

Nanaimo Restorative Justice Program

**International Centre for Criminal Law Reform
and Criminal Justice Policy**

1822 East Mall, Vancouver
British Columbia, Canada V6T 1Z1

Tel: 1 (604) 822-9875

Fax: 1 (604) 822-9317

Email: icclr@law.ubc.ca

www.icclr.law.ubc.ca



Nanaimo Restorative Justice Program

By

Randy Munro

Paper contributed to a book titled

An Overview of Community Corrections in China and Canada

2006

As part of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) Programme: Implementing International Standards in Criminal Justice in China, supported by the Canadian International Development Agency

We are pleased to share this information with you and encourage you to use this document for research purposes. Please ensure that all credits are acknowledged when using all of any of the information in this document. Commercial reproduction is strictly prohibited.

Nanaimo Restorative Justice Program

By Randy Munro*

Introduction

In Canada the philosophy of restorative justice supports an alternative to the current adversarial legal process. Restorative justice is a shift in thinking for legal professionals as the concept focuses on problem-solving. An adversarial system is based on punishment while restorative justice allows for community healing by encouraging communication between parties, accountability of the offender, and reparation for the harm caused to the victim. Processes within the restorative justice philosophy are flexible, responsive and accountable to communities.

The Community Justice Forum (CJF) pre-charge model of restorative justice sanctioned by the Royal Canadian Mounted Police operates under three basic processes in British Columbia:

1. The first is police-based where police officers refer, coordinate, and facilitate. This is a simple, quick, and economical process often preferred by smaller communities where referrals would be manageable.
2. In a mid-sized community the program can be 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 is usually established to oversee the program.
3. A third structure, adapted by the Nanaimo Royal Canadian Mounted Police Detachment, is the forming of a partnership with an existing non-profit organization. In this case with the Nanaimo Region John Howard Society (N.R.J.H.S.). Trained community volunteers facilitate the forums, monitored by a paid coordinator of the Society. The volume of cases referred in a larger urban area of 85,000 people, such as Nanaimo, required innovative strategies.

The Nanaimo CJF Model

The Nanaimo R.C.M.P. entered into partnership with the Nanaimo Region John Howard Society in July 1997 to implement restorative justice utilizing the Community Justice Forum model. This pre-charge process deals with offenders who admit to the crime and who have little or no criminal history. This

* Randy has been a Royal Canadian Mounted Police officer in British Columbia, Canada for 33 years. He has been the recipient of: two Commander Commendations, the Fort St. John Citizen of the Year Award, the Provincial Community Policing Award, and the Correctional Service of Canada Ron Wiebe Distinguished Award Nominee for Restorative Justice in 2000 and 2003. He has also received the Queen Elizabeth II Royal Jubilee Commemorative Medal. Randy is very involved with restorative justice practices and since 1995 has lectured internationally at many levels.

innovative program enhances community safety by contributing to the “correction” of offender’s behaviour while the offender is in the community. Police and Crown prosecutors can make direct referrals to the program. Crown prosecutors can refer offenders based on a Memorandum of Understanding between the Provincial Criminal Justice Branch and the John Howard Society. The Society’s program coordinator ensures the offender meets the program criteria and that the victim agrees to the process.

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;
- shorten time between the offence and its consequences;
- increase proactive policing;
- encourage community participation in a meaningful way; and
- provide victims with a sense of justice having been done.

The facilitators are Community Justice trained and certified volunteers from the community who are committed to the program. They are people who have demonstrated an ability to facilitate conflict resolution. Privacy legislation requires that the coordinator for the program has an enhanced security clearance from the R.C.M.P. Departmental Security, while each facilitator is required to complete a police Criminal Record check.

An attempt is made by the facilitator to arrange for a forum within 60 days of the referral which occurs shortly after the offending behaviour. The forum consists of the offender, if a youth the person’s parent(s), the victim or complainant, the police investigator, and any other support people that are thought to be important to the forum. 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 all participants.

The parents, the victim or complainant, and other participating 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. Although rare, should there be non-compliance the offender can be taken back before the court and flagged on police indices to ensure no future consideration for a restorative justice process.

This Nanaimo Restorative Justice Program (RJ) was initiated July 1, 1998 and, as of November 1, 2005, the program has processed more than 1,500 referrals. Approximately one-third were adults, four offenders were under the age of twelve and approximately 20% were female. Close to 4,500 participants have attended

forums. A recent random statistical review of twenty referrals per year shows a 4.5% recidivism rate over the last four years. Of note is the large increase in referrals with a continued decrease of recidivism as the program matures.

