Saskatchewan Police Officers’ Perceptions of Justice Paradigms: 
Their Impact on Discretionary Decision-Making with Youth

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By
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UNIVERSITY OF REGINA

FACULTY OF GRADUATE STUDIES AND RESEARCH

SUPERVISORY AND EXAMINING COMMITTEE

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Abstract

Extrajudicial measures and sanctions (EJS) provide an example of how restorative justice has become a component of the criminal justice system through legislation such as the *Youth Criminal Justice Act (YCJA)*. This thesis investigates Saskatchewan police officers’ perceptions of various justice paradigms – restorative, retributive, restitutive, and rehabilitative. It examines how officer perceptions, in combination with other characteristics, affect the use of officer discretion with youthful offenders.

Findings from ordinary least-squares (OLS) regression indicated no statistically significant effect of the analyzed independent variables on restitutive and restorative justice paradigmatic perceptions. Officers’ perceptions of retributive justice were affected by their years of service, training on alternative measures (AM) guidelines, and the type of service with which they were employed. The greater the years of service, receiving training, and employment with the RCMP resulted in lower support for retributive approaches to justice. Perceptions of rehabilitative justice were higher for officers with more years of service and who had received AM guidelines training. Findings from logistic regression analyses suggest officers who: have more years in police work, received training on AM guidelines, work for the RCMP, are female, and agree less with the retributive paradigm of justice are less likely to charge and more likely to refer youth to restorative justice interventions. Training appears to have the broadest effect, and thus review and expansion of training may be beneficial to increasing the use of EJS through the *YCJA*.
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A heartfelt thank-you to my supervisor, Dr. Nick Jones, for providing feedback, having patience, and instilling part of his vast knowledge in me. Throughout this process, he offered support and pushed me when I needed it. He ushered me into the academic world by offering the opportunity to co-present at the Academy of Criminal Justice Sciences (ACJS) conference in Dallas, Texas. It was there that I had the opportunity to meet many wonderful people in my field.

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Dedication

My sincere thank you to my family and friends.

To my Master’s friends - I can’t imagine what this journey would have been like without you; thanks for being there with me on common ground when no one else really knew what we were talking about.

Kylie, Ashley, Jess-Ann, and Kyla – thanks for listening to me drone on about statistics, RJ, and police with patience and genuine friendship.

Last, but certainly not least, thank you to my family. To my parents, Kathy and Brian, and my brother, Kelly – Thank you for believing in me, especially when I didn’t believe in myself and for supporting me in everything I do. Without your love and support I’d be nowhere. I am eternally grateful.
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<td>AM</td>
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<td>CBO</td>
<td>Community Based Organization</td>
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<td>YOA</td>
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Chapter 1: Introduction

Saskatchewan Police Officers and Justice

Restorative justice has become an undeniable reality within Canada’s youth justice system (Llewellyn & Howse, 1999, p. 1; Winterdyk & Jones, 2012, p. 232). As has been the case in other countries, such as New Zealand, young offenders are the typical focal group for restorative applications (Walgrave, 2008, p. 630). Restorative justice has great potential, when used, to address crime in a way that is beneficial for victims, offenders, and communities (Kuo, Longmire & Cuvelier, 2010, p. 326; Umbreit & Coates, 1993, p. 574). A variety of restorative justice interventions that provide justice professionals with options for justice are embedded within the Youth Criminal Justice Act (YCJA). The use of these restorative elements, such as extrajudicial measures and sanctions (EJS) is largely dependent on police discretion. This thesis was designed to discern the degree of support for restorative justice practices within the framework of the YCJA among Saskatchewan police officers in order to understand that use of discretion.

Saskatchewan is a western Canadian prairie province with an area of 651,036 square kilometers (Government of Saskatchewan, 2012a) and a population of 1,033,381 (Statistics Canada, 2012a), for a population density of approximately 1.7 people per square kilometer (Anderson, 2006). There are 15 cities with a combined population of 588,823 inhabitants (Saskatchewan Bureau of Statistics, 2012). The rural areas, comprised of numerous towns, villages, rural municipalities, First Nations, and hamlets account for the remainder of the population (Saskatchewan Bureau of Statistics, 2012).

According to the Saskatchewan Bureau of Statistics (2008b), Saskatchewan is comprised of several ethnic groups including people of German, English, Scottish,
Canadian, Irish, Ukrainian, and French ancestry. Aboriginal people make up 14.88% of the total population in Saskatchewan – a proportion that is second only to our eastern neighbour, Manitoba, where the Aboriginal population is 15.47% (Saskatchewan Bureau of Statistics, 2008a). The majority of the general population (65%) are between the ages of 15 and 64, while 20% are ages 0 – 14 and 15% are 65 and older (Saskatchewan Bureau of Statistics, 2011). Of importance to this research is the 5.41% increase in young people (ages 0 – 14) from 2001 to 2005 (Saskatchewan Bureau of Statistics, 2011). This was the highest increase in a single province countrywide. For the purpose of this study, and as set out in the *Youth Criminal Justice Act* (2003), young offenders are individuals between the ages of 12 and 17 who have committed a criminal offence (p. 1937). It is important to understand the available options for dealing with youthful offenders to ensure this growing youth segment evolves into a healthy adult population.

Saskatchewan is policed by two complimentary bodies - municipal police services and the “F” Division of the Royal Canadian Mounted Police (RCMP) which together employ approximately 2,300 police officers (1,100 and 1,200 respectively). According to the RCMP (2008b), they are a federally appointed police authority that may act within national, provincial, First Nation, and municipal policing capacities. Saskatchewan “F” Division is comprised of 82 detachments covering 121 communities and additional First Nations (RCMP 2008a). According to the Government of Saskatchewan (2012c), municipal police services are established in communities that choose to develop such services. There are 12 municipal police services including one First Nations self-administered police service (See Appendix A for a full listing of municipal and RCMP police services; Government of Saskatchewan, 2012b).
According to Llewellyn and Howse (1999), justice implies that a wrong has occurred and something has to be done in order for it to be made right again (p. 19). There are five readily identifiable paradigms of justice: restitution, corrective, rehabilitative, retributive, and restorative (p. 21). Restitution can easily be mistaken for restorative justice as it involves correcting the material wrong done to the victim (Zehr, 2002, p. 15). Restitution is often an outcome of restorative processes, but it is only one aspect of a truly restorative approach (Eglash, 1975, p. 95). Restorative justice seeks not to set the situation back to the pre-offence state, but to make the situation better than it was before (Eglash, 1975, p. 95; Zehr, 2005, p. 190). Restitution is further differentiated from restorative justice in that there is an implicit focus on the victim, rather than on all main stakeholders and the overall harm experienced (Llewellyn & Howse, 1999, p. 24).

Corrective justice aims to reclaim equality in the standing between the victim and the offender (Llewellyn & Howse, 1999, p. 31). A challenge remains in that attempting to repair the harm to the victim by making the offender worse off still does not achieve social equality (Llewellyn & Howse, 1999, p. 31). Rehabilitative justice assumes there is something inherently wrong with the offender (Jones & Patenaude, 2011, p. 258). As such, rehabilitation is offender-focused as it attempts to individually treat offenders to correct the causes of criminal behaviour (Goff, 2008, p. 74). Although treatment for the offender is often a part of a restorative process, it is only one part of the overall outcome.

Retributive justice is actually closest to restorative justice in terms of the mutual goal of social equality (Llewellyn & Howse, 1999, p. 39; Zehr, 2002, p. 22). There is nevertheless a departure from restorative justice in how this goal is achieved. Retribution utilizes the long valued practice of punishment to achieve social equality – by ensuring
the offender gets what he or she deserves (Zehr, 2005, p. 181). Under a retributive model of justice, the state represents the victim and society, further emphasizing the difference in practice from restorative justice, as there is no attempt made to involve those who hold a stake in the offence personally (Christie, 1977, p. 3). Retributive justice maintains the same goal; however, the focus is on what happened and laying blame, rather than on what can be done to fix the damaged relationship (Llewellyn & Howse, 1999, p. 36).

**Restorative Justice**

Restorative justice, then, is concerned with restoring social equality in terms of the relationships harmed and the dignity lost after an offence occurred (Llewellyn & Howse, 1999, p. 39; Zehr, 2005, p. 181). Conceptualizing the definition of crime through this lens implies the need to address the means and outcomes of justice differently (Zehr, 2002, p. 21). Restorative justice encourages victims and communities to participate; coming together with the offender to own the conflict (Christie, 1977, p. 5) and address the needs that have resulted from the harm the offence has caused (McCold, 2007).

The first formal restorative processes in Canada, known as victim offender reconciliation, were developed in Kitchener, Ontario during the 1970s (Walgrave, 2008, p. 629). Many restorative practices have been developed and take place across the country; including the victim offender reconciliation program (VORP), now known as victim offender mediation (VOM; Umbreit, Coates & Vos, 2008, p. 53). Canada adopted family group conferencing modeled on programs used in Australia and New Zealand, with the RCMP in British Columbia initiating the approach (Deukmedjian, 2008, p. 123). Canadian Judge Barry Stuart introduced sentencing circles in Yukon communities in response to particular failures of the traditional court process (Bazemore & Umbreit,
This thesis research seeks to understand if Saskatchewan police officers support the restorative principles embedded within youth justice legislation, and how these perceptions impact police practices in the province.

**The Youth Criminal Justice Act (YCJA)**

The first Canadian youth justice legislation was the *Juvenile Delinquents Act (JDA)* of 1908. Youth who acted delinquent were considered victims of neglect and therefore not to be held responsible for their actions through traditional punishment (Winterdyk & Jones, 2012, p. 226). In response, the state stepped in as a parental figure to provide education, support, and rehabilitation to these youth (Goff, 2008, p. 368; Winterdyk & Jones, 2012, p. 226). The *JDA* was replaced by the *Young Offenders Act (YOA)* of 1984, which addressed the *JDA*’s lack of due process protections for youth and introduced alternative ways to respond to youth crime in order to protect young peoples’ vulnerabilities (Goff, 2008, p. 370).

In 2003, the *YCJA* replaced the *YOA* due to public demand for a more effective response to what appeared to be an increasingly violent and out of control youth population (Winterdyk & Jones, 2012, p. 228). The *YCJA* is federal legislation; nevertheless, each province or territory has the power to determine the implementation of the legislation, including extrajudicial measures and sanctions. In Saskatchewan, as in every other province and territory, these restorative components of the *YCJA* are interpreted and utilized based on pre-existing services (Saskatchewan Justice, 2003, p. 2).

According to the Government of Saskatchewan (2009), the province has been administering extrajudicial sanctions (previously referred to as youth alternative
measures) since 1983 (p. 1). As interpreted by the Government of Saskatchewan (2011),
the purpose of extrajudicial sanctions is to offer an alternative approach to traditional
court processes (p. 1). Such alternatives provide youthful offenders with the chance to
repair the harms caused by their criminal behaviours and experience a greater degree of
accountability, all in a timely manner, while aiming to correct offending behaviour. As is
explicitly stated in this policy, EJS programs are rooted in restorative justice principles.

According to the Government of Saskatchewan (2011), referrals can be made
prior to a charge being laid (also known as pre-charge; p. 1). Police officers can make
pre-charge referrals with the Crown prosecutor’s approval. Crown Prosecutors decide on
referrals made once a charge is already laid (otherwise known as post-charge). There are
eligibility criteria that must be considered when making these referrals. According to the
Government of Saskatchewan (2009), 90% of police officers are familiar with these
guidelines, however, only 38% claim to have received training (p. 7). Authors of the
report argue that the lack of training and education raises questions such as: (a) where
officers are learning of restorative principles as articulated in the YCJA, (b) if this
information is accurate, and thus (c) if the guidelines are completely understood. The
guidelines put in place in the YCJA to decrease youth incarceration are only useful if
those with the capacity to make referrals are doing so.

Despite the goal of the YCJA to ensure public safety and reduce youth
incarceration through accountability, prevention, rehabilitation, and reintegration
(declaration of principle, YCJA), and despite the fact that the use of youth custody has
dropped (Reitano, 2004; Munch, 2012, p. 19), Saskatchewan still maintains a higher rate

---

1 The average count (per 10,000 youth) in 1993/4 was 317, the average count in 2001/2 was 335 (per
10,000 youth) and this number decreased to 182 (per 10,000 youth) in 2010/11 (Reitano, 2004; Munch,
of youth incarceration than many other provinces and territories (Brennan, 2012, p. 14).

A high rate of youth incarceration may be a result of Saskatchewan having one of the highest youth crime severity rates in Canada (See table 1.1 for a comparison of Canadian and Saskatchewan data; Statistics Canada, 2012b). A decrease in referral rates of extrajudicial sanctions may be a contributing factor for this variance (Government of Saskatchewan, 2009, p. 3). This, in combination with restorative justice’s link to Aboriginal cultures and the over-representation of Aboriginal youth in Saskatchewan’s justice system, speaks to the importance of this project.

Table 1.1 adapted from: Statistics Canada, CANSIM table 252-0052 Youth severity crime index, by province and territory, 1998 to 2010

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<tr>
<td>Canada</td>
<td>110.2</td>
<td>99.3</td>
<td>103.5</td>
<td>106.0</td>
<td>101.1</td>
<td>106.0</td>
<td>100.8</td>
<td>97.3</td>
<td>100.0</td>
<td>101.6</td>
<td>96.2</td>
<td>96.6</td>
<td>90.5</td>
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<tr>
<td>Sask.</td>
<td>215.1</td>
<td>192.8</td>
<td>232.3</td>
<td>257.6</td>
<td>230.9</td>
<td>276.9</td>
<td>263.6</td>
<td>264.0</td>
<td>265.6</td>
<td>300.7</td>
<td>260.0</td>
<td>246.3</td>
<td>235.2</td>
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The YCJA provides justice officials, such as police officers, with guidelines for dealing with young offenders that include restorative options. The role police play in referring offenders to restorative processes, attending restorative interventions, and as figures of authority and morality each deserve attention.

The Role of Police in Restorative Processes

Police are the frontline representatives of the law and have various degrees of discretionary power. There are many options available to police officers in how to

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2 In 2005/2006, Aboriginal youth accounted for 31% of youth in sentenced custody and 23% of youth in remand, yet only represented 6% of all Canadian youth (Milligan, 2008, p. 1). In 2012 in Saskatchewan, 73% of all youth in custody were First Nations or Metis (R. Gallivan, personal communication, 7 May 2013; F. Ozmun, personal communication, 8 May 2013). Although the rate of Aboriginal youth in custody has declined in recent years, they still account for a vast majority of those incarcerated Saskatchewan youth.
address youth crime. According to Saskatchewan Justice (2003), the discretionary options for police officers include warning, cautioning, charging, dropping charges, and referrals to other justice agencies. Herein lies the importance of the police in relation to restorative justice; police have the power to refer offenders to a restorative intervention as an alternative to the traditional court processes (Government of Saskatchewan, 2011, p. 1; Tomporowski, 2004, p. 61; Winfree, 2004, p. 197). Therefore, it is vital that police officers understand what restorative justice is and what means they have to employ it.

Once officers make a referral to an extrajudicial sanction, they may play a role in these restorative practices. Police may be present at restorative interventions, in the role of referring agent (Tomporowski, 2004, p. 64). Their position of power as the ‘provider of facts’ means they may have a substantial impact on the processes and outcomes. If police officers have a strong opinion about restorative justice, they may influence others. As a result, officers have the potential to influence community perceptions and influence individual outcomes.

Police may be present at restorative events as representatives of the community. As a standard of social values and morality, officers may represent what we think is a ‘just’ and peaceful society. A belief in retributive philosophies may encourage the community to embrace this ideology as well. Conversely, a belief in a restorative system of justice may mean the community has the potential to adopt more informal, restorative justice-based approaches to conflict. This includes the ability of the community to informally police itself, define and enforce its own social values, and provide greater social and community cohesion (Bazemore & Griffiths, 2003, p. 335).
Police officers in Saskatchewan have some working knowledge of restorative justice; however, the officers still value retributive principles of justice such as punishment and segregation over those of restorative justice such as problem solving, reintegration, and reparation (Government of Saskatchewan, 2009, p. 7). Internal policy pressures may exist within police services to please the public. For example, public confidence in the YCJA in 2007 was only 33%, whereas this number increased to 40% in 2008 (Latimer & Desjardins, 2008, p. 19). A lack of confidence in the YCJA is due to the belief that youth courts do not hand down appropriate sentences and the perceived inability of the justice system to rehabilitate young offenders (Latimer & Desjardins, 2008, p. 19). Doob (2000) stated that the public is typically more satisfied with the criminal justice system when offenders spend time in prison because the offender is receiving some sort of punishment (as opposed to fines for example, which may not be paid; p. 335). Other research, however, found that denunciation, deterrence, rehabilitation, and compensation (all possible outcomes through a restorative process) were more desirable when dealing with youth than incarceration (Doob, 2000, p. 329).

Police attitudes may be retributive due to time and job restraints, but it may also be logical in that arresting someone is quicker and easier than brokering the conflict (Meyer, Paul & Grant, 2009, p. 334). Furthermore, there appears to be a lack of communication between police officers and extrajudicial sanction service providers, providing another reason restorative processes may not be given foremost consideration (Tomporowski, 2004, p. 68). This research broadly explores police officer perceptions in Saskatchewan to better understand how restorative justice is being used based on the degree of officer support for restorative justice principles. The Premier of Saskatchewan,
Brad Wall (2011), has acknowledged that we cannot arrest our way out of the social problem of crime; instead, we need innovative solutions that incorporate intervention and prevention. Extrajudicial sanctions along with other restorative aspects of the YCJA may be a part of those innovative solutions; however, according to EJS service providers, police referrals to EJS services have declined in some Saskatchewan communities (personal communication, May 24, 2012). This research is intended to inform our understanding of how police officers perceive restorative justice.

**Research Questions**

This research has been designed to address the following primary research question:

To what degree do Saskatchewan police officers support principles of restorative justice with young offenders?

Several specific questions have been included to answer the primary research question:

- To what degree do Saskatchewan police officers support retributive and restorative justice principles?
- What are Saskatchewan police officers’ perceptions of extrajudicial measures and extrajudicial sanctions?
- Are Saskatchewan police officers using their discretion in a restorative or retributive manner when dealing with young offenders?
- How is their discretion influenced by their perceptions of justice paradigms?

**Purpose and Significance**

Restorative justice is part of the Canadian criminal justice system and, despite differences (Christie, 1977, p. 3; Llewellyn & Howse, 1999, p. 36; Zehr, 2005, p. 181),
shares the same goal of social equality with retributive justice (Llewellyn & Howse, 1999, p. 39; Zehr, 2002, p. 22). As the youth population in Saskatchewan grows (Saskatchewan Bureau of Statistics, 2011), it is reasonable to expect restorative justice practices to become an essential part of youth justice practice in this province. Addressing young offenders in such a way that ensures these youth will evolve into healthy adults represents a critical step towards ensuring a sustainable future. Additionally, some form of culturally-relevant restorative practice may assist in addressing the overrepresentation of Aboriginal youth in the justice system (Milligan, 2008, p. 1). Although not all restorative justice processes are rooted in Aboriginal traditions, processes such as sentencing and healing circles can be traced back to Aboriginal cultures (Dickson-Gilmore & La Prairie, 2007, p. 134).

Restorative justice can be realized, at least in part, through the YCJA and with the help of police officer referrals (Government of Saskatchewan, 2011, p. 1). Despite the presence of referral guidelines within the YCJA, research has shown that there is not necessarily an accurate understanding of these guidelines due to a lack of training and education (Government of Saskatchewan, 2009, p. 7). Roughly half (48%) of Saskatchewan police officers surveyed claim to see youth cases go to court which should actually be referred to a restorative justice process (p. 25). This research responds to a gap in our knowledge by investigating the extent to which Saskatchewan police value restorative principles. If there is a reasonable degree of support for this approach, there is reason to believe that there will also be a willingness to learn more about restorative justice and the guidelines set out within the YCJA. Given that the conservative Premier of Saskatchewan claims we need new solutions to crime (Wall, 2011), perhaps it might
be fruitful to consider another paradigm of justice with similar goals to what we are already trying to achieve using retributive justice. Allowing these two paradigms of justice to function together may enhance the realization of just and fair outcomes for youth.

**Thesis Organization**

The introductory chapter described the research questions and goals of the research. The results of the research inform our understanding of the policing environment in Saskatchewan. The province has a high youth incarceration rate despite legislation that suggests, to the contrary, that youth should be rehabilitated and reintegrated in response to their vulnerabilities. The restorative aspects of the YCJA have the potential to be effective in dealing with youth, but first the frontline law enforcers have to understand those benefits in order to act as effective referring agents.

Chapter two describes the evolution of the justice models and restorative justice as a paradigm. Reintegrative shaming and responsive regulation, two theories of restorative justice, are described to explain the relationship between restorative justice and the YCJA. The evolution of youth justice legislation is also highlighted. This provides an introduction to discussions of policing models and finally an overview of restorative policing.

