

**Final Report on a Consultation  
Regarding the Potential Development of the  
Canadian Restorative Justice Consortium**

**Prepared by the  
Steering Committee for the  
Canadian Restorative Justice Consortium**

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## Table of Contents

I. Introduction	3
II. The Consultation Process	3
III. Feedback on the Discussion Paper	11
The Development of RJ	11
Honouring the Differences between Aboriginal Justice and RJ	13
Issues facing RJ in Canada	15
IV. Comments on the CRJC	16
The Need for a National Organization	16
Concerns Raised	18
Comments on Structure, Membership and Funding	20
Potential Goals and Functions	22
V. Conclusions and Next Steps	26

## List of Tables

Table 1: Geographic Location of Respondents from Phase 1 of the Consultation	5
Table 2: Connections to Restorative Justice – Responses from Phase 1 of the Consultation	6
Table 3: Connections to Restorative Justice – Responses from Phase 1 and Phase 2 of the Consultation	8
Table 4: Geographic Location of Respondents from Phase 2 of the Consultation	9
Table 5: Geographic Location of Respondents from Both Phases of the Consultation	10
Table 6: Level of Concern Regarding Various Issues	16
Table 7: How Important are the following Goals?	22
Table 8: The Importance of Tools offered by a National RJ Organization	25

## **I. Introduction**

In January 2008, an *ad hoc* Steering Committee began circulating a discussion paper to receive input about whether there is a need for a national restorative justice (RJ) organization. Recognizing that the name and structure of the organization would have to be developed by its future members, the Steering Committee provisionally called this organization the “Canadian Restorative Justice Consortium” (CRJC).

The idea of developing a national RJ organization had initially been discussed at the National Restorative Justice Symposium in Ottawa in 2005. At that time, several individuals volunteered to participate in discussions on that topic.

In September 2007, ten individuals met in the community of Arnprior (outside Ottawa) to discuss the past, present and future of RJ in Canada. Most of these ten people had been among those who had volunteered in 2005. They had a wide range of backgrounds: restorative practitioners, victims organizations, government officials, academics, and individuals in private practice or other fields.

The participants at the 2007 Arnprior meeting reached consensus about the importance of a dialogue about whether there is a need to establish a national organization. They formed the Steering Committee for the CRJC and prepared a discussion paper to use during consultations.

The first phase of consultations occurred between January – April 2008. It resulted in 74 responses, but the Steering Committee wanted to receive additional input from victims organizations, Aboriginal groups, women’s organizations, law enforcement agencies, and some geographic regions. Accordingly, the discussion paper was circulated again between May – August 2008. The second phase resulted in 23 more responses. Overall, the two phases of consultations resulted in 97 responses to the discussion paper.

The responses indicate that there is strong support for the development of a national RJ organization. This final report describes the consultation process and discusses the feedback respondents provided, including the potential benefits of forming the CRJC and a number of cautions or concerns. It outlines potential goals and activities for the CRJC and discusses some of the issues that will have to be considered in developing a national RJ organization. Finally, it outlines how the Steering Committee intends to proceed.

## **II. The Consultation Process**

The Steering Committee wanted to receive input from a range of groups: restorative practitioners, victims associations, justice officials, Aboriginal peoples, and many others. They used a “snowball” method in which potential respondents were asked to send the discussion paper to others who might be interested. The paper was circulated through networks of formal and informal contacts such as the Federal-Provincial-Territorial Working Group on RJ, universities, provincial and local restorative justice associations and colleagues. It is not possible to calculate a response rate

because the Steering Committee can not be certain how many individuals or organizations received the paper.

Respondents could send a written response by letter or e-mail, or complete a web-based survey. An English version of the survey was available at:

[http://www.surveymonkey.com/sr.aspx?sm=rPqDXj6Bv3dHnx5IUZ\\_2f4nw4zrXIUtUOu3KpAEim2Kq8\\_3d](http://www.surveymonkey.com/sr.aspx?sm=rPqDXj6Bv3dHnx5IUZ_2f4nw4zrXIUtUOu3KpAEim2Kq8_3d)

A French version of the survey was available at:

[http://www.surveymonkey.com/sr.aspx?sm=KWSUBVPGv89IYWNOzpE0hPmt20gK7fAMWIf\\_2f6RwKbks\\_3d](http://www.surveymonkey.com/sr.aspx?sm=KWSUBVPGv89IYWNOzpE0hPmt20gK7fAMWIf_2f6RwKbks_3d)

As previously mentioned, the consultation occurred in two phases. The first phase occurred between January – April 2008. The second phase occurred between May – August 2008.

The Steering Committee received 74 responses during the first round of consultations. This included 19 written responses sent by e-mail and 55 completed online surveys. Some of these responses were sent by individuals and others were sent on behalf of programs or organizations. References to “respondents” in this report should be taken to include both individuals and organizations.

As Table 1 indicates, responses were received from across most of Canada during Phase 1, with the exception of the Yukon, the Northwest Territories, Nunavut and Nova Scotia. Sixty-three (63) respondents listed their geographic location, while 11 did not. The largest number of responses came from Ontario (39% of responses) and British Columbia (24%). Regionally, individuals and organizations from western Canada (British Columbia, Alberta, Saskatchewan and Manitoba) provided 38% of responses, although this was skewed by the large percentage of responses from British Columbia. Central Canada accounted for about 40% of responses; this included 39% from Ontario and 1% from Quebec. The Atlantic provinces (New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador) accounted for 7% of responses. Fifteen per cent (15%) of respondents did not list their geographic location.

