

**WILL RESTORATIVE JUSTICE WORK
IN MUNICIPAL POLICE COMPLAINTS RESOLUTIONS
IN BRITISH COLUMBIA?**

By

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the requirements for the degree of

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In

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We accept this thesis as conforming
to the required standard

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ABSTRACT

The landscape of British Columbia's municipal policing began to change the moment that The Honourable Mr. Justice Wallace Oppal's report *Closing the Gap* was published in 1994.

The report produced over 300 recommendations for police service delivery, many focusing on finding more effective methods for resolving citizens' complaints.

This research project examined the informal resolution of citizens' complaints and whether the philosophy of restorative justice could be utilised.

The literature review examined police accountability, police culture, informal resolutions and restorative justice. The action research aspect included a focus group of complaint investigators together with a questionnaire. Six interviews were then conducted with individuals significantly connected to the police complaint system.

The data gathered was analysed, themed, and conclusions drawn. Seven recommendations were made focusing on improving the informal resolution of citizens' complaints together with a further examination of the value of introducing mediation and restorative conferencing within the resolution process.

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CHAPTER ONE – FOCUS AND FRAMING

Introduction

I have been a police officer for 24 years and have experienced few other ways of earning a living.

My belief in the absolute need for police officers to conduct themselves professionally and to do their duty fairly and without bias embody the underpinning values of my profession and provided the passion to complete this research project.

Having spent three years as the officer responsible for investigating citizens' complaints against officers of my own, as well as other police agencies, I have an understanding of the current procedures involved. I have long been interested though, in examining alternatives to the conventional investigative approach to citizens' complaints, a process that can often be damaging to those involved.

Over the last several years there has been any number of negative front-page headlines produced following a police incident. The Honourable Mr. Justice Wallace Oppal's report *Closing the Gap* in 1994 sought to re-establish public confidence in the police in British Columbia by recommending changes to many aspects of police service delivery. Almost a third of the recommendations dealt with the manner in which complaints against police officers were handled and particularly sought an improvement in the administration of the informal resolution of minor complaints.

Although a new Police Act had been one of the results of the report, the informal resolution process was still poorly regarded. There were however, exciting new developments occurring elsewhere in the world of police complaints that sought to incorporate the philosophy used in *restorative justice* to help resolve citizens' complaints. Restorative Justice Online states "restorative

justice is a systematic response to wrongdoing that emphasizes healing the wounds of victims, offenders and communities” (2004, para. 1).

My working research question was “Will restorative justice work in municipal police citizens’ complaint resolutions in British Columbia?”

I then identified sub-questions from this main theme. What types of informal resolution are currently being used and explored by other police agencies? How much of an impact does the culture surrounding police work have on the complaints process? How does the public accountability of police officers impact the complaints system? Does the philosophy of restorative justice, with its emphasis on repairing harm caused by an act/omission, have a place within an informal resolution process?

Finding a more effective and efficient manner in which to informally resolve citizens’ complaints against police officers would provide increased public satisfaction and confidence in the police service, a reduction of stress for the officers in the now often lengthy process as well as a reduction in the investigative costs associated to the current system.

The Opportunity and Its Significance

Since the time of the father of modern policing, Sir Robert Peel, it has always been understood and accepted that the continued consent and trust of the community is paramount in the delivery of effective policing services. One of Peel’s Nine Principles was “to recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect” (Peel, as cited in Gayder, 2000, para. 12). Such public consent and trust is accompanied by the expectation of accountability from police agencies. It falls to the effectiveness of the public complaints system to determine the health of that accountability.

It is self evident that every police officer should behave professionally, courteously, and impartially to all members of the public. Without those basic attributes, the public can never be expected to have the confidence in them that is necessary for a system of policing by consent. Police agencies cannot be complacent. Maintaining a very high level of general integrity within the organization is essential. However, when a member of the public raises a concern about how they were treated by the police and initiates a complaint, the manner in which that complaint is responded to, is also critical.

The complaints system is therefore viewed by many policing organizations as being of singular importance in the sphere of their exposure to liability, public relations, and discipline. In addition there are public oversight bodies that examine the mechanics of how citizens' complaints are handled. These oversight bodies also ensure that on each occasion the legislated process is adhered to.

The creation of a new public oversight body occurred in 1998 for situations involving municipal police officers in British Columbia. That body is the Office of the Police Complaint Commissioner (OPCC). The introduction on the web site of the OPCC states, "If you have a complaint against the police in British Columbia, you have a right to say what happened and be listened to..." (Ryneveld, 2002, para. 2).

A consequence of this recent reform is that each municipal police agency has a department that investigates complaints against police officers. Some are called Professional Standards Units, whilst others are known as the Internal Affairs Unit. The officers assigned to these departments are often responsible for conducting investigations of citizen's complaints filed against members of their own police service.

Many of the less serious complaints (those which do not represent a potential criminal act by the officer) can be considered from the viewpoint of an informal resolution. However, whatever course of action is chosen (mediation, restorative conferencing or alternate dispute resolution), the consent and enthusiasm of both parties to participate is required. The process of informally resolving complaints though, is less common than one might imagine in the sphere of citizens' complaints, and this is true despite its recurring appearance in many other areas of our lives.

Therefore, an opportunity existed within this project to consider alternative ways of responding to and informally resolving police complaints. In particular there was an opportunity to examine the extent to which the context of a restorative justice model could be used not to replace but to complement the existing complaint system for municipal policing in British Columbia.

The all-encompassing *Closing the Gap* reported that, "many citizens commented to the Inquiry that a simple apology and an explanation from the officer involved would have been sufficient to resolve the complaint" (Oppal, 1994, p. I-6).

The British Columbia Civil Liberties Association "believe that the response by police to complaints from the citizens is the single most important factor in the health of the police/citizen relationship" (as cited in Oppal, 1994, p. I-7).

The Legal Services Society of British Columbia stated "the loss of community confidence in the police results in the perception of abuse of power, even when no abuse has occurred" (as cited in Oppal, 1994, p. I-8).

These statements make it very clear that the manner in which police agencies react when the actions of an officer are questioned is of vital concern to the preservation of their trusted position within our society.

A review of available literature in the area of citizens' complaints reveals that there is often no effort given to their informal resolution, even though complainants would often be satisfied with an explanation of the particular police behaviour.

Over the last few years, there has actually been a gradual decline in the overall number of formal citizens' complaints lodged. However, an initial examination of the statistics between the disposition of concluded complaint files in the United Kingdom (where the restorative justice model of resolution is currently used) and those concluded in British Columbia shows that informal resolutions have been vastly more successful in the United Kingdom. In fact, in 2001, whereas informal resolutions were reached in only 14% of completed cases in British Columbia (Morrison, 2001, p. 41), they accounted for 35% of complaint files dispositions in the United Kingdom (Cotton, 2003). With this in mind, the project sought to determine the underlying reasons for so few informal resolutions during the complaint process here in British Columbia and determine a means for encouraging and increasing the use of such resolutions. The benefits, it is believed, would be wide ranging:

1. The complainants and the police officers would no longer be subjected to often lengthy and stressful formal investigations;
2. The dialogue between the parties would allow for better understanding and appreciation of both sides of the situation;
3. The complainant and the police officer would have a greater satisfaction of the complaint process;

4. It would be more efficient and cost effective for the police organization;
5. It would create more faith in the criminal justice system as a whole; and
6. It would meet the criteria of the community policing and problem-solving philosophy that is so much a part of modern police service delivery.

Systems Analysis of the Opportunity

There are two potentially very different systems at play within the context of examining citizens' complaints against police officers.

The first one (which most commonly occurs at present) begins when a citizen files a complaint at the police station. Rather than regarding the complaint as an opportunity for change, Kennison (2002) states "complaints are an expression of public dissatisfaction, which police view negatively as irritating and diverting them away from their daily task of policing the streets" (p. 119). This attitude, if pervasive, can set a difficult atmosphere in which to effectively resolve the complaint and the matter is more than likely to head towards a formal investigation.

If the complaint is seen as purely vexatious in nature, the investigator may dismiss it almost immediately. It could however, be serious enough to be investigated from the criminal aspect. Should the officer request as much, the police officer's union may also have a role.

Once at the investigation stage, complaints often take months to complete. Depending on the actual nature of the concern, an officer may decline to be interviewed or provide a statement of any kind or may do so with the assistance of a representative, be it a one from the police union or any other person whom the officer wishes to be present. Other witnesses may have to be located and interviewed. Policies, procedures, and various case law references need to be checked and noted, as well as a wide range of other material aimed at providing evidence of culpability or innocence of the officer concerned in the complaint. All of which is draining on everyone involved. Even after the

investigator and then the officer's Chief Constable reach a decision, the complainant, the OPCC, or both have the opportunity to dispute the findings, as does the officer about whom the complaint is made, should there be a finding of fault on his or her part.

The process is not geared to be user-friendly nor does it engender or foster mutual understanding between the parties involved. It very much sets up an "us against them" process. This experience will be passed by word of mouth by both parties and will no doubt elevate the suspicions of the public about the true accountability of the police, and reinforce from the police officer's perspective the adversarial manner in which complaints are handled by the police service. The spiral continues downwards and increases the likelihood of further complaints by a dissatisfied public.

Policing generally will suffer as a further consequence of this and the public trust will erode to a point where an ambivalent community hampers everyday policing tasks. I believe that this could take the form of fewer tips called in to the police about crimes or perhaps witnesses refusing to come forward and be involved in investigations when they would previously have done so.

Although no statistics could be found that indicate how often complainants are actually asked whether they would participate in an informal resolution process, if they were offered such a course of action in which both the complainant and the police officer participate willingly, then every component would benefit if it were resolved effectively.

The complainant would have an opportunity to receive a sense of empowerment, a greater understanding of policing and a better level of satisfaction with the complaint system. For the police officer, he or she benefits by being more appreciative of their impact on the public, an

opportunity to explain their actions, as well as a sense of empowerment and an increased degree of satisfaction with the complaint process.

Encouraging informal resolutions will likely also have a positive long-term effect on police culture. By engaging in a process where the impact of their actions is discussed openly and confidentially, learning will occur which should have an impact on the future behaviour of the officer and in turn impact the culture within policing itself.

Those affected by this issue include the officers themselves, their immediate supervisors, together with the officers responsible for the policing agency and the quality of the service that it provides to the community. There is also the police union, who play a role through their representation of the officers concerned. Outside of the policing agency, there are the citizens' rights advocacy groups, the most active arguably being the British Columbia Civil Liberties Association (BCCLA) who provide services as a watchdog, as lobbyists, as educators, as advocates, and as a community response to those complaining about violations of their rights (BCCLA, 2005). Also, there is the civilian oversight body for the complaint process itself, the OPCC, who is "responsible for monitoring complaints against municipal police to ensure they are handled fairly and impartially" (Ryneveld, 2002, para. 3).

Organizational Context

The New Westminster Police Service is an organization of 112 sworn officers and some 80 non-police support staff. As with many other institutions, there are any number of directorial documents as well as policies and procedures, which govern the day-to-day operations and administrative functions of the police service. In addition to these, there are three documents that address the philosophy of the police service and how it administers itself and operates now and into the future.

The Mission and Vision statements, which were developed in 2000, provide the guiding philosophies for the employees of the service. The service has a strategic plan, which was designed to focus the energy and resources of the agency into the millennium and beyond, as well as the current policy and procedures, which reflect the provisions of the 1998 British Columbia Municipal Police Act in terms of how the service deals with citizen complaints against police officers.

The police service also aims to move increasingly towards Comprehensive Policing, which includes maximizing enforcement strategies, problem oriented policing and neighbourhood policing practices and promoting community involvement and training. The service also seeks to strengthen resources to build a police service that becomes an increasingly attractive place to work by taking full advantage of technology that will enhance the effectiveness of our services and providing appropriate levels of training and education.

Other goals stated within the Mission statement of the New Westminster Police Service are to increase community awareness and satisfaction with police services “by publishing accomplishments, recognizing exceptional performances and maintaining an open dialogue with the community” (2001, para. 9).

The Mission and Vision statements were born from a process developed internally within the police service under the external observation of a management consultancy firm, whose role was to review the community of the City of New Westminster and to provide conclusions and recommendations regarding the present and potential future policing of that community, essentially a strategic plan. It is these organizational documents that will provide a good deal of the guidance for the project’s research since they speak to the principles and practises of the Service’s establishment.

The police union, the New Westminster Police Officers Association, worked collaboratively with the management of the organization in order to develop the Mission and Vision statements and were heavily included in the Strategic Planning process. It demonstrated then, and is still evident today, that the association wishes to work together with the Service's management team, not apart from them. This has resulted in there being very little in the way of organizational fractioning.

Although my research project is based within the New Westminster Police Service, the issues faced by the Service and the citizens' complaints process are indicative of every municipal police agency in the Province.

Each of the other eight municipal agencies in British Columbia (Delta, Vancouver, Port Moody, West Vancouver, Victoria, Saanich, Abbotsford, and Nelson) will be invited have representation at a focus group meeting during this project. Each agency is subject to the Police Act and has their own police associations whereas all of the RCMP (Royal Canadian Mounted Police) officers within the Province are members of a similar national association and are subject to the RCMP Act.

CHAPTER TWO – LITERATURE REVIEW

Accountability

Stone and Ward (2000) state that, “in a democratic society, the police serve to protect, rather than impede freedoms. The very purpose of the police is to provide a safe, orderly environment in which these freedoms can be exercised” (p. 14). Police agencies in a democracy are interested strictly in the preservation of safe communities and the application of the criminal law equally to all people, without fear or favour (Stone & Ward). Oppal comments “in a democratic society based on the rule of law, the police, who are often the guardians of our civil liberties, must be responsible to the public they serve” (Oppal, 1994, p. I-2).

Stone and Ward (2000) state that “two essential elements have been identified in democratic policing: responsiveness and accountability” (p. 15). The public is demanding accountability of the police. The main thrust behind this demand is that the public has granted the police powers that are not conferred upon ordinary citizens. In any democratic society based on the rule of law and responsible government, it is fundamental that police independence be balanced with accountability (Oppal, 1994). Boniface (2004) comments that “today, demands for accountability and transparency in all segments of society are at unprecedented levels. This is certainly true of law enforcement” (p. 2).

Dantzker and Mitchell (1995) go further when they state “because police exercise extraordinary powers over the public, it is in the interests of the public that there be effective mechanisms for holding them accountable for their actions” (p. 112). Boniface (2004) states:

Accountability—effective and meaningful accountability is the one way to sustain and enhance public confidence in the administration of criminal justice. Public trust and confidence are cornerstones of effective policing: trust in police integrity, and confidence

in a fair and equitable justice system. These elements help to shape the profound and critical relationship that exists between the police and the public. They help to sustain the environment for consistent delivery of high quality, responsible police services devoted to public safety and security. (p. 2)

Oppal (1994) supports this hypothesis by stating:

This demand for accountability is not restricted to Canada. Throughout North America, Europe and Australia the justice system as a whole, and the policing community in particular, are being asked to be accountable for their actions. Thus many policing institutions are re-examining the concept of police-accountability. (p. I-2)

Chan (1999) states that the word:

“Accountability” is a term that has two competing remains in the context of policing. On the one hand, accountability is seen as ultimately concerned with the control of the police; on the other hand, it is said to be fundamentally about “requirements to give accounts” or explanations about conduct. (p. 252)

It is this dual definition and understanding of how accountability is applied to police agencies and their officers that provides the public whom they police and safeguard with reassurance that they are doing their job.

Chan (1999) comments that “both models of accountability seek to legitimate the conferring of extra-ordinary powers upon the police by reassuring citizens that police are not out of control or their actions free from appropriate scrutiny” (p. 253). Stone and Ward (2000) echo those thoughts when they state that the police “are accountable for producing public safety and for behaving respectfully within the law” (p. 16).

There are multiple mechanisms to which the police are accountable (Stone & Ward, 2000). Stansfield (1996) provides a Canadian perspective when he states that, “each Canadian province and territory has a system of police accountability that is a combination of formal and informal and internal and external processes” (p. 165).

Chan (1999) states, “police practices and procedures are governed by laws and departmental rules which are enforced by the courts and the police hierarchies respectively. The predominant mode of control is deterrence through legislation, rule-making, investigation and enforcement, criminal sanctions and organizational discipline” (p. 254).

Oppal, in his 1994 report, provides us with this thought, “in order for the citizens of BC to have confidence in their police, they must have confidence in those who ensure accountability of police to the public” (p. I-2).

Dantzker and Mitchell (1995) comments with respect to internal accountability mechanisms, that “internal discipline and accountability, if properly actualised, is an effective method of controlling police behaviour from the perspective of the police service” (p. 112). It is not a public system and therefore may be viewed by others as focusing on the needs of the police service and not the best interests of the public.

With respect to citizens who make complaints against police officers, Oppal (1994) states “there must be a strong element of civilian oversight in the public complaints process in order to safeguard the public perception that the process is legitimate” (p. I-2). Strudwick (2003) agrees and comments that:

There is a close relationship between complainants and public confidence in the police service. Complaints can be seen as a form of measurement of public confidence in the complaints and discipline process, but also of the effectiveness of wider policing

strategies. Alongside notions of accountability and effectiveness complaints can be seen to question the legitimacy of police practice and can lead to improvements in the service offered to the public. (p. 42)

In 1998, the “Provincial Police Act” in British Columbia (which provides the legislation overseeing municipal police agencies rather than municipalities policed by the Royal Canadian Mounted Police) created the public oversight, or citizen review position of the Office of the Police Complaint Commissioner. Walker and Kreisel (1996) state that:

Citizen review developed as a strategy for enhancing the accountability of the police to the public. The core assumption is that the involvement of citizens will provide a more independent and therefore more effective review of citizen complaints than internal review. (p. 68)

Though the strength and effectiveness of citizen review bodies vary, their mere existence provides an opportunity for civilians to contribute in the disciplinary procedure and increases the confidence that the process is fair and objective (Stone & Ward, 2000).

Strudwick (2003) remarks that, “in a climate of increasing calls for balance between operational policing, ethics, and human rights, the issue of complainants’ satisfaction is paramount to securing greater accountability and confidence” (p. 37).

The strong police subculture providing a solid degree of group solidarity among the police, particularly when faced with external criticism, is a factor in the process (Walker & Kreisel, 1996). Chan (1999) also notes that police “cultural resistance to both internal investigation and external scrutiny remains a major problem” (p. 256).

The issue surrounding the accountability of the police is summed up by Wills (2001) who states “since the 1960s, procedures for handling complaints from the public have emerged as the

principal means of ensuring police accountability and of dealing with problems of police brutality, and racial discrimination” (p. 407), and by Oppal (1994) who states that “a strong system of public accountability enhances the credibility and reputation of the police in a free and democratic society” (p. I-2).

Police Culture

Current literature examines the unique occupational ethos of policing that Savage (1991) describes as the “Berlin wall of policing, a culture that is difficult to dismantle” (p. 350).

Van Maanen (1974) states that, “when a policeman dons his uniform, he enters a distinct subculture governed by norms and values designed to manage the strains created by his unique role in the community” (p. 85).

Crank (2004) describes culture as “collective sense-making” (p. 59). He also states that sense making is composed of “ideational, behavioural, material, social structural, and emergent elements” (p.59). Ideas, knowledge and recipes for doing things, humanly fabricated tools including media, social and organizational structures, and the products of social action, including conflicts are included as being amongst those elements that define a culture (Crank, 2004).

Paoline (2003) states that, “occupational cultures are a product of the various situations and problems which all vocational members confront and to which they equally respond” (p. 200). This theory is also supported by Barton (2003) who states:

Police officers exist within a particular social system where they learn from one another’s work habits, strengths, weaknesses and preferences. Loyalty and solidarity provide the cultural foundations for the social identity of the police as they interact with other social groups. (p.350)

Paoline (2003) comments that both formal and informal socialization of officers occurs. He states that “the former reflects most of the “what to do and expect” teaching while the latter is more of the “here’s how things operate in the real world” teaching” (p. 203). Both formal and informal socialization underline the chaotic elements of the occupational and organizational environments. (p. 203). Paoline further addresses this issue:

The problems officers confront in their occupational and organizational environments, as well as the coping mechanisms prescribed by the police culture, produce two defining outcomes of the police culture: *social isolation* and *group loyalty*. Due to this separation between the police and the public, officers tend to identify and socialize exclusively with other officers. In this context, officers develop a “we versus they” attitude toward citizenry. This contributes to a strengthening of the bond between police officers and facilitates the second defining outcome of the police culture—strong group loyalty. (p. 202)

These various descriptions and definitions of the closed occupational world of the police provide a sense that their culture is complex and that any attempt to change the traditional way of doing things will be difficult.

The literature surrounding police culture provides a variety of explanations for its distinctiveness. Cochran and Bromley (2003) comment that its uniqueness stems from “the exposure to human misery, exposure to great situational uncertainty, and exposure to intrinsic danger, all coupled with high levels of coercive authority and “invisible discretion” granted to officers, which enable them to carry put their mandates” (p. 89). A psychological sense of doubt was “intimately tied to the world of disorder and risk. An officer’s external focus on order protected him or her from the unpredictable” (Crank, 2004, p. 60).

Barton (2003) maintains that the level of autonomy, solidarity and discretion afforded to police officers actually impact on the potential for success of any reform agenda aimed at their sub-culture. (p. 351) Barton comments “the law does not tell officers which criminal laws to enforce, which people are suspects, which areas to patrol, which reports to act on or which alleged offences to prosecute” (p. 351). All of these decisions are left up to an individual officer’s discretion, which allows for enormous disparity in how the laws are managed.