Chapter three describes the methodological approach used in the study. This thesis employed a quantitative analysis of a survey to develop an understanding of Saskatchewan officers’ support for restorative justice and the possible relationships between these perceptions and policing practice. The chapter describes the online survey instrument, data management and analysis, ethical concerns, and limitations.
The fourth chapter provides an in depth description of the findings from the data analyses. Chapter five provides a summary and discussion of these findings, along with an integration of the results into the existing restorative justice literature. It addresses the primary and secondary research questions by contrasting previous and current research findings within this study. Chapter five also summarizes each major research finding. Thereafter, the conclusions, suggestions for future research, and implications for practice and policy are presented.
Chapter 2: Literature Review

This chapter presents a review of research related to the fundamental underpinnings of restorative justice, starting with an overview of various paradigms of justice before addressing restorative justice as a central feature of this research. A definition and description of restorative justice provides the foundation upon which the theories of reintegrative shaming and responsive regulation are embedded within current Canadian youth justice legislation. The *Youth Criminal Justice Act (YCJA)* is described at length, detailing how police can exercise their discretionary options in a restorative manner. Police discretion is defined, followed by a brief overview of findings from previous research surrounding discretion. Finally, policing models are described, along with implications for restorative policing.

Justice

As Zehr (2005) pointed out, a popular assumption is that ‘justice’ in pre-modern societies was barbaric, private, and fuelled by vengeance (p. 98). Violent retribution was not absent and crime was often treated as an interpersonal conflict; however, crime was most often addressed by determining the harm that was caused and the obligations that resulted from that harm. In a time where all people played an important role in the functioning of the community, crimes were addressed by involving all of the people involved including the offender, victim, and community. Bazemore (1998) contended that although punishment still occurred in various forms such as exile and violence, the outcomes were often restitution and reconciliation (p. 772). Prominent community leaders informally guided many of these outcomes, addressing the issue itself without being bound by strict rules and guidelines (Zehr, 2005, p. 100). This approach, referred to as community justice, was private simply in the sense that it was not monitored or
administered by the state (Zehr, 2005, p. 100). As such, this system of justice often lacked the protection of the rights of those involved in conflict (Zehr, 2005, p. 100).

When community justice could not resolve the conflict, there were other ways of dealing with crime. Retribution and courts were used when those involved in a conflict could not reach an agreement (Zehr, 2005, p. 101). Vengeance often led to “blood feuding.” Where people once took revenge into their own hands, the families of both victim and offender also became involved in ongoing retaliation (Brown & Esbensen, 1988, p. 219). During the Middle Ages, crime came to be conceptualized as a supernatural phenomenon based on the religious dogma of the day (Cullen & Agnew, 2011, p. 21). Those who committed crimes were considered to be evil or possessed (Cullen & Agnew, 2011). As the feudal system evolved, those with more power supported the new moral view of crime in order to regain the stability lost as a result of these blood feuds (Bazemore, 1998, p. 773; Brown & Esbensen, 1988, p. 220).

Punishment in this era was physical, such as burning, in order to purge the evil (Cullen & Agnew, 2011, p. 21). Cullen and Agnew (2011) noted that the Church came to stand as the victim in the name of God and the Holy Inquisition established torture as the primary way of dealing with crime.

According to Brown and Esbensen (1988), the feudal system evolved into common law in English speaking nations. Furthermore, the state took on the role of the victim and the use of physical punishment peaked during this time with the widespread use of hanging, whipping, branding, stretching, beheading, stoning, and quartering. The Age of Enlightenment brought with it a rejection of such barbaric punishments. During this era, crime was once again re-conceptualized (Cullen & Agnew, 2011, p. 21). Crime
came to be seen as the actions of the reasonable person wanting to minimize pain and maximize pleasure (Brown & Esbensen, 1988, p. 223). It was argued that deterrence was the most effective manner to respond to criminal offenders (Beccaria, 1775/2011, p. 27). Setting punishments that were proportionate (severe enough to outweigh the benefit of committing crime), swift, and certain would prevent man – the rational actor – from committing crime (Beccaria, 1775/2011, p. 27).

During this era several criminological theories based in science and philosophy were developed. Relevant to this thesis project is the shift from punishing the body to punishing the mind. The late 18th Century brought with it the introduction of prisons. These prisons were structured by rules that removed power from offenders, segregated the individual from society, and punished the social self (Ritzer, 2008, p. 487). According to Foucault, punishment did not cease; it simply morphed into a new form (Ritzer, 2008, p. 487). It seems that the goal of modern punishment is to reduce the offender with regard to their rights and dignity through punishment while attempting to provide justice to the victim.

**Modern Forms of Justice**

According to Llewellyn and Howse (1999), there are several forms of modern justice that tend to have overlapping principles (p. 30). Justice signifies that a conflict has upset the social order between victim and offender and therefore demands action to address the wrong. Corrective justice strives to rectify a wrong by restoring the diminished rights of the victim after a conflict. The corrective approach is based primarily on the idea of transferring rights from the offender to the victim in order to correct the situation. Just as restitution only restores the material loss suffered by a
victim, the goal of corrective justice is only to restore the loss of rights. Attempting to make the victim better off by making the offender worse off (essentially through punishing the offender) does not address all of the harms that can result because of crime. Simply returning what was stolen to the victim for example, does not address the full range of harms that were experienced by the victim. Alternatively, removing the freedom of the offender to validate the rights of the victim does not address the full range of harms caused by a crime. Instead, corrective justice tends to reduce the offender in terms of their rights while leaving the victim in the same position. Equality is not achieved.

Corrective and restorative justices are similar as both recognize the need to address victim rights; however, restorative justice recognizes the need to repair the harm to both victim and offender.

Justice as restitution is similar to corrective justice in that an attempt is made to validate the victim’s experience by transferring something from the offender to the victim – only in the case of restitution, that which is being transferred is the material aspect of the crime (Llewellyn & Howse, 1999, p. 22). Restitution is different from fines, as fines are monies paid to the government instead of the victim (Goff, 2008, p. 257). Justice as restitution is comparable to restorative justice in that restitution involves the victim in the process by having the offender compensate the actual victim for their losses (Goff, 2008). However, restorative justice does not limit its focus to the victim, but aims to address the needs of all primary stakeholders – victims, offenders, and communities (Llewellyn & Howse, 1999, p. 23). Oftentimes, restitution payable to the victim is an outcome of a restorative process; nonetheless, restitution is not restorative in and of itself. For

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3 Zehr (2002) discussed the harm that committing an offence against another person causes to the offender in terms of dignity, sense of belonging, and self-respect.
example, financial compensation cannot account for the emotional and psychological harms experienced by the victim (Llewellyn & Howse, 1999, p. 24). Restitution is based on the notion that something has been lost and must be restored to its original state (Llewellyn & Howse, 1999, p. 23). Rather than returning the situation to the status quo ante, restorative justice aims to create a better post-conflict situation for all those affected by the conflict (Eglash, 1975, p. 95).

Whereas restitution centers on the victim, the focus of rehabilitative justice is the offender. The rehabilitative model of justice presumes people commit crime because of an individual defect (Jones & Patenaude, 2011, p. 258). The model allows for the possibility that punishment is ineffective because the individual defect is beyond the control of the criminal (Goff, 2008, p. 74). Rather, individualized treatment is used to correct offenders’ behaviour and prevent future reoffending (Goff, 2008, p. 74). Rehabilitative justice aligns itself with restorative justice, as part of a restorative outcome is often some form of treatment for the offender to respond to their risks and unmet needs. However, as with restitution, there is too much focus on only one party in the conflict. Restorative justice aims to take into equal account the needs of victims and offenders as well as communities. Underlying restorative justice are the concepts of human rights and equality (Morris, 2002, p. 598), making it necessary to address the harms experienced by everyone.

As Llewellyn and Howse (1999, p.31; see also Zehr, 2002, p. 13) explain, retributive and restorative justice share the goal of social equality, but utilize different means in achieving that goal. The means used in retributive justice to attain social equality is punishment – taking away the freedom of the offender and segregating them
from society (Zehr, 2002, p. 58). If reconceptualized, punishment may yet have a place in restorative justice (See for example, Lokanan, 2009).

**Restorative Justice**

Restorative justice is a way of thinking about crime (Zehr, 2005, p. 94). This paradigm is different from the retributive paradigm in which the criminal justice system is currently entrenched and is often referred to as the complete opposite of retributive justice (Llewellyn & Howse, 1999, p. 38; Zehr, 2002, p. 13). The danger in defining these models as opposing is that restorative justice actually does exist within the retributive system of justice, therefore, if restorative justice is perceived to be drastically different, several questions emerge relating to how they can function together. For example, although the YCJA is legislation that exists within a retributive justice framework, there are aspects of the legislation, such as extrajudicial sanctions, based on restorative principles. The Saskatchewan legislation explicitly states that EJS programs “...draw on the values, principles and processes of restorative justice” (Government of Saskatchewan, 2011, p. 1). Despite that orientation, the YCJA is an Act within the *Criminal Code of Canada* and contains within it traditionally retributive processes such as an adversarial court and forms of punishment such as custody. The popularity of retributive values may be a reason why restorative principles and processes are often difficult for the public to accept. However, many people value the goals of restorative justice, such as accountability and fairness in terms of what it means to achieve justice (Roberts, 2002, p. 43). Restorative and retributive justice may use different means but the goals of these two models are ultimately the same, and that is re-establishing social equality.
As a paradigm, restorative justice implies a need to shift our worldview of crime and conflict (Zehr, 2005, p. 87). In the retributive system of justice, a crime is considered to be wrongdoing against the state, upsetting the social and moral order of society and the state serves as the victim (Christie, 1977, p. 8). The true victim (the person whom the crime was committed against) is involved very little, if at all (Christie, 1977, p. 12). The focus within retributive justice is the offender (Hurlbert & Greenberg, 2011, p. 288) who is encouraged to deny responsibility for the crime (Kilty, 2010, p. 167). Professionals such as lawyers and prosecutors act in an adversarial manner and juries determine guilt (Christie, 1977, p. 4). If the offender is found guilty, punishment is meted out with the intent to harm the offender (Lokanan, 2009, p. 295). Punishment is meant to cancel the harm the offender has done, and to provide justice to the victim and society (Lokanan, 2009, p. 295). The goal of punishment within retributive justice is deterrence and incapacitation (Beccaria, 1775/2011, p. 27). Although punishment may be a part of restorative justice, it is used in a way that is meaningful and malleable (Lokanan, 2009, p. 300), as opposed to the pain of punishment in retributive justice (Hurlbert & Greenberg, 2011, p. 288). The offender is typically denounced and segregated from society and the community to serve their punishment (Braithwaite, 1989, p. 55).

Restorative justice reconceptualises crime as a harm that has occurred between people (Christie, 1977, p. 1; Llewellyn & Howse, 1999, p. 39; Zehr, 2005, p. 181). The victim and offender each stand for themselves, without the intrusion of justice professionals acting on their behalf (Christie, 1977, p. 3). Those most affected by the crime are those most directly involved. The offender in the restorative paradigm of justice admits their responsibility for the crime (Zehr, 2002, p. 16). The victim, offender,
and community work collectively in order to acknowledge the harms, resolve the conflict, and correct the situation (Zehr, 2002, p. 13). An outcome is reached that is agreed upon by everyone (Walgrave, 2008, p. 626). Through this outcome, it is intended that the situation is not just restored, but made better than it was prior to the incident, thereby reducing criminogenic conditions (Eglash, 1975, p. 92; Zehr, 2005, p. 190). In a restorative justice approach, the offender is not considered a bad person, but an individual who has engaged in unacceptable behaviour (Braithwaite, 1989, p. 55; Braithwaite, 2000, p. 282; Hay, 2001, p. 134; Miethe, Lu & Reese, 2000, p. 528; Morris, 2001, p. 10).

Rather than segregating the individual, the community assists the offender to reduce their likelihood of future offending. As such, the goal of restorative justice should not be to ‘restore’ the situation to its pre-offence status. This would be problematic as clearly something about that situation resulted in the crime occurring in the first place. Rather, restorative justice aims to find creative ways to make situations and relationships better than they were before – a concept known as creative restitution (Eglash, 1975, p. 93; Zehr, 2005, p. 190).

**Defining restorative justice.**

One of the most significant challenges within the academic exploration of restorative justice is arriving at a consensus-based definition. To date, there is no one agreed upon definition. This is a barrier to the acceptance of restorative justice, as it is difficult to understand something that is still indefinite even to those who theorize and practice it. Marshall (1996) has provided one of the most commonly used definitions:

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4 Restorative justice processes allow for all types of “pre-offence” issues, such as child abuse, to be addressed through appropriate outcomes (e.g., counselling, rehabilitation; Zehr, 2002, p. 17). Zehr (2002) discussed how offenders are encouraged to embrace personal transformation through addressing the circumstances that led to the offending in the first place (p. 17).
“Restorative justice is a process whereby all the parties with a stake in a particular
offence come together to resolve collectively how to deal with the aftermath of the
offence and its implications for the future” (as cited in: Llewellyn & Howse, 1999, p. 20;
definition in which, “restorative justice [is] an option on doing justice after the
occurrence of an offence that is primarily oriented towards repairing the individual,
relational, and social harm that is caused by that offence” (p. 621). As defined by Zehr
(2002), “Restorative justice is a process to involve, to the extent possible, those who have
a stake in a specific offence and to collectively identify and address harms, needs, and
obligations, in order to heal and put things as right as possible” (p. 37).

Although these definitions may seem similar, there are important distinctions
between them. Marshall’s definition demands a need for face-to-face encounters for
justice to be achieved (Walgrave, 2008, p. 620). Furthermore, it does not give credence
to the fact that the processes of restorative justice need to be just as restorative as the
outcomes (Walgrave, 2008, p. 619). Zehr’s and Walgrave’s definitions explicitly imply
the importance of process. Walgrave (2008) claims his definition is a shift from “action”
to “option” (p. 621); however, all of these definitions acknowledge that restorative justice
is one of many options of justice. The scope of Walgrave’s definition is much broader
than the others as he includes the healing of social harms – implying societal needs in
addition to those of the stakeholders.

For the purposes of this thesis, Walgrave’s definition, based on a maximalist
understanding (explained below) of restorative justice and underscoring the option
associated with face-to-face encounters, is employed. Underscoring “option” suggests
that not only can restorative justice exist alongside retributive justice, but also that it may take on various forms through different programs and initiatives (Walgrave, 2008, p. 621). It is not limiting, in that it acknowledges that face-to-face encounters\(^5\) may not always be an option. Through the words “doing justice” and “repairing,” this definition is focused on both processes and outcomes, which should be considered equally important in overall restoration. Walgrave’s definition explicitly addresses the need to heal not only victims and offenders, but also communities, by addressing social harms. Finally, this definition holds true to McCold’s (2007) general theory of restorative justice, in which crime creates harms, which create needs, and then, by restoratively addressing those needs the harms are repaired, and recidivism decreases.

**Restorative justice as a maximalist vision.**

Within restorative justice theory, there have historically been two competing theoretical perspectives. According to McCold (2000) a purist vision, on the one hand, claims that restorative justice should exist separately from the retributive criminal justice system in order to maintain a ‘pure’ form of restorative justice (p. 374). ‘Pure’ restorative justice includes only those processes that bring the main stakeholders, including the victim, offender, and community face-to-face and do not use any type of coercion in terms of participation and outcomes (p. 372). The only processes considered by McCold (2002) to be purely restorative are peace circles, family group conferences, and community conferencing (p. 401). The purist vision tends to emphasize the

\(^5\) Although restorative processes can occur without a face-to-face meeting of the victim and offender in an intervention, the concept of ‘encounters’ is still an essential and distinguishing aspect of restorative justice (Van Ness & Strong, 2010, p. 73). Whereas traditional court processes center on the offender and largely exclude the victim, restorative justice provides a medium where encounters can occur. Encounter includes “...meeting, narrative, emotion, understanding, and agreement” (Van Ness & Strong, 2010, p. 73).
importance of processes because if they are truly restorative, the outcomes will, by default, become restorative (p. 372).

A maximalist vision, on the other hand, supports the use of restorative sanctions (such as court orders), in order to maximize the use of restorative justice within the framework of the criminal justice system (Bazemore & Walgrave, 1999, p. 51). Furthermore, the maximalist perspective expands the reaches of ‘pure’ restorative justice in that it welcomes various practices beyond those that require face-to-face interaction, keeping in line with Walgrave’s (2008) definition. Face-to-face practices can include but are not limited to: circles, conferences, victim offender mediation, victimless conferences, truth and reconciliation commissions, and victim support services (McCold, 2000, p. 401). The maximalist theoretical viewpoint suggests that there is a need to ensure that the outcomes of restorative processes are indeed restorative (Bazemore & Walgrave, 1999, p. 48), again, emphasizing the importance of both processes and outcomes as Walgrave (2008) has asserted in his definition of restorative justice. Because of the obligations of the offender to make right the wrong they have inflicted, sometimes it is necessary to use sanctions in order to reach the restorative outcome (Bazemore & Walgrave, 1999, p. 48). However, certain criteria must still be met to proceed with a restorative process. The offender still must admit their responsibility for the act in question. Furthermore, the process must adhere to the restorative values such as respect, trust, and inclusivity (Pranis, Stuart & Wedge, 2003, p. 34).

This thesis uses the maximalist perspective to examine whether restorative practices are used in a manner consistent with the YCJA. Policing, as a formal approach to enforce social conduct, also becomes important in understanding the necessity of
restorative sanctions. As demonstrated by the extant literature, it becomes evident that restorative justice can and does work in harmony with the retributive model of justice. Not all offenders are readily willing to accept responsibility for their actions and by clearly explaining their alternatives (such as incarceration), more offenders may be swayed to deal with their conflicts restoratively (Braithwaite, 2002, p. 33). This in turn helps to expand the use of restorative interventions, subsequently providing opportunities to repair harm and experience reintegrative shaming. As such, the entire justice system may come to be seen as more legitimate, in terms of both restorative and retributive justice (Braithwaite, 2002, p. 33; Tyler, 2006, p. 308).

**Restorative justice: Reintegrative shaming and responsive regulation.**

Shaming is argued as an important issue when dealing with crime, whether the means of justice are restorative or retributive (Braithwaite, 1989). Reintegrative shaming theory, as put forth by Braithwaite (1989), is applicable to many restorative justice processes. Almost every society uses shaming as a tool within their justice systems (Braithwaite, 1989, p. 61). Western justice systems, as currently structured, rely upon retribution and punitive sanctions, and use a stigmatizing form of shame (Braithwaite, 1989, p. 63). Stigmatizing shame promotes the notion that anyone who commits a criminal offence is a bad person and deserves to be treated as such, including segregation from society (Braithwaite, 1989, p. 55; Hay, 2001, p. 134; Miethe et al., 2000, p. 528; Morris, 2001, p. 10). In contrast, Braithwaite (1989) suggests that we need to employ reintegrative shaming to make restorative justice effective. Reintegrative shaming, embedded within the YCJA legislation, provides a combination of meaningful
consequences, youth accountability, and reintegration (Department of Justice Canada, 2011).

Reintegrative shaming occurs when the community acknowledges that most offenders are not bad people but rather have simply made bad choices that led them to act in a criminal way (Braithwaite, 1989, p. 55; Hay, 2001, p. 134; Miethe et al., 2000, p. 528; Morris, 2001, p. 10). Shame is simply an emotion that is the same no matter how it is experienced. The difference between stigmatizing and reintegrative shame is what happens after the initial shaming process.

As Braithwaite (1989) explained, to reintegratively shame, is to help the offender accept responsibility by showing them the harm they have caused (p. 57). Once accomplished, members of the community come together and consciously decide to take that offender back into their care and help them to succeed in changing their life. By viewing that individual as a valued member, the community will work in conjunction with the offender to reduce reoffending.

To disintegratively shame, is to force negative feelings on an offender such as embarrassment and guilt without helping them acknowledge their wrongful behaviour (Braithwaite, 1989, p. 55). In the end, the offender may know what they did was wrong, but be so overwhelmed by negative feelings that they become defensive and uncooperative (Chatterjee & Elliot, 2003, p. 356). Consequently, the justice system segregates and places them in a situation that is conducive to, or reinforces, criminal activity (Braithwaite, 1989, p. 55; Chatterjee & Elliot, 2003, p. 356). Disintegrative shaming is what Braithwaite (1989) claims the current Western system of justice is premised upon (p. 63).
As Chatterjee and Elliot (2003) pointed out, there are some challenges with incorporating restorative measures into the criminal justice system and handing this responsibility to officers and communities (p. 355). The use of shaming in conferences for example, is supposed to be reintegrative in nature. There is a risk, however, that the shame will become stigmatizing, minimizing the effectiveness of a restorative approach altogether. To feel shame, on the one hand, is to understand one’s role in the harm that has been done. To ‘shame’ someone, on the other hand, is to make someone else feel bad. In doing so, we may inadvertently force that person into a self-preservation mode, which may result in missing the lessons from experiencing shame, because of their defensive perceptions and behaviours. This can then push the ‘shamed’ individual into more criminal behaviour. To correct for this, pre-conference preparation is extremely important.

Reintegrative shaming has the potential to result in a sense of collective responsibility and community cohesion (through the fulfillment of obligations and the acknowledgement of the importance of inclusion), and as such, may encourage individuals and communities into greater self-regulation. Responsive regulation is another theory put forth by Braithwaite (2002) that addresses the potential of self- and community-regulation (p. 29). The theory of responsive regulation posits that authority figures, such as the police, should be receptive to how individuals and communities are regulating themselves when deciding how to intervene in a conflict. This informs the idea of restorative policing. Essential to restorative policing is self and community regulation which simultaneously builds a sense of community. It is very difficult to build and strengthen community without individual and collective responsibility (Bazemore &
The theory of responsive regulation is in opposition to the notion of regulatory formalism – deciding in advance how to respond to criminal behaviours. In the context of criminal justice, this is often limited to employing courts and seeking punishment.