**Table 1: Geographic Location of Respondents from Phase 1 of the Consultation**

<b>Geographic Location</b>	<b>Number</b>	<b>Percent of Total (%)</b>
<b>British Columbia</b>	18	24
<b>Alberta</b>	1	1
<b>Saskatchewan</b>	3	4
<b>Manitoba</b>	6	8
<b>Ontario</b>	29	39
<b>Quebec</b>	1	1
<b>New Brunswick</b>	3	4
<b>Nova Scotia</b>	0	0
<b>Prince Edward Island</b>	1	1
<b>Newfoundland and Labrador</b>	1	1
<b>Yukon</b>	0	0
<b>Northwest Territories</b>	0	0
<b>Nunavut</b>	0	0
<b>Unable to determine</b>	11	15
<b>Totals</b>	74	98*

\* Due to rounding, the percentage does not add to 100%.

As Table 2 indicates, the respondents to the online survey were connected to the RJ field in various ways, such as being an academic or employed by a RJ program. Respondents could identify themselves as members of “other” categories and select multiple categories. For example, one identified herself as a “RJ Trainer” and “RJ Group Facilitator”, as well as having participated in a RJ process and being a mentor and volunteer.

**Table 2: Connections to Restorative Justice – Responses from Phase 1 of the Consultation\***

<b>How are you connected with restorative justice? Select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent (%)</b>	<b>Response Count</b>
RJ Program Staff	30	15
Student Practitioner	4	2
Student Learner	6	3
Correctional Service of Canada	8	4
Participant in a RJ Process	14	7
Volunteer with a RJ program	56	28
RJ Trainer	22	11
Academic	26	13
Victim Services Staff	4	2
Victim Services Volunteer	8	4
Other (please specify)		9
<b>Number of respondents who answered this question</b>		<b>50</b>
<b>Number of respondents who skipped this question</b>		<b>5</b>

\* The percentages and totals do not add to 100 because respondents could select multiple categories.

The majority of respondents (56%) identified themselves as volunteers with a RJ program (28 of the 50 respondents who answered this question). The next single largest group (30%) identified themselves as RJ program staff. Many of these respondents went on to identify themselves as academics, trainers and participants in a restorative process as well.

The Steering Committee was particularly interested in gathering input from victims and victim’s organizations. Two respondents to the online survey identified themselves as victim services staff (4% of those who answered this question), and four identified themselves as victim services volunteers (8%). Additionally, six of the respondents who indicated that they belong to “other” groups chose to identify themselves as having been victims.

Some respondents indicated that they were government officials. Four respondents worked for the Correctional Service of Canada. The survey asked about this affiliation because the Correctional Service of Canada provided funding for conferences and events where the idea of a national RJ organization was discussed. While the survey did not ask about other government affiliations, written comments from

some respondents in Phase 1 indicated that they worked for justice ministries. (This affiliation was therefore added to the online survey for Phase 2 of the consultation).

Nine respondents identified themselves as belonging to “other” categories or groups. Of these, two said that they had been offenders; two indicated that they are Afro-Canadian, and one indicated that they were from South America. As previously mentioned, six noted that they had been victims.

Despite the Steering Committee’s efforts to circulate the document to Aboriginal agencies, only three respondents identified themselves as being Aboriginal. Two of these respondents also indicated that they were located on reserve.

The Steering Committee would have liked to receive more responses from Aboriginal organizations, women’s groups, law enforcement agencies, victims and victims’ groups, offenders and offenders’ groups, and individuals and organizations in Quebec, the Maritimes, and the Territories. Accordingly, the Steering Committee re-circulated the discussion paper by sending it to contacts and organizations in these targeted fields or regions.

The second phase of consultations resulted in 23 more responses. This included six written responses by e-mail and 17 additional online surveys. The Steering Committee was pleased that individuals and organizations from some of the targeted groups responded. One response came from the Elizabeth Fry Society, which works with women and girls who are in conflict with the law. There were two responses from the Royal Canadian Mounted Police, and one from a restorative agency in Nova Scotia. Additionally, there were two more responses from government officials who work with restorative programs.

Table 3 outlines how the total number of respondents from both Phase 1 and Phase 2 were connected to restorative justice. Of the 65 respondents who answered this question, the majority work for RJ programs (32%) or volunteer with RJ programs (49%). Twenty-six per cent (26%) of respondents indicated that they are academics, and 23% indicated that they are trainers. Five per cent (5%) of respondents worked with victims services agencies, and 8% volunteered with these agencies.

**Table 3: Connections to Restorative Justice –  
Responses from Phase 1 and Phase 2 of the Consultation\***

<b>How are you connected with restorative justice? Select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent (%)</b>	<b>Response Count</b>
RJ Program Staff	32	21
Student Practitioner	5	3
Student Learner	6	4
Correctional Service of Canada	11	7
Department of Justice	3	2
Participant in a RJ Process	14	9
Volunteer with a RJ program	49	32
RJ Trainer	23	15
Academic	26	17
Victim Services Staff	5	3
Victim Services Volunteer	8	5
Other (please specify)		17
<i>Number of respondents who answered this question</i>		<b>65</b>
<i>Number of respondents who skipped this question</i>		<b>7</b>

\* The percentages and totals do not add to 100 because respondents could select multiple categories.

Table 4 presents the geographic location of respondents in Phase 2, and Table 5 indicates the geographic location of respondents from both phases of the consultation.

