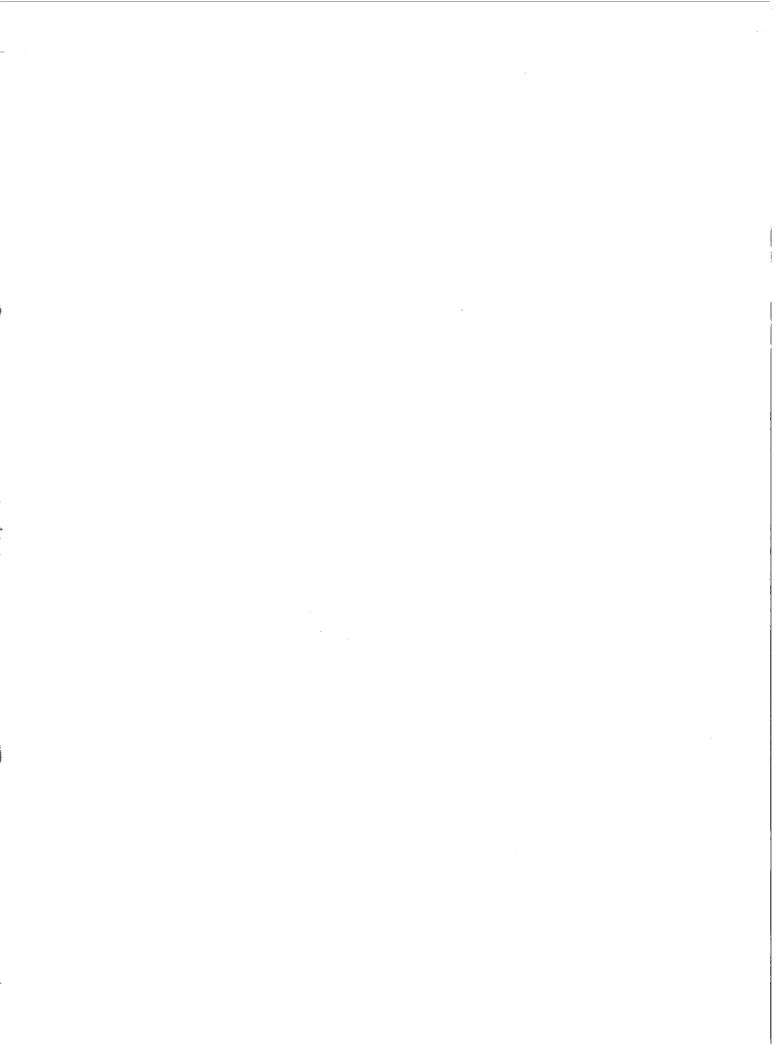EXPERIENCES WITH THE INTERMITTENT COMMUNTIY WORK
PROGRAM

EXPERIENCES WITH THE INTERMITTENT COMMUNITY WORK
PROGRAM

By

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ABSTRACT

Getting tough on crime through harsh prison sentences is often seen as the most effective way to reduce offences. Reviews of the effects of incarceration suggest that long, harsh sentences of imprisonment do not deter crime or rehabilitate offenders (Wright, 1991) and are not likely to achieve the desired ends of the public (Wilson, Picheca, & Prinzo, 2005). The values of restorative justice offer an alternative to the harsh punishment of incarceration. Despite the increased attention given to restorative justice, the concept still remains somewhat problematic to define as numerous responses to criminal behaviour may fall under the 'restorative umbrella' (Latimer, Dowden & Muise: 2001). Some programs and policies have taken the title 'restorative' when they actually do not reflect the principles, including repaying the harm done to the victim or community.

This interview study explored the experiences of offenders and community agency representatives in the Intermittent Community Work Program (ICWP), a program of the Ontario Ministry of Community Safety and Correctional Services. ICWP provides the opportunity for eligible intermittently sentenced provincial offenders to serve their sentence in the community as opposed to in jail. The research responds to a gap in our knowledge about what happens in the ICWP from the perspectives of those who actually participate in it. This research

examined whether or not the ICWP met restorative justice criteria as determined by program participants and community agency representatives.

The ICWP was found to not meet the restorative justice criteria, but was still determined to be a better alternative than prison. Program participants defined benefits in terms of making connections in the community, and avoiding incarceration. Community agencies defined benefits in terms of the provision of community services that would not otherwise be provided. However, both also revealed problematic aspects of the program. This research supports the increased participation of the offender and community agency representatives in decision-making in the ICWP.
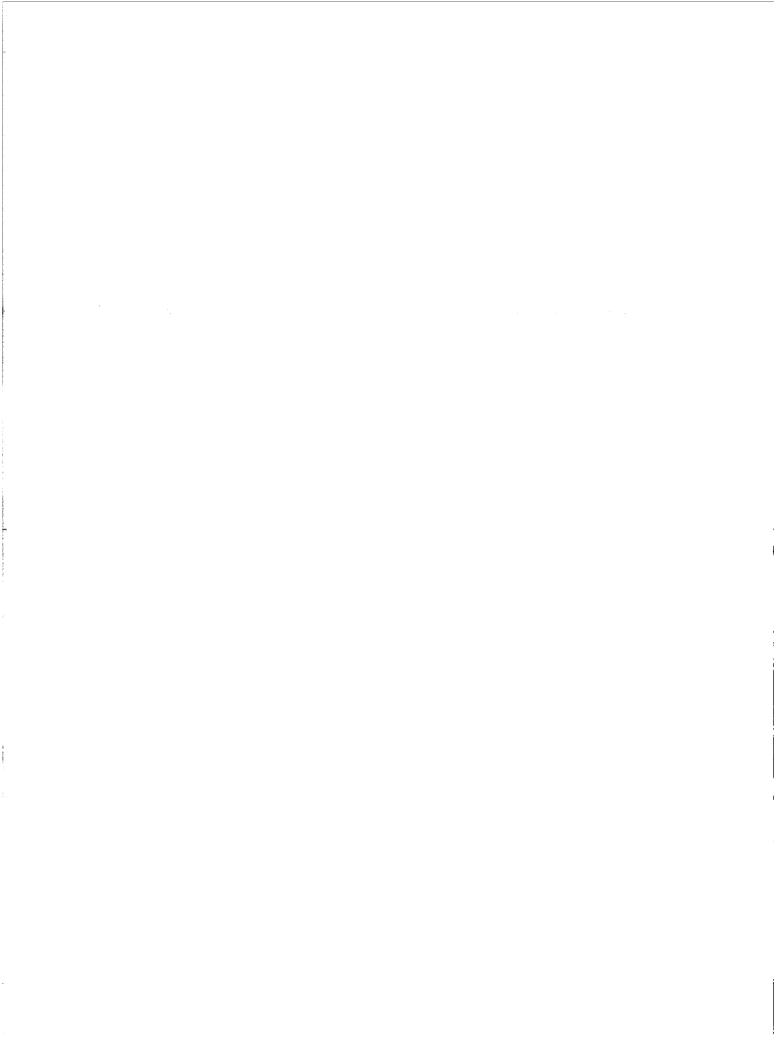
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understand their experiences.

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INTRODUCTION

Canada's criminal justice system has been using incarceration as a response to crime since the opening of Kingston Penitentiary in 1835. The dramatic increase in the prisoner population has been primarily policy driven and not the result of increases in crime rates or the population (Haney, 2003). There continues to be a widely held belief today that punishment through imprisonment works in deterring crime, which has lead to overcrowding of prisons in Canada (John Howard Society (JHS) of Ontario, 2007). One of the problems with incarceration is that upon release it is expected that offenders will have learned their lesson and will change their behaviour, even though they had been stripped of the freedom to make their own decisions, and separated from the reality of society (JHS of Ontario, 2007).

In an attempt to combat the overuse of prisons, restorative justice theory has been gaining acceptance and popularity as a more inclusive approach that deals with all parties affected by crime, instead of only punishing the offender. The concept is not easily defined as it encompasses numerous aspects of the criminal justice process, but one major criterion is that the harm committed by an offender is repaid directly or indirectly to a victim or community (Williams, 2005). Holism is another aspect of restorative justice programs that takes into consideration the entirety of each individual, and the context that surrounds them (Correctional Service Canada, 2002). Correctional Service Canada has promoted the use of restorative justice programs and policies all over the country, however

this has lead to some programs being called 'restorative' when they actually do

not possess any of the principles of restorative justice theory.

This research considers whether the Intermittent Community Work

Program (ICWP) is successful in fulfilling restorative justice criteria from the

perspective of those involved in the program. My central aim in this research is to

situate the ICWP in the context of the restorative justice paradigm, and evaluate if

the program is achieving goals of holistic rehabilitation of all parties affected by

crime, including the impact the program has on the community in an era of

restraint.

LITERATURE REVIEW

Crime and Punishment

The definition of a crime is not straightforward. Crime is generally

understood to be harmful to individuals, the community, the state, animals, and/or

the environment. Some acts are harmful but are not considered crimes, while

some acts are not very harmful and are crimes. How do we determine whether an

act is a crime? When we know the context of a situation, acts can be measured

with meaning. When an act is committed and one does not know the offender, or

the victim, or the context around the act, we are much more likely to determine

that the act is a crime (Christie, 1993). Acts are not inherently crimes, but they

become crimes. As Christie (1993) says, crime does not exist, but crime is

created (p. 23). Larger social distances increase the tendency to give certain acts

the meaning of being crimes, and therefore the people involved, being criminals.

Punishment is traditionally associated with crime – and ideas about

punishment are similarly complex. Punishment is the deliberate infliction of pain,

or at least inconvenience, and is often assumed to be a deterrent to crime.

Confusion occurs when punishment is used as a rehabilitative measure, which is

contrary to its purpose since the purpose of rehabilitation is meant to be positive

(Wright, 1991). Why do we punish those that break the law? The two reasons

that crime and punishment are so connected are that many people believe that

without punishment, there would be no respect for the law, and the belief that

without punishment of those that break the law, it is unfair to those members of

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society that respect it (John Howard Society of Ontario, 2007). Severe

punishment can make offenders an object of stigma and pity, and make it harder

for them afterwards to obtain accommodation and employment (Wright, 1991).

The problem is evident in that, when we punish through imprisonment, we are

taking away a person's right to make decisions about their life, and when they are

released we expect that the person will have learned their lesson and will change

their behaviour, even though they had been stripped of the freedom to make their

own decisions (JHS of Ontario, 2007).

There is a widely held belief that punishment through imprisonment works

in deterring crime, which is a factor in the overcrowding of expensive prisons in

Canada, and all over the world (JHS of Ontario, 2007). The Law Reform

Commission of Canada is quite pessimistic stating that imprisonment has failed to

act as a deterrent in any measurable sense (1975, p. 5). The size of the prison

population is a result of decisions. It is only when we are unaware of this fact that

the economic conditions are given primacy. Part of the reason why punishment

persists is that it fulfils a function in society. It enables 'us' to blame 'them' and

thus to avoid recognizing, finding time for, and paying for, the tasks and social

reforms which could alleviate the extent and seriousness of crime (Wright, 1989,

p. 110).

Brief History of Criminal Justice System in Canada

The criminal justice system in Canada has a long and interesting history.

From a very violent beginning pre-confederation, where offenders were whipped,

or branded in public, to the building of a first penitentiary in 1835 in Kingston,

housing six inmates, it is evident that public attitudes often shape the treatment of

crime and offenders (Correctional Service Canada (CSC), 2006). The main goal

of the penitentiary was to rehabilitate and reintegrate the offender by convincing

him that his behaviour was unacceptable, and assuring that he was not further

contaminated by the culture of crime (Cross, 1975). The definitive tool to reform

offenders was seen to be hard labour, which would teach skills so employment

could be gained when they re-entered the community; it was also seen as a means

to change the personality to fit in with a society that highly valued the idea of

work (Cross, 1975). The idea that the role of imprisonment is to teach offenders

the value of work has remained a basic principle of penology for over a hundred

years (Cross, 1975).

In 1960, the Correctional Planning Committee came into existence within

the Federal Department of Justice. Its purpose was to strengthen new attitudes

towards rehabilitation and to help offenders become productive citizens (CSC,

2006). The formation of this committee can be seen as the beginning of the

criminal justice system in Canada shifting its focus from the offence committed to

looking at the individual and focusing on the harm done.