Braithwaite’s (2002) concept of responsive regulation is premised on what he called a regulatory pyramid where the base of the pyramid is composed of restorative justice approaches and is reserved for the moral individual (p. 30). In the middle of the pyramid, deterrent measures exist to be used on the rational and persuadable actor. The top of the pyramid is representative of incapacitation, which is necessary for those who are irrational and cannot be convinced of their wrongful actions or their culpability. The regulatory pyramid is representative of a maximalist model of restorative justice as it accepts the existence, and even necessity, of retribution; essentially, there is a need for restorative and retributive justice to coexist.

Braithwaite (2002) suggested that the response to crime or conflict should begin at the base of the pyramid and move upward only when necessary, when persuasion and sanctions fail (p. 30). He emphasized that the regulatory pyramid is dynamic in that as offenders move up and down the pyramid based on their willingness and cooperation, so should the responses to their behaviour. The three models of justice (restorative, deterrence, and retributive) are complimentary as they work together to compensate for their respective weaknesses. For example, by resorting to a dialogue-based form of conflict resolution first and reserving the more punitive measures at the top of the pyramid for irrational actors, incapacitation is legitimized. Furthermore, failure to comply at the restorative level of the pyramid leads to more intensive interventions.
Compliance with the restorative model should be rewarded with respect, the same as noncompliance is punished through incarceration.

Braithwaite (2002) surmised that by beginning a conflict intervention at the base, with the restorative method, we afford people with more respect as well as utilizing a more cost-effective means of delivering justice (p. 32). More importantly, by reserving incarceration, the most punitive sanction, for irrational actors, these serious forms of intervention will be perceived as more legitimate, substantiated, and fair. Braithwaite (2002) argued that this in turn would encourage individuals to abide by the law out of respect for that institution (p. 34).

Braithwaite (2002) pointed out that one of the biggest reasons for resistance against responsive regulation is the argument that it reduces the consistency of law enforcement (p. 29). He contended, however, that consistency really does not exist in the current retributive system, due to the burden of system overload. As a result, not all cases are detected, processed, and treated in a similar manner. The use of the regulatory pyramid can reduce this burden, while supporting the proposition that coercive measures will be perceived as being more legitimate.

Another reason for reserving coercive measures is the concept of punishment (Braithwaite, 2002, p. 35). It is essential to ensure the offender is aware of the lingering threat of punishment, but not be openly threatened with punishment. Braithwaite (2002) argued that if such blatant threats were present, the offender would not participate rationally in the conflict resolution due to a sense of self-preservation. These implicit threats ensure both cooperation and respect.
The merits of including punishment in restorative justice have been debated (Daly, 2002, p. 59). Nevertheless, the distinguishing characteristic of punishment within the restorative framework shifts from an intention to inflict pain (through incarceration) to an intention to hold the offender accountable and assist them in fulfilling their obligation to correct the wrong (Lokanan, 2009, p. 302). The restorative outcomes and agreements that can achieve this goal may vary drastically and incarceration may still be a relevant option, however, not always necessary. This illustrates how maintaining the option of punishment, but contextualizing it differently may assist in legitimating the justice system. To do this, reintegrative shaming needs to be employed within the framework of responsive regulation. Achieving responsive regulation, however, requires a shift from stigmatizing shame to reintegrative shaming based on restorative principles.

Legislation may play a role in encouraging the use of restorative interventions. Restorative justice has been incorporated into legislation, such as the YCJA. The question is: Are these restorative elements being recognized as restorative?

**Restorative justice: From theory to practice.**

McCold’s (2007) general theory of restorative justice helps to conceptualize the goals of the restorative paradigm. Since crime involves a fracturing of human relationships (Llewellyn & Howse, 1999, p. 39; Zehr, 2002, p. 22), it is clear that crime has serious negative consequences. The breaking of relationships is in itself a form of harm, in addition to emotional, physical, psychological, and financial consequences (Zehr, 2005, p. 191). Essentially, all parties (victims, offenders, and communities) who experience harm have resulting needs (Zehr, 2005). We often fail to consider that
offenders are also negatively affected by their own behaviour and their experiences leading to the offence (Zehr, 2005, p. 200).

By bringing the primary stakeholders together to the greatest extent possible, those affected by the crime reclaim their conflicts (Christie, 1977, p. 5), and determine what obligations have been created and whose responsibility it is to fulfill them (Zehr, 2005, p. 197). Restorative responses allow for creative and potentially more effective solutions to surface (Eglash, 1975, p. 93). In order to allow victims, offenders, and communities\(^6\) to come together and solve their conflicts, a range of restorative practices have been developed. There are three main restorative processes and they are malleable in how they function (Roberts, 2004, p. 244). Flexible processes are necessary, as people tend to vary in what they need as a result of crime, not to mention the uniqueness of each and every community in terms of culture and values (Roberts, 2004, p. 244).

The three primary restorative interventions are victim offender mediation (VOM), family group conferencing\(^7\) (FGCs), and sentencing circles (SCs). VOM, also referred to as victim offender reconciliation programs (VORPs), is a process whereby the victim and offender come together with a trained facilitator to identify and resolve the issues surrounding the offence (Fuller, 2003, p. 89; Umbreit & Coates, 1993, p. 53). FGCs are a similar intervention in which the offender (usually a youth) and their family and/or supporters meet with the victim and their supporters in the presence of a facilitator and

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\(^6\) The word 'community' is often controversial in the context of restorative justice. One of the best ways to describe 'community' is to consider the term 'communities of care' (Bazemore, 1998, p. 785; Boyes-Watson, 2000, p. 444). This includes those who care for the victim and offender, such as family, friends, and quite often can also include teachers and church members (Bazemore, 1998, p. 785; Boyes-Watson, 2000, p. 444). Community does not simply mean a geographical space – the scope of 'community' is about relationships based on trust and respect (Bazemore, 1998, p. 785; Boyes-Watson, 2000, p. 444).

\(^7\) FGCs were a common practice among the RCMP during the 1990s due to the consistency with the national community policing model (Deukmedjian, 2008, p. 117). The RCMP use of FGCs took a sharp decline around 2002 (Deukmedjian, 2008, p. 118).
possibly others such as community members and police officers. Together, they address
the conflict and come up with a plan of action to make amends and prevent future
offending (Bazemore & Umbreit, 2001, p. 5). SCs, by contrast, generally include the
offender and their supporters, the victim and victims’ supporters, the community, and
justice professionals such as judges and lawyers (Dickson-Gilmore & La Prairie, 2007, p. 132).
The stakeholders work collectively to come up with a meaningful way to hold the
offender accountable (Dickson-Gilmore & La Prairie, 2007, p. 132). In all three of these
approaches, the outcomes are highly varied and dependent upon the nature of the offence
and the needs of the participants. The outcome itself is meaningless, unless both the
process to reach the outcome and the final result are agreed to by all parties. As such,
greater satisfaction and sense of justice can be achieved (Van Ness & Strong, 2010, p. 78).

**Evaluating restorative justice.**

Evaluations of restorative practices show mixed results. Umbreit and Coates
(1993), in an evaluation of VOM, found that victims were significantly more satisfied
with the restorative process than a control group who experienced a traditional court
process (79% and 57% respectively) (p. 574). This greater satisfaction resulted from the
face-to-face nature of the encounter, fear reduction, and increased offender accountability
(p. 575). While Katz and Bonham (2008) found that some officers felt that restorative
justice was not appropriate for all victims, approximately 64% of officers agreed there
might be some benefit, such as the victim having their questions answered. Umbreit and
Coates (1993) found that 83% of victims felt they were treated fairly in VOM, as opposed
to 62% of those who went through the court process (p. 575). In a meta-analysis of
restorative justice (a statistical summary of the existing research), Latimer, Dowden, and Muise (2005) found that victim satisfaction was significantly higher in a restorative versus a retributive process (p. 136).

Offenders are not necessarily more satisfied with a restorative process, although research has shown that more offenders (89%) perceived restorative processes as being fair as opposed to 78% who appeared in court (Umbreit & Coates, 1993, p. 575). A meta-analytic assessment of restorative justice indicated only a moderate to weak level of satisfaction for offenders, but offenders appear more likely to complete a restitution agreement when participating in a restorative process (Latimer et al., 2005, p. 137). Although a completed restitution agreement leads to a higher level of satisfaction for the victim, the fulfilled agreement may contribute to an offender’s long-term satisfaction as well. If these agreements are not fulfilled, as tends to happen more regularly in the retributive system, it is likely that an offender is returned to the justice system, possibly receiving harsher consequences.

Kuo, Longmire, and Cuvelier’s (2010) evaluation of the relationships between restorative processes and outcomes showed positive outcomes (p. 326). Offenders in this study felt comfortable enough to speak openly which afforded opportunities to heal broken relationships. This subsequently allowed for them to experience remorse, potentially reducing recidivism. Remorse may also result when shame is experienced by the offender (Kuo et al., 2010). When followed by reintegrative processes, the offender may experience a sense of belonging, leading to an increased capacity for empathy which could then further reduce the likelihood of reoffending. The Kuo et al. (2010) study also found that relationship building through a restorative process was not as effective with
violent offenders. The authors claimed this might be due to the small number of violent cases in the study, ineffective programming, or the loss of the restorative effect once the encounter was over. Furthermore, there could be a qualitative difference in the characteristics of violent offenders as opposed to those who commit minor offences.

Restorative justice has been shown to reduce recidivism. Typical recidivism rates in Canada, through the traditional retributive means of justice, are higher than those achieved through restorative processes (Bonta, Wallace-Capretta, Rooney & McAnoy, 2008, p. 329). In the Umbreit and Coates (1993) analysis of four United States programs, recidivism following a restorative process was 18% compared to 28% for those participating in traditional court processes (p. 579). When the restorative group did reoffend, the offence tended to be less serious than the original offence (p. 579). Of note, people who participate in restorative processes do so voluntarily, which may influence recidivism (McCold & Wachtel, 1998, p. 113). A study of juvenile offenders found that recidivism rates were approximately 35% through conferencing measures (Rodriguez 2007, p. 366). Furthermore, a meta-analysis found that recidivism was significantly reduced for those participating in a restorative approach, compared to offenders in traditional justice procedures (Latimer et al., 2005, p. 137). Other Canadian studies have also found that restorative justice has the potential to reduce reoffending rates (Bonta et al., 2008, p. 329; Rugge, Bonta & Wallace-Capretta, 2005, p. 42).

Factors such as previous criminal history, gender of the offender, the experience of remorse, and the degree to which decision-making is consensual also influences reoffending (Hayes & Daly, 2003, p. 746; Rodriguez, 2007, p. 366). As more research is done in this area, this evidence will likely become more definitive. As empirical
evidence surrounding the efficacy of restorative justice has increased, so has the evolution within legislation to include restorative processes.

**The Youth Criminal Justice Act**

Current youth justice legislation in Canada is similar to the regulatory pyramid and inclusive of restorative approaches. Youth justice legislation in Canada evolved from the *Juvenile Delinquents Act* (1908) to the *Young Offenders Act* (1984), and finally to the current *Youth Criminal Justice Act* (2003) (Winterdyk & Jones, 2012, p. 225). The evolution of youth justice legislation occurred as perceptions of young people who commit crimes changed, as well as the need to better protect young people’s rights.

**The evolution of youth justice.**

The *Juvenile Delinquents Act (JDA)* of 1908 was a welfare model in which the needs of the offender (ages 12 – 17) were the focal point of concern rather than the offence itself (Minkes, 2007, p. 343). This approach was rooted in the belief that youth who committed crimes suffered from neglect. In other words, behavioural problems stemmed from the home and youth were, therefore, not fully responsible for their actions (Goff, 2008, p. 368). The idea of *parens patriae* – literally meaning the state as a parent – became the framework used to control wayward youth (Goff, 2008, p. 368; Winterdyk & Jones, 2012, p. 226). Under this model, each province enacted laws that allowed them to respond to delinquent youth in regard to their punishment and proceedings (Goff, 2008, p. 368).

Dispositions made by juvenile courts tended to revolve around rehabilitation and education (Winterdyk & Jones, 2012, p. 226). It was premised that youth should be treated differently from adult offenders and that rehabilitation would teach young people self-control and thus enable them to correct their delinquent behaviour (Goff, 2008, p.
Rehabilitation most often took place in youth custody facilities, resulting in youth being incarcerated at a high rate and for extended periods of time (Goff, 2008). Furthermore, the JDA focused on the offender, and the courts acted in “the best interests of the child” rather than for the protection of society.

Criticisms of the JDA revolved around net widening and the extensive use of incarceration (Goff, 2008, p. 368). The legislation was amended in 1924 to include status offences such as incorrigibility and curfew violations (Goff, 2008, p. 368). Youth could be detained for long periods of time and since the JDA was based on a welfare model delinquent youth were detained until they were rehabilitated (Minkes, 2007, p. 343). In short, youth did not receive due process protections, were detained at high rates, and the discretionary powers granted to the courts were vast (Minkes, 2007, p. 343; Winterdyk & Jones, 2012, p. 226).

The Young Offenders Act (YOA) was enacted in 1984 in response to the shortcomings of the JDA. The YOA provided youth with greater due process protections (Winterdyk & Jones, 2012, p. 226). Under the YOA, young people (ages 12 – 17) were to be held accountable for their crimes, yet it was also recognized that youth lacked the same degree of understanding (in terms of the law and the implications of their actions) as adults (Winterdyk & Jones, 2012, p. 226). This approach (Goff, 2008, p. 370; Winterdyk & Jones, 2012, p. 226) indicated a need for balance between the unique status of young offenders and crime control (Minkes, 2007, p. 343).

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8 According to Morris (2002), net widening refers to legislation or policies in which offenders are processed through the criminal justice system who would normally be dealt with informally, for example through a warning or caution (p. 602). Net widening may also result in offenders receiving harsher penalties.
The YOA also formalized the practice of diversion in response to the excessive use of incarceration within the JDA, both in terms of frequency and length of sentences (Minkes, 2007, p. 343). Whereas the JDA legislation enabled lengthy terms of incarceration, the YOA was premised on the idea that harsh punishments were not suitable for all offenders – especially youthful offenders who have different needs and levels of understanding than adults (Goff, 2008, p. 370; Minkes, 2007, p. 343). Regardless of formalizing diversion under the YOA, the use of youth custody occurred at an even greater rate than under the JDA (Minkes, 2007, p. 343).

Despite the criticism that more youth were being incarcerated, conservative politicians insisted that this legislation was “soft” on crime (Minkes, 2007, p. 343). An increased rate of youth crime combined with high profile cases of youth violence led to a growing demand to reform the legislation (Winterdyk & Jones, 2012, p. 227). It seems that although the YOA afforded more due process protections to youth and championed greater accountability – both important aspects of restorative justice – this legislation depended too heavily upon conventional punishment to be classified as restorative. Furthermore, there was a clear lack of acknowledgement for victim or community needs (Department of Justice Canada, 2011).

In 2003, the short-lived YOA was replaced by the Youth Criminal Justice Act (YCJA). The YCJA incorporated changes in response to criticisms of the YOA, such as the overuse of custody, the use of custody due to a lack of alternatives, an overreliance on traditional court processes, a lack of accountability, and the use of lengthy sentences for nonviolent offenders (Goff, 2008, p. 370; Minkes, 2007, p. 343). The YCJA aims to reduce the reliance on youth custody, increase the use of alternative approaches to crime,
and promote values such as accountability and respect – all considered to be weaknesses within the YOA (Goff, 2008, p. 371). The precise goals of the YCJA are crime prevention, meaningful consequences for young offenders, rehabilitation, and reintegration in order to protect society (declaration of principle, YCJA). The YCJA’s (2003) preamble and declaration of principles states that society has a responsibility to help youth with their unique needs, address the underlying causes of youth crime, offer and support meaningful consequences and reintegration, and reduce the reliance on incarceration save for the most severe situations. This legislation set out to achieve a greater degree of fairness for youth, and provide direction to those who deal with young offenders, such as police officers, judges, and prosecutors (Department of Justice Canada, 2011).

In 2011, the Canadian federal government amended the YCJA with the implementation of Bill C-10, the Omnibus Crime Bill. The amendments to the YCJA include the ability to incapacitate youth for longer periods of time through longer minimum sentences. Youth who have a history of failure within extrajudicial sanction programs may be at greater risk of custodial sentences. These amendments seem to be counterintuitive to the progress being made within the YCJA and its promotion of restorative principles. It remains to be seen just what the impact of these amendments are and how they will affect the restorative elements of the YCJA.

**The restorative nature of the YCJA.**

The YCJA acknowledges youth that lack the maturity of adults and as such need to be treated accordingly in terms of sentences and accountability (Department of Justice Canada, 2011). It is suggested that meaningful consequences may serve youth
accountability to a greater degree than the use of custody that characterized previous youth justice legislation. Youth lack the maturity of adults, as such, there is a need to treat them differently such as emphasizing rehabilitation and reintegration.

Not only are youth different from adults in physical, mental, and emotional development, they are also very different in terms of how they experience the justice system (Bazemore, 1998, p. 790). Youth tend to feel a greater sense of alienation and disconnectedness from society as they may feel they do not fit well into their surroundings (Bazemore, 1998). Youth could benefit greatly from the use of restorative principles such as inclusion and reintegration, if the YCJA is interpreted and applied in a restorative way. It is suggested that sanctions for youth should promote respect for societal values and aim to repair the harms that have been caused by the crime (Department of Justice Canada, 2011; Goff, 2008, p. 371).

The most informal response to youth crime under the YCJA is extrajudicial measures. In order to expand the use of extrajudicial measures, guidelines were developed to direct justice professionals in their interactions with young offenders (Department of Justice Canada, 2011). Justice officials are encouraged to try EM before referrals to youth courts occur. These options include taking no further action, warning, Crown or police cautions, and if necessary, referrals to extrajudicial sanction (EJS) programs (sec. 6 (1), YCJA). Extrajudicial measures should be used when they can provide meaningful consequences to the young person. Such measures are intended to be used with first-time offenders as well as those who have participated in extrajudicial measures/extrajudicial sanctions or appeared in youth court (Department of Justice Canada, 2011).
As Winterdyk and Jones (2012) pointed out, extrajudicial measures are recommendations and, as such, there is no liability for the youth to abide by them (p. 229). If the officer dealing with the youth feels that extrajudicial measures are not appropriate to deter their criminal behaviour, the officer can refer the youth to extrajudicial sanction programs. The goal of these programs is to decrease the reliance on courts when dealing with youth crime while simultaneously speeding up the justice process, involving the community, repairing harm, and applying meaningful consequences to young people’s actions (Department of Justice Canada, 2011). These goals are parallel with restorative justice.

Extrajudicial sanctions, without actually routing the youth through a court, are more formal than extrajudicial measures. Extrajudicial sanctions include restitution, participation in rehabilitative programs, or community service (Winterdyk & Jones, 2012, p. 229). In Saskatchewan, extrajudicial sanctions are thought of interchangeably as restorative programming (Government of Saskatchewan, 2011).

The success of restorative processes is showcased by the fact that many individuals who participate successfully complete the agreements. One study has shown that offenders are more likely to fulfill their obligations to the victim (e.g., community service or restitution) after a restorative encounter, as these outcomes are often perceived of as fair (Bonta et al., 2008, p. 328). Umbreit and Coates (1993, p. 578) found that 81% of offenders involved in a restorative intervention met their restitution obligations compared to 58% of those not involved in a restorative process. The agreements must be

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9 These are sometimes referred to generally as *alternative measures*, which can be confusing as this is the term given to adult restorative processes within Saskatchewan.
fulfilled not only for offender accountability, but also for victim satisfaction and safety, by preventing a “second victimization” (Umbreit & Coates, 1993).

Examining recidivism further highlights success of these programs. Hines and Bazemore (2003) explained that one study found that 72% of youth who went through the traditional justice system reoffended whereas those who participated in a restorative process had a 33% recidivism rate (p. 424). Another study compared control and experiment groups of first-time offenders and found that those youth who went through a conference either did not reoffend as quickly, or were less likely to reoffend (McGarrell & Hipple, 2007, p. 238).

The goal of EJS under the YCJA is to have stakeholders give advice to authority figures, such as police officers, who then make an informed decision on how to deal with the offence (Department of Justice Canada, 2011). By promoting the use of conferences, it is intended that once the young offender experiences reintegrative shaming, meaningful consequences will be meted out and reintegration will occur. The recommendations of the conference may include what measures to take in order to hold the young person accountable, what sort of disposition should be imposed, and how to reintegrate the youth after the disposition has been fulfilled. Through these experiences, youth and communities may better learn how to regulate themselves (Braithwaite, 2002). By understanding the impact of their behaviour, developing empathy, and taking a role in repairing the harm caused by an offence, the young person will be less likely to commit criminal acts. By engaging the community through reintegrative shaming, there is also a greater chance of effective reintegration (Braithwaite, 1989). Embracing the restorative
elements of the YCJA legislation may encourage greater community cohesion and partnerships with the police.

Some provinces maintain Youth Justice Committees (YJCs) that bring together the main stakeholders to resolve the conflict (Winterdyk & Jones, 2012, p. 230). Many of the programs operated by YJCs are also used under the title of conferencing. For example, these may include family group conferencing or sentencing circles (Winterdyk & Jones, 2012, p. 232). The important similarity between YJCs and conferencing is that recommendations are made to the justice authority who ultimately decides the final outcome – either approving the recommendation of the committee, suggesting minor alterations, or rejecting the recommendations. Although rare, rejection may occur despite the fact that all participants in the process may be satisfied with the agreed upon outcome, as sentencing guidelines must be followed by the justice authority.