**Table 4: Geographic Location of Respondents from Phase 2 of the Consultation**

<b>Geographic Location</b>	<b>Number</b>	<b>Percent of Total (%)</b>
<b>British Columbia</b>	4	17
<b>Alberta</b>	3	13
<b>Saskatchewan</b>	1	4
<b>Manitoba</b>	2	9
<b>Ontario</b>	3	13
<b>Quebec</b>	3	13
<b>New Brunswick</b>	0	0
<b>Nova Scotia</b>	2	9
<b>Prince Edward Island</b>	0	0
<b>Newfoundland and Labrador</b>	2	9
<b>Yukon</b>	0	0
<b>Northwest Territories</b>	0	0
<b>Nunavut</b>	0	0
<b>Unable to determine</b>	3	13
<b>Total</b>	<b>23</b>	<b>100</b>

**Table 5: Geographic Location of Respondents  
from Both Phases of the Consultation**

<b>Geographic Location</b>	<b>Phase 1 Number of Responses</b>	<b>Phase 1 Percent of Phase 1 Total (%)</b>	<b>Phase 2 Number of Responses</b>	<b>Phase 2 Percent of Phase 2 Total (%)</b>	<b>Combined Total Number of Responses (Phase 1 and 2)</b>	<b>Combined Total Percent (Phase 1 and 2)</b>
<b>British Columbia</b>	18	24	4	17	22	23
<b>Alberta</b>	1	1	3	13	4	4
<b>Saskatchewan</b>	3	4	1	4	4	4
<b>Manitoba</b>	6	8	2	9	8	8
<b>Ontario</b>	29	39	3	13	32	33
<b>Quebec</b>	1	1	3	13	4	4
<b>New Brunswick</b>	3	4	0	0	3	3
<b>Nova Scotia</b>	0	0	2	9	2	2
<b>Prince Edward Island</b>	1	1	0	0	1	1
<b>Newfoundland and Labrador</b>	1	1	2	9	3	3
<b>Yukon</b>	0	0	0	0	0	0
<b>Northwest Territories</b>	0	0	0	0	0	0
<b>Nunavut</b>	0	0	0	0	0	0
<b>Unable to determine</b>	11	15	3	13	14	14
<b>Total</b>	<b>74</b>	<b>98*</b>	<b>23</b>	<b>100</b>	<b>97</b>	<b>99*</b>

\* Due to rounding, the total does not add to 100%.

As Table 5 illustrates, Phase 2 of the consultation resulted in additional responses from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, and Newfoundland and Labrador. Overall, the combined data for Phase 1 and Phase 2 indicates that the majority of respondents who provided information about their geographic location were from Ontario (33% of responses) and British Columbia (23%). Individuals and organizations from western Canada (British Columbia, Alberta, Saskatchewan and Manitoba) accounted for 39%. Central Canada accounted for 37% of responses; this included 33% from Ontario and 4% from Quebec. The Atlantic provinces (New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador) accounted for 9% of responses. Unfortunately, no responses were received from the Territories in either Phase 1 or Phase 2.

### III. Feedback on the Discussion Paper

There seemed to be consensus among the respondents that the discussion paper was well written, well thought out, and that it addressed the appropriate issues. One respondent expressed these views by stating that the discussion paper was “very well done and I think it is a very accurate snapshot of the opportunities and challenges for RJ in Canada.”

Another wrote:

*... [the] concerns and challenges mentioned are certainly topics that we are addressing as we develop restorative practices [in our city] and [we] can appreciate the delicacy of every thought and idea expressed in your presentation for RJ at the national level. [We] are still experiencing the same systemic challenges you outline so well in your discussion paper.<sup>1</sup>*

#### The Development of RJ

While responses to the content and tone of the discussion paper were mostly positive, there were some aspects of the paper that resulted in comments or disagreement. For example, the discussion paper had briefly discussed the history of RJ in Canada and the work of individuals who “pioneered” the use of RJ. Several respondents commented on the need to acknowledge broader trends that were also relevant. For example, one wrote extensively about the “streams” that contributed to the development of the RJ field:

*On page 6, where you reflect on the pioneers of restorative justice, I think it is important to be cognizant of the various "streams" that contributed to the development of the restorative justice movement. In the above article, I identified four streams - people may disagree with them, or add others.*

- a. First of all, I suggest that all the rehabilitation, treatment and action initiatives taken in prisons, and the development of probation and parole... are all initiatives that were based on what we now call restorative justice principles. I suggest these initiatives are an important precursor to the RJ movement.*
- b. Secondly, we all agree that the contributions by the aboriginal communities, especially in New Zealand and North America are crucial in*

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<sup>1</sup> Identifying information such as the names of cities, restorative organizations, individuals and First Nations has been deleted from the quotations in order to respect the privacy of the individuals and organizations that responded to the discussion paper.

*restorative justice - healing circles, talking circles, sentencing circles, highlighting spirituality and values and an important underlying component, etc.*

- c. *Third, the first International Symposium on Victimology held in Jerusalem in 1973 with its subsequent publication of five volumes in 1975, one of which is "Victimology: A New Focus - Violence and its Victims" was the beginning focus on victims. Victimology, a sub-specialty of Criminology, with its ongoing conferences provided a research base for addressing the issues and concerns of victims.*
- d. *The fourth major contributor is the Christian Faith community - in developing beginning victim-offender mediation and a myriad of other operational services as well as values, e.g. CCJC [the Church Council on Justice and Corrections].*

*There are many more contributors one could name - such as Amnesty International, John Howard/Elizabeth Fry, etc. These "streams" have assisted in formulating the values, vision and principles basic to restorative justice. In my view, they continue to be central, and must continue to be addressed and examined in a national consortium.*

The discussion paper had suggested that RJ has had difficulty "making further inroads into the justice system and achieving broad acceptance and support", perhaps due to the increase in a "law and order" or "tough on crime" approach to crime control. Respondents had varying views on these topics. For example, one indicated that he "very much agreed" with this suggestion, but nonetheless "there is a strong parallel interest and development in restorative justice." A government official also agreed with the view that there has been a hardening of attitudes toward crime:

*Then there is the now-popular law-and-order agenda and the ever-present desire to criminalize kids' misconduct. The reality is that RJ approaches are powerful, and an informed public can be very supportive. An informed media is at least as important and so a media strategy is essential.*

However, not everyone agreed with the suggestions in the discussion paper about the reasons why RJ is not used more widely. One respondent commented that the discussion paper over-simplified this issue because responses to crime are affected by complex factors such as changing public expectations about safety, organizational priorities, and the amount of resources available. This person also discussed how the criminal justice system has implemented many types of community-based responses:

*...many important advances have taken place to enrich the justice system and afford a more multi layered response to harm in community. Almost every*

*jurisdiction has a diversion model of some kind in place for youth and for adults. The Youth Criminal Justice Act is a hallmark example of the formal system's reliance on community based intervention. The proliferation of specialty court models indicates that the system actors are seeking alternative partnerships and practices in order [to] arrive at better outcomes. RJ is not as isolated in its quest as this paper would presume.*

## **Honouring the Differences between Aboriginal Justice and RJ**

Varying views about RJ were also expressed by the Aboriginal individuals who responded to the discussion paper. Given that few respondents self-identified as Aboriginal, the following three responses do not necessarily represent the views of all Aboriginal organizations regarding RJ. Nonetheless, they remind us about the need to honour and respect the differences between Aboriginal justice and RJ.

One Aboriginal respondent suggested that RJ might help bring closure to those who have been affected by residential schools:

*[The people of my First Nation] have used the restorative program successfully for a few families within the community. I think the program will also help in the correctional institutes where so many First Nations end up with this sense of "I paid my dues." This is not true, the people who are affected the most are not those in these institutions, but those who are left feeling remorse that it just didn't work, where is the feeling of support in the community. Still these people in charge of the money (Provincial/Federal) are still in a position when they have NOT experienced the effects this may have on the families who need closure to maintain a liveable family atmosphere. Funding for Residential schools, that's a JOKE, \$10,000 for 1 year and \$3000 for every other year. Please! Where is the closure?????? I've heard of [an] apology, heard being the key word, our elders have lost their IDENTITY as First Nation and no amount of money will bring closure, however, there are a few of our communities who have been successful, and Chief and Council have intervened. This is a program that will assist those who are in need of CLOSURE both for the assailant and the victim. Rural communities need these programs to keep the peace and form a well rounded community who all shares the problems...we as a community 'all' face.*

This individual went on to say that his First Nation had found RJ to be helpful in addressing cross-cultural and other issues between the Royal Canadian Mounted Police and the First Nation.

Two other Aboriginal respondents discussed the relationship between RJ and Aboriginal justice. One indicated that the public is often confused about the difference between Aboriginal justice and RJ. This person expressed concern about the widespread use of cultural symbols and the extent to which RJ has borrowed practices from Indigenous peoples:

*Our agency is concerned that the relatively recent proliferation of "Restorative Justice" projects may be confused with Aboriginal Justice Programs. There is a need to educate the public so that they will understand the need to separate the two.*

*Public gatherings frequently borrow cultural symbols such as "Circles," feathers and Dreamcatchers. This is likely intended to demonstrate cultural sensitivity and inclusivity.*

*Aboriginal Justice programs most often are seeking to restore the legal systems in place prior to the importation of British Law and putting effort into restoring social and community order for First Nations people. Aboriginal symbols, such as "Circles," feathers, Dreamcatchers have no inherent power. The real power lies with the motives, values, perspectives that these objects represent.*

*I think that both Aboriginal and non-Aboriginal communities welcome community involvement for different reasons. As we know, the Legal System has become very slow and costly to taxpayers. Community participation may well reduce overall costs and speed the delivery of service. Aboriginal communities have different motivations for becoming involved at a community level. The European Legal system has not worked well for Aboriginal people in Canada and Aboriginal people seek to restore social health by re-establishing legal and social order for Aboriginal people.*

*Community based "Restorative Justice" projects have borrowed from the Maori people in New Zealand, the Aboriginal People of Canada, the Mennonite people, churches, the current Legal System and various other contexts in order to create their own vision of justice. Confusion and a failure to separate the two very different approaches may have the cumulative effect of recolonizing Canadian Aboriginal peoples.*

Another Aboriginal respondent also commented that borrowing practices from Aboriginal communities may be a form of recolonization. This respondent indicated that talking circles and sentencing circles "are important phenomenon in FN [First Nations] whose institutions work in this way". However, he warned against taking cultural practices from one Aboriginal community and transplanting them to other locations because this can devalue local Aboriginal cultures and make it more difficult for communities to develop their own culturally-appropriate processes. For example, he said that importing talking circles and sentencing circles to communities that did not traditionally use these practices can lead to:

*...devaluing the role of traditionally trained elders within those regions by overlaying another practice. This practice is just as dangerous as issues associated with the Indian Residential Schools experience...increased efforts within communities must be made to strengthen Indigenous cultural frameworks.*

Overall, it appears that most of the respondents agreed with the issues raised in the discussion paper. However, there were some comments that the development of RJ in Canada was influenced by many fields that were not adequately acknowledged in the discussion paper. There were also varying views about the extent to which the public and the criminal justice system supports RJ, and cautions about the need to honour the differences between Aboriginal justice and RJ.

## **Issues Facing RJ in Canada**

The online survey asked respondents to rate their level of concern about several issues. As Table 6 indicates, there was some level of concern about all six issues. The top three concerns were low levels of public dialogue and awareness of justice issues, a lack of RJ input in criminal justice reform, and lack of consistent and sufficient financial support for RJ programs. For example, 99% of respondents were “concerned”, “really concerned” or “extremely concerned” about low levels of public dialogue and awareness of justice issues. Ninety-seven per cent (97%) indicated similar levels of concern about the lack of RJ input into criminal justice reform, while 96% had similar levels of concern about the lack of consistent and sufficient financial support.

