TESTING BRAITHWAITE'S THEORY OF REINTEGRATIVE SHAMING
THROUGH DATA ON THE CIRCLE SENTENCING PROGRAM IN THE YUKON

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By
Christel Skinner Percival

Dissertation Committee:
Jon Matsuoka, Chairperson
Joel Fischer
Val Kalei Kanuha
Paula Morelli
Karen Umemoto
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Circle sentencing has been a topic of great interest in the Yukon. The hopes and expectations of offenders, communities, and professionals are to find better methods for helping offenders, supporting victims, preventing crime, and expanding the problem-solving capacity of individuals and communities. These efforts were directed towards improving the quality of life for the Yukon First Nations and for First Nations everywhere. Hopefully, the results of this research helps to enhance knowledge of Braithwaite's (1989) theory of reintegrative shaming and the circle sentencing program.
Abstract

The theory of reintegrative shaming (Braithwaite, 1989) and circle sentencing program are examples of restorative justice initiatives. Restorative justice is part of a movement towards alternatives to the formal justice system based on retributive principles. Hypotheses based on Braithwaite’s (1989) theory of reintegrative shaming were analyzed through data on the circle sentencing program in the Yukon Territory (Canada). Circle sentencing was introduced in 1992 primarily for sentencing First Nation (Aboriginal) offenders. Secondary data were collected on the outcome for 164 offenders and 10 communities who were involved between 1992 and 1997. Recidivism data were collected on offender contacts with the justice system for three years following initial circle sentencing.

Fifty-three percent of offenders were convicted of further crimes. Recidivism increased to 68% when criminal charges and/or days incarcerated were included. Interdependency characteristics of offenders were predictor variables: age; gender; marital status; educational level; and employment status. Interdependency criterion variables were: 1) number of convictions (multiple regression); and 2) offender’s status either as reintegrated or stigmatized (logistic regression).

Communitarianism predictor variables were: urbanization (size of population) and mobility (population change and mobility). The criterion variable was average crime between 1994 to 1999. Combined interdependency and communitarianism predictor variables were also compared with the number of convictions. None of the regression models were found to be significant. Therefore, Braithwaite’s (1989) theory did not describe the circle sentencing program as practiced in the Yukon.
Limitations of the application of theory may include: 1) lack of opportunities and resources for offenders; 2) alcohol use by 95% of the population; 3) inadequate follow-up and support; 4) failure to adequately shame (accountability); and 5) historical and cultural damage. Community participation in planning initiatives would ensure innovations reflected community needs. Additional explanations could be the unique characteristics of the Yukon communities, especially with high levels of population mobility and population changes.
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CHAPTER 1. INTRODUCTION

Considerable interest has been expressed across Canada and internationally about the potential for restorative justice initiatives. The theory of reintegrative shaming (Braithwaite, 1989, 1999) is based on restorative justice principles. These principles are described in more detail in a subsequent section of this chapter. This theory outlines a process for holding an offender accountable and encouraging his or her reintegration into the community. The term offender will be used to describe an individual who had one or more criminal convictions. This theory showed promise for explaining alternative justice practices, such as the circle sentencing program in the Yukon Territory in northern Canada.

Circle sentencing was introduced into the Yukon criminal justice system as a sentencing alternative for offenders in 1992. Because the circle sentencing process follows the same general format within each of the implementing communities, it will described as the circle sentencing program. In circle sentencing, members of the community join with the social workers and justice professionals to determine an appropriate sentence for each offender. The program has been used almost exclusively for First Nation offenders. The term First Nation is the term used by and for individuals of Aboriginal ancestry in the Yukon and in other parts of Canada.

Circle sentencing is considered a restorative justice approach. The goals of circle sentencing include: the rehabilitation of the offender; the restoration of harmed relationships between the offender, the victim, and members of the community; the empowerment of the community, and an increased involvement between the community and the justice system.

Input of the community in the sentencing process is believed to help
expand the sentencing options for an offender. An offender's sentence can be individualized to meet his or her specific personal and social needs (Stuart, 1992).

Proponents of the Yukon's circle sentencing program have expressed enthusiasm for its effectiveness. However, several critical questions about this program have remained unanswered. There has been little discussion about the underlying theory of this program. This study used data on the circle sentencing program in the Yukon to test hypotheses derived from the contemporary restorative justice theory of reintegrative shaming (Braithwaite, 1989).

This chapter discusses the following topics: 1) the Yukon context; 2) the relevant literature on First Nation issues in Canada; 3) the theoretical framework for retributive and restorative justice; 4) an outline of Braithwaite's (1989) theory of reintegrative shaming; 5) an explanation of the circle sentencing program in the Yukon; 6) a comparison of the retributive and restorative models of justice; and 7) the research hypotheses for the present study.

Chapter 2 describes the research design and operationalizes the variables used in this study. Chapter 3 explains the results of the analysis of secondary, archival data on the research population. The analysis includes descriptive statistics of the participants (offenders and communities), as well as the results of multiple and logistic regressions of the predictor and criterion variables.

Chapter 4 discusses the implications of the research findings. This includes a discussion on the use of the circle sentencing program to test the theory of reintegrative shaming; the implications of these findings for social work practice; and areas for future research.
Yukon Context

It is important to recognize the context and unique circumstances in the Yukon Territory to understand the development of the circle sentencing program. The following discussion on the Yukon includes: 1) geographical characteristics; 2) historical and cultural factors; 3) political development of First Nations; and 4) justice issues.

Geographical Characteristics

The Yukon Territory is located in the northwestern area of Canada. The Territory is bordered by the State of Alaska on the west, the Province of British Columbia on the south, the Northwest Territories on the east, and the Arctic Ocean on the north. The Yukon has a land mass of 483,450 square kilometers, with a small and sparsely distributed population of 31,305 (Yukon Bureau of Statistics, 1998). Its remoteness from the more densely populated parts of North America, as well as its harsh climate, allowed the Yukon to remain relatively untouched by outside influences until the late 1800's (Cruikshank, 1977).

Historical and Cultural Factors

There are "two major ethnic groups among the Native people of the Yukon. These are: 1. The Athapaskan People, 2. The Tlingit People" (Health and Welfare Canada, 1984, p. 4). There are seven First Nation language groups in the Yukon: Han; Kutchin; Northern Tutchone; Southern Tutchone; Tagish; Inland Tlingit; and Kaska. The Athapaskan People are closely related to First Nations in the interior of Alaska, the Canadian prairies, and into the United States. The Tlingit People hold close ties with the coastal First Nations of south-east Alaska. Today, the two major ethnic groups are further divided into fourteen First Nations in the Yukon.

Although there were differences among the First Nations, there were
some common factors in lifestyle and belief systems. Before contact with Euro-
Canadians, the First Nations in the Yukon lived a subsistence lifestyle as
hunters, trappers, fishers, and gatherers. They met their needs through exten-
sive knowledge of the land and the skillful use of available resources. The First
Nation cultures held, and many still hold, holistic worldviews. Their belief system
centered on the interdependent relationship between themselves, the land, and
the animals. The First Nations in the Yukon had ties with their extended family
through a clan system (McClellan, 1987). Social structures were in place to
meet their social, economic, and justice needs.

Several major disruptions occurred in the Territory that permanently
affected the First Nations' ability to maintain their cultural traditions and lifestyle.
Some of these disruptions occurred within the last fifty years.

The first major disruption to the Yukon First Nations began with the
arrival of 40-60,000 newcomers as part of the gold rush to Dawson City in 1898.
The large influx of people from Europe and other parts of North America had a
major, although primarily short-term, impact on the Yukon. Many of the gold-
seekers left the territory after a few years. Those who stayed in the Yukon
introduced the social and political institutions of the mainstream Euro-Canadian
culture. These institutions included churches, schools, several levels of govern-
ment (federal, territorial, and municipal), and policing by the Royal Canadian

The second major change occurred in 1942 when the Alaska Highway
was built as part of the World War II war effort. The construction of the highway
resulted in dramatic social changes for the First Nations. The highway exposed
new regions of the Yukon for settlement and resource development.

The highway also provided a transportation corridor for people to move to
and through the Yukon. This movement continued after the war ended and led to another influx of people from outside the Yukon (Cruikshank, 1977).

The development of a territorial highway system meant that the river-boats used for transporting goods and people were no longer needed. The First Nation people who worked in the wood camps for the steamboats and lived near trading-posts moved to new locations to find employment. New communities were formed along the highways. This type of community living required additional adjustments for the Yukon First Nations. The "traditional Indian way of life began to disintegrate. In a society that had formerly held social responsibility and self-reliance very high, the construction of the highway brought racial discrimination, poverty, alcohol abuse, violence, illness and humiliation" (Health and Welfare Canada, 1988, p. 7).

The First Nations' ability to maintain a subsistence and independent lifestyle was seriously undermined when the federal government implemented social policies to assimilate First Nations into mainstream Canadian society (Coates, 1985; Coates & Powell, 1989; Whittington, 1985). An example of an assimilation policy was the requirement that Indian Status First Nation children attend residential mission schools.

These schools were primarily operated by religious organizations on behalf of the federal government. Once in the residential schools, children were not permitted to speak their First Nation language. Many children experienced emotional, verbal, physical, and/or sexual abuse (Wright, 1988).

In some cases, the children were not allowed to see their families for several years (Coates, 1985). The removal of the children from their families and communities accelerated the breakdown of the First Nations' culture, as
well as the children’s connections with their family, extended family, and the community.

The last residential schools were only closed in the Yukon and northern British Columbia in the 1970's. The legacy of the social and cultural damages has affected generations of First Nations and continues to the present. Individuals unable to cope with these traumatic changes often resorted to destructive patterns of behavior, such as abusing drugs and alcohol, as well as involvement in criminal activities (Wright, 1988; S. Scurvey, personal communication, March 15, 1998).

Today, the members of the fourteen First Nations in the Yukon have retained varying levels of knowledge of their cultural values, traditions, and languages. This variation is partially the result of differing levels of contact with the mainstream culture. For example, more dramatic social and cultural changes happened in the larger centers located along the highway, such as in Whitehorse and Watson Lake.

Communities located in more remote locations, such as away from the primary highway system, were more likely to maintain their traditional lifestyle and "resist many of the changes" (Coates, 1985, p. 219). In the remote communities, the Elders continued to practice their cultural tradition, maintain a subsistence lifestyle, and use their language. However, young people who have been acculturated through mainstream education and exposure to North American media, are often not interested in learning the "old ways" (personal communication with Elders in Ross River, August 1999; Cruikshank, 1977).

Political Developments of the Yukon First Nations

The Yukon's political relationship with the federal government and the First Nation land claims are important for understanding circle sentencing. The
Yukon has a territorial, rather than full political, status within the Canadian federation. This situation has been changing recently as the federal government has been devolving more provincial-like responsibilities to the Yukon in the areas of health care, land, and resource management.

A major impetus in the shift in political power occurred in 1993, when the Council for Yukon Indians (CYI), the Yukon Territorial Government (YTG), and the Government of Canada signed the *Umbrella Final Agreement* (UFA). Through this agreement, the federal government compensated the First Nations for the loss of their traditional lands and transferred control and management of designated land and resources to each of the fourteen First Nations. In addition, joint management boards were set up with substantial representation from the First Nations (UFA, 1993). Control over the land and water was of particular importance to the Yukon First Nations because they provided the spiritual bases for cultural beliefs and traditions (McClellan, 1987).

One aspect of the UFA of particular relevance is the capacity for each First Nation to negotiate a *Self-Government Agreement* (SGA). Chapter 24, Yukon Indian Self-Government, outlines the scope of program areas that the First Nations may take over. Self-government agreements have the potential to restructure the previous colonial relationship between the First Nations and the federal and territorial governments (Boldt, 1994; Fleras & Elliott, 1996). Through self-government agreements, the First Nations can negotiate to take responsibility for social and justice programs, such as education, child welfare, social assistance, health, employment, and justice (UFA, 1993). Most Yukon First Nations have signed their self-government agreements. These agreements have been considered an important step for First Nations to stop the cultural erosion.
With an increasing number of First Nation people in positions of political leadership, as well as the perceived willingness of the federal and territorial governments to share power and decision-making, there is a new and encouraging potential for improving the circumstances of the First Nations people in the Yukon. Examples of new initiatives are the expansion of the First Nation language programs in the schools and a greater involvement by Elders in decision-making and in designing social and educational programs.

There has been an increase in the training opportunities for Yukon First Nations in post-secondary education programs, such as the Northern Human Service Worker/Bachelor of Social Work degree program and the Yukon Native Teacher Education Program at Yukon College. These programs, and other social and political developments in the Yukon, have begun to restore First Nation control over their social institutions. It will take some time before the impact of the agreements can be evaluated.

**Yukon Justice Issues**

Justice has been an area of concern for Yukon's First Nations for several reasons. One of the major reasons is the high number of First Nation offenders involved with the justice system.

Stuart (no date) stated:

Despite one of the highest rates of incarceration per capita in the world, one of the highest per capita ratios of Judges, lawyers and police, in the midst of our failure we focus on believing more of all these resources will finally make a difference. (p. 3)

Although the First Nation people made up only 23% of the Yukon population in 1995-1996, they made up 91% of the clients on probation (Reed & Morrison, 1997); and in 1996-97, First Nation people comprised 65% of incar-
cerated offenders (Reed & Roberts, 1998). Some of the First Nation people in conflict with the law have become "revolving door" offenders in the criminal justice system (La Prairie, 1996, p. 70).

The pattern of over-representation of First Nations in the courts, and the incarceration of First Nation offenders, failed to protect communities from further criminal acts. Offenders were not considered rehabilitated by a jail sentence. Frequently the offender returned to families and communities even less capable of functioning in society than when they were sentenced. In addition, communities, families, and victims were often inadequately prepared for the return of the offender (Lajeunesse, 1991; Stuart, 1997). In this way, incarceration failed the offender, the community, and society (Stuart, 1992).

La Prairie (1992a) examined the criminal justice system in the Yukon. She commented that:

There are a number of community realities that must be taken into account in any justice initiative. These realities include the long standing problems of alcohol abuse, unemployment, lack of education and skills, loss of traditional practices, the sedentary nature of contemporary communities, which often produce strained relationships and divisions between people. (p. 1)

La Prairie (1992a) suggested that any solutions to justice issues in the Yukon, especially for repeat offenders, needed to offer "fundamental and long-lasting solutions" (p. ii). Those solutions must also take into consideration the "underlying social problems" in their approach to justice.

Summary

The involvement with outside influences occurred more recently for First Nations in the Yukon than in other parts of North America. These disruptions
resulted in their social dislocation, cultural disintegration, and over-representation within the criminal justice system. The Yukon context includes several social, cultural, and political factors, which have contributed to the development and implementation of the justice innovation of the circle sentencing program. Land Claims and self-government agreements offer Yukoners and First Nations people unique opportunities to share decision-making powers and control.

**Literature Review**

This literature review examines topics relevant to the research and the critical analysis of the theory of reintegrative shaming and the circle sentencing program. These topics include: 1) social justice issues for First Nations in Canada; 2) theoretical framework for retributive and restorative approaches to justice; 3) theory of reintegrative shaming; 4) circle sentencing program; and 5) comparison of the reintegrative shaming and the circle sentencing literature.

*Social Justice Issues for First Nations in Canada*

The social justice issues for First Nations in Canadian society helps to explains the current situation and the need for change. Consedine (1999) explained that:

*Any debate on social justice, law and order, crime and punishment, prisons and their effects must always be placed in the wider social context and the society in which the debate occurs. There are cultural, economic, and social influences abroad that markedly influence the type of crime committed, the levels of order and social control, the type of criminal justice system a nation has, and the role of imprisonment within that society. (p. 17)*

Social justice issues for First Nations are described in the social work literature by authors, such as Ramcharan (1989) and Morrissette, McKenzie and
Morrissette (1993); in academic discussions by Coates and Powell (1989), Boldt (1994), and York (1990); and are addressed in the reports of the Royal Commission on Aboriginal Peoples (RCAP) (1993, 1996).

Research on the impact of the current justice system on First Nations offenders has been documented by researchers Bonta, La Prairie and Wallace-Caparetta (1997), La Prairie (1996, 1992a, 1992b), Lajeunesse (1996, 1993); and Morse and Lock (1988). The following discussion provides background information on the issues facing First Nations, including government policies of colonialism, commissions on First Nation justice issues, sentencing reform, and research on First Nation offenders in Canada.

**Government Policies of Colonialism**

Government policies, designed by Euro-Canadians, perpetuated policies of colonialism. The control of First Nation people resulted in oppression and domination through Canadian social, economic, and political institutions (Boldt, 1994; Coates & Powell, 1989; Morrissette et al., 1993).

Colonialism involved structural arrangements that subordinated Aboriginal people, removed the viability of their traditional life style, and removed them from the land through treaties and the reserve system. The use of alcohol, credit, and the introduction of a welfare economy also helped create a cycle of economic dependency, including high rates of poverty and unemployment. (Morrissette et al., 1993, p. 94)

Policies of colonization led to social and cultural disruptions that resulted in First Nation loss of language, values, traditions, and identity (Boldt, 1994; Tomaszewski, 1997). The social disorganization resulted in high levels of family violence, child abuse, alcohol abuse, unemployment, and over-involvement in
the justice system. First Nation people were alienated from their cultural traditions, yet at the same time, they were not fully accepted by mainstream society. "Colonization and racism go hand in hand. Racism has provided justification for the subjugation of Aboriginal peoples" (La Rocque, 1994, p. 74).

Conflicts with mainstream society, rather than using a cooperative effort with the First Nations to resolve the issues for mutual benefit, often resulted in even more stringent responses from the governments. Efforts of past governments to reduce the alienation, expand opportunities, and improve the circumstances for First Nations have generally failed (Driben & Trudeau, 1983; Frideres, 1991; Griffiths & Yerbury, 1995; Lajeunesse, 1991; Ramcharan, 1989).

The failure of social institutions to ensure social justice for First Nation offenders, their communities, and the victims of criminal acts led to demands for changes to the way the justice system interacts with First Nations people (Boldt, 1994; Hazelhurst, 1995a, 1995b; Hylton, 1995; Lajeunesse, 1991).

Social scientists, social workers, justice professionals, First Nation leaders, and concerned members of the public have actively searched for constructive new approaches to address the social and justice issues. These initiatives would integrate the worldviews of the First Nations within the formal justice system and take other actions that would reduce their level of marginalization in society. Many of the proposed reforms were based on restorative justice theory and principles. These were in contrast with the current retributive justice theory and principles that underlie the mainstream criminal justice system (Zehr, 1990).

Specific issues of relevance to this discussion were examined by Canadian commissions and researchers. These examinations have considered factors contributing to the over-representation of First Nation offenders in the
correctional system. The various commissions have made several recommendations for sentencing reforms and for expanded research specifically on First Nation offenders.

**First Nation Justice Issues Commissions**

Over-representation "refers to the proportion of aboriginal people incarcerated in federal, provincial and territorial institutions as compared to their proportion in the general population" (La Prairie, 1992b, p. 3). The criminal justice system in general, and sentencing procedures in particular, are in place to protect society. However, many in the public, as well as justice professionals, have become disillusioned with the capacity of the criminal justice system to either protect people or prevent crime (Birkenmayer & Besserer, 1997).

Over-representation of First Nations in the justice system has been identified as an important social issue and has come under particular scrutiny (Canadian Centre for Justice Statistics, 1993; Jackson & Griffiths, 1995; Lilles, 1989; Royal Commission on Aboriginal Peoples, 1993, 1996; Samuelson & Marshall, 1991).

Several commissions of inquiry have been set up to examine the criminal justice system and why the justice system seems to have failed to meet the needs of the First Nations. Different levels of government have conducted extensive research studies on possible changes that could be made within the justice system. Examples of these studies include federal government reports, such as: *Royal Commission on Aboriginal Justice* (1996, 1993); and provincial government studies, *Report of the Aboriginal Justice Inquiry of Manitoba* (Hamilton & Sinclair, 1991). Reviews on the Yukon Territorial Government, Department of Justice included: *Exploring the Boundaries of Justice: Aboriginal*

The commissions held consultations with the public, interviewed justice professionals, reviewed written submissions, and conducted literature searches. The commissions considered the objectives and functions of the criminal justice system. They also made specific recommendations for revisions to the relevant laws, policies, and practices that would result in a justice system that would be more responsive to First Nations' issues.

The commissions also noted that the expectations for the outcome of a sentence are often conflicting and contradictory. For example, it may not be realistic to expect a jail sentence to both effectively punish and rehabilitate offenders. The studies also documented the evolution of professional and public discourse on First Nation offenders, expectations that the interests of victims should be addressed by the justice system, and an expanded role of the community in the management of justice issues.

Royal Commission on Aboriginal Peoples

Bridging the Cultural Divide: A Report on Aboriginal Peoples and Criminal Justice in Canada (1996) was prepared by the most recent Royal Commission on Aboriginal Peoples (RCAP). The Commission explained how the First Nation holistic view of life shaped their perceptions of justice.

Aboriginal perspectives on justice are different. That difference is a reflection of distinctive Aboriginal world views and in particular, a holistic understanding of peoples' relationships and responsibilities to each other and to their material and spiritual world...what happened in one discrete area like criminal justice cannot be separated
from the broader context of Aboriginal experiences in Canadian society under the Canadian legal and political regimes. (p. 3-5)

Many First Nations consider criminal behavior as the result of lack of balance in the offender's life. Although they reject the offender's behavior, they do not reject the individual. Their response to anti-social behavior is to try to resolve the conflict in order to restore harmony to the community. They believe that the process of resolving conflict or administering justice should also bring about understanding and healing, rather than punishment for the offender.

The RCAP (1996) determined that the over-representation of Aboriginal in correctional facilities was the result of systematic discrimination, as well as the historical pattern of controlling First Nation people and their social institutions. "Over-representation is linked directly to the particular distinctive historical and political processes that have made Aboriginal people poor beyond poverty" (RCMP, 1996, p. 46).

This report also stated that revisions in social policies should insure that offenders and victim are not isolated from the community or from each other. The offender and victims often have complex and interdependent relationships. Any justice intervention has to recognize the importance of these relationships. Culturally and community-based initiatives should deal with the victimizer and the victim in the context of their continuing relationships, in the context of their place in their communities in full understanding of the forces that have turned family members into victims and victimizers, and in the conviction that through their own justice system they can do more than simply fuel the cycle of violence. (RCAP, 1996, p. 71)

Rather than just modifying or tinkering with the present system, the com-
mission recommended that Aboriginal people should establish their own justice system. An independent justice system would give Aboriginal people the opportunity to develop their own policies and programs. "The development of such systems would enable Aboriginal people to address crime, and the social disintegration associated with it, in ways that promote responsibility and healing for victims, offenders and communities" (RCAP, 1996, p. xiii). Self-government agreements, such as those being implemented in the Yukon, provide a mechanism for First Nations to develop an independent justice system.

The Royal Commission on Aboriginal Peoples (1996) recommendations for reform included: 1) fundamental changes to the social policies that guide the relationships between levels of government and the First Nation people; 2) communities should be directly involved in the development of any new policies and programs; and 3) the justice system should recognize and integrate First Nation worldviews into the justice system. Implementation of these recommendations would entail extensive changes to the criminal justice system. Strong political will by all levels of government and considerable support of the public will be required in order for these recommendations to be implemented and to become a reality.

Sentencing Reforms

Sentencing reforms have been specifically examined by the justice system. The over-use of incarceration for all offenders has been discussed in the literature (Christie, 1993; John Howard Society, 1996). Sentencing of offenders has been a particular concern for First Nation offenders because of the detrimental impact incarceration has had on offenders and their communities (Krawil, 1994).