Sentencing guidelines within the YCJA are restorative, yet they also have a rehabilitative focus (Winterdyk & Jones, 2012, p. 231). Furthermore, language such as “meaningful consequences,” “reintegration,” and “reparation,” which are consistent with a restorative approach, is used in the sentencing guidelines within sections 38 (1) and (3) of the Act. Section 38 (2e) calls for sentences that are the least restrictive to youth, which is intended to reduce the use of incarceration (sec. 38, YJCA). Section 38 (2d) requires that alternative sanctions to incapacitation be considered for youth and the special circumstances of Aboriginal youth be taken into particular consideration (sec. 38, YJCA).

To summarize, the YCJA provides justice officials, including police officers, with guidelines for dealing with young offenders that include a range of restorative options. However, it remains unclear if the restorative options are being utilized to their full
potential. It may be that Saskatchewan police officers are not interpreting the YCJA with restorative justice in mind.

**YCJA: The Saskatchewan context.**

The YCJA is a federal legislation, but each province or territory has the responsibility of interpreting and applying the Act. There are currently 23 extrajudicial sanction (EJS) programs in Saskatchewan, all run by community-based organizations (CBOs) (J. Dudar, personal communication, November 7, 2012). According to the Government of Saskatchewan Extrajudicial Sanctions Policy (2011; hereafter referred to as ‘The Policy’), extrajudicial sanctions are an alternative way of addressing crime that incorporates reparation, accountability, healing, and reintegration (p. 1). Explicitly stated in The Policy, EJS are rooted in a restorative justice philosophy (p. 1).

Under the framework of The Policy (2011), police can refer youthful offenders in the pre-charge stage and the Crown is responsible for post-charge referrals. Certain eligibility criteria have to be considered: (a) the youth must accept responsibility for the offence, (b) participation is voluntary, and (c) there is enough evidence to proceed in prosecuting the offence (to avoid net widening). Furthermore, in order to proceed with an extrajudicial sanction the youth cannot have a history of non-completion of previous EJS programs or outstanding charges. Certain offences are excluded from referral to EJS including: the use or threatened use of a weapon, any offence where there is violence against a person, sexual assault, sexual violence against children, perjury, driving offences involving drugs or alcohol, disqualified driving offences, or federal offences other than those outlined in the Criminal Code.
According to The Policy (2011), those who provide EJS services determine the proper restorative response based on the offence, their training, and the individuals involved (p. 4). The processes used in Saskatchewan include victim offender mediation, community justice forums, family group conferencing, accountability conferencing, referrals to counselling or treatment, and Aboriginal cultural activities. The outcomes allow for creative solutions that address the harm caused by the offence and account for the needs of all stakeholders. This approach is consistent with Eglash’s (1975) scholarship on creative restitution as well as McCold’s (2007) proposition on a general theory of restorative justice. The specific outcomes suggested within The Policy include apology, restitution, personal service to the victim, community services, and participation in specialized programming. The outcomes can be flexible, which is an important aspect for creative solutions.

The Policy (2011) also includes training for mediators and EJS facilitators as well as allowing mediator discretion, as long as their decisions are reasonable and suitable (p. 5). Furthermore, there is a strong emphasis throughout The Policy that victim participation is completely voluntary – an important concept addressed in most restorative theories (see for example; McCold, 2000; Morris, 2002; Skelton & Frank, 2004). Although victim participation is a necessity in VOM and FGCs, sometimes a surrogate victim\(^\text{10}\) may be used in other interventions (Government of Saskatchewan, 2011, p. 5).

\(^{10}\) A surrogate victim is an individual who stands in for the actual victim of the crime. This person may be a victim of a different crime/offender, or an individual who volunteers to represent the “true” victim (Pranis, Stuart & Wedge, 2003, p. 164).
to 2008 (p. 3). Respondents to a survey included 385 police officers, 56% of whom were municipal police officers and the remainder from the RCMP. Several other justice professionals participated in the study, including judges, Crown prosecutors, program service providers, Aboriginal court workers, and victim services coordinators. The investigation found that of all the justice professionals who participated in the study, police had received the most training (38%) in terms of referral guidelines. The survey revealed that police were likely to agree that youth should: (a) accept responsibility (98%), (b) not have a history of failure in such programs (77%), and (c) have no previous significant charges (88%) (Government of Saskatchewan, 2009, p. 10). Crocker (2012) also found that most officers do not feel restorative processes are appropriate for youth who have had prior contacts with justice systems. Accepting responsibility is a key element of restorative practices although Zehr (2002) contended that restorative programs are not intended solely for first-time offenders (p. 11). As Judge Stuart (2007) stated:

... Yes, these youth may have a rap sheet – a list of failures – but these are our failures for not providing the right solution ... The continuous incarceration of youth is comparable to a doctor prescribing one patient the same prescription for pneumonia 62 times

The Government of Saskatchewan (2009) also found that justice professionals generally do not think the length of the offender’s criminal history alone should dictate their eligibility for alternative sanctions programs (p. 40).

The Saskatchewan study (2009) found police officers did not believe that persons who had used a weapon (90%) or committed violence (95%) should participate in alternative sanctions. Similarly, officers in Nova Scotia agreed that serious offences or cases that resulted in a higher level of harm were not appropriate for restorative justice (Crocker, 2012). The Saskatchewan study (2009) also found that 48% of police agreed
that they have seen cases which fall within the YCJA guidelines that should actually be referred but ultimately went to court. In terms of adult alternative measures (AMs) – restorative processes for adult offenders – police agreed with this statement 50% of the time. The high rate of agreement is of particular interest because the general public commonly supports the use of traditional punishments in the case of adult offenders (Doob, 2000, p. 335).

The Government of Saskatchewan (2009) study also reported that a majority (62%) of police officers had been involved with at least one alternative measures or extrajudicial sanctions intervention (p. 25). “Involvement” was not defined in this study so it could not be determined if the officers had referred an offender or if they have actually attended a restorative process in some capacity. A study by Crocker (2012) in Nova Scotia found that half of the officers who responded had never actually attended a session, but half had referred cases. A larger proportion of respondents from Northern Saskatchewan (63%) had participated in EJS compared to 27% of respondents from the South (Government of Saskatchewan, 2009). Despite the fact that police have the discretion to refer offenders to EJS programs, 34% of Saskatchewan officers claimed to have no working relationship or involvement with EJS service providers. Both police and Crown prosecutors believed that police should be involved in the decision to divert a case (86% and 79% respectively). In contrast, 100% of the 8 judges surveyed felt police should not be involved at all.

When asked about the possible reasons for the decrease in referrals to AM and EJS programs, the primary reasons given by police officers were increases in case complexity, increases in violent crimes, decreases in property crimes, a lack of training,
and an increase in cases handled informally by police officers (Government of Saskatchewan, 2009, p. 28). Despite the belief that an increase in violent offences has led to a decrease in referrals, some higher risk cases (e.g., violence, sexual assault) have the potential to result in the most satisfactory outcomes for crime victims because of the level of emotional involvement (Gustafson, 2004, p. 303; Zehr, 2002, p. 11).

The focus group portion of this study revealed that a lack of training for police, especially within the RCMP, might result in a number of decreased referrals\textsuperscript{11} (Government of Saskatchewan, 2009, p. 35). In addition, participants claimed that low referral rates may stem from police using less formal methods such as cautioning – an extrajudicial measure (Government of Saskatchewan, 2009, p. 35). Data is not currently available on how often these sorts of informal methods are used. As a result, this thesis may shed light on this issue.

Another key finding by the Government of Saskatchewan (2009) was that effective lines of communication between police and service providers are essential in order to increase referral rates (p. 35). Tomporowski (2004) suggested that police are often skeptical because of a lack of knowledge of restorative justice (p. 68). Providing more feedback to officers on the processes and positive outcomes (as opposed to only hearing the negative outcomes such as when offenders fail to complete an agreement) was thought to bolster support of the restorative philosophy and increase confidence in those operating the programs (Government of Saskatchewan, 2009, p. 36).

The Government of Saskatchewan (2009) report on the use of EJS and AM programs also indicated that a lack of police training tends to influence the attitudes of

\textsuperscript{11} Crocker’s (2012) report on the Nova Scotia Restorative Justice program also found that training and education on referral guidelines is an area that needs improvement to increase referrals, indicating this may be a national trend.
upper management (p. 36). The results implied that if police leaders believe in the benefits of a restorative philosophy of justice they will encourage more referrals, and facilitate more training – something the authors of the government report argued as lacking. Alternatively, the confidence in such restorative programs will increase as the service providers demonstrate consistency, effectiveness, efficiency, and positive outcomes.

The Government of Saskatchewan (2009) report suggested that further investigation is required in order to better understand the use of discretion and diversion by Saskatchewan police officers (p. 46). The authors of the study questioned how 38% of police have received training regarding AM and EJS guidelines yet 90% claim to be familiar with them. It may be that this secondary knowledge is somewhat inaccurate which creates discrepancies in how referrals are made. The guidelines put in place through the YCJA to decrease youth incarceration are only useful if those with the capacity to make referrals are doing so.

**Police Discretion**

Police discretion is “the decision not to invoke formal social control even when the circumstances warrant or legally allow it” (Schulenberg, 2012). If an officer decides that action should be taken, it further involves a judgment as to which of the options should be taken – such as warning, cautioning, referral, or arrest (Schulenberg, 2012). As Bronitt and Stenning (2011) pointed out, it must be understood that discretion is at the very heart of the policing profession (p. 320). Sir Robert Peel, the founder of modern policing, implied the need for police discretion when it was stated that force should be employed only if warnings or persuasion failed (p. 323). However, discretion has to have
some limits or boundaries in order to avoid discrimination (p. 321). The referral guidelines within the YCJA establish boundaries, although officers may not always give a warning, caution, or referral to restorative programming despite the appropriateness of these measures. In reality, several factors play into an officer’s use of discretion.

Previous research on discretion has focused on characteristics of the offence in question, the offender, the victim, and the responding officer. Factors found to increase the likelihood of a youth being arrested were the seriousness of delinquent behaviour, negative peer associations, class, sex, and race (Morash, 1984, p. 99). Allen (2005) found that youth were more likely to be taken into custody if they were disrespectful, were out late at night (when more delinquency occurs), or displayed a suspicious demeanour (p. 126).

Regarding the influence of officer characteristics on discretion, Allen (2005) found that older police officers (over the mean age of 34) were less likely to place a youth into custody (p. 127). Crocker (2012) found that constables were more likely to charge than officers of higher ranks, although gender and age had no effect on use of discretion. Katz and Bonham (2008) reported that women are more knowledgeable and aware of restorative justice, but did not indicate the effect of this on the use of discretion.

A number of studies have been conducted with regard to the effect of gender on police behaviour, particularly as it relates to the use of discretion. Some of this research suggests that female officers do not necessarily conform to stereotypical feminine traits. For example, with regard to detective’s arrest decisions in sexual assault cases, Alderden and Ullman (2011) found that male officers were 50% more likely to arrest a suspect than their female counterparts (p. 13). The authors suggested this finding indicates female
officers may “not necessarily be more sensitive toward female victims” (Alderden & Ullman, 2011, p. 3). Rabe-Hemp (2008), in an analysis of everyday police-citizen encounters, found that women were 19% less likely to encourage an individual to file a complaint, find outside help from family, friends, or service providers, as well as provide assistance and comfort than their male counterparts (p. 431). However, the results may be associated with the circumstances of the incident, or nature of the sample.

In situations where discretion is limited due to situational factors such as the officer witnessing the offence first-hand, or an injury occurring, women were more likely to use lower levels of controlling behaviour (for example, verbal commands to leave an area or cease behaviour) than men (Rabe-Hemp, 2008, p. 431). Although it has been suggested that not using enough force can put the female officer and others at risk, Rabe-Hemp (2008) argued that using more verbal interventions may actually make a situation safer for all those involved (p. 431). Rabe-Hemp (2008) also found that female officers’ use of lower levels of controlling behaviour did not change with mediating factors, such as another officer being present or defiance of the suspect (p. 432). The stability of female officer behaviour in the presence of mediating factors may suggest that female officers are less adamant about asserting their authority than male officers (Rabe-Hemp, 2008, p. 432). Overall, the findings suggested that although there are differences in policing styles, such that females are more likely to use low levels of controlling behaviour, while men are more likely to use extreme controlling behaviour, female officers do not generally employ a stereotypical feminine, helping manner.

A meta-analysis conducted by Poteyeva and Sun (2009) demonstrated that female officers have not been found to embrace “feminine” qualities such as affection and
gentleness (p. 515). Other findings suggested that women are not more adept at “community policing” as they were not found to encompass feminine qualities such as calmness and caring. Female officers do, however, support community policing to a greater degree, while still having the same concerns as male officers such as having enough officers for patrol (Poteyeva & Sun, 2009, p. 515). Consistent with the Rabe-Hemp (2008) study, Poteyeva and Sun (2009) found that women are less likely to use extreme force when dealing with offenders.

In a Canadian context, Carrington and Schulenberg (2003) identified the following organizational factors as impacting police discretion: (a) the nature of the community, (b) legislation, (c) policies, (d) local resources, (e) public opinion, and (f) whether there was a dedicated youth squad (p. 132). These investigators also found the seriousness of the offence, the extent of harm done to the victim, the offender’s previous contact with police, the offender’s age, and the suitability of the youth’s home and school life to be influential in the use of discretion (p. 197). Other research, as summarized by Moskos (2012) has identified the importance of policing approaches (i.e., professional as opposed to community or problem-solving methods), officer cynicism, officer workload, supervisor characteristics, officer demographics, and officer desire for court overtime pay in predicting the use of discretion (p. 20).

The literature reviewed for this research did not report on officer perceptions of justice paradigms as an influential factor in the use of discretion, nor did any of these scholars recognize this factor as a potential area for future research. However, Crocker’s (2012) study on decision-making and restorative justice did address the type of offender officers are more likely to refer to such programs. Crocker’s (2012) research also found
that officer perceptions of restorative justice as an acceptable alternative influenced their
decision to refer or charge. The present study aims to fill a gap in the literature on police
discretion by further investigating how officer perceptions of justice may influence the
use of discretion with young offenders, and how these perceptions are further influenced
by the mandates within the YCJA.

**The Evolution of Policing**

According to Goff (2008), Sir Robert Peel introduced the first modern
professional model of policing in 1829 in London, England (p. 122). The main role of
the police included reducing tension between the law and the people, keeping the peace,
and controlling crime. Professional policing evolved as a system based on hierarchical
structures, standardized practices, rapid responses, and the incorporation of technology as
it developed. By 1856, such police forces had emerged in every first world nation and
Canada was no exception. The practice of policing began in Canada in 1651 with formal
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Canada was no exception. The practice of policing began in Canada in 1651 with formal
police organizations beginning to form in 1833 in Quebec. The North West Mounted
Police (NWMP) was established in 1873 to police Western Canada, and was later re-
named the Royal North West Mounted Police, and then the RCMP.

As professional policing evolved, so did the goals of police organizations (Goff,
2008, p. 125). The growing anonymity in larger communities caused a divide between
the police and the public. The goal of policing changed from serving the community to
fighting crime. As this happened a reactive strategy evolved (i.e., addressing the crime
after it has been committed). Technology contributed to the rift between the police and
the public in that police now worked from vehicles, decreasing the interaction that foot
patrolling provided. Efficiency was measured by decreased crime rates, the number of
calls responded to, and response times.
The principles of professional policing are still present, however, the community policing model emerged in the 1960s/1970s in response to the shortcomings of the professional model (Goff, 2008, p. 125). One of the primary criticisms was that the professional policing model failed to reduce crime rates (Martin, 2006, p. 317; Moore, 1992, p. 111). Community policing was posited to reduce tensions between the police and the public, make better use of resources, increase police job satisfaction, increase accountability to the public, and improve community engagement (Goldstein, 1987, p. 8; Winfree, 2004, p. 196). ‘Democratic,’ ‘accountable,’ and ‘transparent’ are words often used to describe community policing (Martin, 2006, p. 316). Community policing, in the broadest sense, brought with it a redefining of police goals and a shift in operating methods (Moore, 1992, p. 103).

According to Goldstein (1987), community policing goals and methods included greater community involvement (e.g., neighbourhood watch programs), greater accountability through increased interactions with the public (through foot patrols and personal interactions), and better service to the public (e.g., education and awareness on how to avoid victimization) (p. 9). Officers were expected to identify community problems in need of attention, thereby expanding police work from simply peacekeeping to include peacemaking. The community was also granted greater input into which issues needed to be given priority by the police. Enhanced community relations were expected to increase informal social controls and community support.

Professional and community policing models continue to coexist today. Measurements of success continue to include decreased crime rates, although police now try to involve the community in achieving this goal by prioritizing different forms of
crime and educating the public. Organizational structures are still hierarchical, although officers are now granted more discretion in order to address community needs. Greater community involvement and the expansion of the role of police officers from peacekeepers to peacemakers are steps toward restorative policing.

**Restorative Policing**

Although some aspects of community policing may be restorative, the model is not synonymous with restorative policing (Bazemore & Griffiths, 2003, p. 337). Contemporary policing models are incident-driven, responsive, and leave the responsibility of key decisions to professionals (Bazemore & Griffiths, 2003, p. 337; Hines & Bazemore, 2003, p. 416). The current practice in policing is to address problems quickly and move on to the next issue rather than addressing the root causes of these problems (Hines & Bazemore, 2003, p. 416). Although fixing problems may not be the role of police officers under either the professional or community policing models, restorative policing requires this approach (Hines & Bazemore, 2003, p. 416). As stated earlier, a goal of community policing is to expand officer responsibilities from peacekeeping to peacemaking. Despite this goal, officers still use arrests and force to resolve conflicts (Meyer et al., 2009, p. 334). Canadian officers policing Aboriginal communities agree that “maintaining peace is as important as catching criminals” (96%), and also that “police should be involved in all community problems” (72%; Gill, Clairmont, Redmond & Legault, 2008, p. 56). By contrast, police rarely view dispute resolution as a key role as the process is too time consuming (Meyer et al., 2009, p. 334). Officers also tend to view this approach as akin to ‘social work’ (Martin, 2006, p. 326). What police do not realize is they have in fact been resolving conflicts all along –
restorative policing simply aims to perfect this practice by transforming the role of police officers from peacekeepers to peacemakers (Meyer et al., 2009, p. 341).

Community policing has changed the nature of police work by increasing contact with the community in terms of partnerships and public education. Whereas community policing seeks social harmony by promoting law-abiding behaviour, restorative policing additionally aims to achieve individual understanding and empathy (Martin, 2006, p. 318). Community policing continues to focus on the problem whereas restorative policing seeks to resolve the underlying causes of the problem (Meyer et al., 2009, p. 335). As the responsibilities of police officers expand, so does the role of communities.

Restorative policing brings with it three broad changes. First and foremost, that police and communities change the definition of crime and their responses to crime. From a restorative perspective, crime is an interpersonal harm that creates needs, which may be addressed through restorative processes (Christie, 1977, p. 1; Llewellyn & Howse, 1999, p. 39; McCold, 2007; Zehr, 2005, p. 181). As opposed to punitive and rehabilitative approaches, restorative policing seeks to repair the harms caused by crime by helping those most directly affected by an offence to address the issue themselves in a restorative manner (Bazemore & Griffiths, 2003, p. 336).

Second, is a change in police responsibilities from peacekeepers to peacemakers and even more broadly, to community builders. The change in police responsibilities using a restorative policing approach is multifaceted. Traditional policing models required them to act primarily as ‘law enforcer,’ or peacekeeper (Goldstein, 1987, p. 9). Community policing altered this role to encourage problem solving, and a wider use of discretion (Meyer et al., 2009, p. 334). Restorative policing requires police to maintain
both the role of peacekeeper and peacemaker, as well as encouraging community participation in crime prevention and conflict resolution (Bazemore & Griffiths, 2003, p. 336; Hines & Bazemore, 2003, p. 414). McCold and Wachtel (1998) suggested that six principles define restorative policing:

1) Promoting accountability, reparation, reintegration, and healing, 2) reducing recidivism, 3) resolving conflicts and engaging in long-term problem-solving, 4) helping communities to attain rewarding justice experiences, 5) transforming police attitudes, role perceptions, and the organizational structures of police work, and finally, 6) reducing the community reliance on formal processes of justice.

(p. 10)

Third, the role of the community has to be expanded to include the resolution of disputes, informal social control, and greater decision-making capacity. To achieve the six principles suggested above, restorative policing demands a strengthening in the relationship between communities and the justice system so that communities are more willing to embrace and resolve their own conflicts (Bazemore & Griffiths, 2003, p. 337; Dzur, 2011, p. 8). However, Hines and Bazemore (2003) contended that even officers who claim to value restorative principles do not always understand the importance of a systemic reform, including the need for strong community partnerships (p. 412).

Encouraging community involvement is posited to increase informal social control, social cohesion, and social support as people will have a greater sense of responsibility and respect toward one another (Bazemore & Griffiths, 2003, p. 336; Meyer et al., 2009, p. 336). Communities will also attain greater self-reliance in handling their own conflicts and play a greater role in crime control (Bazemore, 1998, p. 787).
Hines and Bazemore (2003) contended that by allowing stakeholders to resolve an issue collectively, power is returned to the people to create for themselves a set of norms and values that will in turn be followed more closely (p. 414). It is through community cohesion, addressing the underlying causes of crime, and partnerships with the police, that restorative policing will occur (p. 422). As Braithwaite (2002) suggested in his regulatory pyramid, reserving the most extreme responses (in this case, police use of interventions such as arrest), will work to increase their legitimacy (p. 32). There is a need for police and the role that they play, and thus it is important to foster their image as more inclusive and essential (Martin, 2006, p. 315; Meyer et al., 2009, p. 336; Winfree, 2004, p. 193).Offering more autonomy to the community will promote such an image. Officer knowledge and acceptance of restorative philosophies is essential in making this happen.

