

RCMP's restorative justice initiative

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The Royal Canadian Mounted Police (RCMP) has chosen Community Justice Forum (CJF) as a discretionary option for performing policing duties toward achieving *restorative justice*. The concept of “*restorative justice*”, which includes other implementation methods such as circle sentencing and victim-offender mediation, can be described as an approach that involves all stakeholders in a constructive discussion to minimize the harm caused by an offending action. The outcomes it seeks are: restoring harmony in the community by undoing or reducing both material and psychological damages to the victim(s) and re-integration of offenders by their taking active responsibility for causing harm, and accountability to the victim and the community. The proponents of *restorative justice* proclaim this approach to be more fair, satisfying, efficient and effective than the conventional, court-based, adversarial approach to justice.

Research clearly states that the rate of incarceration of Aboriginal peoples in Canada is at least four times the national average and increasing (to eight).² In introducing ‘Aboriginal Legal Issues’, Borrows and Rotman commented, “The over-representation of Aboriginal people in federal, provincial and territorial court systems and prisons casts a long shadow over Canada’s claim to be a just society.”³

In adopting the philosophy of *restorative justice*, the RCMP took the initiative to implement this approach through the CJF. The initiative has expanded across the country through three “Train the Trainers” workshops, conducted by the RCMP in January, 1997. The trainee-trainers were carefully selected from within and outside the RCMP, and included members of other police forces, educators, social workers and volunteers.

It is important to note that the *restorative justice* approach is entirely consistent with the principles of community policing which the RCMP adopted in 1989 as its model of service delivery. The essence of community policing is a more inclusive, collaborative and pro-active way of making Canadian communities safer. Community policing strives to prevent crime and address public concerns through establishing a partnership between the police and the communities, thereby empowering

the latter to identify problems and to solve them, with police officers facilitating the process and offering assistance as required.

Restorative justice, similarly, seeks to prevent crimes by initiating an effective interaction among the key people that aims to heal the offender, the victim and their community. It empowers the community by giving it the ownership of designated offences, and allows the community, assisted by trained facilitators, to take responsibility for dealing with those offences. It is one of the tools with which community policing can be best practiced, the reason for the RCMP’s choice of the term ‘CJF’, emphasizing police-community partnership.

Implementing *restorative justice* through CJFs involves a departure from the reactive role of the police being responsible for the short-term goal of “arresting” and “charging” the offender to that of a discretionary power of attempting to heal communities and meeting the needs of the direct victims (*not* the symbolic victim, i.e., the State).

In March of 1999, the RCMP completed an evaluation of its restorative justice initiative. The first part of the research project examined the effectiveness of the three training workshops. The second part compared the perceptions of CJF participants with the theoretical claims. The results follow.

Effectiveness of the Training Workshops (based on data collected up to October, 1998).

- Seventeen hundred individuals across Canada were trained to conduct CJF sessions.
- Sixty-seven workshops were held in 48 geographical locations across Canada.
- RCMP collaborated with at least 29 organizations and numerous communities for training activities.
- Ninety-three percent of respondents trained as facilitators who were contacted, believed that the CJF would be highly effective in improving the Canadian Justice System.
- Seventy-three percent of respondents trained as trainers believed in their own competence as trainers.

- Most facilitator respondents felt they had supervisory/organizational support.
- Thirty different types of offences were reported by the facilitators who had actually conducted CJFs. Offences dealt with by the CJFs were most frequently for theft (26%) and assault (21%). The next few major categories were Public Mischief (7%), Drugs (6%), Property damage (5%), Break & Enter (5%), Sexual Abuse (4%) and Harassment or bullying (4%). Some cases involved multiple offences, for example, Break and Enter and Theft, Theft and Fraud, or Break and Enter, Property Damage and Public Mischief. CJFs were held for fraud (2%), arson (2%), assault with a weapon (2%), loitering (.4%), trespassing, impaired driving, obscene phone calls, breach of probation (.4%) and illegal possession of alcohol. CJFs also resolved offences such as threats and intimidation, verbal abuse and dangerous operation of a vehicle.
- Seventy-nine percent of active facilitators reported dealing with offenders who were 19 years old and under. The most frequently reported age range for offenders participating in CJFs was 14 to 16 years (38%), and 15% were between 17 and 19 years old. There were 6 cases (2%) where the offender was over 50 years of age and 18 cases (7%) where the offenders were 11 years old or less.