In an attempt to control possible variation in the use of discretion an emphasis has been placed on administrative rule making (Barton, 2003). Wilson (1968) states that the “defining characteristic of the patrolman’s role becomes the style or strategy of the department as a whole because it is reinforced by the attitudes and policies of the police administrator” (p. 140). A review of the analyses of organizational culture in general suggests, “managers have a central role in shaping organizational culture for the purpose of improving overall organizational performance” (p. 205).

Wilson (1968) comments that “police agencies which could be described as having a legalistic style tend to focus on crime fighting and would represent the ‘typical’ organizational environment described in traditional accounts of occupational culture” (p. 140). The police departments that place an emphasis on service and less of an emphasis on crime fighting have fewer administrative controls and pressures on officers (Paoline, 2003). Paoline states that:

The utility of this research for understanding police culture is twofold. First, it highlights the point that aspects of police culture may differ among police agencies. In this regard, organizational environments may differ, and thus the way officers’ cope might not be the same from department to department. Second, it does suggest that, along with the peer group, management have some impact in shaping police culture. (p. 205)

The importance of an officer's work situation was noted by Cochran and Bromley (2003) who also found that police officers develop a sub-culture response to their distinctive organizational environments, which often "expose them to rigid, militaristic authority structures with inflexible lines of command and communication. In addition, there are often vague and conflicting guidelines for policies and procedures" (p. 90).

Barton (2003) states that the "independence granted to police officers is accompanied with the notion of personal responsibility. All police officers are accountable for their actions to higher authorities and are held responsible for ensuring that they maintain high standards of ethical behaviour" (p. 355). Barton further remarks that:

Inconsistencies in such behaviour are acknowledged as root causes for conflict between the police and the public. Whereas senior police managers may desire a more flexible, service oriented approach to policing, many operational officers still perceive sections of society as antagonists and see their overriding role as one of strict enforcement of the law. (p. 355)

This difference in how officers and how managers within their organisations see the role of the police can be the cause of strain. Paoline (2003) states that "research has identified at least three major functions that officers are expected to perform in society: order maintenance, law enforcement, and service (Brown, 1998), yet police organisations have historically often only officially recognised law enforcement" (p. 201). Paoline further states:

The police handle situations on the street that encompass all three roles, yet only one role (law enforcement) get reinforced and rewarded within the organisation. The ambiguity for officers comes from supervisors who expect their subordinates to handle all police

functions on the street equally. The way in which police officers cope with these strains can be found in the prescriptions of the police culture. (p. 202)

A sense of solidarity is evident within the sub-culture that exists for police officers.

Crank (2004) states that their sense of solidarity is often:

attributed to camaraderie and the sense of coming together in the face of danger. The perceptions of real and potential danger are a shared bond among police officers.

Solidarity is reinforced by the perceptions of many officers that they are isolated from and in conflict with many elements of the public. (p. 61)

Paoline (2003) adds to this discussion by stating:

The police culture demands of a patrolman unstinting loyalty to fellow officers, and he receives, in return, protection and honour: a place to assuage real and imagined wrongs inflicted by a (presumably) hostile public; safety from aggressive administrators and supervisors; and the emotional support required to perform a difficult task. (Brown, 1998, as cited in Paoline, 2003, p. 204)

The reference concerning administrators and supervisors is echoed by Crank (2004) who states “officers tend to have a powerful distrust of their departmental managers. Consequently, many of the frustrations line officers have toward outside groups are also focused on the department itself” (p. 62).

Harrison (1998) comments that some officers have found that solidarity starts early in an their career, as “he/she is faced with an informal rite of acceptance. Officers are generally not fully accepted until they have demonstrated the willingness and ability to ‘back-up’ a fellow officer in the face of perceived danger” (p. 8).

Another potential division is created by the fact that the policing is becoming more heterogeneous. Paoline (2003) asserts that as a result:

One would expect a single cohesive police culture to give way to a more fragmented occupational group. The model officer of the past (i.e., white, male, working class, military experienced, high school educated) is continually changing as the selection and recruitment of officers has diversified. More racial minorities, women, and better educated and trained officers represent police departments. (p. 208)

Stansfield (1996) comments on this change including the appointment process. He states:

Historically, women, people of colour, gays and lesbians, the aged, and the physically and mentally disabled have been marginalized and excluded from full participation in our society—including the provision of police services. Police organizations have correctly reasoned that the key to creating a community police service is to create an equitable selection process. (p. 80)

Lord and Friday (2003) remark on this transformation also. They state:

As the concept of community policing has gained attention and support, the profession has developed a broader orientation and subsequently a more comprehensive set of expectations for those who wear the uniforms. Social expectations have also changed over the past decades to reaffirm the importance of gender equality in employment. (p. 63)

Barton (2003) argues that throughout the past 20 years successive attempts have been made to introduce reforms to the police service. Greater levels of civilianisation have been introduced with the aim returning officers to more operational roles. Also, indicators judging the efficiency and effectiveness of police agencies have become widely used in an effort to improve

performance. Despite these innovations being undertaken by police agencies, widespread reform has remained elusive and “in terms of police structure and organization, little has changed” (p. 356), as the power of the police occupational culture has been underestimated.

Crank (2004) comments, “until advocates of police change recognize the importance of culture, they will continue to be surprised as they have been for the past 100 years, at the profound limitations of reform efforts to yield real and enduring changes” (p. 7).

Informal Resolutions

Informal resolution is the name given to a wide variety of mechanisms that are aimed primarily at resolving citizens’ complaints to the satisfaction of everyone concerned without embarking on a formal investigation. It could involve a mediated process, or one involving conciliation, restorative justice or some other alternate dispute resolution procedure. A combination of elements from more than one of the above systems might be utilized.

Understanding why and how informal resolutions would assist in reconciling citizens’ complaints is fundamental to this research project. There have been a variety of studies and reviews completed on this area in Australia, the United Kingdom, Canada, and the United States. Synthesizing that recent work provides an appreciation of the issues facing current policing models in an era of increasing public accountability and a more litigious environment. It also provided the research question with the modern context and necessary background of citizens’ complaints against police officers.

Gaitan and Kleiner (1999) state that mediation has been used to resolve disputes as varied as child custody battles and the centuries old conflicts in Northern Ireland.

In such disparate cases the mediation procedures and techniques used are similar and equally effective. This is due in part to the high degree of involvement by the

stakeholders in the process, and the goal of the mediation to reach a common good.

(p. 69)

Essentially, the mediation practice, in whatever forms it takes and in whatever circumstances it is used, aims at reaching a settlement in which the parties involved have participated in, and ultimately will have agreed upon.

Informal resolutions are known to be effective in so many other areas of modern society: marital breakdowns, employee-employer disputes, neighbourhood quarrels, and any number of day-to-day disagreements (Walker, Archbold, & Herbst, 2002, p. vii). In fact, it is ironic that such actions, which form such a basic part of the peacekeeping role of daily policing duties, are not more routinely used as a part of the process when the public complains about the actions of the officers themselves (Goldstein, 1977).

In general, the participants in mediated disputes have found the process to be more satisfying than going to court or enduring some other formal procedure; it is usually quicker, more efficient, and less expensive. In addition, and perhaps most important, mediation has the potential to build understanding and lessen conflict between people. For all these reasons, mediation has obvious applications in resolving citizen complaints against police officers (Walker, Archbold, & Herbst, 2002).

All police complaints systems are important mechanisms for seeking to ensure accountability and the maintenance of public support for the police (Hill, Cooper, Hoyle & Young, 2003a). It follows therefore, that the utilization of a system involving a mediated approach, which has a history of being effective, is consequently critical in effectively dealing with citizens' complaints against police officers.

Traditional citizen complaint procedures focus on determining whether or not the officer committed the alleged misconduct (Walker, Archbold, & Herbst, 2002). Mediation, in contrast, focuses on understanding, problem solving, and reconciliation.

Conciliation involves the informal resolution of a complaint with a third party serving as a go-between, but without a face-to-face meeting between the disputing parties, and the complainant ultimately agreeing that the matter has been satisfactorily settled (McGillis, 1986).

Conciliation is the process that is utilized in Quebec for resolving their police complaints. In May of 2002, Mr. Paul Monty, the Quebec Police Ethics Commissioner, attended a British Columbia Legislative Hearing to testify before a Special Committee (Nuraney, 2002), which had been struck to examine the police complaint process in British Columbia at a time when concerns regarding the Office of the Police Complaint Commissioner had been raised.

In describing the process, Monty (as cited in Nuraney, 2002) stated, “for a police officer to apologise is a good thing. Most police officers refuse to accept that they made a mistake. If the conciliation does not succeed, the conciliator will make me a report” (p. 445).

The term *Alternative Dispute Resolution* is, according to the Centre for Democracy and Governance (1998),

Often used to describe a wide variety of dispute resolution mechanisms, which are short of, or an alternative to, full scale investigations and court processes. The term can refer to everything from facilitated settlement negotiations to arbitrations or mini-trials, which look like the real thing. (p. 8)

Restorative Justice, according to Dobry (2001) is:

To do with restoration, restoring harm done by a criminal act. Restoration of the victim so that he or she can accept what has happened and move on from that experience.

Restoration of the offender to a society having seen and understood the damage caused, together with accepting his or her responsibility for that damage. (p. 3)

Dobry (2001) further comments that “the practice of applying the principles of restorative justice to resolving citizens’ complaints is extremely rare with only two policing agencies, one in England and the other in Australia, providing evidence of using the philosophy to resolve complaints” (p. 8).

The idea of informal resolutions is to engage the various parties in a voluntary and respectful dialogue. The practice is intended to develop mutual understanding between those involved with the idea of resolving those less serious complaints against the police without engaging in what is very often a protracted formal investigation.

The individuals or groups who complain about the police often have no desire to be involved in a formal investigation, but merely seek comfort that there are fair and effective mechanisms in place to address their concerns (Pollard, 2000).

People are motivated to complain about police actions for any number of reasons. It is certainly true that some want formal discipline or punishment for the officer concerned in their particular incident. This may have been triggered by the need for retribution regarding perceived unfair treatment. Others want to bring their grievance to the attention of the police in order to prevent poor behaviour or attitude in the future (Waters & Brown, 2000).

Regardless though, the underlying reason that many people contact the police is in order to improve service to the public. While some are indeed looking for a reprimand, others merely seek an act of contrition and reassurance that their bad experience will not be repeated for others, that lessons will be learned.

Most complainants had a specific aim in making their complaint and some cited two or more aims. The two aims most frequently mentioned by the complainants were to “obtain an apology, and to prevent repetition of what they had considered to be unacceptable behaviour on the part of the police” (Hill, Cooper, Hoyle, & Young, 2003a, p. iv). Many of these complainants are looking for an open, fair and speedy process. They seek a process in which their wishes, their needs and their experiences are listened to and responded to. A simple expression of regret and an explanation from the officer involved is frequently sufficient to resolve the matter.

As with the DeLorean sports car, the informal resolution process is spoken about using hushed tones and austere expressions designed to reflect its qualities and merit. However, just like the fabled automobile, informal resolutions are rarely ever seen (Mahlberg, 1998).

Some complainants have expressed dissatisfaction regarding the length of time that it took for the investigation to be completed, together with the extent to which they were kept informed of developments (Waters & Brown, 2000). As a result of these concerns when an investigation is undertaken, many complaint systems these days have built in timelines regulating that regular contact must be maintained between the complainant, the police officer and the investigator.

Engaging in an effort to informally resolve the issue, should that be an appropriate option, would eliminate such anxieties. The idea of providing an effective mechanism to resolve complaints from the public of a less serious variety has been a focus within the wider policing community for some time.

Here in British Columbia, the report *Closing the Gap* agreed that informal resolution and alternate dispute resolution were valuable tools for settling complaints (Oppal, 1994). A professionally and sensitively conducted informal resolution process could diffuse tensions,

prevent the matter from escalating and avoid unnecessary, expensive and stressful formal procedures.

Similar processes have also been recommended by other agencies. The International Conference of Policing Organizations (Metropolitan Police Authority, 2004) took place in Belfast from 5 to 7 November 2003. It was organized and hosted by the Police Ombudsman for Northern Ireland, the local equivalent of the OPCC. One of the key recommendations stressed the importance for accountability systems to have a range of responses and tools that can be used flexibly with a problem solving orientation—ranging from informal resolution techniques, mediation or restorative justice.

In January of 2004, the Morris Inquiry began in England. Sir William Morris spoke at the opening of the inquiry that the Metropolitan Police Service is viewed as a professional organisation by other police agencies and should set standards for others to follow in terms of best practices (Morris, 2004). One of the Inquiry's terms of reference was to examine whether appropriate consideration is given to early resolution of grievances and conflicts, through mediation and conciliation or an internal ombudsman or other restorative justice techniques, and whether there are adequate processes to achieve such resolution. This is again more evidence of the growing interest in this field and an acknowledgement that its use has obvious merit and value within the citizen complaint process.

The 2002 US Department of Justice report *Mediating Citizen Complaints Against Police Officers* concluded by stating, "Mediation is a promising alternative to the handling of citizen complaints against police officers" (Walker, Archbold, & Herbst, p. 91). The report confirms that mediation, informal resolution and other alternate dispute resolution methods offer many potential advantages to the police, the complainants, police-community relations, to police

accountability and to community policing in general. The report emphasizes communication and understanding, rather than fact-finding and adjudication, which can only be a positive focus in the efforts to reach a satisfactory solution.

Restorative Justice

The current literature examines the recent growth and increased interest that restorative justice has garnered. It examines the general philosophy of restorative justice and its application within the criminal justice field as well as its potential significance within the framework of complaint investigations against police officers. Bazemore and Griffiths (2003) state:

Much police reform since the 1960s can be characterized as a slow movement away from the professional model of policing. Specifically, much of this reform can be seen as an attempt to escape the rigidity associated with the paramilitary organizational structures, and to overcome the limits these bureaucratic structures have imposed on flexible, effective, long-term solutions to crime. A significant focus has also been an effort to promote greater citizen participation and community partnerships in crime resolution and prevention. In essence, a new relationship between police departments and the communities they serve. (p. 335)

McLeoad (2003) points out that “in recent years restorative justice has come to the forefront of international criminal justice discourse” (p. 361), and that as a philosophy, it impacts at several levels. He states that:

At a macro level, as a social movement, Restorative Justice re-conceptualizes crime and the ways in which society responds to crime. At a policy level, Restorative Justice influences changes in legislation and law. The influence of Restorative Justice is also felt

at a micro level, as illustrated through restorative practices and grassroots involvement (p. 361).

Marshall (1999) provides a definition when he states:

Restorative justice is a problem solving approach, which involves the parties themselves and the community generally in an active relationship with statutory agencies. It is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future. (p. 5)

Restorative Justice, according to Dobry (2001), “is to do with restoration, restoring harm done by a criminal act” (p.3). It requires a three-dimensional focus on the needs and interests of victim, offender and community as primary stakeholders (Bazemore & Hines, 2003). This restoration process is designed to allow the victim to accept what has happened to them and then to move on from that experience. It is also intended to restore the offender to a democratic and law-abiding society having seen and understood the damage, together with taking his or her responsibility for that damage. Also, there is restoration “to the community for the damage caused to it or its members” (Dobry, 2001, p. 3).

The criminal justice system will not often provide an opportunity where the victims are purposefully heard or where they are able to discuss the actions of the offender in a safe setting. Neither is there a forum for or an expectation of the offender to acknowledge a personal responsibility for the feelings and needs of those who are harmed. It is this disparity that the restorative approach seeks to fill.

If conventional justice is about determining blame and dispensing punishment, restorative justice is about those involved accepting accountability for their own actions and discovering their own resolutions to mend the damage caused. The role of traditional justice is designed to

divide the victim from the offender, whereas the role of restorative justice is to align them.

Punishment is not excluded but is not the main focus. Restorative justice then looks to the future in the hope of avoiding what has happened in the past

As maintained by Dobry (2001), key elements of restorative justice are:

- Participation of the victim and the offender
- Community involvement (whether this is community in the widest sense or the more particular sense of individuals associated with either the victim or the offender and who also have a stake in the harm that has been done)
- Problem solving
- Flexibility/creativity. (p. 3)

Abramson (2003) comments that the mission of the Community Youth Justice Program (CYJP), which was introduced in British Columbia in 1999, is “enhancing the quality of justice through restorative measures which attempt to repair harm caused by crime, resolve conflict, and restore balance to relationships” (p. 392). She further states that, “the objective of the CYJP is to apply the principles of restorative justice to offences committed by youths (aged 12–17 inclusive) in the community” (p. 392).

Restorative justice is a philosophy, not a technique, and at the center of the process there is usually a meeting or a “conference” (Dobry, 2001) at which everyone that has been affected by the incident may be present. This will include the victim, the offender, and the facilitator along with any friends or family members. The offender’s probation officer or a social worker may also be included. The idea is that each person has an opportunity to share in a dialogue about how the incident has affected him or her. Dobry comments that:

By talking about their experiences face to face both the victim and the offender may begin to see each other as individual people, and while the victim may be able to come to terms with what has happened to them, equally the offender may be able to take responsibility, and importantly be seen to be taking responsibility, for the damage that he or she has caused. (p. 7)

The process hopefully ends with an agreement between those involved as to how that damage will be repaired with offender obligations such as community service time, restitution, or other unofficial reparative sanctions, apologies, peacemaking pacts, and relationship building approaches that permit concrete healing of harm without recourse to adversarial processing (Bazemore & Griffiths, 2003). The real reparation for the victim, however, may be more psychological, with the end result for them being an understanding of what occurred and why, together with the opportunity to move on.

Alongside restorative justice's application as a viable alternative within the adversarial system, so have questions as to whether police officers, despite the fact that they are specially trained, should act as facilitators within the process. One concern reflects the opportunity for officers to use the procedure in order to harvest evidence in a law enforcement function whilst others, however, find that police can be effective facilitators and may even assist participants' reach decisions and resolutions more consistent with community views (and hence more sustainable) than those driven by social work perspectives (Bazemore & Griffiths, 2003).

Restorative justice in British Columbia is still effectively in its infancy. Abramson (2003) states that the results of a recent survey "indicated that the majority of the police officers surveyed did not have a clear understanding of the philosophy of restorative justice" (p. 396).

The facilitator's role is critical. Dobry (2001) states that, "the effectiveness of the conference may depend on the amount of time spent in advance by the facilitator with each of the parties to the conference exploring their experiences and preparing them for what may happen at the conference" (p. 5). The key consideration is that a conference will only be successful if those involved in it enter the procedure voluntarily and willing to give the process a chance.

This is echoed by Hill, Cooper, Young, and Hoyle (2003b) who state that "it is important to guard against poor facilitation" (p. 75) and they further discuss that there is a need to guard against poor facilitation through proper training, systems of accreditation, and the monitoring of the practice.

In the United Kingdom, 2004 saw the creation of the Training and Accreditation Policy Development Group whose role was to examine the question of how high quality restorative practice could best be assured through training and accreditation. Goggins (2004) states "the priority is for a clear statement of safe and fully competent practice for practitioners who facilitate restorative processes" (p. 4).

As a grassroots practice, restorative justice has been described as a "bottoms-up" process (Bazemore & Hines, 2003). In the world of the justice system, the police are at the bottom of the hierarchy, but that also makes the police the base upon which all the rest depend (p. 425). Bazemore and Griffiths (2003) state that, "some primary police role in restorative decision-making appears to be essential if restorative justice is to result in returning conflict resolution to relevant communities" (p. 338).

Turning the focus to the inclusion of the restorative approach to resolving citizens' complaints against police officers, Dobry (2001) states "mediation is becoming more commonly

used in resolving internal and workplace complaints and disputes, but initiatives taking these principles forward in terms of dealing with complaints from the public are extremely rare” (p. 8).

Pollard (2000) notes that, “there are strengths and weaknesses in the current police complaint system. It provides a certain amount of protection for officers and complainants but it does not allow for learning, for accepting responsibility, for healing and making amends” (p. 3).

Hudson, McEvoy, and Mika (2002) comment that:

There appear to be some positive inducements including: an enhancement of the status and role of the complainants; officers being required to take responsibility and ownership for their actions and relating misconduct to everyday police working practices and policing; the possible development of an organizational ethos amongst the police for prevention and early intervention regarding misconduct. (p. 474)

The strong argument that can be made for applying the restorative approach to resolving citizens’ complaints involves an examination of the needs of the stakeholders in the complaint process.

Dobry (2001) notes that:

Most complainants want an effective response to their complaint and many would like it to be immediate. While some are looking for retribution others merely seek an apology and some reassurance that their bad experience will not be repeated for others, that lessons will be learned. Overall it would be fair to say that most complainants are looking for an open, fair and speedy process. A process in which their wishes, needs and their experience is listened to and responded to. (p. 8)

An officer has similar needs and expectations. They are also looking for an open, fair and speedy process and it would be important to recognize that they also can feel like the victim of a

complaint. There are often situations in which they are complained about merely as a result of doing their jobs (Dobry, 2001).

Walker, Archbold and Herbst (2002) state that the mediated setting that a restorative conference provides police officers with the opportunity to explain what they did and why (p. 7). They further state:

Police officers regard themselves as professional who take pride in their work. They do not believe they did anything wrong in most complaint incidents. Mediation may help officers understand that, although what they did on the job is proper, how they did it may offend people. (p.7)

Dobry (2001) states “complaints about attitude and behaviour are notoriously difficult to prove under the formal legal evidence-based systems” (p. 14). He goes on to comment that “if a complainant feels that an officer’s behaviour has been rude, oppressive, or indeed racist, then that experience is real to them” (p. 14).