Several factors influence police acceptance of restorative philosophies. The primary factors affecting the level of acceptance include overcoming traditional police norms and culture (Dzur, 2011, p. 3), organizational resistance, a lack of support from direct supervisors (McCold, 2003, p. 385), as well as resistance from political stakeholders and community apathy. Bazemore and Griffiths (2003) suggested that individual police officers might face challenges employing this policing style due to departmental structures and organization (p. 338). Instituting a restorative policing model requires both a bottom up and top down effort. There needs to be a clear mandate within police services but also within the entire justice system. Systemic reform requires a shift in how all incidents of crime are responded to and not just minor offences. Furthermore,
several restorative options need to be available to police and communities, and examples of this within the YCJA include warnings, cautions, and extrajudicial sanctions.

Bazemore and Griffiths (2003) contended that restorative policing could only occur after linking conflict resolution and community building (p. 340). The implementation of this approach cannot be successfully realized simply through legislation, as changes are also needed within police organizations and their willingness to participate. First, structural changes need to occur so that job descriptions accommodate a restorative approach and leaders encourage officers to use restorative measures for solving problems (Bazemore & Griffiths, 2003, p. 342; Winfree, 2004, p. 206). It may only take one person within a department to promote a restorative strategy, making it much easier to spread the idea of community building (Hines & Bazemore, 2003, p. 417).

According to Bazemore and Griffiths (2003), the second change is with regard to organizational culture (p. 342). This would entail changing the values and ideologies of police organizations to embrace conflict resolution and community building as opposed to a retributive strategy (p. 342). Simply incorporating police-led restorative processes may not be enough. McCold’s (2003) study found that despite police-led conferences, overall organizational culture, and perceptions were slow to change. The officers who were enthusiastic about leading conferences were found to adopt a more restorative policing style (p. 385). Nonetheless, the four traditional measures of police performance include crime rates, arrests, response time, and clearance rates (Ruddell & Jones, 2013, p. 45). If officers are being assessed based on these standards, then the incentive to move toward a restorative policing model could be questioned. Davis (2012) contended that
evaluations might need to be altered to encompass other police functions such as community involvement, and work with other community agencies. Bazemore and Griffiths (2003) suggested examining specific officer and organization attitudes to determine if the culture supports restorative policing (p. 342).

There are at least two key factors regarding individual officers and their willingness to utilize a restorative policing strategy. The first factor is the importance of department leaders and their support for such a paradigm shift (Bazemore & Griffiths, 2003, p. 342; Martin, 2006, p. 326). McCold’s (2003) examination of police-led conferences suggests that although senior administrators are generally supportive, there is a lack of encouragement from direct supervisors, which can be a significant obstacle in reform. While restorative responses should be a normative function they are instead often considered to be an ‘extra task’ (p. 385). The benefits of this approach, however, may include the ability to better diffuse situations, increased officer and community safety, and a reduction in police work as officers may respond less frequently to the same locations and the conflicts that occur there (Meyer et al., 2009, p. 334).

The second factor is education. Police officers cannot be expected to embrace restorative justice if they do not clearly understand it (Bazemore & Griffiths, 2003, p. 343; Tomporowski, 2004, p. 61). A study of police-led restorative conferences found that officers did a satisfactory, but not perfect job of leading these interventions (McCold, 2003, p. 384). As McCold and Wachtel (1998) pointed out, this speaks to the challenge facing police in embracing restorative justice while also protecting the due process rights of suspects (p. 103). For example, participants need to be informed that they have a right to leave the restorative process at any time and consult a lawyer, which did not always
happen in the study (p. 103). Furthermore, some officers slipped into their traditional authoritarian role, which may inhibit reintegrative shaming and the ability of participants to reach satisfactory outcomes on their own (p. 103). As Bazemore and Griffiths (2003) contended, knowledge and understanding of restorative justice extends to the community as well (p. 344). Research has shown that when community members are meaningfully involved in such a justice transformation, their commitment is stronger (p. 344). However, the community also needs to be educated in order to accept the restorative paradigm.

As Bazemore and Griffiths (2003) explained, police officers can employ a restorative policing style both formally and informally (p. 338). Formal measures include making referrals, and conducting, participating, or sponsoring restorative programs. Informally, police can educate the public by incorporating restorative principles on the job, at schools, or in their interactions with individuals and families.

Hines and Bazemore (2003) suggested that as police work to build communities, those communities could aid in police work (p. 422). Community policing styles welcome citizen input into establishing police priorities and a restorative approach hands over increasing amounts of decision-making capacity to citizens (Bazemore & Griffiths, 2003, p. 336). A Canadian study of Aboriginal policing, for example, found that police officers do not feel there is too much community input into police work, indicating their willingness to involve the community to a greater degree (Gill et al., 2008, p. 85). Officers need to include the communities they police while resisting the tendency to remove the conflict away from the people directly affected (Hines & Bazemore, 2003, p. 424). Officers must also discourage the community to hand those conflicts back unless
they are beyond the ability of the community (for example, responding to organized crime). In turn, a greater respect for police agencies will be realized (Hines & Bazemore, 2003, p. 425). However, community building and the subsequent social controls that may develop are difficult to implement in urban areas, as people in cities are more anonymous and physically and socially diverse (Meyer et al., 2009, p. 338). In addition, transparency becomes a greater challenge as more conflicts are being dealt with privately than traditional policing (Martin, 2006, p. 327).

Chatterjee and Elliot (2003) compiled research on how restorative policing directly relates to the YCJA. Community justice forums (CJPs) are restorative programs based on FGCs (p. 352). The RCMP plays a catalyst role in which they provide training to community members and encourage them to resolve conflicts through this process. In this way, the RCMP encourages community building while strengthening their relationship with communities.

Police play an important role in building community, yet it is unclear how police officers decide which cases should go to a restorative process, or what extrajudicial measures are used (Chatterjee & Elliot, 2003, p. 358). There is a danger in implementing programs without ensuring agencies have a clear understanding of restorative justice (Bazemore, 1998, p. 775; Chatterjee & Elliot, 2003, p. 358). McCold’s (2003) study of police-led restorative conferences in the United States found that training is essential for successful implementation (p. 384). Proper training led to less police control over the conference outcomes and a greater likelihood of successful reintegration. Reintegration not only refers to the offender, but also the other stakeholders affected by the offence. The inclusionary nature of reintegration suggests that all of the individuals implicated in a
crime have the potential to heal. Chatterjee and Elliot (2003) argued that shifting the role from law enforcement officers back to peace officers is vital in creating the environments needed to sustain a restorative policing philosophy (p. 358).

An understanding of restorative policing is essential to this study. Policing tends to be reactive and focused on solving issues quickly without addressing the causes of crime and without involving the affected community. Restorative principles are embedded in the YCJA through extrajudicial sanctions and conferencing. Police have the discretionary power to refer young offenders into EJS, or handle them less formally, through extrajudicial measures. Restorative policing can have great value if utilized and implemented properly. How individual police officers and police services conceptualize crime has a significant impact on how they address crime. This literature, combined with the information on restorative justice and the YCJA is helpful in understanding how young offenders are managed. This thesis is intended to develop a better understanding of police support of restorative justice in relation to young offenders, as well as how this may influence the use of restorative justice interventions in Saskatchewan.
Chapter 3: Methodology

This thesis used a quantitative approach to analyze the results from a self-administered online survey to police officers in Saskatchewan to answer the following research question:

To what degree do Saskatchewan police officers support principles of restorative justice with young offenders?

Describing the methods for this thesis begins with the ontological and epistemological foundations that led to the choice of employing survey research. Thereafter, an overview of the sampling and survey construction procedures as well as the process for data collection and the analytic process is presented. Potential ethical issues and the means by which they are addressed are then described. Finally, the chapter concludes with a discussion of the limitations of this research methodology.

Ways of Understanding Social Reality

All social research begins by addressing the nature of social reality. An understanding of how the researcher views the social world dictates the researcher’s ontological position (Mason, 2002, p. 14). Perceiving reality as objective, external to the social actor and static over time is characteristic of an objectivist ontological position (Creswell, 1994, p. 4). Alternatively, reality is viewed as individually constructed, subjective, and constantly in motion according to those subscribing to a constructivist perspective (Bryman, 1988, p. 103).

Once the researcher’s ontological stance is acknowledged the epistemological issue can be addressed. Epistemology refers to what constitutes valid knowledge – how the research subject can be studied (Mason, 2002, p. 16). Epistemology is directly linked
to the researcher’s ontology. As such, an objectivist ontology leads to a belief in the scientific method (Bryman, 1988, p. 104). A constructivist ontology leads the researcher to believe that knowledge should be gained by studying individuals’ perceptions of reality (Bryman, 1998, p. 104).

According to Creswell (1994) the methodology of a study becomes more obvious as the ontological and epistemological standpoints are acknowledged. The objectivist ontology and positivistic epistemology employs a deductive process in conducting research. The purpose is to test hypotheses in order to make generalizations. The research design is created prior to the study and it does not change. A qualitative methodology by contrast, approaches the research using inductive thinking. The purpose of such research is to allow theories and patterns to emerge in order to understand a segment of the social world. The research design is flexible to allow for evolution as the research is being conducted.

The research methods are driven by the methodology. A quantitative methodological approach enables the researcher to remain detached from those being studied and surveys and experiments are preferred (Creswell, 1994, p. 6). The qualitative methodological approach that proposes that social reality can only be known through those who experience it, utilizes methods such as interviewing, participant observation, and ethnographic studies (Bryman, 1988, p. 110).

**Selecting a Method**

For this research, the primary researcher’s ontological and epistemological perspectives are mixed. Respect should be afforded to both the richness of detail derived from qualitative research as well as the scientific method and the abundance of data that
can be analyzed using a quantitative approach. Social reality is thought to exist in numerous ways, both external to social actors and as perceived by the individual. A mixed perspective can be reconciled by conducting both qualitative and quantitative research; however, engaging in a mixed-methods approach can be time consuming and cost prohibitive. As a result, the decision to conduct quantitative research through analysis of a survey was made for the following reasons.

According to Bryman (1988), methodologies may be selected based on the nature of the research problem (described as a choice based on “technical issues”), as opposed to being strictly rooted in the researcher’s epistemological perspective. Selecting a methodology based on the nature of the problem posed another quandary: there are valid arguments for the use of several methods based on the nature of this particular research problem. As Creswell (1994) suggested, if there exists a substantial body of literature, as is the case with restorative justice, the problem may emerge along with already established variables (p. 10). As such, Bryman (1988) confirmed that there might be a relationship between the subject matter and the appropriate methodology (p. 111).

Despite recognizing the alternatives, this thesis utilizes the quantitative analyses of the results of survey research. There are several reasons for this decision. First, much research surrounding restorative justice has already been conducted through surveys, including evaluations of restorative programs and research examining the degree of support for restorative justice\(^\text{12}\). Scientific examinations of restorative justice may identify the strengths and limitations of restorative justice. Restorative justice has often been called ‘soft’ compared to political slogans advocating ‘tough on crime’ interventions.

Accordingly, researchers may opt for quantitative strategies to help us better understand whether restorative justice can influence participant satisfaction, reduce recidivism, and increase public support for restorative justice. Furthermore, as survey methods are already an established methodology within restorative justice research, the survey questions within this study have been used before, enabling future comparisons.

Second, Bryman (1988) suggested that survey research is appropriate when the subject matter is fairly specific and is familiar to respondents (p. 109). According to the Government of Saskatchewan (2009) survey, 90% of Saskatchewan police officers reported being familiar with EJS and AM guidelines (p. 46). Furthermore, the questions within the survey were aimed at uncovering officer perceptions of the paradigms of justice, the guidelines of the YCJA, and police discretion – issues familiar to the subjects.

Finally, survey research is appealing because of its structured nature, potential usefulness, and time efficiency (Creswell, 1994, p. 10). The outcomes of this research may be valuable to inform policy makers. By surveying Saskatchewan police officers regarding their degrees of support for restorative justice through the YCJA, generalizations can be made for the entire province.

Survey Construction and Population

The survey instrument used in this study is a compilation of items from several previous surveys that have been adapted to the Saskatchewan context. Questions used in developing the survey instrument were extracted from the following studies: 1) Gill, Clairmont, Redmond, and Legault’s (2008) research on policing Aboriginal communities; 2) Katz and Bonham’s (2008) study regarding attitudes toward restorative justice; 3)
Crocker’s (2012) report on decision-making and restorative justice; 4) the Government of Saskatchewan’s (2009) research on EJS and AM guidelines and; 5) the Canadian General Social Survey\(^\text{13}\).

According to Payne and Payne (2004), reliability refers to ensuring consistent measurements regardless of who uses the survey questions, as long as the basic conditions of the study remain the same (p. 195). In using previously used questions from studies investigating policing, perceptions of justice, discretion, and restorative justice, the reliability should increase. Validity, by contrast, refers to the ability of the survey questions to measure accurately the concepts under investigation (Payne & Payne, 2004, p. 233).

Before the survey for the this thesis was constructed, the independent variables were identified as including age, sex, ethnicity, religion, education, marital status, family background, community characteristics, type of police force (municipal/RCMP), years of service, training, experience, and rank. The dependent variables included perceptions of justice paradigms, the use of discretion within the YCJA, and attitudes in regards to peacemaking, peacekeeping, and community building. Based on the primary and supporting research questions the researcher examined each survey and created a bank of survey items, and then narrowed down to the most appropriate questions for each variable.

The questions included in the survey instrument were closed-ended and based primarily on Likert-type scales that ranged from three to five responses. Closed-ended questions limit respondents’ answers to the options available, as predetermined by the

\(^{13}\) See Appendix B for the survey instrument used in this thesis research, as composed from the studies listed above.
researcher (Guppy & Gray, 2008, p. 90). Such questions allow for easily quantifiable, comparable, and recordable data. Closed-ended questions with Likert type scales allow for a greater range of responses relative to dichotomous (i.e., yes/no) responses (McLeod, 2008), but include several challenges and limitations. For example, the range of responses may be too limited for some respondents, respondents may feel that a single word or phrase is too simple to address the issue, there may be too many options (which leads a respondent to abandon a question or answer it improperly), and the issue of social desirability bias where respondents may feel compelled to answer in a way that is favourable to others as opposed to being truthful (Guppy & Gray, 2008, p. 90; McLeod, 2008). Guaranteeing that the respondent’s answers would not, and could not, be traced back to the individual may have helped to elicit responses that were more truthful. As Guppy and Gray (2008) indicated, researchers must consider issues such as consistency in direction of questions when employing Likert-type questions.

Many of the questions in the demographics section allowed the respondents to answer in only one way; for example, having to choose only one response from a list of religious denominations (Payne & Payne, 2004, p. 140). Another example of this is ‘sex’ which is a nominal and dichotomous variable.

As Straub (1989) pointed out, a pilot test should be considered a “dry run;” undertaken prior to the final administration of the instrument (p. 161). A pilot study was conducted, and the responses provided insight into how well the questions work together. Piloting the survey instrument allowed feedback on the survey, which provided the opportunity to change any questions that were confusing to respondents. Finally, piloting the survey enabled the researcher to develop an approximate timeframe to be given to
respondents at the onset of the survey. The survey was piloted with three fellow graduate students.

Data Collection

This thesis used the online research tool ‘SurveyMonkey’ to make the survey instrument available to the research participants. Once permission was received from the various police services, the link to the online survey was provided to each participating police service. A main contact was established within each participating service. This contact sent the web link to the survey to their members on behalf of the researcher.

Each police service was provided with an introductory email to send to their sworn officers. The first email consisted of: (a) a description of the research project, (b) an endorsement from the officers’ police service, (c) an assurance of anonymity, (d) the researcher’s email address for questions or concerns, (e) the requested date for survey completion, and (f) the link to the survey. After approximately three weeks, it was requested that participating police services forward a reminder email to their officers.

Analyses

The online survey was distributed on May 1, 2013 to all participating police services in Saskatchewan (including municipal services and RCMP), remaining open to participants until 11:45 pm on July 19, 2013. Participation was requested from every police service. All but three of the 13 services agreed to send out the survey to all active members. Among those who declined participation, two services had mandates that do not include dealing with YCJA legislation, and hence could not provide answers to these

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14 The survey was sent out to sworn members only, as they are the individuals doing the actual policing, as opposed to civilian members who may assist front-line officers in a variety of roles.
questions, and one small municipal service did not respond to the invitation. As a result, the survey was distributed to most of the 2,300 police officers in Saskatchewan.

The survey was constructed and distributed through the online survey tool, SurveyMonkey, which is compatible with SPSS, the statistical package used to conduct the analyses. Once the survey closed, the results were downloaded from the SurveyMonkey website in Excel format. The file was converted into an SPSS file format, and once in that format was cleaned and coded. The process included: 1) naming the variables, 2) adding proper labels, 3) setting widths and variable measures, 4) setting proper values, 5) entering ‘missing’ values, and 6) reverse coding several variables. A diary was kept detailing the data cleaning and coding process. The process was completed a second time to allow for cross-examining the two databases for consistency before conducting the analyses.

Analyses began by running basic descriptive statistics (i.e., ranges, means, standard deviations, skewness, and kurtosis) on each variable in the dataset. Each of the 13 independent variables (i.e., the demographics and general police information) was correlated to assess for potentially problematic interrelationships before conducting ordinary least squares (OLS) regression and logistic regression (Healey, 2005, p. 408).

An exploratory factor analysis was conducted on the 20 questions previously identified as capturing the three paradigms of justice (i.e., retributive, rehabilitative, and restorative). Exploratory factor analysis was used to reduce the regressor space between the variables in order to create a smaller, more concise set of variables, known as factors (Kim & Mueller, 1978, p. 8). The exploratory factor analyses were conducted based on Costello and Osborne’s (2005) recommendations. First, principle factor analysis was
chosen over principle components analysis to identify the underlying factor structure by separating the shared variance of variables from unique and error variance. Second, maximum likelihood estimation was selected as the extraction method because the data was fairly normally distributed and statistical significance tests, including examination of confidence intervals, were sought for the factor loadings. Third, a Scree test as well as a parallel analysis (Longman, Cota, Holden & Fekken, 1989) was conducted to determine number of factors to retain. Fourth, oblique rotation was chosen, as the produced pattern matrix shows the factor loadings and the factor correlation matrix displays the strengths of relationships between the factors. Fifth, sample size was assessed based on the participant to item ratio that exceeded 300 participants and 20 items at the beginning of the factor analysis, resulting in a greater than 10:1 people to item ratio (Costello & Osborne, 2005).

Factor and item retention were also based on Costello and Osborne’s (2005) recommendations. Specifically, the item communalities needed to be between .40 and .70, a minimum of .32 was required for an item-factor loading (i.e., 10% variance with other items in the factor), and each factor needed to have at least three items successfully loaded in order to be retained. The factor analytic plan facilitated the identification of robust and independent factors, representing the retributive, rehabilitative, and restorative paradigms, while assessing inter-item and inter-factor relationships (Bland & Altman, 1997, p. 572).

Following the exploratory factor analyses, three OLS regression analyses were conducted, one for the retributive, rehabilitative, and restorative paradigms. As the dependent variables are continuous, OLS was used (George & Mallery, 2008, p. 348).
OLS regression enables researchers to investigate the relationships between various independent variables and a dependent variable (Healey, 2005, p. 474). The regression analysis facilitated insight as to the variance each independent variable accounts for through interpretation of beta-weights, or standardized regression coefficients, which vary between ±1 (George & Mallery, 2008, p. 211).

The final step in analysis was to estimate two separate logistic regression models to discern the use of discretion. As the outcome variables (Scenario 1 & Scenario 2), were dichotomous, logistic regression was used\(^{15}\) (George & Mallery, 2008, p. 348). Odds ratios are used to interpret logistic regressions (Healey, 2005, p. 136). Odds ratios are probabilities in which the researcher can say any one of the independent variables (e.g., education) may make an individual more or less likely to refer or not refer a youth to a restorative justice based intervention (Healey, 2005, p. 136). Of note, while this thesis research has sought to measure officers’ perceptions of justice paradigms and the influence of those perceptions on the use of discretion, perceptions do not always translate into behaviours. In other words, just because someone may think one form of justice is preferable over another, does not mean that person will act in a way that favours that form of justice.

**Ethical Concerns**

According to the Office of Research Services at the University of Regina (2012), vulnerable populations are considered to be groups that are unable to protect themselves against harm in their involvement in research. For example, this may include people who cannot understand and provide consent, or who are economically, socially, or

\(^{15}\) In this step of the analysis the three paradigms were added as independent variables and transformed into dichotomous variables (i.e., above and below the mean) to clarify the analyses and interpretations.
educationally disadvantaged. Police officers are not considered to be a vulnerable research population; however, officers can be made vulnerable by research questions that are asked. For example, potential responses may be counterintuitive to how police departments expect officers to think and conduct their duties. As a result of this potential concern, the researcher had to ensure the integrity of the institution, the research, and the participants. Precautions were taken to ensure the anonymity of the respondents. At no point was the researcher able to ascertain which survey belonged to any participant, as they were submitted anonymously. The questions within the survey were constructed in a way that did not provide revealing details. For example, the question of ‘rank’ was divided into three categories, becoming vaguer as the rank increases. Categorizing rank allowed an inspector in the RCMP to be included in the category of ‘Inspector and above,’ reducing the researcher’s ability to distinguish any one person.