During the 1960s there was also a shift towards an emphasis on

rehabilitation and reintegration for offenders. This shift allowed for the birth of

the restorative justice movement in North America which has been traced to the

victim-offender mediation project in Kitchener, Ontario in 1974, run by members

of the Mennonite church (Dzur, 2003, p. 280). The 1970s and 1980s are known

as the 'nothing works era' when critics stated that neither rehabilitative treatment

nor retributive penalties effectively controlled crime or increased the public's

sense of safety (Garland, 2001). The late 1980s and early 1990s had witnessed a

sharp growth in the size of offender populations in Canada. Between 1989 and

1994, the federal inmate population increased twenty-one percent (Daubney,

2005, p. 3). Politically, high incarceration rates are seen to get tough on crime,

but meta-analytic reviews of the effects of incarceration and rehabilitative

programming continued to suggest that longer, harsher sentences are not likely to

achieve the ends that the public wanted (Wilson, Picheca, & Prinzo, 2005). High

rates of incarceration are one of the main reasons that restorative justice

movement was appealing to government policy makers, since supervising

offenders in the community costs about a quarter of incarceration costs (Johnson,

2004, p.4)

The State of the Prison

Incarceration Rates in Ontario

The dramatic increase in the prisoner population has been primarily policy

driven and not the result of increases in crime rates or the population (Haney,

2003). Canada is doing better than the United States, but we do not want to

follow in their footsteps. In 1995 when the U.S. rate first reached 600 prisoners

per 100 000, Canada was incarcerating a little less than one sixth as many of its

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citizens per 100 000 (115) and Japan just over one-twentieth (37) as many people

(Haney, 2003, p. 35). Contrary to what many believe, Ontario is safer now in

terms of crime rate, than in the early 1990s (Statistics Canada, 2004). Ontario led

the decline in the national crime rate from 2003 to 2004 with a 5% drop (Statistics

Canada, 2004). Even though the crime rate in Ontario has been going down, the

results of how we respond to crime have not changed. There are now more

untried people in Ontario prisons than sentenced prisoners (Statistics Canada,

2005). In 2003-2004, when there was a finding of guilt in Ontario, 41% of cases

were sentenced to a prison term, which is higher than the national average

(Ministry of Community Safety and Correctional Services, 2005). The use of

conditional release programs where an offender can spend their sentence in the

community attending programs geared to reintegration, has dramatically declined

since the early 1990s which has resulted in more people in jail (Ministry of

Community Safety and Correctional Services, 2005). The rapidly expanding

prison population and the resulting high levels of overcrowding in prisons across

the country have adversely affected conditions of confinement, jeopardized

prisoner safety, compromised prison management, and greatly limited prisoner

access to meaningful programming (Haney, 2003).

The excessive and racially disproportionate use of imprisonment over the

last several decades means that the significant problem of post-prison adjustment

will be concentrated in certain communities whose residents were selectively

targeted for criminal justice system intervention (Haney, 2003).

Effects of Incarceration

Imprisonment is the strongest measure of power at the disposal of the

State in Canada, since the country does not use Capital Punishment or physical

torture (Christie, 1993). Nothing is so total in constraints, and in degradation as

the prison in Canada. The term institutionalization is used to describe the process

by which inmates are shaped and transformed by the institutional environments in

which they live. Prisoners gradually become more accustomed to the wide range

of restrictions and deprivations that institutional life imposes. The process of

institutionalization includes some or all of the following: dependence on

institutional structures, hyper-vigilance, interpersonal distrust and suspicion,

emotional over control, alienation, social withdrawal and isolation, incorporation

of exploitative norms of prison culture, diminished sense of self-worth,

posttraumatic stress reactions (Haney, 2003, p. 37-46). Institutionalization can

happen to anyone, but may be amplified when an inmate is alcohol and drug

addicted, mentally ill, developmentally disabled, and/or held in solitary

confinement (Haney, 2003).

In most cases the criminal justice system does not plan for and negotiate

the process of returning home. Families of prisoners generally struggle with a

range of challenges that are often exacerbated by the imprisonment of a family

member. Stable and adequate income and housing are important factors in an

individual's transition back to family and the community. The challenge of

finding stable and affordable housing for one's family is only compounded by

time spent in prison. Returning prisoners rarely have the financial resources or

personal references needed to secure housing in the private market (Travis &

Waul, 2003). Discrimination in receiving rental housing is abundant in Ontario

and having a criminal record, or low income, or involvement in drug activity

compounds difficulty in receiving affordable housing (Ontario Human Rights

Commission, 2007). A parent in prison means lost financial support that can place

a child – in many cases already living in poverty – in even more dire

circumstances. Unemployment rates before admission to prison are high among

incarcerated parents (Travis & Waul, 2003).

Public Opinion

Since incarceration has proven to be an expensive punishment and unable

to rehabilitate offenders, the fact that Canada is still incarcerating people at high

rates is curious. It is commonly assumed that punishments must be maintained at

a high level because public opinion and victims demand it. As long as the

severity of punishment is the only yardstick by which the gravity of crimes is

criticized, people feel that, particularly for serious offences, a substantial sanction

should be imposed. Most Canadians, along with citizens of other Western

nations, believe that judges are too lenient towards convicted offenders (Sanders

and Roberts, 2000).

There are several reasons why the views of the public are essential to the

issue of crime and corrections in Canada. One reason is that section 718 of the

Criminal Code specifies that the fundamental purpose of sentencing is to

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contribute to respect for the law. If the public are opposed to a particular sanction

(such as the conditional sentence, where offenders are permitted to spend their

sentence in the community), the widespread use of the sanction is likely to further

undermine public respect for the law and confidence in the courts (Sanders &

Roberts, 2000, p. 200).

The Canadian public has a complex view of sentencing. News reporting,

especially on radio and television is often too brief to provide sufficient detail and

background about offenders and the criminal justice system. It is not surprising

that the public may be confused about how the criminal justice system operates.

In 1988 the Standing Committee on Justice and Solicitor General, also known as

the Daubney Committee produced a report called "Taking Responsibility" which

produced numerous recommendations about sentencing. The Daubney

Committee concluded that the Canadian public react not only to news of an actual

sentence, but also to the context in which the sentence is placed (Daubney, 1988,

p. 11). Daubney (1988) states that sound policy that is supported by the public is

dependent on an informed public (p. 12).

The Daubney Committee (1988) stated that public confidence in the

criminal justice system in general is on a decline (p. 3). Since not all Canadians

have regular contact with the criminal justice system, people's understanding of

sentencing is largely based on what is contained in the media, as well as from

American sources, yet crime rates are lower in Canada than in the United States

(Daubney, 1988, p. 9). If the public is reacting from fear of crime, which is

stemming from false information, more progressive, rehabilitative policies will not be accepted, as they are seen as too lenient, and breeding unsafe communities.

Dzur (2003) states that Canadians do not know the stories of offenders or the criminal justice system in general because they do not know anybody outside of their small circles of family, friends and colleagues (p. 284). It makes sense that the public would respond to the crimes of those they don't know (others) with a call for punishment. The more the public knows about their neighbours and fellow citizens who commit crimes, the less comfort they likely have with calling for punishment in response to crime. Zamble and Kalm (1990) found that when participants were asked to sentence offenders described in some detail in crime scenarios rather than simply asked broad questions such as "Are sentences too lenient or too harsh?" responses were significantly less punitive. It has also been demonstrated that when the public are provided with an adequate amount of information about a sentencing decision, they respond less punitively (Sanders and Roberts, 2000, p. 200). Since it is the community where the offender must return after being incarcerated, it is evident that the public's opinion of sentencing must be considered and included in the process of decision making.

Moving Away from Incarceration and Towards Restorative Justice

Aboriginal Offenders

Although in 1997, Aboriginal offenders comprised only three percent of Canada's population, they made up approximately sixteen percent of federal inmates, and this rate is increasing (Johnson, 2004, p. 6). The proportional

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statistics are worse in some provinces than others. In Saskatchewan, where the

numbers are most disproportionate, Aboriginal people are incarcerated at a rate of

thirty-five times higher than non-Aboriginals (Correctional Service Canada,

2005). Aboriginals in Canada are more likely to end up in prison than to

complete college or university (CSC, 2005). Research on male Aboriginal

offenders suggests that childhood deprivation is commonplace among this group,

including early drug and alcohol use, physical and sexual abuse, and severe

poverty (Johnson, 2004, p. 8). The marginal socio-economic positions of many of

Canada's Aboriginal peoples, coupled with their loss of culture and community,

have contributed to their criminal behaviour and to their difficulty in making a

fresh start. There are numerous reasons that contribute to the over-incarceration

of Aboriginal peoples, which is not the focus of this thesis, but it is important to

note the problems associated with the criminal justice system in terms of

Aboriginal peoples and the changes leading to incorporating a more culturally

appropriate approach. Turpel (1993) states that

> one of the biggest difficulties with the criminal justice system for
> Aboriginal people is the fact that it is oriented towards punishment of the
> offender in the interests of society by imposing a term of imprisonment,
> fines, and less often, forms of restitution and community service. The two
> cornerstones of punishment, imprisonment and fines, are both alien to
> Aboriginal peoples…[traditionally] the goal for Aboriginal communities
> after an incident of harm against a person or possessions was to resolve the
> immediate dispute through healing wounds, restoring social harmony and
> maintaining a balance among all people in the community. Harmony,
> balance and community welfare cannot be satisfied when an individual is
> imprisoned and taken out of the community (p. 178).

Assumptions and beliefs are not static for all Aboriginal people. It is important not to accept a reductionist perspective of Aboriginal people that assumes that all Aboriginal people have the same experiences and needs, however there are some concepts that are shared by many communities. Holism is an example of a concept that is shared by many different Aboriginal groups and communities throughout Canada, which refers to a worldview that acknowledges the interdependence of all aspects of life (Benson, Sloan & LaBoucane, 2006). The assumption of holism when applied in the context of healing asserts that healing cannot occur in one dimension only; in order to affect real and sustainable change in an individual, one must embark upon a process of learning, and the concept of a four-part person is often visualized as a wheel (Benson, Sloan & LaBoucane, 2006). Again, not all Aboriginal people follow this tradition, but may see a holistic approach as more appropriate. With the unique experience and significant overrepresentation of the Aboriginal population, it was evident that alternatives to incarceration were necessary for this community, and Correction Services of Canada began to look at multi-dimensional approaches, instead of punitive incarceration.

International Examples

In countries where courts could impose unorthodox sanctions, such as the USA and Germany, some judges became interested in restorative justice as early as the 1950s. One of those in Germany in the 1950s was Karl Hoszschuh, who earned the nickname of der Schokoladenrichter (the chocolate judge) for ordering

juveniles to make reparations by such methods as buying sweets for children in a

hospital (Wright, 1991). This sentence demonstrates the recognition of a victim,

as well as having the offenders actually doing something to pay back for the harm

they caused.

In the United States the 1970s saw the growth in interest of alternatives to

incarceration for sentencing. Randy Barnett, an academic from Harvard Law

School believed that the infliction of punishment may generate sympathy for the

offender, and does not provide him or her with skills (1977, p. 284-5). He states

that punishment is used on deterrent grounds, but there is no guidance as to how

much can justifiably be imposed, and to treat criminals as means to the ends of

others raises serious moral problems (Barnett, 1977). Barnett proposed a

paradigm based on pure restitution (no punitive intent), where the offence would

be seen as primarily against the individual victim and not the State (1977, p.287).

He states that the ultimate goal is not the suppression of crime, but doing justice

to victims (Barnett, 1977, p. 296).

Canadian Example

In 1974, a Canadian Mennonite probation officer, Mark Yantzi, suggested

to the Ministry of Corrections that a vandalism case in Elmira, would be an ideal

case for offenders to meet their victims. The judge agreed, and Yantzi visited all

the 22 victims with the offenders, who had been ordered to pay within 3 months a

fine of $200 and compensation to the victims for uninsured losses (Peachey,

1989). These early examples reveal that the use of incarceration in each case was

not necessarily perceived as the best choice and that other less punitive sanctions

were beginning to be recognized.

Restorative Justice

There has been a lot of praise written in recent years for restorative justice.

The concept is not easily defined because it encompasses a variety of practices at

different stages of the criminal process. According to Zehr (1990) the restorative

justice paradigm begins with the idea that crime is a violation of people and

relationships, and not simply the law. Daly (2002) offers some common elements

that she has discovered in her review of restorative justice programs which

include: emphasis on the role and experience of victims in the criminal process;

involvement of all relevant parties (victim, offender, and their supporters) to

discuss the offence, its impact and what should be done to repair the harm; and

decision making carried out by both lay and legal actors (p. 58). Holism is

another aspect of restorative justice programs that takes into consideration the

entirety of each individual, and the context that surrounds them (CSC, 2002).

These elements are not all present in each model that is defined as restorative

justice but this would be an ideal type. Restorative justice can include departure

from court prosecution, action taken along with court decisions, and meetings

between victim and offender at any stage of the criminal process such as arrest,

pre-sentencing and prison release (Daly, 2002, p. 57).

It is evident that more programs are being labelled 'restorative' as this idea

becomes more popular, even if the program does not actually reflect restorative

justice values. Measuring how well a program reflects restorative justice values must be done on a continuum and will differ depending on who is evaluating the program.

The two terms restorative and community justice are sometimes used interchangeably. There has been considerable controversy in North America about what some see as an attempt to marginalize restorative justice by including it as only one element in the definition of community justice; and there are fears that in the process the pure form of restorative justice will be diluted by calling projects restorative when they only have some of the necessary elements (McCold, 2004, p.17).