The Nanaimo program has forty trained facilitators but not all are active in the program. Twelve Nanaimo RCMP officers, which include six School Liaison Officers, are trained as facilitators and the program coordinator is trained to train facilitators.

Nationally, it has become evident that there is a need for consistency in the training of facilitators. The R.C.M.P. has published a Canadian Resource Guide for Community Justice Forums to meet this need. New RCMP cadets receive three hours of exposure to the process at the academy. Each facilitator is required to complete three days of training that includes the principles and values of restorative justice, roll playing, and practical issues related to the forums such as 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*. This new legislation came into effect April 1, 2003 and police, prosecutors, and the youth court judge must consider extrajudicial measures when dealing with young persons. One of these options is defined as "conferencing" and the Community Justice Forum model meets this criteria.

Importance of Relationship Building

The impetus behind the success and sustaining the growth of the Nanaimo Restorative Justice Program has resulted from the strong cooperation that has been exhibited between agencies and community stakeholders. These partners include: Provincial Attorney General, Crown Counsel, City of Nanaimo, School District, First Nations, corporations, Youth Probation, N.R.J.H.S., and RCMP Headquarters to name but a few.

Once the partnership between the Nanaimo R.C.M.P. and the Nanaimo Region John Howard Society was established in 1997, relationship building and education of the community became paramount. Media contacts were established for support and the marketing of the restorative justice philosophy took priority. A media blitz identified a cross-section of community volunteers who were interested in learning more about facilitating forums. This resulted with the John Howard Society developing training modules, preparing policy, and writing job descriptions.

Funding quickly became an issue and service clubs, church organizations, businesses, the City of Nanaimo, Provincial Government, and the R.C.M.P. Headquarters were approached. Donations and "seed monies" were contributed to assist in sustaining the program but each year the contributions were well below the necessary annual funding of \$65,000. In 2004 the City of

Nanaimo provided core funding of \$50,000 that greatly reduced the funding pressures.

Retail store's Loss Prevention Officers refer shoplifting cases to the Nanaimo Restorative Justice Program. For the larger stores, where a number of offenders may be apprehended in a month, 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 investigators of each case. The store only has to send one Loss Prevention Officer to deal with all their offences set for the day, which is both economical and convenient for the store. The store managers are extremely supportive of the program and this partnership has enhanced police relations with the Loss Prevention Officers. This relationship has been in place for over three years and the Regional Manager for one large retail store advises their shoplifting incidents in Nanaimo have decreased by as much as 40% since the inception of the program.

In 2000 a presentation was made to principals, vice-principals, and counsellors of School District 68 (Nanaimo-Ladysmith). Principals who participated in the presentation requested Community Justice interventions for certain incidents in their respective schools. To date, there have been over ninety successful forums conducted throughout the District. To enhance the delivery in the schools, all of the six School Liaison Officers have been trained as facilitators. In 2003 the Nanaimo Region John Howard Society agreed to assign two trained facilitators for the schools to expedite the forums. Presentations on restorative justice have been requested from Malaspina University-College and instruction in the Nanaimo model is now included as a three-hour class in the Conservation Officer curriculum.

"Johns" arrested for picking up local sex trade workers can volunteer to participate in a Community Justice Forum rather than go to court. Approximately fifty percent of those arrested are willing to participate. Participants include a reformed sex trade worker, probation officer, drug and alcohol counsellor, drug section officer, resident(s) from neighbourhood(s) affected, and other appropriate resources thought necessary. The agreements struck as a result of the forums have included commitments similar to:

- making donations to the Detoxification Centre where many of the women sex trade workers attend for treatment; and
- writing letters of apology to be hand-delivered in the presence of a Drug Enforcement Officer to the neighbourhood where the women were solicited.

This is another example of how the Nanaimo RJ program promotes healthy communities. To date, twenty-six offenders have volunteered to participate and there has been 100% compliance and zero recidivism.

The recent Memorandum of Understanding between the Criminal Justice Branch, Ministry of the Attorney General and the local John Howard Society allows for the referral of more serious cases to the program. Non-compliant offenders will be taken back before the court. Open communication between the R.C.M.P., the program coordinator, and Crown prosecutors ensures informed decisions are being made.

Conclusion

There are many viable restorative justice programs operating throughout Canada at different levels: pre-charge, post-charge, pre-sentence, and post-sentence. The Nanaimo Restorative Justice Program pre-charge model has been recognized as the most active and diversified RJ program in Canada. There has been positive reinforcement from those involved in the process through participant evaluations. The process offers reintegration for offenders and reparation for victims, commonly referred to as community healing. This is community “corrections” at its best, as it focuses on the problem - not just the symptom - and it works.