As previously noted, attached at the beginning of the survey was a brief overview of the study. The overview included what was expected of participants, a time frame for survey completion, and assurance that participants could choose to not answer any question(s) or cease the survey at any time. Furthermore, respondents were assured that individual survey results would not be identifiable or traced back to them and would only be viewed by the researcher and the thesis supervisor. Finally, participants were informed that the final product of this research would be made available to them through the Saskatchewan Association of Chiefs of Police.

A consent form was composed on the first survey page in which participants clicked the ‘accept’ button, indicating that they had read the pertinent information, were voluntarily participating in the study, and wished to begin the survey. Obtaining
informed consent enhanced likelihood of truthful data through voluntary participation. Additionally, each participant was given the researcher’s university email address. If participants had any questions or issues, they could contact the researcher or the thesis supervisor.

**Limitations**

As with any research undertaking, the current study has several limitations. Survey research depends on respondents to be truthful. Because the subject matter directly pertained to the subjects, they were apt to respond truthfully. However, if anonymity was not properly explained, there would have been a lack of confidence in the research, which may have affected the validity of the responses. A question such as “This organization is inconsistent in the application of rules and policy” may have been answered in order to increase social desirability.

Another concern was that officers who hold a strong opinion of the subject matter – particularly restorative justice - could skew the results. The researcher attempted to control for skewed results by ensuring the tone of the survey was neutral (for example, asking questions about perceptions of justice and avoiding the use of the term “restorative justice”) as well as including several reverse coded questions to check for internal consistency.
Chapter 4: Analysis and Findings

Chapter four describes how the analyses were conducted and the subsequent findings. Basic descriptive statistics in relation to the independent variables are described. A discussion of the correlation matrix, factor analysis, and reliability analysis leads to the final discussion of the ordinary least-squares regressions and logistic regressions conducted to understand the relationships between the independent variables, perceptions of justice, and the use of discretion when considering two scenarios.

Descriptive Statistics

Frequency analysis provided a description of the characteristics of the sample, and permitted for a check of the distribution of all variables. Frequencies took into account the mean, minimum, maximum, skewness, and kurtosis. In all, 296 officers responded to the survey, which translates to a response rate of approximately 13% of the target population.

The respondents included 231 male and 57 female officers, indicating a skewed distribution toward male respondents. The average age of officers was 39 years, with the range being between 22 and 66 years. When asked which ethnicity participants most identified with, 64% responded Caucasian, 8% Aboriginal/First Nation’s/Métis, and 13% “other.” The majority of respondents (i.e., 60%) were married for the first time, while 9% were single/never married and 8% lived in common law arrangements. In terms of formal education, 6% have a high school diploma, 35% have some college or university, while 56% have completed college or university, and 3% have a graduate degree. When asked about religion, 30% of respondents selected no religion (Atheist or Agnostic), 30%

---

16 This distribution was skewed, however, consistent with the percent of female officers in Canada, which is about 20% (Statistics Canada, 2012c).
were Protestant, and 35% Catholic, and 5% responded “other.” A majority of those surveyed (76%) have never had a family member incarcerated.

With respect to the specific policing questions, there were 166 (56.5%) respondents from municipal police services while 128 (43.5%) were from the RCMP. The average years spent in police work was 13.5 years, with a range between 1 and 44.5 years. The respondents included 54% who were in a position of constable or detective, 38% who were in a position of middle management (Corporal or Sergeant), and 8% held executive positions (Inspector and above). When asked to rate their familiarity with the Saskatchewan Justice Alternative Measures guidelines for youth, 51% were familiar or very familiar, while 43% were somewhat familiar. Just over 6% were not at all familiar with the AM guidelines. In terms of training on AM guidelines, 52% of respondents have not received training and 48% have received such training. See Table 4.1 for full descriptive statistics on each independent variable.

| Table 4.1 Descriptive Statistics for Independent Variables (Overall N = 296) |
|----------------------------------------|-------------------|----------------|---------|-----------|-------------------|-----------------|---------------|---------|-----------|
| **General Policing Information**      | **Values**        | **Count**      | **Total** | **%**    | **N**      | **Valid**       | **Mean**      | **Std. Deviation** | **Skewness** | **Kurtosis** | **Range** | **Min./Max.** |
| Years in Police Work                  | N/A              | N/A            | 286      | 13.54    | 2         | 8.9480          | .901           | .104          | 43.5    | 1.0/44.5   |
| Type of Police Service                | RCMP             | 128            | 43.5    | 204      | N/A       | .497            | -.262          | -1.945        | 1        | 1.0/2.0    |
|                                       | Municipal        | 166            | 56.5    | 284      | N/A       | .497            | -.262          | -1.945        | 1        | 1.0/2.0    |
| Rank                                  | Constable/Detector | 159          | 53.9    | 295      | N/A       | .642            | .772           | -.437         | 2        | 1.0/3.0    |
|                                       | Middle Man.      | 112            | 38.0    | 224      | N/A       | .642            | .772           | -.437         | 2        | 1.0/3.0    |
|                                       | Executive        | 24             | 8.1     | 267      | N/A       | .786            | .136           | -.466         | 3        | 1.0/4.0    |
|                                       | Not at all       | 19             | 6.5     | 286      | N/A       | .786            | .136           | -.466         | 3        | 1.0/4.0    |
|                                       | Some-what Familiar | 125        | 42.8    | 247      | N/A       | .786            | .136           | -.466         | 3        | 1.0/4.0    |
|                                       | Very             | 113            | 38.7    | 236      | N/A       | .786            | .136           | -.466         | 3        | 1.0/4.0    |
|                                       |                  | 35             | 12.0    | 271      | N/A       | .786            | .136           | -.466         | 3        | 1.0/4.0    |

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### Demographic Characteristics

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<th>Female</th>
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<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
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<th>.096</th>
<th>-2.004</th>
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<tr>
<td>Some</td>
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<td>Family Member Incarcerated</td>
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</table>

### Correlations of the Independent Variables

A correlation matrix was calculated to assess how interrelated each independent variable was with the other independent variables. The correlation matrix assisted in making decisions on which variables to include in the OLS and logistic regression.
models to avoid problems associated with multi-collinearity. According to Healey (2005), by identifying any correlated and thus potentially problematic variables, a decision can be made as to which variables will be included in a model.

According to the correlation matrix, there are positive and statistically significant relationships between years of service, rank, and age\textsuperscript{17}. In other words, older persons are likely to have more years of service and hold a higher rank (i.e., rank/years of service: $r = .738$, $p = .000$; Years of service/age: $r = .882$, $p = .000$; Rank/age: $r = .648$, $p = .000$).

Another positive relationship exists between age, familiarity with the Saskatchewan Justice Alternative Measures (AM) guidelines for youth, and training on those guidelines. Although not a strong relationship, the older a person is the more likely they are to be familiar with the guidelines ($r = .136$, $p = .024$). Similarly, the older a person is the more likely they are to have received training on the AM guidelines for youth ($r = .215$, $p = .000$). The more years a person has spent in police work the more familiar they are with the AM guidelines and the more likely they are to have received training on the AM guidelines ($r = .112$, $p = .061$; $r = .183$, $p = .002$). Those who received training on the AM guidelines for youth are more likely to be familiar with the guidelines than those who did not receive training ($r = .328$, $p = .000$).

Although weak, there is a significant relationship between sex and having a family member incarcerated in the past ($r = .170$, $p = .004$), which indicates that females are more likely to have had a family member incarcerated. There is another weak relationship between having a family member incarcerated in the past and ethnicity ($r =$

\textsuperscript{17} Based on Healey’s (2005) discussion of correlation coefficients (Pearson’s $r$), this number varies between 0.00 and ±1.00, where +1.00 equates to a perfect positive relationship, -1.00 associates to a perfect negative relationship, and 0 indicates no association. Further interpretation of Pearson’s $r$ states that values between 0.00 and 0.30 indicate a weak association, while values between 0.30 and 0.60 are moderate associations, and values above 0.60 are strong associations (Healey, 2005, p. 404).
Finally, a weak, positive relationship was found between religion and having a family member incarcerated ($r = .247, p = .000$). See Appendix C for the full correlation matrix.

**Factor Analysis, Reliability Analysis, and Scale Construction**

Factor analysis was conducted on the 20 items incorporated in the survey. The factor analysis helped to identify the strongest related variables within each of the three paradigms and to create scales for OLS and logistic regressions. By creating scales, the data becomes closer to a continuous level of measurement rather than ordinal (Spector, 1992, p. 4). Continuous level of measurement allows for interpretation of the degrees of difference in perceptions or agreement with each paradigm. For the logistic regression, the scales were dichotomized for ease of interpretation. Following Costello and Osborne’s (2005) factor analysis recommendations, an iterative analysis was conducted. Costello and Osborne’s (2005) iterative process was conducted eight times, during which the items in each factor were analyzed by reviewing their communalities, the pattern matrices, and theoretical considerations and subsequently pared down to include 12 of the original 20 items from the survey.

The iterative process based on Costello and Osborne’s (2005) recommendations resulted in three factors, which were “Restorative Justice” (including item 12 = .512, item 13 = .722, item 14 = .355, and item 15 = .597), “Retributive Justice” (including item 1 = .691, item 2 = .755, item 3 = .794, item 4 = .770, and item 5 = .736), and

---

Theoretically, four paradigms were built into the current study including retributive, rehabilitative, restorative, and restitutive. During the iterative factor analysis, four paradigms were forced, however, the parallel analysis suggested three factors. As such, the four forced factors were analyzed and it was found that there was considerable overlap in the pattern matrix between the theoretical constructs of rehabilitation, restorative justice, and restitution. At this point restitutive justice was removed and the factor analysis accounted for only three paradigms, recognizing remaining overlap between rehabilitation and restorative justice. Steps were taken to remove sufficiently overlapping items to create the best factors possible in combination with theoretical considerations.
“Rehabilitative Justice” (including item 6 = .846, item 8 = .566, and item 9 = .601). The individual items within each factor are described in Appendix D. The factor correlation matrix indicated that relationships were in the direction expected. As support for retributive justice increases, support for both rehabilitation and restorative justice decreases, and officers who support rehabilitation also support restorative justice.

Reliability analysis was conducted on each of the separate factors and, using Cronbach’s Alpha, described how well the items within each factor are related (Spector, 1992, p. 6). The factor analysis provides an indication for some of this information; nevertheless, Cronbach’s Alpha was calculated to provide additional information about the path analysis model.

The factor “Retributive Justice” had a Cronbach’s Alpha (based on standardized items) of .86. According to George and Mallery (2008), an alpha (α) equal to: .90 or higher is excellent, .80 to .89 is good, .70 to .79 is acceptable, .60 to .69 is questionable, .51 to .59 is poor, and .50 or less is unacceptable (p. 251). Based on these standard guidelines, the reliability of “Retributive Justice” is good. “Rehabilitative Justice” had an α = .71, indicating an acceptable level of reliability. “Restorative Justice” had an α = .66. Despite α = .66 being “questionable,” based on the factor analysis and theoretical consideration of the questions included, the decision was made to use the four items determined using factor analysis to create the Restorative Justice scale. Furthermore, subscales with fewer items tend to produce lower Cronbach’s alpha scores (Miller, 1995). Table 4.2 presents a summary of the reliability analysis on the “Paradigms of Justice” as determined by the factor analysis.
Table 4.2 Reliability Analysis of “Paradigms of Justice”

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<th>N of items</th>
<th>Cronbach’s Alpha (based on Standardized Items)</th>
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<tr>
<td>Restorative Justice</td>
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<tr>
<td>Retributive Justice</td>
<td>5</td>
<td>.864</td>
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<tr>
<td>Rehabilitative Justice</td>
<td>3</td>
<td>.707</td>
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</tbody>
</table>

Based on the reliability analysis, three scales were created: “Retributive Justice,” “Rehabilitative Justice,” and “Restorative Justice.” Table 4.3 presents the information on the frequency and descriptive analysis of these scales to be used in the OLS and logistic regression analyses.

Table 4.3 Descriptive Statistics for Justice Scales

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<th>Std. Deviation</th>
<th>Skewness</th>
<th>Kurtosis</th>
<th>Range</th>
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</tr>
<tr>
<td>Rehabilitative Justice</td>
<td>10.9003</td>
<td>2.31644</td>
<td>-.761</td>
<td>.734</td>
<td>12.00</td>
<td>3.00/15.00</td>
</tr>
</tbody>
</table>

Ordinary Least-Squares (OLS) Regression and Logistic Regression

Before the regression analyses could occur, changes had to be made to some of the variables to create dichotomous variables in the logistic regression analyses and allow for simpler interpretation. Education and familiarity with restorative justice were transformed into dichotomous variables. Years in police work was transformed into two “dummy” variables for the logistic regression where the three categories were 8.5 years or less, 9 – 14.5 years, and 15 years and above, and the latter category was excluded in the dummy variables. The retributive, rehabilitative, and restorative justice scales were

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19 Education was transformed into a new variable indicating less than a postsecondary degree and postsecondary degree and above.
20 Familiarity with restorative justice was transformed into a new variable indicating strongly disagree, disagree, and neither in one category, and agree/strongly agree in another.
recode to start at 0 for ease of interpretation. The three scales were transformed into
dichotomous variables for the logistic regression, capturing those below and above the
mean.

Three OLS regressions were estimated to examine each paradigm of justice. Each
of these regression analyses included 9 independent variables\(^{21}\) in order to understand
their effect on the three separate dependent variables (the three paradigms of justice).
The OLS regression analyses were conducted with respect to estimates, confidence
intervals, model fit, correlations, collinearity, and dealing with missing cases by the
listwise process. Listwise deletion was used for missing data because it does not risk
inflated degrees of freedom, which is a concern when using either pairwise deletion or
replacing the missing information with the mean (George & Mallery, 2008, p. 50). In
addition, the sample was large enough to ensure more than 200 responses even using
listwise deletion, which removes respondents completely if there are any missing
responses within their answers (George & Mallery, 2008, p. 50).

**Ordinary least-squares regression for paradigms of justice.**

The first OLS regression was conducted to assess the effects of the independent
variables on retributive justice. The model summary indicates that \(F(9, 187) = 4.774, p <
.001, R^2 = .187\) (See Table 4.4 for information on all three model summaries), which
suggests that the first OLS regression is statistically significant and accounted for 19% of
the variance accounted for by the independent variables in terms of their effect on
agreement with retributive justice. The adjusted \(R^2\), meaning any overlap in variance
among the variables has been removed, accounted for 15% of the variance accounted for

\(^{21}\) The independent variables included: 1) police service, 2) years in police work (as a continuous variable),
3) sex, 4) ethnicity, 5) education, 6) marital status, 7) family member ever incarcerated, 8) training on the
AM guidelines, and 9) familiarity with restorative justice.
by the nine independent variables, while controlling for the shared variance, on the outcome variable.

<table>
<thead>
<tr>
<th>Model</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of Estimates</th>
<th>R Square Change</th>
<th>F Change</th>
<th>df1</th>
<th>df2</th>
<th>Sig. F Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retributive Justice</td>
<td>.432</td>
<td>.187</td>
<td>.148</td>
<td>3.79950</td>
<td>.187</td>
<td>4.774</td>
<td>9</td>
<td>187</td>
<td>.000</td>
</tr>
<tr>
<td>Rehabilitative</td>
<td>.322</td>
<td>.104</td>
<td>.061</td>
<td>2.26594</td>
<td>.104</td>
<td>2.428</td>
<td>9</td>
<td>189</td>
<td>.012</td>
</tr>
<tr>
<td>Restorative Justice</td>
<td>.237</td>
<td>.056</td>
<td>.011</td>
<td>2.65157</td>
<td>.056</td>
<td>1.234</td>
<td>9</td>
<td>187</td>
<td>.276</td>
</tr>
</tbody>
</table>

Within the model examining retributive justice, three of the nine independent variables had a statistically significant effect on the retributive justice scale (See Table 4.5 for information on relevant independent variables within the significant OLS regressions). Years in police work was found to have a standardized coefficient, or beta value of ($\beta$) = -.358, $p < .001$; indicating that the more years of service a police officer has, the less likely they are to support retributive justice. Training on Alternative Measures Guidelines for youth indicated $\beta = -.175$, $p = .016$, suggesting that officers with training on the AM guidelines are less likely to support retributive justice. The third statistically significant independent variable was police service indicating $\beta = -.253$, $p = .001$, meaning that RCMP officers are less likely to agree with retributive justice principles. As these findings are based on standardized coefficients, relative comparison can occur. Years in police work has the greatest effect on officer perceptions of retributive justice, followed by police service, and then training on AM guidelines.

The second OLS regression was conducted for the effect of the independent variables on the rehabilitative paradigm of justice. The model summary indicated that $F(9, 189) = 2.428, p = .012, R^2 = .104$; meaning that the OLS regression for rehabilitative
justice is statistically significant and accounted for 10% of the variance, or the combined effect of the nine independent variables, on the degree of support for rehabilitative justice. The adjusted $R^2$ accounted for 6% of the variance, which means that while controlling for overlap in accounting for the variance, the nine independent variables accounted for 6% of the degree of support for rehabilitation.

Two independent variables were found to have a statistically significant effect on the dependent variable. Years in police service ($\beta = .184, p = .015$) suggests that the more years spent in police work, the more likely an officer is to support rehabilitative justice. The second statistically significant variable suggests that having training on AM guidelines provides an increase in support for rehabilitative justice ($\beta = .157, p = .039$). According to these findings, years in police work have a greater effect on the degree of support for rehabilitative justice, followed closely by training on the AM guidelines.

The third OLS regression was conducted on the dependent variable of restorative justice. The model summary, $F(9, 187) = 1.234, p = .276, R^2 = .056$, identified that the restorative justice model is not significant, nor is any of the effects of the independent variables on the restorative justice scale. The non-significant finding suggests that none of the independent variables included in the model examining restorative justice have an effect on officers’ perceptions of restorative justice.

### Table 4.5 Significant Independent Variables in the OLS Regressions

<table>
<thead>
<tr>
<th>Variable</th>
<th>Standardized Coefficient</th>
<th>t</th>
<th>Sig.</th>
<th>95% CI for B</th>
<th>Correlations</th>
<th>Collinearity Stats</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Beta</td>
<td></td>
<td></td>
<td>Lower Bound</td>
<td>Upper Bound</td>
<td>Zero-Order</td>
</tr>
<tr>
<td><strong>OLS Regression 1: Retributive Justice Scale</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>N/A</td>
<td>9.834</td>
<td>.000</td>
<td>11.945</td>
<td>17.940</td>
<td>N/A</td>
</tr>
<tr>
<td>Police Service</td>
<td>-.253</td>
<td>-.3541</td>
<td>.001</td>
<td>-.3249</td>
<td>-.924</td>
<td>-.183</td>
</tr>
<tr>
<td>Years in Police</td>
<td>-.358</td>
<td>-.4998</td>
<td>.000</td>
<td>-.237</td>
<td>-.103</td>
<td>-.319</td>
</tr>
</tbody>
</table>

84
Logistic regression on the use of discretion.

The final stage of analysis consisted of estimating two logistic regression analyses, which were conducted on the responses to scenario one and scenario two as the dependent variables (See Appendix B for the full scenarios). All nine of the independent variables used in the OLS regression analyses were included in the logistic regressions as well as the three justice scales, each transformed into dichotomous variables for ease of interpretation. Logistic regression analyses were conducted to understand how officers use their discretion in two different situations with young offenders – analyzing how the nine original independent variables affect the use of discretion, while also analyzing the effect of degree of support for the three justice paradigms.

The model tested for scenario one had a significance level of $p < .001$ based on the Omnibus Tests of Model Coefficients, indicating a statistically significant model. The logistic regression for scenario two, based on the Omnibus Tests of Model

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The three original possible responses within the scenarios were collapsed to create dichotomous variables in which “Refer to restorative justice” and “Caution” became one category while “Charge” became the other category. Restorative justice and caution were grouped together based on theoretical considerations in which cautioning is seen as a less involved alternative measure within the YCJA (sec. 6 (1), YCJA).
Coefficients, was not a statistically significant model ($p = .599$), and none of the independent variables exerted a significant effect on the dependent variable. In scenario one, there were five independent variables that were statistically significantly related to the use of discretion (See Table 4.6 for details of the significant independent variables).

In this scenario, police service was statistically significant such that respondents from municipal police services were 2.76 times more likely than RCMP officers to charge the youth, coinciding with the findings in the first OLS regression in which RCMP officers were less likely to support retributive justice. The sex of the respondent was also statistically significant, suggesting that male officers are almost three times more likely to charge a youth than female officers are. Retributive justice was statistically significant in regard to the use of discretion as those who scored above the mean (i.e., agreed with retributive justice) were approximately 2.5 times more likely to charge than those who scored below the mean; in other words, those who support retributive justice are less likely to use the diversionary options available to them through the YCJA. Finally, according to the first dummy variable for years of service, those with 8.5 years of service or less were 8.10 times more likely to charge than officers with 9 years of service or more. Additionally, officers with 9.5 – 14 years of service were 2.23 times more likely to charge than those with 15 years of service or more ($p = -.061$).

Table 4.6 Statistically Significant Independent Variables in Two Logistic Regressions

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23 Although the significance value exceeds the standard $p < .05$ level, this value was calculated by SPSS using two-tailed significance; since the decision to charge or refer cannot possibly affect an officers’ years in service, this value can be divided in half to reflect a one-tailed significance value, which would be $p = -.031$, suggesting a statistically significant finding.