Like restorative justice, community justice is not easily defined and can have multiple meanings to different people. Broadly, it is more representative of community and less professionalized than conventional criminal justice. A reasonable explanation of community justice comes from Brian Williams (2004) who states that community justice has principles of involving members of the local community in some aspect of criminal justice, in a range of capacities such as volunteers, lay (non-professional) sentencers, mentors, panel members, supporters of victims or offenders and mediators (p. 31). The involvement is seen as more inclusive than existing approaches, like incarceration, and more representative and more likely to be owned by the communities concerned. According to Williams (2004) community justice should provide opportunities for stakeholder participation, encompassing both individual community members'

involvement in the justice process and partnership with community agencies (p. 28). Community justice should be locally based, flexible, and informal, and serve victims, communities, offenders, and their families better than existing systems.

It is evident that the definitions of restorative and community justice overlap considerably but the distinguishing factor is that community justice has a range of 'restorativeness,' and does not necessarily involve victims in the process. Restorative justice can be seen as an element of community justice, but it is not always present. There is also a range of levels of community involvement in community justice depending on the program and who is involved. It is evident that these two terms are being used more often than is suitable and it is causing both restorative and community justice to lose some meaning in the language of criminal justice. It is within this confusion that programs are being implemented and often being called restorative or community justice initiatives when they may not necessarily have all or any of the elements of this theory.

The Intermittent Community Work Program

The Intermittent Community Work Program (ICWP) is a key component of the Ministry of Community Safety and Correctional Services transformation strategy to divert eligible lower-risk offenders from correctional facilities to community supervised work and substance abuse programs. This program provides the opportunity to pay back society though voluntary participation in community work assignments supervised by not-for-profit partners of the Ministry. Gunz (2004) states that one of the most common types of restorative

justice programs involves offenders in community service. Offenders that receive

an intermittent sentence serve their sentence in custody on a term that is not

continuous (on weekends). Intermittent sentencing has been an option since

1972. The Criminal Code of Canada provides that when the court imposes a

sentence of imprisonment that does not exceed 90 days, the court may order that

the sentence be served intermittently (Ministry of Community Safety and

Correctional Services, 2003). It is estimated that on average, approximately 1000

offenders are under supervision by the Ministry of Corrections serving an

intermittent sentence in Ontario (Ministry of Community Safety and Corrections,

2003).

The most common offences leading to the intermittent sentence are:

property offences, assault offences, traffic offences, breach of court, and the most

common offence since the beginning of the program are impaired driving

offences. There are many exclusion criteria for the program[1], including

conviction for a sex offence or domestic violence, or any offence that relates to

firearms. Offenders eligible and approved for the ICWP must serve at least one

weekend in jail to be assessed by a Community Corrections Officer.

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[1] The full list of exclusion criteria: The offender does not meet Ministry Temporary Absence Program Criteria (significant opposition by police/probation or judicial recommendations, no fixed address, no telephone, not cleared for participation by Health Care, or the offender has a history of offending while on temporary absence or parole). The offender has been convicted of a sex offence, or has a history of sex offences. The offender has been convicted of driving while impaired. The offender has been convicted of an offence that includes domestic violence. The offender has been admitted to custody on warrants of committal issued under the Family Responsibility and Support Arrears Enforcement Act. The offender has been convicted of any offence that relates to firearms. The offender has an outstanding warrant for arrest within radius on CPIC (Canadian Police Information Centre). The Superintendent determines that a temporary absence is contrary to the protection of the public or the rehabilitation or reintegration of the offender into the community.

The communities where the program operates in the first phase are referred to as the catchment areas of the Mimico Correctional Centre (MCC). They are: the City of Toronto, the Regional Municipality of Durham, the Regional Municipality of Peel, the Regional Municipality of Halton, the Regional Municipality of York, the City of London, and the City of Stratford (Ministry of Community Safety and Correctional Services, 2003).

Delivery of the ICWP is through a partnership between the Ministry of Community Safety and Corrections and Operation Springboard, who are a non-profit agency in Toronto engaging in community work and serving people involved in the justice system. Operation Springboard is the placement coordinator for the Ministry. Operation Springboard locates and places offenders in programs offered and supervised by non-profit organizations. Examples of the work that offenders participate in under ICWP are: garbage removal, kitchen help in churches, grounds cleanup, graffiti removal, laundry work, assisting in creating natural parks, building trails, cutting unwanted trees, assisting seniors with seasonal requirements (snow removal, raking leaves), and highway litter removal. Every program participant approved for ICWP will require electronic surveillance in the form of voice verification (computerized phone calls occur randomly to the home of the offender to verify that they are at home while not at the program).

When the program was being promoted to the public, the Community Safety and Correctional Services Minister Monte Kwinter announced that this approach makes eligible offenders take responsibility for their actions and pay

back the community. Kwinter also asserted that by helping to rehabilitate

offenders through supervised, community-based work programs, Ontario is

working to make communities safer (Ministry of Community Safety and

Correctional Services, 2003).

Evaluations of Restorative Justice Models

As mentioned above, restorative justice has been seen as a panacea for

overcrowded jails and correctional centres. The National Institute of Justice (NIJ)

conducted a survey of more than 2500 jail administrators, judges, prosecutors,

public defenders, probation and parole agency directors, and Ministry directors of

corrections who named alternative sanctions, including restorative justice as a

leading priority for research and evaluation (NIJ, 1995). A survey of reparation

projects by Hudson and Galaway (1990) suggests that most programs include the

following criteria for evaluating their success: (1) the opportunity for victims to

meet their offender, whether or not they take advantage of it, (2) the proportion of

offenders who make reparation voluntarily, (3) of these, the proportion who

complete the reparation through payments or service, (4) extent to which the

victim's loss (or wish for reparation) is met (through number of hours and value

of service to community (p. 170-173). Along with the restorative criteria, the

evaluations are based on retributive criteria, including (5) citizens', (6) victim's,

and (7) offenders' perception of community service as a fair sanction (Hudson &

Galaway, 1990, p. 170-173). Other criteria that were used in evaluation were

reduction in (8) recidivism, (9) prison population, and (10) cost per order (Hudson

& Galaway, 1990, p. 170-173). Dzur (2003) states that an accurate assessment of

restorative justice:

> ought to judge it as a democratic experiment attempting to encourage
> greater public knowledge of criminal justice, more widespread
> responsibility for crime control, and ultimately less punishment in the form
> of incarceration (p. 281).

It is evident that there are numerous ways to evaluate the extent to which a

program meets restorative justice criteria.

Evaluations in Canada have tended to focus on recidivism rates, and

reducing the prison population, and costs. The official institutional framework of

the prison screens out sociologically oriented accounts, such as ones that bring

into view the external forces that shape and condition the behaviour of the

individual (McKendy, 2006). The 'lay sociological accounts' that offenders

themselves offer, are discredited, and even made reprehensible by the official

representatives of the institution (McKendy, 2006). There seems to be a gap in

knowledge in qualitative evaluations of restorative justice programs. The context

of the open-ended qualitative research interview provides an unusual opportunity

for a person to recollect, report and reflect in ways that might promote a

movement towards greater agency and responsibility (McKendy, 2006, p. 496).

The Intermittent Community Work Program is an attempt by the Ministry of

Community Safety and Correctional Services to repair harms done to the

community and move towards restorative justice principles. The purpose of this

study is to examine the Intermittent Community Work Program (ICWP) from the

perspective of those who actually participate in it, in terms of restorative justice

evaluative criteria.

METHODOLOGY

A Feminist Approach

This research project was undertaken through a feminist perspective. Feminist methodology is "oriented toward contextualizing the research process, the researcher, and the subject of research, based on a nondualistic world view" (Driscoll & MacFarland, 1989, p. 189). Feminism often favours the specific over the universal in its theorizations (Moosa-Mitha, 2005). My understanding of the importance of the specific helped me make a decision about the type of research I wanted to do. My interest in qualitative research methods such as conducting fewer, but more in-depth interviews to get a sense of the contexts and experiences of program participants was central. In feminist research, knowledge is contextualized within subjective and specific lived experiences of gendered oppression (Moosa-Mitha, 2005). As a woman, I find it essential and inevitable to look at the research through a gendered lens. The effect of gender cannot be forgotten in the interview, or in analyzing the data and contextualizing the entire research process. Collins (2001) states that each group identifies the type of oppression with which it feels most comfortable as being fundamental and classifies all other types as being of lesser importance. Race, class, sexuality orientation, and gender may all structure a situation, but may not be equally visible or important in people's self-definitions.

An analysis of power is important in most feminist theory (Neysmith, 1995). The power differential between researcher and participant is examined in

this research, and will be considered through each aspect of the research process, including the data gathering (interviews), data analysis, and dissemination. According to Neysmith (1995) one of the tasks of feminist researchers is to develop some links of recognition across the gap of different social locations so that knowledge can be shared. The power of language is also recognized in this research and I, as a feminist researcher, am very conscious of categories and labels. "Despite the many strengths of research designs that compare different groups in our society, comparisons can be inappropriate" (Neysmith, 1995, p. 112). Although I am interviewing both program participants, as well as community agency workers, it is not my sole goal to compare their answers, but to get different perspectives, and attempt to contextualize their experiences through my analysis.

In thinking about my identity as a process based on relations with others, it is essential for me to reflect on how working with those in conflict with the law is part of the boundary formation around our identities. There are large power differences to consider when working with any marginalized group. The idea of boundaries and exclusion/inclusion becomes essential to think about especially when working with a population that has been incarcerated (physically excluding and including people). The walls of the institution keep some in (offenders and correctional officers) and others out (community members, family). These physical walls are also symbolic in creating large power differentials that keeps "criminals" separate from the rest of society. Differences in power constrain our

ability to connect with one another even when we think we are engaged in

dialogue across differences (Collins, 2001). It is my belief that even though I am

not a member of this group and the majority of the members of this group are

male, I am still able to connect with them, but will need to understand and work

from the boundaries around the groups. The boundary is a space for struggle and

negotiation (Anthias, Cain, and Yuval-Davis, 1992).

The feminist approach is also in line with my beliefs about my role as a

researcher. There is an acknowledgement within feminist theory of multiple ways

of knowing (Moosa-Mitha, 2005). As a researcher, I understand that it is my

interpretation of participants' experiences that I am responding to. It is important

for me to take the position of not knowing, and at the same time attempting to

identify how my own experience and beliefs are affecting the research. In

feminist methodology, the researcher and the participant are involved in self-

reflexive activities, and their collaborative efforts reveal that there are numerous

ways to understand social realities (Moosa-Mitha, 2005). Just as identities are a

process and are constantly shifting, so are the boundaries around social groups.

As a white, middle class, heterosexual, woman, I recognize I have been

afforded benefits based on my race, class, and sexuality, and being born in

Canada I recognize that I have been afforded more opportunities as a female than

other women in other nations, as well as in Canada. I am both an oppressor and

oppressed. Although I think it is important to mention my social location and

attempt to reveal how I think it affects the research, this will not be the bulk of my

thesis. The reader should still learn more about the experience being analyzed than about the researcher (Strega, 2005). Reflexivity is important, but is not the sole purpose of the research. Mauthner and Doucet (1998) define reflexivity as meaning "reflecting upon and understanding our own personal, political and intellectual autobiographies as researchers and making explicit where we are located in relation to our research respondents" (p. 121).

Intersectionality

It is evident from the discussion about identity and boundaries that either/or dichotomous thinking is problematic. The both/and position of simultaneously being oppressed and oppressor becomes conceptually impossible when we think dichotomously. Yuval-Davis (2006) states that social categories and their boundaries have varied social and political meanings depending on different historical contexts as well as being continually challenged and restructured both individually and socially. Mullaly (2002) summarizes intersectionality for me easily when he writes that different oppressions "intersect at innumerable points in everyday life and are mutually reinforcing, creating a total system of oppression in which one continuum of stratification cannot be addressed in isolation from all the others" (p. 151). There are similarities as well as differences between social groups. This is reinforced when Brah (2004) explains that the concept of intersectionality signifies complex, irreducible, varied, and variable effects which ensue when multiple axis of differentiation – economic, political, cultural, psychic, subjective and experiential – intersect in

historically specific contexts. The concept emphasizes that different dimensions

of social life cannot be separated out into discrete and pure strands (Brah, 2004).

It is evident that we often like to categorize groups to make it simpler for

ourselves to attempt to explain, but this does not adequately explain people's

experience, and therefore solutions to vast inequity cannot be solved. Mullaly

(2002) states that because many people have at least one form of domination as

part of their identity, it becomes very difficult to wage a campaign to extinguish

oppression. Coming from a tradition where most relationships across difference

are rooted in relations of domination and subordination, we have less experience

relating to people as different but equal. Changing the way we look at oppression

and understanding intersectionality is a vital first step towards solving the

domination of so many groups. According to Collins (2001) a vital first step in

transcending the barriers created by our experiences with race, class, and gender

oppression in order to build coalitions essential for change, is to reconceptualize

oppression, seeing the barriers created as interlocking categories of analysis.

Research Design

I used a qualitative evaluation research design for this study. Neuman

(1997) states that qualitative data give researchers rich information about social

life in specific contexts. Evaluation research seeks to understand "the

mechanisms that underlie successful interventions" (Swanson and Chapman,

1994, p. 67). This qualitative evaluation research design is in line with a feminist

methodology that emphasizes contextualizing and deconstructing data.

