



COMMUNITY JUSTICE FORUM FACILITATOR'S GUIDE TO THE RCMP LEARNING MAP

INTRODUCTION

This map serves as a learning tool and training aid to facilitate discussion and assist with the training of RCMP officers and interested community members in the process of Community Justice Forums (CJF). Facilitators are encouraged to utilize the map in any manner that will complement training needs. Existing CJF trainers may choose to use the map to supplement existing training material. Alternately, it can be used as a cornerstone for generating questions and a dialogue about Restorative Justice and CJF's in particular.

The Community Justice Forum learning map is divided into three components or circles, each of which are stand alone training items.

Three components of CJF Learning Map:

1. Traditional vs Restorative Approaches

The first component, represented by key theme words surrounding the process of CJF, outlines traditional and restorative approaches to justice.

2. The Processes of CJF

The second component or circle of the map illustrates the process of Community Justice Forums (CJF).

3. Theory of Community Justice Forums

The final inner circle of the learning map, represents the sociological and psychological theory behind the CJF process.

GETTING STARTED

Begin a dialogue by breaking the group into small groups of 4 or 5. If time does not permit small group work, you may approach this exercise by simply throwing questions out to the larger group.

Once you have divided the audience into smaller groups, ask them to brainstorm around the question: ie "What is the underlying philosophy of our current justice system? What does it seek to achieve?"

Participants are asked to share their responses in their small groups and record their comments on flipcharts (if available) or paper.

Once this has been completed, each small group should select a 'reporter' who will share the group comments with the larger group.

Note

Small group exercises in the guide are based on training materials provided to the RCMP by Transformative Justice Australia.

FIRST COMPONENT

TRADITIONAL vs. RESTORATIVE APPROACHES

Question to group:

What is the underlying philosophy of our current justice system?
What does it seek to achieve?

Be sure that the following points are raised:

- Justice is seen to be done
- Punishment
- Deterrence, i.e. Does the system prevent or discourage people from offending behaviour?
- Behaviour change
- Safety of others
- Public pressure
- Restitution i.e. compensation to victim (usually financial) for harm caused
- Victim satisfaction

You may notice that participants will comment that the 'stated' aims of the justice system are not always realized in daily practice. Most likely at this point in the presentation you will receive comments or complaints about the 'failures' of the current system from participants.

Next, ask participants to go back to the same small groups - or different ones if you choose - to discuss another question. Pose this question to the groups - "In a perfect system, what are the ideal outcomes?" "What would you like to see in a perfect system?"

Again ask groups to appoint a 'recorder' to share their ideas with the larger group.

Question to group:

"In a perfect system, what are the ideal outcomes? What would you like to see in a perfect system?"

Comments from group may include:

- Zero recidivism
- Absolute deterrence
- Healing for all parties
- Satisfaction for all
- Collective accountability

- Reintegration of offender
- No police / No crime
- Ongoing liaison and follow up
- Confidence in system
- Sense of closure
- Community justice seen to be done
- Appropriate punishment
- Forgiveness

Close this exercise by suggesting that in many cases, Restorative Justice options can offer outcomes closer to the 'ideal' ones mentioned than can the 'traditional' court system.

EXPLANATION TO GROUP

The outer blue and green regions of the map illustrate that there are two ways of thinking about justice i.e. two philosophies. Both exist in Canada with the traditional approach, represented in green, being more prevalent. In the next few minutes we will compare and contrast the two.

Facilitators should highlight the idea that we are not advocating the elimination of the traditional system. Rather, it should be suggested that there are many situations where conflict can be resolved in a restorative manner. Thus, empowering the victim and offender to become involved in this process while at the same time, reserving serious cases for the mainstream system. Those of you with additional background knowledge in the area of restorative justice may choose to add additional information at this point.

WHAT IS RESTORATIVE JUSTICE?

The definition / framework for 'restorative justice' suggested is as follows:

Restorative Justice is a philosophy which holds community healing as its cornerstone. Like community policing, it's a way of doing business differently. Unlike the current adversarial system which is based on punishment, restorative justice encourages dialogue and responsibility for past behaviour, while focusing on future problem-solving and offender accountability. Ideally, the victim, the offender and the community should be involved in '**making things right**' to enable all parties to be returned to their pre-crime states. Restorative justice views crime as a violation of one person by another not simply as a breaking of the 'law'.