24 Coding Key: Police Service – Municipal Police = 1, RCMP = 2; Sex – Male = 1, Female = 0; Retributive Justice Scale – below the mean = 1, above the mean = 0; Years in Police Work DV1 – 0 – 8.5 years = 1, 9 years and above = 0; Years in Police Work DV2 – 9 – 14.5 years = 1, 0 – 8.5 years and 15 years and above = 0.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Significance</th>
<th>Exp(B)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Logistic Regression 1: Scenario 1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Service</td>
<td>.008</td>
<td>2.763</td>
</tr>
<tr>
<td>Sex</td>
<td>.013</td>
<td>2.937</td>
</tr>
<tr>
<td>Retributive Justice Scale</td>
<td>.011</td>
<td>.389</td>
</tr>
<tr>
<td>Years in Police Work (Dummy Variable1)</td>
<td>.000</td>
<td>8.103</td>
</tr>
<tr>
<td>Years in Police Work (Dummy Variable2)</td>
<td>.061</td>
<td>2.233</td>
</tr>
<tr>
<td><strong>Logistic Regression 2: Scenario 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes: Scenario 1: Wald = 7.421; Scenario 2: Wald = 13.152

Chapter four discussed the findings of this thesis research. The following chapter discusses the results of these findings with respect to previous research, the potential implications for policy, and the areas that warrant future research.
Chapter 5: Discussion and Conclusion

This research was designed to examine 1) the factors affecting Saskatchewan police officers’ perceptions of, and degrees of support for, the restitutive, restorative, retributive, and rehabilitative paradigms of justice, and 2) whether officer perceptions affect their discretion when dealing with young offenders. An online survey was distributed to participating police service personnel who transmitted the link to their sworn members, thereby reaching most of the approximately 2,300 officers in Saskatchewan. Data received by the 296 officers, representing a response rate of nearly 13%, was analyzed using ordinary least-squares (OLS) and logistic regression. The results have implications for officer training and focus on the influence of years of service, training, police service, sex, and the level of support for the retributive justice paradigm. No findings directly represented an effect on officer perceptions of restorative justice; however, several conclusions can be drawn based on the current results.

To answer the research question, the factors influencing officers’ perceptions of justice paradigms were identified. The factors were identified by first assessing multi-collinearity between the independent variables through correlation analysis. After conducting factor analysis to create measures of the justice paradigms, the effects of nine independent variables on each paradigm were assessed using OLS regression.

Officer Perceptions of Justice Paradigms

Restitutive justice.

Restitution as a paradigm of justice is victim-focused, wherein the offender corrects the material loss experienced by the victim (Llewellyn & Howse, 1999, p. 24; Zehr, 2002, p. 15). The correction usually involves monetary compensation to the victim,
unlike fines, which are paid to the government (Goff, 2008, p. 257). Although an important part of the criminal justice system, restitutive justice did not emerge as its own construct during the iterative factor analysis. During the factor analysis, questions designed to measure restitutive justice loaded weakly onto the factors that emerged as rehabilitative and restorative justice, rather than forming an independent factor. The lack of independence was likely due to the theoretical overlap across the restitutive, rehabilitative, and restorative justice constructs. For example, restitution could be a part of the offender’s rehabilitation, or restitution paid to a victim may be a part of a restorative intervention (Eglash, 1975, p. 95). In any case, without an independent factor for restitutive justice, the paradigm was removed from the analyses and not considered further in the current study.

**Restorative justice.**

Restorative justice is about changing the lens through which justice is viewed (Zehr, 2005). Rather than an offence against the state, restorative justice recognizes crime as harm against a person, which thereby creates needs and which may be effectively addressed through a restorative process (Christie, 1977, p. 5; McCold, 2007; Zehr, 2002, p. 21). A restorative intervention brings together those involved in a conflict, including the offender, the victim, and the community to satisfactorily resolve the conflict among those stakeholders (Christie, 1977, p. 5; Zehr, 2002, p. 21). Essentially, restorative justice aims to achieve social equality by addressing broken relationships that result because of crime (Llewellyn & Howse, 1999, p. 39; Zehr, 2005, p. 181). The analyses revealed that restorative justice was not a statistically significant paradigm in the sample of Saskatchewan police officers.
One possible reason why restorative justice did not account for a statistically significant variance in this study may be explained by the use of a scale with a “questionable” alpha level, which was a possible limitation to the current research. Alternatively, the independent variables used in this thesis analysis may not play significant roles in officers’ perceptions of restorative justice. The non-significant finding may also indicate that restorative justice is not understood as an independent paradigm of justice. The lack of recognition of restorative justice as its own paradigm may be attributed to the overlap between restitution, restoration, and rehabilitation (Llewellyn & Howse, 1999). For example, the use of restitution and treatment is often incorporated into restorative processes and outcomes. Furthermore, there is evidence that the definition of restorative justice remains debated, which might have obscured the associated inter-relationships (See for example: Llewellyn & Howse, 1999; McCold, 2000; Walgrave, 2008; Zehr, 2002).

**Retributive justice.**

Retributive justice, like restorative justice, seeks social equality, although the goal is sought through punishment (Llewellyn & Howse, 1999, p. 39; Zehr, 2002, p. 22). The state represents the victim, thereby creating an offender-focused paradigm of justice (Christie, 1977, p. 3). The process within retributive justice revolves around laying blame and punishing offenders (Llewellyn & Howse, 1999, p. 36).

In this thesis, the OLS regression model assessing the variables thought to effect perceptions of retributive justice was statistically significant. The independent variables observed to significantly affect an officer’s perceptions of retributive justice included years in police work, training on AM guidelines, and police service. There was an
inverse relationship such that the greater years an officer has served, the lower their support for retributive justice. Allen (2005) and Crocker (2012) found that younger officers with lower rank and fewer years of service were more likely to place a youth into custody than older officers with more years of service and higher rank. Previous studies suggest that personality characteristics of younger officers may explain this finding. Gudjonsson and Adlam (1982) found that new police recruits were extraverted, impulsive, and adventurous (p. 509), which are characteristics indicative of selecting policing as a career in which catching criminals and ensuring their punishment is the ultimate goal.

Embedded within the professional policing model, the role of a police officer has historically been viewed as a peacekeeper (Goldstein, 1987, p. 9). Although quite dated, Gudjonsson and Adlam’s (1982) findings might suggest that officers do not typically understand that retributive justice is not always the most effective way of dealing with young offenders. Later in their careers they may perceive that other paradigms may be more appropriate in some cases. Congruently, the current study suggests that officers with more years of service seem to be more willing to take on the role of peacemaker in their duties as an officer.

The results of this thesis also indicated that officers who have received training on the AM guidelines for youth are less likely to endorse a retributive justice paradigm. The Government of Saskatchewan (2009) study suggested that 90% of police officers claim to be familiar with AM guidelines, but only 38% have received training on them (p. 46). If officers are gaining their familiarity through informal means, such as intra-departmental

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25 This thesis examined years in police work excluding age and rank due to the multi-collinearity found in the correlation matrix analysis.
discussions or from colleagues rather than formal training, the restorative elements of the AM guidelines may be misinterpreted or erroneous. Tomporowski (2004) suggested that police are often unsupportive and skeptical of restorative justice due to a lack of knowledge of the paradigm (p. 68). In other words, more comprehensive knowledge of restorative justice may translate into less support for retributive justice. Based on the findings in this thesis, training on AM guidelines appears to be increasing because almost 50% of officers claim to have received AM training. This thesis suggests that increased training on AM guidelines could be effective in reducing the use of retributive options.

This thesis research demonstrated that RCMP officers were less likely to support retributive justice than their municipal counterparts. Despite the recent decline in use of FGCs by the RCMP (Deukmedjian, 2008, p. 118), the restorative elements embedded in FGCs may have had a lasting effect on RCMP officers in creating a culture more supportive of alternative approaches to justice. RCMP officers may also be less supportive of retributive justice due to the nature of their policing environments, which are primarily rural communities, small municipalities, and First Nations. Fewer people populate such communities and officers may have more opportunities to handle conflicts informally.

**Rehabilitative justice.**

Rehabilitative justice includes the assumption that there is something inherently wrong with the offender (Jones & Patenaude, 2011, p. 258). The goal then, is to tailor treatment for individual offenders in order to correct the offending behaviour (Goff, 2008, p. 74). This thesis research found that years in police work and training on AM guidelines influence officer perceptions of rehabilitative justice.
Officers with more years of service are more likely to support rehabilitative justice. Allen (2005) and Crocker (2012) previously found that younger and lower ranked officers are more likely to arrest young offenders. In other words, this thesis research supports that retributive justice is not necessarily the most effective way of dealing with young offenders and officers with more years in police work are advocating other approaches. Indeed, officers with more years of experience seem to be taking on the role of peacekeeper and may become ‘community-builders,’ an essential role for police to play in moving toward a restorative policing model (Bazemore & Griffiths, 2003, p. 336; Hines & Bazemore, 2003, p. 414).

The results revealed that officers who have received training on the AM guidelines for youth were more likely to support rehabilitative justice. Since training on the AM guidelines has increased since the Government of Saskatchewan (2009) study, there appears to be increasing acceptance of other paradigms, particularly rehabilitation. Despite the increased AM guidelines training – which can essentially be referred to as restorative justice training – officers have higher self-reported acceptance of rehabilitative justice, rather than restorative justice.

Officers who receive AM guidelines training for youth may still not understand that some alternative measures and extrajudicial sanctions are rooted in a restorative approach to justice. This lack of understanding is problematic as the goal of AMs is to incorporate the restorative justice paradigm into the justice system to move away from the primary use of retribution and address the over-incarceration of youth. Bazemore and Griffiths (2003) contended that restorative policing requires more than just an understanding of restorative justice; it involves a shift away from conventional
intervention (i.e., incident-driven, responsive policing; p. 337). Such a shift requires an understanding of restorative justice within the maximalist framework, which is posited to extend the use of the regulatory pyramid (Braithwaite, 2002). There may be a need to review the training curriculum for AM guidelines to ensure restorative justice is understood as the underlying paradigm within alternative measures.

Discussion of Findings: Officer Discretion (The Scenarios)

Crocker’s (2012) study provided two scenarios that were used in this thesis research to discern the way in which officers in Saskatchewan use their discretionary decision-making in dealing with youth. The independent variables analyzed for their effect on officer use of discretion included the same nine items in the OLS regression analyses, but also included the perceptions of the three justice paradigms. However, it should be remembered throughout the following discussions that while perceptions in officer use of discretion have been explored in this research; perceptions do not always predict behaviour. Only the model for the first scenario was found to be statistically significant. Years in police work, training on AM guidelines, police service, sex, and support of retributive justice predicted officer behaviour in scenario one.

The model for scenario two was not found to be statistically significant. In comparing the two scenarios, there are certainly differences. Whereas scenario one is an extensive property crime with a personal victim, and an angry but cooperative Caucasian young offender, scenario two is a minor theft (with a later addition of possession of a small amount of drugs) with a commercial victim, and a frightened but cooperative Caucasian young offender. This study did not assess how officers perceive these two different offences and offenders. Based on the current analyses, police service, sex,
training on AM guidelines, years in police work, and level of agreement with retributive justice all impacted whether officers endorsed the use of restorative interventions in cases with more serious crimes and personal victims. Several researchers have suggested that restorative justice is more effective when more is at stake (See for example: Gustafson, 2004, p. 303; Zehr, 2002, p. 11). Additionally, while only 40% of officers would refer or caution in scenario one, 61% of officers would refer or caution in the second scenario. Neither of the scenario distributions was overly skewed (~.42 and .47, respectively).

Despite the higher rate of use of restorative measures in scenario two, none of the independent variables were statistically significant in predicting the use of discretion, regardless of employer, sex, training on AM guidelines, years in police work, and agreement with retributive justice in the first scenario.

**Years in police work.**

Officers with 8.5 years of service or less are over eight times more likely to charge the youth in scenario one. The finding that officers with fewer years of service are more punitive is consistent with studies by Allen (2005) and Crocker (2012) which suggest that officers who are older, have more years of experience, and hold higher rank were less likely to arrest and place a youth into custody than younger officers with less years of service and lower rank.

The findings of this thesis suggest officer attitudes toward justice may evolve over time and support for retribution decreases as they spend more years in police work. As noted above, characteristics of individuals choosing policing as a profession may provide a partial explanation. According to Gudjonsson and Adlam (1982), newer officers with lower rank have beliefs that support this finding. Age may have a different effect on
perceptions of justice paradigms. Overall, findings from this thesis suggest that officers with more experience recognize that the retributive paradigm of justice may not always be the most effective approach in dealing with youth.

**Police service.**

Municipal police officers are 2.75 times more likely to charge the youth in scenario one than RCMP officers. None of the previously reviewed literature examined differences in police service. As such, this thesis research may have helped to fill a gap in the literature. The Government of Saskatchewan (2009) study suggested there was a lack of training on AM guidelines, particularly within the RCMP, which were thought to contribute to decreased referral rates. This investigator proposes the opposite, possibly because previous RCMP investments in FGCs are rooted in restorative justice (despite the decline in the use of FGCs; Deukmedjian, 2008, p. 118), which may have had a lasting influence on officer’s use of discretion. Alternatively, there may be differences in training that the municipal police receive in Police College and the training RCMP officers receive in Depot, which might also explain the differences.

The fact that Saskatchewan RCMP members are less supportive of retributive justice is somewhat counterintuitive. Municipal officers tend to work in urban areas where AM service providers are more readily available. In contrast, RCMP officers tend to work in smaller communities where such services would be more difficult to access. Perrott and Kelloway (2011) reported that RCMP members established themselves as “constable generalists and community-based officers” through their even-handed treatment of civilians, their reputation for honesty and fair play, and the ability to use informal methods to handle a broad range of social problems, only some of which were
related to law enforcement (p. 121). Although transferring in and out of communities is a reality for RCMP officers, Ruddell (2014) argues they take a localistic, or long-term approach to policing, and they cannot avoid integrating into the community, as opposed to the anonymous policing that occurs in urban areas.

Police who work in smaller communities might facilitate stronger bonds that allow for less formal case handling. An important theme within the restorative justice literature is ‘communities of care’ and it is plausible that this is more apparent in rural than urban areas where individuals are more anonymous and diversity more common (Meyer et al., 2009, p. 338). Municipal police in large cities are less likely to know personally the citizens they interact with (Ruddell, 2014), and even less likely to have time and be able to readily identify the ‘communities of care’ or support systems for those citizens (Bazemore, 1998, p. 785; Boyes-Watson, 2000, p. 444). In this thesis, participants were asked, “How many times have you referred a case to EJS in the past 6 months?” As one municipal officer responded, “none, we are so busy that it takes more time to use extrajudicial sanctions than to just charge or warn verbally.”

The finding that RCMP officers are less supportive of retributive justice suggests that the influence of FGCs, as utilized by the RCMP in the 1990s and early 2000s might have a lasting legacy. While Deukmedjian (2008) contended that the use of FGCs by the RCMP declined in the early 2000s, it should be noted that the RCMP as a national police organization has to meet the demands of not just one community, but also provincial and federal mandates. While their focus and resources may have shifted to issues of national security, there may still be a value to restorative processes. Perhaps re-establishing these interventions would be fruitful. The impact of police service suggests that RCMP
officers are less likely to charge and more likely to handle disputes informally, or through restorative measures. As such, expanding such services in rural communities may be helpful. The Government of Saskatchewan (2009) found that the RCMP wants more EJS and AM services available to them as it would produce “better buy-in from members” (p. 33). That study also reported that EJS service providers in urban areas needed a minimum standard of conduct and that communications between police and service providers needed to be improved in order to increase referral rates. Similarly, one officer in this thesis research explained in a ‘comment’ section that, “I would guess [I’ve referred offenders to EJS programs] around 20 [times in the past 6 months], some times [sic] I do not hear the out come [sic].”

Sex.

The logistic regression analysis revealed that male officers are three times more likely to charge the youth in scenario one than female officers. While Katz and Bonham (2008) found that females were more familiar with restorative justice, they did not examine whether this familiarity influenced their use of discretion. Crocker’s (2012) study found that an officer’s gender had no effect on their use of discretion. The finding that male officers are more likely to charge than female officers in this study suggests that female officers are more likely to solve problems through informal means.

Previous research suggests that women officers do not employ the stereotypical gender behaviours attributed to females, such as compassion and gentleness, in their work (Alderden & Ullman, 2011, p. 15; Potevyea & Sun, 2009, p. 515; Rabe-Hemp, 2008, p. 431). This does not mean that women are overly aggressive either, for example, in order to assert their place in the masculine police culture (Potevyea & Sun, 2009, p. 520).
However, Rabe-Hemp (2008) found that women are less likely to use extreme force, or controlling behaviour than their male counterparts in everyday policing situations (p. 431). Rabe-Hemp (2008) explained that women are more likely to use low level controlling behaviours, such as verbal commands, which actually create safer situations for the officer and the people involved in the conflict (p. 431).

The results of this thesis, where women officers prefer alternatives to traditional court processes provides some support for prior research. Rabe-Hemp (2008) found that female officers use lower controlling tactics regardless if another officer is present or a client is being defiant (p. 432). In relation to this thesis research, scenario one presented a defiant client and it was here that gender had an impact. Although Rabe-Hemp (2008) did not discuss referrals to restorative interventions, a parallel can be drawn, as strategies such as verbal commands may be quite similar to the way female officers were more supportive of a restorative process.

**Retributive justice.**

The final major finding indicated that officers who have a higher agreement (i.e., agree or strongly agree) with a retributive philosophy are 2.5 times more likely to charge a youth. Although the YCJA has been put in place to offer alternatives to custody, Saskatchewan still has a high youth detention rate (Brennan, 2012, p. 14). Officers who agree more with principles of retributive justice might contribute to higher arrest rates. ‘Support for retributive justice’ may also contribute to lower referral rates to AMs in Saskatchewan. However, it must be remembered that Saskatchewan has one of the highest rates of violent youth crime in the country (Statistics Canada, 2012b). Perhaps the higher use of arrest and lower use of referrals are also accounted for by the need to
address violent youth crime with appropriate interventions. Alternatively, restorative processes may be suitable to address serious offences, where more is at stake (Gustafson, 2004, p. 303; Zehr, 2002, p. 11). Still, the outcomes in this thesis suggest that agreement with the retributive justice paradigm may explain why extrajudicial measures and sanctions are not being utilized to the extent that they could be. The studies by Allen (2005) and Crocker (2012) also found that officers with more years of service are less supportive of retributive justice. This suggests that police with more years of service seem to understand that something about retributive justice does not always work effectively.

The finding that officers with a higher agreement with retributive justice are more likely to charge youth addresses the original research question, confirming that perceptions are an important factor to consider. As to why the other paradigms of justice did not have an effect, it is possible that retributive justice is the dominating paradigm in this sample of officers’ understandings of justice. The finding that retributive justice dominates officers’ perceptions may suggest that increasing and altering training in AMs might decrease the support of retributive justice and in turn, decrease youth arrests.

Limitations and Future Research

This thesis has several limitations and provides direction for future research. The first limitation was the use of a “questionable” alpha level in the restorative justice scale and subsequent analyses. In the future, different survey items could be created that better measure the restorative paradigm. Effectively measuring an abstract concept such as restorative justice is a complicated undertaking, although additional efforts to create
questions that clearly capture and differentiate restorative justice may prove fruitful in subsequent studies.

The second and third limitations pertain to the survey instrument itself. The instrument used in this thesis research was somewhat lengthy. Although 352 officers began the survey, only 296 officers completed and submitted. Even the 15-20 minutes for a respondent to complete the survey represented a substantial investment of time for on-duty police officers and a shorter survey may have garnered higher rates of response and completion. Additionally, many of the borrowed items within the survey sought to capture officers’ perceptions of all offenders, adult offenders, and/or young offenders. This presented a challenge in understanding officers’ perceptions of justice paradigms in relation to youth. In the future, survey questions could be altered to only include youth related inquiries to garner more accurate officer perceptions of justice paradigms, and subsequently, more accurate measures of officers’ use of discretion.

A fourth limitation involved the focus on officer’s discretion with youth rather than exploring several age categories. The Government of Saskatchewan (2009) reported that 48% of their respondents had seen cases that may have been appropriate for referral but went to court. In terms of adult alternative measures (AMs) – restorative processes for adult offenders – police agreed with this statement 50% of the time. Although police in Saskatchewan may not feel AMs should be used more with adults than with youth, they feel AM processes for adults are certainly under used. In terms of restorative justice, accountability and responsibility play a large role, and according to the Government of Saskatchewan (2009), police feel adults are not being provided enough opportunities through AMs to engage in restorative activities. Future research into officer perceptions
of justice and the use of discretion with adult offenders would be beneficial in extending our understanding of restorative justice and its place in the justice system.

Participating police services provided the researcher with a number of comments, especially regarding the scenarios. Some officers expressed concern that they did not want to be judged based on their answer without providing a reason for their decision, such as charging – something that was not possible within the survey. For example, the dollar amount of damage in a property offence sometimes “ties their hands in the next steps.” At least one officer suggested that such questions should contain “additional comment” sections as well. The lack of comment fields is a limitation of the current research, and something to be considered in subsequent studies as qualifiers may alter the findings. The suggestion that officers were willing to expand on their responses suggests the need for mixed methods and incorporating a qualitative component in future studies.

**Conclusions**

The results from this thesis indicate that years in police work, training on AM guidelines, and police service employment effect officers’ perceptions of retributive justice, while years in police work and training on AM guidelines effect perceptions of rehabilitative justice. More years in police work and more training in alternative measures guidelines decreases support for retributive justice and increases support for rehabilitative justice. Saskatchewan RCMP officers are less likely to support retributive justice than their municipal counterparts. The findings suggest that increasing training on AM guidelines and a clear expression of the restorative benefits may increase support for rehabilitative justice, and further, restorative justice. This training may also increase referrals to AM programs. Finally, these findings suggest that reincorporating FGCs in
police services province-wide may garner greater support for alternative forms of justice, aside from the traditional retributive methods.