In terms of issues related directly to forming a national RJ organization, more than three-quarters of respondents (86%) were concerned, really concerned, or extremely concerned about the lack of a national voice for RJ. Moreover, over two-thirds of respondents (72%) were concerned, really concerned, or extremely concerned about the lack of a national RJ centre for excellence. On the other hand, 7% did not have any concerns about the lack of a national RJ centre of excellence, and 4% were not concerned about the lack of a national RJ voice.

A few respondents indicated that they were concerned about other issues. For example, one called for a national think-tank and vision building exercise involving restorative organizations and other groups in order to “develop civil society, quality of life and equality”.

**Table 6: Level of Concern Regarding Various Issues**

Please indicate your level of concern for the following issues.							
Issue <small>(Numbers in parentheses are the number of responses)</small>	No concern	Some Concern	Concerned	Really Concerned	Extremely Concerned <sup>1</sup>	Not Applicable	Response Count <sup>2</sup>
Low levels of public dialogue and awareness of justice issues	0% (0)	1% (1)	21% (15)	53% (38)	25% (18)	0% (0)	100% (72)
Lack of RJ input in criminal justice reform	0% (0)	3% (2)	19% (14)	50% (36)	28% (20)	0% (0)	100% (72)
Lack of consistent and sufficient financial support	0% (0)	3% (2)	20% (14)	54% (38)	21% (15)	1% (1)	99% (70)
Lack of connection between RJ programs, academics and others	0% (0)	15% (11)	34% (24)	38% (27)	11% (8)	1% (1)	99% (71)
Lack of a national RJ centre of excellence	7% (5)	19% (14)	32% (23)	33% (24)	7% (5)	1% (1)	99% (72)
Lack of a national voice for RJ	4% (3)	9% (6)	33% (23)	39% (27)	14% (10)	1% (1)	100% (70)

<sup>1</sup> A program called Survey Monkey was used to develop this online survey. The original version of the survey included some unusual headings. For example, the original survey design for Table 6 included a rating of “freaking out”. When the Final Report was drafted, this rating was replaced with the term “Extremely Concerned”, which is more commonly used and appropriate in this kind of survey.

<sup>2</sup> Percentages may not add to 100% due to rounding.

## IV. Comments on the CRJC

### The Need for a National Organization

The online survey asked, “Do you think that the restorative justice movement in Canada needs a national organization?” Of the 71 respondents who answered this question, 64 said “yes”; 7 replied “other”, and 0 said “no”. In other words, the majority of respondents (90%) agreed there is a need to develop the CRJC. The following excerpt is representative of the comments on this topic:

*Our committee felt that yes, the development of a unified RJ voice across Canada would be of value. It would offer partnerships with other organizations and we would appreciate the opportunity to share information, initiatives and practices.*

*We felt that a collective body would be able to gather research in the important area of Canadian Restorative Justice and that research, in turn, would offer credibility to our organization, our proposals and our work. We are excited at the possibility that a national committee would be able to increase awareness across*

*the country and to influence decisions and opinions in communities and at all levels of government.*

*In our discussion, the concern was raised that a Canadian Restorative Justice Consortium may try to direct the work of [our group] but that Consortium bylaws could be constructed to prevent this from happening.*

*In terms of membership an idea would be to have provincial or regional representation from all of Canada around the table of the Consortium.*

*With respect to Consortium activities, our committee discussed the possibility of national conferences, networking, and national lobbying for the greater goals of healing, forgiveness and accountability - encompassing the true spirit of Restorative Justice.*

As previously mentioned, none of the respondents to the online survey said “no” to the creation of the CRJC, but 10% were either unsure or non-committal (that is, they neither agreed nor disagreed).<sup>2</sup> The following comments illustrate some of the views of those who neither agreed nor disagreed with forming a CRJC:

*...We need a way of connecting and getting info - more a clearing house than a national organization...*

*RJ needs local connections before national - local and provincial advocacy needs to be done on those levels. There is always a risk of exclusion when there is "one" voice. RJ needs to be voluntary not mandated.*

*I believe that this needs to be explored further. In other words I haven't made up my mind yet.*

*I am not quite sold on the concept of a "national organisation" but certainly the concept and practice of restorative justice must continue to rise in priority within the criminal justice system.*

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<sup>2</sup> As previously mentioned, 71 people who responded to the online survey answered the question, “Do you think that the restorative justice movement in Canada needs a national organization?” Of these 71 respondents, 64 (90%) said “yes”; 0 said “no” (0%); and 7 (10%) replied “other”, which the Steering Committee interprets as being unsure or non-committal.

Written responses were also generally supportive about developing the CRJC. No one argued against the formation of a national RJ organization during Phase 1 of the consultation, although one person did not like the term “consortium”. Four of the six written responses received during Phase 2 indicated that the respondents supported the development of a national RJ organization, and one stated that (s)he supported the CRJC as long as the organization was broad enough that he or she could see themselves as part of it. One of the six respondents in Phase 2 did not express an opinion on this topic.

Overall, the respondents who favoured the development of the CRJC suggested that it could:

- Enable RJ practitioners to network and develop partnerships.
- Enhance information sharing between RJ practitioners, academics, and others about program developments, new research and best practices.
- Support the skills development of RJ practitioners. For example, it was suggested that the CRJC could link new practitioners with experienced workers who could act as mentors.
- Conduct public education, develop communications strategies, and develop and implement advocacy strategies.
- Support research on RJ.

