, operational adjustments were required to avoid and reduce the risk of COVID-19 transmission, which resulted in significant disruptions through 2020-2021.

The use of videoconferencing remained an alternative way to ensure continuity of service delivery during times when CSC had to reduce their services. While there were some successes in its use given the circumstances, the program continued to face challenges with videoconferencing solutions, as identified in 2020-2021, which include:

- 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;
- lack of interest from victims in participating in videoconference meetings, preferring to wait for in-person service;
- 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;
- video proving difficult to clients over a 30-45 minute period when most meetings take multiple hours; and
- difficulty to assess body language over video meetings when exploring sincerity, readiness, and safety factors.

The program continued to find ways to work with participants to meet their needs as best as it could, while considering the operational adjustments that were required to reduce COVID-19 transmission risk in CSC's sites. Digital service delivery continued to offer advantages and will continue to be offered and used as an option for those who do not want to meet in person, and to address other logistical challenges. However, the RO program and mediators will only offer virtual VOM services if they are accessible to participants without placing a financial burden on them.

For 2021-2022, the RO program has seen a decrease of new referrals for the second year in a row, 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 except for the number of letter exchanges that is comparable to pre-pandemic FY 2019-2020. Both of these decreases can be attributed to the COVID-19 pandemic.

It is expected that in 2022-2023 there will be continued impact on the RO program correctional results if the pandemic continues, but likely much less significant than previous years as restrictions lessen.

¹⁰ Ibid. p. 39-40.

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, Ruge (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.