



## RESTORATIVE JUSTICE

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Canadians indicated they are not very familiar with restorative justice (RJ), but after receiving an explanation, the majority of Canadians support the use of RJ and see the process as an effective way to repair harms caused by crime.

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### What we also found

- Over half of Canadians (52%) reported low familiarity with RJ. A further 30% noted moderate familiarity.
- Eight in ten Canadians (80%) agreed that criminal justice officials should be required to inform victims, survivors and accused of the availability of RJ processes.
- Sixty-two percent of Canadians thought that RJ would provide victims of crime with a more satisfying and meaningful experience than the mainstream criminal justice system.
- Most Canadians (87%) indicated that victims should be able to meet with the offender and tell them about the impacts of the crime if they wish to do so. Over half (64%) of Canadians indicated that RJ should be available to all victims and offenders, regardless of the offence type, as long as both the victim and offender want to take part in the process and the offender admits his or her guilt.
- Focus group participants indicated support for use of RJ processes even for violent crimes and saw the value of these processes for victims, offenders and the community.
- Eighty percent said that RJ would be likely (45%) or moderately likely (35%) to enable the offender to demonstrate accountability for their behaviour and the harm caused to a victim.
- Almost forty percent (39%) of respondents expressed concerns about the use of RJ processes in the criminal justice system, while a similar proportion (38%) said they did not have any concerns. Nearly one-quarter (22%) were not sure, likely either a result of a lack of information and/or because they were unsure of the effectiveness and impact of RJ.
- Although there was variation in views, focus group respondents indicated more support for RJ use for first time offenders, when there was pre-existing relationship between victim and offender, for unplanned crime and when the crime was not sexual in nature or did not involve a child.
- Most focus group and interview participants felt that RJ would help offenders to understand the impact of their crime and enable them to put “a face” to the victim. Some participants said that with the support and counselling offered as part of some RJ processes, offenders might be able to address some root causes of their offence (such as alcohol or anger issues) that might not be addressed through incarceration.



# Research at a Glance

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- Given the lack of knowledge about RJ, it is not surprising that some Canadians (39%) still have questions or concerns about the RJ process. These concerns lie primarily around the potential to hold people accountable (78%), who is eligible to participate (69%) and the RJ process itself (49%).

## In more depth

Restorative justice (RJ) was defined as a process that provides supportive and safe opportunities for communication between those who are affected by an offence (victims, offenders, and/or community), in cases where an offender has accepted responsibility for the offence and both the victim and the offender voluntarily agree to participate. RJ emphasizes repairing harm, healing in victims and meaningful accountability of offenders. There are many different RJ processes, including victim offender mediation.

In 2016, most focus group respondents were supportive of the use of processes like restorative justice as a way to help victims and offenders, especially for some types of crimes. The two key elements of restorative justice that participants found most appealing were the requirement that offenders take responsibility for their crime, and the efforts they would make to address or repair the harm caused.

In 2017, after watching a video depicting an RJ process to provide context and information, focus group respondents discussed restorative justice. The RJ process depicted in the video involved a violent crime. Most indicated strong support for the use of these processes even for violent crimes. However, they remained adamant that the process must be voluntary at every stage and flexible enough to be adapted to each unique situation.

Focus group respondents acknowledged the potential benefits of RJ for victims including that it could provide closure and more control, help with an understanding of what happened, give victims a voice, instill a feeling of justice being served, and have long term positive impacts. They also acknowledged the potential benefit for offenders. For example: understanding the impacts of the crime, learning from the process, and helping to address root causes of their behaviours (through the counselling that is part of some RJ processes).

A few participants expressed concerns that offenders might manipulate the process, try to obtain a lighter sentence, or that the process may potentially not have an impact on repeat offenders. There was also a great deal of uncertainty about the impacts and lack of understanding about how the process unfolds (e.g., the potential for re-victimization and additional pressure on victims, participant consent, the need for the offender to take responsibility, and the involvement of various services such as counselling support for victims and offenders), and how this collaborative approach fits in an adversarial system.