## Concerns Raised

Although the vast majority of respondents supported the development of the CRJC, several also raised concerns. Some of these concerns related to the suggestion in the discussion paper about a “unified voice” for RJ. Respondents wanted to ensure that the CRJC would honour the diversity of RJ in Canada. Other concerns related to ensuring that the CRJC would respect the autonomy of local RJ agencies.

In regards to honouring the diversity of RJ in Canada, the discussion paper had asked whether it is “time to develop an organization that would provide a unified voice for restorative programs and practitioners.” Respondents had varying reactions to this statement. One person suggested that those who support RJ may occasionally need to speak out in a unified way, but this does not mean that the CRJC should attempt to create one single voice that represents all of the groups involved in the field:

*While politically we may need to express a "unified voice" sometimes, overall I feel strongly that we should not try to create one unified voice for Canada. This actually contradicts the spirit of the discussion paper which seemed to recognize the diversity of programs and practitioners. It's the richness of the diversity that we need to capture and learn from, especially in the early stages of development. We have much to learn as we further develop this still-young paradigm of restorative justice.*

Other respondents seemed to link the idea of speaking with a unified voice to the question of whether there should be standards for restorative practice. One person suggested that speaking in a unified way is “visionary” given that many RJ programs are in the process of developing policies and best practices:

*As with all National organizations - whether NGO, Government or non-profit - the idea of a unified voice is very visionary, especially in light of the fact that there are still concerns with developing standards/policies/best practices. I am a firm believer that Restorative Justice will not be taken seriously as an alternative/diversion until standards/policies/best practices are developed and there is accountability within the program by the funder and an external auditor...*

Another respondent suggested:

*Given the rich array of RJ approaches employed in Canada, it would be impractical and unadvisable to attempt to distil a singular RJ approach or methodology for national application. However...a Consortium can lead to a greater consistency of standards in RJ theory and practice. Areas in which RJ can benefit from greater standards consistency include: in the promulgation of benefits of RJ; forms of evidence-based RJ programs; key factors for success in RJ implementation; and RJ policies and protocols, to name only a few. Ensuring greater consistency in these respects will vastly improve RJ outcomes, all the while allowing communities and organizations the freedom to implement the form of RJ that best meets their unique needs and circumstances.*

Not everyone agreed that the CRJC should have a role in developing standards for RJ, however. One respondent suggested that local RJ agencies were concerned about whether having a national RJ organization might lead to the “professionalization” of the field. Another discussed concerns about the potential for a national organization to impose restrictions on local restorative agencies. This individual, who had come to Canada from another country, indicated that mediation in his or her country of origin had been institutionalized under that country’s Ministry of Justice. This had the following results:

*... Although it seems a good idea, the problem is that some of the mediation and conciliations process slowly became another requirement in the long journey of justice administration. My other concern is that the new organization might discourage grassroots initiatives that do not “comply” with the regulations or requirements of the organization. I think that the idea is good; it is important for the evolution of the field but it needs debates...*

A different respondent suggested that standardization and inclusiveness are important to assure quality of service. Nonetheless, that person did not want a unified approach to RJ. In this person's view, the reference to a unified voice "...implies an orthodoxy that all must adhere to. I would much rather see us have a voice 'consistent' with the principles and values of restorative justice." This writer also noted that a national body can too easily become "an operational organization, focused on 'best practices' - important as best practices are."

As previously mentioned, one organization that responded to the discussion paper suggested that the bylaws of the CRJC should respect their program's autonomy:

*In our discussion, the concern was raised that a Canadian Restorative Justice Consortium may try to direct the work of [our] group but that Consortium bylaws could be constructed to prevent this from happening.*

Overall, it appears that there were some concerns about whether a national RJ organization might attempt to standardize restorative practice or interfere in the workings of local RJ programs. As one respondent put it, "I strongly agree with the CRJC embracing the role of enabler, supporter and networker, but not watchdog or standard maker." Such comments indicate that respondents want the CRJC to respect their autonomy and undertake activities that support their work, rather than attempting to direct what they do. There also seemed to be a strong sense that the CRJC should be as inclusive as possible in order to honour the richness and diversity of restorative programs.

## **Comments on Structure, Membership and Funding**

Respondents made some suggestions about the CRJC's structure, membership and funding. In regards to structure, one commented:

*Structurally there are a number of options available. One could establish a stand-alone organization if central funding were available, or piggy back on an appropriate Federal Provincial Territorial group such as the Heads of Prosecutions...the Heads of Corrections or such other existing group which has a sustainable infrastructure.*

A different respondent suggested that establishing the CRJC as a non-profit corporation with charitable status would be the ideal:

*...a non-profit corporation with, if possible, charitable status, would be the ideal and could be an ultimate goal. It may be, however, that a non-formal coalition*

*could begin the work (as seems to already be the case), and take next steps in incremental stages as appropriate. Membership: I would hope that it would be open to all restorative justice practitioners.*

A few respondents commented on the nature of the relationship between the CRJC and local RJ programs. As one respondent suggested, “It will be important to become clear on the distinction between the national consortium and programs across Canada, as well as what the relationship between them will be.” Another indicated that local RJ programs had expressed “concerns that smaller entities would not see themselves reflected in a national stream approach, and would be unable to contribute to this work given limited funding and so forth.”

These comments indicate that the CRJC would need to carefully consider how to ensure that its membership and processes are representative and inclusive. One respondent suggested that membership should be open to all RJ practitioners. Two others felt that the CRJC should include representation from all provinces and regions of Canada. It was also suggested that broader classes of membership should be considered, including representation from women’s organizations.