In examining the use of discretion with young offenders, training on AM guidelines, police service, sex, agreement with retributive justice, and years in police work were found to have an impact. Increasing the availability of EJS services and improving channels of communication between EJS service providers and police officers may foster support for restorative justice and increase referrals. Finally, mentoring newer officers with those with more experience, may lead to a wider acceptance of restorative justice less formally.

There is definite overlap between the various paradigms of justice. Retributive and restorative justices essentially strive for the same goal of social equality (Llewellyn & Howse, 1999, p. 39; Zehr, 2002, p. 22). Rehabilitative justice is an important aspect within a restorative justice framework. All of the paradigms seek to correct the balance of justice: rehabilitative by ‘fixing’ the offender, retributive through punishment and subsequent deterrence from future offending, and restorative by addressing the harms and setting into motion events which have the potential to make the situation better than it was pre-offence (Eglash, 1975). Moreover, restitutive justice often demands that the offender compensates the victim (Llewellyn & Howse, 1999, p. 24; Zehr, 2002, p. 15), which also plays an important role in retributive, restorative, and rehabilitative paradigms of justice. Restitution may be interpreted as: a form of punishment (retributive justice), rehabilitation for the offender, or as a part of the restoration of individuals and relationships in the aftermath of an offence. Each paradigm offers potential benefits when used in situationally appropriate ways, in congruence with Braithwaite’s (2002)
regulatory pyramid. This thesis demonstrated that improvements could be made to use restorative justice more effectively within the justice system.

There are benefits of incorporating restorative practices into policing even though the justice system is over-burdened (Hines & Bazemore, 2003, p. 416). Community policing initiatives have moved the police role from peacekeeping to peacemaking, but officers continue to rely on traditional policing tactics such as arrest, which is a traditional measurement of police performance (Ruddell & Jones, 2013, p. 45). Restorative policing seeks to involve the community and stakeholders in addressing the underlying causes of the problem after a crime occurs (Meyer et al., 2009, p. 335). In doing so, the community is empowered and participates in setting a crime control agenda which is more likely to be adhered to and respected (Hines & Bazemore, 2003, p. 414). Within a restorative policing approach, officers form stronger partnerships with the community; the community helps the police respond to conflict, therein reducing the burden on the justice system (Hines & Bazemore, 2003, p. 422). Changes could also occur in police assessments to include performance measures of other police functions beyond reactive strategies such as arrest and clearance rates (Ruddell & Jones, 2013, p. 46) thereby garnering greater attention among officers and encouraging their use.

A restorative policing approach also provides the justice system and communities the opportunity to integrate and optimize the use of all paradigms of justice. There is undoubtedly a need for police officers; however, there is potential through restorative policing to create a less stigmatizing and more essential image of officers (Martin, 2006, p. 315; Meyer et al., 2009, p. 336; Winfree, 2004, p. 193). Restorative policing allows communities more autonomy, which may allow them to accept and introduce
Braithwaite’s (2002) regulatory pyramid. An essential first step toward restorative policing, however, is the acceptance of the restorative paradigm of justice by the police. As this study demonstrated, Saskatchewan police officers are somewhat supportive of restorative processes.

Youth are a rapidly growing segment of the population in Saskatchewan (Saskatchewan Bureau of Statistics, 2011). Moreover, Aboriginal youth, the largest segment of this growing youth population, are overrepresented in the youth justice system (Milligan, 2008, p. 1). Utilizing the restorative elements within the YCJA, which have the potential of being more culturally relevant to Aboriginal youth26 than criminal sanctions (Milligan, 2008, p. 1), may be one way to ensure that youth evolve into healthy adults. Police officers have an important role to play in expanding the use of restorative justice, as referring agents. This thesis research supports the assertion that by increasing AM guidelines training, there is ample opportunity to expand the use of restorative justice in Saskatchewan.

26 While sentencing and healing circles can be traced back to some traditional Aboriginal cultures, not all restorative processes are culturally relevant and not all Aboriginal cultures will identify with processes such as sentencing and healing circles (Dickson-Gilmore & La Prairie, 2007, p. 134). However, restorative interventions may be a way to reconnect Aboriginal youth with their culture and lead them away from criminal behaviours, for example through the “Remote Aboriginal Intervention Program” (John Howard Society of Thunder Bay & District).
References


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Statutes


*Youth Criminal Justice Act, S. C. 2002, c. 1.*
Appendix A

Full listing of all Saskatchewan Police Services (Municipal and RCMP)

Saskatchewan Municipal Police Departments:

1. Regina Police Service
2. Saskatoon Police Service
3. Moose Jaw Police Service
4. Prince Albert Police Service
5. Estevan Police Service
6. Weyburn Police Service
7. Caronport Police Service
8. Dalmeny Police Service
9. Luseland Police Service
10. Corman Park Police Service
11. File Hills First Nations Police Service
12. Wilton Police Service

Royal Canadian Mounted Police - Saskatchewan (“F” Division)\(^{27}\):

1. Assiniboia
2. Avonlea Community
3. Balcarres Community
4. Battlefords Municipal
5. Battlefords Rural
6. Beauval
7. Bengough Community
8. Big River
9. Biggar
10. Birch Hills Community
11. Blaine Lake (English only)
12. Broadview
13. Buffalo Narrows
14. Cabri Community
15. Canora
16. Carlyle
17. Carnduff
18. Carrot River

\(^{27}\) Although there are 82 detachments in Saskatchewan, each detachment has a boundary, which may include additional communities within that jurisdiction. Between these 82 detachments, 121 communities are provided with RCMP services. This list does not include the 74 First Nations communities that are also policed by the RCMP through various arrangements; however, all police officers are accounted for within the 82 detachments.
19. Colonsay Community
20. Coronach
21. Craik
22. Creighton
23. Cumberland House
24. Cut Knife
25. Deschambault Community (CTA)
26. Delisle Community
27. Elbow Community
28. Esterhazy
29. Estevan
30. Eston Community
31. Fillmore Community
32. Foam Lake Community
33. Fond du Lac
34. Fort Qu'Appelle
35. Glaslyn Community
36. Gravelbourg
37. Green Lake Community
38. Greenwater (Rose Valley)
39. Gull Lake Community
40. Hafford Community
41. Hanley Community
42. Hudson Bay (English only)
43. Humboldt
44. Ile A La Crosse
45. Indian Head
46. Ituna Community
47. Kamsack
48. Kelvington
49. Kerrobert Community
50. Kindersley
51. Kipling Community
52. Kyle
53. La Loche
54. La Ronge
55. Langenburg Community
56. Lanigan
57. Leader
58. Lloydminster municipal (K Division)
59. Lloydminster Rural
60. Loon Lake
61. Lumsden
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<td>Maidstone Community</td>
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<td>Martensville Community</td>
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<td>Meadow Lake</td>
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<td>Porcupine Plain Community</td>
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<td>Prince Albert</td>
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<td>Radisson Community</td>
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<td>Southey</td>
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<td>Spiritwood</td>
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<td>St Walburg Community</td>
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<td>Stanley Mission Community (FNP)</td>
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<td>Stony Rapids</td>
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<td>102</td>
<td>Strasbourg Community</td>
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<td>103</td>
<td>Sturgis</td>
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104. Swift Current City
105. Swift Current Rural
106. Tisdale
107. Turnor Lake/ Birch Narrows Community (FNP)
108. Turtleford
109. Unity
110. Vonda Community
111. Wadena
112. Wakaw
113. Warman
114. Waskesiu Lake
115. Watrous
116. Weyburn
117. Wilkie Community
118. Wollaston Lake
119. Wynyard Municipal
120. Yorkton Municipal
121. Yorkton Rural
Appendix B

Saskatchewan Police Officers’ Perceptions of Justice Paradigms: Their Impact on Discretionary Decision-Making with Youth

Survey Instrument

A. General Police Information

1. Years in Police Work: ____________

2. Do you serve in the capacity of:
   a. RCMP
   b. Municipal Service

3. What is your rank?
   a. Constable/Detective
   b. Middle Management (Corporal/Sergeant)
   c. Executive (Inspector and above)

4. Which of the following best describes the area your police service or detachment serves? (Check all that apply)
   a. Large Urban (Regina, Saskatoon)
   b. Small Urban (e.g. Prince Albert, Swift Current)
   c. Northern (north of the 54th parallel)
   d. Rural
   e. First Nations reserve
   f. Other (please specify): ________________________

5. How would you rate your familiarity with the Saskatchewan Justice Alternative Measures guidelines for youth?
   a. Not at all familiar
   b. Somewhat familiar
   c. Familiar
   d. Very familiar

6. Have you received any training or education about the Saskatchewan Alternative Measures guidelines for youth?
   a. No
   b. Yes

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B. Perceptions of Justice

1. Punishment is the best way to deal with an offender
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

2. “Getting tough” on crime is a good way to reduce future crime
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

3. We should make prison life more tough
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

4. We should make prison life more harsh
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

5. Punishment is an effective way of deterring future criminal activity
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
6. Rehabilitating a criminal is just as important as making a criminal pay for his or her crime
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

7. All rehabilitation programs have done is to allow criminals who deserve to be punished to get off easy
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

8. Rehabilitation should not be the goal of the juvenile justice system in Saskatchewan
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

9. I would support expanding the rehabilitation programs with criminals in our prisons
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

10. The community can be a victim of crime
    a. Strongly Agree
    b. Agree
    c. Neither Agree or Disagree
    d. Disagree
    e. Strongly Disagree
11. The victim of a crime should have a say in what sentence the court should impose in a case
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

12. In minor offences, offenders are able to repair the harm they have caused
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

13. In minor offences, offenders should be given the opportunity to attempt to repair the harm they have caused
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

14. In major offences, offenders should be given the opportunity to attempt to repair the harm they have caused
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

15. Victims and offenders should be allowed to meet in a supervised setting to discuss the harm that has been caused by the offender’s crime
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
16. Community justice panels could replace certain court procedures
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

17. Performing community service should be a part of every offender’s sentence
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

18. Community service is a form of restitution
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

19. Court ordered restitution is usually paid in full
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

20. Restitution to the victim is the responsibility of the offender
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
C. Policing

1. My organization protects its members from external pressures and criticisms
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

2. There is a positive working relationship between officers and managers in our office
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

3. My organization is inconsistent in the application of rules and policy
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

4. Police should restrict their activities to enforcing the law and fighting crime
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

5. I believe that nowadays there is too much community direction in my police organization
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
6. I believe that nowadays there is too much community input in my police organization
   a. Strongly Agree  
   b. Agree  
   c. Neither Agree or Disagree  
   d. Disagree  
   e. Strongly Disagree

7. Maintaining peace and order between people is just as important as catching criminals
   a. Strongly Agree  
   b. Agree  
   c. Neither Agree or Disagree  
   d. Disagree  
   e. Strongly Disagree

8. To be effective the police should be involved in all community problems, not just crime-related problems
   a. Strongly Agree  
   b. Agree  
   c. Neither Agree or Disagree  
   d. Disagree  
   e. Strongly Disagree

9. I spend a lot of time getting to know people in the community
   a. Strongly Agree  
   b. Agree  
   c. Neither Agree or Disagree  
   d. Disagree  
   e. Strongly Disagree

10. I get a lot of assistance and collaboration from community residents
    a. Strongly Agree  
    b. Agree  
    c. Neither Agree or Disagree  
    d. Disagree  
    e. Strongly Disagree
11. I work a lot with community agencies and services
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
D. Youth Criminal Justice Act (YCJA)

1. I am aware that extrajudicial sanctions within the YCJA are based on restorative principles
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

2. Young offenders are less likely to reoffend than adult offenders
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

3. I am very involved with alternative measures and extrajudicial sanctions programs in my area
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

4. Young offenders are more violent these days
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

5. Young offenders should be treated as adults
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
6. The YCJA in Saskatchewan is too punitive
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

7. It is easier to rehabilitate a young offender than an adult offender
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

8. Diversion is a viable option for first-time offenders
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

9. To what extent would you agree or disagree with the following statement:
   “In my work, I see cases that fall within the current guidelines going to court that could be referred to extrajudicial sanctions.”
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

10. I often refer cases to extrajudicial sanctions programs
   a. Strongly Agree
    b. Agree
    c. Neither Agree or Disagree
    d. Disagree
    e. Strongly Disagree
11. In the last six months, how many times have you been involved in an extrajudicial sanctions case? ___________________

12. How often do you refer cases to extrajudicial sanctions programs?
   a. Very often
   b. Sometimes
   c. Not often
   d. Never

13. How would you describe your working relationship with alternative measures and extrajudicial sanctions programs in your area? Would you say you are…
   a. Not at all involved
   b. Somewhat involved
   c. Involved
   d. Very involved
   e. Not applicable
Restorative Justice

1. How familiar are you with restorative justice?
   a. Very familiar
   b. Somewhat familiar
   c. Not at all familiar

2. When discussing alternatives to sentencing, I have heard about restorative justice as an alternative
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

3. I would not support restorative justice because it makes it too easy for the offender
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

4. I would not support restorative justice because I would fear for the victim’s safety
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

5. I am familiar with restorative justice
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree
6. Restorative justice can be helpful to crime victims
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

7. Restorative justice can lower recidivism rates
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

8. I would not support restorative justice because criminal justice interventions should be left to professionals
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly Disagree

9. How strongly do you agree that restorative justice offers a viable alternative for young offenders?
   a. Strongly Agree
   b. Agree
   c. Neither Agree or Disagree
   d. Disagree
   e. Strongly disagree
Next, we’d like you to consider whether you would make a referral to a restorative program in some hypothetical situations. The following story describes an encounter between a police officer and a young person.

You are driving a marked police vehicle in the area of Robie and Quinpool when you are dispatched to a report of a vandal at a home on Duncan Street. Dispatch advises that an anonymous caller reported seeing a young Caucasian male spray painting a garage. You arrive at the residence and exit your vehicle. You see a young man in the walkway between the house and the garage. He has a spray can in his hand. When he sees you, he swears and throws the spray can to the ground. He is clearly angry but does cooperate with your request to provide you with identification.

You identify the male as Daniel Smith, 16 years old. You are satisfied with the information that he has given you and dispatch advises that he has not had any previous contact with the police.

Daniel tells you that he was angry at the guy who owns the garage because he had not hired him to do odd jobs in the yard and around the house. While he admits to doing the damage, he sounds pretty angry and is swearing a lot.

While talking to Daniel, you notice that the damage to the garage is extensive – there’s paint all over the door and the siding. It also appears that some of the siding has been ripped off. There is also damage to the eaves troughs. The owner of the building comes out and is clearly very upset. He says it’s the second time his garage has been vandalized and he’s started to feel like he’s being targeted. He estimates it will cost several thousand dollars to fix the damage.

1. In your view, setting aside any of the rules about referring cases to restorative justice, how appropriate is this case for restorative justice?
   a. Very appropriate
   b. Somewhat appropriate
   c. Not at all appropriate

2. What do you think you would actually do in this case?
   a. Charge
   b. Caution
   c. Refer to restorative justice
We have one more scenario for your consideration.

Midway through your day shift, you are dispatched to a report of a shoplifter at a store on Spring Garden Road. Dispatch advises you that the complainant, the store clerk, saw a young male enter the store and put several expensive shirts in his backpack. The youth fled the store on foot and was seen running westbound toward Barrington. The complainant described the youth as a Caucasian male approximately 16 years old, five foot seven inches tall. He was wearing what looked like a private school uniform, khakis, a crested jacket, and carrying a green backpack.

You make patrols and locate a youth matching the suspect description. You pull up next to him and exit your vehicle. The youth does not attempt to run and is cooperative. You ask the youth his name and he gives you an ID card from the Grammar School. You identify the youth as Jonathan Smith and you are satisfied with the information that Jonathan has given you. Dispatch reports that he has no previous history with the police. You take his backpack and look inside. While taking out the stolen goods, you also find a small amount of what looks like marijuana. Jonathan reluctantly admits it’s his and says he’s worried about getting into trouble.

1. In your view, setting aside any of the rules about referring cases to restorative justice, how appropriate is this case for restorative justice?
   a. Very appropriate
   b. Somewhat appropriate
   c. Not at all appropriate

2. What do you think you would actually do in this case?
   a. Charge
   b. Caution
   c. Refer to restorative justice
E. Demographics

1. Please indicate your sex
   a. Male
   b. Female

2. What is your age in years as of your last birthday? __________

3. Which ethnicity do you most identify with? ____________

4. Please indicate your marital status:
   a. Single/Never Married
   b. Separated
   c. Divorced
   d. Widowed
   e. Married/1st time
   f. Remarried
   g. Long-term dating relationship (non-common law)
   h. Common law

5. What level of formal education have you attained?
   a. Less than high school diploma
   b. High school diploma or equivalency
   c. Some University or Community College
   d. College or University Degree
   e. Graduate School (Masters/PhD)

6. What, if any, is your religion?
   a. No religion (Agnostic, Atheist)
   b. Protestant
   c. Catholic
   d. Jewish
   e. Muslim
   f. Other (Please specify) _________________
   g. Prefer not to answer

7. Has a member of your family ever been incarcerated?
   a. No
   b. Yes
### Appendix C

**Independent Variables – Correlation Matrix**

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<tr>
<th>Variable</th>
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<th>6</th>
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<td>.648***</td>
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* = Significance (p value) of ≤ 0.05, two-tailed
** = Significance (p value) of ≤ 0.01, two-tailed
*** = Significance (p value) of ≤ 0.001, two-tailed
Appendix D

Descriptive Statistics for OLS and Logistic Regression, based on Factor Analysis

<table>
<thead>
<tr>
<th>Factor 1 – Restorative Justice</th>
<th>N Valid</th>
<th>N Missing</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Skewness</th>
<th>Kurtosis</th>
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<td>In minor offences, offenders are able to repair the harm they have caused</td>
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<td>4</td>
<td>3.6062</td>
<td>.93373</td>
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<td>In minor offences, offenders should be given the opportunity to attempt to repair the harm they have caused</td>
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<td>In major offences, offenders should be given the opportunity to attempt to repair the harm they have caused</td>
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<td>Victims and offenders should be allowed to meet in a supervised setting to discuss the harm that has been caused by the offender's crime</td>
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<td>3.5495</td>
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<td>In minor offences, offenders are able to repair the harm they have caused</td>
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<td>3.6062</td>
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<td>Punishment is the best way to deal with an offender</td>
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<td>“Getting tough” on crime is a good way to reduce future crime</td>
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<td>Mean</td>
<td>Std Dev</td>
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<td>Upper CI</td>
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<td>---------</td>
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<td>We should make prison life more harsh</td>
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<td>Punishment is an effective way of deterring future criminal activity</td>
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<td><strong>Factor 3 – Rehabilitative Justice</strong></td>
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<td>Rehabilitating a criminal is just as important as making a criminal pay for his or her crime</td>
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<td>3.9044</td>
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<td>Rehabilitation should not be the goal of the juvenile justice system in Saskatchewan</td>
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<td>I would support expanding rehabilitation programs with criminals in prison</td>
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<td>3.3618</td>
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- Min./Max. for all items = 1/5
- Range for all items = 4
Appendix E

Research Ethics Approval

OFFICE FOR RESEARCH, INNOVATION AND PARTNERSHIP
MEMORANDUM

DATE: April 15, 2013

TO: Krystal Ann Glowatski
    4168 Rae Street
    Regina, SK S4S 3A4

FROM: Dr. Larena Hoeber
      Chair, Research Ethics Board

Re: Saskatchewan Police Officers' Perceptions of Justice Paradigms:
Their Impact on Discretionary Decision-Making with Youth (File # 7551213)

Please be advised that the University of Regina Research Ethics Board has reviewed your proposal and found it to be:

☐ 1. APPROVED AS SUBMITTED. Only applicants with this designation have ethical approval to proceed with their research as described in their applications. For research lasting more than one year (Section 1F), ETHICAL APPROVAL MUST BE RENEWED BY SUBMITTING A BRIEF STATUS REPORT EVERY TWELVE MONTHS. Approval will be revoked unless a satisfactory status report is received. Any substantive changes in methodology or instrumentation must also be approved prior to their implementation.

☐ 2. ACCEPTABLE SUBJECT TO MINOR CHANGES AND PRECAUTIONS (SEE ATTACHED). Changes must be submitted to the REB and approved prior to beginning research. Please submit a supplementary memo addressing the concerns to the Chair of the REB. ** Do not submit a new application. Once changes are deemed acceptable, ethical approval will be granted.

☐ 3. ACCEPTABLE SUBJECT TO CHANGES AND PRECAUTIONS (SEE ATTACHED). Changes must be submitted to the REB and approved prior to beginning research. Please submit a supplementary memo addressing the concerns to the Chair of the REB. ** Do not submit a new application. Once changes are deemed acceptable, ethical approval will be granted.

☐ 4. UNACCEPTABLE AS SUBMITTED. The proposal requires substantial additions or redesign. Please contact the Chair of the REB for advice on how the project proposal might be revised.

[Signature]

Dr. Larena Hoeber

cc: Dr. Nicholas Jones – Justice Studies

** supplementary memo should be forwarded to the Chair of the Research Ethics Board at the Office for Research, Innovation and Partnership (Research and Innovation Centre, Room 105) or by e-mail to research.ethics@uregina.ca

Phone: (306) 585-4775
Fax: (306) 585-4803

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