Qualitative researchers emphasize the human factor and the specific firsthand accounts of participants (Neuman, 1997). When a researcher removes a person from their context, the social meaning will be distorted and lost.

A qualitative design was used, not only due to its alignment with my feminist values, but also because of the potential benefits to the participants, and the Intermittent Community Work Program. The Ministry of Community Safety and Corrections of Ontario has kept statistics on how many people are in the program in relation to all possible intermittent inmates, but we do not know why people do not choose to go on the program, or what it is like to be involved in the program. Swanson and Chapman (1994) state that quantitative approaches are often used to reveal the outcomes of an intervention, which is an evaluation measuring participants before they enter a "black box" and then measuring them after they emerge from the black box. We do not know what happens inside the black box of the Intermittent Community Work Program. The qualitative research design allows the contextual details of the program to be examined from the perspectives of those that are directly involved in it. It also allows those that may have not had the opportunity to express an opinion to speak up and be listened to in a safe environment.

Research Protocol Approvals

The McMaster Research Ethics Board and the Program Effectiveness, Statistics, and Applied Research Unit of the Ministry of Community Safety and Correctional Services both approved this research protocol.

Recruitment

Participants in this research study must have completed their sentence and their time in the Intermittent Community Work Program (ICWP) from Mimico Correctional Centre (exclusionary criteria and requirements for the IWCP itself are detailed above, in the section titled The Intermittent Community Work Program (ICWP).

The potential of coercion for participants is very high with offender populations, especially when they are incarcerated, as their options are so limited. Recruitment of program participants needed to occur once they were no longer involved in the ICWP, and were finished their sentence so that they did not feel they had to agree to participate in the research in order to appear compliant. There is also a risk that if they truly did want to participate in the research, and were still participating in ICWP that they would not be free to state how they really felt about the program, since they would still be responsible to attend the program and report to correction officers who have significant control over their lives.

Participants were recruited through Mimico Correctional Centre. Posters about the study were put up at Mimico Correctional Centre. The posters stated that those interested could contact the researcher to discuss further what was involved in the study and to determine whether they were willing to participate. I had no direct contact with participants during the recruitment process, allowing

the risk of coercion to be low. No one at Mimico Correctional Centre will be

aware of who participated in the research.

In order to recruit community agency staff members I obtained a list from

Mimico Correctional Centre of community agencies that are involved with ICWP.

I distributed information about the study, including the cover letter. A follow-up

phone call was made to agencies to make sure the research information was

received. If staff members were interested in participating they had my

information and contacted me.

Sample

Over 9 weeks, there were approximately 60 discharges from the

Intermittent Community Work Program at Mimico Correctional Centre. Out of

the 60 discharges, 5 potential participants were interested in learning more about

the study. Two of the 5 potential participants were unable to be reached by the

phone numbers they had given.

The 3 ICWP program participants that were interviewed were all male,

since Mimico Correctional Centre only has male offenders. They ranged in age

from 28 to 56. Two of the participants were white, and one was East Indian. Two

of the program participants were employed, and one was on the Ontario Disability

Support Program, and was also retired. The program participants' offences

included driving under suspension, possession of stolen goods, and a breach of

bail conditions for which the original offence for the pending case is unknown to

the researcher. The sentences were 30 days, 60 days, and 90 days all served

intermittently (on the weekends).

Out of 11 community agencies contacted, there were 4 reached. Two that

were reached declined wanting to participate in the research. Two community

agency contacts were interviewed for the research. One participant was male and

one was female, and both participants were white. Both participants were in

managing positions at their community agencies, although one participant was a

paid worker, and one was volunteering, but was a past employee. One of the

participants worked directly with the ICWP program participants, and one did not.

One of the community agencies' services are to maintain the parks through

picking up litter, baseball diamond maintenance, cutting grass, as well as assisting

seniors with their property maintenance if they live in the prescribed area. Senior

property maintenance includes in the spring grass cutting, weeding, gardening,

small repairs on the home, and in the winter includes snow removal. The other

community agency provides basic needs services (food, clothing, shelter) to high

needs populations.

Interviews

ICWP Program Participants

Before the interview began, I reviewed the appropriate consent form (see

Appendix A) with the participant, and the opportunity was given to ask any

questions. Once questions were answered, the participant signed the consent

form. Semi-structured interviews lasting approximately one hour were conducted

with each participant (see Appendix B). Participants were asked to give a personal narrative of their experiences with the ICWP. Areas that were explored through the narrative were reasons for involving themselves in the ICWP, whether the program reflected restorative justice principles such as the crime they committed reflecting the way they paid back the community, and what were the strengths and weaknesses of the program.

Asking participants to discuss their experience with subjects such as crime can be demeaning and embarassing. It can also be a challenging emotional experience. I anticipated that participants may worry that their relationship with Mimico Correctional Centre would be compromised. Also participants may have been concerned that by participating in the research process others in the community would realise that they had engaged in illegal activity, which could potentially lead to consequences when they returned to the community. To combat some of these risks, I have skills to conduct in-depth interviews though my education and work experience. No one at Mimico Correctional Centre knew who participated in the research. It was stressed that any question could be skipped if the participant felt their anonymity or confidentiality would be compromised. It was also stressed that the participant could stop the interview at any time for any reason.

Community Representatives

Before the interview began I reviewed the appropriate consent form (Appendix C) with the participant and the opportunity was given to ask questions,

and the participant signed the form. Semi-structured interviews lasting

approximately one hour were conducted with each participant (see Appendix D).

Participants were asked to give a personal narrative of their experiences with the

ICWP and how it impacts their community agency. Areas that were explored

through the narrative include how their agency got involved with the ICWP, what

role do ICWP participants have in their agency, how do they see the program as

impacting the agency, and how ICWP could improve.

For both ICWP participants and community representatives, using

pseudonyms ensured anonymity. No identifying information was included in the

reports of the research. This information was also removed from field notes and

interview material. Critical quotes were reviewed and verified that they could not

relate to a particular participant so that the relationship between the participant

and Mimico Correctional Centre, or the community agency, was not jeopardized.

A Voice-Centered Relational Method (Data Analysis)

The values of the feminist approach lead me in the direction of a method

of data analysis that highly values reflexivity, which reflects participants'

perspectives, and recognizes the power differentials between researcher and

participant. Feminist discussions of reflexivity have largely addressed two

aspects of the research process: the nature of the research relationship, and the

extent to which there are similarities or differences between the researched and

the researcher in terms of gender, age, class, race sexuality, or able-bodiedness

(Mauthner and Doucet, 1998). The voice-centred relational method, I think

allows me to be up front about who I am throughout the research process in relation to the research participants, which reflects well the feminist methodology. A relational ontology is close to the feminist emphases on understanding individuals within their social contexts (Mauthner and Doucet, 1998). The relational ontology reveals that "the notion of selves-in-relation, a view of human beings as embedded in a complex web of social relations, instead of the Western philosophical tradition of separate, independent individuals" (Mauthner and Doucet, 1998, p. 125). I have chosen to follow Mauthner and Doucet's (1998) version of the voice centred relational method that attempts to translate relational ontology into methodology and into concrete methods of data analysis. I read the interview text 3 or more times, while listening to the interview tapes in order to explore individuals' narratives in terms of their relationships to the people around them and their relationships to the broader social structural and cultural contexts (Mauthner and Doucet, 1998).

It is important to note that what I interpret from data will be different than what another person might interpret. Researchers adapt methods in their own way, and are influenced by countless factors such as social location, values, time, and place. I will describe my own interpretation of Mauthner and Doucet's interpretation of the methods. The first reading involved looking for the overall plot of the data, as well as looking for myself in the text, and attempting to place my history and experiences in relation to the participant, and understand how I was responding (Mauthner and Doucet, 1998). The second reading is looking for

the 'I', which means I physically traced on paper when the respondent used

personal pronouns which helps clarify how participants see themselves, and where

they may be struggling (Mauthner and Doucet, 1998). The third reading is

reading for relationships, which I again physically traced on the paper in a

different colour where the participant spoke of them with their families, friends,

co-workers, enemies. The final reading I again used a different colour and traced

over the paper and attempted to place respondents within their cultural and

structural contexts, such as communities, or social groups like that of 'offender'

(Mauthner and Doucet, 1998).

Coding is not a straightforward, mechanistic process. After and

throughout the readings I placed the data within certain categories, condensing the

bulk of the data into analyzable units. Codes and categories are closely related,

and coding is thought about as a way of relating data to ideas about that data

(Coffey and Atkinson, 1996). Coding is a way of identifying and reordering data,

allowing data to be viewed in a different way (Coffey and Atkinson, 1996). In

keeping with my interest in comparing the Intermittent Community Work

Program with principles of restorative justice theory, I coded and created

categories based on these predisposed ideas. It is important to stress that what I, as

a researcher chose to code, reflects my own interests.

FINDINGS

Research participants (both those working in the Intermittent Community Work Program and those representing agencies that provide placements to the program) discussed their involvement with ICWP and whether they thought the program was successful in meeting the requirements of restorative justice, such as repaying the harm done to the community. The initial findings section has been organized along major restorative justice criteria: acknowledgement of crime, acknowledgement of harm and victim, whether the offender made reparations voluntarily, and whether the offender repaid the harm done to the community. In each section I discuss how the program and agency participants' experiences relate to those criteria. I then go on to review additional themes that emerged from the interviews including impact on the offender, impact on the community, and issues of program eligibility.

In order to ensure anonymity and confidentiality all names have been changed, along with any identifying information. Square brackets indicate that I have added some contextual information to provide clarity where participants were referencing a specific community agency, person, or material.

Restorative Justice Criteria

Acknowledgement of a Crime

In order to believe that reparation is required, the offender must first believe that a crime has been committed. Many people working in the criminal justice and corrections system treat the acknowledgement of responsibility for

past criminal acts as an essential first step toward rehabilitation and desistance

from crime (McKendy, 2006). As discussed in the literature review, the definition

of a crime is not straightforward. Crimes may be harmful or not, and those crimes

without a harm will not have a victim to repay, whether it be a specific person, or

a symbolic victim such as the community. One of the findings from the

interviews was that some offenders do not see themselves as criminals, or their

behaviour as being criminal as defined in the Criminal Code of Canada.

> Dave describes how he initially came to have charges:

> I got pulled over, got some fines, didn't pay them, continued to drive.
> Back then it was just because I was an arrogant teenager and 'screw the
> government' kind of thing.

Charges for driving while under suspension piled up, and when Dave went back

to school he had $18,000 worth of driving offences. When he finished school he

started gradually paying off the fines. However

> the problem that I had run into is they won't renew your drivers' license
> until you've got everything paid off. I could not work without driving,
> like I couldn't make money, so I was stuck. I'm either going to sit on
> welfare and do nothing or I'm going to break the law and make money.
> So I went to work and got caught and there's the cycle and this is where
> I'm at now.

Dave made a point of saying he had never been violent, and he suggests his first

charges emerged from his youth and arrogance (rather than any criminal intent).

Now he sees himself as 'caught', essentially forced into breaking the law by the

way the system is set up. He also notes that there are special programs for people

with offences for impaired driving, and for non-payment of child support, but if

he gets pulled over again "I just start all over again and there's no government

agency or lawyer or individual that can help me. So it's very frustrating." From

Dave's description of his situation, it seems that he does not see himself as being

guilty of committing a crime that has caused harm.

Sean said this about his charges:

The vehicle I was driving was stolen and I wouldn't say who I bought it

off of. And they say because I don't tell them who I bought it off of I knew it was

stolen. That's the way the police looked at it. If you didn't know it was stolen

you're willing to rat on everybody.

Sean never admits that he is guilty of committing a crime in this explanation of

his charges. He reveals that the police assume guilt, since he won't disclose who

sold him the vehicle. Sean indicates that he is not a "golden citizen" implying

that he does not have a perfect criminal record, but that he didn't feel safe talking

to the police because

> the person I bought it off is a Jamaican guy in Toronto and you don't want
> to inform on him to the police. You're better off in jail than doing that.
> So I just took the time and did it.

From Sean's statement that he was better off in jail than telling the police whom

he bought the vehicle from, reveals that he does not admit to knowing that the car

was stolen, but that he feared for his safety. He never admits that he is guilty of a

crime or admits there was a harm done.

Kevin chose not to reveal the reason for his original charges. It is possible

that because his case is still pending that he did not want to discuss his charges in

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detail. He does reveal this about why he was at Mimico Correctional Centre

(MCC):

> All I did I broke my bail conditions. Like if I'm outside I have to have a
> letter with me. And I didn't have the letter with me that's all and because
> of that I broke my condition and I was told I have to go [to jail]...my case
> is still pending.

Kevin does not reveal what his original crime was, or if he thinks he was guilty of

committing it. The way he explains that he breached his bail conditions, using

phrases like "all I did" and "I didn't have the letter with me that's all" brings to

light that Kevin did not feel that his actions warranted a punishment.