In terms of funding, one respondent was concerned about whether the CRJC would accept funding from government sources:

*There is the issue of financing, and I would like to issue a caution. I think agencies like CSC [Correctional Service of Canada] have a conflict of interest in promoting restorative justice and as such, a new national RJ group should NOT take any funds from agencies like the penitentiary service. I am worried that CSC will attempt to colonize the RJ movement, and thereby undermine it. Quite pointedly, RJ in the future will be in competition with traditional prison agencies, and CSC is one of them. So, at the outset, this new organization should NOT take any CSC money. Developmental money from Justice Canada is OK, but other sources will need to be found, including foundations and social development sources.*

While it might be ideal if a private/public funding formula could be arranged or a “Foundation for Restorative Practices in Canada” were established, the Steering Committee feels that it may be difficult to develop a national organization without government funding. There are arrangements that can be made that allow for a national organization to remain independent from funding sources. If the CRJC is established, it will have to find a way to remain true to the principles of RJ while honouring the obligation to account for public funds.

## Potential Goals and Functions

Respondents who participated in the online survey were asked to rate the importance of potential goals for the CRJC. Responses to this question are summarized in Table 7.

**Table 7: How Important are the following Goals?**

Please indicate how important to you the following goals would be for a CRJC to have:						
Goal  (Numbers in parentheses are number of responses)	Not important <sup>1</sup>	Neutral	Important	Really Important	Not applicable	Response Count
Promote dialogue and public education about RJ	0% (0)	0% (0)	14% (10)	86% (62)	0% (0)	100% (72)
Advocate to federal, provincial, municipal levels of government	0% (0)	0% (0)	26% (19)	74% (53)	0% (0)	100% (72)
Facilitate skills transfer between RJ practitioners	0% (0)	4% (3)	49% (35)	44% (31)	3% (2)	100% (71)
Address the information gaps in RJ programmatic developments <sup>2</sup>	0% (0)	9% (6)	46% (33)	44% (31)	1% (1)	100% (72)
Conduct or facilitate research	1% (1)	10% (7)	39% (28)	50% (36)	0% (0)	100% (72)
Address information gaps in RJ academic developments <sup>3</sup>	0% (0)	11% (8)	53% (38)	36% (26)	0% (0)	100% (72)

<sup>1</sup> The original version of the survey sometimes used unusual headings. The original survey design for Table 7 included a rating of “waste of time”. When the Final Report was drafted, this rating was replaced with the term “Not important”, which is more commonly used and appropriate in this kind of survey.

<sup>2</sup> Refers to providing information to restorative programs about other RJ programs and models.

<sup>3</sup> Refers to providing information to restorative programs about RJ research.

Promoting dialogue and public education about RJ and advocating to federal, provincial and municipal governments about RJ were rated as the two most important goals. All respondents indicated that promoting dialogue and public education and advocating to different levels of government was “important” or “really important”. There seemed to be a sense that a national organization could raise public and governmental awareness of RJ. In the words of one respondent:

*...there is widespread openness to RJ in the general public, but very little understanding of it. There needs to be a concerted effort to capture and hold the moral imagination of the masses though in order for this to take hold. Until the people are engaged at a local and national level, individual programs will use up so much of their energy swimming against the tide that it will be very difficult for them to keep momentum and grow to their full potential. It is SO hard to fundraise, and advocate with government and do public education and still try to actually run RJ programs.*

There was also strong interest in facilitating skills transfer between RJ practitioners, with 93% of respondents indicating that that was important or really important.

There was more variation in the importance that respondents attached to other potential goals. These other goals included addressing gaps in restorative programming and academic development (in other words, increasing the awareness of restorative programs about new program developments and new academic research) and conducting or facilitating research. The following quote from a RJ organization is representative of these responses:

*[A National Consortium] would offer partnerships with other organizations and we would appreciate the opportunity to share information, initiatives and practices.*

*We felt that a collective body would be able to gather research in the important area of Canadian Restorative Justice and that research, in turn, would offer credibility to our organization, our proposals and our work. We are excited at the possibility that a national committee would be able to increase awareness across the country and to influence decisions and opinions in communities and at all levels of government. With respect to Consortium activities, our committee discussed the possibility of national conferences, networking, and national lobbying for the greater goals of healing, forgiveness and accountability - encompassing the true spirit of Restorative Justice.*

As the above comments suggest, respondents were quite interested in having the CRJC support networking and partnerships between RJ agencies. One respondent put it this way:

*...there is a recognition among struggling RJ service providers that we need to work together, but very low capacity to do so. For several years, I've worked at creating and sustaining an RJ coalition...which has gone through many ebbs and flows...*

There were also several comments about the role the CRJC could play in providing information about RJ that would be useful for practitioners and others:

*We believe a Consortium could act as a central hub, an aggregating entity, for high-quality information and resources on RJ including Canadian and international best and promising practices, training programs, RJ practitioner inventories, funding sources, community programs and collaborative project opportunities and other complementary resources.*

In terms of increasing connections between RJ practitioners, academics and other groups, one respondent suggested that RJ could be strengthened by having a

small steering committee that invites different groups to participate in special conferences. He or she suggested that this steering committee could also provide:

- a.) *an annual get together with opportunity to focus on one theme plus*
- b.) *well led workshops in which participants can share their best practices, and or raise their most pressing questions for ideas and consultation, and*
- c.) *engage in research with an institute, university department, or government department taking the lead on questions or practices the larger group comes to some agreement on is something that could help us all.*

As the previous quotation indicates, some respondents were interested in having the CRJC play a role in research. Most respondents (89%) felt that it would be important or very important for a national organization to conduct or facilitate research. One suggested that the CRJC “would be well positioned to undertake, on behalf of Consortium partners and other stakeholders, independent research and evaluation on RJ initiatives, to therefore augment our collective body of knowledge.” Another respondent discussed the difficulties facing local RJ programs in conducting research about outcomes. They suggested that the CRJC could assist with measuring the impact of RJ on victims and offenders using matched control groups and other forms of “hard research”. On the other hand, one respondent (1%) indicated that it was not important for the CRJC to conduct or facilitate research, and 10% were neutral. A comment from one respondent suggested that they were not sure if it would be appropriate for the CRJC to conduct research while simultaneously advocating for the use of RJ:

*I think that research will be crucial in the years to come (as is discussed in your paper), but I am not sure that the Consortium would be well placed to conduct that research, since that could conflict with some of its other roles - including advocacy. I think that there is a clear need for gathering a lot of the relevant information about programs, practices, methods and their relative success and making it broadly accessible.*

The online survey also asked respondents to indicate whether they would use a list of potential tools that the CRJC might offer. Table 8 provides the responses to this question.