Although more women than men noted a low familiarity with RJ (56% vs. 49%), women saw more benefits to RJ than men. Women were more likely to agree that criminal justice system professionals should be required to inform victims/survivors and accused people of the availability of opportunities such as RJ (83% vs. 77%). More women than men believed that RJ would help victims and families to heal and get closure in the aftermath of a crime (55% vs. 45%), would enable the offender to demonstrate accountability for their behaviour and the harm they have caused to a victim (48% vs. 42%), and would provide an experience for victims that is more satisfying and meaningful than experienced in the mainstream justice system (65% vs. 59%)

There were differences in attitudes between those with higher levels of education and those with lower levels. Those with a university education<sup>1</sup> had higher familiarity with RJ compared to those who had completed high school or less (59% vs. 41%). Those with a university education were more likely to agree that criminal justice system professionals





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should be required to inform victims/survivors and accused people of the availability of RJ opportunities (85% vs. 75% high school or less). Overall those with a university education saw more benefits to RJ than those with high school or less. This trend held true for holding the belief that: 1) RJ should be available to all victims and offenders who are interested regardless of the crime committed (71% vs. 60%), 2) RJ would help victims and families to heal and get closure in the aftermath of a crime (57% vs. 48%), and 3) RJ would provide an experience for victims that is more satisfying and meaningful than that of the mainstream justice system (73% vs. 58%)

There was a difference between the views of those 35-44 years of age compared to those aged 65+. The younger group were more likely to believe that RJ should be available to all victims and offenders who are interested regardless of the crime committed (69% vs. 57%), that RJ would help victims and families to heal and get closure in the aftermath of a crime (60% vs. 42%), and that RJ could enable offenders to demonstrate accountability for their behaviour and understand the harm they have caused to a victim (50% vs. 39%)

There were some differences by region: persons living in Québec were more likely than people in Alberta to agree that that criminal justice system professionals should be required to inform victims/survivors and accused people of the availability of opportunities for RJ (85% vs. 73%). Persons living in the Atlantic Provinces were more likely than those in Québec to agree that victims should be able to meet the offender and tell them about the impacts of the crime (95% vs. 82%). Residents of the Atlantic Provinces (72%) were more likely than those in Alberta (56%) and Québec (57%) to believe that RJ would provide an experience for victims of crime that is more satisfying and meaningful than mainstream justice.

## Method

The Department of Justice conducted National Justice Surveys (NJS) in both 2016 and 2017. Each NJS included several public opinion research projects with Canadians 18 and over from across Canada. The 2016 NJS included two surveys (surveys 1 and 2), six in-person focus groups and three online discussions. The 2017 NJS included two surveys (surveys 1 and 2), twelve in-person focus groups and twenty one-on-one telephone interviews. Survey samples were drawn randomly and the surveys were completed online or via paper. The data were weighted on age, gender, geographic region and education to match the Canadian population.

NJS 2016: The first survey (N=4,200) explored Canadians' goals, objectives and perceptions of the CJS, their views on what considerations should be important in sentencing, as well as sources of information on the CJS and the best way to share it. The second survey (N=1,863) included a sample of Canadians who had completed survey 1. For this survey, questions were accompanied by information and statistics to provide context. Canadians views on four key objectives<sup>2</sup> for the CJS were sought. Additionally, they were asked their views on specific aspects of the CJS including community based responses to crime, how to handle overrepresentation of Indigenous persons and those with mental health or cognitive functioning issues, the role of crime prevention in the CJS, rehabilitation and restorative justice. Focus groups and online discussions focussed on delving deeper into the issues covered by both surveys. Survey 2 respondents and focus group discussants were provided some information describing what RJ is and then asked about their views, questions and concerns about it.



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NJS 2017: The first survey (N=2,019) focussed on discretion, sentencing and mandatory minimum penalties (MMPs). This survey included information (e.g., statistics and definitions of concepts such as sentencing guidelines) and three scenarios depicting offences that carry MMPs in order to provide context for responses. The second survey (N=2,027) focussed on specific criminal justice system topics including restorative justice, problem-solving justice, administration of justice offences, diversion, performance measurement, and confidence in the criminal justice system. Focus groups discussed the issues covered in the two surveys in more depth. Survey 2 respondents were asked about their familiarity with RJ, support for its use, and the impact that RJ could have on the CJS, on victims and on offenders. Focus group and interview participants were first shown a four minute video depicting an RJ process involving a violent crime before engaging in discussions.

**For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice Canada Research and Statistics Division ([rsd.drs@justice.gc.ca](mailto:rsd.drs@justice.gc.ca))**

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<sup>1</sup> University education includes those with a certificate, an undergraduate degree or higher.

<sup>2</sup> The four objectives were drawn from results of the 2016 survey and from discussions with experts: 1) safety and long term protections; 2) ensuring responsibility and accountability; 3) providing opportunities for reparation and restoration of relationships; and 4) providing support to help offenders deal with the root causes of their criminal behaviour.