Sentencing reform issues were outlined in several studies, including the

A consensus of these studies was that the communities were often better equipped to exert social control and instill important social values than the highly structured formal legal system. Expanded community involvement in sentencing would also validate the social control mechanisms already in place, such as the use of humor, teasing, and gossip to shape social behavior (Bonnycastle, 1994; Krawill, 1994).

Formal sentencing principles were reviewed in the *Sentencing Reform: A Canadian Approach* (Report of the Canadian Sentencing Commission, 1987). The commission reaffirmed that the purposes of sentencing included deterrence, rehabilitation, and incapacitation, as well as "to preserve the authority of and promote respect for the law through the impositions of just sanctions" (p. 554).

The commission recommended that accountability by the offender should be emphasized, rather than punishment. Incarceration should be used only for the most serious crimes. Aggravating or mitigating factors are also entered into the determination of an appropriate sentence by the court. The commission agreed that sentences should be consistent for offenders found guilty of similar crimes (i.e., reduce the disparity of sentences for offenders across Canada).

*The Daubney Report* (1988) reviewed sentencing practices. The following principles were established for the review: 1) increased involvement between
the justice system and the community; 2) justice professionals should be accountable for meeting the needs and concerns of the communities, the victims, and offenders; 3) sentence options should include the opportunity for offender reparation and reconciliation; and 4) more emphasis of the justice system on the victims of crime by keeping them involved, informed, and consulted throughout the process.

This report stated that incarceration should only be used for offenders who committed serious and violent offenses. The community could be better protected than at present by either the prevention of crime or through sentencing reform.

_The Canadian Criminal Code (Sentencing), Bill C-41 (1995),_ proposed guidelines for the judge to use to ensure that comparable sentences were given for similar crimes. They recommended that an offender’s sentence should: 1) demonstrate that unlawful conduct is unacceptable; 2) prevent criminal activities by offenders and others; 3) remove offenders from society when required; 4) help in the restoration of offenders; 5) arrange for reparation to the victims; and to the community; and 6) encourage a sense of responsibility and accountability of offenders to the victims and to the community.

These studies and commissions shared an interest in sensitizing the courts and the communities to build a bridge that would cover the gap between the justice system and the needs and interests of the community. Through the implementation of community and victim based discussions regarding sentencing, the courts could also take into consideration specific concerns for reconciliation and the restoration of relationships damaged by the crime. The courts consideration of social and cultural factors unique to First Nation offend-
ers should result in a reduction in the number of First Nation offenders within the justice system.

Research on First Nation Offenders

Statistics are routinely collected on many facets of the criminal justice system. However, until recently there were few research studies conducted specifically on First Nation offenders in Canada (Bonta, Lipinski, & Martin, 1992). Empirical studies conducted on First Nation offenders included: perceptions (Morse & Lock, 1988), recidivism (Bonta, La Prairie, & Wallace-Caparetta, 1997; Bonta et al., 1992), and an evaluation of a First Nation program initiative (Lajeunesse, 1996, 1993). These studies are discussed in the following section.

Perceptions of the Justice System

One of the few studies to consider the experiences of First Nation offenders within the justice system was conducted by Morse and Lock (1988), Native Offenders' Perceptions of the Criminal Justice System. This study's objectives were to provide insight into the perceptions of the First Nation offenders toward the justice system and to "accord a voice directly to Native peoples in conflict with the law so that they could express their opinions about personal experiences with the sentencing process" (p. v). The information was compiled through questionnaires and interviews.

The research subjects consisted of First Nation offenders incarcerated in federal and provincial facilities in five Canadian provinces. The study compiled the following data: 1) socio-demographic characteristics of offenders; 2) the offender's views of the justice system, the judiciary, and sentencing; and 3) any perceived disparities in institutional treatment and release procedures.

Based on their findings, the authors made the following recommendations: 1) traditional cultural knowledge and activities should be recognized and
incorporated into the criminal justice system; 2) funding for research on Native offenders should be available; 3) Native spirituality should be encouraged; and 4) Native people should be hired for staff positions at all levels. The researchers also recommended that First Nations should have control over the decision-making bodies in their community. This would allow them to become responsible for community members and to provide their own justice system.

Specific recommendations to judges regarding the sentencing of First Nation offenders were that "Judges should particularly become aware of the cultural differences in values and perceptions of native people when they appear in court as witnesses or as the accused" (p. 94). Judges should also: 1) become more aware of the traditional practices of the local First Nation; 2) learn from the community and teach the community about the justice system; 3) ensure that the offender understands the system; and 4) involve First Nation people in the review and evaluation of the criminal justice system.

Recidivism of First Nation Offenders

The topic of recidivism for First Nation offenders was researched by Bonta, La Prairie, and Wallace-Caparetta (1997); Bonta, Lipinski, and Martin (1992); and Beto and Baker (1990). Researchers Bonta et al., (1997) published an article, *The Characteristics of Aboriginal Recidivists*. Their study assessed "offender risk and needs and the prediction of recidivism for a Manitoba sample of aboriginal and non-aboriginal probationers" (p. 127). The data for the study were obtained from a comparison of results of the *Level of Service Inventory-Revised (LSI-R)*. This inventory was administered to all offenders at the beginning and the termination of his or her probation.

An analysis of the data indicated that there were differences between Aboriginal and non-Aboriginal offenders in both demographics and criminal
"With respect to criminal history, the aboriginal offenders were more likely to have histories of prior convictions...probation breaches...and convictions for violent crimes" (Bonta et al., 1997, p. 133). This study determined that 55% of Aboriginal probationers in Manitoba re-offended within three years following completion of supervision in the community.

The researchers noted that there were several classifications of offenders that should be clearly identified because they could affect the interpretation of the research findings. For example, it is important to distinguish between offenders with Indian Status (as defined by the Indian Act), and individuals classified as non-Status Indians or Métis. Research that included only Indian Status offenders would result in the exclusion of others of First Nation's ancestry. There were also important distinctions between individuals who remained on the reserves, and those who primarily lived in communities with non-First Nations. Differences also existed between offenders from First Nation reserves who subsequently moved to the cities. Offenders who moved from his or her home reserves to the city were considered the most "vulnerable to the commission of crime and criminal justice processing" (La Prairie, 1995 as cited in Bonta et al., 1997, p. 130).

Bonta et al., (1992) conducted research and published the article, *The Prediction and Reoffending: Aboriginal and Non Aboriginal Offenders*. The researchers identified the lack of research on the topic of recidivism of Aboriginal offenders. The research compared Aboriginal inmates who were recidivists with those who were non-recidivists. These data were derived from a federal database. The database included the socio-demographic characteristics of inmates and the types of crime that lead to incarceration and subsequent recidivism.
Data were collected for three years after an offender was released from prison. "The overall recidivism rate for the sample was 66%" (p. 528). This rate of recidivism was considerably higher than the statistic of 35% for offenders provided by the Canadian Centre for Justice Statistics (1993) as cited by Roberts and La Prairie (1996, p. 73).

Thirty offender characteristics were measured and five were found to be significant in predicting recidivism. The significant characteristics included: 1) the type of offense (break and enter); 2) the number of prior convictions; 3) any prior incarcerations; 4) the age at first conviction; and 5) the length of the sentence.

**Community Holistic Circle Healing Program**

Lajeunesse (1996) completed an evaluation of the Community Holistic Circle Healing Program (CHCH) in Hollow Water, Manitoba. This program was developed by First Nation members for their community. The evaluation provided a description of the background of how and why the program model was developed. It also outlined the successes and issues in the program delivery.

The CHCH Program began in 1984 as an innovative approach to dealing with sexual abuse in four First Nation communities in a region of Manitoba. The program grew out of the recognition that many of the social problems, including alcohol abuse and violence, could be traced back to "intergenerational sexual abuse. (p. 33)

Lajeunesse noted that CHCH developed a holistic approach to cope with sexual abuse issues. This approach included helping "victims, victimizers, family members of the victim, and members of the victimizer's family in the healing process" (Executive Summary).

One concern was that the focus of the CHCH process was on the victim-
izer. Some participants in the evaluation suggested that the program would be more effective if the emphasis was placed on the victims and their families. Recommendations that could improve the delivery of CHCH included: 1) more training of the staff; 2) increased community education about the program; 3) better preparation for victims attending the sessions; and 4) increased follow-up on offenders.

Issues regarding confidentiality of client information, staff continuing to work on their own healing, and the need for clearer agency and interagency protocols were noted by the researcher. The program also needed to expand support for the staff, as well as for the victims, the offenders, their families, and other members of the community (Lajeunesse, 1996).

Lajeunesse's study provides a valuable resource for how to structure a program evaluation on a community intervention. The recommendations suggested strategies which could help the community initiative to become more sensitive to the social, emotional, and educational needs of the participants. The results of this evaluation could benefit CHCH and other communities interested in implementing a similar program.

Conclusions

Several commissions and researchers have made recommendations for changes to the existing criminal justice system. An examination of the literature provides important information about possible social, structural, and individual reasons for the disproportionate involvement of First Nation people with the justice system. The destructive relationship between the First Nations and the dominant Canadian society is partially the result of conflicting perceptions of the world. First Nations hold significantly different perceptions of the causes and
consequences of crime, the offenders, and justice than that of mainstream society.

First Nations value the role of the extended family and the importance of the community in helping to restore the individual to function effectively and in harmony within the community (Durst et al., 1997; McCold, 1996; Royal Commission on Aboriginal Justice, 1993, 1996). These differences in perceptions of justice suggest that there should also be a different approach for working with First Nation offenders. Some have argued that there should be a separate justice system for First Nation offenders (John Howard Society, 1992).

First Nation communities need to be involved in the design, implementation, and evaluation of subsequent programs and services directed towards them. Justice programs should integrate First Nation worldviews, values, and traditions. The need for further research on First Nations offenders and justice issues was also supported by the literature (Bonta et al., 1997; Morse & Lock, 1988).

Theoretical Framework for Retributive and Restorative Justice

Theories provide a framework for understanding, interpreting, and predicting future events. The following section compares two competing theoretical frameworks of justice: retributive and restorative. This comparison provided the background for the subsequent discussion on Braithwaite's (1989) theory of reintegrative shaming and the circle sentencing program in the Yukon.

Retributive Justice Theory

The retributive justice theory has defined the current criminal justice system and structured the relationships between an offender, the victim, and the community (Christie, 1993; Zehr, 1990, 1997). The retributive model considers the protection of society as the primary objective of the justice system. Criminal
offenses are crimes against the 'state' rather than crimes against individuals, organizations, or communities. In this approach, the state takes over the "ownership of the crime" (Christie, 1993). After the state has determined that a crime has been committed, the criminal justice system becomes actively involved in searching for the offender(s) in order to determine guilt through an adversarial legal process. If the offender is found, or pleads guilty, he or she then enters the sentencing phase.

Sentencing principles. Sentencing offenders is an important aspect of the justice system. The principles that guide sentencing in the formal retributive justice system are punishment, deterrence, restitution, proportionality, incapacitation, and rehabilitation (Canadian Sentencing Commission, 1987).

Punishment is defined as "an event where a person receives a noxious, painful, or aversive stimulus, usually as a consequence of behavior" (Bartol, 1995, p. 416). Punishment "is a cornerstone of the response to offending behavior" (Wright, 1992, p. 527). Consedine (1999) defines punishment as the "deliberate infliction of suffering: it is legal violence" (p. 19).

The punishment, or sanctions, for the crimes are determined by the judicial system. Compliance with the conditions of probation is monitored by a probation officer or another officer of the court. Non-compliance with the court conditions may result in an offender being returned to court for further sanctions. Although punishment is a fundamental aspect of the formal justice system, the effectiveness of punishment for actually reducing crime remains unknown.

Deterrence refers to the need to demonstrate to both the individual offender and the community that criminal behavior is unacceptable and serious
consequences for criminal activities. Deterrence, individual and general, is frequently cited as a primary reason for sentencing.

The objective of individual deterrence is to "keep the offender from future transgressions by imposing punishment for his criminal behavior" (Lab, 1988, p. 192). General deterrence occurs when others who are aware of the punishment are discouraged from committing similar crimes. Roberts (1988) suggested that there is a lack of empirical research on the effectiveness of deterrence for preventing crime.

Restitution occurs when the offender compensates the victim for the monetary or social losses resulting from his or her actions. Restitution could include the imposition of fines, community service hours, or some other form of reparation.

Proportionality is the principle that a sentence should match the seriousness of the crime (i.e., offenders who committed similar crimes in similar situations should receive more or less the same sentence). Standardizing proportional sentences are often recommended to eliminate sentencing disparities of offenders being sentenced for similar offenses across jurisdictions. Proportionality was also a recommendation of Bill C-41 (1995).

Incapacitation limits the opportunities of an offender to commit further crimes. For example, while an offender is incarcerated or under house arrest. "Simply put, incapacitation provides total, continuous control over the individual thus precluding behavior which is harmful to society" (Lab, 1988, p. 165). Long prison sentences are frequently demanded by the public when a serious and violent crime has been committed to prevent the offender from having an opportunity to reoffend (Roberts, 1988).

The rehabilitation of the offender is the 'ideal' outcome of the justice
system. Rehabilitation occurs when the offender does not commit further crimes and obeys the laws (Bill C-41, 1995; Roberts, 1988). Statistics on offender recidivism are used as indicators of whether to measure an offender has been rehabilitated.

**Criticisms of the retributive model.** The retributive approach to justice has been criticized by members of the public, as well as others within the justice system. Critical observers of the justice system question whether the "current and developing criminal justice policies are likely to produce any meaningful change in the structural-cultural conditions that are largely responsible for crime and inequalities within the justice system" (Samuelson & Marshall, 1991, p. 422).

Consedine (1999) described the philosophy of retribution as a "dead-end street" (p. 15). The incarceration of offenders is expensive in human and financial terms for the individuals and for society. Imprisonment harms the offender by exposure to an unhealthy and non-productive jail experience. The family of an offender is left to cope without a parent, spouse, son or daughter, or sibling. "For many it guarantees more serious re-offending which means more hurt, more pain and for some more terror" (p. 20).

The increased number of prisoners resulted in an increased need for expenditures on buildings and the maintenance of prisons and jails. Christie (1993) talked about "crime as an industry". For example, occasions when a community wants a correctional facility built in its region for the employment and economic opportunities it will provide.

The prison-industrial complex is a set of bureaucratic, political, and economic interests that encourage increased spending or imprisonment, regardless of the actual need....The raw material of the
prison-industrial complex is its inmates: the poor, the homeless, the mentally ill, drug addicts, alcoholics, and a wide assortment of violent sociopaths. (Consedine, 1999, p. 65)

Another major criticism of the current system has been its failure to consider the impact which the crime has had on the victim (Dignan & Cavadino, 1996; Elias, 1994, 1993) or the communities (Krawll, 1994; Stuart, 1997, 1992). "The status of victims in the [retributive justice] model fails to address victim's issues or acknowledge the personal loss or damage that they may have sustained" (Dignan & Cavadino, 1996, p. 159).

The public understanding of the justice system has often been shaped by the media reports on the level of crime and on high profile offenders or crimes. Often those cases have been highly sensationalized (Consedine, 1999). The expectations of the public seems to be that if the justice system was effective violent offenders would not be free to reoffend, non-violent offenders would be rehabilitated, and communities would be safer places in which to live (Roberts & La Prairie, 1996).

Summary. Retributive philosophy has been the foundation of the formal criminal justice system. The retributive justice system has resulted in destructive outcomes, especially for First Nation offenders. Recent recommendations for reform call for increased involvement from community members and more adequate attention to the needs of the victims (Dignan & Cavadino, 1996). In the past ten to fifteen years, the Canadian government has funded and implemented several programs aimed at increasing the involvement of communities, especially First Nation communities, with the criminal justice system. Objectives for these programs are that they will educate the public about the formal justice system and encourage the public to have an expanded role in crime prevention.
Restorative Justice Theory

Discussions in contemporary literature propose the theory of restorative justice as an alternative to the retributive approach for managing justice issues (Consedine, 1999; Stuart, 1992). Restorative justice is considered a relatively new and innovative paradigm for managing justice in the Western perspective. However, this approach is actually based on ancient methods of social control that have been eroded over the centuries. This erosion began under the domination of society by the church and, more recently, by the state in their attempt to centralize control over the rules, which govern the individual, the family, and the community. The professionalization of the justice system added to this erosion (Consedine, 1999; Wright, 1992; Zehr, 1990).

Restorative justice innovations are closely associated with the new movement of alternate dispute resolution (ADR) (Becker, 1986); an intellectual paradigm shift (Benjamin, 1990, p. 93); the movement toward informal justice (Matthews, 1988, p. 7); and transformative justice (Morris, 2000).

The restorative justice movement is a response to social and political interest in decentralizing power and using consensus decision-making in a community. A central premise of restorative justice is the focus on restoring the damaged relationships between the offenders and their communities (Umbreit, 1994; Zehr, 1990, 1997). The restorative justice philosophy seeks creative sentencing options that can address the relationships damaged by the criminal acts.

Proponents of restorative justice believe that the current criminal justice system rarely meets the needs and interest of the victims, offenders, or the community. The justice system does not resolve the underlying issues of the criminal behavior (Bowen & Consedine, 1999; Consedine, 1999; Stuart, 1997; Umbreit, 1994; Zehr, 1990). Through community involvement in the justice
system, the offender can be provided with the support, encouragement, and opportunity to repair harmed relationships.

The legal processes of the criminal justice system may meet the criteria of "justice" without meeting the actual needs of those most directly involved or of society (McElrea, 1996). Interest in using alternatives to the court has expanded because the legal system is perceived as expensive, time-consuming, and adversarial. The current system has failed to resolve the emotional and safety issues resulting from the conflict. It has also failed to hold an offender accountable for his or her criminal actions (Ryan, 1999).

The role of the community is expanded in the restorative paradigm because it has an expanded role in providing informal and formal social control (Braithwaite, 1989; Matthews, 1988). The community's capacity for social control is believed to be fundamental to restoring the offender to the community and to discouraging the offender and others from further criminal acts. Community involvement in the sentencing frequently results in the expansion of sentencing options beyond incarceration.

Creative options to incarceration include sanctions, such as community service, culturally-based treatment programs, or house arrest. Community sanctions offer the offender an opportunity for rehabilitation, rather than jail. However, if the offender fails to comply with the sentencing sanctions, the case could be returned to the formal court. The offender may subsequently receive a jail sentence (Ryan, 1999).

For the restorative approach to be effective, the community members have to be ready to assume responsibility for the offenders, a role that the justice system has tried unsuccessfully to fill (McCord, 1996). Wright (1992) believed that restorative justice can work even in communities where there has
been cultural fragmentation or a lack of cohesion. Wright stated "where the sense of community is weak, reparative measures would help to strengthen" (1992, p. 530). However, Consedine (1999) warned that if a community was dysfunctional, it could jeopardize an offender's rehabilitation. The community's capacity to support the offender and the victim has been identified as important for rehabilitation. This topic is discussed in detail later in this paper as it relates to the circle sentencing program.

The restorative justice approach may also perform an important community crime prevention function for the community. This occurs through the increased involvement of members of the community with social work and criminal justice professionals in shared decision-making (Yukon Justice, 1999a, 1999b). In this model, professionals are expected to work with community members in a collaborative relationship. Professionals listen and respond to the needs and interests of the community, instead of controlling the justice activities (Lilles & Stuart, 1992; Stuart, 1992, 1997).

When restorative justice practices take place within First Nation communities, they may have an even more profound impact. Stuart (1992) believed that restorative justice initiatives offered First Nation offenders and communities a viable alternative to the damaging effects of the formal justice system.

The victim has an important role in restorative justice. A victim's interests and needs should be given priority through the validation of his or her feelings and other supports to permit recovery and healing from the experiences. The victim should especially be protected from further harm as she or he confronts the offender (Consedine, 1999; Dignan & Cavadino, 1996; Umbreit, 1994, 1995; Zehr, 1990). If a victim was not comfortable participating in restorative justice,
they could ask a representative to attend the session and present their concerns (Consedine, 1999).

Zehr (1990) suggested, "...a demand for retribution may itself grow out of a victim's failure to have a more positive experience of justice. Indeed, an experience of justice is so basic that without it, healing of victims may well be impossible" (p. 28). Meaningful involvement by the victim should result in reconciliation with the offender (Umbreit, 1994; Zehr, 1990).

There are several examples of restorative justice initiatives internationally and in North America. Examples of international initiatives include: family group conferencing used for juvenile offenders and community group model for restoring adult offenders in New Zealand (McElrea, 1996); and social control mechanisms used in Japan (Braithwaite, 1989). Many of these restorative justice initiatives are considered to be based on traditions originating from Indigenous cultures (Consedine, 1999).

North American examples of restorative justice programs include: victim-offender reconciliation program (VORP) (Umbreit, 1994); victims of crime support programs (Dignan & Cavadino, 1996); family group conferencing for juvenile offenders (Bazemore, 1996; La Prairie, 1995); Ho'oponopono in Hawai'i (Shook, 1985); community courts in New York City (Kaye, 1999); and the circle sentencing program in the Yukon (Stuart, 1997, 1992). Circle sentencing has also been practiced in other parts of Canada (Green, 1998; Lajeunesse, 1996; Ross, 1996).

Many initiatives have been developed to support victims of crime and to raise the awareness of how the justice system has failed to involve them in the sentencing of offenders (Dignan & Cavadino, 1996). The victim-offender recon-
ciliation program provides victims with an opportunity to confront their offender in a safe and supportive environment (Umbreit, 1994).

Family group conferencing is a model that holds young offenders responsible for their criminal acts, while at the same time helping them to learn more appropriate ways to act (Bazemore, 1996; La Prairie, 1995). Shook (1985) described Ho'oponopono, a process based on the Hawaiian culture and spirituality, that has been used for resolving family and group conflicts. This approach builds on the strengths of the extended family, the importance of these relationships, and on their value of social harmony.

In New York City, at least 15 "community courts" were held within the jurisdiction. In these courts, the judge actively participates with interested parties in a problem solving process (Kaye, 1999, p. 13).

_Criticisms of restorative justice._ Criticisms about the current restorative justice practices have been expressed in the literature. These criticisms are presented in the following discussion.

Morris (1995), a Canadian criminologist in favor of abolishing prisons. She believes that the present system is a 'criminal injustice system'. Morris critically analyzed two books on restorative justice: _Changing Lenses: A New Focus for Crime and Justice_ (Zehr, 1990) and _Justice for Victims and Offenders: A Restorative Approach_ (Wright, 1992). Morris found Zehr's approach to the discussion of restorative justice almost evangelical. In contrast, Wright's arguments were logical and rational, designed to persuade justice professionals to accommodate the restorative justice approach.

Morris (1995) suggested that an offender's criminal actions should not be taken out of the social and political context in which they occurred. She noted that a major deficiency in both books was their failure to take into consideration
the socioeconomic factors which influenced the way society defined crime and determined punishment.

Morris believed that incremental changes in the criminal justice system would not work. Instead, she thought that the public must become better informed about the failures of the current justice system so that they would demand and support the major changes to the system that are required.

She warned that there were dangers to be aware of surrounding alternative justice models, like restorative justice. One of these dangers was that these initiatives could be co-opted by powerful social institutions who could then manipulate these initiatives for their own purposes. When that occurs, "the purpose is distorted, from healing or restoration toward punishment and the terms are made to widen or strengthen the net of social control" (Morris, 1995, p. 287).