Acknowledgement of Harm and Victim

Without the recognition of a real harm done, offenders would

understandably have trouble identifying a victim, whether a specific person or

symbolically through the community. The following quote reveals the way Sean

perceives the victim(s):

> Like you know I bought a car off a guy that was stolen and I guess the
> insurance company lost money on it, they got the car back but what am I
> going to do to pay back the insurance, you know? Give me a job working
> for an insurance company you know. I've made a lot of money for
> insurance companies over the years anyway, for 35 years I fixed cars for
> insurance companies.

In Sean's case he sees the possible victim of the harm done as being the insurance

company, towards which he does not really seem to have a lot of sympathy. He

states that he himself has made a lot of money for them in the past, and so in some

way they have already been reimbursed. Sean does not seem to recognize the

possibility that there is harm at all, or that the harm could relate back to the victim

who once owned the car.

This is how Dave explains the victim in his situation:

> the victim's the government and not even a victim because they've got
> their money now you know what I mean like now I'm just, now I'm the
> victim of the government's laws so. You know I would love to be, if there
> was some opportunity for me to do anything, to be quite honest with you
> to do anything, to allow myself to drive legally I'd do it in a heartbeat but
> there's no avenue so I'm kind of stuck.

At first Dave acknowledges that in the past the government was the victim who

should be repaid for the crime and harm done. He then changes his mind stating

that he is the victim in some ways. Dave states that he feels he has repaid the

government for the harm he committed, and that he is willing to do anything to

allow himself to drive legally but he is still being punished even though the fines

have been repaid. He feels he is now the victim of the justice system.

Because Kevin did not reveal his original crime, it is unknown whether he

actually perceives guilt in committing a crime, whether there was a harm done,

and whether or how he should have to make reparations for that harm. He does

admit guilt to the crime of breaching his bail conditions, although it does not seem

like there is harm done to the community or a specific victim by not having the

required letter on him that identified he was out on bail.

Offenders Make Reparations Voluntarily

Participation

Questions surrounding the process of being involved in the program were

asked since one of the components of restorative justice is that the offender

voluntarily makes reparations for the harm done. Two of the participants described the way in which the program was explained, and how they were assessed to become ICWP participants.

Dave explains that the correctional officers bring forward a group of about 34 offenders that are new to the institution that weekend. He says that only the eligible offenders are selected, that is, those who don't have a serious offence. He says he sat down and had a one on one interview with a correctional officer and then the officer asked him if he'd like to participate. He states "of course I chose yes... there were others that chose not to." Dave's 'of course' reveals that, for him, the choice to participate or not was an easy one.

Sean's account of getting on the program is slightly different when he states that "everybody who's in on the first weekend", about 30 or 40 guys, are sitting in a room and the correctional officer starts "weeding them out". Sean goes on to say that the correctional officer:

> said bluntly, 'if you're here on drinking problems you do not qualify, if you're on drug problems you do not qualify, if you're here on assault or spousal abuse problems you do not qualify. So anybody with these problems or these are the charges you're here on please leave now and don't waste any more of my time.' Then half the people got up and walked out. He's quite abrupt about it.

Sean went on to say he did not think there was much of an interview, and that he could not remember what was asked of him. He stated that those that do not qualify are 'weeded out' pretty quickly, and then they are left with a few guys that get to decide whether or not they want to participate.

False choice?

One of the themes that emerged related to the issue of choice. The need

for choice is identified to achieve restorative justice, which decisions range from

participation, to program design, to timeframes (CSC, 2002). Even though the

Intermittent Community Work Program is voluntary, the theme of a false choice

emerged since the alternative (time in jail) is experienced as a worse option than

participating in the program. When asked why the program participants decided

to be involved in ICWP, each compared it to their time spent in jail. Since one of

the requirements of the program is that the offender stays at least one weekend in

the jail in order to be interviewed and assessed for suitability for the program,

each program participant had a small amount of jail time to compare to their time

on ICWP in the community.

Kevin states that to him, "Mimico is not really a hard jail" because he only

needs to be there for the weekend. He says he has been to harsher jails in his past.

He goes on to say that

> the main thing is you're confined and you're stuck in there for the
> weekend, you're with a bunch of guys… you don't have your personal
> space or anything like that and …you can't do anything you know it's a
> total waste of time because you're in there, you're stuck in there.

Kevin's description of MCC helps explain why he chose to participate in the

ICWP. He says this when asked why he decided to participate:

> Oh its cause its better than being in there [jail]. At least there when they
> tell you to go to the washroom you got to go to the washroom…when
> you've got to go eat you got to go even if you're not hungry.

He answers with a comparison to the alternative, which he sees as a negative

consequence where he is not free to make decisions about simple everyday things

such as going to the washroom, or eating when hungry.

Here is what Dave said about making his decision whether or not to

participate in ICWP:

> The alternative is a very unpleasant place especially for somebody who
> isn't accustomed to that type of uh people, demographic, right...There's a
> lot of tension, there's you know there's a potential for violence at any
> time.

Dave states that his experience at MCC was very unpleasant, and that three days

spent there was "more than enough". He reveals that he is not used to spending

time with the "type of people" that are at MCC, and that it was a very tense living

environment. He says that he would have never even associated with people that

are at MCC, let alone live and share space with them, which was not desirable "in

any way, shape or form". His statement that there was a "potential for violence at

any time" could reveal that he did not feel safe. It may also be related to his

previous statement when he is describing how he came to have charges, that he is

not a violent person and that he has not done anything to warrant him staying in

jail.

With Dave's description of his experience in MCC he stated that ICWP

participation was an easy choice. He makes a very telling comparison when he

describes his decision: "right, its do you want to stay here in the icy cold water or

do you want to go to Florida?" This comparison echoes the idea that program

participation is a choice; however, the consequence of not participating (jail time)

is such that it influences the decision making process. For Dave, avoiding the

"icy cold water" of jail was reason enough to volunteer for ICWP.

Sean also reveals that Mimico Correctional Centre (MCC) was a very

unpleasant experience for him and that it influenced his decision about

volunteering for ICWP. Sean reveals the following about his time at MCC:

> And the worst thing at all about Mimico is when you go in there the first
> weekend, you know the first time you don't know anything about it and
> they strip you and have you bend over they treat you like total garbage.
> That's the most horrible night of your life that first night in there you
> know what I mean?

Sean describes how he was treated by correctional officers, and states that there

are some good correctional officers but some are 'ignorant'. He describes the

humiliation he felt when he was being admitted into the jail. He also states that

one of the correctional officers was insulting him while he was being admitted.

Sean explained that he made a point of treating people with respect, and so to

have a correctional officer "looking down on [him] went hard against the grain".

Sean also describes his problems with getting rest while incarcerated:

> So like in the one weekend my wing was raided like 10 times. You don't
> get any sleep they're raiding it every 5 minutes and 10 minutes after its
> raided they're smoking drugs again....

Sean explains that he has some medical problems that were exacerbated by not

being able to get any sleep in jail due to the seemingly constant drug searches.

Sean made a point of saying that others were doing drugs and that he has "never

done that stuff". When asked about why Sean volunteered to participate in ICWP

he said, "well I kind of had no choice. Like I have health problems and the first

weekend, when I spent the weekend in Mimico I had no sleep all weekend so if I would have done that for the following 16 weeks I wouldn't be in very good health today."

It is interesting that when asked why the ICWP participants decided to involve themselves in the program, each of them stated in one way that it is simply better than being in jail; they all made the same comparison right away. For Kevin, jail represented being confined and stuck. He expressed that jail is a "waste of time." For Dave, jail was a harmful environment where he did not feel safe, and did not want to associate with any of the people inside. For Sean jail time represented a humiliating, stressful experience that jeopardized his health. Each of the three ICWP participants' experience reveals that the voluntary nature of the program can be questioned when the decision to be involved is informed by the threat of punishment.

Mike, a volunteer at a community agency, has a different opinion about the idea of voluntariness, choice and the ICWP. He described a conversation that occurred between him and one of the ICWP participants. He stated that an offender asked him if he got paid for being there, for which Mike replied: "No. I'm here just like you". The offender then stated that he did not volunteer. Mike replied:

> you have to volunteer to come into the program. You may not have
> volunteered to the point where you were offered the program, you were
> given the choice, come to the program or spend your time at Mimico.

Mike asserts that he sees a real choice for ICWP participants. As someone who runs the program at the agency, he explains that he sees the participants as making the choice, even though it may not be a choice they like. This may be an instance in the research findings where the effects of different social locations of the participants reflect diverse viewpoints. Differences in power, between the positions of ICWP participants, who are serving a sentence, and the agency representative who is volunteering to be there (without the threat of punishment) are resulting in opposing viewpoints on the key issue of whether or not ICWP is voluntary.

Reasons not to Participate

In addition to asking ICWP participants why they chose to be involved in the program, I asked if they would see any reason why an offender wouldn't want to participate. Two participants revealed that they knew others who declined participation. Kevin states that

> they don't want to do the work or whatever they're like 'forget it, I'll just stay here [jail]' you know. Some people just are afraid you know that they may mess up on something, they might not pick up the phone or whatever and they just don't want to take the chance of causing further problems so they just do their time.

Kevin goes on to say that for him, because he's responsible, the choice was easy. His explanation reveals that there are numerous responsibilities when on the program, such as answering the phone when an electronic monitoring system calls them to verify that they are at home while not at the program. He reveals that when on ICWP he is freer to make his own decisions. He states that with this

responsibility there is a chance of getting into more trouble, and so an offender

may elect to do the jail time where there is less of a chance to make a mistake.

These findings are supported by Petersilia (1990) who found that nearly a third of

offenders given the option of alternative programming similar to ICWP chose

prison instead. She found that offenders felt that going to work everyday, being

drug tested, and having their home privacy invaded were more punishing than

serving time in a prison, or they felt they would not be able to abide by conditions

and would eventually be forced to serve more time in prison (Petersilia and

Deschenes, 1994, p. 310).

> Sean reveals this about some offenders who decide not to participate:

>> I met guys in there who were doing their weekends and they weren't
>> interested in ICWP. They just wanted to do their weekends and bring
>> their drugs in.

Sean reveals that some offenders simply don't want to involve themselves in any

extra potential stresses, and some that are addicted to drugs have a better chance

of using in jail, rather than in the community where they have to work. This

statement reflects Sean's view that some offenders are constantly using drugs

while in jail.

Dave could not think of a reason that someone would not want to involve

himself in the program, although he mentioned he knows that some offenders did

decline. He reinforced that for him the choice was easy.

Choosing the Placement

Along with the voluntary nature of the program, another aspect of restorative justice is the extent to which the number of hours or value of service to the community is met. The value of service to the community is a symbol for the extent to which the victim's loss is repaired, since the community is considered the victim. In order to repair the harm to the community, it would seem that the work in which the offender participates relates to the harm they have (supposedly) done. To create meaning for the offender in the work they do, they should ideally have a say in the agency where they are placed.

Dave reveals that he "had no say in where [he] was going or what [he] was doing" and that he thinks "it was all based on geography, where [he] lived and what was available in the area." He states that he understands why geography is important, in that ICWP participants must be able to travel to the agency, but he would have liked to have more input into where he was placed. Dave states "I think if there's anything that can be done to try to improve upon it its try to match the participants skills and attitude with a placement that would benefit both parties if possible." It is evident that Dave would have liked to have been involved in the process for deciding where he worked, and what work he did so as to match better with his attitude and skills. The fact that Dave had no say in the work he did or for which agency he worked creates more difficulties for him to feel that he was repairing the harm done to the community.

Sean also recognizes the problem of finding places to put participants due to a lack of community agencies that are willing to accept offenders. He states

that he "understood normally when people get [ICWP] they put them in

Department of Transport or the city government picking up garbage in parks and

things like that you know." He then goes on to say that because of his medical

concerns, the doctor decided that he should be on extreme light duties, which

restricted the agencies for which he was able to work. Sean states that he was told

by a correctional officer to be grateful that he received such a "cushy" placement,

but he knew that it was not a decision made by the officer, but a recommendation

by his doctor. Sean stated that he would never expect a "favour" from a

correctional officer.

It seems from these two accounts that both program participants did not

have a choice in where they were placed in the community, or what type of work

they would be doing. The number of hours worked was determined by a judge,

another decision that the program participant is left out of since the determination

of when the harm is repaid is already decided by their length of sentence. Both

Dave and Sean apparently understand the lack of availability of placements

available to them.

Mike, the community agency volunteer, reveals another perspective in

placing ICWP participants. Mike states that since he has been involved in the

program for a long time he has made numerous connections with program

participants. He states that he knows "there are people out there in the program,

that are qualified for the program that will be willing to travel the distance, and

make the arrangements for the transportation." He states that the restrictions on

where program participants can be placed should not only be determined by where they live, but also the work they want to do, as well as who they work with. He states that before the restrictions he had participants coming large distances on public transit in order to partake in the program, but that the new rule changes make this impossible.

