

**Nanaimo
Restorative Justice
"A Community Initiative"**

**In Partnership
Nanaimo Region John Howard Society
and
Nanaimo Royal Canadian Mounted Police**

September 2004

INTRODUCTION

The Community Justice Forum model is operated under three basic structures in British Columbia:

- 1) The first is police-based where police officers refer, coordinate, and facilitate. This is a simple, quick, and economical process preferred by smaller communities where referrals would be manageable.
- 2) In a bigger community like Fort St. John, British Columbia (population: 18,000) the program is community-based, where police refer cases; a community volunteer coordinates the program; and trained community volunteers facilitate the forums. In this structure, a registered society was established with a Board of Directors put in place to oversee the program.
- 3) A third structure, adapted by our Nanaimo Detachment, is the forming of a partnership with an existing non-profit organization, Nanaimo Region John Howard Society (N.R.J.H.S.). Trained community volunteers facilitate the forums, monitored by a coordinator of N.R.J.H.S. The volume of cases referred in a larger urban detachment area such as Nanaimo required some innovative strategies.

THE NANAIMO CJF MODEL

The Nanaimo RCMP entered into partnership with the Nanaimo Region John Howard Society in July 1997 to implement Restorative Justice utilizing the RCMP Community Justice Forum (CJF) model. This process deals with offenders who have committed crime and who have little or no criminal history. Crown prosecutors may return cases that are of a more serious nature to the police, recommending a Community Justice Forum. However, the offender would have to meet the program criteria and the victim would have to agree.

This program has proven to be an effective means of dealing with offenders so that they, their families, the victims, and the community can feel that justice is being carried out and future criminal activity is reduced. The goals of the program are to:

- reduce repeat offences by offenders with minimal criminal backgrounds.
- shorten time between the offence and its consequences.
- increase of proactive policing.
- encourage community participation in a meaningful way.
- provide victims with a sense of justice having been done.

To qualify for the program, the offender must admit to committing the offence. The crime is often a minor offence, such as vandalism and shoplifting, but more serious offences are referred under the appropriate circumstances. It is at the discretion of the police officer, who may consult with Crown Counsel, probation officers, social service, John Howard Society and others, as necessary. Not all first offenders will be considered for this program. Agreement to participate in the program must be voluntary by the offender, his or her parents (if a young person), and the victim or complainant. Qualifying cases are then referred to the coordinator at the Nanaimo Region John Howard Society to be assigned to a facilitator.

The facilitators are CJF certified trained volunteers from the community who are committed to the program. They are people who have displayed an ability to facilitate conflict resolution. The coordinator for the program has an enhanced security clearance, while each facilitator is required to complete a police Criminal Record check.

An attempt is made by the facilitator to arrange for a Community Justice Forum (CJF) within 60 days. The forum consists of the offender, a young person's parent(s), the victim or complainant, the police investigator, and any other person that is thought by the facilitator and participants to be important to the session. The facilitator ensures that everyone is heard and that a consensus to the resolution is reached. Once a resolution is agreed upon, an agreement is signed by the participants.

The parents, the victim or complainant, and other parties are responsible for ensuring the terms of the agreement are met. The facilitator will also monitor the progress of the offender to ensure compliance. This initiative was implemented July 1, 1998 and, up to September 14, 2004, the Nanaimo program has had 960 offenders referred. Approximately one-third were adults and three were under the age of 12. Almost 4,000 participants have attended forums. A recent random statistical review of twenty referrals per year for the last six years shows a 14% recidivism rate over the six years, but only 5% in the last four years. Of note is the large increase in referrals with a continued decrease of recidivism illustrated in the following graph.

The Nanaimo program now has 40 trained facilitators, however, not all are active in the program. Twelve Nanaimo RCMP officers, which include five School Liaison Officers, are trained as facilitators and one officer and the program coordinator are trained to train facilitators.

Nationally, it has become evident that there is a need for consistency in the training of facilitators. The RCMP has published a Canadian Resource Guide for Community Justice Forums (CJF) to meet this need. RCMP cadets receive three hours of exposure to CJF training at Regina. Each facilitator is required to complete three days of training that includes the principles and values of R.J., role playing, the importance of a seating plan and following a script.

The informal referrals of youth by the police are now part of the new Youth Criminal Justice Act (YCJA). This new legislation came into effect April 1, 2003 and police, prosecutors, and the youth court judge all must consider extrajudicial measures when dealing with young persons. One of these options is defined as "conferencing" and the CJF model meets this criteria.

NANAIMO CROWN REFERRALS

Nanaimo Crown Counsel is an advocate of Restorative Justice. Through the collaboration of ideas, a process is now in place where more serious cases may be returned to police recommending a Community Justice Forum, should the offender criteria be met. It is important that the public confidence in the process remains, so each case is selected on its merits and we are well aware that any serious offence referred will be scrutinized. In the future, it is hoped the Attorney General of British Columbia will consider designating the Nanaimo Restorative Justice Program as Alternative Measures for adults legislated under Section 717 of the Criminal Code of Canada.