It is the idea of providing the complainant with a venue for expressing their experience to the officer, in a safe and confidential environment, that makes the restorative conference an extremely valuable option. Hill, Cooper, Hoyle, and Young (2003a) state:

A restorative conference within (the complaint process) should be understood as entailing a meeting between the complainant(s) and the officer(s) complained against in the presence of a facilitator trained in such restorative justice principles so as to encourage: the expression of thoughts and feelings about the relevant issues; respectful listening, the taking of responsibility for wrong-doing, and a discussion about how any harm caused might be repaired. (p. iii)

Walker, Archbold, and Herbst (2002) state that the mediation process “offers several potential benefits for citizen complainants, including an enhanced opportunity to meet goals, greater satisfaction with the complaint process, enhanced understanding of policing and empowerment” (p. 8).

In the *Standard Operating Procedure* document detailing the mediation process used by the Calgary Police Service since 2000, it states:

The mediation process allows the complainant and the officer some involvement in the resolution. As both parties have a personal interest in the matter, this process allows for the participation by both parties, and is often more satisfying than the alternatives. (p. 2)

Complainants file complaints against officers for a wide variety of reasons. However, there are many cases where a straightforward explanation for what occurred would have been adequate. The analysis of policing issues following widespread rioting in south London in 1981 resulted in the report’s author, Lord Scarman (1981) commenting that many citizens did not want anything more from the system than a speedy acknowledgement of their grievance, an explanation and an apology. (p. 7:24)

Dobry (2001) states that, “in theory, there is no situation, which might not lend itself to some form of restorative intervention” (p. 13).

The restorative conferencing approach, when properly implemented, appears to offer substantial advantages over a conventional complaints system. Hill, Cooper, Young, and Hoyle (2003b) comment that:

Where a restorative meeting was held as part of the complaints process, the issues of harm accountability and reparation became highly visible. Here, when officers admitted

to some wrongdoing, responsibility for the harm was *always* accepted and, more importantly, complainants *always* knew that this was so. (p. 73)

By no means is a restorative justice method for tackling citizens' complaints against police officers intended to replace any existing complaints system, but rather to be presented as an alternative process.

Whilst a restorative approach offers unprecedented possibilities with respect to the resolution of minor police complaints, there is also the danger that this progressive reform may, as with other categories, run headlong into a retractable occupational culture (Hudson, McEvoy & Mika, 2002). One manner for avoiding such a consequence is suggested by Dobry (2001) who states that:

The application of Restorative Justice to the police or indeed any complaint process, will only work to its full potential if the restorative approach is endemic to the organization as a whole. It is not enough to superimpose a process designed for victims and offenders onto complainants and officers. The restorative approach must be integrated into the fabric of the organization, into the management and culture of the individual police force and its officers. (p. 54)

This recommendation is also commented on by Hill, Cooper, Young, and Hoyle (2003b) who suggest that "the offer of a restorative approach be mandatory rather something to be adopted only when officers see fit" (p. 76). This will avoid the use of restorative justice being applied in a patchy and ultimately ineffective manner.

CHAPTER THREE – CONDUCT OF RESEARCH REPORT

Research Approach

The focus of my MALT major project was to examine the how a restorative justice model for informally resolving citizen's complaints against police officers could be implemented in the current complaint system, which was legislated following the creation of a new British Columbia Provincial Police Act in 1998.

Alongside this legislation came the creation of a new public oversight body for municipal police complaints (the Royal Canadian Mounted Police have a separate process), the Office of the Police Complaint Commissioner (OPCC). The introduction in the web site of the OPCC states, "If you have a complaint against the police in British Columbia, you have a right to say what happened and be listened to" (Ryneveld, 2002, para. 1). As a consequence of this new Act, every police service now has a department that investigates complaints against police officers. These are called Professional Standards Units, and the investigators who are assigned there are known as Professional Standards Officers. Vancouver Police Department has retained the name Internal Investigation Section, but the function is the same as the other police agencies.

Six of these officers were the participants in my research project, using a qualitative form of action research through a focus group process as its primary methodology, and which was followed by six individual interviews.

The system in which I worked with my research project is one that involves those citizens who lodge the complaint in the first place, the officers to whom the complaint refers and the investigators whose role it is to resolve them. In addition, there is also the Office of the Police Complaint Commissioner, the police officer's union representative, and sometimes the British

Columbia Civil Liberties Association to consider in terms of their involvement or review of the system, albeit all at arms length.

I acknowledge within this system the rigidity of the complaint legislation as well as that that exists within the policies and procedures of the police agencies. There is also the closed system of the policing culture to consider (which may resist attempts to be more open during the complaint process) together with the police union, which may appear within the life of a complaint. All of these particular facets represent boundaries within the scope of this system, boundaries that I have attempted to represent within Figure 1.

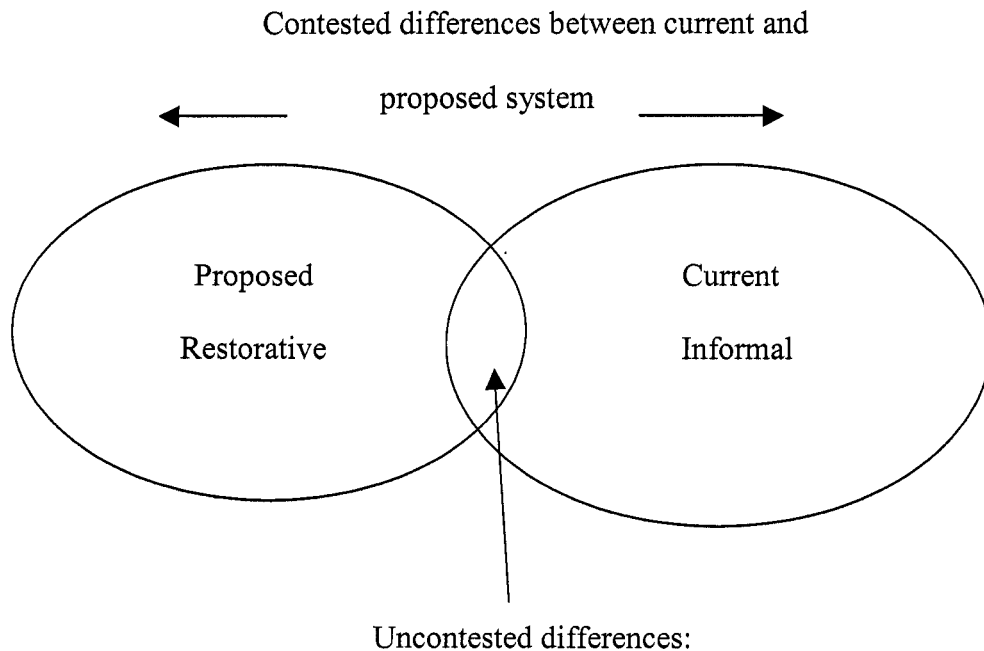


Figure 1. The current informal resolution and the proposed restorative resolution models share common aspects.

I see the system of resolving citizens' complaints against police officers in British Columbia as being in a state of turmoil. Although there has been Provincial legislation since

1998 to guide the procedure, there are many areas that are unclear in their interpretation and which can produce difficulties throughout the process often leading to dissatisfaction.

The Research Method

The qualitative approach was chosen since it is one that allowed me as the researcher to engage in an intimate way with the subjects of the research. The approach permitted me to gather information through the vehicle of a focus group and follow up individual interviews. My goal in using this method was to hear the participants' experiences of the current complaint resolution system as well as their thoughts and feelings on the project question.

Action research is a flexible process where I, as the researcher, learn and understand by participating in the research as it occurs. Dick (1997) states that action research:

is a process by which change and understanding can be pursued at the same time. It is usually described as cyclic, with action and critical reflection taking place in turn. The reflection is used to review the previous action and plan the next one. It is commonly done by a group of people, though sometimes individuals use it to improve their practice.

(p. 1)

This definition captures the essence of what my project sought to do, which was to find out whether improvement was possible and if it was, how to affect that change.

Stringer (1999) also contends that action research is cyclical in nature. He presents the basic community-based action research routine as being look, think, and then act (p. 19). The "look" represents the gathering of relevant information from the focus group participants and where the situation is described. The "think" section analyzes the information and attempts to explore and interpret what the information means. The "act" section deals with the report from the focus group and the findings and recommendations contained within it.

This look, think and act model will also take place within the focus group session itself as the dialogue was constantly evolving. Stringer (1999) points out that this routine is “a continually recycling set of activities” (p. 19) which is exactly what occurred as my project question was discussed and which later resulted in the additional interviews.

An extension of action research that involves a particular group is sometimes referred to as community-based action research. Stringer (1999) states “community-based action research speaks to the current crisis of research by envisaging a collaborative approach to investigation that seeks to engage “subjects’ as equal and full participants in the research process” (p. 9). Essentially this meant that my participants, the Professional Standards Officers, were fully engaged within my project and steered the dialogue throughout the focus group following the presentation from Inspector Walker and then the posing of the research question regarding resolving complaints through restorative justice principals. They also represented my “community.”

Kemmis and McTaggart (1988) define action research as being systemic and reflective. Their model of participatory action research incorporates four phases: planning, acting, observing and reflecting. Participatory action research is stated as a method of research where “creating a positive social change is the predominant driving force” (p. 5). This is akin to community action research in that again the cyclical nature of the work is expressed and the cycle, once completed, can be repeated again, moving the process closer each time to answering the research question as it relates to the “community.” Each one of these definitions features an initial stage for planning and gathering information. Each then has a period of time for reflection or analysis before the stage where action occurs and the cycle can repeat itself but at another level. I have attempted to represent the cyclical path that action research takes in Figure 2.

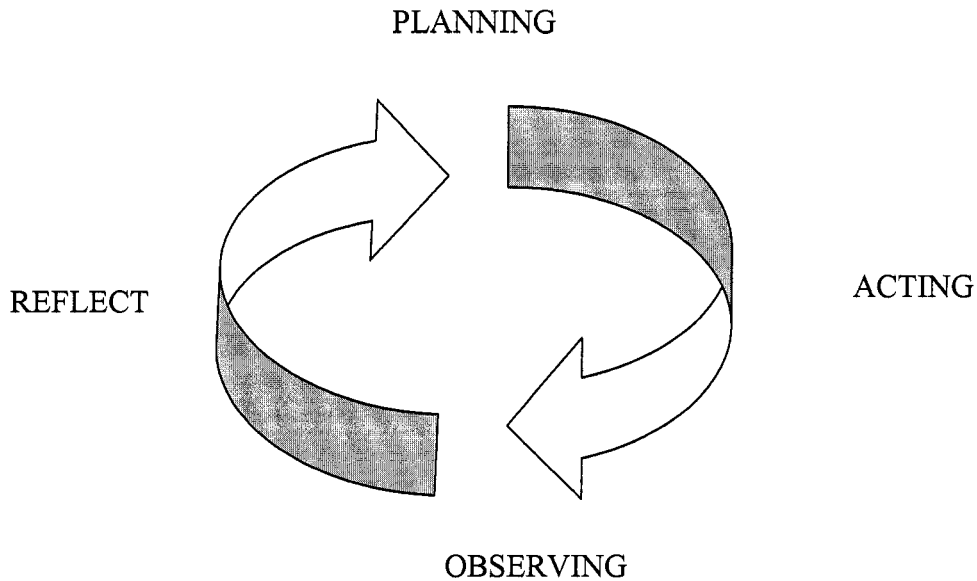


Figure 2. The cyclical path that action research takes

Research Methods and Tools

Tools

The focus group represented what I believed to be the most effective way of engaging a qualitative approach to data gathering for my project. The work of Langford and McDonagh (2003) provides a clear and concise overview of the advantages of using focus groups, as the following list demonstrates:

- Gain a more in-depth understanding of the topic being explored.
- Can more easily deal with information and concepts that cannot be readily measured or quantified.
- Enables researchers to discover some of the reasons why people behave or feel the way they do.

- Can probe the accuracy of comments and ask follow-up questions to clarify or qualify responses given.
- Group members can react to and build upon responses and comments of others.
- Being part of a group can generate a feeling of security.
- A great deal of information can be gained relatively efficiently and immediately.
- The method is fairly cost effective. (pp. 3-18)

The focus group allowed the participants to become directly involved with my research question and allowed them to work together in order to assist in providing what may be the first steps in looking seriously at restorative justice as an effective tool for them to use. As a group, we learned about the opportunities and roadblocks in the overall goal of effecting real change within the complaint system.

I acted as note taker as did my sponsor, Inspector Jones, in order to record the dialogue as it occurred. The initial questions were posed after the group had heard from Inspector Walker from the Thames Valley Police in the UK, who are currently using restorative justice within their complaint system. (Thames Valley Police, 2004a)

The limitations that face-to-face interviews hold over focus groups is that the social dynamic created within a focus group is not present in individual interviews. Therefore, those triggers that occur when listening to a peer discuss their particular perspective, and may have prompt participants to embellish on their position, would be lost, along with valuable information for the researcher. I was aware that the social setting of the focus group may have presented a problem, however, for those participants who feel uncomfortable stating a position or providing a viewpoint in a public forum.

Palys (2003) comments that “people with more extreme or unique views may be reluctant to expose them to possible ridicule, and people will undoubtedly be more concerned about maintaining their image in a public setting” (p. 162). It fell to me as the researcher to play a facilitative function within the focus group setting, which I did when there were periods of silence.

The responsibility of the researcher-facilitator, according to Rees (1998), is to make group success easier by using effective group processes.

The facilitator ensures that group members use the most effective methods to accomplish tasks efficiently and beneficially, with adequate time to consider ideas and alternatives.

The facilitator serves as a guide, a servant, and a catalyst to help a group do its work.

(p. 21)

The face-to-face interviews, which followed the focus group, occurred in order to address, in depth, the points that were brought up during the discussion amongst the participants.

Procedures

The steps that I took in order to conduct the focus group and the individual interviews were as follows:

1. Booked the meeting room at the Justice Institute.
2. Contacted by telephone the various Professional Standards Officers whom I wanted to participate and introduced the background of the research question.
3. Sent a confirming letter of invitation with consent information (See Appendix).
4. Arranged for a note-taker to be present at the session.
5. Constructed the initial focus group questions together with follow up questions.
6. Held the focus group session on November 15, 2004.

7. Gather notes from note-takers.
8. Themed the information contained in notes from note takers.
9. Sent an outline of major themes brought forward during session to each of the participants asking for their verification of the information.
10. Followed up on any matters arising from the verification process.
11. Contacted the six individuals whom I wished to interview and introduced the background of the research question.
12. Met with each and thoroughly explained the voluntarily nature of their participation and my project procedure.
13. I tape recorded (with the participants permission) three interviews and took detailed notes in the remaining three interviews.
14. Themed the information contained in the notes and the transcribed interviews.
15. Sent an outline of major themes brought forward during session to each of the participants asking for their verification of the information.
16. Followed up on any matters arising from the verification process.

Information Analysis and Verification

Following the focus group session, I gathered the notes concerning the dialogue that occurred and the questionnaire results, which were completed by the participants prior to them leaving the Justice Institute. Stringer (1999) states that

Interpretive inquiry typically produces large masses of information that has limited use in its raw form. Established procedures enable researchers to reduce, condense, or distil this mass of information so that significant features of people's experience become available in a readily accessible form. (p. 175)

I then began the process of analysing the data by selecting, categorizing, and labelling (theming) the information. Rigorously checking the information provided by the focus group participants was critical in establishing the trustworthiness of this research project. I followed a process suggested by Stringer (1999) who establishes trustworthiness by:

- Establishing *credibility* by prolonged engagement with the participants,
- *Member checking* that will allow for participants to verify the accuracy of the information recorded, asking each participant for their feedback,
- *Peer debriefing*,
- Establishing *transferability*, by showing that the research findings can be applied in other contexts, and
- *Confirming dependability* via an audit trail, which establishes the continuity of the collected data to the point when I analyse it. (p. 176)

This was the same process that I adopted for the information obtained during each of the six interviews. With the individual interviews, I provided each of the interviewees with the opportunity to provide feedback and suggest corrections if necessary to the data which they had provided. As a result of this process, I had further conversations with two interviewees in order to establish the correct interpretation of their data.

Project Participants

The identification of key people to engage within my major project was crucial.

Oppal's report *Closing the Gap* (1994), which was the catalyst for the creation of the new "Provincial Police Act" in 1998, made specific mention that alternate dispute resolution methods such as restorative justice and mediation should be examined as a way of more effectively resolving citizens' complaints against the police.

Each of the 10 municipal police departments in British Columbia employ a Professional Standards Officer (or in the case of the Vancouver Police Department, an Internal Investigator), who only hold their office for a period of time before he or she returns to other duties within their organization. Needless to say, these are experienced police officers that are skilled investigators (who currently represent the experts in the field of citizens complaints within municipal police departments), but who, in this isolated role within their individual agencies, do not generally spend time together due to geographic constraints. The exception to this would be the Vancouver Police Department, which, due to their numbers of personnel, employ several investigators, all of whom are based in the same office.

I made initial contact by letter. I sent an introductory letter to each investigator's respective Chief Constable asking permission for each investigator to be allowed to attend the focus group, arranged for November 15, 2004. Another letter, individually addressed to the investigators, was also sent with the same request. In both letters I provided the background to my project together with the expectation of the investigators involvement and the voluntarily nature of such involvement.

I then made contact with as many of the invited investigators as I could by telephone in order to follow up on the letter.

Only three Chief Constables replied to the letters although I managed to confirm that each letter had arrived and been seen by a member at the executive level. However, I was able to travel to Victoria on November 16, 2004, and present personally, together with Inspector Walker, to a regularly scheduled meeting of the Municipal Police Chiefs of British Columbia concerning the background to the project and the initial findings of the focus group meeting held the day before at the Justice Institute.

I received confirmation of attendance at the focus group from six of the potential maximum nineteen investigators. Each of the remaining investigators was unavailable for a variety of reasons.

The six individual interviews which were conducted following the focus group in order to address the numerous challenges and opportunities which the participants had identified as being present in terms of informal resolutions and the application of restorative conferencing.

Contact was made by telephone with each interviewee and I explained in detail the background rationale for my research project, together with an outline of what their involvement would look like in design, expectations and follow up.

The interviewees were:

1. Inspector Walker from the Thames Valley Police in the United Kingdom.
Selected due to his close involvement in the practise of restorative conferencing and its use for resolving complaints against police officers.
2. Mr. Murray Mollard, Executive Director of the British Columbia Civil Liberties Association.
Selected for his Association's perspective of the police complaint process in British Columbia.
3. Constable Todd Sweet, President of the New Westminster Police Officers Association.
Selected for his Association's opinion regarding the manner in which citizens' complaints are currently handled and resolved.
4. Inspector Rob Rothwell. Inspector in Charge of the Vancouver Police Internal Investigation Section from 2000 to 2003.

Selected for his opinion during his tenure as the officer in charge of nine officers handling the resolution and investigation of citizens' complaints in the largest municipal police department in British Columbia

5. Mr. Don Morrison. Police Complaint Commissioner for the Province of British Columbia from 1998 to 2003

Selected for his opinion as the person initially in charge of civilian oversight of the police complaints process for municipal police departments in British Columbia following the enactment of the 1998 Police Act.

6. Mr. Dirk Ryneveld. Q.C. Police Complaint Commissioner for the Province of British Columbia. 2003 to Present.

Selected for his opinion as the person currently in charge of civilian oversight of the police complaints process for municipal police departments in British Columbia.

Ethical Issues

The Royal Roads University Research Ethics Policy (1999) requires an ethics review of each major project proposal be carried out when research is conducted that involves data being collected from human subjects (p. 1). The policy outlines eight guiding ethical principals.

Respect for Human Dignity

I attended to this principal by ensuring that the participants in the focus group session were all mailed an introductory and consent letter and then were contacted by me personally on the telephone in order to address each of their concerns. During my interactions with each and every one of the project participants, I believe that I demonstrated courteous professionalism and employed active listening skills.

Respect for Free and Informed Consent

I held a focus group session in order to gather qualitative information with respect to my research question. I had hoped to have at least 12 participants but 6 eventually confirmed their attendance and took part in the group. I had note takers present to ensure that the dialogue of the group was captured accurately. The fact that my major project will be produced in a physical report was stressed together with the fact that it then becomes a public document once accepted by Royal Roads University. There will also be the possibility of aspects of the report being published as articles since the project touches on what will be new territory in the field of citizens' complaints within British Columbia. I disclosed all of this to each participant and reiterate it again within the body of the consent letter. The option to withdraw at any time was stressed to each participant. All of these issues follow the Royal Roads University (RRU) Policy, (2000) that states that authorized research can start only when the subjects,

have been given an opportunity to provide free and informed consent about their participation. The research must make clear to the subject the opportunity to withdraw at any point in the research study. Free and informed consent is to be given voluntarily without undue influence. (p. 9)

Respect for Vulnerable Persons

The research question is focused on the citizens' complaint process involving police officers in municipal agencies in British Columbia. It is not a research project questioning the Professional Standards Officers *themselves*. The project merely asked them for their experiences and opinions of the process in which they currently work and whether a restorative justice model would work with the current system. No person declared himself or herself to be feeling vulnerable throughout the process.

Respect for Privacy and Confidentiality

Palys (2003) states, “it is incumbent on researchers to take every precaution to ensure that confidentiality is respected” (p. 91). The RRU Policy (2000) also comments on this facet by asserting that the “researcher should clearly indicate to the subject(s) the degree to which confidentiality can be expected” (p. 10). Within the setting of the focus group, as well as facilitating dialogue, I stated that I was unable to guarantee that the participants will maintain the confidentiality of the session once they leave the room. I stated at the start of the process that it will be intention to provide the focus group participants with anonymity by using pseudonyms throughout their part of the project, however the need to refer to the participants specifically did not arise. For the individual interviews, each participant stated that they were comfortable with being identified by name.