**Table 8: The Importance of Tools offered by a National RJ Organization**

How would you rank the tools listed below as important for a national RJ body to make use of?						
Tool	Would Not Use	Not Sure	Would Use	Would Definitely Use	Not Applicable	Response Count
(Numbers in parentheses are the number of responses)						
<b>Website</b>	0% (0)	1% (1)	18% (13)	81% (58)	0% (0)	100% (72)
<b>Newsletter</b>	0% (0)	11% (8)	51% (37)	38% (27)	0% (0)	100% (72)
<b>Conference</b>	0% (0)	7% (5)	40% (29)	53% (38)	0% (0)	100% (72)
<b>Journal</b>	0% (0)	19% (14)	46% (33)	35% (25)	0% (0)	100% (72)
<b>Consultation</b>	0% (0)	14% (10)	38% (26)	45% (31)	3% (2)	100% (69)

Almost all of the respondents who answered this question indicated that they would “use” or “definitely use” a website (99%). The following comments represent their views about this:

*I like the idea of a website and I think that it would also be helpful to have legal advise [sic] as part of the activities as we are dealing with the justice system, CC and the YCJA [the Criminal Code of Canada and the Youth Criminal Justice Act] and I find from time to time that it would be good to talk/email a question and/or concern for feedback. On-going training, education and links to trainings/courses/conferences Provincially, Nationally and Internationally would be great.*

Another respondent discussed how the website could be structured:

*Construct a Listserve, “community” website that would require a user name and password to access. This website could provide a venue for posting research findings and building networks between restorative practitioners. The website could also host cyber-conferences led by experts from within the consortium. It could also provide a space for conference participants to post questions, comments and information. The website could also provide some information to the public about the consortium, as well as links to educational materials on restorative justice. At some point in the future, the consortium could fund research and live conferences...*

The vast majority of respondents also supported the need for tools that would enable restorative practitioners to communicate with each other. One respondent made an eloquent comment about this point:

*I just would sum up that there needs to be more communication with one another and share each others' tools and ideas around RJ. Not only do we need to come along side and walk with the individuals in RJ but we need to walk with each other as facilitators and encourage and build up one another...*

Most respondents viewed conferences and a newsletter as valuable tools that could help create links between RJ practitioners. Ninety-three per cent (93%) were positive about the idea of having the potential organization host a conference, and almost as many (89%) said they would use or definitely use a newsletter. In regards to holding conferences, one respondent said that “a national conference is of utmost importance! As someone working in a remote area where there are a few far flung RJ practitioners, the national conferences are what keep us inspired and motivated, and keep us connected to the people and initiatives in the field.”

A clear majority (83%) said they would use a national body for consultation purposes (although one respondent was unsure what “consultation” would entail). There were also a few “other” suggestions, such as producing films and videos about RJ, having awards for RJ, and partnering with other organizations to brief politicians and senior government officials and make presentations at hearings and commissions.

Overall, it appears that those respondents who commented on these questions felt that the CRJC could play a valuable role in promoting dialogue and education about RJ; networking and developing partnerships between restorative programs and practitioners; sharing information on program developments, research, and best practices; and advocating for RJ. There was also widespread agreement about the need for tools such as websites, conferences and newsletters. There was less agreement about the role that such an organization would play in conducting research.

## **V. Conclusions and Next Steps**

The Steering Committee received 97 responses to the discussion paper about whether there is interest in forming a national RJ organization. There were 74 responses during the first phase of consultations, and 23 more during the second phase. These responses come from across Canada, with the exception of the Territories. They tended to be submitted by volunteers or staff of restorative agencies and victims programs.

The responses indicate that there is clear support for the formation of the CRJC and general agreement with the goals and functions suggested for the CRJC. Potential goals include promoting public education about restorative justice, networking and partnership building, and advocacy. There was significant support for activities such as hosting a website, organizing conferences, and establishing a newsletter.

While there is support for the formation of a national RJ organization, respondents raised concerns relating to the need to honour the diversity of RJ in Canada and respect the autonomy of local restorative programs. Additionally, there was

disagreement about whether there is a need for a “unified voice” for RJ in Canada. There were also some cautions about the potential source of funding for a national RJ organization and the need to honour the differences between Aboriginal justice and RJ.

While this discussion process has provided valuable information about the level of interest in establishing the CRJC, it also faced some limitations, such as the difficulty in determining how many individuals and organizations received the discussion paper. As well, the Steering Committee would have liked to have received more responses from women’s groups, Aboriginal organizations, law enforcement agencies, groups representing offenders, and some parts of the country.

In conclusion, the results of the consultation indicate that there is strong support for establishing the CRJC. The Steering Committee is in the process of determining how to move forward. We will begin considering some options for the CRJC’s structure as a starting point for discussion. We are also planning to seek funding for a meeting to gather as diverse a group as possible to develop a model for the CRJC.