A presentation was made to the Nanaimo Defence Bar and since then three defence counsel were trained as facilitators. There have been cases where defence counsel has suggested CJF to Crown, who will contact the investigating officer. If the victim and offender are in agreement, the case has been referred to a forum.

Youth Probation Services is responsible for "conferencing" for court-ordered sessions under the new Youth Criminal Justice Act. There have been successful conferences under this process since April 1, 2003. Close collaboration is maintained with the Youth Probation resource person in order to share ideas and generally discuss processes.

SCHOOL MODEL

On January 26th, 2000 a presentation was made to principals, vice- principals, and counsellors of School District 68 (Nanaimo-Ladysmith). Sergeant Dick Auger, of the Thames Valley Police Department - England, was the guest speaker and the Nanaimo R.J. model was explained. This initiative in School District 68 has been difficult to implement because of minimal funding. However, principals who participated in the presentation have requested CJF intervention for certain incidents in their respective schools. To date, there have been over sixty successful forums conducted at different schools throughout the District.

To enhance the delivery of R.J. in the schools, all but one of our six school liaison officers have been trained as CJF facilitators. In March, 2003 the NRJHS agreed to assign two trained facilitators for the schools to further advance RJ in the schools and expedite forums.

Presentations on Restorative Justice have been requested from Malaspina University-College by their conflict resolution instructor, Criminology Department and R.J.. is now included as a three-hour class for the Conservation Officer curriculum.

CORRECTIONS MODEL

On April 4, 2000 the Nanaimo Correctional Centre invited the R.J. coordinator and the RCMP to speak to their staff and psychologists on R.J. The intent was to educate and explore the possibility of training staff and inmates as facilitators of R.J. Should an incident occur inside the Provincial institution, R.J. would be an option. Also, it is hoped the principles and values experienced by residents through the process would be instilled and help contribute to a positive productive rehabilitation. This strategy is only at the planning stage and will be at the discretion of the manager of the Centre, should they wish to formulate an R.J. model. This initiative has currently been postponed due to budgetary restraints at this Provincial institution. However, nationally, Corrections Services Canada are considered RJ leaders.

CORPORATE PARTNERS

Retail store Loss Prevention Officers (LPO) at Save-On, Wal-Mart, Zellers, The Bay, London Drugs, and many more are referring shoplifting cases to the Nanaimo Restorative Justice Program. For the larger stores, where a number of offenders in a month may be apprehended, a half-day or even a full day will be blocked for forums and all the offenders will attend on the set day. One on-duty officer will attend to represent the investigator in each case. The store only has to send one Loss Prevention Officer as well to deal with the cases. The stores are extremely supportive of the program and this partnership has enhanced the relationship between the RCMP and the LPO's. This partnership has been in place for over two years and the Vancouver manager for Save-On advises their shoplifting incidents in Nanaimo have decreased by as much as 40% since the inception of the program. Anecdotal information from the LPO's indicate that, to date, they have not seen an offender who has been through a forum re-offend in their store.

EVALUATION

Satisfaction in the process and rate of recidivism are two questions often asked by the public and the media. The program coordinator conducts follow-up interviews with the victim and offender, as well as maintaining a detailed log. Computer data is maintained by the RCMP and can be retrieved through a survey code (DK79). Once an offender is processed through a CJF, this is entered into the data base. Should there be non-compliance in completing the terms of the agreement, the data would be modified to indicate "CJF - Non-compliance." This data can be retrieved nation-wide by security-cleared employees of the RCMP and other police services that have access to the Police Information Retrieval System (PIRS).

In 2000, our Nanaimo program was identified by the RCMP Ottawa Headquarters to pilot a computer program named CJFast. This software program captures data relating to each forum held, agreements, and evaluations completed by the participants. This information provides valuable local feedback, but is also downloaded to Ottawa, where the data is processed for future evaluation and research. The current data shows that the average overall satisfaction in the process is a 4.5 on a continuum of a possible 5, indicating a high satisfaction rating. Each participant is asked to complete an evaluation after a CJF by the facilitator. These evaluations are provided to the program coordinator for data entry.

CONCLUSION

The Nanaimo Restorative Justice Program is recognized provincially, nationally, and internationally. It is touted as the most active and diversified R.J. program in Canada.

There has been positive reinforcement from most involved in the Restorative Justice process. The process offers reintegration for offenders and reparation for victims, commonly referred to as community healing. This is community intervention at its best, that usually focuses on the problem - not just the solution - and it works.

For further information, contact S/Sgt. Randy Munro, RCMP Detachment, Nanaimo. tel. 250-754-3229; fax 250-755-3251; <Randy.MUNRO@rcmp-grc.gc.ca>

Referrals vs Recidivism (Charged Category)