Question to group:

Ask the group if they can suggest any 'programs' or 'processes' currently in place in their communities which might be considered 'restorative' based on the definition provided.

You may want to write these existing community initiatives on the board or flipchart.

You should emphasize the fact that:

There are a number of options or strategies within the restorative justice approach, including Community Justice Forums (CJF), victim-offender mediation and sentencing circles. Strategies can be as numerous as communities. **The RCMP is not advocating that CJF's are the only way to respond to conflict.**

TRADITIONAL (COURT) JUSTICE

Point to outer green (lower) portion of map and explain that there are a few key themes often found in the traditional (court) approach to conflict. Begin with "fact finding" and ask each participant to suggest what each 'key word' might mean. For example: Ask the group what they think is meant by 'fact finding'. Encourage the group to challenge each other on their ideas. Ensure that points listed below are covered in the dialogue.

Question to group:

"What is meant by each term?"

Fact finding

- Investigative fact finding has been a traditional way for the police to assess blame and ultimately solve crimes. Often we see an exclusive focus on facts to the detriment of feelings and emotions in dealing with conflict. Restorative justice approaches argues that while fact finding has merit, it takes a back seat to problem solving in reaching successful resolutions.

Offender

- This key word on the map refers to the notion that the traditional court process has as its focus the offender. The role of the victim and the wider community often seem forgotten. While focus on the offender establishes the rationale for punishment, it does not allow for, nor encourage, the offenders to take responsibility for their actions.

Punishment

- One of key stated objectives of mainstream system. An elaborate system of weights and measures exists to evaluate the level of punishment to be given based on actions of offender.

Win / Lose

Traditional system is based on notion that for each 'case' or situation there must be one winner and one loser. In this adversarial system, the two 'sides' battle for victory - a win. The down side of this approach is that someone always loses. Often it is the victims, even if they 'win' the case. Critics argue that this approach once again encourages offender to avoid responsibility for their actions.

Alienation

- This traditional system often provokes a sense of alienation for both victim and offender. The stigma of charges can alienate the offender from his community. Additionally, if found guilty s/he may be removed from the community to serve a sentence in a correctional facility or halfway house. Similarly, the victim is often isolated and alienated by this process. Victims often complain that they have no voice in the system. They may emerge from the court process, disillusioned and angry.

RESTORATIVE JUSTICE

Begin with "problem solving" and ask each participant to suggest what each 'key word' might mean. Again, ensure that points under key words below are covered.

Question to group:

"What is meant by each term?"

Problem Solving

- Emphasis on how victim, offender and others can move past this event. There may be financial compensation issues. Requires dialogue among key players.

Victim / Community

- Victim and offender play a key role in both problem and solutions. Offender is encouraged to take responsibility for his actions while victim's needs are recognized.

Responsibility

- Punishment is not the key concern in a restorative approach. Rather, having the offender assume responsibility for his/her actions is primary. It ensures a sense of accountability and ownership, not often found in the traditional system where offenders are represented by lawyers and encouraged to plead 'not guilty'.

Win / Win

- Through the nature of the process, restorative justice argues that all parties can be winners for everyone present is involved in finding a

resolution to the incident.

Reintegration

- One of the most important features of restorative justice is a commitment to the reintegration of the offender back into the community. Also, the idea of including the victim in the process means that they will not be alienated by the process. Ultimately, the concept of reintegration is linked to the greater goal of healing. Unless everyone touched by an incident can be involved in making things right, healing cannot occur.

SECOND COMPONENT

THE PROCESS OF CJF

Question to group:

"Has anyone facilitated a forum? "
"Is anyone familiar with the process?"

- Ask the group if anyone has facilitated a forum or understands the process.
- Ask that person to explain it to the group. It is best whenever possible to draw on group experiences/knowledge.
- Next review key steps 1 through 5 using information provided below. Those of you with experience in facilitating forums will have advice or additional points to highlight during this phase.