CJF Participants' Views

The responses collected from a total of 364 CJF participants⁴ showed that the mean ratings for *overall satisfaction* as well as *levels of satisfaction with procedural and outcome fairness* were high. Ninety-nine percent of all participants expressed at least moderate overall satisfaction, over eighty-seven percent were quite or very satisfied. Eighty-nine percent of offenders and 87% of victims reported feeling quite or very much satisfied with their CJF experience. Ninety-five percent of all participants (inclusive of 100% of victims) perceived the CJF *process* to be very or quite fair. The majority of participants had voluntarily participated in CJFs (100% of offenders and victims' supporters (family or friends), over 95% of victims and offenders' supporters). Results for *satisfaction with agreement/outcome* were also consistently high: 89% of all participants felt that the *agreement* was quite or very fair and most acknowledged having a chance to provide input into it with no perceived pressure. Ninety-five percent of victims and 79% of offenders rated the fairness of the *agreement* as quite or very fair.

These results are significant, particularly in view of victims who often report feeling frustrated with both the *process* and the *outcome* of the traditional court

system. Also, the majority of participants — 88% of the offenders, 94% of the victims, 95% of offenders' supporters and 88% of victims' supporters, stated that they would choose CJFs over the court if they had to do it all over again.

Ninety-eight percent of offenders indicated that CJFs helped them in understanding the consequences of their actions and in their willingness to take responsibility for the same. About 97% of their supporters and everyone in the categories of victims and their supporters indicated believing that the offenders understood and were taking some responsibility for their offences and resulting consequences. Eighty-five percent of interviewees stated that the offenders had actually complied with the CJF agreement, with other cases still on-going. In order to comply with the agreement, both offenders and their supporters strongly indicated that support for the offender in complying with the agreement was likely to be available.

Over 90% of victims who answered the questionnaire reported being quite or very willing to give the offender a second chance. In fact, some of the victims indicated this to be the reason for their participation in the CJFs. Supporters of both victims and offenders also expressed their willingness to give the offenders a second chance. Following CJF participation, 97% of questionnaire respondents reported somewhat or higher regained sense of control over what happens in their community. Eighty-eight percent of interviewed victims reported that the CJFs helped quite a bit or very much with their psychological healing.

Restorative justice theorists proclaim that the process helps to restore harmony to the community when all participants attain a sense of justice. In this study, the mean response to the question 'Was justice done?' received a rating of 4.2 when the highest possible rating was 5 for the total group of participants, with 96% of all participants endorsing at least a moderate rating. Also, both victims' and offenders' supporters indicated that harmony was restored. The CJFs took place within 1 to 20 weeks (average 5.0 weeks) after the offending incidents occurred; thus justice was neither delayed nor denied. Responses showed that offenders themselves and their supporters believed that re-offending was unlikely, although victims' supporters were less convinced.

Overall, results of the present study provided strong support for the *restorative justice* philosophy. The internal consistency of the results, and the similarity of the present findings with the available research literature including studies that involved controlled

experiments also seem to lend additional validity to these findings. Furthermore, the results showed that the *restorative justice* initiative, first implemented as an extension of the Aboriginal Justice Strategy, has

expanded far beyond the Aboriginal communities into the mainstream, and well-informed communities are usually receptive to it. ■

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² Micheline Reed and Julian Roberts, *Adult Correctional Services in Canada, 1997-98*. Juristat: Canadian Centre for Justice Statistics, Catalogue no. 85-002-XPE, 19, 4.

³ John Borrows and Leonard Rotman, *Aboriginal Legal Issues: Cases, Materials & Commentary*. (Toronto, ON: Butterworths, 1998): 684.

⁴ Since the questionnaire was revised over time to be shorter and to contain less number of questions, the 'n' may vary.

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