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# RESTORATIVE JUSTICE-FOCUSED YOUTH PROBATION

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Moving toward restorative justice-focused youth probation is not about minimizing the attention, and care currently afforded to youths' rehabilitation. It is more an invitation toward an expanded understanding of rehabilitation within the context of relationships. Not just relationships between youth and their probation officer, or youth and their family, but also the potentially fractured relationships between youth and the person(s) they harmed and the community. When rehabilitation is approached in isolation of these relationships, it cannot cultivate a sustainable transformation for the youth or the social constructs, systems and root causes that contribute to harmful behaviour. The following outlines the framing for these two approaches to youth probation – not as opposed to one another, but as a way of building and expanding the components for sustainable youth and community transformation.

## Rehabilitation-Focused Youth Probation

Rehabilitation-focused youth probation concerns itself primarily with identifying and addressing risk factors, while strengthening protective factors within youth to maximize the chances that they will not commit future acts of criminal behaviour. The focus is primarily on the youth's context and experience (risk), and what the youth needs to mitigate this (protective), thereby minimizing the chance of youth recidivism.

## Restorative Justice-Focused Youth Probation

Restorative justice-focused youth probation concerns itself with the priorities of rehabilitation-focused youth probation but does so with the focus on youths' fractured relationships with the victim/survivor, the youth's family, and the community. This focus recognizes that a key component to a youth's moral development is in the reflection and acknowledgment of responsibility, and in the participation of repairing harm where possible. To align case management with a restorative approach, meaningfully engaging the victims/survivors, families, and community is necessary - for the sake of attending to the justice needs of those impacted, for the sake of the youth's successful personal transformation and the betterment of our society overall.

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### Rehabilitation-Focus

- Focus on, and address risk
- Behaviour seen as symptom of adverse childhood experiences (ACE)
- Repair limited to, and defined by financial obligations as determined by restitution
- Family as cause and/or solution
- Youth and family primarily accountable to the rehabilitation plan and authority of probation officer

### Restorative Justice-Focus

- Encourages and supports reflection on actions (as choice) and impacts (on victim/survivor, family, and community)
- Impacts and reparations determined with victim/survivor, family, and community
- Acknowledgement of ACEs coupled with ownership and responsibility (again for choice and impacts)
- Youth accountable to repairing harm and personal transformation
- Family as support for youth reparations and rehabilitation

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# PROBATION'S ROLE WITH VICTIMS AND SURVIVORS<sup>4</sup>

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Victims may be seen by some probation officers as impediments to the successful rehabilitation of youth. A youth probation officer once said, “all they want is their money and a pound of flesh . . . they could care less about the youth we serve.” This is not an uncommon perception and experience for some youth probation officers, but is so often set up by the system’s relationship and approach to working with victims. Another perspective is that youth probation officers have an incredible opportunity to dramatically impact the justice experience of victims through their approach to outreach. Inversely, effective approaches to victim outreach also will result in more collaboration and cooperation from the victim in attending to the needs of the justice system.

## Principles for Victim Outreach

### Define the Why, Provide Time

Recognize that you may be the only one from the system reaching out personally to the victim. Root yourself in an intention of care and empathy, rather than an intention of need. Make sure you have time to align your actions with this intention.

### Empathically Listen

With the right intention, and time set aside, it will be easier for the probation officer to listen empathically from a place of care. This experience of being heard and cared for will dramatically improve the victims’ experience of justice, while also setting up the best foundation for them to work collaboratively with, and within the youth justice system.

### Provide or Find Answers to Their Questions

Attend to the need for information. Sincerely seek answers to the questions posed.

### Listen Beyond Positions, Identify Needs

Empathic listening supports people in moving beyond their positions (initially based on the fear of not being heard), toward articulating their needs. Often when needs are elicited, the natural connections between these expressed needs and conferencing begins to emerge.

### Provide Information about Youth’s Progress if Victim Asks

Resist the temptation to share about the youth’s good intentions and progress. It may not have the impact sought. Once victims begin to feel heard and see that their needs are going to be taken seriously, they will often ask. Avoid sharing this information prior to their inquiry.

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<sup>4</sup> For the sake of clarity, and to align with the legal terminology, we will use victim throughout the rest of this section. We want to acknowledge that for some, survivor is a more accurate identification for those that have been harmed by crime.

# Examples for Victim Outreach

## Pre-Sentence Report

Assuming the intention is rooted in care and support, the invitation is to contact victims at the earliest possible juncture.

## Post-Sentence

Victims often want to know the outcome from the process, even if they did not want to be actively involved. Ideally, the probation officer will have asked if they would like to hear how it goes in the pre-sentence contact, and then follow-up post-sentence.

## When Outcomes Differ from Victim Expectations

If victims have expectations regarding the sentence or any agreements made in conference, be proactive in letting them know when these expectations will not be met, why, and what you are doing to assure this is addressed moving forward.

## Reflection

Reflecting on the common needs of victims/survivors, what are some other ways that probation officers can, within their role, meaningfully attend to those needs?

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