Offender's Perception of Community Service

Another criterion of restorative justice is whether the offender perceives the community service or reparation as a fair, and worthwhile experience to repay the harm done. As was noted, the ICWP program participants did not have a choice in which community agency they were placed, and therefore, what type of work they did.

The Work in ICWP

The following describes some of the duties of each ICWP program participant, and how they felt about doing the work.

Sean seemed to take some pride in his work under ICWP. Sean asserts "there's a lot to keeping this whole place clean." He goes on to describe the large size of the area he needs to work on and some of the procedures and details that take a lot of time and effort. Sean states, "there is lots of different things to do, it's not just one thing you know." He states that he cleans areas of the agency every weekend that no one else will. Sean seems to value his independence when it comes to working. He states "you know nobody tells me, gives me jobs here any more because when I come in I know what to do." He asserts that

> I'm used to being independent because I used to have my own business, I
> used to employ about 12 people and before that I've always been manager
> of shops and stuff so. I don't like taking orders I just like finding what to
> do.

He also goes on to explain that he has to be careful because of his health that he

does not get overworked, but he has always kept busy.

> Here is what Dave had to say about his work in the program:

> The labour isn't difficult, like its not hard labour. I, I've got a lot more
> talent than what I was able to do but yes it's not a big deal. In terms of
> was it a good fit, anybody can mop a floor....

Dave reveals that he is currently employed as a project manager, and has lots of

other skills beyond manual labour. He reveals that he could have been more of a

help to community agencies with administration or clerical work due to his

experience. He also states that participants should be assessed and those with

education and skills should be allowed to use them. He states that, "it's skilled

labour that you're going to get for free that you wouldn't have got otherwise." He

says that in the long run it would be more beneficial to put program participants in

areas where they can use and develop their skills "as opposed to just getting them

to do all of the grunt work".

Dave states this about the type of work he did:

> One thing I noticed its like you're given all the jobs no one else wants to
> do...I wouldn't say that I learned much if anything other than you know
> you've got to do the work, like its all very simple work everyone knows
> how to do dishes, everyone knows how to mop you know what I mean?

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Dave seems to find little connection to the work, since the jobs he was doing were ones that no one else wanted to do. He felt like he could not learn anything or find a lot of value in it.

Although he reveals that the work was very simple, later in the interview he switches a little bit and states that he is happy he did some of the work at a particular community agency, while at another he did not feel satisfied because he did not agree with how the staff treated some of the people that were served by the agency. Dave states that it felt good to work at [agency 1], and he enjoyed the opportunity to be able to provide them with some help because he sees "what they've done with so many people and it's really a good feeling to be able to do that." He states that he had an awful experience at [agency 2] where he saw mistreatment of clients by staff, and he felt the agency was making a profit off of those that needed service. He states "I felt bad for the people that had to be there like as opposed to supporting the organization." Dave did not feel good about the work he did, since he does not support the organization that he was working for.

Kevin states that at his placement there is a lot of hard work and he often feels very tired. He states, "a lot of people think this is easy but it's not you're walking a lot. You're walking constantly." He goes on to explain some of his duties, which include "folding clothes, cleaning up, vacuuming and you know throwing out garbage and stuff, taking donations or junk that people drop off and moving it around." Kevin seems to feel like sometimes more is required of him than he is able to do. He says the work is very tiring and "I can only do so much

because you know what I mean so fast, cause I do work another job. I do full

time somewhere else." Kevin also explains that "the people who work here, like

the people who are hourly, they'll use the volunteers as much as they can... what

they'll do is they'll leave all the work for the weekend and like dump it on the

volunteers". Kevin reveals that there is sometimes more work is left for him by

paid employees than he is able to do. He adds:

> instead of just doing slave labour you know like maybe do something
> positive like go help out at some place where there's other messed up kids
> or needy people. Something like that something you know you can
> actually get something from not just lifting boxes all day long right.

Kevin expresses that it is unfair that he is doing manual labour that is left for him.

He would rather do some work that he can "actually get something from" such as

working with high needs populations.

The participants' feelings about their work in ICWP are varied. Sean

revealed that he found meaning in his work, and valued the opportunity to work

independently. He seemed to take pride in his maintenance duties in the agency.

Dave expresses that he did not find a lot of meaning in manual labour. He

declares that his past employment and skills did not reflect the duties he was

carrying out. Since Dave was involved in ICWP twice, and was placed at 2

separate agencies, he does state that there was a difference. He asserts that when

he respected the work that the agency did, he felt more meaning in his own work,

even though it was manual labour. Kevin did not seem to find very much

meaning in his work. He reveals feeling exploited in some ways by paid

employees of the agency, since there was sometimes more work than he was able

to, and the work was the left over duties that employees did not want to do.

Repaying the Harm

The following quotes reveal the different offenders' views of the ICWP

program in relation to repaying the harm they committed.

Dave has some mixed views about how the program works to repay the

harm. He states that he does "believe you still get punished in a way because they

are trying to punish you, it is a punishment so it can't be all you know easy on us

and everything but it's certainly a lot better than the alternative." Dave's use of

the word 'punishment' exposes his thinking about the intent of the program. He

does not feel like he is actually paying back the community, but being punished.

He goes on to say that:

> I think what it does do is if anything it teaches you or should teach you the
> value of giving back to the community or how that work actually impacts
> these organizations that are serving the community. And ideally you
> should get a positive feeling out of it because you are helping out and
> you're doing a good thing.

They way Dave phrases his explanation seems to reflect that he thinks the

program *should* teach the participant the value of paying back the community, but

it does not seem that he thinks that is the case in his situation. His use of the word

ideally indicates that in the best case scenario one would get a positive feeling,

because you are doing a good thing. However, he goes on to say that if the work

was more challenging, or if he could do some work that he had some interest in,

or that was related to him more closely, then he could see more clearly how he

was repaying the community.

Sean states that he is unsure about how he is repaying the community. He
states:

> I think if they're working on it as paying back the community I think
> they're in Never-Never Land you know. I don't think it's about that you
> know. I think its more about you know like it costs them less to have
> somebody at home doing volunteer work than it costs them to have to feed
> them 3 meals a day and stuff.

Sean reveals that he sees the purpose of ICWP as more about saving the

institution money than about repaying the community. It is evident from his

statement that he does not see the relation between the harm he committed and the

work he had done through ICWP.

Kevin seems unsure whether or not this program helps him repay the

community. He states that the program is still serving your sentence, but it is

more productive than spending the time in jail. He states:

> [It's] better than guys just sitting around inside there sweaty and smelly
> and doing what they do in jail, just doing drugs and stuff. It's better than
> that. Yes at least you know that time you're using it to do something.

He goes on to explain that the program is not like a volunteer program, he says

it's labour. Kevin says that people might think that the program is easier because

it's in the community, but he says :

> It's totally different its not community service you're serving a sentence
> so it's like your sentence you got to come here to work and you gotta
> work hard. It's not just a walk through the park all day long. I guess it is
> [volunteering] in a way but still they're making a lot more money, I don't
> know how much they're really helping the community. I don't know that
> aspect of it.

Kevin states first that the program is not like a volunteer program, because it is hard labour, and people should not think that it is easy volunteer work. He then states that it is volunteering in a way, but the agency is making money off of his labour, and he is unsure how much the agency actually helps the community. The phrase "I don't know how much they're really helping the community" reveals that he is unsure about how the agency's work benefits, and so it is difficult to see how he is repaying harm.

Here and elsewhere in the interviews (see below, Disadvantages to the Offender) the idea came forward that the IWCP is as much about cost savings for institutions and governments as it is about restorative justice. I will consider this point in the Discussion.

Impact on the Offender

There is an attempt in restorative justice to heal all parties affected by crime, including the offender. The following section explains how the ICWP program affected the offender. The first section reveals how offenders saw the benefits, and the second section describes the negative outcomes they experienced.

Value to Offender

Mike, the community agency volunteer, states that it is up to the individual program participant if they will benefit or not. He states that he has no method of determining whether the individual will benefit from the program, or whether they will simply see it as an easy way of doing time. He states that some do benefit by

not being inside [jail], being with their family, developing some sense of community work. They get some self-respect, ... People have been hired back after they're finished if they apply to the [agency]. If they want a letter of recommendation from me, a reference the [agency] will issue a reference saying that they have worked with us on volunteer projects.

It is evident that Mike sees the potential for numerous benefits to program participants if they are willing to put in the work and have a positive attitude. Again, the idea of benefiting simply by not being inside jail is reinforced.

Despite Sean's critique that the ICWP is not effective in repaying the harm done to the community, Sean does see benefits to the program. He states that he made some connections in the agency and he plans to involve his granddaughter in a program that the agency offers. He also learned about the programs offered and believes that they would be beneficial to some members of his family. He states that one of the employees is very nice and has gotten him started in filling out the forms to get registered for the next offering of the program. "[S]o I'll be around but I won't be cleaning anything". Sean's narrative reveals that he has made connections through his work under ICWP, and perhaps found some additional supports for his family.

Kevin sees some value to him in that he can be more productive at home when he participates in ICWP. He explains "at least you can do something when you get home, anything with your life if you're studying for something or doing something else or whatever you can at least do something when you're at home". The idea of being productive and making the most of your time is seen as a benefit to Kevin.

Dave states that for him he saw one of his experiences on the ICWP as very beneficial. He states that it was very positive. He says, "I enjoyed working with the people, it's a great organization, they're doing a lot to support the community and there's there's no shame in that. It's a good good opportunity." Dave feels that the organization that he worked for was doing good work, and that he saw that as a good opportunity to get involved and help them. He said he got a good feeling for helping them.

Dave also mentions that this program could be beneficial for those disadvantaged and with poor opportunities for employment. He says, "if you're serious, to go into an organization like that, prove your merit and then either pick up some sort of a recommendation from that or even seek employment with that company or others that you deal with in your interactions with them." Dave reveals that he could see the ICWP as creating interactions and connections that help offenders gain employment once their sentence is complete.

Disadvantages for Offender

Some of the stories of both ICWP participants and of the community agency contacts reveal that there is a certain amount of stigma that exists in the community as citizens learn that offenders are serving their sentence in the community instead of in jail.

Dave mentions experiencing stigma in his experiences in ICWP. He states that "there is always a certain stigma that seems to be attached and although its not openly communicated its certainly felt". He goes on to say that at agency 1 it

was fine, but at agency 2 he "completely felt like a criminal". It is evident that it would be difficult to repair a harm done to the community through ICWP if participants are being treated as though they do not deserve to be out in the community.

Sean also admits to feeling stigmatized when working under ICWP in the community. Sean reveals that he was treated well by most people at the agency where, but there was one particular person that "look[ed] down her nose" at him. He states that he was told by one of the employees that "she don't like the inmates". Sean says that she thinks she's better than [the offenders] are and "she'd rather have it so none of us [offenders] came here." Sean also reveals experiencing stigma due to his physical disability. He states "the management I feel a bit funny about because like [Sara, a manager] once made a comment to me 'I don't know why they send disabled people to me'. Sean reveals that there was a lot of pressure on him to get duties finished quickly, and that due to his disability he needed more time, which is when an employee of the agency made the remark to him about not sending 'disabled' people to work.

Along with emotional impacts on offenders, there are also financial ones. Sean states "I'm sure it would have cost them a lot of money to look after me for those 15 weekends. This here [participating in ICWP] I am not helped at all in the cost, I got to find the gas money to get there." Sean exposes that ICWP program participants are responsible for getting to and from work each weekend, costing gas money, or money for public transit.

Impact on the Community

The ICWP impacted the community in positive and negative ways, as described by both program participants and community agency representatives. Some impacts could be perceived as either positive or negative depending on the respondents' experience and the context surrounding it.

Mike proclaims how the work of program participants has restored parks and helped members of the community that would have otherwise be left without service. Mike states that:

> some of the areas when we started they were so overgrown or so overcome by litter that there was nothing there now they're back into their more or less natural state....The milkweed patch is back in one area where the Monarchs now come and reside. Some of the wildlife is back because its, they can survive in the area now that there's seeds and whatnot there for them to live on and the ecological chain works. And then there's the seniors property maintenance program which is assisting them to stay in their homes while they can.

Mike's explanation reveals that he sees a real change in the environment in an area that was once ruined by litter. He goes on to say that by doing small repairs, lawn maintenance, and snow removal seniors are able to stay in their home. Something that they might not be able to if it weren't for the work of the ICWP participants.

In a time of cost cutting some agency representatives perceived the ICWP as an opportunity to get free labour. Mike reveals that there is a definite savings in terms of dollars for the agency he works with.

> What our savings in dollars is to the city which overall when I have what I call a full complement is probably about a million, a million and a half dollars a year...what we do in the park here ... probably ... $200 a

> weekend. That would be, $300 a day if you look at it from a wages view
> and benefits to the city staff member. The litter pickup is probably the
> most expensive of all the programs because by the time you put a bin in, if
> it's a bad area and they put one of the big construction bins down there
> that's $700 just for the bin. We would probably fill, and we have filled a
> bin in 2 - 2½ hours in some cases. One weekend we filled 5 bins.