Morris (1995) suggested that another danger in sentencing could occur when an offender was expected to provide community services, especially when one the reasons that he or she was before the courts was the result of a lack of life skills; limited, if any, employment experience; and poor motivation to engage in the community. Ironically, failure to meet the requirements of a restorative justice sentence could result in a jail sentence even though the original offense would not have warranted a jail sentence. For example, "85 percent of people given community service orders in Ontario have been found to be minor offenders who would never have been given anything beyond probation before the alternative was created" (Daniels, 1981, as cited by Morris, 1995, p. 287).

Another concern expressed by Morris happened when a judge became biased about the potential for offenders to change. As a result, the judge required multiple sentencing requirements in a "dagwood-sandwich approach"
Sentencing requirements included many activities, such as probation, community service, restitution, alcohol assessment, and career planning. The number of expectations could be unrealistic and confusing for an offender with limited understanding, resources, and/or support.

Tauri (1999) and Guest (1999a, 1999b) expressed concerns regarding the restorative initiatives currently being practiced in Canada. They both challenged the appropriateness of imposing initiatives based on Maori cultural values for Canadian Indigenous people. "Neither Federal nor Provincial governments in Canada should imagine that just because family group conferencing is supposedly based on indigenous (i.e., Maori) justice processes that it is therefore appropriate for indigenes residing in their borders" (Tauri, 1999, p. 1).

Tauri (1999) considered the application of these practices as an example of an "indigenisation of the existing justice system." Indigenisation is defined as "the recruitment of indigenous people to enforce the laws of the colonial power" (Havemann as cited in Tauri, 1999, p. 2). Tauri suggested that actively soliciting First Nation people to work as court-workers, prison officers, and probation officers was a method of co-opting them to support a hostile and destructive justice system.

Consedine (1999) questioned the role of government and its in relationship to restorative justice programs. Although he recognized that restorative justice proponents might need government support for these initiatives, he believed that ownership of the processes must remain with the community (personal communication, August 1999). A Canadian example of government involvement occurred when the federal government developed a "community-based" restorative justice program in Ottawa and then selected which
communities would be expected to implement the program in a top-down approach.

Summary. Restorative justice broadens the conceptualization of justice. It also redefines crime as causing damaged relationships. An offender is expected to accept responsibility and to repair the damages caused by his or her actions. This theory expands the role of victims and the communities within the justice system.

Criminal justice professionals are expected to work collaboratively with the community to restore the offender, to support the victim, to empower the community, and to prevent further crimes. Some of the recent changes in legislation, policies, and programs are based on the restorative justice philosophy. It will be important to monitor the programs as they are implemented and to evaluate their effectiveness in reducing recidivism and creating safer communities.

In 1999, the Yukon Territorial Government Department of Justice circulated a series of documents on restorative justice as part of a consultation process with Yukon communities. Responses to these documents were used to develop government policies to incorporate restorative justice programs within the justice system. This type of initiative may function to educate the public about the justice system (Morris, 1995). The involvement of the government could also be perceived as the government taking over the ownership and control of the community restorative justice programs. Concern over government ownership was raised by both Consedine (1999) and Morris (1995).

The restorative justice paradigm has stimulated public discourse on justice issues. It has also provided a foundation for new theories, such as the theory of reintegrative shaming (Braithwaite, 1989) and the practice of circle sentencing (Green, 1998; Stuart, 1997).
Theory of Reintegrative Shaming

An important example of a restorative justice initiative is the theory of reintegrative shaming. This theory was developed by the Australian criminologist, Braithwaite (1989) in the book, Crime, Shame, and Reintegration. Braithwaite explained that an offender could be more effectively rehabilitated and restored to a community through the process of reintegrative shaming than by the administering of punishment. The following discussion on reintegrative shaming includes: definitions of important theoretical concepts (shaming, interdependency, communitarianism, and structural social factors); relationships among the concepts; the current research; and implications for social work and justice practices of this theory. A diagram of this theory is in Appendix A.

In reintegrative shaming, the offenders' criminal acts result in harm to both the victims and the communities. Community members shame the offenders by holding them accountable for their actions, while offering them the support to make the necessary attitudinal and behavioral changes.

Shaming by the community is particularly important because most offenses have a direct and/or indirect impact on the offender's relationships with victim, his or her extended family, and with the larger community. In the formal court system "an actual punishment will only be administered by one person or a limited number of criminal justice officials, [in reintegrative shaming] the shaming associated with punishment may involve almost all members of a community" (Braithwaite, 1989, p. 73).

Shaming is constructive (i.e., reintegrative) when it allows members of the community to express their feelings and to discuss the impact that the offenses have had on the community. The outcome of an effective reintegrative shaming would be an offender accepting responsibility for his or her actions.
They would also offer sincere apologies to the victim, the family, and the community. They should also begin to act more appropriately, and reject involvement in further criminal acts.

Shaming is destructive, or stigmatizing, when the reintegrative shaming results in an offender becoming more isolated from the community. Isolated and alienated individuals may identify themselves with a "criminal subculture," rather than meet the expectations of the broader community.

According to Braithwaite (1989):

The crucial distinction is between shaming that is reintegrative and shaming that is disintegrative. Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. Disintegrative shaming (stigmatization), in contrast, divides the community by creating the class of outcasts...the nub of deterrence is not the severity of the sanction but its social embeddedness. (p. 95)

Although there may be varying community standards for acceptable behavior, Braithwaite (1989) stated that even "culturally fragmented" communities that have experienced major disruptions agree "that almost all criminal laws to protect the persons and property of citizens are justified, and offenses against them worthy of disapproval" (p. 95).

Shaming activities may be conducted by informal or formal institutions. Braithwaite believed that social control was best exerted by informal mechanisms. Informal shaming takes place within important relationships with families and friends. Braithwaite suggested that in many cases the family provides a
model for individuals to experience shame and punishment as social control when shame (accountability) is administered by the family within respectful and caring relationships.

Families are the most effective agents of social control in most societies partly because of this characteristic; second, those families are disintegrative rather than reintegrative in their punishment processes, that have not learnt the trick of punishing within a continuum of love, are the families that fail at socializing their children. By extension, the cultures in which the family model is applied to crime control both within and beyond the family will be cultures with low crime rates. (Braithwaite, 1989, p. 56)

Informal community control mechanisms can only work if there are consequences, such as the loss of contact or esteem, which are of value to the offender. Social control by the family may not be a realistic expectation if an offender's immediate and/or extended family has not provided a positive or constructive model. The effectiveness of restorative justice approaches for offenders may also be inadequate if his or her family and community have experienced the social and cultural breakdown because of policies of colonialism, poverty, addictions, and/or family violence (Consedine, 1999; Morris, 1995).

Formal shaming occurs when an offender comes before the mainstream justice system. Often the formal sanctions, or punishments, administered by the legal system only result in further labeling, stigmatizing, and alienating the offender from the community.

Variables Affecting Offender Reintegration

Braithwaite's theory (1989) predicted the variables that affect an offender's ability to be successfully reintegrated into the community. These variables
included: 1) the offender's level of interdependency (demographic characteristics); 2) the community's level of communitarianism (characteristics of urbanization, residential mobility, and homogeneity); and 3) structural (i.e., social and economic factors) that either limit or permit legitimate access to resources. These concepts are explained below.

*Interdependency.* Interdependency refers to the demographic characteristics of an offender that would affect his or her ability to form relationships within the community. Interdependency occurs when members are "dependent on others to achieve valued ends and others are dependent on them... approximately equivalent to the social bonding, attachment, and commitment of control theory" (Braithwaite, 1993, p. 100). High levels of interdependency allows cohesive communities to exert more powerful shaming experiences. These experiences are more likely to result in the successful reintegration of an offender.

Braithwaite's (1989) theory predicted the offender characteristics that would indicate his or her level of interdependency, or attachment to the community. Specifically, Braithwaite stated that offenders who were male, between the ages of 15-25, unmarried, unemployed, and with low education and employment aspirations would have a low level of interdependency. Offenders with those characteristics were less likely to be successfully reintegrated through a community shaming experience.

Braithwaite (1989) proposed that of these characteristics, the age-cycle of the offender was the "most important correlate of interdependency" (p. 91). He considered the age range between 15-25 as the transitional gap for an individual between leaving school and forming marital relationships, as well as assuming other adult and parenting responsibilities.
He suggested that there were important differences in the levels of interdependency between men and women. He considered that women were generally socialized to have stronger interdependent relationships with family and within the community than men.

*Communitarianism.* The second major factor in the theory of reintegrative shaming was the level of communitarianism within a community. Communitarianism refers to the degree of cohesiveness and involvement of members in the community (i.e., support, trust, mutuality, and commitment to its members). "In Communitarianism societies individuals are densely enmeshed in interdependencies which have the special qualities of mutual help and trust" (Braithwaite, 1989, p. 100).

Braithwaite explained that a community's level of communitarianism could be evaluated by community characteristics: 1) the degree of urbanization; and 2) the percentage of residential mobility. Another factor that entered into reintegrative shaming was the number of shared values and lifestyles in the community (i.e., the level of homogeneity in the community).

For shaming to be successful and restorative for the offender, he or she must have a sense of being part of the collective within the community. Higher levels of communitarianism and cohesion would result in community members being able to express the impact the crimes have had on the community; their concerns for the offender and the victim; and the lack of harmony within the community, which resulted from the criminal acts.

This concept assumed that communities which are smaller and with a relatively stable population would have a higher level of communitarianism than larger and urbanized communities with a more transient population would have. A higher level of involvement in the community would assist an offender to be...
reintegrated into the community. When communities became urbanized and residents were highly mobile; the result would be a decrease in personal and social ties and, as a result have lower levels of communitarianism (Braithwaite, 1989).

Communities with lower levels of communitarianism would also be more apathetic towards criminal justice issues. Therefore, reintegrative shaming would be less likely to be effective. Members of the community may not know or care about the offenders or the victims (i.e., the crime is more remote from their experience). Also, relationships between an offender and the community might be distant or fragmented.

Braithwaite (1989) proposed that a reintegrative shaming process would be undermined in an urbanized community, especially when an offender was anonymous and separated from the influence and social support and bonds of family and friends. The result of an offender's exposure to shaming in a community with low levels of communitarianism might be further stigmatization, increased isolation from the community, and recidivism.

Structural, social, and economic factors. Braithwaite's (1989) theory also highlighted structural, social, and economic factors within a society that could affect the outcome of reintegrative shaming. Braithwaite hypothesized that stigmatization, or disintegrative shaming, would be highly influenced by structural inequality.

Structural inequality in society occurs when groups, such as minorities, are denied access to opportunities, to resources, and to decision-making powers. When social inequality occurs, criminal subcultures are formed and offenders find "illegitimate opportunities to indulge tastes" (Braithwaite, 1989, p. 99).

The experiences of First Nations as an oppressed and disadvantaged
minority was documented and discussed in a previous section of this paper. According to reintegrative theory, structural inequality, combined with low levels of interdependency and communitarianism, will result in higher rates of crime. Offenders from minority populations and, "...to the extent that minority groups do not identify with majoritarian criminal justice system, pronouncements of shame by courts will have less force" (Braithwaite, 1989, p. 96).

The potential limitations of structural inequality for a successful outcome of reintegrative shaming raises important questions about the viability of the circle sentencing program for First Nation offenders in Yukon communities. Even when participating communities are well intentioned in their involvement in restorative justice initiatives, it could be difficult for an intervention, such as circle sentencing to overcome the social, economic, cultural, and racial obstacles that have been a part of North American society.

Research on Reintegrative Shaming Theory

Since Braithwaite introduced his theory in 1989 there have been a limited number of research studies. The most extensive research on reintegrative shaming have taken place in Australia under the auspices of the Australian National University, Canberra, through the Reintegrative Shaming Experiments (RISE) research organization. RISE prepared five working papers on research which examined different aspects of this theory. The most relevant studies are discussed below.

Sherman and Strang (1997), in Working Paper #1: The Right Kind of Shame for Crime Prevention used both structured observations and interviews. They examined the effectiveness of the shame administered by the Australian Federal Police in Canberra for offenders participating in Diversionary Conferencing. Offenders with similar profiles were randomly assigned to a treat-
ment (reintegrative shaming) group or the normal court system. Diversionary Conferences used Braithwaite's principles by "diverting confessed offenders from court to a more intense, personal (and lengthy) alternative" (Sherman & Strang, 1997, p. 1).

The police monitored the compliance of the offenders and could redirect the case to the courts if necessary, such as when an offender failed to live up to obligations. Observers recorded the "amount and kind of shame expressed during the proceedings, as well as other factors such as the emotional intensity of the participants" (Sherman & Strang, 1997, p. 2).

They differentiated between shame that was stigmatic and "disintegrates the moral bonds between the offender and the community" and shame that was "reintegrative... strengthens the moral bonds between the offender and the community" (Sherman and Strang, 1997, p. 1). They determined that the "right shame", or shame without humiliation, was provided by the police officers who facilitated the process.

The study also noted that the time involved with the average conferencing was 88 minutes, compared to six minutes for an average court case. The follow-up on the monitoring and evaluating conferencing had not been completed when the article was published. It was not possible to determine whether reintegrative shaming was more effective than the justice system for changing an offender's behavior on a long-term basis.

Strang and Sherman (1997) also authored another research study, RISE Working Paper #2: The Victim's Perspective. This examination of Diversionary Conferencing focused on interviews with the victims who participated in the conferencing. Because the offenders were randomly assigned to court or conferencing, the victims of crime also reflected the randomization of cases.
Cases involving family violence and sexual assault were excluded from the conferencing program.

Strang and Sherman found that 86% of victims attended the circle conferencing, compared to 3% where the cases went through the courts. Seventy-four percent received an apology from the circle, compared to 11% in the formal court system. "Conferenced victims" were more likely to feel sympathetic toward the offender, feel safer, and more optimistic that the offender would not reoffend. The conferencing also resulted in a sense of relief for the victim and brought closure to their experience.

Harris and Burton (1997) wrote RISE Working Paper No. 5: The Reliability of Observed Reintegrative Shaming: Shame, Defiance and Other Key Concepts in Diversionary Conferences. This was the most extensive research reported in the working papers. The research was based on Makkai and Braithwaite's (1994) application of reintegrative shaming to regulatory compliance.

The researchers suggested that reintegrative shaming interventions must include four main points: 1) disapproval of the offense while sustaining a relationship of respect; 2) ceremonies to certify deviance, terminated by ceremonies to decertify deviance; 3) disapproval of the evil and of the deed without labeling the person as evil; and 4) not allow offender deviance to become a master status trait (Harris & Burton, 1997, p. 2-3).

Two measurement instruments were developed for the research: 1) Global Ratings Questionnaire; and 2) Systematic Observation Instrument. The concepts measured were: 1) whether shaming was reintegrating or stigmatizing; 2) whether the offender demonstrated emotion during the conferencing; 3) the
level of defiance and the level of remorse displayed by the offender; and 4) the level of discussion regarding resolution.

The *Global Ratings Questionnaire* was used by conferencing observers to record their impressions at the end of the session. The *Systematic Observation instrument* was designed to observe the specific activities and communication patterns taking place during the conferencing session. The observations looked at eight areas: "respect of the offender, disapproval of act, disapproval of offender, offender apologises, offender is forgiven, offender is defiant, consequences of act, and outcome" (p. 3). The observers also noted the amount of interaction, sequence of discussions, and any other significant events. Both instruments were pretested before use.

The conclusions of the study suggested that both of the measures were reliable instruments for measuring most concepts involved in reintegrative shaming. The examination also noted that some observers needed more training with the instrument and that some of the questions were "weak" and should be replaced. These two instruments provided useful tools for research on conferencing and could be adapted for research on applications of the reintegrative shaming theory.

*Criticisms of Reintegrative Shaming*

Criticisms on this theory range from rejection of the theory by Hinch (1992); to positive comments from Gibbons (1991) and Beto and Baker (1990). Hinch (1992) criticized Braithwaite's (1989) theory for ignoring the social and economic factors associated with criminal acts. Braithwaite's theory concentrated on "controlling the behavior of those individuals who might become or who are already criminals" (p. 226). Hinch believed that the theory of reintegrative shaming failed to challenge the rules or the rule-making process that could
provide answers to why and how crimes are committed, as well as to how the government chooses to respond to those criminal actions.

In contrast, Gibbons (1991) considered Braithwaite’s (1989) theory as “one of the most significant theoretical expositions in criminology in the last few years” (p. 579). Gibbons found the theory of reintegrative shaming as having realistic and practical applications and suggested that proponents of community initiatives for change would find the theory relevant.

Beto and Baker (1990) also reviewed Braithwaite’s (1989) book, Crime, Shame and Reintegration (1989), and felt that the book was scholarly and thought provoking. They believed that the book provided a valuable starting place for further theoretical explorations of crime.

Canadian Applications of Reintegrative Shaming

Two articles on the topic of the application of reintegrative shaming in the Canadian context include a research study conducted in Northern Canada by Bonnycastle (1994) and a discussion paper by Tomaszewski (1997). Bonnycastle’s study was an unpublished Master’s thesis, Intolerance and Compassion: Perspectives on Healing of Aboriginal Male Violence. He used the theory of reintegrative shaming to structure research on rural First Nation communities in the Northwest Territories.

Bonnycastle thought that this theory was very appropriate for understanding First Nations and their justice issues. His research used a quantitative and qualitative design to identify the perceptions of healing for violent Aboriginal males. The researcher held in-depth, open-ended interviews with key informants and analyzed available data. Special efforts were made to conduct the research in a culturally sensitive manner to avoid inaccurate understanding or a misinterpretation of the First Nations’ perspectives and experiences.
Bonncastle’s findings indicated that the dominant factors in male violence were: history, culture, and social change in the roles and relationships related to patterns of social control. The pattern of male violence was found to be the result of the damaging and destructive disruptions to the Aboriginal culture and traditions of social control following contact with Euro-Canadians and the imposition of their social institutions.

‘AlterNative’ Approaches to Criminal Justice: John Braithwaite’s Theory of Reintegrative Shaming Revisited was a discussion paper by Tomaszewski (1997). This paper analyzed the utility of Braithwaite’s theory for research on Inuit culture in the Northwest Territories. He felt that this theory validated traditional mechanisms of social control already in place, such as “gossip, ridicule, social criticism and (social and physical) ostracism” (p. 117). In the past these techniques effectively managed behaviors considered inappropriate within the Inuit communities.

Implications of Reintegrative Shaming

The literature on reintegrative shaming provided useful insights into possible applications and limitations of the theory. The on-going research being conducted in Australia by RISE is the most comprehensive and in-depth research available on this theory. Use of the measurement instruments, questionnaires, and observation formats, would permit a more complete evaluation of the programs based on the theory.

Critics suggested that even if the theory explored characteristics of offenders and communities relevant to reintegration, it failed to adequately take into consideration the socio-economic reality that structured the lives of the oppressed.

This theory also failed to include offender patterns of alcohol and drug
addiction. Abuse of alcohol and/or drugs have often been associated with criminal activities in the Yukon (Lilles, 1989; Stuart, 1992, 1996).

This study explored the theory of reintegrative shaming (Braithwaite, 1989). The finding should assist social work practitioners concerned with community development, social justice, victims of crime, and the restoration and rehabilitation of offenders. Further research on reintegrative shaming may also help the public and professionals understand the causes and factors in crime. This information should help to develop more effective crime prevention and community development strategies.

The Circle Sentencing Program

The circle sentencing program, a community-based and restorative justice approach, was implemented in the criminal justice system in the Yukon primarily for sentencing First Nation offenders. Other parts of Canada have also used forms of circle sentencing, such as in Hollow Water, Manitoba (Lajeunesse, 1996); communities in northern Saskatchewan (Green, 1998); and the Northwest Territories (Crnkovich, 1993). The following description and discussion focuses only on the program practiced in the Yukon.

The circle sentencing model is an alternative to the formal court sentencing for offenders. Circle sentencing promotes reconciliation rather than punishment for offenders. The terms of an offender's sentence are usually developed through a consensus reached by circle participants. The objectives of the circle sentences are to: 1) assist the offender to be reintegrated into the community; 2) satisfy the victim's issues; 3) protect the safety of the community; and 4) meet the mandate of the criminal justice system for sentencing offenders (Stuart, 1992, 1997).

Judge Stuart is often credited with introducing the circle sentencing
approach in Canada, other jurisdictions may have modified or adapted the practice to reflect different needs and interests. The general model being practiced during circle sentencing is very similar to the model for mediation used by the Justice Institute of British Columbia (Burdine, 1990). The model also incorporates some of the principles proposed by Fisher (1994) for conflict resolution. The principles for conflict resolution process and outcome include: 1) result in solutions that last; 2) respond to the needs and relationships of the participants; 3) prevent future problems and conflicts; and 4) create structures in society for social equality.

The following discussion covers the following topics: 1) explains the goals, objectives, and principles; 2) outlines the background and context of the program; 3) describes the stages of the circle sentencing process; 4) discusses the advantages of circle sentencing; 5) reviews circle sentencing issues; and 6) examines the available research on circle sentencing.

**Goals, Objectives, and Principles**

It is anticipated that through participation in a collaborative and consensual-based decision-making process (i.e., circle sentencing) an offender can be restored to the community (Stuart, 1992, no date, 1996a, 1996b, 1997). The primary objectives for circle sentencing were: 1) empower the community through increased community involvement and improved relationships with criminal justice professionals; 2) prevent further similar crimes by finding lasting solutions to the underlying factors for crime; 3) reintegrate the offender into the community through accountability and healing; and 4) involve the victims in the justice process to reduce and resolve their trauma and grief (Stuart, 1992, 1997).

Stuart explained that the principles that guided circle sentencing were a
consensus, interest-based approach, self-design, flexibility, spirituality, and holistic healing (Stuart, 1997, p. 4-6). He defined the consensus approach as, "A consensus does not require unanimous agreement...consensus is reached if all are willing to "live with the total package"" (Stuart, 1997, p. 5).

Stuart considered that the process of reaching a consensus was of value if it occurred in a respectful and safe atmosphere, and where all points of views were voiced and heard. "The very essence of the circle philosophy is balance, a balance reflected by according equal respect and importance to the needs of everyone affected by crime" (Stuart, 1997, p. 74).

An interest-based approach required that each participant express his or her primary concerns. The group then actively searched for the "common ground" (Stuart, 1997, p. 5). "Circles seek out and nurture common ground through an interest-based consensus process...an interest-based process concentrates on each party's principal concerns and depends primarily upon the parties to share the task of finding solutions" (Stuart, 1997, p. 5). The common ground was reached when participants found overlapping interests. The overlapping interests formed the basis for determining sentencing conditions that would be effective for the offender and the community.

Self-design referred to the principle that the process would be adapted by each community to meet its, and the offenders', needs. "The ability of parties to participate in designing the process significantly contributes to their confidence in, and commitment to, the process" (Stuart, 1997, p. 6). This environment was expected to foster conditions for creative sentencing sanctions. Stuart believed that the entire process needed to be flexible to adjust to each unique situation that presented itself in the circle.

The spiritual principle accepted that for many participants the circle
process had spiritual dimensions. This quality of spirituality in the circle must be respected. "Circles, more so than mediation or multi-party consensus processes, foster a spiritual awareness within and among participants" (Stuart, 1997, p.8).

A holistic healing approach considered that effective change for an individual needed to encompass all facets of his or her life. A healing plan should be designed to fully rehabilitate and support the offender in the multiple roles that he or she performed in their family and the community. "The healing plan stretches beyond the offender and victim to embrace all aspects of their lives, families, and personal communities that are necessary to construct a holistic healing plan" (Stuart, 1997, p. 9). For example, an offender may need help with his or her parenting role, obtaining an education, and/or addiction treatment in order to make long-term changes in his or her behavior.