Respect for Justice and Inclusively

Here, the RRU Policy (2000) is asking the researcher to examine the potential “for members of society to be unfairly excluded from the benefits of the research” (p. 11). My research question aims to examine how a restorative justice model could fit into the system of informally resolving citizens’ complaints, and I therefore wanted to pose that question to the very professionals who work within the current framework, the Professional Standards Officers. There are others that work alongside today’s approach, such as the British Columbia Civil Liberties Association, but I decided on their participation with an individual interview following the focus group. They act as an external interested group who act in a watchdog capacity of the justice system as a whole. No members of society are being excluded from the benefits of such a major project question and in fact, it could be argued, that society in the broad sense of the word

will, far from being excluded from the benefits of the research, will benefit vastly if a more open and inclusive method of resolving complaints was to be the outcome.

Balancing Harms and Benefits / Minimising Harm / Maximizing Benefit

This particular aspect of the RRU Policy (2000) asks that the researcher comment on the consideration that has been given to identifying the estimated risks that participants may be faced with, together with the process that will be engaged in order to maximize the benefits of the research being undertaken (p. 3).

The participants were engaged in a research project that was asking whether a more inclusive way for resolving complaints is possible within the current system. It is a noble goal from which, I believe, much benefit could be derived. As an example of this, the British Columbia Civil Liberties Association “believe that the response by police to complaints from the citizens is the single most important factor in the health of the police/citizen relationship” (Oppal, 1994, p. I-7).

Study Conduct

Focus Group

My research began with the focus group. In the early stages, I thought of presenting to the focus group myself, but knew very quickly that I could not do justice to the Thames Valley Police’s program. So, I began a search within the Thames Valley Police in the UK to locate the right person who was heading up their usage of the restorative conferencing approach to citizen complaint resolution. I had initially hoped to make contact with the now retired Chief Constable of the Thames Valley Police, Sir Charles Pollard. It was he who had brought the idea of restorative conferencing to the police department in the first place.

However, during a telephone call to the Restorative Justice Training Section of the Thames Valley Police on September 14, 2004, I was fortunate enough to be referred to speak to Inspector Tony Walker. I spoke to Inspector Walker the next day and within moments of my explaining who I was, where I was calling from and why, I sensed from his reaction and his enthusiastic questions, that I had found the perfect person to attend the focus group. I confirmed the details of our telephone conversation in an e-mail sent on September 16, 2004, to Inspector Walker and within days I had received word from him that he would gladly accept my invitation to fly to Vancouver on November 12, 2004, to return home on November 16, 2004. The focus group was then scheduled for November 15, 2004, and a meeting room secured at the Justice Institute in New Westminster for the occasion.

Inspector Walker asked me to mail him an official invitation complete with the specifics surrounding the focus group presentation. This I did on September 19, 2004, and received official acceptance back on September 27, 2004 from his office. I was now set to go out and approach the perspective focus group participants.

On October 16, 2004, I wrote to each of the Professional Standards Officers (Internal Investigators in Vancouver) in each of the police agencies. There were 19 letters in all (see Appendix A).

On the same day, I wrote to each of the Chief Constables heading the municipal police agencies in British Columbia. These were Vancouver Police, Victoria, Saanich, Delta, West Vancouver, Abbotsford, New Westminster and Port Moody (see Appendix B).

Within a week, I began to contact each of the potential participants by telephone in order to follow up on the letter and attempt to gauge their level of interest and availability for the focus group. I learned quickly that several officers were committed with workload issues whilst two

were away on leave. My letters netted 6 participants who confirmed that they would attend to hear from Inspector Walker on November 15, 2004.

I also invited Mr. Paul Ceyssons to attend the focus group. Mr. Ceyssons is a lawyer specializing in Police Act matters involving municipal police officers and is well versed in the dynamics involved in complaint investigations and potential resolutions.

A questionnaire was drawn up for the participants to complete once they had heard from Inspector Walker and engaged in a dialogue regarding the restorative conferencing utilised by the Thames Valley Police.

I also wrote to The Honourable Justice Mr. Wallace Oppal inviting him to dinner as my guest on the evening of November 15, 2004, in order for him to hear first hand how an agency in the UK is engaging in a process, which he had suggested that municipal agencies attempt here, in his 1994 *Closing the Gap* report. To my delight, he accepted the invitation.

On November 15, 2004 the focus group took place at the Justice Institute in New Westminster. The day's events went smoothly with Inspector Walker providing a power point presentation to the participants regarding the history of restorative justice and then progressing into the blending of the restorative justice philosophy into attempts by the Thames Valley Police to informally resolve citizens' complaints against their police officers.

After lunch, a series of case studies regarding complaints were presented and discussed within the group in an attempt to identify appropriate resolutions. A general dialogue followed as well as an opportunity for the distribution and completion of the questionnaire that I had prepared (see Appendix C). Notes were taken throughout the focus group meeting.

Municipal Chief Constables of British Columbia Presentation

I discovered that there was a regularly scheduled meeting of the Municipal Chief Constables of British Columbia in Victoria occurring on November 16, 2004. I asked Chief Constable Lorne Zapotichny of New Westminster Police Service whether it would be possible for Inspector Walker and myself to present the background to my research project and the findings of the focus group at that meeting. Since I had written to each of the Chief Constables during the developing stages of the focus group, each of them present at the meeting would already be aware of the background to the presentation. Chief Constable Zapotichny agreed to my request and the day following the focus group we traveled to Victoria. Inspector Walker and his wife, Kathryn, accompanied me and we provided an hour-long presentation fielding questions following the power point slides plus accompanying handouts. We also fielded questions following the presentation. There was a good deal of interest from the audience.

Interviews

After Inspector Walker and his wife, Kathryn had returned home to the UK in the evening of November 16, 2004, I began the task of identifying the appropriate individuals with whom to conduct interviews in an effort to answer some of the lingering issues that had been brought up by the focus group participants.

I identified five potential individuals to interview, having already conducted one interview with Inspector Walker. Although it had remained an informal experience, I took detailed notes of the event.

I made telephone contact with Mr. Murray Mollard, Executive Director of the British Columbia Civil Liberties Association, on November 18, 2004, with the interview occurring on November 25, 2004. The remainder of the other identified interviewees were contacted for

interviews within the next two weeks. The final interview, with Police Complaint Commissioner, Mr. Dirk Ryneveld Q.C., was conducted on December 7, 2004.

Three of the interviews were tape-recorded whereas in the other three, I maintained copious notes regarding the dialogue and questions asked and answered by those people interviewed.

CHAPTER FOUR – ACTION RESEARCH PROJECT RESULTS AND CONCLUSIONS

Research Study Results

In this chapter, the data from the focus group, the short focus group questionnaires and the individual interviews are discussed. Research conclusions drawn from these data are then explored.

Study Findings

The questionnaires elicited both quantitative and qualitative data. The six individual interviews were qualitative narratives as was the discussion held during the focus group.

Focus Group

On November 15, 2004, a focus group was held at the Justice Institute of British Columbia in New Westminster with seven professionals from the sphere of investigating citizens' complaints against police officers in the province.

The participants included six serving officers from municipal police departments in British Columbia whose role in their various agencies is to investigate those complaints. There was also a member of the legal profession who is held in high regard for his work within the field of the British Columbia Police Act.

The group was afforded the opportunity to participate in a presentation from Inspector Tony Walker from the Thames Valley Police in the United Kingdom. His wife Kathryn, who also works within the restorative justice field, accompanied him.

The question which the group was asked to consider following the presentation, was taken directly from the title of this major project report:

How could a Restorative Justice model for informally resolving citizens' complaints against police officers fit into the current system in British Columbia?

Inspector Walker provided an overview of the work done by his policing agency to incorporate the philosophy of restorative justice into many aspects of their delivery of policing services.

Findings

Following this discussion, the group were divided into pairs and asked to examine a series of case studies based on genuine citizen complaints. The group was asked whether a restorative conference, based on their experience and what they now knew of the philosophy, would be an appropriate response to deal with each of the situations. This produced some lively discussion concerning the value and application of the restorative conference process.

The group was then asked to engage in a brainstorming exercise to identify the various barriers to utilizing the philosophy of restorative justice in resolving complaints within the present Police Act situation in British Columbia.

The potential barriers that were identified included:

1. The culture / attitude / pride of police officers
2. The opinion of the police union with respect to utilizing a Restorative Justice approach
3. The officers' fear of jeopardy during a Restorative conference with a complainant
4. Institutional inertia
5. A lack of buy-in by the police and complainants for the process.

Following the identification of these potential barriers, the group was then asked to examine prospective ways to overcome such barriers.

The group identified the following possible solutions:

1. Effective education and training within police services and the communities which they serve
2. An effective “sales pitch” and highlighting of “success stories” where restorative conferencing has been utilized
3. Improved Police Act legislation to include restorative conferencing as a means of providing informal resolution to complaints
4. Police agency management to provide support and drive to include restorative conferencing in the complaint process
5. Emphasizing the reduction in time and stress involved in the current investigative process
6. Emphasizing the difference to the current practise together with the reduction in associated investigative costs
7. Potential inclusion of the use of restorative conferencing in the measuring of police agencies performance.

It was at this point that the focus group session wrapped out and the questionnaires were handed out.

Questionnaires

Data from the six questionnaires, which were completed following the focus group meeting, formed the quantitative research aspect for this project.

Initially all nineteen Professional Standards and Internal Investigation Section investigators from the various municipal police agencies were invited to the focus group. The follow up telephone calls elicited positive responses from as many as fifteen; however, by the

day in question, only six were actually able to make themselves available to attend, representing four municipal agencies.

In hindsight, it may have been more productive to provide the questionnaire form (see Appendix D) along with the invitation letter since once the questionnaires were reviewed it was clear that more numerically specific answers to Questions 3, 4, and 5 would have been beneficial and of more value to the project. The exact number of complaints that the investigator had dealt with (Question 3) would have given me precise data, as would the number of those complaints that the investigator managed to informally resolve (Question 4). The specific number of resolutions in which the complainants had actually had a face-to-face meeting with the police officer involved would also have been helpful in determining the frequency of such occurrences. However, the questionnaires did produce a good deal of useful data.

Appendix E contains a series of tables that represent the answers to the questionnaires handed out at the focus group.

The first question was asked in order to determine the amount of overall policing experience present within the focus group. The position(s) within the police agency tasked with investigating citizens' complaints are normally the preserve of experienced and seasoned investigators. It was no different with those represented at the focus group (see Table 1, Appendix E).

The six focus group participants represented 150 years of policing experience with an average length of service of 25 years.

The second question was designed to elicit from those present the amount of investigative experience amongst them, as police agencies will often limit the time that an individual spends investigating citizens complaints (see Table 1).

The six focus group participants represented 13 years of experience resolving and investigating citizens' complaints against police officers with an average length of experience of 2.16 years.

The third question asked for the approximate number of citizens' complaints that the participants had dealt with during their tenure to date (see Table 2).

Having asked for an approximate number of citizens' complaints that each investigator had dealt with, there was a risk that each of the answers might be "rounded up". The total number of complaints was 493 with an average number that each of the six investigators had handled being 82.

The fourth question requested for the approximate number of those aforementioned complaints that the investigator had informally resolved. No definition of "informal resolution" was provided, so it is unclear from the replies as to the particular method on informal resolution that each investigator utilized (see Table 2).

The focus group participants reported that a total of 181 complaints had been informally resolved, resulting in 26.8% of all complaints that each investigator received was informally resolved in some fashion.

The fifth question was aimed at determining whether any of the aforementioned informal resolutions involved a meeting between the officers against whom the complaint was made and the complainant themselves (see Table 3).

This question produced a response that four of the six investigators had informally resolved a complaint by engineering a meeting between the police officer and the complainant. What was missing from the question was the specific number of times that such a meeting had occurred, which would have been useful in order to gauge their frequency.

The sixth question addressed the matter of how such a meeting had been received by those who had been involved in the process (see Table 4).

The research literature points strongly towards a high level of complainant satisfaction following such meetings when the facilitation is handled well. The experiences of those involved appeared to be very positive ranging from “mostly positive” to “excellent,” all agreed it was okay.

The seventh question attempted to gauge whether the participants had received any training in facilitating face-to-face meetings between complainants and officers. If so, a sub-question asked them to describe the type of training that they had received. This was geared at learning more about whether individual police agencies or other associated organisations had provided apposite training for those individuals whom they were asking to resolve complaints. The available research points out that poorly facilitated meetings can impact negatively on the entire complaint handling process both from the complainant and the police officer’s point of view (see Table 5).

Four of the respondents answered “no” to this question, the consequence of which meant that 66% of the investigators charged by police agencies with the task of resolving complaints had not received any training in facilitating such a process. The two “yes” answers spoke of unspecified “informal-training” and “on my own—conflict resolution.”

The next two questions asked the participants to reflect upon the Police Act and comment as to their thoughts on how well the Act supports the notion of and process for informally resolving citizen complaints (see Table 6). The following question asked whether they, as an investigator, had any suggestions that they could offer in potentially improving the current process (see Table 7).

It was evident from the responses to this first question that the participants felt that the design of the current Police Act supported in theory only the idea of informal resolutions. The responses ranged from “support on paper—not so well in practise” to “very open—no guidelines—but also no limits”. Their suggestions for improving the situation were just as varied. Three focused on increasing training and education programs, whilst another wanted informal resolution to be a “locked in program.”

Question ten was aimed at trying to identify those barriers which the investigators believed had played a factor in preventing opportunities for face-to-face mediation to occur (see Table 8).

The respondents listed a range of obstacles which they felt represented barriers. They stretched from “our organisation and the responding members” to “lack of time—quicker to use the formal process than to attempt informal resolution.” Three responses spoke to a mistrust of both the process and the outcome from the complainant and officer’s perspective.

The final two questions dealt specifically with the issue of restorative justice with question eleven asking the participants to describe their own level of understanding of the topic prior to attending the focus group. This was in answer to the research literature that suggested that in British Columbia, police officers possessed a minimal awareness on the subject matter (see Table 9). The twelfth and final question, asked those present to describe their thoughts following the focus group on the viability of using a restorative philosophy to informally resolve citizens’ complaints (see Table 10).

The range of responses regarding the participants understanding of restorative justice models of mediation ranged from “minimal” through “very little” to “fairly well versed” and finally up to “very good.”

The final question though, produced the greatest amount of responses. They spanned a spectrum from “it’s a possibility that we have to examine” to the similar “believe that it had a place” and through to “great concept however it will likely require more dedicated resources. There are some big barriers, however the philosophy is a benefit to all interested parties.”

The significance of the questionnaire responses, as described above, will be addressed later in this chapter.

Interviews

Six participants were identified as having significant roles within the realm of citizens’ complaints. All but the first one, Inspector Walker, had experience with the current Police Act in British Columbia. These individuals were approached and asked to participate in an interview in an attempt to garner qualitative data with respect to their experiences. Each interviewee is described below and their contributions summarized in turn.

Inspector Tony Walker

Inspector Tony Walker is a police officer with 26 years of experience with the Thames Valley Police in England. Thames Valley is an agency employing over 4,000 police officers and represents the second largest geographical policing area in Britain outside of London. (Thames Valley Police, 2004b) He is considered an expert in the field of training officers to conduct Restorative Conferences using the philosophy of Restorative Justice, and has been doing so throughout England and other parts of the world for five years. He has done considerable research in the area of utilizing Restorative approaches in order to resolve citizens’ complaints against police officers as well as staff grievances and community problems whether it is in schools or general anti-social behaviour.

Inspector Walker's responsibilities at present include representing the Association of Chief Police Officers on the Home Office Training and Accreditation Development Group (which is developing best practice guidance for restorative practitioners). He also sits on the National Steering Group for Safer Schools Partnership (Restorative Justice in Schools).

Inspector Walker wrote and designed the restorative conference-training syllabus that is currently used by the Thames Valley Police and at the national level. This curriculum has received accreditation by the National Open College Network.

Inspector Walker spoke about how the use of restorative approaches to crime and conflict resolution is not a new phenomenon. He talked about how ancient cultures within the United Kingdom and around the world have been documented as having practised restorative justice within their communities.

He mentioned that there are several models of restorative justice practised: Victim/Offender Mediation, Family Group Conferencing, Community Conferencing, Co-facilitation, and the Scripted Restorative Conference.

The Thames Valley Police pioneered the Scripted Restorative Conference (Lofty, 2002, para. 15) with the aim of being inclusive and to involve, where possible, all of those affected by an incident. Inspector Walker stated that the conference is run according to a script, which follows a set of pre-determined questions as well as an order of questioning. The conference facilitator has no role in determining the outcome of the conference but is there to assist the participants communicate with each other as they seek resolution and reparation in a safe setting.

The Thames Valley Police first began using this form of Restorative Conferencing within their youth justice system and then within the adult system. (Thames Valley Police, 2004c) Inspector Walker commented that the officers who had been trained to facilitate Restorative

Conferences began to use their new skills in other areas of their police work such as resolving neighbourhood complaints. A carefully orchestrated restorative meeting can be an effective way of enabling the community to live in peace with one another again and reduce calls for police service. Inspector Walker stated that by the end of 2001, Thames Valley Police found themselves in a position to offer restorative conferencing to complainants and those officers complained against within their citizens' complaint process.

He admitted that it is a choice within the complaint system to attempt to resolve citizens' complaints through a restorative conference and that no legislation exists which compels complainants and officers to participate. They have found however, that the satisfaction of complainants who have participated in a restorative conference has been far greater than those complainants who chose not to participate or who did not have the opportunity to do so. Inspector Walker cautioned that the outcome of the conference largely depended on whether the officer accepted responsibility for the wrongdoing. Those cases where the officer took responsibility for their actions have ended extremely successfully with the officers stating that it had largely been a positive experience and taught them to be more understanding of the public' point of view.

Inspector Walker spoke of the fact that the Thames Valley Police were viewed as continuing to do ground breaking work in this field. The British Home Office, which governs the delivery of police service throughout the country, was becoming increasingly interested in being able to measure the performance of police agencies. The fact that the Thames Valley Police were experiencing more success in cutting the time and money associated to investigating citizens' complaints was attracting the attention of other police executives who were searching for a

variety of strategies to improve their performance, their complaint process being just one of many potential areas.

As a note of interest, Inspector Walker mentioned that his agency had found that those officers, who had been trained in facilitating restorative conferences, now attracted noticeably fewer citizens' complaints.

Inspector Walker is clear about the future that restorative justice can play within the criminal justice system and its continued success it will find in the arena of the citizen complaint process.

Constable Todd Sweet

Constable Sweet has been a serving officer with the New Westminster Police Service since 1990 and has been President of the New Westminster Police Officer's Association since 2001. In this capacity he has acted as a union agent for police officers against whom complaints have been made.

Constable Sweet was direct with his initial remarks when asked for his thoughts on the current process for informally resolving a citizen's complaint against police officers when stating that, "It doesn't work."

He felt that the informal resolution process was one that should be initiated at the very start of the complaint procedure, at the time when the member of the public initially contacts the police agency in order to file the complaint.

He commented on his feeling that generally "policing has done a poor job of telling the public why we do the things that we do." In his opinion, Constable Sweet felt that a large number of complaints were generated by a lack of understanding on the part of the public of police training and police tactics. That being said, those complaints could then be tackled proactively,

not by jumping to an investigation, but through an attempt to educate the complainant regarding why a particular incident occurred the way it did. Constable Sweet said that the supervising officer on duty should do this at the time when the complainant first contacts the police. Possibly even arranging a visit to the Police Academy, conveniently located in New Westminster, where the complainant could perhaps even participate in or at least observe a training demonstration in order to better appreciate the motivating rationale behind a police officer's actions.

He spoke about his experience when attending a particular training course at the Canadian Police College in Ottawa. The course was designed to provide police union officials with exposure to the world of collective bargaining and arbitration. Part of the curriculum asked the participants to adopt the opposing position from their normal role. For instance, as a union executive, he would negotiate a collective agreement from a police management standpoint together with conducting an arbitration hearing from the same perspective. Constable Sweet stated that the course was completely eye opening and educational, enabling him see situations from others viewpoints.

A similar experience could be offered to complainants, he argued and he provided a hypothetical example of a member of the public who had been upset at a perceived delay in the response time from the police. What would prevent that individual being offered an opportunity to sit in the communications center at the police station on a Friday or Saturday night and experience first hand the many different dynamics at play when an emergency call is received?

Constable Sweet mentioned that as a police union agent, he had yet to be involved in a complaint investigation at the conclusion of which the police officer complained against had received some form of discipline, for which the discipline had not been justified to some degree.

Therefore, he said, from the police officer's perspective, there was a good deal to recommend an alternative process that eliminated lengthy investigations and a potential discipline record.

Constable Sweet commented on the fact that any restorative conferencing process designed to engage police officers in a facilitated dialogue with a complainant would have to be "sold to some police officers in order for those to feel confident such a procedure would be carried out without prejudice and without the dialogue being used in a potential civil proceedings." He added that he and the other union agents are "quite reasonable people" who could easily appreciate the benefits afforded by an informal resolution model designed with efficiency and confidentiality in mind. He would also support the same facilitator training for the restorative conferencing being offered to union agents in order for them to gain a complete understanding and appreciation of the process.

Constable Sweet said that, "we are getting better at dealing with the pre-Form 1 complaints." He continued by expressing that he took issue with the ability for complainants to complete a citizen's complaint form through the Office of the Police Complaint Commissioner, which were then automatically forwarded through to the appropriate police agency where the officer served. Constable Sweet said that he would like to see an opportunity built into the complaint system for that complainant to be spoken to personally before the completion of the Form 1 in an attempt at resolving the matter. "This is not rocket science," he observed.

In addition, he stated that he also felt that the process for informally resolving complaints should stay the domain of each individual police agency. The structure of each was unique and a blanket informal resolution technique developed for everyone would not be guaranteed the success it might need to receive universal acceptance.