He also mentions the monetary benefits to seniors that the program offers. "Again

it's probably ... probably 150 - $200 a month if you were to hire, if they had to

hire local lawn care operation". Although the dollar savings were not calculated

and confirmed, it is obvious that Mike views this program as a definite benefit to

the community in terms of cost savings.

Mike reveals that one of the supervisors at his community agency (an

agency that participates in the ICWP) had the opinion "if you can't do the time

don't do the crime". Mike revealed that this supervisor, at first, did not think that

offenders should be allowed out of jail because it is too lenient and that they

should be punished for their crime. As time went on this supervisor changed his

mind. Mike explains:

> today his opinion is, doesn't know whether to praise them or curse them
> simply because there's financial cutbacks, staff cutbacks. We have been in
> areas and cleaned up and as he says on the Monday they come in he has to
> send his crew down with a compactor to pick up the bags of garbage that
> they've laid at the side of the park road. So he wouldn't have the area
> cleaned up if they hadn't been in on the weekend.

Sean mentions that he also sees his work as saving the agency a lot of

money. He states that "the young kids here that work here and are suppose to be

here all day, but I'll come in at 10 and there's nobody here until 2. There's just

the young girl behind the counter and the owner don't bother having her regular

people come in because she knows I'm here." It is unknown whether the other

employees see the volunteers as a loss of wages since they do not work full hours,

or if they still get paid the same amount while the volunteer is there.

Laurie, the coordinator at a community agency, reveals that her agency is

very happy to receive ICWP participants to work. She says they are always

wanting more. She explains that, "they really do help because we run on very

minimal staff." The idea that volunteers are replacing once paid positions seems

to emerge from the interviews. I will return to this point in the discussion section.

Looking Towards the Future: ICWP Eligibility

In addition to the suggestions for change made by ICWP program

participants made above, several comments were made about the theme of

eligibility. When asked about how participants came to be involved with ICWP,

the idea came forward that there was now less people that are able to qualify than

in the past. Sean states that there are strict criteria of eligibility. Sean agrees with

what the correctional officer stated at the original meeting, that if anybody is in

jail for violence, he does not think they should be allowed in ICWP. He also

states that he "went through a lot" when his son was addicted to drugs and that he

does not think letting drug addicted people out of jail will help them. He states

"the rules they got you know regarding who is eligible for ICWP and who isn't I

think are on the nose".

Dave's account reveals a different perspective about eligibility and ICWP.

He thinks the selection process needs to be evaluated. He states that there are

offenders that may have had more serious offences in the past, and it

> doesn't mean they're a bad person, doesn't mean that they're a threat to
> offend again. They could be a great participant for the program but
> because they've got that one little mark on their record they're
> automatically not qualified for it. And this is where the screening would
> come in you know what I mean where you could maybe accept some of
> these people who are, might have a minor criminal record and are low risk
> can still go out and do a lot of benefit not only for themselves but for the
> community and the program and they're instantly you know disregarded.

One problem Dave saw with the process was that the attitude of the

offender should be taken into consideration. He states:

> its all on paper, its all check, check, check, check, check. You're good.
> You're not...You can have guys that qualify, worse possible attitude in
> the world you know what I mean and I don't see how that's beneficial.
> But this is the government and they very rarely make sense.

Dave's account reveals that he believes some of the eligibility requirements weed

out those that may benefit from the program, while other offenders that do not

really want to volunteer for the program qualify. He states that a more thorough

screening and assessment process that takes into account offender attitudes should

be taken into consideration.

Along with the offenders having some issues with eligibility for the

program, Mike (the community agency volunteer) revealed that he has noticed a

significant decline in numbers from when the program first began. He states

> they also tightened up on who was entitled to come out into a program. At
> one time as I say it didn't matter who came as long as they were willing to
> volunteer and as long as they did the work and kept their nose clean you
> know who cared. Today it's a fairly restrictive ... sentencing area that

they're picked from. The last major shift was probably about 2 years ago where MADD [Mothers Against Drunk Driving], for various reasons, was complaining about people that had gone in on a drunk driving charge or an alcoholic charge of some sort or a substance abuse charge why they were allowed being allowed back into the community you know.

Mikes narrative reveals the importance of public opinion of being "tough on crime", and that being on ICWP is not seen as harsh enough for offenders who commit certain crimes. He states that around 4 or 5 years ago he had about 40 or 50 people, and now he is lucky to have 2. He states that the number of inmates has not declined drastically, but that Operation Springboard (the agency that determines the placements of offenders) has created catchment areas that determine where offenders are placed. He states "if they don't have a place to send them they have to go to the local jail." Mike goes on to say that along with more restrictions based on geography, he believes that "there's probably a whole group of people that because of other people screwing up are now ineligible to participate in the program but would function well in the program." This indicates that the rules have tightened around behaviour while on the program, and that "over the years the system has restricted who comes in".

Laurie reveals that recently she has noticed fewer participants sent to her community agency. She also understands it to be because there is no participant in the area where the agency is located. She states, "we were a good 6 weeks maybe 2 months without any ICWP participants, and we really missed having them." In a time of restraint, the effects of eligibility restrictions are certainly felt

in the community agencies, which depend on ICWP participants for free labour. I

will return to this point in my discussion.

DISCUSSION

This research examined experiences of the Intermittent Community Work

Program from the perspectives of those who participate in it. The experiences of

ICWP participants and community agency representatives were used to analyse

the program in terms of its success in achieving restorative justice values, such as

repairing the harm done to the community. Program participants were asked why

they chose to participate in the program, and whether they felt that the program

helped them repay the community. Community agency representatives were

asked what benefits they found for their agency by having ICWP participants

come work with them, and also whether they felt the participants' work reflected

and achieved the goal of paying back the community. These questions had a

complex set of answers that shed some light into the black box of what actually

happens in the ICWP. The findings were organized into key themes based on

restorative justice criteria such as: acknowledgement of crime, acknowledgement

of harm and victim, whether the offender made reparations voluntarily, and

whether or not the offender repaid the harm done to the community. Two

additional themes that emerged were impact on the offender, and impact on the

community. The discussion that follows will deal with these themes, and will

conclude with future implications for research, as established by the data.

It is important to note that this research dealt only with male program

participants. There are similar programs set up for female offenders, but because

this research dealt only with program participants from Mimico Correctional

Centre, the population was all male. It has been proven that female offenders

have different needs than males, and the findings and discussion that follows has

been generated from male perspectives, but has also been filtered through my own

feminist lens. It is evident that gender may change how offenders view the

ICWP, and how they rate it in comparison with restorative justice principles.

Some questions that that need to be examined in the future include: what gender

differences exist regarding the perceived experience of ICWP, and how does

being female effect the successful attainment of restorative justice values?

Restorative Justice Criteria

Acknowledgement of Crime, Harm, and Victim

Confession of guilt is a prerequisite for entry into certain restorative

justice programs. It is evident that each of the offenders would have to be found

guilty at the time of sentencing; otherwise they would not have been incarcerated,

and thus, would not have had the opportunity to be involved in the Intermittent

Community Work Program. However, in spite of court findings, there still existed

some cases in which offenders did not see themselves as being guilty. McKendy

(2006) states that offenders are coaxed, bribed and threatened to stop making

excuses and to accept responsibility for their own actions. It is unclear what

happened in order for the program participants to be found guilty before the

sentencing process. Although it is beyond the scope of this research project, an

area for further investigation might include the links that may exist between forced or voluntary admissions of guilt and the impacts on offender rehabilitation.

Although admitting guilt is a necessary action to start the restorative justice process, ICWP participants in this research did not believe that they are guilty of a crime. Without the acknowledgement of a crime, the process of restorative justice is compromised from the start, although not ruined completely. Even if an offender does not believe they are guilty of a crime, they could still believe that their actions caused harm that could be repaid. Zehr (1990) states that the restorative justice paradigm begins with the premise that crime is a violation of people and relationships rather than merely a violation of law. It is possible that some offenders might perceive that they had done harm, without committing a crime. However, in this research, ICWP program participants did not perceive that a crime or harm was done. If an offender cannot acknowledge that harm was done, a major component of restorative criteria will not be met, since there is nothing to repay for the offender.

In the case of ICWP and the participants' perceptions in this research, the major principle of restorative justice was not met. It is unclear whether or not confession of guilt for harm done should be a requirement for admittance into ICWP. Even if the offender admits guilt, the threat of coercion is high since they will want to avoid punishment, so confessions may be false. Questions raised from this research include whether or not it should be mandatory for offenders to acknowledge harm done before entrance into ICWP, and whether or not those

acknowledgements will be valid. Another related question is whether or not

program participants will still benefit from the program, even if they fail to

acknowledge harm before being admitted to ICWP. The findings from this study

reveal that program participants believed they benefited from ICWP simply by not

being incarcerated.

Offenders Make Reparation Voluntarily

According to Hudson and Galaway (1990) restorative programs should

include the idea that the majority of offenders make reparations voluntarily as part

of their evaluative criteria. Zehr and Mika (2003) reinforce the importance of

voluntary involvement, and state that coercion and exclusion should be

minimised. The theme of a false choice was reinforced in this research, in that

ICWP participants did not actually choose to participate, but that their decisions

were in large part influenced by a desire *not* to go to jail. When asked why ICWP

participants chose to volunteer for the program, each of them made a comparison

to jail time, which they saw as a threat and punishment to be avoided. These

research findings are supported by the literature. Braithewaite (2002) states that

supposedly voluntary participation is actually a choice in which the alternatives

are worse than taking part in restorative processes, no matter what the harm was.

He suggests that:

> restorative justice works best with a spectre of punishment in the
> background, threatening in the background but never threatened in the
> foreground. Where punishment is thrust into the foreground even by
> implied threats, other-regarding deliberation is made difficult because the
> offender is invited to deliberate in a self-regarding way – out of concern to
> protect the self from punishment (Braithewaite, 2002, pp. 35-36).

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This hypothesis confirms what has been revealed in this research from the ICWP

participants, who were threatened by the punishment of jail, which made it

difficult to think about repairing the harm done to the community (other-regarding

deliberation), since they were encouraged to engage in self-regarding reflection.

This research exposes the problems that occur by the threat of punishment in the

ICWP, and its influence on the ability of offenders to act voluntarily and think of

others that may have been harmed by their actions.   It is unclear how to reduce

the threat of punishment in our current criminal justice system since it is so

clearly embedded in many that jail is a negative consequence to be avoided (in

fact, for many that is the sole purpose of the corrections system). The

development of sanctions and a rating of their severity (in terms of punishment) is

a responsibility of legislators and criminal justice policy makers who generally

have no reliable means for rating the severity of the sanctions they propose (Wood

and Grasmick, 1999). Sanctions developed by legislators and practitioners are

rarely based on experiential data; they depend almost exclusively on guesswork

by persons with no direct knowledge of serving various sanctions (Morris and

Tonry, 1990). This research was based on experiential knowledge of those that

are involved in ICWP, and it can be seen as a first step as helping determine how

offenders would rate an alternative sanction as compared to prison. Further

research is required to examine how to adequately reduce the threat of punishment

in the ICWP so that offenders are freer to make choices without coercion.

Alternative Sentencing Continuum

      As noted, restorative justice is seen as a popular method to keep eligible

offenders out of the expensive prison system, and give them a better chance at

rehabilitation. ICWP is one of the possible sentencing alternatives that are offered

by the Ministry of Community Safety and Correctional Services, along with house

arrest, halfway houses, probation and parole among others. This research reveals

that there needs to be more attention paid to individual needs of each offender and

the context that surrounds their case. If there were a continuum of punishment

equivalencies of imprisonment and alternative sanctions, such as ICWP, it would

allow for more discriminating sentences tailored to individual offenders' needs

and risk levels (Morris and Tonry, 1990). Wood and Grasmick (1999) state that

inmates generally seem to agree about the punitiveness of a range of sanctions,

but it is unknown whether the continuum envisioned by policy makers matches

that of inmates who know the experience of both prison and alternatives. They

raise the question of whose opinion determines which sanctions are more severe

than others (Wood and Grasmick, 1999, p. 22).

Offender's Perception that Harm is Repaid

      Restorative justice has been used to define numerous different programs,

policies, and theories. It has been used more generally to cover any intervention

that aims to hold offenders accountable by providing opportunities to make

amends to victims, whether directly or indirectly through the community

(Williams, 2005). The findings of this research demonstrate that because

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participants have no input into where they are placed and what kind of work they do, it is less meaningful to them. Dave reveals that he felt good while working for agency 1, where he believed that the organization was doing a service to the community. Alternatively, he felt awful at agency 2, where he believed the organization was making a profit, and mistreating some of their clients. This example explains how difficult it would be to perceive that harm is being repaid when one does not support the organization.