Circle sentencing required the cooperation of many individuals. To be effective the individuals participating in the circle should include the offenders, victims, extended families, friends, judge, crown attorney, defense attorney, probation officers, social workers, justice committee volunteers, RCMP, and members of the community.

Stuart (1997) believed that through the circle sentencing process, the criminal justice system could share its legal and procedural power with the informal support system in the community. Sharing power empowered the community to manage justice issues, as well as address other pressing social problems in the community (Stuart, 1997).

Circle Sentencing and First Nations' Traditions

There hasn't been any documentation that the process of circle sentencing was practiced by the Yukon First Nations. However, the principles of circle
sentencing seemed to be congruent with those reflected in the literature on First Nations justice practices (i.e., holistic healing, community involvement, and consensus decision-making) (Health and Welfare Canada, 1984; RCAP, 1996).

Program Background

Barry Stuart, a Territorial Court Judge, introduced circle sentencing into the Territorial court system on January 9, 1992 in the community of Mayo. The written judgment for the case was clearly documented in the article *Regina v. Moses* (1992). This article provides a clear and concise description of the rationale, principles, and procedures of circle sentencing.

Stuart (1992, no date, 1997) had become frustrated with the inability of the criminal justice system to assist First Nation offenders and communities. He felt that the courts focused on sentencing offenders and spent little time trying to understand the underlying causes of the crimes. Communities had developed an excessive dependency on the government, professionals, and the justice system to solve their social problems. This dependency was partially the result of the intrusive role the judicial system played in the community and was compounded by the community's lack of information about the limitations and ineffectiveness of the judicial system in reducing recidivism or reducing crime in the community.

Stuart observed that the formal courtroom procedures were an impediment to community members providing the information necessary for the judge to determine the most appropriate and rehabilitative sentence. The courts frequently used jail sentences because there were few other options to consider. The communities also expected sentences to include incarceration. Jail sentences did not address the underlying issues of alcoholism or other factors relevant to the individual's pattern of criminal activity (Stuart, 1992). "Circle sen-
tencing, with an emphasis on collective responsibility, on consensus-based decision-making, and on healing individuals, relationships and communities, incorporates the early traditions of Western societies before they became dependent on professional 'healers' and 'conflict resolvers'" (Stuart, no date, p. 5).

In Stuart's opinion, community participation in circle sentencing increased the community's awareness of other social problems, expanded community members' confidence, and supported their problem-solving skills. Participation in circle sentencing provided a way for a community to discuss social issues and take responsibility for community problems that were beyond the scope of the criminal justice system (Stuart, 1992, 1997).

In addition to being instrumental in the development and implementation of circle sentencing, Stuart has published numerous articles and papers on circle sentencing and presented at both national and international conferences.

An extensive discussion about the Yukon's circle sentencing program was published in the book, *Building Community Justice Partnerships: Community Peacemaking Circles* (Stuart, 1997). The book outlined the evolution of circle sentencing in the Yukon. It covered the "mechanics, the nuts and bolts, of developing partnerships between communities and formal justice agencies to build shared responsibility for handling crime problems through Community Peacemaking Circles" (Stuart, 1997, p. 1).

**Stages of the Circle Sentencing Process**

The circle sentencing process has four main stages: 1) consideration of an offender's application; 2) pre-circle preparations; 3) circle session; and 4) follow-up after sentencing. The application stage begins with the offender application to the community justice committee for sentencing through a circle. The
applications were established to assess an offender's readiness to successfully participate and benefit from the circle sentencing process.

The applications were reviewed and either accepted or rejected by community representatives. To be accepted, offenders had to demonstrate that they accepted responsibility for their actions and were prepared to change their behavior. Another part of the application process was the willingness of members of the community, particularly an Elder, to support the offender in his or her rehabilitation. The pre-circle preparation stage involves preparations of the justice committee to work with the offenders and the victim. During this stage, the support groups begin to meet with the offender to plan the activities that will support the offender's rehabilitation. The third stage is the actual circle sentencing hearing.

The circle discussion usually includes many positive statements made about the offender, as well as expressions of concern about what is happening for the individuals (offender and victim), their extended families, and the community. The discussions raise many emotions as people express their concerns and hopes for the offender and the victim. During the circle, the offender participates in the discussion and usually apologizes to the victim, the family, and the community for the problems that resulted from the crimes. Members of the support groups talk about the plans for working with the offender or victim and what each of them hopes to accomplish in their work.

In reintegrative shaming, this level of accountability is an important part of the intervention. Unfortunately, the data on circle sentencing did not allow the researcher to identify the sincerity or intensity of the "shaming" or accountability that the offender experienced.

As the circle session progresses, a consensus usually evolves for the
possible conditions of the sentence. In the event that a consensus is not reached, the judge will impose a sentence based on the facts of the case and the circle discussion (Stuart, 1997). Sentencing options often include: 1) community service, such as providing meat, wood, or other services for an Elder; 2) the payment of a fine; 3) a period of probation; 4) a cultural camp experience, if available; 5) anger management sessions; and/or 6) alcohol and drug addictions treatment programs.

Although it is generally understood that the community will explore alternatives to incarceration, on some occasions a jail sentence is recommended by the circle. This sentence will usually be followed by a period of probation and community service. The offender is required to keep the peace as outlined in the probation order.

The follow-up stage includes the activities of the offender, victim, support groups, justice committee, and probation services to ensure that the terms of the sentence were complied with by the offender. In the event that the terms of the sentence were not met, the case could be brought back to the circle or put on the docket for subsequent formal court action. When the terms of an offender’s probation are successfully completed, some communities have held a feast to celebrate the reintegration of the offender into the community.

The literature on circle sentencing suggested that victims were very important and should be actively involved with the process (Stuart, 1997). Victims decide the extent of involvement that they want to have in a circle sentencing. The decision to be involved in a circle would be partially based on the victim’s readiness to confront the offender in the circle setting. The victim may choose to provide a Victim Impact Statement for the court or ask a member of the support group to speak on his or her behalf.
There has been a question about how much control the victim should have over this process. If the victim does not want the circle, should the circle take place or should the offender be referred back to the formal court? Inability to access a circle sentencing would limit an offender's opportunities to experience the circle support and the sentencing alternatives (Roberts & La Prairie, 1996).

This description of the circle sentencing stages only provided an overview of a very complex process. As with any initiative, there are both positive and negative opinions about this program. The next section compares circle sentencing with the formal court sentencing and considers some of the advantages and issues.

Advantages of the Circle Sentencing Program

Proponents suggest that there are several advantages to circle sentencing for offenders, victims, the families, the communities, the criminal justice system, and the public. Circle sentencing supporters believe that some of the advantages include: 1) compatibility with First Nation values; 2) shared responsibility for justice issues with the community; 3) new partnerships formed for community problem-solving between the professionals and community members; 4) expand the role of the victim in sentencing; and 5) sentencing options that are more effective than a jail sentence (Stuart, 1997). Each of these advantages are discussed below.

The circle sentencing process appears to be compatible with many of the values and traditions of Yukon First Nation, especially with the emphasis on restoring balance between families and maintaining harmony within the community. "Community circles are neither wholly western nor Aboriginal, but combine principles and practices from both in creating a community-based process to
respond to conflict in a manner that advances the well-being of individuals, families, and the community" (Stuart, 1997, p. 4).

Stuart believed that circle sentencing has the potential "to strengthen community capacities to address the underlying causes of crime (Stuart, no date, p. 4). This process gave the community an opportunity to approach social problems holistically. For example, there were discussions about an offender's roles within the community and not only on their criminal offenses. This provided a more complete and balanced picture of the individual within the community context.

In the circle, community members, offenders, and victims were able to voice their feelings about the crimes and why it was important to resolve the situation. All of the participants were invited to voice their concerns, perhaps for the first time. The offender was able to hear the caring that members expressed towards him or her. The sentence for offenders can be tailored to meet the individual's needs. Sentencing options derived from a circle sentencing were much broader and more likely to rehabilitate an offender than a jail sentence (Stuart, 1997).

The circle sentencing sessions provided an opportunity to inform the community about how the legal system operates and its limitations in rehabilitating an offender and making the community safe (Stuart, 1997). This process also involved the justice professionals in a unique relationship with the members of the community. Expanded communication and exchange of information helped to form a partnership between the professionals and the communities (Stuart, 1997). This relationship helped professionals understand what the community's interests were and how those perspectives may have differed considerably from their own (La Prairie, 1992a).
The literature on circle sentencing suggested that there was an expanded role for the victim in the sentencing of the offender. However, because of the lack of actual data on what took place in the circles, it was not clear to what extent the victims participated in the circle sentencings. It is also unknown whether the victim’s needs were adequately addressed through the circle.

Circle sentencing has many supporters who can point to the advantages of using this process. There is also a sense that community based initiatives should be supported on their own merit as a means of increasing the quality of community life through control over the social institutions. However, there are also participants and observers who have raised important questions that need to be considered and clarified to balance the picture of the circle sentencing program and process.

Circle Sentencing Issues

There has been considerable enthusiasm for the potential of circle sentencing. However, issues about circle sentencing have been expressed in the literature and in the media. The dominant issues to be discussed are: 1) community capacity; 2) community preparation; 3) cultural relevance; 4) lack of evaluation; and 5) community responses.

Community capacity. The capacity of a community, especially a small rural community, to take on the responsibility for this justice initiative was an important concern. Whitehorse is the largest community in the Yukon. The rural communities have populations varying from 37 in Destruction Bay to 1,791 in Watson Lake (Yukon Bureau of Statistics, 1997).

The smaller population limited a community’s capacity to meet the demands for implementing the circle sentencing program. Community members were more likely to be related to, or have a relationship with, both the offender
and the victim. Multiple relationships placed individuals in difficult positions for participation in a circle sentencing.

Durst, Sanderson, and Cates (1997) raised the issue that community members who participated in the circle may not always have had a focus on the welfare of the community. For example, the circle discussion could be dominated by relatives and friends who were biased in favor, or against, the offender. The prejudice and bias of participants would preclude the open, frank, and balanced discussion that is considered an important quality of a circle sentencing.

Internal conflicts within the community could also interfere with the open, constructive, and consensus-building discussions necessary to arrive at an appropriate sentence. There may also have been dynamics within the community that would lead to a fear of repercussions if opposing opinions were expressed in the circle (Biensch et al., 1995).

Other factors could influence the capacity of community members to actively participate in circle sentencing. For example, the community residents may have had other priorities for their time and effort, such as the negotiation of land claims and the implementation of self-government agreements.

Limited capacity of social services and treatment resources could affect a communities' ability to support treatment plans for an offender. Several rural communities identified a concern over the availability of counseling and treatment services (Biensch et al., 1995; La Prairie, 1992a).

Community preparation. Cmikovich (1993), in an article, Report on the Sentencing Circle in Kangiqsujuaq, documented her concerns about a circle sentencing that occurred in the Northwest Territories (Canada). In 1993, a Territorial circuit court judge visited Kangiqsujuaq, a northern and remote community. He suggested that the community use circle sentencing for an offender
in a spousal assault case. Crnkovich felt that the judge had failed in the implementation of circle sentencing in several areas.

Crnkovich's concerns involved the lack of adequate community involvement prior to the implementation of a circle sentencing. The judge consulted only a small number of people in the community before proceeding to hold a circle. Many participants were unaware of how the process worked and what their role would be in this procedure. Crnkovich believed that the judge also failed to recognize the particular dynamics of spousal assault, the dynamics within the community, as well as the local cultural traditions and values.

She concluded that the implementation of any community intervention, such as circle sentencing should only take place after careful consultation with a broad cross-section of the community. Community members should be adequately informed about the process and prepared for their roles in the procedure.

*Cultural relevance.* Stuart indicated that the circle sentencing process was compatible with First Nation values and offers a more sensitive way for the courts to sentence First Nation offenders. Durst et al., (1997) agree that the judicial system has failed the First Nation people but question whether circle sentencing can really overcome the "systematic discrimination and blatant racism" (p. 6) that has framed the relationship between the First Nations and the criminal justice system. These authors challenged the assumption that circle sentencing was culturally relevant.

The sentencing circle in the current judicial context had a very different orientation from traditional Aboriginal circles. In the circle sentencing model, the judge told participants that everyone in the circle was equal and solicited input from the community through the circle. However, this was later contradicted by
the judge when he explained that only he had the authority and responsibility for determining the offender's sentence. This reduced the traditional role and authority of the Elders, the traditional decision-makers in the community.

First Nation women have voiced serious concerns about the use of the circle for sentencing. They believed that the circle discussions tended to minimize the seriousness of the violence against women and children. This concern is heightened when the circle supports an offender to remain in the community, and in some cases, the very homes where the violence occurred. Some women felt pressured, and even threatened, by members of the community to keep silent during the circle (Durst et al., 1997; Percival, 1995).

In small, rural communities, a relationship between the offender and victim makes reconciliation more complex than when the offender and the victim are strangers (Umbreit, 1994). It is also possible that there will be conflicting needs and interests between the victim, the offender, and the community. These conflicts may be reflected in the level of support that an offender or victim receives from community members. A related issue is the extent of the support received from the volunteer support groups and whether these groups remain in place to support the offender throughout the follow-up of the sentencing process.

Lack of evaluation. Communities and critics have expressed an interest in the evaluation, or critical analysis, of circle sentencing to help understand whether or not this intervention is effective (Biensch et al., 1995; Roberts & La Prairie, 1996). Without an evaluation it is difficult to know whether this process effectively reintegrates the offender, reduces crime, and/or empowers the community (Roberts & La Prairie, 1996).

If circle sentencing is ineffective, community members may become dis-
couraged with the process and question their ability to manage their own affairs. Disillusionment could also occur when an offender fails to comply with the sentencing requirements and continues to reoffend (Percival, 1995).

The article, *Sentencing Circles: Some Unanswered Questions*, by Roberts and La Prairie (1996) raised some pertinent questions about circle sentencing. The authors questioned the goals stated for circle sentencing, the structure of the process, the role of the judge, and the lack of evaluation of this procedure. They considered the goals for circle sentencing were very broad. The authors challenged advocates of circle sentencing to conduct research to show that this procedure is more effective than the formal court sentencing procedures.

Roberts and La Prairie (1996) recommended that an evaluation of sentencing circles should begin with an examination of the specific claims regarding the benefits of this process. They specifically referred to the claims that circle sentencing could "reduce recidivism, prevent crime; reduce costs, advance the interests of the victims; and promote solidarity among community members... the assumption is that circles will achieve these goals to a greater degree than the conventional sentencing hearing" (p. 83).

Measurement of recidivism, or further offenses committed by an offender, is an accepted method for evaluating successes or failures of justice interventions. Data on recidivism in the Yukon could then be compared with the national statistics. Canadian statistics indicated that "only 35% [of offenders] were convicted of a subsequent offense" (Canadian Centre for Justice Statistics, 1993, as cited in Roberts & La Prairie, 1996, p. 73).

Crime rates in the communities which implemented circles may provide some information on whether this procedure has actually reduced the level of
crime. Analysis of this information should consider the types of offenses committed by offenders before circle sentencing and comparing this with the rates in the community after they implemented sentencing circles. Another strategy for evaluating circle sentencing could include looking at the data available to determine whether there had been a reduction in the proportion of First Nation offenders incarcerated during the time period when circles were practiced (Robert & La Prairie, 1996).

Community responses to circle sentencing. The response to the circle sentencing program within the Yukon ranged along a continuum of support to rejection of this model for sentencing. The differing opinions are expressed in Letters to the Editors in local newspapers and in news articles. These opinions are most often expressed about circles held for a high profile offender. Because there has been little data available on the outcome of circle sentencing, there hasn’t been any concrete information with which to evaluate this intervention.

Research on Circle Sentencing

The literature on circle sentencing remains primarily descriptive and anecdotal. The lack of any critical research on the theoretical foundations or effectiveness of this program may limit the confidence of professionals and communities interested in this type of intervention. The following section will discuss available research and suggest topics for future research.

Stevens. Stevens (1994) prepared a preliminary document on circle sentencing, Report on the Effectiveness of Circle Sentencing. He reviewed the literature and conducted telephone interviews to elicit the opinions of professionals on the effectiveness of circles. The consensus of those contacted was that participants were impressed with this process. The report's findings had limited
usefulness for this study as it failed to critically analyze the process or to consider the theoretical foundation of this practice.

Roberts. Roberts (1995) conducted a preliminary study in the Yukon on spousal assault issues in, *Spousal Assault, and Mandatory Charging in the Yukon: Experiences, Perspectives and Alternatives*. The effectiveness of circle sentencing was examined as part of research on mandatory reporting in spousal assault cases. The findings were inconclusive as only eight victims whose spouses had participated in sentencing circles were interviewed. Their responses were fairly equally divided in their opinions on the effectiveness of this intervention.

*Kwanlin Dun Community Justice Program*. The Kwanlin Dun First Nation (1995) completed an internal and unpublished evaluation of their community justice programs, including circle sentencing, in *Kwanlin Dun First Nation Proposed Community Based Justice Pilot Project Community Consultation*. This First Nation had been the most active in implementing the circle sentencing program for several reasons.

The Kwanlin Dun First Nation has a large membership and more need for social and justice programs than other First Nations in the Yukon. Kwanlin Dun is also located within the greater Whitehorse area. The proximity to Whitehorse results in greater access to resources (i.e., counseling and treatment services) than the other, more remote rural communities. In addition, Rosemary Couch, the coordinator of the crime prevention programs during the initial stage, was very committed to the implementation of this and other restorative justice interventions.

The community consultation findings indicated that the community supported the community justice programs in general, and circle sentencing in
particular. This community support provided the backing for further, expanded programming and continued funding by government.

Biensch, Bird, Gleason, and Stuart. Biensch, Bird, Gleason, and Stuart (1995) prepared a paper, *Talking about Crime: Committee Report*. The committee held meetings throughout the Yukon primarily to "talk to Yukoners about crime and explore ways of making our communities safer" (p. viii). Perceptions about the effectiveness of the criminal justice system included several comments about circle sentencing. One community wanted more consultation between members of the community and the circuit judge before "any new sentencing philosophies" were introduced. Justice initiatives in the future should be based on an understanding of the needs of the community.

Concerns were expressed about whether the support groups for the offenders were adequately prepared for the responsibilities of their role. Support group members should be from the community in order to understand the impact the crimes have had on the community and to determine whether the offender should be trusted. In addition, community residents may be "afraid to testify against their relatives and neighbours. They're afraid of repercussions" (p. 15).

Another observation was that evaluation of initiatives should be in place for all programs and services. This information would help to determine whether circle sentencing was "working" (p. 25). One community wanted the successes of the circle sentencing program to be more widely communicated.

The committee provided the government with recommendations for long, medium, and short-term crime prevention strategies. It is not known how many of the committee's recommendations have actually been implemented.
Comparison of Reintegrative Shaming and Circle Sentencing

There are several important similarities between reintegrative shaming and circle sentencing. They are both considered examples of the restorative justice philosophy, principles, and values. These similarities include: 1) the importance of an offender being held accountable for his or her actions; 2) an expectation of personal change (the offender) within a community context; 3) the offender must apologize to those who were harmed by the criminal acts (i.e., the victims, his or her family and community members); and 4) the importance of having a caring and supportive environment to help reintegrate the offender.

An important distinction between the sets of literature on these two topics has been the focus of the discussions. Braithwaite (1989, 1999) has written extensively on the theory of reintegrative shaming. The books and articles on this theory provide a framework for the prediction of how the characteristics of the offender, the community, and structural factors will influence the outcome of reintegrative shaming. Braithwaite defined the significant concepts and explained the relationships among variables.

Braithwaite also related his theory to other criminological theories, such as social control, opportunity, and labeling. Research on different aspects of Braithwaite's theory have been developed and conducted to test his hypotheses.

In contrast, the literature on circle sentencing has focused primarily on the methods (i.e., how to do conduct circles), as well as explanations of the advantages of conducting circles (Stuart, 1999). The published court records, such as Regina v Moses (Criminal Reports, 1992), provided a detailed explanation of how and why the circle process was used in a specific case. More recently, Stuart provided suggestions on how to set up a circle sentencing
program, as well as how to avoid some of difficulties the circle sentencing program experienced (Stuart, 1997).

The local media has discussed articles on circle sentencing in newspapers: Whitehorse Star, Yukon News, and commentaries on the radio stations: CBC, CKRW, and CHON-FM. These articles usually reported on circles held for offenders involved in high-profile cases.

There has not been any independent evaluation or research on the circle sentencing program in the Yukon. This study was the first research conducted on this topic.

**Summary**

Circle sentencing, as a justice initiative, needs to be considered within the context of the implementation of the Yukon First Nations' self-government agreements. Many First Nations are interested in taking control and responsibility for justice. Successful implementation of a program similar to circle sentencing could enhance the skills and increase the confidence of community members. These skills could then be transferred to other social issues. Conversely, failure to successfully implement and follow-through with the requirements of circle sentencing could further discourage community members and result in a reluctance to take on additional responsibilities (Percival, 1995).

Issues and unanswered questions point to the need for a critical analysis of the circle sentencing program. A rigorous analysis could examine and clarify the process and outcomes of the circle sentencing program. This knowledge could also establish which offenders are more likely to be successful in circles and what community supports should be in place to assist volunteers in supporting victims and offenders.

A lack of openness and honesty in the circles, possible manipulation of
the circle, a tendency to minimize criminal behavior, and heavy reliance on over-
extended community volunteers to support this justice initiative are important
concerns. If these issues are not carefully addressed they could jeopardize the
credibility of circle sentencing and possibly result in negative consequences
from this innovation.

The Present Study

This theoretical study tested hypotheses based on Braithwaite's theory of
reintegrative shaming through an analysis of the data on circle sentencing in the
Yukon. The primary question of this research was to determine to what extent
the data on the circle sentencing program supported Braithwaite's theory (i.e.,
how well does the theoretical model "fit" the data). The specific research and
null hypotheses are outlined below.

**Hypothesis 1: Interdependency**

Braithwaite's (1989) theory predicted that the interdependency characteristics of an offender would determine whether he or she would reoffend
following a reintegrative shaming intervention. The theory stated that offenders
with low levels of interdependency, as measured by age, gender, marital status,
education, and employment, had a greater likelihood of recidivism (i.e., commit-
ting further crimes and convictions).

More specifically, offenders who were: 1) male; 2) between the ages of
18 to 25; 3) unmarried; 4) unemployed; and 5) with limited educational and
occupational aspirations were less likely to be reintegrated into the community
and more likely to be stigmatized following circle sentencing than other offend-
ers.

The null hypothesis stated that offenders with characteristics of low inter-
dependency (male, 18-25, unmarried, unemployed and with low educational and
employment aspirations) were not significant predictors for the prediction of offender recidivism following his or her initial circle sentencing.

Hypothesis 2: Communitarianism

Braithwaite's theory predicted that communities with low levels of communitarianism (largely urbanized and high residential mobility) would be less successful at reintegrating offenders than communities with high levels of communitarianism (small populations and stable populations). The null hypothesis was that the level of communitarianism within the community would not have a significant effect on offender reintegration as demonstrated by the rates of crimes committed in the participating communities between 1994 and 1999.

For this study, it was hypothesized that rural Yukon communities would have a higher level of communitarianism than the City of Whitehorse. Therefore, the rural communities would be more successful at reintegrating offenders than the Whitehorse community (Kwanlin Dun). This would result in lower crime rates in the rural communities.