With respect to the facilitator involved in any restorative conferencing procedure, Constable Sweet was resolute that such an individual be a serving police officer, who would be current in the training and technical aspects of police work.

In closing, Constable Sweet said that the idea behind restorative conferencing held definite merit as an option with respect to informally resolving citizens' complaints. He felt that it certainly had the potential for speeding up the complaint process, which would benefit everyone, provided that the system was confidential and non-disadvantageous to the officer being complained against.

Mr. Murray Mollard

Mr. Mollard is the Executive Director of the British Columbia Civil Liberties Association, an organisation that, along with other roles, act as the primary non-government group in the Province in monitoring the police and other government agencies in their response to allegations of misconduct.

The interview was conducted in a boardroom at his office and was tape-recorded. Mr. Mollard began by stating:

The (Police) Act has always contemplated that there be a mediation component to the complaint process. Mr. Morrison was very much interested in this and I know that police departments were but there was never really any work or thought put into a model, guideline to provide guidance to police departments or a protocol that all police departments could follow. (M. Mollard, personal communication, November 23, 2004)

He commented that he had been involved in an informal resolution where he had seen such a process in action, and where a complainant and an officer had got together to talk about their experience. On that occasion, Mr. Mollard said that the complainant felt that it was very

important the officer understand where he was coming from and the officer had been willing to share why he done what he had done, and the fact that it had happened in a particular way as a result of the information that he had to act on. It was an exchange of information and Mr. Mollard had thought that both parties went away feeling good about the experience.

Mr. Mollard was very supportive of the rationale behind the complaint process. He mentioned that in his opinion, the major reason that a complaint system existed was to provide an accountability mechanism for a police agency's management to identify when particular officers have misjudged their work in such a way that they need some corrective action that needs to be taken. Regardless of whether it was the training that they had had but didn't follow, or the training that they didn't have in the first place, it was designed in order for the officer to have the opportunity to improve so that the same kinds of errors did not occur again. Mr.

Mollard stated:

That's very much the underlying focus of the Act in that police officers being human are going to make mistakes in certain circumstances and you want an ability to identify when that occurs and secondly have an ability to correct that, to ensure that it doesn't happen again. (M. Mollard, personal communication, November 23, 2004)

He continued by revealing that many complainants who approach his Association for assistance, say that they just do not want the situation that led to the complaint to happen again to someone else.

Mr. Mollard talked about his concerns about a restorative conference being involved for even low-level police complaints if the officer had a history of poor behaviour and if the managers of the police agency were serious about their complaint process. He stated that, "It is wise to think about providing management with an ability to veto the officer's consent to

participate if there is a problem that has been identified in order that proper corrective action be taken.”

Although obviously supportive of restorative conferences being utilised as part of the informal resolution process, he raised some additional concerns:

1. There was a threshold question about the sort of complaints that would not be suitable for informal resolution. Almost any use of force complaint would not be suitable and that some guideline would have to be determined as to when the process would be acceptable and when it wouldn't.
2. There were concerns about what becomes of the process. What would be entered on the file of the officer? What wouldn't be?
3. What would happen if there was no satisfactory resolution from the process itself? Would it be left alone or would it be pursued through the regular course of an investigation?

Mr. Mollard then spoke about his thoughts concerning the person acting as mediator or facilitator. He commented that:

Any successful model is going to require skilled and trained personnel to be part of it...I am not sure that this means an external mediator...it may be that there are officers who are very well predisposed to play this kind of a role. I wouldn't necessarily see it as there being a requirement for an external facilitator. (M. Mollard, personal communication, November 23, 2004)

His view was that there would be some advantage to having an external facilitator, as in the beginning the complainant would see that person as being more independent. He suggested however, that ultimately it was the conduct of the mediator in the process that was the

determining factor as to whether the parties involved would actually have faith in the process and ultimately the mediator was the person who had to win the parties over in terms of trust. He stated that “they may not ultimately be successful in getting the parties to say ‘yes’ but at least the parties will have some view of the mediator as being well trained and did their job competently.”

Mr. Mollard commented on his desire to see that any new system that was developed, be efficient and cost-effective. He felt that part of the goal of such a process should be that with certain types of complaints, particularly complaints about officer’s attitudes, the process should be as efficient as possible and that paying an external facilitator to resolve the complaint would not be cost efficient. He stated that his Association recognised that allowing every complainant, regardless of how minor their complaint was, to elect ultimately to go before the Police Board (as was permitted in the previous Police Act) was not necessarily a good use of resources. He felt that someone with a complaint about disrespectful language from an officer should not be permitted to use up those sorts of resources and that it was reasonable to recognise the need to build an effective system.

He remarked that there was nothing in place to preclude any particular police department from setting up their own informal resolution process provided that they followed the provisions of the Police Act. He added that:

In a way it’s disappointing that departments, especially the larger ones, haven’t instituted a protocol themselves. It would be nice to see that the policies were consistent between police departments, which make more sense, but it not like any department has to wait around until the Commissioner issues a guideline or the Province amends the Act. (M. Mollard, personal communication, November 23, 2004)

When asked for his thoughts on the issue of the culture surrounding police work, Mr. Mollard commented that police officers enforce the law. They have training in the law and a presumption that they know the law better than citizens do, and that the police officer is going to be right most of the time if not all of the time. He stated that:

I think that it is probably difficult for police to acknowledge that there are times when they may make mistakes, and depending on the level of consequence involved in that kind of admission, there may be a serious disincentive ever to admit that as well. (M. Mollard, personal communication, November 23, 2004)

He also mentioned that he felt that police officers were hesitant to admit errors despite the fact that being human, mistakes are going to happen some of the time in a job as difficult as policing. He suggested that the goal for management and trainers of police was to reduce the amount of times that those mistakes occur.

Mr. Mollard thought that the objectives behind a restorative conference were sound. He suggested that an officer doing their job on a regular basis might find the work routine and perhaps mundane in the sense that it is what they are always doing. As such there may be a tendency to become desensitized to the fact that for the people on the receiving end it is very much a unique experience except for those individuals who have continual involvement with the law. He added that from the experience of the conference “there may be kinds of information that come back to the police officer that makes them think twice about how their actions affect someone subject out in the world, and that may well adjust their behaviour as well.” In closing, Mr. Mollard noted:

I think that it was clearly the intention of the Legislature to see this happening, and the fact that it hasn't happened is too bad because I think that it is a wasted opportunity.

From our Association's point of view where we have complainants come to us with concerns that are not necessarily requiring a full blown investigation, they could be resolved in a way that allows them to speak to the officer and makes them feel satisfied that they have had the opportunity to really state their case and state their concerns directly to the officer. (M. Mollard, personal communication, November 23, 2004)

Mr. Don Morrison

Mr. Morrison was appointed as a Legislative Officer to the position of Police Complaint Commissioner for the Province of British Columbia in 1998. It was a position made in concert with the enactment of a new Provincial Police Act. Prior to taking up this appointment, he had been a senior crown counsel in British Columbia.

In 2002, Mr. Morrison returned to private practice as a lawyer but still sits as a board member of the Canadian Association of Civilian Oversight Of Law Enforcement Agencies (C.A.C.O.L.E.), which is a national organization of agencies involved in the oversight of police officers in Canada.

Mr. Morrison stated that he has always believed that "informal resolution works well for most of the complaints, save and except those that have to be fully investigated and may end up going all the way through the system to a public hearing." He commented that in his experience whilst he was the Complaint Commissioner:

Informal resolution could have been used for 85% of the complaints that the OPCC received and that included allegations of excessive force and misuse of language. Even some of the cases where there are allegations of false arrest, there often were opportunities for informal resolution to work. (D. Morrison, personal communication, November 26, 2004)

When asked about the application of the informal resolution model to resolve complaints involving the use of force, Mr. Morrison suggested that it would depend on the level of force used. He did not feel that anyone should compromise with policy, program anxiety or official paranoia, the capacity of officers involved in complaint investigations to make decisions on their own in dealing with issues such as the use of force question. He suggested that if a problem occurred, the complainant could opt out of the informal resolution process and request a more formal procedure.

Mr. Morrison recognized that there were many versions of informal resolution in existence, with the Thames Valley Police representing just one model. Although the OPCC is concerned with municipal police departments, he mentioned that the majority of the policing done in British Columbia is done by the RCMP who have their own attempts at informal resolution going on. Mr. Morrison stated:

I would say a couple of things in terms of a structured model. The first is, the Solicitor General has to adopt Oppal's recommendation and have one form of discipline for all of British Columbia and it could be done very easily. Along with that it would be useful to pool together their investigators so that it would expand and allow you to determine who would be the most effective investigator in a given situation. (D. Morrison, personal communication, November 26, 2004)

Mr. Morrison believed that it was essential that the complaint investigator have the mindset that the informal resolution process was viable. He felt that if that were there, the investigator would then always look for opportunities to make it work. If the investigator did not believe in the informal resolution process and the police culture was resistant and defensive, then

it would not work, and there would have to be a significant attitude change in order to alter that position.

Mr. Morrison commented that one way of changing such an attitude would be to have civilians with skills in mediation involved with the complaint investigators. Civilians, he felt, could be used in various positions if the police agency was serious about wanting to reach out to the public. The agency would then have the opportunity to build an investigative team that spanned both the civilian and police culture.

He mentioned that mediation was occurring in many other areas of the law. He pointed out that it is particularly well used in Family Law and Labour Law, thus providing pools of mediators that the police could draw on and become highly skilled in resolving complaints. He commented that there have been many studies showing that with the use of Informal Resolution, the complainant satisfaction skyrocketed and those who went through a complete investigation experienced the lowest satisfaction. He stated, "There is a message in that."

Asked when as the Police Complaint Commissioner he had had complainants wanting to be met with a police officer in order to have their story heard, Mr. Morrison stated that he had not. He commented that as well as there being officer resistance to these situations, there was also complainant resistance as well. Mr. Morrison's experience had been that the complainants sometimes felt that they were not going to see what they felt ought to be the appropriate resolution. Reticence occurred on both sides of the complaint equation, he suggested.

When asked about whether he felt an officer's reticence could be due to a fear of civil law suit Mr. Morrison commented that such reservation was misguided. He stated that if there were 500 complaints made every year against municipal police officers, the vast majority of those had absolutely nothing to do with any possible civil suit. Five or ten of those complaints at

most, he suggested, might be a civil case, and even in those cases, the civil stream is different, and they have nothing to do many times with the issues brought up as part of the complaint process.

Mr. Morrison stated that it had been clear to him from the very beginning of his tenure as Police Complaint Commissioner that the investigators who worked in the police departments had definitely made efforts to informally resolve many of the complaints. He added that it may not have been called informal resolution and the investigators may not have conceptualized it as such but it was one of the skills that they brought and there were a lot of complaints that ended up being resolved that way.

Whilst the Police Complaint Commissioner, his office had organised educational opportunities for those involved in the investigation of citizens complaints, which had been well attended. He felt that any opportunity to learn more about how to do what was very unique job was worth looking at.

Mr. Morrison also added that in his opinion police agencies did not need a formal resolution program. It had been done before and it was being done now. There was a benefit of having a formal program, Mr. Morrison suggested, in that a police agency's management endorsed it and it then became part of the organizational culture.

Mr. Morrison stated that he felt that mediation programs should be introduced at the point of the Police Academy for newly hired officers. He felt that the officers would then feel much more comfortable in using that type of problem solving when situations arose in their future.

One of the experiences that Mr. Morrison had had when he was the Police Complaint Commissioner was that some police officers still felt that they never do any wrong and that it was part of the culture that police officers got into. The further that they got alienated from the

public and from being able to informally resolve things when they went wrong, the further it reinforced that isolation that officers often found themselves in.

Mr. Morrison maintained that the ability to endorse and encourage informal resolutions to be a part of the police culture when things do go wrong or when things get misinterpreted was an essential part of the community policing philosophy.

Mr. Morrison concluded the interview by commenting that he felt that there was a role for the OPCC to do some education with respect to informal resolutions and the complaint process. The idea of doing so went back to the *Oppal Report*, he said. Some of the legislation that came out of the report may already be obsolete, Mr. Morrison commented, but not the principle or suggestion that had started it.

Inspector Rob Rothwell

Inspector Rothwell has been a serving officer with the Vancouver Police Department for 26 years. In 2000, he was appointed as an investigator in the Internal Investigation Department, whose role it was to deal with citizens' complaints made against Vancouver police officers as well as internal discipline issues. Within eight months, he had been promoted to the rank of Inspector and found himself in charge of the Internal Investigation Department, supervising the nine investigators then assigned to the office.

As the supervising officer, it was his responsibility to review each citizen complaint when they first reached his office and then to allocate each one to an investigator, according to their individual skill set and current workload.

It was whilst he was in this role that he first attempted to promote an atmosphere which encouraged the use of mediation to informally resolve the less serious citizens complaints.

Inspector Rothwell provided a marvellous example of how, when he was an Internal Investigator, he resolved a complaint that had all of the hallmarks of being a long, extended and costly investigation. A complaint had been received regarding a group of youths who had been ejected from a Vancouver Canucks hockey game. The security staff had first attempted to do so on their own but had needed the assistance of some police officers due to level of the youths' resistance. The result of the ejection was that a bound, well-documented and thoroughly professional looking report was received by the Vancouver Police Department, authored by the father of one of the youths, complaining about the level of force allegedly used by the officers in effecting the removal of his son together with his friends. The complaint contained amongst other items, interviews with the youths involved, stadium staff members and photographs of injuries allegedly sustained during the incident.

Inspector Rothwell stated that there were five police officers concerned in the complaint and with so many people involved, he realised that his investigation was a potentially protracted affair.

He began by contacting each of the officers involved and quickly heard that they had a very different version of events than had initially been asserted by the complainant.

He commented that "I wasn't sure where it came from but I said to them why don't we just sit down and talk about it?" To his surprise, the complainant thought that it was a good idea and was open to the suggestion. He struck Inspector Rothwell as the sort of person who had brought his children up to respect the law, but whom had now had an experience that had left them with a negative impression of the police. The officers were initially reluctant, but Inspector Rothwell said that he just reminded them that they had all been teenagers at one time. He also told the officers that this was an opportunity for them to reconnect with these youths as well as

providing a forum in which to explain the pressures that police officers find themselves under when dealing with incidents in crowded sporting arenas. The officers agreed to the suggestion, especially when it was explained that by participating, they might avoid the alternative lengthy investigation, which may find its way to a crown counsel desk for a criminal review since it involved an allegation of a use of force issue.

He held the meeting at the police station with the officers not wearing their uniforms in order to reduce the formality of the situation. He provided refreshments for everyone and facilitated a discussion about the incident with the five officers and the youths, plus their respective parents. It ended with everyone shaking hands and “hugs all round.” Inspector Rothwell stated that the moment had been incredible for him. In addition, he found that his colleagues in the Internal Investigation Department were almost incredulous, as within the space of a week he had effectively informally resolved a complaint that in many other circumstances could well have kept him busy for the rest of his career.

Not only had the time saving been impressive from the investigator’s, complainant’s, and police officer’s point of view, but the financial saving was enormous as each officer, under the Vancouver Police collective agreement would have been entitled to their own individual legal representation had the complaint been investigated from a more significant perspective.

It was this success that led Inspector Rothwell to encourage the use of mediation for other complaint investigations when he took up the position as the supervisor of the Internal Investigation Section.

He initially orchestrated a two-day training session geared at providing his investigators with information concerning organisational risk-management as well as introducing them to a skilled conflict resolution facilitator who presented guidance in interest-based mediation skills.

The trainer had been extremely impressed at the amount of mediating already conducted by the investigators (who were on the telephone every day either talking to complainants or talking to police officers) despite the fact that a formal training session had not yet been provided. The initial plan was to run the mediation program for a period of one year and then get back together with the conflict resolution facilitator in order to review the success and failures of their efforts.

In concert with this training opportunity, Inspector Rothwell stated that he was in discussion with the OPCC about his idea. The OPCC's office had been very supportive of the venture but expressed some reservation that the mediation effort was going to be facilitated by a police officer, which may appear less objective to complainants.

However, Inspector Rothwell commented on the fact that over the next while, the idea to mediate as many of the complaints as possible fell into disuse. Issues would conspire together in one form or another that eliminated virtually every complaint from being suitable for the mediation concept. Perhaps it was the fact that a complainant was not willing to participate or the police officer was reluctant or maybe the complaint was too serious to be considered in the first place. The review of the program never did take place, Inspector Rothwell said, because "We never really embarked on the process and didn't have the results to evaluate."

One issue that had caused some concern for Inspector Rothwell was that the OPCC had not provided any reassurance that the results of a successful mediation meeting held between the police officer and a complainant with the investigator acting as the facilitator, would receive their endorsement. This hesitancy of the part of the OPCC had led the Vancouver police officer's union to recommend that officers not participate in such attempts at informal resolution as there appeared to be no guarantee that the ensuing dialogue would protect them from further more significant consequences.

Inspector Rothwell noted that if such assurances were offered by a police officer's participation in such a meeting, their involvement might well then be limited to essentially sitting and listening without engaging in any conversation at all. This would ultimately leave the complainant feeling less than satisfied about such a *mediation* process. To counter this, Inspector Rothwell suggested that the investigator-facilitator should be permitted to determine whether each party had engaged in the process in a meaningful way, and would have the ability to veto the outcome should they determine a person had trivialized their participation.

Inspector Rothwell closed by reiterating his support and enthusiasm for a mediated informal resolution process, having experienced first hand the significant opportunity that it represented. He stated that he would like to see the OPCC take a more active role in the mediation process rather than merely supplying a list of approved civilian mediation service providers, which had been his experience at the time he supervised the Internal Investigation Section.

Mr. Dirk Ryneveld

Mr. Ryneveld was called to the Bar in the 1970s. He has practised law both in private practise and at the senior crown counsel level. He also served in The Hague for 4 years on an international war crimes tribunal before returning to take up an appointment in 2003 as the Police Complaint Commissioner for British Columbia. The interview was conducted in his office and was tape-recorded.

Mr. Ryneveld stated that he is a proponent of the use of mediation and informal resolution wherever possible. He stated that:

I believe that whenever you can get sides to discuss an issue or at least understand each others position on the matter and if they can agree to some resolution, both sides are

going to feel that the matter has been done fairly and they will at least understand the reasons for the behaviour of the other side. (D. Ryneveld, personal communication, December 7, 2004)

He commented that the mediation process “is infinitely more valuable than having some independent arbiter impose a decision where one side or the other tends to feel vindicated and the other tends to feel that they haven’t been heard or that their credibility has been disparaged. It also eliminates appeals.”

He stated that in addition to his life as a prosecutor and going to Europe to act as a prosecutor, he had a private practise in addition to his role as crown counsel. He mentioned that he had a number of clients who had had issues that he was able to resolve. He found that whether it was matrimonial or a business dispute, or whether it was simply conflict between individuals over other matters, if he could set up some kind of a forum and facilitate an opportunity for them to state their views so that the other side could appreciate what it was, often you could narrow down the issues as well as personal and emotional factors. Mr. Ryneveld provided a basic example of such a process. He stated:

There is a story about two competing interests. There is a shortage of oranges and both companies want to buy the oranges and so there is a real bidding competition or a dispute about who actually had the best offer to buy these oranges and it finally had to go to arbitration, where both sides insisted that they get all the oranges since they were desperately in need of them. In this mediation exercise, the issue was what do you need the oranges for. Well neither side wanted to tell the other side what they wanted the oranges for but that was really important because as it turned out one side wanted orange juice and the other side made cakes and they wanted the oranges for the peel. Needless to

say with the mediation thing, both sides could get what they wanted with that same batch of oranges. (D. Ryneveld, personal communication, December 7, 2004)

He followed this by stating that, “although it’s an oversimplification, it is an example of finding out what the real issue is between the people.” He added that in relating it to complaints against police, a member of the public might think that he was being singled out by an officer who had pulled him over even though there were others driving with him who were not pulled over. Mr. Ryneveld stated that the driver might complain, “Why aren’t they chasing real crooks? I’m a law-abiding tax-paying citizen. Why single me out? The officer has his position about what he needs to do.”

Mr. Ryneveld believes that it is important that when people can actually listen to each other and hear the other side, it removes the emotion and often does not need to be dealt with by way of an apology. If the two sides understand why the other did what they did, he suggested, and they don’t impute bad motive to it, they can both resolve the issue without hard feelings.

Mr. Ryneveld was asked what role he saw the OPCC taking with respect to the informal resolution process. He replied that he was certainly open to suggestions but that within the broad framework of the Police Act legislation in which his office operated, the OPCC provides civilian oversight and would prefer to leave the responsibility for investigating complaints and resolving them at the police and the discipline authority level. He added that:

I see my role as promoting, facilitating, encouraging any process whereby complaints against the police are dealt with in the best possible way. There are a lot of factors to be taken into consideration when determining what the public interest is. (D. Ryneveld, personal communication, December 7, 2004)

Mr. Ryneveld added “a complaint needs to be dealt with efficiently from a time point of view.” He felt that it was important for both the police officer that has the complaint hanging over their head and may be going through unnecessary stress and the complainant who feels that someone should be hear concerns honestly.

He stated that an efficient system is “in the public interest.” He mentioned that it would certainly be in the police’s interests if a complaint can be mediated and resolved and that there would be a significant cost savings in that there will be fewer investigations, more officers on the street, and fewer members having to deal with complaints against the police from an investigative point of view. Mr. Ryneveld followed up by stating:

I think from our office’s point of view when we see the withdrawal of a complaint or an agreement as to a resolution where both sides are happy, we can sign off on that, and to have a perception by both sides that the matter has been dealt with appropriately. (D. Ryneveld, personal communication, December 7, 2004)

Mr. Ryneveld stated that his job was to see that not only the public confidence in the process is enhanced but also that the police have a feeling that they are being dealt with honestly and independently. He believed that it would be desirable that the police agreed to a process and not have one imposed on them by some outside adjudicator.