This research shows that some participants' felt like they got the 'left over' jobs that agency employees did not want to do. Some ICWP participants revealed that they felt they had skills that could be beneficial, but were not being utilized, and that the only type of work they were offered was manual labour. This research demonstrates that some ICWP participants did not find a lot of meaning in their work often times due to the type of duties that were asked of them. These ideas are supported by the literature. It is questionable to what extent interventions will be restorative when offenders are not involved in assigning the placements, as well as when they have no knowledge of what type of community work they undertake, and how their work is of direct or symbolic value to victims (Curry et al., 2004). As restorative justice is designed to fully engage the range of participants, the degree to which the processes reflect their needs, wants and desires become essential. The need for choice is identified to achieve restorative justice, with decisions ranging from participation, to program design, to timeframes (CSC, 2002). Further research is required to develop methods that

will increase offender participation in the processes of determining where work

will be done and with whom they will work.

Future Implications

Changing Public Opinion

This research reveals that eligibility has become increasingly strict for

participation in ICWP. One major reason for these restrictions includes the

importance of the public's opinion in the criminal justice system. It is important

that sanctions appear to be 'tough on crime' since it has been shown that most

Canadians believe that judges are too lenient towards convicted offenders

(Sanders and Roberts, 2000). It is clear from the perceptions of participants in

this research that eligibility for ICWP is restricted, due in part to public interest

groups, and their desire to keep offenders out of the community. There is a great

concern about stories of offenders who commit additional crimes in the

community while serving a community-based sentence. These events draw

enormous attention from the media and citizen groups and hinder efforts to

expand community corrections programs like ICWP. The lack of support in the

community reflects attitudes about crime and the criminal justice system, based

on many misconceptions as discussed in the literature review.

Research participants revealed that they felt some offenders who are

currently ineligible due to increasing restrictions have the potential to benefit

greatly from the program, while concurrently there are others that do qualify but

who do not necessarily benefit. Findings from this research reveal that the

assessment criteria that determines who is eligible to enter the program needs to be examined further.

The outcomes of restricted eligibility in the ICWP are both positive and negative depending on perspective. It was shown through this research that some members of the community prefer stricter eligibility because they believe it creates safer communities. The example of Mothers Against Drunk Driving fighting to have those offenders who have committed a driving under the influence offence disqualified for ICWP is an example of an interest group working for "safer communities." One of the challenges for the future will be for the criminal justice system to improve the extent and quality of public knowledge about the effects of incarceration, and some of the benefits of alternative sentencing such as restorative justice. Dzur (2003) states that an accurate assessment of restorative justice:

> ought to judge it as a democratic experiment attempting to encourage greater public knowledge of criminal justice, more widespread responsibility for crime control, and ultimately less punishment in the form of incarceration (p. 281).

In a Time of Restraint

In a time when the welfare state is shrinking, there are benefits to both the community agencies and to the institution to utilise the ICWP participants. For the institution, having ICWP participants in the community creates great cost saving opportunities, in that it is much more expensive to incarcerate than to have offenders in the community (CSC, 2007). All ICWP participants reveal their understanding that it was cheaper for the institution to have them in the

community. Sean reveals that the institution, MCC, saves money by not having to house, feed, and monitor the participants, which is very expensive. Kevin also discloses that the institution reduces their costs when he states, "it actually costs money inside there [jail] eh to tax payers and over here [community agency] at least they're giving back and they're helping that." Dave echoes that he believes that the institution is saving money by him being in the community when he states, "I'm sure it's [ICWP] much cheaper than the alternative [jail]. It will be important to watch for the possibility of simply placing offenders in the community for the sake of cost savings, or to alleviate the problems of overcrowding, and neglect the rehabilitation of the offender.

Alternatively, for community agencies, ICWP participants offer free labour that can replace and/or supplement paid employees. The savings in costs are seen as a benefit to community agencies, but at the same time can be seen as a detriment to those who no longer hold paid labour positions. Governments have identified charities and volunteers as untapped sources of community support as well as an increasingly important role in Canadian society at a time when governments are being forced to withdraw from some past obligations (Rice and Prince, 2003). This research indicates that community agencies begin to expect and rely on the work of ICWP participants. In a time where agencies are running on less staff than in the past, volunteers are often seen as vital to service delivery. As indicated above, ICWP participants are not part of the process in determining where they work, nor what work they do, and so there is a risk for the exploitation

of these workers for the benefit of community agencies. There is a risk of compromising the process of restorative justice by calling projects restorative when they only have some of the necessary elements (McCold, 2004). It will be important for the future of ICWP to stay alert to the ways in which the program's original intents and goals are being compromised in a time of welfare shrinking.

Net Widening

Although this research does suggest that ICWP should continue as a program that allows eligible offenders to spend their sentence working in the community, the program does need further research. Despite the attraction of the program for its ability to keep offenders out of expensive prison systems, and for community agencies to secure free labour, there are dangers that this program will not do what it is supposed to – and, that it will end up doing things that it is not intended to. Dolescahl warns that some "programs have had a minimal effect on defendants, and judges and prosecutors are using them to widen the net of social control" (1982, p. 133-34). The criticism of "net widening" implies that certain programs allow the correctional system to expand rapidly and place an ever-increasing proportion of the population under some form of supervision, instead of reducing the rate of incarceration. Wood and Grasmick (1999) state that instead of serving as an alternative to incarceration, these programs are more often becoming alternatives to release.

Recommendations

This research reveals that the ICWP does provide some benefits for offenders, community agencies, and the correctional system but there is room for improvement. It was found that the values of restorative justice were not met for any of the offenders interviewed, and so further research is required as to whether or not it is possible for those values to be met as the program is currently set up. This research found that the ICWP's claim that offenders pay back the community for the harm they committed does not match participants' experiences or perceptions. This research recommends that the program should not make these claims, simply to be considered under the umbrella of restorative justice. This program requires more input and considerations from the offender in order to make it more restorative and rehabilitative. Future research should focus on ways to implement new processes to have more input by offenders. Another area of attention could be on the court process, and specifically whether or not those pleading guilty actually believe they have committed harm to the community or a specific victim, since the restorative process is halted from the beginning if the offender does not believe there has been harm done.

Conclusion

Conducting these interviews, as well as my past experience working with those involved in the criminal justice system has impressed me with the problems of incarceration as a main response to crime. Although the findings of this research found that the ICWP failed to meet the restorative justice criteria in many

ways, the program is still seen to be a better alternative than prison. This research reveals the need for increased participation by program participants in all areas of the ICWP, including assessment and eligibility criteria, agency placement, type of work that is done, and how to adequately repay the harm done.

According to Correctional Service Canada (2007) most offenders who have participated in a restorative justice process have stated that it is much harder to be accountable and acknowledge their crimes, face their victims and community members rather than to simply "do time". This research reveals that the threat of punishment (jail time) compromised the choices that were made by participants to be involved in ICWP. For the program to continue to claim that it is voluntary, research is required to find a way to reduce the threat of punishment that overrides the ability of offenders to think of others' harm, instead of only thinking about avoiding punishment.

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APPENDIX A

CONSENT TO PARTICIPATE IN RESEARCH

Project Title: Experiences with the Intermittent Community Work Program

You are asked to take part in a research project conducted by a Masters of Social Work student at McMaster University.

PURPOSE OF RESEARCH

To explore the experience of people who have taken part in the Intermittent Community Work Program associated with Mimico Correctional Centre.

PROCEDURES

If you volunteer to take part in this study you will be asked to take part in a one-on-one tape recorded interview that lasts about one hour.

Interviews will take place in a location agreeable to both of us (for instance, a quiet coffee shop).

You can choose not to answer any of the questions.

The following is an example of some of the questions you will be asked to respond to:
- Why did you volunteer for the ICWP program?
- Can you describe your experience in the ICWP program?
- What were the positive things about working in the community under this program?
- Did you have any reservations about working in the community under this program? Describe.
- Do you think the ICWP program is more or less beneficial for offenders than spending their sentence in jail? Why?

POTENTIAL RISKS AND DISCOMFORTS

You may feel uncomfortable responding to certain question and you may choose to skip any questions you wish. If you feel you would like to speak with a counselor the researcher can provide you with local service providers that can assist you.

POTENTIAL BENEFITS TO PARTICIPANTS AND/OR SOCIETY

It is my hope that your ideas collected from this study may be used to improve the quality of the ICWP program.

CONFIDENTIALITY

No names will be used in any written reports, nor will any identifying information be included. The only people who will have access to the interview data are the researcher and her supervisor.

Mimico Correctional Centre will know who was contacted to be involved in the study, but not who actually participated.

Interview tapes will be kept in a locked filing cabinet at the researcher's home. Transcripts will not contain any identifying information, and will be stored in the same filing cabinet.

PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequence of any kind. You may also refuse to answer any questions you do not want to answer and still remain in the study. If at any point you choose to withdraw from the study, any data you have provided will be destroyed.

RIGHTS OF RESEARCH PARTICIPANTS

If you have any questions or concerns about the research, please feel free to contact Theresa Berry at 905-719-8398, email: berryta@univmail.cis.mcmaster.ca, or Dr. Chris Sinding at 905-525-9140 ex 22740, email sinding@mcmaster.ca.

This study has been reviewed and received ethics clearance through the McMaster Research Ethics Board (MREB). If you have questions regarding your rights as a research participant, please contact:

MREB Secretariat   Telephone: 905-525-9140 ex 23142
McMaster University   Email: srebsec@mcmaster.ca
1280 Main St. W., GH-306   Fax: 905-540-8019
Hamilton, ON L8S 4L9

I understand the implications and agree to participate in this study.

_____   _____

                                                        Date

_____   _____

                                                        Date

APPENDIX B

Interview Guide for ICWP Participants

- Why did you choose to volunteer with the ICWP?
- What did you think of the process of getting accepted into the ICWP?
- Can you describe your experiences with the ICWP?
- How long were you involved with the ICWP?
- What was the work like that you did at the agency where you were placed?
- Did you feel like the offence you committed related to the work you did?
- What were the positive aspects of the ICWP?
- How would you improve the ICWP?

APPENDIX C

CONSENT TO PARTICIPATE IN RESEARCH

Project Title: Experiences with the Intermittent Community Work Program

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PURPOSE OF RESEARCH

To explore the experience of people who have taken part in the Intermittent Community Work Program associated with Mimico Correctional Centre.

PROCEDURES

If you volunteer to take part in this study you will be asked to take part in a one-on-one tape recorded interview that lasts about one hour.

Interviews will take place in a location agreeable to both of us (for instance, a quiet coffee shop).

You can choose not to answer any of the questions.

The following is an example of some of the questions you will be asked to respond to:
- What is your role in this community agency?
- What is your agencies' role in the community?
- Could you tell me about the process of getting involved with the Intermittent Community Work Program (ICWP)?
- About how many offenders have you had work at the agency under this program?
- Can you describe your experiences with the ICWP?
- What were the positive aspects of the ICWP program?
- Did you have any reservations about having an offender come work in the agency under this program? Please explain.
- How would you improve the ICWP?

POTENTIAL RISKS AND DISCOMFORTS

You may feel uncomfortable responding to certain question and you may choose to skip any questions you wish. If you feel you would like to speak with a counselor the researcher can provide you with local service providers that can assist you.

POTENTIAL BENEFITS TO PARTICIPANTS AND/OR SOCIETY

It is my hope that your ideas collected from this study may be used to improve the quality of the ICWP program.

CONFIDENTIALITY

No names will be used in any written reports, nor will any identifying information be included. The only people who will have access to the interview data are the researcher and her supervisor.

Interview tapes will be kept in a locked filing cabinet at the researcher's home. Transcripts will not contain any identifying information, and will be stored in the same filing cabinet.

PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequence of any kind. You may also refuse to answer any questions you do not want to answer and still remain in the study. If at any point you choose to withdraw from the study, any data you have provided will be destroyed.

RIGHTS OF RESEARCH PARTICIPANTS

If you have any questions or concerns about the research, please feel free to contact Theresa Berry at 905-719-8398, email: berryta@univmail.cis.mcmaster.ca, or Dr. Chris Sinding at 905-525-9140 ex 22740, email sinding@mcmaster.ca.

This study has been reviewed and received ethics clearance through the McMaster Research Ethics Board (MREB). If you have questions regarding your rights as a research participant, please contact:

MREB Secretariat   Telephone: 905-525-9140 ex 23142
McMaster University   Email: srebsec@mcmaster.ca
1280 Main St. W., GH-306   Fax: 905-540-8019
Hamilton, ON L8S 4L9

I understand the implications and agree to participate in this study.

_____

Date _____

_____

Date _____

APPENDIX D

Interview Guide for Community Representatives

- What is your role in this community agency?
- What is your agencies' role in the community?
- Could you tell me about the process of getting involved with the Intermittent Community Work Program (ICWP)?
- How long have you been involved with the ICWP?
- About how many offenders have you had work at the agency under this program?
- Can you describe your experiences with the ICWP?
- What were the positive aspects of the ICWP program?
- Did you have any reservations about having an offender come work in the agency under this program? Please explain.
- How much contact did you have with the offender in your agency?
- How were you notified/explained about the ICWP program?
- What information were you given about the offender who worked at the agency?
- One of the ideas about the ICWP is that the people involved are 'paying back' the community. Did you feel that this was true at the agency with the offenders that came to work there? Can you say why or why not?
- How would you improve the ICWP?

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