Hypothesis 3: Communitarianism and Interdependency

High levels of communitarianism (characteristics of rural communities) and high levels of interdependency (offender characteristics) would be associated with a positive outcome of reintegrative shaming (circle sentencing). The result would be lower crime rates due to reduced offender recidivism. The null hypothesis was that there would be a significant difference between offender reintegration and stigmatization, when interdependency characteristics were combined with communitarianism factors. This should also result in reduced community crime rates.
Summary

The literature reviewed indicated that First Nations in Canada have experienced generations of government policies of oppression. Royal Commissions were established to make recommendations on how to improve the relationships between the First Nations and the dominant mainstream Euro-Canadians culture, particularly in the justice system and other social institutions.

Most First Nations in the Yukon Territory are in the process of implementing self-government agreements. These agreements will allow each First Nation to form their own social, economic, and legal institutions. Self-government also provides them with an opportunity to incorporate traditional values of community harmony and restoration to the justice system.

The innovation of the circle sentencing program, based on restorative justice principles, provided an opportunity to explore one dimension its effectiveness. This study only examined the data on the participating offenders’ level of recidivism and communities’ crime statistics. Other evaluations of the circle sentencing programs could determine to what extent it addressed the victims’ needs and empowered communities.

A comparison between retributive and restorative justice provided the background to understand the underlying principles and values of these dominant theories of justice. Reintegrative shaming and the circle sentencing program are both considered examples of the restorative justice philosophy. Circle sentencing, as implemented in the Yukon, offered a valuable opportunity to test specific concepts and predictions of Braithwaite’s (1989) theory of reintegrative shaming.
CHAPTER 2. METHODS

In explanatory research, the researcher collects the observational data and then determines whether the hypothesized theoretical structure adequately described the pattern of relations among the variables (Fouladi & Steiger, 1999). This study used the circle sentencing program in the Yukon to test hypotheses derived from the theory of reintegrative shaming (Braithwaite, 1989). The circle sentencing program was introduced within the justice system in 1992. The program was used in 10 communities as a sentencing alternative primarily for First Nations offenders. Braithwaite's theory outlined the relationships among an individual and the community, as well as the influence of social and structural characteristics.

This research examined how well the concepts, the relationships among variables, and the predictor variables helped to explain the outcome of the circle sentencing program. The methods used to answer the research hypotheses included the following: 1) design; 2) population; 3) procedures; 4) measures; and 5) data analysis. The study also provided a description of the characteristics of the offenders and the communities who participated in the circle sentencing program. The results of the data analysis are presented in Chapter 3.

Design

The study analyzed secondary, archival data on the circle sentencing cases held in the Yukon Territorial Courts between 1992 and 1997. Data were compiled on the following: 1) the demographic characteristics and the criminal records of the offenders; and 2) the community characteristics and crime levels for each of the participating communities. These data were documented for a
three-year period following each offender's initial participation in a circle sentencing.

There were several advantages and disadvantages to using archival data (Kielcolt & Nathan, 1985). The archival data were relatively inexpensive to collect and analyze, lent themselves to a variety of research designs, and with the permission of the judicial offices, allowed the researcher to work independently.

Disadvantages of using secondary data involved the reliance on the quality and completeness of the information available. Collecting the data required considerable time and effort required to locate and access the information. Another limitation of secondary data was the inability to manipulate the independent variable (i.e., circle sentencing) (Kerlinger, 1986). Lack of control over the independent variables resulted in internal validity issues, such as the inability to draw causal relationships.

Population

This study compiled data on adult offenders (i.e., those 18 and over) charged or convicted of offenses within the Yukon under the *Canadian Criminal Code* (CC) (2001) or the *Narcotics Control Act* (NCA). One hundred and sixty-four First Nation adult offenders participated in the circle sentencing program between 1992 and 1997 and met the criteria for inclusion in this study. (The few non-First Nation offenders who participated in the circle sentencing program were excluded from this study).

Ten Yukon communities implemented the circle sentencing program during the period of this study. Some communities held only a few circles. However, other communities, such as the Kwanlin Dun First Nation
(Whitehorse), developed procedures to hold many sentencing circles. Data on the number of circles held in each community are presented in Chapter 3.

**Procedures**

Data for the study were obtained primarily through the Yukon Territorial Government files. Information was also located through federal and territorial censuses, as well as other sources within the public domain, such as local and national newspapers and journal articles. Data were collected by the primary researcher to assure consistency and confidentiality of the file information. Issues of confidentiality for both the participating offenders and communities required an amalgamation of data from the rural communities for this analysis.

**Sources of Data on Offenders**

This research relied primarily on court documents, particularly those coded specifically as circle sentencing files. Access to Pre-sentence Reports (PSR) required the permission of the Chief Judge of the Yukon Territorial Court at the time, Barry Stuart.

Community Corrections maintains files on probationers for the probation officers assigned to the case. Information which was not available through court services, was sometimes available from the Community Correction's files. The *Court Registry Information Services* (CRIS), computerized data, contains information on every criminal charges for all offenders. CRIS provided information on the federal, territorial, and municipal charges, as well as the date and the outcome of each charge.

Offenders often had charges for more than one offense. The charges could result in one of the following dispositions: conviction, suspended sentence, withdrawn; stay of proceedings; dismissal; or ordered to stand trial. An
offender's sentence could include a term of probation, community service, a jail sentence, and/or a fine.

Canadian national correctional data were tabulated in the *Uniform Crime Reports* (UCR), analyzed by the Canadian Centre for Justice Statistics, and published in the journal, *Juristat*. Supplemental sources of information were provided through transcripts available on the *Quick-law* computerized database, and in the publications, *Criminal Reports* and *Canadian Native Law Reporter*.

**Sources of Community Data**

There were several sources of data available on the demographic characteristics of Yukon communities. The Royal Canadian Mounted Police (RCMP) provide the policing services throughout the Yukon. The RCMP report annual statistics on criminal activity for each Yukon community. This information was subsequently published in, *Juristat*, as well as, and in the *Yukon Crime Statistics, 1995-2000* (Yukon Bureau of Statistics, 2001). Extensive data on the characteristics of Yukon communities were available through the *Census '96: Community Profiles* (Yukon Bureau of Statistics, 1999), as well as the annual statistics published by the YTG Bureau of Statistics.

**Measures**

The measures used in this study included a description of the predictor variables (offender and community), as well as the criterion variables (convictions, reintegration or stigmatization, and the average levels of community crime for 1994 to 1999). Important concepts are operationalized in the following section.

**Offender Variables**

The relationship between interdependency predictor variables and criterion variables was analyzed with multiple and logistic regression models. The
recidivism data on offenders were examined through information from the criminal justice system during the three-years following his or her initial participation. Braithwaite’s theory (1989) proposed that the offender’s interdependency (demographic characteristics) predicted whether he or she would be more likely to reoffend following reintegrative shaming. The indicators for offender interdependency (i.e., predictor variables) are operationalized below.

**Age**

Braithwaite argued that offenders between 15 and 25 were at the highest risk for re-offending. This study focused only on adult offenders (i.e., 18 and over). The actual age of each offender at the time of his or her initial circle sentencing was documented. The continuous variable was used for the primary analysis. The continuous variable of age was also able to be categorized into the following ranges: 18-25; 26-33; 34-41; 42-49; and 50+. These categories permitted comparisons between the age groups.

**Gender**

Male = 0; Female = 1.

**Marital Status**

Information on the marital status of the offender at the time of the initial circle was coded into two categories (0, 1). It was used to indicate whether or not an offender was either single, divorced or separated, and married or in a common-law relationship at the time of the circle sentencing.

**Employment Status**

An offender’s employment status at the time of initial circle sentencing was coded as (0,1): 1) unemployed, only seasonally employed, or employed part-time; 2) employed full-time; 3) student; 4) traditional lifestyle and/or artist and crafts-person; or 5) unemployable (due to age or disability).
Braithwaite combined low employment and educational aspirations in his theory. It was not possible to determine an offender's aspirations due to the retrospective nature of this research. This research used an offender's actual employment status and educational attainment for the predictor variables.

**Educational Status**

The highest grade completed by the offender at the time of the circle sentencing was recorded as a continuous variable. In addition, the level of education was put into six categories: 1) completed some elementary (kindergarten-seventh grade); 2) completed eighth grade; 3) completed ninth grade; 4) completed 10th-grade; 5) completed 11th-grade; or 6) completed 12th-grade.

In addition, low and high educational status was obtained through a median split of the data resulting in a dichotomous variable. Lower education was defined as the completion of the ninth grade or lower; higher education was the completion of 10th-grade and higher.

**Additional Variables**

In addition to Braithwaite's (1989) predictor variables, data on additional explanatory offender characteristics were documented to determine whether these variables would enhance the understanding of the outcome of circle sentencing. The explanatory variables on the offender included: 1) education in a trade; 2) alcohol use; and/or 3) drug use.

*Trades education.* It was hypothesized that an offender's education in a trade would expand his or her employment opportunities. An offender's education in a trade was entered as a variable (no = 0, yes = 1).

*Alcohol and/or drug use.* Data were collected on whether alcohol and/or drugs were noted as a factor for the offender. The literature in the Yukon had
identified a high incidence of alcohol and drug abuse in the Yukon (Kellner, 1998; Lilles, 1989).

The use of alcohol and/or drugs was noted on the files, either as a direct or indirect factor for the offender. Direct involvement with alcohol and/or drugs included charges and convictions for impaired driving or drug trafficking. Indirect involvement was defined as comments on the file or previous charges that indicated the offender's previous or current use of alcohol or drugs. These variables were coded as: 0 = no alcohol use; 1 = alcohol use; and 0 = no drug use; or 1 = drug use. These data are presented in Table 1.

**Criterion Variables**

The offender's criminal records were examined to determine the outcome (i.e., the offender recidivism) following circle sentencing. Formal contacts with the criminal justice system within the three-years after his or her initial circle sentencing were documented. Recidivism was defined as when crimes were committed by an offender "following previous contact with the criminal justice system" (McWhinnie & Andrews, 1997, p. 1).

An offender was considered to be stigmatized if there were any subsequent criminal charges, criminal convictions, or days in jail following their initial circle sentencing. Offenders with further contact with the justice system were not considered to have been successfully reintegrated into the community. An offender was considered reintegrated if there weren't any further contacts with the criminal justice system during the three-years following the initial circle sentencing.

The criterion variables for testing the interdependency predictor variables were categorized as follows: 1) the number of convictions were used for multiple
regression; and 2) an offender's status as reintegrated or stigmatized was used for the logistic regression analysis.

For most offenders only one circle sentencing was held. In most cases offenders who reoffended proceeded to the formal court system for sentencing. For a few offenders additional circle sentencings took place when new charges were laid. Circles were also used to review an offender's progress towards meeting the requirements of the sentence. Only the initial circle sentencing was documented in this study.

Communitarianism Variables

The communities included in this study were the organized rural communities and the City of Whitehorse, which held one or more circle sentencing cases between 1992 and 1997. According to Braithwaite (1989), the level of communitarianism predicted whether an offender would be successfully reintegrated following reintegrative shaming (i.e., circle sentencing) or would be further stigmatized. He predicted that the level of communitarianism within a community, combined with offender's level of interdependency, would affect the outcome of the "shaming" experience for an offender.

The concept of communitarianism includes the following indicators: 1) community urbanization; 2) residential mobility; and 3) homogeneity. Each of these concepts will be discussed below.

Urbanization

Urbanization was measured in two ways. Braithwaite associated urbanization with large and industrialized populations. Statistics Canada uses the term, Census Agglomerations (CAs), to define communities with "an urban core of 10,000 to 99,999 and includes all neighbouring municipalities where 50
percent or more of the work force commutes into the urban core" (Mendelson & Bollman, 1998, p. 2).

The City of Whitehorse was the only community in the Yukon with a population over 10,000 that met the criteria of a CA. Therefore, Whitehorse was considered an urban community. All of the other communities in the Yukon were defined as rural communities. The size of the population for each community in 1996 was entered as a predictor variable in the regression model on communitarianism.

Residential Mobility

Braithwaite predicted that communities with a stable population would be more successful at reintegrating offenders than communities with a mobile population. The publication, *Census '96: Community Profiles* (Yukon Bureau of Statistics, 1999), outlined data on the Yukon from the national census taken in 1996. This information on each Yukon community, included: 1) the percentage of change in the population; and 2) the percentage of mobility into and out of the community between 1991 and 1996.

Homogeneity

Braithwaite's theory stated that a community's homogeneity would have an effect on the outcome of the reintegrative shaming. This concept suggested that people with similar backgrounds and life-styles are more homogeneous than in communities with a greater diversity in their populations. Homogeneity contributes to successful reintegration. Homogeneity for this study was measured by the percentage of First Nations individuals in each community (Yukon Bureau of Statistics, 1999).

Criterion Variable

The criterion variable used in this analysis was the average of the crime
rates in the communities between 1994 and 1999 (Yukon Bureau of Statistics, 2001). It is critical to note that there were multiple confounding factors that made it impossible to attribute changes in the community crime levels specifically to the circle sentencing program. For example, the circle sentencing program did not include all of the individuals involved with criminal activities in the community. In addition, major social, economic, political changes occurred in the communities (i.e., settlement or implementation of the land claims agreement) during the six-year time-frame of this study. Data on the number of circle sentencing cases held in each community each year were also collected.

Data Analysis

It was possible to establish the actual population parameters of the research cases because this was a census-based population study. Analysis of the complete population eliminated sampling error (Howell, 1997; Kerlinger, 1986; McWhinnie & Andrews, 1997). The data were analyzed using SPSS 11.0 (2001) statistical software. The quantitative examination of the data includes descriptive and regression statistical analysis (Tabachnick & Fidell, 1996). Multiple and logistic regression analysis allowed the researcher to determine to what extent the predictor variables (Braithwaite, 1989) explained the criterion variables based on the outcome data of the circle sentencing program. The results of the data analysis are presented in Chapter 3.

Conclusions

This study analyzed archival data on the offenders and the communities who were involved with the circle sentencing program. Braithwaite's (1989) theory of reintegrative shaming provided the framework for an examination of the data on the outcome of the Yukon's circle sentencing program. Braithwaite
predicted that certain demographic characteristics of an offender, as well as communitarianism characteristics would influence the outcome of reintegrative shaming. The predictor and criterion variables were operationalized in this chapter.
CHAPTER 3. RESULTS

This chapter describes the results of the data collected to test the research hypotheses. The results were analyzed by descriptive and regression statistics. The following topics are discussed in this chapter: 1) initial analysis of data; 2) descriptive characteristics of the research population; 3) multiple and logistic regression Analysis of interdependency variables; 4) multiple regression Analysis of Communitarianism variables; and 5) multiple regression Analysis of interdependency and communitarianism variables.

When statistical Analysis are conducted on small data sets, the findings could be distorted by even a small change in the data. The data for this study, especially the information on offenders who participated in rural communities, were derived from very small populations.

Initial Analysis of Data

Data were initially analyzed for possible multicollinearity and outliers that might influence its interpretation. When multicollinearity occurs it may be necessary to retest the model with one of the variables removed (Pedhazur, 1982). Multicollinearity among the variables was tested through the collinearity diagnostics and the tolerance procedures available through SPSS 11.0 (2001). These procedures determine whether the variables overlap, as well as the extent of any collinearity.

The tolerance level, the proportion of a variable's variance that was not accounted for by the other predictor variables in the model, indicated that multicollinearity was not an issue for the predictor variables for the interdependency variables. When the variables for communitarianism were entered into a correlation matrix, the percentage of First Nations was highly correlated with the following variables: 1) community population in 1996; and 2) average commu-
ty crime rates between 1994-1999. The percentage of First Nations was removed from further Analysis (SPSS, 2001).

The data were examined for outliers to determine the extent they influenced the outcome of the regression models. When it was determined that an outlier would reduce the sensitivity of the statistics, the regressions were run with and without the outliers to find out how much they influenced the outcome. The outliers were included in the analysis of the data.

Residual scatter-plots were examined for heteroscedasticity and non-linearities. Neither of these presented a problem for the data. The variables were then evaluated through an examination of the frequencies and descriptive statistics. The descriptive information on the participants' (offenders and communities) characteristics are presented in the following section.

Regression Analysis were used to examine the predictor and criterion variables. When the criterion variable was a continuous variable, such as the number of offender convictions, an ordinary least-square regression analysis was used. The analysis used an alpha of \( p < .05 \) and one-tailed test of significance. The one-tailed test of significance was used because the research hypotheses were directional (Huck, Cormier, & Bounds, 1974).

Logistic regression Analysis were also conducted on the interdependency data. These Analysis allowed an examination of the dichotomous variable of an offenders' status as reintegrated or stigmatised. The results of the statistical analysis on interdependency and Communitarianism variables are presented later in this chapter.

Descriptive Characteristics on the Research Population

This section outlines the descriptive statistics on the research population. The information is presented in two parts: 1) data on the entire research popula-
tion; and 2) data on the 18 to 25 age category. The descriptions include: 1) a demographic profile; 2) a comparison of the demographic characteristics with the number of convictions; and 3) a comparison of demographic characteristics with offenders considered either stigmatized or reintegrated.

Demographic Characteristics of the Research Population

The demographic characteristics of the research population are presented in Table 1. Data were documented for the time of the circle sentencing as closely as possible. Data were not available for all offenders on some characteristics. The actual number for each category is noted.

The mean age of the offender population was 30.8. The mean age for offenders in Canada was 32 (Reed & Morrison, 1997). The mean age of male offenders was 31.8 years; the mean age of the female offenders was 32.3. The ratio of male and female offenders who participated in circle sentencing was comparable with the national profile of offenders: 86% male and 14% female (Birkenmeyer & Roberts, 1997).

Fifty percent of the offender population were either married or in a common-law relationship; 12% were divorced or separated; and 38% were single. Eighty percent of offenders were either unemployed or only employed seasonally. Seasonal work available usually involved labor positions, such as highway construction, cutting firewood, or in the tourism industry. Seven percent had full-time employment. Six percent were students. Four percent of offenders lived a traditional lifestyle or were artists or crafts persons. Three percent of this population were classified as unemployable due to disabilities or advanced age.

The mean level of education completed by offenders was 9.7 grades. The data on education were further divided into two categories: higher and lower education. Higher education was defined as having completed the 10th-
Table 1.

Demographic Characteristics of Research Population

<table>
<thead>
<tr>
<th>Characteristics of Offenders</th>
<th>Category</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>18-25</td>
<td>47</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>26-33</td>
<td>56</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>34-41</td>
<td>38</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>42-49</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>50+</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Gender</td>
<td>Male</td>
<td>141</td>
<td>86</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td>Marital Status</td>
<td>Single</td>
<td>59</td>
<td>38</td>
</tr>
<tr>
<td>(N = 154)</td>
<td>Married/Common-law</td>
<td>77</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Divorced/Separated</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td>Employment Status</td>
<td>Seasonal/Unemployed</td>
<td>128</td>
<td>80</td>
</tr>
<tr>
<td>(N = 159)</td>
<td>Full-time</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Traditional/Artist</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Student</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Unemployable</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Urban or Rural Community</td>
<td>Rural</td>
<td>89</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>75</td>
<td>46</td>
</tr>
<tr>
<td>Educational Status</td>
<td>Some Elementary</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>(N = 148)</td>
<td>Eighth Grade</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Ninth Grade</td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>10th-Grade</td>
<td>51</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>11th-Grade</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>12th-Grade</td>
<td>22</td>
<td>14</td>
</tr>
</tbody>
</table>
Table 1. (continued)

*Demographic Characteristics of Research Population*

<table>
<thead>
<tr>
<th>Characteristics of Offenders</th>
<th>Category</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>High or Low Education</td>
<td>High Ed.</td>
<td>90</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>Low Ed.</td>
<td>58</td>
<td>39</td>
</tr>
<tr>
<td>Additional Variables:</td>
<td>Trades Education</td>
<td>18</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Alcohol Use</td>
<td>156</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>Drug Use</td>
<td>25</td>
<td>15</td>
</tr>
</tbody>
</table>

Total N = 164

grade or higher; lower education was defined as the completion of ninth-grade or lower. Using these two categories: 61% had a higher education and 39% had a lower level of education.

*Population Characteristics and Convictions*

Offenders were categorized as either having additional convictions or no further convictions. The demographic characteristics of age groups, gender, and participating in a rural or urban community were compared with convictions. (See Table 2). The number of offender convictions ranged from one to 18. The type of convictions included: driving while impaired; driving without a license; spousal assault; sexual assault; break and enter; property damage; theft; or others.

Within the three-year follow-up period, 53% of the total population were convicted of additional crimes. Fifty-six percent of male offenders were convicted, compared with 35% of female offenders. Offenders who participated in circle sentencing in the rural communities were slightly less likely to re-offend, 53%, than 57% for offenders in urban circle sentencing.

Cross-tabs chi-square Analysis were conducted on the categorical variables listed above. With the exception of gender, the results of the tests were non-significant. Independent sample t-tests were conducted on the continuous
variables of age and the last grade completed. These results were not significant.

Table 2.

*Convictions by Age Group, Gender, and Urban or Rural Community*

<table>
<thead>
<tr>
<th>Age Group</th>
<th>N</th>
<th>Convictions</th>
<th>No-Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-25</td>
<td>47</td>
<td>29 (62%)</td>
<td>18 (38%)</td>
</tr>
<tr>
<td>26-33</td>
<td>55</td>
<td>31 (56%)</td>
<td>24 (44%)</td>
</tr>
<tr>
<td>34-41</td>
<td>39</td>
<td>17 (44%)</td>
<td>22 (56%)</td>
</tr>
<tr>
<td>42-49</td>
<td>13</td>
<td>7 (54%)</td>
<td>6 (46%)</td>
</tr>
<tr>
<td>50+</td>
<td>10</td>
<td>3 (30%)</td>
<td>7 (70%)</td>
</tr>
<tr>
<td>Total</td>
<td>164</td>
<td>87 (53%)</td>
<td>77 (47%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>N</th>
<th>Convictions</th>
<th>No-Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>141</td>
<td>79 (56%)</td>
<td>62 (44%)</td>
</tr>
<tr>
<td>Female</td>
<td>23</td>
<td>8 (35%)</td>
<td>15 (65%)</td>
</tr>
<tr>
<td>Rural</td>
<td>89</td>
<td>47 (53%)</td>
<td>42 (47%)</td>
</tr>
<tr>
<td>Urban</td>
<td>75</td>
<td>43 (57%)</td>
<td>32 (43%)</td>
</tr>
<tr>
<td>Total</td>
<td>164</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Characteristics and Reintegrated or Stigmatized*

Data on offender recidivism within the three year follow-up period were further classified into two major categories: 1) an offender was defined as reintegrated if he or she had had no further contact with the criminal justice system; and 2) an offender was stigmatized if they had had any further convictions, criminal charges, and/or days spent in the Whitehorse Correctional Centre. Data on an offender's status as either reintegrated or stigmatized are outlined in Table 3.
As indicated in Table 3, 32% of offenders who participated in the circle sentencing program were considered reintegrated and 68% were stigmatized. This was close to the 66% rate of recidivism for Aboriginal inmates who were released from federal prisons (Bonta et al., 1992) and the recidivism of Table 3.