Mr. Ryneveld was asked for his opinion on whether the facilitator in a mediated process should be a civilian or a police officer. He responded that he could see advantages and disadvantages to both. He added that due to budgetary concerns, he did not have a budget where he could hire external independent people.

He commented that he thought it better at present to let the police investigate the police but with effective civilian oversight. In keeping with the concept of that model, he stated that he

would “be leaning more to the Thames Valley and the Quebec, although in Quebec they utilise the services of independent experts. There is an hourly charge back to the police department, but I am certainly open to suggestions.”

He saw an opportunity for the municipal police departments to be persuaded that this is a worthwhile project and that they would agree to form a joint task force on mediation and select some of their best investigators and have a pool of them available to act as mediators. He envisaged a New Westminster and a Delta police mediator getting together and resolving a Vancouver complaint file or Vancouver investigator resolving one in Victoria or Saanich. It would be a way of using the police and still having a sense of independence, Mr. Ryneveld stated, “in that it is not that guy who goes for lunch with his buddies which is a public perception issue.”

An idea, Mr. Ryneveld stated, would be have some facilitation through some paid outside mediators initially, which sat in as observers until success stories were achieved. He felt very strongly that a process could be arrived at since at present there was no viable program that was working well in existence. He stated, “So let’s start from scratch and get something going that we can buy into. I am simply saying that we need to do it.”

When asked whether he had any closing remarks, Mr. Ryneveld commented:

This is not a novel concept. It works and has worked demonstrably in other areas of life.

What can be more volatile than domestic relationships? It works there, it works in business...there is no reason why it should not work in resolving complaints against the police. (D. Ryneveld, personal communication, December 7, 2004)

Mr. Ryneveld acknowledged that fear of criminal and civil liability may prevent some police officers from being willing to participate, also a fear that there is no real political will within the

police culture to really listen to a public complaint. The complainant may say that they don't want to participate in mediation, that they want to have this investigated. He agreed that those were the two diametrically opposed views at the moment, but Mr. Ryneveld concluded by stating that:

I believe that once we get some success stories, and they will happen, the public may well be receptive and police officers may be receptive but we have to promote it and we have to make sure that whatever program we set up is not doomed to failure. (D. Ryneveld, personal communication, December 7, 2004)

Study Conclusions

Policing began to undergo a significant change when The Honourable Mr. Justice Wallace Oppal's report *Closing the Gap* was published in 1994. That report touched on and recommended changes to a great deal of the way in which municipal policing services were delivered, in an effort largely to "close the gap" between the police and the public whom they serve in British Columbia. Almost a third of those recommendations focused on the aspect of police complaints and discipline.

The report set in motion a series of events resulting in the creation of the current Police Act, enacted in 1998. Within the Act, citizens' complaints about the conduct of police officers may be informally resolved by "face-to-face discussions, by letter, by telephone, or with the help of a professional mediator" (Ryneveld, 2002, para. 10). From the research literature, regardless of which country that literature referred to, it was clear that complainant satisfaction with the system increased dramatically when they had had an opportunity to meet with the officer concerned.

The goal of this project therefore, was not necessarily to increase the percentage of complaints that are resolved informally but to examine whether there is a better way of achieving that informal resolution, perhaps in a way that “closes the gap” even further.

Emerging Themes

While there are many conclusions that can be drawn from the data, there are several main themes that should be expanded on and described.

Theme One

Citizens’ complaints are regularly being informally resolved, but not in the way they could be.

One result from the data collected during the project is that those investigators charged with handling citizens’ complaints against police officers are regularly conducting informal resolutions. Rarely though, do those informal resolutions involve a meeting between the complainant and the concerned police officer.

Although from the questionnaire results, four of the six respondents stated that they had attempted at least one such meeting, they also said that they had little and in most cases, no training at all in how to facilitate such an encounter. It was interesting to note that of those four investigators who responded that they had attempted to have a face-to-face mediation, the three who had actually held the meeting, the feeling was one of success.

From the interviews that were conducted, there was a mixed view on these face-to-face sessions. All those interviewed had thought that it should be pursued vigorously when appropriate (Inspector Walker, Constable Sweet, Mr. Mollard, Mr. Morrison, Mr. Ryneveld, and Inspector Rothwell), however, the reasons for their support were varied.

Inspector Walker and Inspector Rothwell had personally experienced the benefits of facilitating meetings between the parties involved in complaints. Regardless of whether it was the restorative conference edition in use and practised by the Thames Valley Police or whether it was variety that comes under the “it seemed like it was a good idea at the time” category as experienced by Inspector Rothwell in Vancouver, the advantages were obvious to both individuals.

Constable Sweet was strongly in favour of the process (at the same time commenting that the present version “doesn’t work”), as it represented an opportunity for the officer to explain why the police had acted in the way that they had. He focused on the educational aspect of such a meeting in an effort to reverse a state where “policing has done a poor job of telling the public why we do the things we do.” The conciliation procedure that is used in Quebec also supports this viewpoint, as it allows the complainant to be educated about the powers of the police in certain situations. Other literature also speaks to the benefit afforded by the opportunity to explain, in dialogue form, the actions of the police officer and the rationale behind those actions.

Mr. Mollard also appears to endorse this viewpoint when his sense of the process was that it had been “an exchange of information” and he thought that both parties went away feeling good about the experience. In the instance he made reference to, both the complainants and the police officer had been willing to share their own perspectives of the incident. Mr. Mollard certainly believed that the face-to-face event might well assist the officer in other ways apart from making the process more efficient. He mentioned that during a meeting “there may be kinds of information that come back to the police officer that makes them think twice about how their actions affect someone” as is the view in Quebec where the conciliation “permits police officers to know the perception of the public about their job.”

Inspector Walker supported this view and commented regarding the fact that the officers experiencing a successful restorative conference felt that it had been a positive experience and had taught them to be more understanding of the public.

Mr. Ryneveld certainly was in favour of a process that provides a forum for two sides in dispute to so that the “other side could appreciate what it was, often you could narrow down the issues as well as personal and emotional factors.”

Mr. Morrison certainly encouraged the use of informal resolutions stating that it “works well for the majority of the complaints’ and saw the possibility of expanding the levels of complaints where the process could be used. This is certainly the case in the Thames Valley Police but it is something that Mr. Mollard was very clear about in that there should be a threshold when it should not be entertained, particularly use of force issues, whereas Mr. Morrison believed that the investigators could use sound judgement to decide which cases would be appropriate. He held though that the investigator should believe in the process, and they would then be constantly looking for opportunities to employ it.

Mr. Morrison reinforced the fact that mediation can be used successfully within the complaint process by commenting that it is particularly well used both in Family Law and Labour Law environments. This was a point brought up during the interview with Mr. Ryneveld who stated that the idea of mediation was not a new concept. He stated that, “it works and has worked demonstrably in other areas of life. What can be more volatile than domestic relationships? It works there, it works in business...there is no reason why it should not work in resolving complaints against the police.”

Dobry (2001) summed the issue up well when he stated that, “in theory, there is no situation, which might not lend itself to some sort of restorative intervention” (p. 13).

These same sentiments were also found within the literature with Walker, Archbold and Herbst (2002) commenting that mediation is utilised in so many other areas of modern society, be it marital breakdowns, employee-employer disputes, neighbourhood quarrels, and any number of day-to-day disagreements. Goldstein (1977) thought it remarkable that since police mediate these sorts of disputes all day long that it is not more routinely used as a part of the process when the public complains about the actions of the officers themselves.

Constable Sweet also mentioned that he would like to see more efforts being made to resolve things when a complainant originally contacts a police agency to make a complaint. The supervising officer should give a proactive response rather than assuming an investigation will occur, and in appropriate cases try to educate the complainant as to why something occurred the way it did.

Mr. Ryneveld is strongly in favour of informal resolution, commenting that the mediation process “is infinitely more valuable than having some independent arbiter impose a decision” and that he supports all attempts to “get two sides to discuss an issues or at least understand each others position on the matter.” He added that, “if the two sides understand why the other did what they did, he suggested, and they don’t impute bad motive to it, they can both resolve the issue without hard feelings.”

Constable Sweet provided some creative thinking when he suggested that a trip to the Police Academy might well be considered in order to allow a complainant to see the rationale behind certain police tactics or even to experience the hectic pace of the communications centre on a busy nightshift.

Mr. Ryneveld was also enthusiastic about the possibilities of the creation of an effective program. He stated that he had recently approached the Provincial Budgetary Committee for seed

money in order to study various options for mediation programs. If successful in his application, his office, which otherwise had no budgetary flexibility to provide assistance, would then be in position to at contribute tangible help.

Mr. Ryneveld commented that he saw his role as promoting, facilitating, encouraging any process whereby complaints against the police are dealt with in the best possible way. His is an important role. Oppal (1994) states that, “in order for the citizens of BC to have confidence in their police, they must have confidence in those who ensure accountability of police to the public” (p. I-2). Strudwick (2003) stated that, “there is a close relationship between complainants and public confidence in the police service” (p. 42).

Mr. Ryneveld concluded his interview stating that he believed that once there were some success stories from the use of a program, as had been experienced by Inspector Rothwell, the “public may well be receptive and police officers may be receptive but we have to promote it and we have to make sure that whatever program we set up is not doomed to failure.”

It should be noted that the final report from the Morris Inquiry was published on December 14, 2004. This report was the culmination of a year-long independent inquiry into professional standards and employment matters in the Metropolitan Police Service in London, UK. Within the recommendations section which dealt with the process of communication between two parties experiencing disagreement, the model of mediation utilized within the Thames Valley Police, the scripted conference, was pointed out as a model worthy of consideration for those officers to be trained in mediation techniques.

Theme Two

Police culture is very much alive and well although there are signs of change.

Throughout the project, whether it was within the literature reviewed, the individual interviews or the focus group discussion, the issue and the strength of the culture surrounding police work were remarked on.

At the focus group, police culture represented the very first barrier that the participants felt was present and therefore needing to be overcome in order for the restorative conference approach to be utilized for informal resolution of complaints.

Another barrier that was mentioned during the focus group meeting was the opinion held by the police union with respect to restorative conferences. When interviewed, Constable Sweet (who is President of the New Westminster Police Officer's Association and is also active at the provincial and national level of police unions) stated that he saw merit in the process, although admitting that that it would have to be "sold" to some police officers. The matter of confidentiality and the fact that it be entered into "without prejudice" were issues that he felt could be overcome, especially since the up side of the process far outweighed the downside. His thoughts had been echoed by the focus group who had also identified an "officer's fear of jeopardy during a restorative conference with a complainant" as being another barrier.

Mr. Ryneveld recognised this to be a factor also when he acknowledged that fear of criminal and civil liability may prevent some police officers from being willing to participate.

Inspector Rothwell brought up a similar issue when he commented that the Vancouver Police Union has suggested to their members not to participate in mediation since the OPCC had provided no reassurance that a successful mediation would receive their endorsement. Inspector Rothwell anecdotally stated that the Police Act requires a form to be signed following an informal resolution by both parties, and it is not clear whether the absence of such a form (albeit a formality) would prompt a full review. It is interesting to note that he was able at the time he

held his mediation to discuss the “hockey game incident” that he was able to get all five police officers to agree to participate in the session.

This supports what the research literature states as Walker, Archbold, and Herbst (2002) commented that the mediated setting that a restorative conference provides police officers with the opportunity to explain what they did and why (p. 7). A great deal rests on an officer’s perception and trust of the person facilitating the session and, as Inspector Walker mentioned, the amount of time that is spent talking to the officers (and the complainants) individually prior to such a meeting taking place.

Mr. Ryneveld stated that his job was to see that not only the public confidence in the process is enhanced but also that the police have a feeling that they are being dealt with honestly and independently.

Constable Sweet’s and to some extent Inspector Rothwell’s comments about police officer reluctance to participate based on the potential for future civil proceedings were also commented on by Mr. Morrison. It was his view that it is only a very small percentage of citizen complaints that have the capacity to result in civil actions, and that the officer’s reservations were misguided.

During his tenure as Police Complaint Commissioner, he said that he had experienced officer resistance and complainant resistance with respect to face-to-face meetings. Mr. Morrison also commented that if the police culture were resistant and defensive to the informal resolution process, then it definitely would not work.

It is certainly clear that both parties have to consent to participate, but their participation might well depend on who the facilitator was, as shown in Inspector Rothwell’s case. Constable Sweet was firm in his assertion that it should be a serving officer, current in the training and

technical aspects of police work. Mr. Mollard was confident that a properly trained police officer could do the job too. He suggested that it might not appear too objective at the outset to the complainant but it would be the behaviour of the mediator (be it a civilian or police officer) that would ultimately determine the success of the mediation process.

Mr. Ryneveld stated that he could see advantages and disadvantages to having a police officer act as the facilitator in a mediated approach to resolving complaints. He was content however, at present, for the police to retain the ability to resolve complaints.

Mr. Morrison would like to see the appearance of more civilians in the role of assisting police investigators with the mediation, therefore spanning both the civilian and police culture. Inspector Rothwell, having successfully experienced this option, believed that investigators properly trained and with their own successes to bolster their belief in the procedure, were more than capable of facilitating the process. The issue of officer or complainant reticence to be involved in mediation had appeared sufficiently often enough that it thwarted his attempts to encourage more of its use following the training sessions he had organised.

The main focus of the data collected concerning the culture of police work was the reluctance of officers to accept the fact that errors occur sometimes.

The comments made by Mr. Monty spoke also of this aspect of the Quebec complaint process also, when he stated “most police officers refuse to accept that they made a mistake.” (Nuraney, 2002, p. 446)

Mr. Mollard pointed out that “police officers are human and are going to make mistakes in certain circumstances” but added later that he felt that officers might be reluctant to make such an admission based on the potential consequences of doing so.

Constable Sweet mentioned that in his experience when an officer had been disciplined following a complaint investigation, it had been justified, indicating that he accepted the importance of being accountable. The literature regarding police accountability repeated those observations by Constable Sweet. Dantzker and Mitchell (1995) state “because police exercise extraordinary powers over the public, it is in the interests of the public that there be effective mechanisms for holding them accountable for their actions” (p. 112).

Mr. Morrison’s thoughts were that some officers still felt they never did any wrong. The inability of those officers to effectively problem solve situations when things did go wrong further reinforced the isolation that officers found themselves in.

Theme Three

The provision of appropriate training is key to the success of any substantial reform to the informal resolution process.

The need for increased opportunities to access appropriate training and the potential benefit of such training and education was voiced throughout the collected data.

The participants at the focus group stated that the need for “effective education and training within police services and the communities which they serve” was one of the most significant opportunities to overcoming barriers to reform within the informal resolution process.

Within their questionnaire answers also, the issue of training was prominent. Comments such as “more conflict resolution training” and “provide better mediation education and funding” appeared as recommendations to improve the current informal resolution program.

There had been little or no training experienced by the investigators in mediating informal resolutions and yet when attempted, the results had been positive. The researcher feels that the potential for further success would be significantly improved with appropriate training

for the investigators themselves. With each success would follow a higher likelihood that more opportunities for using mediation would be sought. This was exactly the impact from Inspector Rothwell's successful resolution of the "hockey game incident," which saw him encouraging the use of mediation throughout his office by orchestrating the two-day training session for his investigators. It is unfortunate that his efforts did not come to fruition.

The training of facilitators conducting restorative conferences in Britain is taken seriously since there is recognition that the sessions must be facilitated in a competent and proficient manner. The Home Office Training and Accreditation Development Group on which Inspector Walker sits, is developing the certification of best practises for practitioners since. Inspector Walker commented that the success of "the work itself is own best advocate" to use the process. Mr. Ryneveld had suggested that some facilitation could occur initially through some paid outside mediators, who might sit in as observers until success stories were achieved

Mr. Morrison, who stated that it was essential for the investigator to have the mindset that the informal resolution process was viable, supports this view; although he would like to see civilian mediators assisting the investigators achieve those successes.

Mr. Mollard also commented on the lack of training for mediation by acknowledging that "the (Police) Act has always contemplated that there be a mediation component to the complaint process...but there was never really any work or thought put into a model to provide guidance to police departments." He added that, "any successful model of mediation would require skilled and trained personnel to be a part of it."

This shortage of training view was echoed in the questionnaire results which suggested that the Police Act "supports on paper—not so well in practise" and that the Police Act was "totally supportive—but no training provided."

Constable Sweet suggested that any future training opportunities in mediation afforded to the investigators of citizens' complaints could be additionally offered to union agents. This would in order that they might gain an understanding and appreciation of the process and then promote the benefits of participating to the police officers being complained against. If it sped up the complaint process, provided an opportunity to educate the complainant and potentially avoided discipline, then it could only benefit everyone.

Theme Four

The education of both the public and the police was important to the success of any reform in the informal resolution process.

Mr. Ryneveld stated that since at present there was no viable program that was working well in existence, "So let's start from scratch and get something going that we can buy into. I am simply saying that we need to do it" (D. Ryneveld, personal communication, December, 7, 2004).

Mr. Morrison felt that the more encouragement and exposure that police officers had to informally resolving situations became part of the norm of their every day life, the more it would be accepted as another essential part of the community policing philosophy. To achieve this Mr. Morrison commented on his feeling that mediation programs should be introduced at the point of the Police Academy for newly hired officers. They would then have a greater level of comfort and acceptance about using such a process for problem solving various situations in their future.

The focus group, acknowledged a "lack of buy-in by the police and complainants for the process" during the process of identifying barriers but recognised that possible solutions to that same barrier lay in "effective education and training within police services and the communities

which they serve” as well as “an effective sales-pitch highlighting success stories where restorative conferencing had been utilized.”

The questionnaire results also produced a recommendation that “better education to members and the public” would improve the current informal resolution process since at present there was a “lack of trust from both (the public and the police) of the process and the outcome” and a “reluctance on the part of either party” to participate in an informal resolution process.

The questionnaires also showed that those at the focus group had experienced limited exposure to the philosophy of restorative practises. This bore out what the literature showed when Abramson (2003) states that the results of a recent provincial-wide questionnaire “indicated that the majority of the police officers surveyed did not have a clear understanding of the philosophy of restorative justice” (p. 396).

However, having participated in the session and having heard from Inspector Walker of the successes that the Thames Valley Police are enjoying using the process, they supported their enthusiasm by comments from “it’s a possibility that we have to examine” and “believe that it has a place” to a “great concept.”

An insightful observation of “there are some big barriers—however the philosophy is a benefit to all interested parties” summed up a lot of the thoughts from the focus group.

Theme Five

The support and direction of police management would be key to the long-term reform of the informal resolution process.

Strudwick (2003) remarks that, “in a climate of increasing calls for balance between operational policing, ethics and human rights, the issue of complainants’ satisfaction is paramount to securing greater accountability and confidence” (p. 37). This statement

acknowledges the importance that police organizations should attach to the subject of handling citizens' complaints.

The focus group identified something they labelled as "institutional inertia" as being a barrier to reforming the informal resolution process, in that it often took police agencies a long time to make significant changes to their practices. The questionnaire question relating to barriers confirmed this with responses such as "our organisation and the responding members."

To counter this potential obstacle, the focus group also saw that the management within police agencies were able to provide the necessary support and drive to include restorative conferencing within the complaint process. This was supported by Dobry (2001) in the literature that found that the application of restorative justice to the police or indeed any complaint process, would only work to its full potential if the restorative approach is endemic to the organization as a whole and in use in other areas, not just the complaint process (p. 54).

A questionnaire response also wanted to see this occur: "I would like to make an attempt to use it but would have to be approved by management."

Mr. Mollard believes that one of the major reasons behind the existence of a complaint system was to provide a mechanism for police management to identify when officers have misjudged their work and when they need to take corrective action in order to ensure the same kinds of errors don't occur again. He also saw that the same management would be looking for that system to be both cost effective and efficient.

The literature supports these comments. Pollard (2000) and Walters and Brown (2000) spoke about the fact that complainants are generally after a fair and efficient process of having their concerns heard and are not generally interested in formal investigations but want to prevent a repeat of the behaviour they experienced.

Mr. Ryneveld also contended that the result of an effective and efficient process being in place would certainly be in the police's best interests. He spoke of potential significant cost savings in that there would be fewer investigations, more officers on the street and fewer members having to deal with complaints against the police from an investigative point of view.

Mr. Morrison saw that a police agency's executive had to play an important role. He did not feel that there was a need to have a formal program, but in order for it to become part of the organisational culture of the police agency, it would need to be formalised and endorsed by the senior level management.

By supporting an effective process that favoured mediating citizens' complaints against officers, police agencies would see a decrease in the time absorbed by otherwise potentially lengthy investigations. This would collate to cost savings for investigations as well as a decline in the accompanying stress that can occur during the course of those investigations. Inspector Rothwell's example provided a blueprint for such savings and it is a position supported by all of the interviewees to either a lesser or greater degree.

Mr. Ryneveld mentioned that he saw an opportunity for the municipal police departments to be persuaded that the idea of examining an effective mediation process would be a worthwhile project. He hoped that they might agree to form a joint task force on mediation and select some of their best investigators and have a pool of them available to act as mediators and assist other departments than their own in an effort to appear more independent.

Theme Six

Potential adjustments, clarification, or perhaps both to the Police Act in order to better support the informal resolution process.

The focus group identified that potential improvements to the Police Act legislation should include restorative conferencing as a means of providing informal resolution to citizens' complaints.

A questionnaire response also wanted to see the informal resolution procedure 'a locked-in process' as a mechanism of improving the current system.

In terms of legislation changes, Mr. Mollard wished to know what would happen when a resolution is not reached within a mediated approach. Would the complaint be left alone or investigations occur which is the case in Quebec following an unsuccessful attempt at conciliation.