Step 1 - Incident / Responsibility

- offender must admit responsibility for actions for process to proceed
- **police discretion is key** - emphasis on **pre-charge** options. From a policing perspective, we are encouraging officers to use their discretion to refer cases to options like CJF rather than operating within the framework of formal legislation like the YOA or Alternative Measures.
- mention that CJF can be used at many points of entry into the criminal justice system. For example, by corrections at the 'pre-release' stage or by the Crown, Judge, probation, etc.



Step 2 - Process Voluntary

- all parties - victim/offender must agree to participate
- coordinator calls each participant to canvass availability



Step 3 - Session

- set process - facilitator follows a script - (script distribution at CJF training session)
- seating plan is pre-arranged



Step 4 - Resolution

- agreement is reached which is signed by both parties
- may include an apology, community service or compensation for victim
- solutions for resolution should belong to participants - facilitator does not promote their own resolution suggestions



Step 5 - Closure

- while facilitator drafts agreement, participants share a light snack. Due to its significance, this portion of the forum cannot be skipped. It provides a further opportunity for closure through dialogue.



THIRD COMPONENT

THEORY OF COMMUNITY JUSTICE FORUMS

It is recommended that facilitators planning to present on Circle Three, familiarize themselves with the RCMP's *Community Justice Forum Canadian Resource Guide* which contains more detailed information on Forum theory.

Make sure to cover the following highlights of theory at a minimum:

- Main premise - Shame has potential to change behaviour
- CJF incorporates both sociological and psychological understanding of shame

Ask participants to break into small groups again. Explain that John Braithwaite, an Australian sociologist developed the notion of reintegrative shaming which is evident in forums.

Ask groups to consider the question - "Why do most of us do the right thing most of the time?" Explain that in the past, many criminologists have asked "Why do people do 'bad' or criminal things?" Braithwaite approached the question of deviance and reintegration from this new angle - Why do people do the right thing?

Question to group:

"Why do most of us do the right thing most of the time?"

Have groups share their answers. Ask them to highlight the most important reason for 'doing the right thing'. Ensure that the following points have been covered:

- socialization (morals, values)
- adhering to norms
- our needs are met by doing the right thing
- conscience
- fear of consequences
- fear of disappointing others
- fear of public disgrace
- respect for others
- belief in the importance of rules and laws

Go on to explain Braithwaite's theory of shaming - given below in point form. Again, it is recommended that facilitators planning to present on Theory familiarize themselves with the RCMP's *Community Justice Forum Canadian Resource Guide* which contains more detailed information on Forum theory.

BRAITHWAITE'S THEORY

- shame is the reason we don't commit crimes
- we can be shamed internally by our conscience or externally by family, friends or society at large

- Braithwaite's notion of re-integrative shaming: the focus of shaming is on the act, not the actor

Explain that there is also a psychological reason behind the success of forums. It's based on work of American psychologist Don Nathanson. Again, facilitators are advised to familiarize themselves with Nathanson's 'affect' theory through a review of the CJF Resource Guide.

Make sure to cover the key points listed below.

NATHANSON'S THEORY

- all people are born with 9 innate 'affects' or emotions
- 'affects' fall into 3 categories
 1. positive - interest/enjoyment
 2. neutral - surprise
 3. negative - fear, distress, anger, dissmell, disgust and shame
- by negative, we don't mean innately negative we mean feelings that our body tries to avoid experiencing - they are unpleasant. Ex: fear.
- it is natural to want, in any situation, to minimize negative emotions and maximize positive affect
- during a forum, participants are encouraged to express **shame, fear and disgust** by telling their stories.
They often express interest in the idea that a positive resolution can be reached and even **enjoyment** if this resolution is achieved.

CLOSING REMARKS

Restorative Justice offers innovative options for resolving conflict to communities, and criminal justice professionals. Community Justice Forums are being used and endorsed by the RCMP but are not the only Restorative Justice option open to communities.

Goal of this session was to share new options, not to tell anyone what to do or how to do it. If participants would like further information on restorative justice advise them that they can see you at the close of the session. Additional information on Restorative Justice can be accessed through:

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