**Characteristics of Offenders Reintegrated and Stigmatized**

<table>
<thead>
<tr>
<th>Offender Characteristics</th>
<th>Reintegrated</th>
<th>Stigmatized</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Gender</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>39</td>
<td>28</td>
<td>102</td>
</tr>
<tr>
<td>Female</td>
<td>14</td>
<td>61</td>
<td>9</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-25</td>
<td>13</td>
<td>28</td>
<td>34</td>
</tr>
<tr>
<td>26-33</td>
<td>17</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>34-41</td>
<td>15</td>
<td>39</td>
<td>23</td>
</tr>
<tr>
<td>42-49</td>
<td>4</td>
<td>31</td>
<td>9</td>
</tr>
<tr>
<td>50 +</td>
<td>4</td>
<td>40</td>
<td>6</td>
</tr>
<tr>
<td>Marital Status</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>17</td>
<td>30</td>
<td>42</td>
</tr>
<tr>
<td>Married/Common-Law</td>
<td>26</td>
<td>33</td>
<td>52</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>4</td>
<td>24</td>
<td>13</td>
</tr>
<tr>
<td>Employment Status</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal/Unemployed</td>
<td>37</td>
<td>29</td>
<td>91</td>
</tr>
<tr>
<td>Full-Time</td>
<td>5</td>
<td>45</td>
<td>6</td>
</tr>
<tr>
<td>Student</td>
<td>3</td>
<td>43</td>
<td>4</td>
</tr>
<tr>
<td>Traditional/Artist</td>
<td>3</td>
<td>50</td>
<td>3</td>
</tr>
<tr>
<td>Unemployable</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 3. (continued)

Characteristics of Offenders Reintegrated and Stigmatized

<table>
<thead>
<tr>
<th>Offender Characteristics</th>
<th>Reintegrated</th>
<th>Stigmatized</th>
<th>Total</th>
<th>N</th>
<th>%</th>
<th>N</th>
<th>%</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Status</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher Ed</td>
<td>29</td>
<td>32</td>
<td>62</td>
<td>68</td>
<td>91</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10th Grade and Up)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Ed</td>
<td>16</td>
<td>28</td>
<td>42</td>
<td>72</td>
<td>58</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9th Grade and Less)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Additional Variables</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade's Education</td>
<td>6</td>
<td>33</td>
<td>12</td>
<td>67</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>48</td>
<td>31</td>
<td>108</td>
<td>69</td>
<td>156</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Use</td>
<td>9</td>
<td>36</td>
<td>16</td>
<td>64</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Number</strong></td>
<td>53</td>
<td>32</td>
<td>111</td>
<td>68</td>
<td>164</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Aboriginal probationers in Manitoba (Bonta et al., 1997). Sixty-eight percent recidivism was considerably higher than the recidivism statistic of 35% for all Canadian offenders determined by the Canadian Centre for Justice Statistics (1993) as cited by Roberts and La Prairie (1996, p. 73). The 47 offenders in the age group of 18 to 25, had the lowest percent of those reintegrated, 28%, of all age categories. Chi-squares conducted on the age group of offenders and percentage of reintegrated or stigmatized were not significant.

Seventy-one percent of offenders who were categorized as unemployed, or only employed seasonally, were recidivists (i.e., reinvolved with the criminal justice system). Seventy percent of the single population were stigmatized; 67% of offenders who were either married or in a common-law relationship were stigmatized; and 76% of offenders who were divorced or separated were
stigmatized. An offender’s marital status did not make a significant difference in offender recidivism.

Sixty-eight percent of offenders with a higher level of education were stigmatized. Seventy-two percent of offenders with a lower level of education were stigmatized. Sixty-seven percent of offenders with an education in the trades were stigmatized. Having an education in a trade did not reduce recidivism for this population.

Information about the extent of the offender's use of alcohol and drugs was limited. Data on alcohol and/or drugs were compiled through an examination of files and court records for alcohol or drug related charges or convictions. Data indicated that 69% of offenders who used alcohol were stigmatized. Sixty-four percent of offenders who used drugs were stigmatized. This high percent of recidivism for offenders involved with alcohol and/or drug-use indicated that substance abuse was an important factor in this population.

Data on the rate of recidivism for all Yukon offenders have not been compiled. Therefore, it was not possible to compare the rate of recidivism of the circle sentencing program with the rate of recidivism for offenders sentenced within the formal justice system.

**Offenders in the 18-25 Age Group**

Braithwaite (1989) considered the age group of 18 to 25 at the highest risk for reoffending following a reintegrative shaming intervention. According to Braithwaite (1989), recidivism would be more likely for offenders with the following characteristics: 1) between 18 and 25; 2) male; 3) single; 4) seasonal employment or unemployed; and 5) low educational status. He believed that this group would be less likely to have strong social ties and obligations. Therefore, reintegrative shaming experience would have less meaning for this group than
for the other age groups. Specific information on this age group are presented in
the following section. (See Table 4).

Table 4.

*Demographic Characteristics of Offenders between the Age Range of 18-25*

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>43</td>
<td>92</td>
</tr>
<tr>
<td>Female</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Marital Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>26</td>
<td>58</td>
</tr>
<tr>
<td>Married or Common-law</td>
<td>17</td>
<td>38</td>
</tr>
<tr>
<td>Divorced or Separated</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Employment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal or Unemployed</td>
<td>41</td>
<td>89</td>
</tr>
<tr>
<td>Student</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Unemployable</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Traditional/Artist</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Educational Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower Ed</td>
<td>25</td>
<td>57</td>
</tr>
<tr>
<td>(Ninth grade or lower)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher Ed</td>
<td>19</td>
<td>43</td>
</tr>
<tr>
<td>(10th Grade and up)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interdependency Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>18</td>
<td>38</td>
</tr>
<tr>
<td>High</td>
<td>29</td>
<td>62</td>
</tr>
<tr>
<td>Additional Variables</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trades Ed</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>46</td>
<td>98</td>
</tr>
<tr>
<td>Drug Use</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>Community</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>28</td>
<td>60</td>
</tr>
<tr>
<td>Rural</td>
<td>19</td>
<td>40</td>
</tr>
</tbody>
</table>
Offenders with all of these characteristics met the criteria for low interdependency. Eighteen of the 47 in this age group met all of the criteria for low interdependency. Nine-two percent of the 18-25 age group were male; 58% single; 89% unemployed or seasonally employed; and 57% had a low educational status. Sixty percent of the offenders in this age group lived in Whitehorse and 40% lived in a rural community.

Ninety-eight percent of this age group were identified as having been involved with alcohol. Nineteen percent of the 18-25 age group were involved with using, growing, and/or trafficking in drugs. Four percent had a trade education.

The largest percentage of subsequent convictions occurred in the 18 to 25 age group. Twenty-nine (62%) were re-convicted; 18 (38%) were not re-convicted. The descriptive information seemed to support Braithwaite's theory that stigmatization, or recidivism, occurred more frequently for individuals with low interdependency characteristics. However, the results of chi-square analysis on these data were not significant. (See Table 5).

Table 5.

<table>
<thead>
<tr>
<th>Interdependency and Convictions Status for the 18-25 Age Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Interdependency Status</td>
</tr>
<tr>
<td>Characteristics N = 18</td>
</tr>
<tr>
<td>Convicted</td>
</tr>
<tr>
<td>12 (67%)</td>
</tr>
<tr>
<td>Not Convicted</td>
</tr>
<tr>
<td>6 (33%)</td>
</tr>
<tr>
<td>High Interdependency Status</td>
</tr>
<tr>
<td>Characteristics N = 29</td>
</tr>
<tr>
<td>Convicted</td>
</tr>
<tr>
<td>17 (59%)</td>
</tr>
<tr>
<td>Not Convicted</td>
</tr>
<tr>
<td>12 (41%)</td>
</tr>
<tr>
<td>Total of Age Group = 47</td>
</tr>
<tr>
<td>Convicted</td>
</tr>
<tr>
<td>29 (62%)</td>
</tr>
<tr>
<td>Not Convicted</td>
</tr>
<tr>
<td>18 (38%)</td>
</tr>
</tbody>
</table>
Analysis of Interdependency Variables

Regression analysis includes both continuous and categorical variables. The predictor variables (i.e., offender characteristics) used as either continuous or categorical variables are outlined in Table 6.

Table 6.

<table>
<thead>
<tr>
<th>Offender Characteristic</th>
<th>Continuous</th>
<th>Categorical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Gender</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Marital Status</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Education Status</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Employment Status</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Trades Ed</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Alcohol</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Drugs</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The variables of age and educational status were able to be used as continuous and categorical variables. The relationships between interdependency predictor and criterion variables were analyzed with multiple and logistic regression models. The criterion variables used to test the interdependency predictor variables were: 1) the number of convictions for the multiple regression models; and 2) an offender's status as either reintegrated or stigmatized for the logistic regression models. The regression models are presented below.
Multiple Regression Models

Two regression models were used to test the interdependency predictor and criterion variables. The first regression model included only the offender characteristics suggested by Braithwaite (1989) (age, gender, marital status, educational status, and employment).

Table 7.

Multiple Regression on Criterion Variable of the Number of Convictions

<table>
<thead>
<tr>
<th>Predictor Variable</th>
<th>B</th>
<th>Std Err</th>
<th>β</th>
<th>t</th>
<th>Sig.(p)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>-1.242</td>
<td>.728</td>
<td>-.147</td>
<td>-1.706</td>
<td>.090</td>
</tr>
<tr>
<td>Age 18-25</td>
<td>.361</td>
<td>.683</td>
<td>.055</td>
<td>.529</td>
<td>.598</td>
</tr>
<tr>
<td>Age 26-33 Excluded by SPSS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age 34-41</td>
<td>.121</td>
<td>.664</td>
<td>.018</td>
<td>.183</td>
<td>.855</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>.669</td>
<td>1.114</td>
<td>.060</td>
<td>.601</td>
<td>.549</td>
</tr>
<tr>
<td>Age 50+</td>
<td>-1.760</td>
<td>1.673</td>
<td>-.097</td>
<td>-1.052</td>
<td>.295</td>
</tr>
<tr>
<td>Single</td>
<td>-3.830</td>
<td>3.295</td>
<td>-.626</td>
<td>-1.162</td>
<td>.247</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>-3.395</td>
<td>3.216</td>
<td>-.377</td>
<td>-1.056</td>
<td>.293</td>
</tr>
<tr>
<td>Married/Common-law</td>
<td>-3.692</td>
<td>3.177</td>
<td>-.410</td>
<td>-1.162</td>
<td>.247</td>
</tr>
<tr>
<td>Full-time</td>
<td>-1.633</td>
<td>1.143</td>
<td>-.133</td>
<td>-1.428</td>
<td>.156</td>
</tr>
<tr>
<td>Student</td>
<td>-1.606</td>
<td>1.213</td>
<td>-.116</td>
<td>-1.324</td>
<td>.188</td>
</tr>
<tr>
<td>Traditional/Artist</td>
<td>-.866</td>
<td>1.246</td>
<td>-.062</td>
<td>-.695</td>
<td>.488</td>
</tr>
<tr>
<td>Last Grade</td>
<td>-.123</td>
<td>.179</td>
<td>-.063</td>
<td>-.685</td>
<td>.494</td>
</tr>
<tr>
<td>Seasonal/Unemployed</td>
<td>Excluded by SPSS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

p. <.05; $R^2 = .080; F = .933$ (n.s.) Total N = 164

None of the predictor variables were significant. The overall model was ($F = .933$, n.s.) not significant and explained very little of the variance of the criterion variable. (See Table 7).
Table 8.

*Multiple Regression with Additional Variables*

<table>
<thead>
<tr>
<th>Predictor Variables</th>
<th>B</th>
<th>Std. Err</th>
<th>B</th>
<th>t</th>
<th>Sig.(p)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 18-25</td>
<td>.297</td>
<td>.694</td>
<td>.221</td>
<td>1.224</td>
<td>.233</td>
</tr>
<tr>
<td>Age 26-33</td>
<td>Excluded by SPSS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age 34-41</td>
<td>3.809E-02</td>
<td>.684</td>
<td>.006</td>
<td>.056</td>
<td>.956</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>.675</td>
<td>1.122</td>
<td>.061</td>
<td>.6021</td>
<td>.548</td>
</tr>
<tr>
<td>Age 50+</td>
<td>-1.529</td>
<td>1.670</td>
<td>-.085</td>
<td>-.915</td>
<td>.362</td>
</tr>
<tr>
<td>Gender</td>
<td>-1.120</td>
<td>.749</td>
<td>-.131</td>
<td>-1.495</td>
<td>.138</td>
</tr>
<tr>
<td>Single</td>
<td>-.497</td>
<td>.757</td>
<td>-.090</td>
<td>-.657</td>
<td>.512</td>
</tr>
<tr>
<td>Married/Common-law</td>
<td>-3.666</td>
<td>3.240</td>
<td>-.612</td>
<td>-1.132</td>
<td>.260</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>-3.270</td>
<td>3.204</td>
<td>-.367</td>
<td>-1.021</td>
<td>.309</td>
</tr>
<tr>
<td>Seasonal/Unemployed</td>
<td>Excluded by SPSS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-Time</td>
<td>-1.448</td>
<td>1.148</td>
<td>-.119</td>
<td>-1.261</td>
<td>.210</td>
</tr>
<tr>
<td>Student</td>
<td>-1.721</td>
<td>1.217</td>
<td>-.126</td>
<td>-1.415</td>
<td>.160</td>
</tr>
<tr>
<td>Traditional/Artist</td>
<td>-1.033</td>
<td>1.304</td>
<td>-.076</td>
<td>-.792</td>
<td>.430</td>
</tr>
<tr>
<td>Last Grade Completed</td>
<td>-9.224-02</td>
<td>.188</td>
<td>-.048</td>
<td>-.490</td>
<td>.625</td>
</tr>
<tr>
<td>Trades Education</td>
<td>-.620</td>
<td>.872</td>
<td>-.068</td>
<td>-.711</td>
<td>.478</td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>-1.460</td>
<td>2.271</td>
<td>-.058</td>
<td>-.643</td>
<td>.522</td>
</tr>
<tr>
<td>Drug Use</td>
<td>.253</td>
<td>.144</td>
<td>.152</td>
<td>1.759</td>
<td>.081</td>
</tr>
</tbody>
</table>

*p. <.05; R^2 = .107; F = .986 (n.s.)*  
Total N = 164

The regression model with the interdependency variables and the additional variables was not significant (F = .986, n.s.). None of the predictor variables were significant. This overall model explained very little of the variance in the criterion variable. The data are presented in Table 8.

In summary, the multiple regression models explained very little of the
variance of the criterion variable. The next section examines the data through logistic regression models.

**Logistic Regression Models**

Logistic regression is an appropriate statistical method for a dichotomous variable. Using logistic regression also provided an opportunity to further statistically analyze the data. The dichotomous criterion variable was an offender's status as either reintegrated (no contact with the justice system) or stigmatized (convictions, criminal charges, and/or days in jail) within the three-year follow-up period. In logistic regression, Nagelkerke R Square is considered a "pseudo R square" (SPSS, 2001).

Two logistic regression Analysis were conducted on the data. The first model included only Braithwaite's (1989) predictor variables for interdependency. The omnibus tests of model coefficients, classification table, and coefficients are in the tables below. (See Table 9).

<table>
<thead>
<tr>
<th>Step</th>
<th>Chi-Square</th>
<th>df</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block</td>
<td>13.494</td>
<td>12</td>
<td>.334</td>
</tr>
<tr>
<td>Model</td>
<td>13.494</td>
<td>12</td>
<td>.334</td>
</tr>
</tbody>
</table>

The omnibus tests of model coefficients provides information on the overall significance of each model (SPSS, 2001).
The information demonstrated that the chi-square were not significant.

Table 10.

*Classification Table*

<table>
<thead>
<tr>
<th>Observed</th>
<th>Predicted</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reintegrated</td>
<td>Stigmatized</td>
<td>% Correct</td>
</tr>
<tr>
<td>Reintegrated</td>
<td>10</td>
<td>31</td>
<td>24.4</td>
</tr>
<tr>
<td>Stigmatized</td>
<td>7</td>
<td>94</td>
<td>93.1</td>
</tr>
<tr>
<td>Overall Percentage</td>
<td></td>
<td></td>
<td>73.2</td>
</tr>
</tbody>
</table>

This model explained a small amount of the criterion variable (.130). The only predictor variable in this model that was significant was gender (*p.<.05, .005*). (See table 11).

Table 11.

*Logistic Regression Model*

<table>
<thead>
<tr>
<th>Predictor Variables</th>
<th>B</th>
<th>S.E</th>
<th>Wald</th>
<th>df</th>
<th>Sig.(p)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>-1.449</td>
<td>.513</td>
<td>7.985</td>
<td>1</td>
<td>.005*</td>
</tr>
<tr>
<td>Age 18-25</td>
<td>-.241</td>
<td>1.333</td>
<td>.033</td>
<td>1</td>
<td>.856</td>
</tr>
<tr>
<td>Age 26-33</td>
<td>-.120</td>
<td>1.314</td>
<td>.008</td>
<td>1</td>
<td>.927</td>
</tr>
<tr>
<td>Age 34-41</td>
<td>-.482</td>
<td>1.331</td>
<td>.131</td>
<td>1</td>
<td>.717</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>.066</td>
<td>1.430</td>
<td>.002</td>
<td>1</td>
<td>.963</td>
</tr>
<tr>
<td>Single</td>
<td>4.237</td>
<td>22.265</td>
<td>.036</td>
<td>1</td>
<td>.849</td>
</tr>
<tr>
<td>Married/Common-law</td>
<td>4.111</td>
<td>22.261</td>
<td>.034</td>
<td>1</td>
<td>.854</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>4.709</td>
<td>22.257</td>
<td>.045</td>
<td>1</td>
<td>.832</td>
</tr>
<tr>
<td>Seasonal Employment</td>
<td>.924</td>
<td>.880</td>
<td>1.103</td>
<td>1</td>
<td>.294</td>
</tr>
<tr>
<td>Full-Time Employ</td>
<td>.004</td>
<td>1.127</td>
<td>.000</td>
<td>1</td>
<td>.997</td>
</tr>
<tr>
<td>Student</td>
<td>.054</td>
<td>1.186</td>
<td>.002</td>
<td>1</td>
<td>.964</td>
</tr>
<tr>
<td>Last Grade Completed</td>
<td>.005</td>
<td>.137</td>
<td>.001</td>
<td>1</td>
<td>.971</td>
</tr>
</tbody>
</table>

*p.<.05; Nagelkerke R Square .130
Total N = 164
The second logistic regression model included Braithwaite's (1989) predictor variables and the additional variables (trades education, alcohol use, and drug use). The omnibus tests of coefficients, classification table, and coefficients for this second model are presented in the tables below.

Table 12.

Omnibus Tests of Model Coefficients

<table>
<thead>
<tr>
<th></th>
<th>Chi Square</th>
<th>df</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step</td>
<td>13.348</td>
<td>15</td>
<td>.575</td>
</tr>
<tr>
<td>Block</td>
<td>13.348</td>
<td>15</td>
<td>.575</td>
</tr>
<tr>
<td>Model</td>
<td>13.348</td>
<td>15</td>
<td>.575</td>
</tr>
</tbody>
</table>

The omnibus tests of model coefficients that gives the overall significance of each model indicated that this model was not statistically significant.

Table 13.

Classification Table

<table>
<thead>
<tr>
<th>Observed</th>
<th>Predicted</th>
<th>% Correct</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reintegrated</td>
<td>Stigmatized</td>
</tr>
<tr>
<td>Reintegrated</td>
<td>8</td>
<td>32</td>
</tr>
<tr>
<td>Stigmatized</td>
<td>7</td>
<td>92</td>
</tr>
<tr>
<td>Overall Percentage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The classification table indicated that this model only provided fair (71.9%) predictions. (See Table 13).
Table 14.

Logistic Regression with Additional Variables

<table>
<thead>
<tr>
<th>Variables</th>
<th>B</th>
<th>S.E</th>
<th>Wald</th>
<th>df</th>
<th>Sig.(p)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>-1.365</td>
<td>.529</td>
<td>6.653</td>
<td>1</td>
<td>.010*</td>
</tr>
<tr>
<td>Age 18-25</td>
<td>-.368</td>
<td>1.371</td>
<td>.072</td>
<td>1</td>
<td>.789</td>
</tr>
<tr>
<td>Age 26-33</td>
<td>-.223</td>
<td>1.345</td>
<td>.027</td>
<td>1</td>
<td>.868</td>
</tr>
<tr>
<td>Age 34-41</td>
<td>-.578</td>
<td>1.366</td>
<td>.247</td>
<td>1</td>
<td>.619</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>-.178</td>
<td>1.460</td>
<td>.015</td>
<td>1</td>
<td>.903</td>
</tr>
<tr>
<td>Single</td>
<td>4.279</td>
<td>22.265</td>
<td>.037</td>
<td>1</td>
<td>.848</td>
</tr>
<tr>
<td>Married/Common Law</td>
<td>4.184</td>
<td>22.261</td>
<td>.035</td>
<td>1</td>
<td>.851</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>4.805</td>
<td>22.256</td>
<td>.047</td>
<td>1</td>
<td>.829</td>
</tr>
<tr>
<td>Seasonal Employment</td>
<td>.699</td>
<td>.936</td>
<td>.557</td>
<td>1</td>
<td>.455</td>
</tr>
<tr>
<td>Full-Time</td>
<td>-.124</td>
<td>1.159</td>
<td>.011</td>
<td>1</td>
<td>.915</td>
</tr>
<tr>
<td>Student</td>
<td>-.280</td>
<td>1.254</td>
<td>.050</td>
<td>1</td>
<td>.823</td>
</tr>
<tr>
<td>Last Grade Completed</td>
<td>.050</td>
<td>.145</td>
<td>.117</td>
<td>1</td>
<td>.733</td>
</tr>
<tr>
<td>Trades Education</td>
<td>-.544</td>
<td>.645</td>
<td>.712</td>
<td>1</td>
<td>.399</td>
</tr>
<tr>
<td>Alcohol</td>
<td>.651</td>
<td>1.606</td>
<td>.165</td>
<td>1</td>
<td>.685</td>
</tr>
<tr>
<td>Drug Use</td>
<td>-.140</td>
<td>.546</td>
<td>.066</td>
<td>1</td>
<td>.798</td>
</tr>
</tbody>
</table>

*p. <.05; Nagelkerke R Square = .131

Total N = 164

The regression model with the additional variables only explained a small amount of the criterion variable of an offender as reintegrated or stigmatized. The only variable that was significant was gender (p.<.05*, .010*). (See Table 14).

Logistic Regression: Predictor and Added Variables

In summary, the multiple and logistics regression Analysis of the interdependency models accounted for very little of the variance of the criterion
variables. The null hypothesis that offender characteristics would predict recidivism were not significant when applied to the outcome data on offenders who participated in circle sentencing. Therefore, the null hypotheses that the interdependency predictor variables would explain offender recidivism (convictions or status as reintegrated and stigmatized) could not be rejected.

Analysis of Communitarianism Variables

Ten communities implemented the circle sentencing program between 1992 and 1997. The communities were: Beaver Creek, Burwash Landing, Carcross, Carmacks, Haines Junction, Mayo, Old Crow, Pelly Crossing, Teslin, and Whitehorse. (See Appendix B for a brief description of each community).

Braithwaite hypothesized that an urban community with high population mobility and changes, would be less successful at reintegrating offenders. The level of communitarianism (i.e., the community's capacity to reintegrate an offender) was measured by the following variables: 1) the population of each community in 1996; 2) the percent of population change between 1991-1996; and 3) the percent of mobility between 1991-1996 (Yukon Bureau of Statistics, 1999). As previously mentioned, the percentage of First Nation, intended to measure the homogeneity in the community, was not entered due to multicollinearity with other Communitarianism variables. The criterion variable used for the multiple regression analysis of communitarianism was the average level of crime in each community between 1994 and 1999.