However, Mr. Mollard did not think that departments had to wait around for the Commissioner to issue a guideline or for the Police Act to be changed. He felt that individual departments could go ahead and initiate a protocol of their own, although it would be nice to see consistency between police agencies.

Inspector Rothwell believed that the OPCC needed to take a more active role in the mediation process, and at the very least provide reassurance that their office will endorse a successful mediation in order to conclude an investigation. If so he said, more police officers would participate. He identified a potential problem in that there would be a risk of a lack of participation by the police officer if just being present meant an end to the complaint. This problem could be overcome provided the investigator had authority to move to an investigation if the mediation attempt is not fully participated in by one of the parties involved.

Mr. Morrison commented that he would like to see the OPCC do more education with respect to informal resolution of complaints. He had begun this work when he occupied the

position and would like to see it continued since it was the main principle contained within the Oppal Report.

Mr. Ryneveld sees the role of his office as one of offering encouragement, facilitation and the promotion of a process that deals with the effective resolution of citizens' complaints against police officers. He has recently applied for "seed money" from the provincial government in an attempt to assist with that process.

Scope and Limitations of the Research

There are almost two thousand municipal police officers employed in the Province of British Columbia who are affected by the Police Act.

The topic of complaint against the police is one on which each one of those police officers will have an opinion. That opinion will vary immensely depending on each officer's rank and position with their organisation together with whether the officer has ever been the recipient of a citizens' complaint or involved as a witness officer in an investigation against another officer. Each person's experience and therefore their opinion will vary widely.

Many members of the public will have an opinion regarding the topic. There have been many recent media headlines with respect to high profile incidents that have resulted in Public Hearings being arranged in order to decide the outcome of an investigation of a citizens' complaint that was made. Perhaps a member of the public has filed a complaint against a police officer, and their opinion will be based on that experience.

There are also community groups concerned with police behaviour and the effectiveness of the process with which any citizens' complaints are handled.

The number of available opinions therefore, for this research topic, was almost without limit.

I decided to limit the question to a specific aspect of the complaint process, that of informal resolution and consequently went searching for those individuals most regularly working with informal resolutions, the investigators themselves. In this respect the research was limited. It was again limited in that out of a potential 19 investigators, only 6 (33%) responded to the invitation to attend the focus group.

The research is also limited since the question concerns restorative justice, a topic about which relatively little is known in British Columbia within policing circles, but which is widely used in many other areas. The research also dealt with mediation in general, again a topic about which the focus group participants have had very little exposure.

The individual interviews were conducted in order to broaden the scope of the research question and in an effort to acquire a broader road perspective following the focus group. There are of course many others whom I could have interviewed and sent questionnaires to, but I felt that the selection which I had made, allowed for an extensive and varied examination of the question sufficient for my own organisation to examine together with the wider policing community.

CHAPTER FIVE – RESEARCH IMPLICATIONS

Study Recommendations

Throughout the data collecting, whether it was within the focus group, through the questionnaires or the individual interviews that were conducted, there were two distinct reoccurring themes.

These were that:

1. The informal resolution process outlined within the current Police Act has some shortcomings which minimise its potential effectiveness, and
2. There was an abundance of positive and forward thinking suggestions and recommendations for the future that emerged from those involved in the research.

Several of the recommendations come directly from the focus group discussion and from within the interviews.

Recommendations

Recommendation One

Formation of a committee to examine and coordinate mandatory mediation training for complaint investigators. The issue surrounding the lack of training opportunities that have either been accessed or provided for the investigators of citizens' complaints remained significant throughout the research.

The creation of a supportive team to examine and then provide appropriate training is fundamental to the success of any development in improving the manner in which complaints are informally resolved. It is acknowledged that whilst the investigators are currently resolving many complaints, they are doing so in large part without the benefit of the apposite training.

The Justice Institute of British Columbia provides a wide range of training in conflict resolution through The Centre for Conflict Resolution, many of which focus on mediation skills.

The particular dynamic present within a citizens' complaint process demands that a facilitator hold distinctive sensitivities and a "purpose-built" mediation program might represent an effective response to this recommendation.

It would be preferable if the committee were created from within the existing network of investigators who currently meet on a regular basis throughout the year, often with the OPCC, as the training would then be consistent between each municipal agency. It represents however, the ideal, and is not required in order to initiate change by individual police agencies.

Another alternative would be revisit the training orchestrated by Inspector Rothwell.

Recommendation Two

Develop a mechanism for highlighting the successful resolution of mediated citizens' complaints. In an attempt to create a "sales pitch" for those citizens' complaints that have been successfully resolved as a result of face-to-face meeting and to remove an officer's reticence, a promotion should be developed.

This could be in the form of a brochure or a circular distributed by the committee of Professional Standards/Internal Investigators. The rationale behind this recommendation could also launch the publication of a periodical / bulletin focusing on a broader range of Professional Standards issues. The focus would be on complaint awareness, complaint avoidance and customer service.

Such a publication could provide news from other policing jurisdictions and any changes to relevant legislation. A listing of the most prevalent citizen complaint issues would serve as an additional and useful reminder for all police officers.

An additional benefit would be that it would assist in providing positive exposure for the Professional Standards Office / Internal Investigation Section, as they would be seen to be being proactive within the wider policing community. Posters with similar proactive messages strategically placed within policing agencies could well supplement the brochure.

Recommendation Three

Examine the opportunity offered by scripted restorative conferencing. Inspector Walker provided the focus group participants with a copy of the training material utilized by the Thames Valley Police. The Thames Valley Police investigators participate in a three-day restorative conferencing training program that, by all accounts from the research literature, has been effecting positive change within their complaints system since 2001. The committee should also examine the opportunity afforded by this program, rather than “re-inventing the wheel.”

The benefits of restorative conferences extend further than the immediate parties involved in the resolution of a complaint, and impact a wider community. Restorative conferencing should be considered as an element of the philosophy surrounding community policing.

Recommendation Four

Management support. It was clear throughout the research that little will change without thorough support at the management rank of the policing community. A positive lead from the Chief Constable’s office, whether at a single police agency or through the Municipal Chief Constables of British Columbia, is essential for the survival of any new process which is adopted.

Recommendation Five

The offer of a mediation or restorative conference be mandatory in a citizen's complaint process rather than something to be adopted in some situations. This recommendation does not require that the Police Act be revisited. It merely supports the notion that the informal resolution stage should be viewed as being much more significant than just an option.

Following the completion of appropriate training by the investigator every effort should be made to resolve appropriate complaints in this manner. There should be an expectation from the complainant as well as the police officer that this will be the case although there will certainly be serious complaint cases where such attempts would not be prudent. If the attempt were unsuccessful however, an investigation would be initiated.

The process could still contain restorative values even if no meeting took place. The current informal resolution process would be greatly enhanced if the investigators facilitated genuine two-way communication between the parties, even in the absence of face-to-face meetings.

Recommendation Six

Police facilitation should be an option rather than imposed. Some complainants (and officers) may feel uncomfortable about a police officer providing the facilitation, regardless of the skill level of that individual. Civilian alternatives should be available in those cases, rather than lose an opportunity to informally resolve a complaint rather than insisting on a police officer providing the assistance.

Recommendation Seven

Initiate an awareness of mediation / restorative conferencing as effective problem solving techniques for police recruits at the Police Academy. The strength and resilience of the culture

that exists within policing resonated throughout the project. In an effort to impact on police recruits and to provide them with additional tools for their use once they begin their careers, exposure to the benefits of resolving disputes through mediation will hopefully influence the manner in which they approach situations.

Organizational Implications

The implications of the research conducted within this major project have substantially more scope than was initially thought. Although the organisational context for the research was centred within the New Westminster Police Service, it became clear that the potential for positive change applies to the wider community of municipal police services throughout British Columbia.

The current method for the informal resolution citizens' complaints, when utilised, is being performed by investigators who have received little training for providing such a service. Imagine the transformation in culture within police work if mediation training were adopted throughout police agencies and the restorative conference was an option that was regularly exercised during the resolution of citizens' complaints. Police culture was identified as one of the significant issues confronting change within policing in British Columbia. If the above recommendations were adopted and embraced, it could well be the harbinger of a new era of openness and accountability throughout policing in this province.

This will however, require leadership to implement the changes. The leadership challenge will be to enlist the support from the various groups affected by such modifications and to celebrate the successes that will inevitably follow the implementation of that change.

The professionalism of policing everywhere is frequently the source of examination and scrutiny. The level of that professionalism cannot help but be enhanced by the successful

implementation of an open and effective process for resolving complaints from the public, particularly one that emphasises communication and dialogue.

There appears to be a significant opportunity presented by the enthusiasm of the OPCC to support a move towards a more effective process to informally resolve complaints by mediation.

Implications for Future Research

This research project was by no means an exhaustive look at the application of restorative justice philosophies within the current informal resolution process for handling citizens' complaints against police officers.

There were avenues of research that were not attempted but which would have been equally valid and applicable. I chose one perspective to investigate, leaving opportunity in the future to examine others.

The topic of mediation or restorative conferencing being used to resolve police complaints is still in its infancy stages, even in the Thames Valley Police. However, their skills and services in terms of training other investigators are being sought by other police agencies throughout the UK as well as internationally.

This research project recommends that the municipal policing community in British Columbia examine closely the successes being experienced as a result of the mediation process being used by other police agencies, and then follow suit with an appropriate plan.

Rich future research opportunities therefore lie ahead with a "before and after" examination of an implementation of such a program. The effect on the relationship between the police and the community that they serve will provide a fertile source of ideas to future researchers in this important field.

The specific areas that I have identified for future research include:

1. Examination of the results of police complaints that were informally resolved / mediated by investigators.

This opportunity exists to review the results and impact of the informal resolutions which were performed by the investigators had both on the complainants and the police officers. The research project indicated that the satisfaction rate was extremely high but a close examination through interviews/questionnaires with both the complainant and the officers involved would prove valuable in determining the precise reasons for such satisfaction.

2. Examination of the progress and results of any mediation / restorative conferencing training program provided to investigators of citizens' complaints.

This is essentially the review that Inspector Rothwell attempted to initiate in the Internal Investigation Section of the Vancouver Police following the mediation training which all of his investigators at the time received. This would be a good research project to tackle in conjunction with the Office of the Police Complaint Commissioner.

3. A comparison of the informal resolution model for resolving complaints under the Police Act and models of informal resolution that are utilised in other industries.

The police are not the only official body that receives complaints against its staff members. It would be interesting to examine other public and essential occupations and the process that they employ to handle complaints and compare them to the model currently used (and the one proposed within this research project) by police agencies.

CHAPTER SIX – LESSONS LEARNED

Research Project Lessons Learned

There is an entire chapter devoted to my experience of the major project. As I start to articulate the range of emotions and thoughts that often filled my days and nights from the moment I began on this journey, I am struck that one chapter will surely not be sufficient to share all of the lessons learned.

I was fortunate from the beginning in many ways. Our instructions from faculty were to find a topic about which we could be and remain passionate. Having been in the role of Professional Standards Officer for three years and having experienced a sense of frustration that there was not a more efficient way of resolving the more minor complaints, the topic of informal resolutions was perfect for me. I had always viewed “The Oppal Report” as a blueprint for the future of policing in British Columbia and wanted to examine his recommendation of looking for other methods to informally resolve complaints against police officers. With that point as my “base camp” I entered our second summer residency feeling confident that my major project was shaping up nicely.

However, during that residency, my feeling of buoyancy began to wane. In developing the major project proposal and attempting to define in precise terms the nature of my research question, a sense of isolation came over me. I had begun to realise that I had selected a topic that few people would have experienced on the same personal level as I had done and would therefore have a very limited perspective. This feeling was further solidified at the major project exhibition when I saw first hand the creativeness and vision involved in so many other projects.

I then experienced a stroke of good luck. Using the research techniques that our cohort had been exposed to during the residency, I located the Thames Valley Police restorative justice

pilot project that was just in the process of reporting the findings from the comparative study of how effective the philosophy had been in resolving citizens' complaints. At that moment, the road ahead of me became clear.

The lesson that I learned at that moment was that I should utilise and trust the research techniques that we were taught. The difficulty later on became deciding or knowing the point at which to actually stop researching since the amount of new sources of information became seemingly overwhelming at times.

I quickly discovered through my continued research, that I had chanced upon a topic that was very much the source of dialogue in the international policing community. This provided tremendous energy for me and I left the second residency in a more focused frame of mind.

I will discuss the lessons in the context of the literature review, the focus group, the questionnaire, the interviews and the data analysis.

Literature Review

I found a significant amount of recent and relevant information on each of the topics that I had selected for my literature reviews. It was the sheer volume of information that created a problem. I had to draw the line somewhere in terms what I felt would be sufficient to support each area of focus.

I learned though the excitement of journeying down another avenue of examination, often unexpectedly locating a quotation that would complete a point of analysis. The lesson that I learned was that it was the quality of the researched material that provided the depth of the dialogue, not necessarily the quantity.

I found it reassuring that the discussion experienced in the focus group and throughout the individual interviews was supported by a great deal of the researched literature. I felt that I was continually on the right track.

Focus Group

My enthusiasm for the topic was augmented when I first located and then talked to Inspector Walker from the Thames Valley Police. His role within his police agency centred around the training of officers in facilitating restorative conferences in workplace disputes as well as the resolution of citizens' complaints. I felt that I was fortunate to have discovered someone working within the very field that I wanted to examine. The fact that he was willing to travel to British Columbia for four days in November on one month's notice was, as far as I was concerned nothing short of miraculous.

Having secured the attendance of Inspector Walker, I then set about inviting all of the Professional Standards Officers (Internal Investigators in Vancouver) to attend the focus group. This was much easier said than done. The date for the focus group was five weeks away from when the first contact was made. Whether that was too much time in between or not enough was hard to say. However, six of the nineteen conformed their attendance, with only one being from the possible ten that work in Vancouver and who have the most experience in tackling complaints due to the numbers of officers that Vancouver employs.

In hindsight, I should have made more of an effort to meet with each of the Chief Constables personally and then done the same with each of the nineteen investigators, despite the logistical problems that travelling around in the province would have presented during the time that I was focused on my literature review.

The focus group went smoothly enough however, a set series of questions prepared for the day rather than relying on dialogue created by the presentation, case studies and brainstorming session would have increased the data. I relied upon the dialogue to evolve with Inspector Walker and myself acting as facilitators for the session. Due to the lack of exposure that the participants had had to the idea of using restorative justice philosophies in resolving complaints, set questions would have been helpful.

I had also originally planned to tape record the session but decided against it in the end and decided thorough note taking would be just as effective, as the tape recorder often stifles open conversation. This proved to be a good decision.

Questionnaires

Once I got to the data analysis stage of the project, I realised that there were a great deal of questions that I wished I had asked on the questionnaires.

Looking back on the quality of the data that I was able to extract from the questionnaires that I had distributed at the focus group, I learned that there was much more that I could have done. The questions could have been more specific with more questions geared towards data of a quantitative nature since I was able to retrieve a great deal of qualitative data from the focus group dialogue and the individual interviews.

One of the reasons that I limited the number of questions to 12 was that I was conscious of not wanting to become burdensome to the participants, especially since they had made the effort to travel to New Westminster. I now wished that I had taken advantage of their presence there and asked a few more.

The fact that the participants held various definitions of what informal resolution meant to them was an important aspect that I failed to capture. This became clear during the focus

group but specific questions regarding what they each believe the term informal resolution to mean would have been of assistance in the data analysis.

I learned from this entire experience that more time spent on the preparation of the questionnaires would have increased the data obtained and therefore would have made distributing them a great deal more worthwhile.

Interviews

I had not originally intended on doing any, believing that the focus group would produce the qualitative data necessary. However, with only six participants in the focus group, and with questions lingering following the brainstorming session concerning barriers and opportunities, I felt that interviews were the next logical step.

I was fortunate in many respects for I knew five of the six people whom I had identified as being excellent candidates regarding the qualitative data that I needed. I was able to contact most individuals by telephone, and discovered that each of them responded enthusiastically to my invitation to participate. I had not met Mr. Ryneveld but having been in the role of Professional Standards Officer conducting investigations which ultimately ended up in his predecessors office, he was aware of who I was.

The interviews were extremely rewarding and proved to be a rich source of data. It was exciting as a researcher during the interviews to hear much of the same language spoken as I read about during my literature research. It reaffirmed that I had journeyed down the right roads of enquiry.

I found that the tape-recorded interviews went extremely well and the technology was flawless. I managed to transcribe the interviews almost immediately whilst the information and the experience was fresh in my mind.

Reflecting upon the interviews, I believe that I could have expanded my list of interviewees to include police officers who had been the subject of complaints and perhaps complainants themselves. Their data would certainly have been valid. However, I also felt that I had to stop at some point and the information collected from so many interviews may have become unwieldy.

The interviews were so valuable and the dynamic of a face-to-face dialogue so engaging that I wished that I had realised the value of them at the start of the project. To add this component following the focus group produced some logistical issues for me but I was still able to accomplish what I set out to do.

On one of the interviews, that with Constable Todd Sweet, was there an issue regarding the subordinate/supervisor aspect, but the hat that I asked Constable Sweet to put on was that of NWPOA president. It remains my contention that the interview was fairly represented, and Constable Sweet acknowledged the same after he had reviewed my summary of it.

Data Analysis

It was during the time when I was compiling the information together and sifting through the data that I felt the presence of my bias. Having been a Professional Standards Officer and having seen first hand how difficult for a wide variety of reasons, it has been to informally resolve complaints; I certainly saw the enormous benefit that an effective informal resolution process would provide to the complaint system. It was important to bear that bias in mind when analysing the gathered and ensuring that the perspective provided an accurate reflection of the research conducted. The difficulty of overcoming researcher bias will always remain in major projects, particularly those that focus on a topic about which the researcher is passionate. I have made every effort to ignore that bias.

Summary Comment

I have enjoyed this experience immensely.

With the enthusiastic support of my Project Sponsor and Project Supervisor, I have been able to achieve something that at the start felt a very long way off indeed. I was able to immerse myself in a topic concerning the very core of the profession that I am so proud to call mine. It dealt with my reason for being a police officer...to serve the public in a professional, accountable and transparent manner in order to earn and maintain their trust.

The New Westminster Police Service have provided me with an opportunity to engage in a dialogue of what I hope is at some point a much larger conversation. The conversation centres on how can develop an effective mechanism for informally resolving citizens' complaints against police officers. The restorative conference is one such approach that I hope will attract serious consideration.

In the words of Mr. Ryneveld, "We have to do something."(D. Ryneveld, personal communication, December 7, 2004)

REFERENCES

- Abramson, A. (2003, December). Sustainable relationships and competing values: Restorative justice initiatives and the police – A case study. *Police Practice & Research, An International Journal*, 4(4), 391-398.
- Barton, H. (2003). Understanding occupational (sub) culture – A precursor for reform: The case of the police service in England and Wales. *The International Journal of Public Sector Management*, 16(5), 346-358.
- Bazemore, G., & Griffiths, C. (2003, December). Police reform, restorative justice and restorative policing. *Police Practice & Research, An International Journal*, 4(4), 335-346.
- Bazemore, G., & Hines, D. (2003, December). Restorative policing, conferencing and community. *Police Practice & Research, An International Journal*, 4(4), 335-346.
- Boniface, G. (2004). *Police leaders' perspective on accountability, building ethical frameworks and civilian oversight*. Retrieved October 10, 2004, from <http://www.cacole.ca/conference2004/presentations/CACOLE%20Speech%20June25%20-%20G%20Boniface.pdf>
- British Columbia Civil Liberties Association. (2005). *About the B.C. Civil Liberties Association*. Retrieved January 16, 2005 from <http://www.opcc.bc.ca/Reports/annualreport2001.pdf>
- British Columbia Provincial Police Act. (1996). Retrieved March 15, 2005, from http://www.qp.gov.bc.ca/statreg/stat/P/96367_01.htm
- Brown, M. K. (1998). *Working the street: Police discretion and the dilemmas of reform* (2nd ed.). New York: Russell Sage Foundation.
- Calgary Police Service. (2000). *Standard operating procedure: Mediation*. Calgary, AB. Author.