The Kwanlin Dun First Nation lies within the City of Whitehorse. Whitehorse was the only community considered urban. All other communities were rural.
The data indicated that many communities experienced considerable population changes and population mobility. For example, between 1991 and 1996, Carmacks had a population increase of 33.5% and Burwash Landing had a decrease in population -24.70% (Yukon Bureau of Statistics, 1999). (Table 15).

Table 15.

Data on Communities

<table>
<thead>
<tr>
<th>Community</th>
<th>Population</th>
<th>%PopChg</th>
<th>%Pop Mobility</th>
<th>%FN Pop</th>
<th># Circles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver Creek</td>
<td>131</td>
<td>26.00</td>
<td>38</td>
<td>46</td>
<td>6</td>
</tr>
<tr>
<td>Burwash Landing</td>
<td>58</td>
<td>-24.70</td>
<td>26</td>
<td>69</td>
<td>6</td>
</tr>
<tr>
<td>Carcross</td>
<td>277</td>
<td>.00</td>
<td>14</td>
<td>67</td>
<td>16</td>
</tr>
<tr>
<td>Carmacks</td>
<td>466</td>
<td>33.50</td>
<td>10</td>
<td>64</td>
<td>20</td>
</tr>
<tr>
<td>Haines Junction</td>
<td>574</td>
<td>20.30</td>
<td>9</td>
<td>39</td>
<td>19</td>
</tr>
<tr>
<td>Mayo</td>
<td>324</td>
<td>33.30</td>
<td>6</td>
<td>62</td>
<td>7</td>
</tr>
<tr>
<td>Old Crow</td>
<td>278</td>
<td>8.60</td>
<td>20</td>
<td>90</td>
<td>8</td>
</tr>
<tr>
<td>Pelly Crossing</td>
<td>238</td>
<td>10.20</td>
<td>17</td>
<td>88</td>
<td>4</td>
</tr>
<tr>
<td>Teslin</td>
<td>309</td>
<td>.00</td>
<td>28</td>
<td>63</td>
<td>4</td>
</tr>
<tr>
<td>Whitehorse</td>
<td>19,157</td>
<td>6.90</td>
<td>25</td>
<td>14</td>
<td>75</td>
</tr>
</tbody>
</table>

| Total           |            |         |               |         | 164       |

Circle Sentencing in the Yukon Communities

The following information outlines the number of offenders and communities who participated in the circle sentencing program in the Yukon. Only the initial circle held for each offender was entered into these calculations. This information is outlined in Table 16.

Only the initial circle held for each offender was documented. Additional
circles may have been held for an offender, such as for a review of his or her progress in meeting the conditions of community service or probation. The majority of circles took place between 1992 and 1994.

Table 16.

**Circle Sentencing for Offender by Community and Year**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver Creek</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Burwash</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Carcross</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>16</td>
</tr>
<tr>
<td>Carmacks</td>
<td>9</td>
<td>7</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Haines Junction</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>Mayo</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Old Crow</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Pelly Crossing</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Teslin</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Whitehorse</td>
<td>9</td>
<td>22</td>
<td>24</td>
<td>11</td>
<td>6</td>
<td>3</td>
<td>75</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43</strong></td>
<td><strong>40</strong></td>
<td><strong>45</strong></td>
<td><strong>15</strong></td>
<td><strong>15</strong></td>
<td><strong>6</strong></td>
<td><strong>164</strong></td>
</tr>
</tbody>
</table>

**Community Crime Levels**

The limited number of sentencing circles, as well as many other factors outside of the researcher’s control, precluded drawing any conclusions about the impact that the circle sentencing program may have had on the rates of crime in the communities. An examination of the data demonstrated that the number of charges per one hundred population in the communities actually increased during the time frame of this study. "The overall crime rate in the Yukon also increased, rising from 22.9 in 1995 to 24.5 in 1999" (Yukon Bureau
of Statistics, 1999, p. 2). Data on the crime level in the community of Burwash Landing were not available. (See Table 17).

Table 17.

Community Crime Rates per 100 pop 1994 through 1999

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver Creek</td>
<td>31</td>
<td>62.9</td>
<td>27.1</td>
<td>36.2</td>
<td>61.3</td>
<td>85.0</td>
<td>50.6</td>
</tr>
<tr>
<td>Carcross</td>
<td>28</td>
<td>25.0</td>
<td>38.0</td>
<td>33.6</td>
<td>43.6</td>
<td>48.9</td>
<td>36.2</td>
</tr>
<tr>
<td>Carmacks</td>
<td>36</td>
<td>42.4</td>
<td>31.1</td>
<td>28.2</td>
<td>23.0</td>
<td>39.2</td>
<td>33.0</td>
</tr>
<tr>
<td>Haines Jct</td>
<td>25</td>
<td>12.5</td>
<td>11.0</td>
<td>12.0</td>
<td>12.7</td>
<td>14.7</td>
<td>14.7</td>
</tr>
<tr>
<td>Mayo</td>
<td>23</td>
<td>17.0</td>
<td>18.5</td>
<td>17.3</td>
<td>24.3</td>
<td>25.3</td>
<td>20.9</td>
</tr>
<tr>
<td>Old Crow</td>
<td>66</td>
<td>56.4</td>
<td>56.4</td>
<td>64.3</td>
<td>59.2</td>
<td>39.0</td>
<td>56.8</td>
</tr>
<tr>
<td>Pelly Crossing</td>
<td>39</td>
<td>57.2</td>
<td>82.0</td>
<td>56.0</td>
<td>60.9</td>
<td>71.5</td>
<td>61.1</td>
</tr>
<tr>
<td>Teslin</td>
<td>33</td>
<td>26.2</td>
<td>34.1</td>
<td>35.8</td>
<td>33.7</td>
<td>42.0</td>
<td>34.0</td>
</tr>
<tr>
<td>Whitehorse</td>
<td>28.4</td>
<td>19.9</td>
<td>20.2</td>
<td>23.0</td>
<td>18.5</td>
<td>20.8</td>
<td>21.8</td>
</tr>
<tr>
<td>Yukon</td>
<td>25.8</td>
<td>22.9</td>
<td>23.4</td>
<td>25.1</td>
<td>22.1</td>
<td>24.5</td>
<td>23.6</td>
</tr>
</tbody>
</table>

Communitarianism Regression Model

The null hypothesis on communitarianism was tested through a statistical analysis of the community predictor variables. Community population data were used to measure the urbanization of the community. Two variables were used to measure mobility: the percentage of population mobility and the percentage of community change. The criterion variable was the average crime rate in each community between 1994 and 1999. The multiple regression model entered all of the variables at the same time. (See Table 18).

Table 18.

Communitarianism Variables and Average Crime Level 1994-1999

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>Std. Error</th>
<th>Beta</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>%popchange 91-96</td>
<td>-.657</td>
<td>.387</td>
<td>-.525</td>
<td>-1.699</td>
<td>.150</td>
</tr>
<tr>
<td>%popmobility 91-96</td>
<td>-1.304</td>
<td>.612</td>
<td>-.657</td>
<td>-2.132</td>
<td>.086</td>
</tr>
<tr>
<td>Community Population</td>
<td>-7.852E-04</td>
<td>.001</td>
<td>-.297</td>
<td>-.991</td>
<td>.367</td>
</tr>
</tbody>
</table>

p. <.05; \( R^2 = .586; F = 2.361 \text{(n.s.)} \) Total N = 10

The communitarianism model was not significant in predicting the rates of crime in the community. None of the predictor variables were significant in this model. Therefore, the null hypothesis for communitarianism could not be rejected.

Analysis of Communitarianism and Interdependency Variables

The combined variables of communitarianism and interdependency variables were combined in multiple regression models. The first model only included Braithwaite's predictor variables of offender and communitarianism characteristics. The second model included the additional variables of trades
education, alcohol use, and drug use. The criterion variable for both models were the number of offender convictions. (See table 19).

Table 19.

**Regression Model: Interdependency & Communitarianism**

<table>
<thead>
<tr>
<th>Predictor Variables</th>
<th>B</th>
<th>Std. Error</th>
<th>Beta</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>%popchange91-96</td>
<td>5.382E-02</td>
<td>.056</td>
<td>.086</td>
<td>.958</td>
<td>.339</td>
</tr>
<tr>
<td>%popmobility 91-96</td>
<td>.271</td>
<td>.121</td>
<td>.196</td>
<td>2.236</td>
<td></td>
</tr>
<tr>
<td>.027*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Population</td>
<td>3.299E-06</td>
<td>.000</td>
<td>.012</td>
<td>.142</td>
<td>.887</td>
</tr>
<tr>
<td>Gender</td>
<td>-.917</td>
<td>.604</td>
<td>-.121</td>
<td>-1.518</td>
<td>.131</td>
</tr>
<tr>
<td>Age 18-25</td>
<td>1.117</td>
<td>1.047</td>
<td>.193</td>
<td>1.067</td>
<td>.288</td>
</tr>
<tr>
<td>Age 26-33</td>
<td>1.376</td>
<td>1.036</td>
<td>.249</td>
<td>1.328</td>
<td>.186</td>
</tr>
<tr>
<td>Age 34-41</td>
<td>1.378</td>
<td>1.087</td>
<td>.222</td>
<td>1.267</td>
<td>.207</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>1.626</td>
<td>1.198</td>
<td>.167</td>
<td>1.357</td>
<td>.177</td>
</tr>
<tr>
<td>Single</td>
<td>-.418</td>
<td>1.876</td>
<td>-.075</td>
<td>-.223</td>
<td>.824</td>
</tr>
<tr>
<td>Married/common-law</td>
<td>-.537</td>
<td>1.848</td>
<td>-.099</td>
<td>-.290</td>
<td>.772</td>
</tr>
<tr>
<td>Divorced/separated</td>
<td>-.188</td>
<td>1.862</td>
<td>-.022</td>
<td>-.101</td>
<td>.920</td>
</tr>
<tr>
<td>Full-time</td>
<td>-1.242</td>
<td>.907</td>
<td>-.118</td>
<td>-1.370</td>
<td>.173</td>
</tr>
<tr>
<td>Student</td>
<td>-1.203</td>
<td>1.056</td>
<td>-.093</td>
<td>-1.139</td>
<td>.257</td>
</tr>
<tr>
<td>Traditional/art</td>
<td>-1.407</td>
<td>1.069</td>
<td>-.108</td>
<td>-1.316</td>
<td>.190</td>
</tr>
<tr>
<td>Unemployable</td>
<td>-4.239E-02</td>
<td>1.678</td>
<td>-.002</td>
<td>-.025</td>
<td>.980</td>
</tr>
<tr>
<td>Last Grade Completed</td>
<td>-.108</td>
<td>.154</td>
<td>-.060</td>
<td>-1.702</td>
<td>.483</td>
</tr>
</tbody>
</table>

*p.<.05; R² = .095; F=.959 (n.s.)

The outcome of this regression model was not significant (F = .959, n.s.). The variable of the percent of population mobility between 1991-1996 was the only significant (.027*, p.< .05) predictor variable.
Table 20

Multiple Regression with Added Variables

<table>
<thead>
<tr>
<th>Predictor Variable</th>
<th>B</th>
<th>Std. Error</th>
<th>Beta</th>
<th>t</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>%popchange91-96</td>
<td>4.937E-02</td>
<td>.057</td>
<td>.078</td>
<td>.872</td>
<td>.385</td>
</tr>
<tr>
<td>%mobility 91-96</td>
<td>.269</td>
<td>.123</td>
<td>.194</td>
<td>2.185</td>
<td>.030*</td>
</tr>
<tr>
<td>Community Population</td>
<td>4.583E-06</td>
<td>.000</td>
<td>.016</td>
<td>.195</td>
<td>.846</td>
</tr>
<tr>
<td>Gender</td>
<td>-.997</td>
<td>.611</td>
<td>-.132</td>
<td>-1.631</td>
<td>.105</td>
</tr>
<tr>
<td>Age 18-25</td>
<td>1.153</td>
<td>1.062</td>
<td>.199</td>
<td>1.086</td>
<td>.279</td>
</tr>
<tr>
<td>Age 26-33</td>
<td>1.447</td>
<td>1.045</td>
<td>.262</td>
<td>1.385</td>
<td>.168</td>
</tr>
<tr>
<td>Age 34-41</td>
<td>1.407</td>
<td>1.095</td>
<td>.226</td>
<td>1.285</td>
<td>.201</td>
</tr>
<tr>
<td>Age 42-49</td>
<td>1.549</td>
<td>1.209</td>
<td>.159</td>
<td>1.281</td>
<td>.202</td>
</tr>
<tr>
<td>Single</td>
<td>-.451</td>
<td>1.884</td>
<td>-.081</td>
<td>-.239</td>
<td>.811</td>
</tr>
<tr>
<td>Married/Common-law</td>
<td>-.579</td>
<td>1.855</td>
<td>-.107</td>
<td>-.312</td>
<td>.755</td>
</tr>
<tr>
<td>Divorced/Separated</td>
<td>-6.767E-02</td>
<td>1.872</td>
<td>-.008</td>
<td>-.036</td>
<td>.971</td>
</tr>
<tr>
<td>Full-time</td>
<td>-1.220</td>
<td>.916</td>
<td>-.116</td>
<td>-1.333</td>
<td>.185</td>
</tr>
<tr>
<td>Student</td>
<td>-1.268</td>
<td>1.074</td>
<td>-.098</td>
<td>-1.181</td>
<td>.240</td>
</tr>
<tr>
<td>Traditional/art</td>
<td>-1.175</td>
<td>1.134</td>
<td>-.090</td>
<td>-1.036</td>
<td>.302</td>
</tr>
<tr>
<td>Unemployable</td>
<td>-.158</td>
<td>1.687</td>
<td>-.008</td>
<td>-.094</td>
<td>.926</td>
</tr>
<tr>
<td>Last Grade Completed</td>
<td>-6.398E-02</td>
<td>.163</td>
<td>-.036</td>
<td>-.393</td>
<td>.695</td>
</tr>
<tr>
<td>Trades Education</td>
<td>-.751</td>
<td>.743</td>
<td>-.089</td>
<td>-1.012</td>
<td>.313</td>
</tr>
<tr>
<td>Alcohol use</td>
<td>-.626</td>
<td>2.056</td>
<td>-.026</td>
<td>-.305</td>
<td>.761</td>
</tr>
<tr>
<td>Drug use</td>
<td>-.464</td>
<td>1.626</td>
<td>-.064</td>
<td>-.742</td>
<td>.460</td>
</tr>
</tbody>
</table>

*p < .05; R² = .122; F=1.055 (n.s.)  
Total N = 164

The second regression model included Braithwaite's predictor variables and the additional variables of trades education, alcohol use, and/or drug-use. These data are presented in Table 20. The predictor variable of population
mobility was significant (.030*, p.< .05). However, the model was not statistically significant in predicting the outcome. demonstrated a slight increase the accounted-for variance of the criterion variable (F = 1.055, n.s.).

The findings from the multiple regression models demonstrated that the combined data on interdependency and communitarianism were not significant in the prediction of offender convictions. Therefore, the null hypothesis could not be rejected. The variable of the percent of population mobility was significant in both regression models.

Summary

This chapter has outlined the results of the analysis of the data collected to answer the research questions. The characteristics of the population provided a demographic profile for the general offender population, as well as for the 18-25 age group.

The interdependency characteristics for offenders were entered into multiple and logistic regression models. None of the regression models were significant in predicting offender convictions or whether an offender was reintegrated or stigmatized.

Communitarianism characteristics of the participating communities were explored. Neither of the multiple or regression models were significant in predicting a reduction in community crime levels.

Communitarianism and interdependency variables were combined to determine whether they would predict offender recidivism (convictions). This model was not significant in predicting convictions.

In summary, none of the models used to test the null hypotheses in this study could be rejected. Chapter 4 will discuss the implications of these findings.
CHAPTER 4. DISCUSSION

This study used data on the Yukon’s circle sentencing program to test hypotheses based on the theory of reintegrative shaming (Braithwaite, 1989). The data Analysis included descriptive, as well as multiple and logistic regression. Retrospective data were collected on the 164 First Nation offenders and the 10 communities who participated in the circle sentencing program between 1992 and 1997. Follow-up data were compiled on offender recidivism for three-years following his or her initial circle sentencing.

The conclusions of this research were that the theory of reintegrative shaming could not be used to predict the outcome of the circle sentencing program as implemented in the Yukon. Therefore, none of the three null hypotheses could be rejected.

This chapter discusses the following topics: 1) to what extent did the circle sentencing program provide a valid example of the theory of reintegrative shaming; 2) implications of the research findings for social work practice; 3) limitations of this study; 4) directions for future research; and 5) conclusions. Comments and observations on best practices for social work practice with First Nations are discussed as they are related to the subject matter.

Theory of Reintegrative Shaming and Circle Sentencing Program

The theory of reintegrative shaming was proposed by Braithwaite in 1989. The theory outlined relationships among offender and community characteristics, as well as social, structural, and economic factors that could explain a process for offender reintegration. Identifying the characteristics that resulted in an effective outcome could improve community-based programs and services.

The circle sentencing program (Stuart, 1992, 1997) was initiated in the Yukon Territory (Canada) in 1992. The following discussion considers possible
explanations for the research findings on the theory of reintegrative shaming and the circle sentencing program in the Yukon.

Theory of Reintegrative Shaming

Braithwaite (1989), a criminologist and theorist, developed the theory of reintegrative shaming through his knowledge and experience with offenders and communities. His theory proposed that an offender’s sense of obligation and commitment to the community, or interdependency, as well as the community's sense of ownership of the process, were critical elements for the successful outcome of reintegrative shaming.

The theory identified specific offender and community characteristics that predicted an offender's capacity to be reintegrated or stigmatized following a shaming intervention (i.e., circle sentencing). This study’s findings on interdependency, communitarianism, and combined interdependency and communitarianism variables are discussed below.

Offender Interdependency

Braithwaite (1989) predicted that male offenders between 18 to 25, who were single, had a low level of education, and were primarily unemployed would have a low level of interdependency (i.e., commitment to the community). These individuals were considered at the highest risk for reoffending following reintegrative shaming. An offender was considered reintegrated if they had had no further contact with the justice system. Stigmatized offenders had further convictions, criminal charges, and/or days in jail following his or her initial circle sentencing.

The majority of offenders who participated in the circle sentencing program were male (86%), married or in a common-law relationship (50%), employed seasonally or unemployed (80%), and with an average formal educa-
tion of 9.7 years. When these data on offenders' characteristics (i.e., predictor variables) were entered into both multiple and logistic regression models, the results of the models were not significant. The additional variables (trades education, alcohol and/or drug use) contributed very little explanation of the criterion variables.

The only variable in the regression Analysis that was significant was gender. The majority of offenders participating in circle sentencing were male. They were also more likely to be involved with subsequent convictions.

Research conducted by Bonta et al. (1997) determined that the most significant characteristics for predicting offender recidivism were: 1) the individual's criminal history; 2) his or her age at first conviction; 3) evidence of substance abuse; and 4) association with criminal peers. The first three characteristics were not included as variables in Braithwaite's theory. Association with criminal peers was included as a possible explanation for offender stigmatization. However, alcohol and/or drug use were included in this study as additional explanatory variables. Ninety-five percent of this population were involved with the use of alcohol; 20% were involved with drugs. Eleven percent had a trades education.

The demographic characteristics of offenders between 18 and 25 years old were: male (92%); single (55%); unemployed or seasonally employed (87%); and low educational status (57%). The descriptive statistics indicated that 62% of offenders within the 18-25 age group were convicted of additional crimes within the three year follow-up period. Chi-square Analysis of age categories and offender's status as convicted or not convicted were not significant.

Many young people within the general population 18-25 age group have not established a long-term relationship. The lack of employment, especially in
rural communities, often results in chronic unemployment (Boldt, 1994). Limited employment experience would also make it difficult for an individual to develop the employment skills that could lead to longer-term employment.

Other possible factors for offenders which were not included in the theory were an offender's history of medical and/or emotional issues, such as mental illness, emotional trauma, or as a result of a Fetal Alcohol Spectrum Disorder (Fetal Alcohol Syndrome and Fetal Alcohol Effect). Individuals with these disabilities would have had a limited capacity to understand and respond to the circle sentencing process and to benefit from the offers of support. These issues would also interfere with an offender's ability to meet the expectations of the circle, the court's recommendations, and to comply with the sentencing requirements (Burke, 2000; Coates & Powell, 1989).

Communitarianism

Braithwaite's (1989) theory made several assumptions about a community's capacity for reintegrating an offender. The theory suggested that a smaller and rural community would have more stability (i.e., lower rates of mobility and population change) than an urban community would have. The predictor variables for the regression models for communitarianism were: the size of the population, the percentage of mobility, and the percent of population change. The percent of First Nations in each community, an indicator of homogeneity, was excluded as a predictor variable due to collinearity. The outcome variable for the analysis of communitarianism factors was the average crime rate for each community between 1994 and 1999.

This study found that participating communities had experienced large fluctuations in size and mobility of their populations. The variable of percent population mobility was the only significant variable in the model that combined
interdependency and communitarianism. The impact of a large increase or decline in the population could effect the members of the community in various ways (Weigel & Busch-Rossnagel, 1994). Major population changes in a community could disrupt the community's sense of cohesion, and consequently reduce its ability to shame, as well as to support an offender or victim.

Communities with the largest percentage of First Nations were smaller and in more remote areas in the Yukon. These data on communitarianism factors was a much stronger relationship than interdependency statistics, however the results of these models were not significant.

These data indicated that as the population of the community increased, the rates of crime decreased. Whitehorse had a lower rate of crime than most of the rural communities. This presented a major contradiction between the assumptions about a rural community in the theory of reintegrative shaming (Braithwaite, 1989) and the reality of rural communities in the Yukon. Other differences between an urban and rural community could also affect the outcome of circle sentencing. For example, an offender in the smaller communities would lack the anonymity possible within a larger community and be easily identified. Also, the crime statistics in Whitehorse would have been distributed over a much larger population.

Braithwaite believed that ideally the family and the community would provide informal social controls to shape an individual's behavior to meet social expectations. Formal social control mechanisms, such as the criminal justice system, should only become involved when the informal methods have failed. The offender's family of origin may not have been able to provides the structure needed to socialize and support informal control mechanisms. Participating offenders may have grown up in a disorganized and dysfunctional families.
Adults who had grown up in residential schools would have lacked the opportunity to develop parenting skills. They would also have missed the opportunity to learn their language and knowledge about their cultural values, beliefs, and traditions (Cruikshank, 1977).

**Social, Structural, and Economic Factors.**

Braithwaite (1989) considered social, structural, and economic factors as a possible explanation for an offender’s reintegration or stigmatization following reintegrative shaming. There are several complex reasons why an offender becomes involved in criminal behaviors. Issues of poverty, literacy, mental health, and addictions need to be considered in the assessment of an offender and their capacity to meet the sentencing expectations (Morris, 1995).

Braithwaite (1989) proposed that if an offender from a minority and disadvantaged population was unable to have his or her needs met through legitimate means, they might meet their needs through illegal activities. Many First Nation people experienced racial discrimination, oppression as the result of policies and institutions of assimilation.

An offender’s identification with a subculture with other offenders would minimize the influence of community members, as well as that of mainstream social institutions, such as justice and social welfare. The large percentage of offenders (68%) stigmatized after circle sentencing may have been a reflection of the offenders’ identification with a subculture. Relationships with peer groups may have superceded other relationships within the community.

**Communitarianism and Interdependency**

Data on Communitarianism and Interdependency were combined in two multiple regression models. The first model included the offender interdependency (age, gender, marital status, educational status, and employment status)
and communitarianism characteristics (community population, percent of mobility, and percent of population change). The criterion variable was the number of offender convictions.