- Centre for Democracy and Governance. (1998). *Alternative dispute resolution practitioners' guide*. Retrieved April 2, 2004, from: http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacb895.pdf
- Chan, J. (1999, June). Governing police practice: Limits of the new accountability. *British School of Sociology*, 50(2), 251-270.
- Cochran, J., & Bromley, M. (2003). The myth(?) of the police sub-culture. *Policing: An International Journal of Police Strategies & Management*, 26(1), 88-117.
- Cotton, J. (2003). *Police complaints and discipline: England and Wales, 12 months to March 2003*. Retrieved April 7, 2004, from <http://www.homeoffice.gov.uk/rds/pdfs2/hosb403.pdf>
- Crank, J. P. (2004). *Understanding police culture* (2nd ed.). Cincinnati, OH: Anderson Publishing.
- Dantzker, M. L., & Mitchell, M. P. (1995). *Understanding today's police* (Canadian ed.). Scarborough, ON: Prentice Hall Canada.
- Dick, B. (1997). *Action learning and action research*. Retrieved May 27, 2004, from <http://www.scu.edu.au/schools/gcm/ar/arp/actlearn.html>
- Dobry, J. (2001). *Restorative justice and police complaints. A report by the Independent Police Complaints Authority*. Retrieved April 17, 2004, from <http://www.morrisinquiry.gov.uk/downloads/evidence-pca-4.pdf>
- Gaitan, R., & Kleiner, B. (1999). How to conduct mediation effectively. *Equal Opportunities International*, 18(5), 69-73.
- Gayder, J. (2000). *Sir Robert Peel meets the Firearms Act*. Retrieved January 10, 2005, from http://www.2ampd.net/Articles/Gayder/Sir_Robert_Peel.htm

- Goggins, P. (2004). *Best practice guidance for restorative practitioners*. Retrieved June 14, 2004, from http://www.homeoffice.gov.uk/docs4/rj_bestpractice.pdf?docs3.bestpracticeforrestorativepractitioners&ns_type=pdf
- Goldstein, H. (1977). *Policing a free society*. Cambridge, MA: Ballinger.
- Harrison, S. J. (1998). *Police organizational culture: Using imagined values to build positive organizational improvement*. Harrisburg, PA: Pennsylvania State Press.
- Hill, R., Cooper, K., Young, R. & Hoyle, C., (2003a, January). *Introducing restorative justice to the police complaints system: Close encounters of the rare kind*. Oxford, UK: Holywell Press.
- Hill, R., Cooper, K., Young, R. & Hoyle, C. (2003b, November). *Meeting expectations: The application of restorative justice to the police complaints process*. Oxford University, UK: Holywell Press.
- Hudson, B., McEvoy, K., & Mika, H. (2002). Practice, performance and prospects for restorative justice. *British Journal of Criminology*, 42, 469-475.
- Kemmis, S., & McTaggart, R. (1988). *The action research planner* (3rd ed.). Geelong, Australia: Deakin University Press.
- Kennison, P. (2002). Policing diversity—managing complaints against the police. *The Policing Journal*, 75, 117-135.
- Langford, J., & McDonagh, G. (2003). *Focus groups: Supporting effective product development*. London: Taylor and Francis, Inc.
- Lofty, M. (2002). *Restorative Policing*. Retrieved on January 16, 2005, from http://iirp.org/library/mn02/mn02_lofty.html

- Lord, V., & Friday, P. (2003, March). Choosing a career in police work: A comparative study between applicants for employment with a large police department and public high school students. *Police Practice & Research, An International Journal*, 4(1), 63–78.
- Mahlberg, G. (1998). *DeLorean: Stainless style*. Retrieved on April 7, 2004, from: <http://www.delorean-owners.org/legend/index.html>
- Marshall, T. (1999). *Restorative justice and overview*. Retrieved June 14, 2004, from <http://www.homeoffice.gov.uk/rds/pdfs/occ-resjus.pdf>
- McGillis, D. (1986). *Community dispute resolutions programs and public policy*. Retrieved April 7, 2004, from: <http://www.restorativejustice.org/asp/details.asp?ID=785>
- McLeoad, C. (2003, December). Towards a restorative organization: Transforming police bureaucracies. *Police Practice & Research, An International Journal*, 4(4), 361–363.
- Metropolitan Police Authority. (2004). *Policing the police – international conference*. Summary of the 2003 International Conference of Police Organizations. Retrieved March 4, 2004, from <http://www.mpa.gov.uk/committees/psc/2004/040112/09.htm>
- Morris, W. (2004). *The Morris inquiry: Terms of reference*. Retrieved March 6, 2004, from <http://www.morrisinquiry.gov.uk/about/tor.htm>
- Morrison, D. (2001). *Police Complaint Commissioner. 2001 Annual Report*. Retrieved January 16, 2005, from <http://www.opcc.bc.ca/Reports/annualreport2001.pdf>
- New Westminster Police Service. (2001). *Mission – vision statements*. Retrieved March 4, 2004, from <http://nwpolice.org/motto.html>
- Nuraney, J., P. (2002). *Special committee to review the police complaints process*. Retrieved November 20, 2004, from <http://www.legis.gov.bc.ca/cmt/37thparl/session-3/pcp/hansard/L0510am-24.pdf>

- Oppal, W. T. (1994). *Closing the gap: Policing and the community*. Retrieved March 20, 2004, from <http://www.pssg.gov.bc.ca/publications/oppal/ClosingTheGap.pdf>
- Palys, T. (2003). *Research decisions: Quantitative and qualitative perspectives* (3rd ed.). Toronto, ON: Harcourt Brace Jonanovich.
- Paoline, E. (2003). Taking stock: Toward a richer understanding of police culture. *Journal of Criminal Justice*, 31, 199-244.
- Pollard, C. (2000). *Restorative justice and police complaints*. Retrieved July 22, 2004, from http://www.iirp.org/library/t2000/t2000_cpollard.html
- Rees, F. (1998). *The facilitator excellence handbook: Helping people work creatively and productively together*. San Francisco, CA: Jossey-Bass Pfeiffer
- Restorative Justice Online. (2004). *What is restorative justice?* Retrieved January 20, 2005 from: http://www.restorativejustice.org/rj3/intro_default.htm
- Royal Roads University. (2000). *Royal Roads University research ethics policy*. Retrieved May 3, 2004, from: <http://www.royalroads.ca/resources/ethics%20policy.jul13%202000.pdf>
- Ryneveld, D. (2002). *Office of the police complaint commissioner*. Retrieved March 3, 2004, from <http://www.opcc.bc.ca/OPCC%20Home%20Page.htm>
- Savage, S. (1991). Review of Mollie Weatheritt, police research: Some future prospects. *The British Journal of Criminology*, 31(4), 440-442.
- Scarman, Lord. (1981). *The Brixton disorders, 10-12 April 1981: Report of an inquiry by Lord Scarman*. London, UK: Her Majesty's Stationary Office.
- Stansfield, R. T. (1996). *Issues in policing: A Canadian perspective*. Toronto, ON: Thompson Educational Publishing.

- Stone, C., & Ward, H. (2000, April). Democratic policing: A framework for action. *Policing and Society, 10*, 11-45.
- Stringer, E. (1999). *Action research: A handbook for practitioners*. Thousand Oaks, CA: Sage Publications.
- Strudwick, K. (2003). Is independence the only answer to complainants' satisfaction of the complaints process? A perspective from the United Kingdom. *Police Practice & Research, An International Journal, 4*(1), 35-46.
- Thames Valley Police. (2004a). *Complaints and conflict resolution*. Retrieved on January 21, 2005, from: <http://www.thamesvalley.police.uk/about/rj/index.htm>
- Thames Valley Police. (2004b). *About Thames Valley police*. Retrieved on January 21, 2005 from: <http://www.thamesvalley.police.uk/about/facts.htm>
- Thames Valley Police. (2004c). *Restorative conferencing*. Retrieved on January 21, 2005 from: <http://www.thamesvalley.police.uk/about/rj/RJ-methods.htm>
- Van Maanen, J. (1974). *Working the street: A developmental view of police behaviour*. Beverly Hills, CA: Sage Publications.
- Walker, S., Archbold, C., & Herbst, L. (2002). *Mediating citizens' complaints against the police: A guide for police and community leaders*. Retrieved March 5, 2004, from University of Nebraska at Omaha, Department of Criminal Justice Web site: <http://www.cops.usdoj.gov/mime/open.pdf?Item=452>
- Walker, S., & Kreisel, B. (1996). Varieties of citizen review: The implications of organizational features of complaint review procedures for accountability of the police. *American Journal of Police, 15*(3), 69.

Waters, I., & Brown, K. (2000). Police complaints and the complainants' experience. *The British Journal of Criminology*, 40(4), 617-638.

Wills, S. (2001). Making police more accountable. *Criminal Law Forum*, 12(3), 407.

Wilson, J. Q. (1968). *Varieties of police behaviour: The management of law and order in eight communities*. Cambridge, MA: Harvard University Press.

APPENDIX A:

PARTICIPANT CONSENT FORM

Will Restorative Justice work in municipal police citizens' complaint resolutions in British Columbia?

I am inviting you to participate in a university study entitled "*Will Restorative Justice work in municipal police complaint resolutions in British Columbia?*" that I am conducting.

My name is Phil Eastwood and I am a graduate student in the Masters of Leadership and Training program at Royal Roads University, Victoria, B.C.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Masters of Leadership and Training. It is being conducted under the supervision of Dr. Darryl Plecas, Director of the Criminology and Criminal Justice program at the University College of the Fraser Valley.

The purpose of this research project is to explore the following question:

- *Will Restorative Justice work in municipal police complaint resolutions in British Columbia?*

Research of this type is important. The field of citizens' complaints against police officers here in British Columbia has been the source of much discussion, both organizationally and publicly.

As a police officer with 23 years experience (16 in Canada and 7 in England) and having spent three of those years as the Professional Standards Officer with the New Westminster Police Service, I view any opportunity that attempts to resolve citizens' complaints against officers in a manner emphasising dialogue and understanding over the alternate investigative process as being worthy of examination.

The 1998 Police Act places an emphasis on attempting to informally resolve citizens' complaints but without providing a mechanism for doing so. A recent Oxford University study of the restorative justice process used to resolve complaints, now in its 3rd year, in the Thames Valley Constabulary in England appears to endorse the application of the procedure with other major police agencies in the UK now looking closely at the Thames Valley example). A natural follow up to this study would be to ask the question of whether such a system could work here in British Columbia.

I am asking you to participate in this study because I seek a better understanding of the potential opportunity that a restorative justice may provide for the complaint process for municipal police officers in this Province. I am purposely selecting you as a participant in the focus group meeting to discuss this question as you are currently tasked with dealing with citizens' complaints filed against members of your police agency. The other participants in this

research will also be officers employed in similar roles within other municipal police agencies, the idea being to engage in a dialogue following a presentation regarding the Thames Valley experience. As a means to protect your privacy, and to reduce any pressure you might feel to participate, please know that only if you indicate a wish to participate will I contact your police agency to request their permission for you to participate. If you choose to participate, I will provide your police agency with a letter of consent requesting that you be allowed to participate in my research study.

If you agree to voluntarily participate in this research, your participation will include participation in the half-day focus group to be scheduled in late October – early November 2004 at the Justice Institute in New Westminster.

I do not anticipate any inconvenience to you as a result of participating in this research. I will be compiling the data gathered at the focus group and forwarding you a copy of the dialogue generated, in order for you to confirm its accuracy. I intend to conduct the focus group during your normal working hours with your police agency's approval. There are no known or anticipated risks to you by participating in this research.

The potential benefits of your participation in this research include the improvement of the complaint process and the opportunity for fewer complaints to reach the investigation stage and for there to be a higher level of understanding and trust between the public and the police.

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study, your information provided during the focus group will not be used as part of this research project nor any other project article or presentation. Any data that you provide prior to withdrawing your consent will be destroyed by me, including all notes, audio recordings and computer files.

I want to assure you that the research findings will not identify you as a participant. However, members of the police community could have independent knowledge of the names of the various Professional Standards Officers that have taken part in the research project and draw their own conclusions as to the true identity of the participants. That is beyond my ability to control and I trust that this will not cause you undue concern. I am obligated to inform you that your anonymity cannot be guaranteed during or after my research project due to the concerns listed above.

Your confidentiality and the confidentiality of the data such as the notes from the focus group session, recordings and transcripts, will be protected by being kept in a locked bureau at my residence. I will assign each participant an alias that only I know at the beginning of the research study to ensure confidentiality. The list of alias names will not be kept with the research data and will be stored at my place of employment in a locked location. I am obliged to inform you that your confidentiality cannot be guaranteed during or after my research project due to the concerns mentioned above.

The data will only be used by me and might be used as part of my research project.

The data that is gathered in the course of this research will not have the true identities of the participants contained on it. I intend on keeping the data for a period of one year. After one year, I will destroy all of the notes taken during the focus group session, recordings, transcripts, computer files, and any other documentation associated to this research project.

Should you have any questions at all concerning this invitation to participate in my research project, please contact me by telephone at

You may also contact my project supervisor, Dr. Darryl Plecas ator via e-mail at

The exact date for the focus group session will be determined within the next few weeks and I will contact you directly with all of the details.

By placing your signature below, it is understood that that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers.

Thank you.

_____	_____	_____
Name of Participant	Signature	Date

A copy of this consent form will be left with you, and a copy taken by the researcher.

APPENDIX B:

POLICE AGENCY CONSENT FORM

Will Restorative Justice work in municipal police citizens' complaint resolutions in British Columbia?

I am requesting permission for _____, who is a Professional Standards Officer in your police agency, to participate in a focus group meeting connected to my current research project. The research study that _____'s participation is being requested for is titled "*Will Restorative Justice work in municipal police citizens' complaint resolutions in British Columbia?*"

My name is Phil Eastwood and I am a graduate student in the Masters of Leadership and Training program at Royal Roads University, Victoria, BC.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Masters of Leadership and Training. It is being conducted under the supervision of Dr. Darryl Plecas, Director of the Criminology and Criminal Justice program at the University College of the Fraser Valley.

The purpose of this research project is to explore the following question:

- *Will Restorative Justice work in municipal police citizens' complaint resolutions in British Columbia?*

Research of this type is important. The field of citizens' complaints against police officers here in British Columbia has been the source of much discussion, both organizationally and publicly.

As a police officer with 23 years experience (16 in Canada and 7 in England) and having spent 3 of those years as the Professional Standards Officer with the New Westminster Police Service, I view any opportunity that attempts to resolve citizens' complaints against officers in a manner emphasising dialogue and understanding over the alternate investigative process as being worthy of examination.

The 1998 British Columbia Police Act places an emphasis on attempting to informally resolve citizens' complaints but without providing a mechanism for doing so. A recent Oxford University study of the restorative justice process used to resolve complaints, now in its 3rd year, in the Thames Valley Constabulary in England appears to endorse the application of the procedure (with other major police agencies in the UK now looking closely at the Thames Valley example). A natural follow up to this study would be to ask the question of whether such a system could work here in British Columbia.

Your police agency is being asked to participate in this study as I seek to pose this research question to a focus group session consisting of a broad representation of Professional Standards Officers from the municipal police departments in the Province. There will be a

presentation, prior to the discussion, from an official from the Thames Valley Police Constabulary in order to outline the background and working principles of how Restorative Justice is used in resolving their citizens' complaints.

I have provided _____ with a recruitment letter requesting that they participate in my research project. _____ has indicated an interest to participate in this research. I am now requesting your agency's approval. I have appended a copy of the recruitment letter for your information.

If your agency does agree to voluntarily participate in this research, _____'s participation will include attending a half-day focus group session at the Justice Institute of British Columbia as well as spending time afterwards reviewing the notes taken during the session in order to ensure their accuracy.

I do not anticipate any inconvenience to your police agency or to _____ during this study except for participating in the focus group and the follow up review of the notes. I intend to hold the focus group during normal working hours. There are no known or anticipated risks to _____ or to your agency by participating in this research project.

The potential benefits of your participation in this research include the improvement of the complaint process and the opportunity for fewer complaints to reach the investigation stage and for there to be a higher level of understanding and trust between the public and the police.

The participation of your police agency in this research must be completely voluntary. If your police agency or _____ do decide to participate, your police agency or _____, may withdraw at any time without any consequences or any explanation. If your police agency or _____ do withdraw from the project your data will not be used as part of this research project nor any other project, article or future presentation. Any data that _____ provides prior to withdrawing your agencies or _____'s consent will be destroyed by me including any notes, recordings and computer files.

I am asking _____ to participate in this study because I seek a better understanding of the potential opportunity that a restorative justice may provide for the complaint process for municipal police officers in this Province.

I intend to protect the anonymity of your police agency and _____. I purposely selected _____ because of the role that he/she plays within your organisation, that of Professional Standards Officer. I want to assure your police agency and _____ that the research findings will not identify _____ as a participant. However, members of the police community could have independent knowledge of the names of the various Professional Standards Officers that have taken part in the research project and draw their own conclusions as to the true identity of the participants. That is beyond my ability to control and I trust that this will not cause you undue concern.

_____’s confidentiality and the confidentiality of the data such as the notes from the focus group session, recordings and transcripts, will be protected by being kept in a locked bureau at my residence. I will assign each participant an alias that only I know at the beginning of the research study to ensure confidentiality. The list of alias names will not be kept with the research data and will be stored at my place of employment in a locked location.

The data will only be used by me and might be used as part of my research project.

The data that is gathered in the course of this research will not have the true identities of the participants contained on it. I intend on keeping the data for a period of one year. After one year, I will destroy all of the notes taken during the focus group session, recordings, transcripts, computer files, and any other documentation associated to this research project.

Should you have any questions at all concerning this invitation to participate in my research project, please contact me by telephone ator via e-mail at

You may also contact my project supervisor, Dr. Darryl Plecas ator via e-mail at

The exact date for the focus group session will be determined within the next few weeks and I will contact _____ directly with all of the details.

By placing your signature below, it is understood that that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers.

Thank you.

Name of police manager

Signature

Date

A copy of this consent form will be left with you, and a copy taken by the researcher.

APPENDIX C: INVITATION LETTER

Monday, November 15th 2004

Good morning

Thank you for giving your time today in order to discuss with us the question:

**Re: Will Restorative Justice work in municipal police citizens' complaint resolutions
in British Columbia?**

I want to personally express my gratitude to you for giving a day out of your busy schedule to share your thoughts and experiences with the rest of the group. Your role within your organization is a critical one, as your work symbolizes the measure of our professional accountability.

Your presence here is important. Today represents one portion of what I hope is a much larger conversation regarding the evolution of our Police Act here in British Columbia. Another part of that same conversation will occur tomorrow morning when Inspector Tony Walker presents to the Municipal Chief Constables of British Columbia at their meeting being held in Victoria.

Before leaving the Justice Institute today, please take some time to complete the attached questionnaire, the answers of which may be reflected within my Major Project Report, a copy of which I will make available for you should you wish once it is completed.
Thank you again.

Sincerely,

Phil Eastwood
Staff Sergeant.
New Westminster Police Service.

APPENDIX D: QUESTIONNAIRE

1. Years of Police Service experience.....
2. Years of Professional Standards/Internal Investigations experience.....
3. Approximate number of citizens' complaints dealt with.....
4. Approximate number of complaints that you have informally resolved.....
5. Have any of the informal resolutions involved a process in which the complainant met the respondent officer?.....
6. How have those informal resolutions been received by the complainants/respondent officers?.....
7. Have you received any formal training in how to conduct such a process?.....
If so, what sort of training, and how do you feel about the training?.....
8. How well do you feel that the BC Police Act supports the informal resolution process?.....
9. What recommendations can you make to assist the current informal resolution process?.....
10. In your experience, what have been some of the barriers to conducting informal resolutions between complainants/respondent officers?.....
11. Describe your level of understanding of Restorative Justice prior to attending today's focus group?.....
12. What are your thoughts now about the viability of using the philosophy of Restorative Justice in order to informally resolve some citizens' complaints against officers?.....
.....
.....

Thank you.

APPENDIX E: RESULTS OF FOCUS GROUP QUESTIONNAIRE

Table 1

Police Service and Investigation Experience

Question	Responses	Average (rounded to nearest 0.1)
<i>1. Years of Police Service experience?</i>	20	25
	28	
	25	
	25	
	23	
	29	
<i>2. Years of Professional Standards/Internal Investigation Experience?</i>	1.5	2.2
	2.0	
	2.0	
	4.0	
	0.6	
	3.0	

Table 2

Complaints Dealt with or Informally Resolved

Question	Responses	Average (rounded to nearest 0.1)
<i>3. Approximate number of citizens' complaints dealt with?</i>	50	82.2
	85	
	60	
	200	
	38	
	60	
<i>4. Approximate number of complaints that you have informally resolved?</i>	10	30.2
	15	
	60	
	75	
	1	
	20	

Table 3

Face to Face Meetings Between the Respondent Officer and the Complainant

Question	Responses	Average (rounded to nearest 0.1)
<i>5. Have any of the informal resolutions involved a process in which the complainant met the respondent officer?</i>	No	33% No
	No	67% Yes
	Yes	
	Yes	
	Yes	

Table 4

Question #6 Responses

Question	Responses
<i>How have those informal resolutions been received by the complainants/respondent officers?</i>	N/A
	N/A
	One rejected the offer the other accepted
	Received a thank you letter
	Mostly positive
	Excellent, all agreed it was okay.

Table 5

Question #7 Responses

Question	Responses
<i>Have you had received any formal training in</i>	No
<i>how to conduct such a process? If so, what sort</i>	Yes (on my own – conflict resolution)
<i>of training and how did you feel about the</i>	No
<i>training?</i>	Informal training
	No
	No

Table 6

Question #8 Responses

Question	Responses
<i>How well do you feel that the Police Act</i>	Moderately
<i>supports the informal resolution process?</i>	Very open – no guidelines but also no limits
	Supports on paper – not so well in practice.
	Not well.
	Totally supportive – but no training provided

Table 7

Question #9 Responses

Question	Responses
<i>What recommendations can you make to assist the current informal resolution process?</i>	<p>More training in conflict resolution.</p> <p>Meet and greet the complainant personally.</p> <p>Make it a locked in process.</p> <p>Provide mediation training and funding.</p> <p>Better education to members and the public</p>

Table 8

Question #10 Responses

Question	Responses
<i>What barriers exist to the informal resolution process being used?</i>	<p>1. Surrounding aura of guilt.</p> <p>Our organization and the responding members.</p> <p>Lack of time – quicker to use formal process than to attempt informal resolution.</p> <p>Reluctance on part of either party.</p> <p>Mistrust of process and outcome.</p> <p>Lack of trust from both in the process and the outcome.</p>

Table 9

Question #11 Responses

Question	Responses
<i>What was your understanding of Restorative Justice prior to the focus group?</i>	Minimal. I have taken courses in Restorative Justice. Fairly well versed. Very little. Fair. Very good.

Table 10

Question #12 Responses

Question	Responses
<i>What is your opinion of the viability of using restorative justice to informally resolve citizens' complaints?</i>	It's a possibility that we have to examine. I would like to make an attempt to use it but would have to be approved by management – senior management makes the decision on what or how a process is used. Great concept however will likely require more dedicated resources. There are some big barriers – however the philosophy is a benefit to all interested parties. I liked this first attempt and the results and I further believe now that it can work better. Believe that it has a place