The second model included interdependency, communitarianism, and the additional variables (trades education, alcohol and/or drug use) as predictor variables. The second model accounted for a very small amount of the variance of the criterion variable.

The following discussion considers some of the assumptions of the circle sentencing program. The explanations include possible factors for the outcome of the circle sentencing program.

*Circle Sentencing Program*

Literature on the circle sentencing program suggested that it involved the offender, family, victim, and community in an innovative relationship within the formal justice system (Stuart, 1992, 1997). The literature suggested that participation in the circle sentencing program was expected to: 1) rehabilitate an offender; 2) empower the community; 3) inform the community about the criminal justice system; 4) improve communication among participants; 5) restore an offender's relationship with the victim, and others in the community; 6) make communities safer; and 7) provide community members with skills that could be applied to other social problems (Stuart, 1993, 1997). An evaluation of the extent to which the circle sentencing program met all these stated objectives was beyond the scope of this study. However, offender recidivism and community crime rates were considered.

Fifty-three percent of offenders who participated in circle sentencing were convicted of crimes within the three year follow-up period. The recidivism statistic increased to 68% when criminal charges and/or days in jail were included.
This high percentage of offender recidivism demonstrated that the majority of those participating in circles continued to be engaged in criminal activities.

Data on whether the type or severity of crimes changed after an offender's circle sentencing were not included in this study. It is possible that offenders modified their criminal activities in some way that was not obvious from the statistics. For example, perhaps they committed fewer or less serious crimes after participating in the circle. Offenders may also have initiated other changes that would eventually lead to a life free of crime. Also, observers and participants in the circle may have benefitted from their involvement with circles in ways that were outside the scope of this research.

Community Involvement

The majority of sentencing circles were held between 1992 and 1994. Stuart (1995) explained that several communities began offering circle sentencing as an option for offenders when the circle sentencing program began. However, initial enthusiasm was diminished when the participants realized that the program required an extensive commitment of time and effort. In addition, there were expectations that the results of the intervention (i.e., offender rehabilitation) would happen quickly. When the results of circle sentencing were not immediate, some communities stopped using circles. A few communities later resumed offering circle sentencings but the participants’ expectations were more realistic (public presentation at Yukon College, 1995).

An offender with multiple social issues would require considerable support and services to make the necessary changes in their life to reject criminal activities. The level of offender support may not have been available within the community or even within the Yukon. An offender may not have received the amount of monitoring needed. If an offender did not receive the support, or
enforcement of the sentencing sanctions, he or she may not have recognized the seriousness of completing the sentencing requirements.

Restorative Justice Initiatives

Other reasons for the reduction in the number of sentencing circles may have been the introduction of other restorative justice initiatives in the Yukon in the last ten years. These interventions included programs for youth and domestic violence.

Family group conferencing was introduced to provide an opportunity for young people to be diverted from youth court through participation in alternative justice sessions. Youth charged with offenses had an option to be involved with family members, the victim(s), and support people to discuss the charges. The youth were encouraged to learn from their mistakes and could avoid more formal court procedures. Youth who failed to complete the alternative options could later be brought to the formal youth court.

The most recent restorative justice initiative in the Yukon has been the introduction of the Domestic Violence Treatment Option (DVTO) in May, 2000. This option is used in cases of spousal abuse. A male or female adult offender has the opportunity to participate in a treatment option prior to sentencing in the criminal courts.

In order to access the DVTO program, offenders have to admit their guilt and attend a series of sessions offered by the Spousal Abuse Program, Family Violence Prevention Unit of the YTG. Support services are also available for the victims of crime. This program is being formally evaluated to determine whether it reduces the number of spousal assaults in the Yukon (Kwan, 2002).
Victims

Serious concerns about the role of the victim in restorative justice have been expressed by victims and professionals who worked with victims of crime (Durst et al., 1997). Braithwaite only briefly examined the role of the victim in his theory. However, the literature on circle sentencing noted that the victim's participation was important for an effective circle sentencing (Stuart, 1997).

It is important to recognize that sentencing, whether through formal court or a circle sentencing, is primarily a legal function to manage an offender's sentence. A circle sentencing may have been limited in its ability to adequately address the needs of the victim. An extensive examination of the role of the victims, as well as their level of participation in circle sentencings was outside of the scope of this study. In a preliminary analysis of these data on victims, it appeared that the circle proceeded whether the victim was present or not.

Alcohol and/or Drug Use

This study found that the offender population had a very large percentage (95%) involved with alcohol and/or drugs. It was not possible to assess the extent or history of an offender's use of alcohol and/or drugs. Addiction issues are complex and are often considered a symptom of underlying issues, such as poverty and racism (Collier, 1984). If poverty was a factor for the offender, it would not have been realistic for any single intervention, such as circle sentencing, to overcome the realities of an offender's life circumstances.

These findings also raised questions about the availability and adequacy of addiction services in the Yukon. Ideally, services for the assessment and treatment of an offender and his or her family; the victim and his or her family; and the community would be readily available. Currently, the majority of social services, including addictions treatment programs, are offered in Whitehorse
Offenders from rural communities often have to relocate to Whitehorse to obtain alcohol and/or drug programs. Interventions with offenders involved with substance abuse would require additional and long term resources in the community. Supports should be available to the entire family, especially the children who were exposed to alcohol abuse and/or family violence.

**Critical Analysis of Reintegrative Shaming and Circle Sentencing Program**

There are several possible explanations for the results of this study. One possibility is that the circle sentencing program was not a valid example of the application of the theory of reintegrative shaming. It is also possible that this theory may not be applicable to programs predominantly for First Nation populations.

Another explanation is the way that the circle sentencing program was implemented. A critical issue is whether, or to what extent, shaming took place in the circle. Effective shaming should result in an offender accepting full responsibility for his or her criminal acts. Shaming may seem harsh; however it was supposed to occur within caring and supportive relationships. Following the shaming part of the process, the participants would look for ways to support the offender in his or her rehabilitation (Braithwaite, 1989).

An offender may or may not have felt shamed through his or her participation in circle sentencing. It is possible that circle sentencing did not emphasize offender accountability to the extent considered necessary by Braithwaite (1989).

It was also possible that the indicators used to measure the variables in this research did not accurately reflect the concepts proposed by Braithwaite (1989). Other variables could have been more valid predictor and criterion variables for research on this topic.
Limitations of the Study

The limitations of this study were primarily methodological and analytical issues resulting from the reliance on secondary data to test the research hypotheses. A retrospective study has to rely on the quality and quantity of data collected by various agencies. In some cases, these data were not available in the documents. For example, information on the demographic characteristics of offenders was sometimes incomplete. Obtaining the rates of crime in communities prior to 1995 was difficult. For example, data specifically on the crime rates for Burwash Landing were not available.

An important gap in the available information was the lack of details on what occurred within the circle sentencing. Shaming is a critical part of Braithwaite’s (1989) theory of reintegrative shaming. This lack of information made it impossible to determine the level an offender’s shaming, or accountability, by the community. The files also had little information on the extent or effectiveness of the follow-up activities (i.e., support groups) for an offender.

These data considered in this study involved populations in rural communities and small numbers of participants. Interpretation of these data must be very cautious to avoid misinterpretation.

Another limitation of this study included the inability to control and manipulate variables. The inability to randomly select and assign participants to a treatment intervention made it impossible to generalize the findings of this research to other communities or populations.

Offenders volunteered to participate in the circle sentencing program. His or her application had also been reviewed and accepted in the community involved with the program. These factors made this group unique to other offender populations.
Working with statistical analysis provide several challenges. Multiple statistical Analysis of data increased the possibility of Type 1 and Type 2 errors. This research included the entire population of offenders who participated in circle sentencing. A census population eliminates possible sampling errors.

This study presented data on the outcome (recidivism) of the circle sentencing program. The lack of statistics on offender recidivism in the Yukon precluded any comparison of these findings with data on the offenders who proceeded through the formal court procedures in the Territory.

Implications for Social Work Practice

Restorative justice initiatives, such as reintegrative shaming and the circle sentencing program, encompass topics important for the social work profession. The social work topics discussed are: 1) social justice and empowerment; 2) offender rehabilitation; 3) cultural issues) and 4) community development.

Social Justice and Empowerment

A key social work principle is to ensure that minorities have access to resources and social justice (Hepworth & Larsen, 1986). The current literature demonstrates the empowerment and strengths perspective (Saleebey, 1992); meaningful involvement of minorities in decision-making (Solomon, 1985); expanded access to resources (Hepworth & Larsen, 1986); and anti-discriminatory perspectives (Devore & Schlesinger, 1996).

The empowerment process helps communities identify strengths, rather than focus on the social problems. First Nations can draw on the cultural traditions, values and kinship relationships as foundations to build on future developments (Morrissette et al., 1993). This topic is explored in the community development section of this paper.
Social workers need to learn about the cultural traditions of the community. In communities with First Nations populations, it would be important for social workers to identify local resources, such as respected Elders, who could provide cultural knowledge, advice, and support. Actions of well-intentioned social workers could be destructive if their plans for rehabilitation contravene social taboos through an ignorance of the local traditions and leadership (Collier, 1984).

**Offender Rehabilitation**

Social workers need to be prepared to work closely with community members and professionals to consider what intervention, or modification of the current intervention, would be most effective in the rehabilitation of offenders. Social work with First Nations offenders should first assess the strengths and weaknesses and particular needs of the offender and determine their hopes, and plans for the future. Part of any assessment would include a determination of the individual’s support network and important relationships.

As previously mentioned, this study determined that the majority of the research population were either directly or indirectly involved with alcohol and/or drugs. An assessment of the individual should consider the individual’s history and pattern of substance abuse.

Sixty-two percent of the offenders were either married, divorced, or separated at the time of the circle sentencing. Families should also be included in the assessment and case planning. The children in the families should be involved in any treatment plan, especially if they have witnessed abuse. In some cases members of the family may have been the victims of the offenders. Fifty-five percent (91) of offenders had at least a 10th-grade education. Eleven percent (18) had an education in a trade. Seventy-seven percent were either
unemployed or only seasonally employed. Developing further educational and employment goals would be part of the planning process for rehabilitation.

**Cultural Issues**

Cultural issues are recognized as important factors for social workers to take into consideration in their work with culturally diverse populations (Hepworth & Larsen, 1986; Morissette et al., 1993; Solomon, 1985). This is especially important in effective social work practice with First Nation's individuals and communities. The status of First Nations people as a minority group with institutionalized dependency was enforced by oppressive government social policies and social programs. First Nation cultures can be restored from the effects of colonialism through understanding and valuing cultural traditions and language (Morissette et al., 1993).

First Nation people in the Yukon are currently involved in the implementation of land claims and self-government agreements. The self-government agreements are considered a mechanism for First Nations to take control over the social, justice, and economic institutions. Control over the institutions will allow the First Nations to design policies and programs based on their values and traditions.

Many First Nations are interested in working collaboratively with social workers and justice officials to resolve the underlying social issues and reduce the problems of family violence, child abuse, addictions, and crime. Social Workers will need to be flexible, patient, and respectful as they collaborate to design innovative programs. It will also take time and commitment to the social work principle of community self-determination.

Particular skills in conflict resolution would also be necessary to work effectively in communities with populations who may have diverse values and
interests. Defining common values (i.e., common ground) permits a community to reach a consensus on the principles, priorities, and visions that could guide the planning and development of the community (Kuyek, 1990).

Community Development

Effective social work in rural communities requires community development knowledge and skills, as well as an understanding of policy development, advocacy, cultural diversity, and minority populations (Solomon, 1985). The findings of this study provide several issues with implications for social work practice.

Community factors helped to explain the levels of crime, this suggested that the community has an impact on the level of crime. Although it is not possible to restrict mobility and change, it indicates that these changes may put the community in stress. Additional planning may need to take place to support and maintain the necessary support systems, especially for the vulnerable populations.

Social workers need to be prepared to understand the desires and capacity of the community to manage social issues. Social workers with community development skills could help community members to understand and analyze the social systems and issues of power and control. Community development theories suggest that there are different strategies for introducing community change (Rothman, Erlich, & Tropman, 1995).

This topic emerged when the circle sentencing program was examined from a community development approach. From the literature and discussions about circle sentencing, this initiative was proposed and introduced by the justice system, and not by community members (Stuart, public presentation at Yukon College, 1995; Stuart, 1997). This may have presented a major obstacle
for gaining broad grass-root support and involvement. It would also have limited a community's sense of ownership of the process.

Community Participation Model

Social workers who use a community participation model begin the process of change by working with community members to help them identify their primary values, needs, and priorities. This process involves the community in the development of any initiatives and provides a sense of ownership over the subsequent programs.

Building from the ground up also provides an opportunity for participants to build the skills and knowledge that will help them in the subsequent development and implementation and delivery of a new program. This capacity-building also helps to sustain a program over time. This approach would also build on First Nation holistic worldview. The issues would be understood and integrated within the context of the community. A holistic approach would be a dramatic shift from the tendency to compartmentalization social and justice issues by government policies and agencies.

Role Clarification

Role clarification should also be discussed when considering the implementation of a new initiative, such as the circle sentencing program. Clarification would assist social work and justice professionals to understand who is responsible for monitoring whether the offender met the requirements of the sentence. This would include reporting to the court on the offender's progress, or lack of it, to meet his or her probation requirements. Members of the community support groups could be reluctant to let probation officers know when an offender had not met his or her sentencing requirements (Gatensby, personal communication,
Lack of adequate and/or effective follow-up support may have been a factor in the high level of offender recidivism.

Members of the community involved with the circle sentencing program required considerable support and education to carry out the tasks to support this process. Many community volunteers involved experienced burn-out (Stuart, 1997). It is possible that the program participants were unable to provide the level of support required. Especially, if an offender needed support over an extended period of time.

**Future Research**

This study analyzed the theory of reintegrative shaming through an examination of the documentation on the First Nation offenders who participated in the circle sentencing program. Many aspects of reintegrative shaming theory (Braithwaite, 1989) and the circle sentencing program (Stuart, 1997) could be examined in greater depth in future research. Research possibilities include: 1) comparative group analysis; 2) interviews and focus groups; 3) content analysis of the written documents; and 4) identification of traditional models of conflict resolution.

**Comparative Group Analysis**

Researchers with the resources and access to the YTG and federal court records, could conduct research on the circle sentencing program. An expanded study could compile data on the recidivism of offenders who were sentenced through the formal court system. These data could then be statistically compared with the recidivism outcome of the circle sentencing participants.

**Interviews and Focus Groups**

Interviews and focus groups with participants and key informants would provide valuable information. Key informants would include: the offenders and
family; the victim and family; justice and social work professionals; members of
the community justice committees; community support groups and participants;
and members of the public.

Focus groups with key informants would provide personal insights, observ­
vations, or concerns. This qualitative information would enhance understanding
of circle sentencing. It would provide another dimension to the data on offender
recidivism and community crime rates included in this study.

Content Analysis

A content analysis of the circle sentencing literature would identify the
dominant themes of the circle sentencing program. Sources of information on
the circle sentencing program could include: court transcripts; local and national
newspaper articles; magazine articles; and books.

Court transcripts provide information on court proceedings. Transcripts on
circle sentencing would include the discussions that took place during the circle
proceedings. Unfortunately, typed transcripts of court are not available for most
of court cases. The transcripts that were available included comments by the
judge, the offender, members of the community, and the victim.

Newspaper articles primarily covered the sentencing circles held for high
profile offenders. The Letters to the Editor add another dimension to under­
standing the public's' support and/or concerns about the circle sentencing
procedures. Analysis of these documents could offer insight into the processes,
the outcomes, and the issues of the circle sentencing program. Additional
research could further examine the possible connection between the theory of
reintegrative shaming and the circle sentencing program.
First Nation Methods of Social Control

An area that has not been adequately examined has been an understanding and documentation of each First Nation's traditional methods of social control and conflict resolution. Social workers could work with the Elders in each First Nation to identify their methods of applying social control. These traditions could then be incorporated into the social welfare and justice practices for the community. When First Nations develop social policies, programs, and services through self government agreements, they will be able to base their decisions on First Nations knowledge, values, and traditions. These developments will reflect their cultural values.

Conclusions

This study analyzed Braithwaite’s (1989) theory of restorative justice theory through retrospective data on the circle sentencing program, a community justice initiative with broad social implications. The research population included the 164 First Nation adult offenders who participated in circle sentencing in the Yukon between 1992 and 1997. These data were obtained from the Yukon Territorial Government active and archived court files, Community Corrections records, and the computerized information through Court Registry Information System (CRiS).

The predictor variables for defining an offender’s level of interdependency were found to be very limited in their ability to predict the outcome of the circle sentencing program. The study documented the number of criminal convictions, the number of charges, and time spent in jail within the three-year follow-up period.

These data provided a demographic profile of the offenders and the characteristics of the communities that participated in the circle sentencing program.
between 1992 and 1997. Statistics on the offenders’ recidivism (number of criminal charges and number of criminal convictions) were analyzed through multiple and logistic regression analysis (SPSS, 2001). Based on the statistical analysis of the data, none of the three null hypotheses could not be rejected. The findings led to the conclusion that Braithwaite’s theory of reintegrative shaming provided only a limited explanation for the outcome of the circle sentencing program. The mobility and population changes in the rural communities was higher than anticipated. Overall, crime rates were higher in the rural communities than in Whitehorse.

This study provided a unique opportunity to examine Braithwaite’s theory of reintegrative shaming and the circle sentencing program in the Yukon. Both the theory of reintegrative shaming and the circle sentencing program require further analysis. Additional knowledge could assist the court personnel, social workers, and community justice committees to develop criteria for circle sentencing applicants; identify necessary community preparation and resources; and an in-depth program evaluation.

These data indicated that the current practice of circle sentencing has not had an statistically significant impact on the reduction of offender recidivism. The limited value of the theory of reintegrative shaming to predict the outcome of circle sentencing may have been the result of the social-structural factors that limited the opportunities for First Nation peoples.

Circle sentencing has been a topic of great interest in the Yukon. The expectations for the circle sentencing program and its procedures were very high, for offenders, participants, the justice system, the social services, and the communities. It may not be possible for a justice initiative to bring about a major
change in an offender's life. Especially, when there have been issues of racism, oppression, addictions, and a lack of resources.

This study was only one step in the consideration of innovative restorative justice initiatives, such as the theory of reintegrative shaming (Braithwaite, 1989) and the circle sentencing program in the Yukon (Stuart, 1997). The hopes and expectations of offenders, victims, communities, and professionals are to find better methods of helping offenders, prevent crime, and increase an individual's and a community's problem-solving capacity. These efforts are directed towards improving the quality of life of the Yukon First Nations and First Nations everywhere.
Appendix A: Birthwells Theory of Retengetative Shaming
Appendix B: Description of Each Community

This discussion includes a brief description of each of the communities, in particular the location of the community, the size of the population, and the First Nation individuals who have traditionally lived in the area.

Beaver Creek

Beaver Creek is a small community located on the Alaska Highway. This community is approximately 350 miles northwest of Whitehorse. It is near the western border of the Yukon with the State of Alaska (USA). The population of Beaver Creek in 1996 was 131 (Yukon Bureau of Statistics, 1999). The White River First Nation of Beaver Creek is related to the First Nations in Burwash Landing, as well in nearby communities in Alaska.

Burwash Landing

The settlement of Burwash Landing is situated on Kluane Lake, approximately 200 miles northwest of Whitehorse on the Alaska Highway. Burwash Landing was the smallest community to implement the circle sentencing program. The population of Burwash in 1996 was 58 (Yukon Bureau of Statistics, 1999). Members of the Kluane First Nation have traditionally lived in this area. The RCMP crime rates were not available for this community and could not be included in this study.

Carcross (Village and Reserve)

The Village of Carcross is 50 miles south of Whitehorse at the narrows of Lake Bennett and Nares Lake. Carcross is on the South Klondike Highway that connects the Yukon Territory with the port of Skagway, Alaska, USA. Although Carcross was a busy and thriving community during the Gold Rush in 1898, today the community provides limited services to resident and tourists. There were 273 residents in Carcross in 1996 (Yukon Bureau of Statistics, 1999). The First Nations who live in this area are the Carcross/Tagish. The Tlingit First
Nation has close ties with the communities of Teslin, YT; Atlin, BC; and with many communities in Southeast Alaska.

Carmacks (Village)

The Village of Carmacks is one hundred miles north of Whitehorse on the North Klondike Highway. The community is located along the banks of the Yukon River. The community provides services for local residents, as well as for travelers and placer gold miners who operate in the area. The population of this community in 1996 was 466 (Yukon Bureau of Statistics, 1999). The Carmacks/Little Salmon First Nation live in this area.

Haines Junction

Haines Junction is one hundred miles northwest of Whitehorse on the Alaska Highway. The community is located at the junction of the Alaska Highway and the Haines Highway. The Haines Highway connects the Yukon to Haines, Alaska. This community primarily serves the highway and recreational travelers. Haines Junction borders the Kluane National (Canadian) Park. The population of this community was 574 in 1996 (Yukon Bureau of Statistics, 1999). Members of the Champagne/Aishihik First Nation live in this area.

Mayo

Mayo is located approximately 300 miles north of Whitehorse on the North Klondike Highway. The community on the Stewart River began as a trading post in the mid-1800's. The only access to this community in the early days was by river or plane. This isolation ended in the early 1950’s, when a road was built to Mayo. Mining activity sustained the community until the mines closed in the late 1980’s.

The population in Mayo was 324 in 1996 (Yukon Bureau of Statistics, 1999). The Nacho Nyak Dun First Nation has traditionally lived in this area.
Old Crow

Old Crow is an isolated northern community on the Porcupine River. The only access to the community is by air. The population of Old Crow in 1996 was 276 (Yukon Bureau of Statistics, 1999). The residents of the community are members of the Vuntut Gwitchin First Nation. Old Crow is considered a "dry" community. It is the only Yukon community that restricts the use or importation of liquor into the community. Circle sentencings held only for liquor offenses were not included in this study because these charges were unique to this community.

Pelly Crossing

The Village of Pelly Crossing is located 200 miles north of Whitehorse on the North Klondike Highway. The settlement is along the banks of the Pelly River. The population of Pelly Crossing was 238 in 1996 (Yukon Bureau of Statistics, 1999). This is the traditional area of the Selkirk First Nation.

Teslin (Teslin Post and Village)

These data on the community of Teslin combined information on Teslin Post (Reserve) and the village. This community is approximately one hundred miles southeast of Whitehorse on the Alaska Highway. The population of Teslin area was 309 in 1996 (Yukon Bureau of Statistics, 1999). The Teslin First Nation is primarily of Tlingit ancestry. They are culturally connected with Carcross, Atlin, BC, and Southeast Alaska.

Teslin has been involved with various community justice initiatives (La Prairie, 1992a). This community has implemented tribal courts for managing justice issues. The tribal justice courts involve an Elder from each of the five
clans conferring with the judge to determine an appropriate sentence for the offender.

Whitehorse: Kwanlin Dun First Nation

The Kwanlin Dun First Nation (KDFN) is located within the McIntyre subdivision, a few miles from the center of the City of Whitehorse. Information about the Kwanlin Dun community (i.e., the population size, percentage of population change and mobility, and percent of First Nations) is included in the information on the City of Whitehorse. The KDFN administration and centralized housing for FN members is located in the subdivision. Community members have access to social services within the subdivision, and the services provided in Whitehorse. This First Nation has a membership of 1130. Five hundred and twenty-eight people live in the Kwanlin Dun Community.

The KDFN developed and implemented a community justice committee. The sentencing circles were supported and monitored by the KDFN Community Justice Committee (CJC).
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