

COLLABORATIVE DEVELOPMENT OF A RESTORATIVE JUSTICE  
TEMPLATE FOR FIRST NATION COMMUNITIES FACILITATED BY THE  
ROYAL CANADIAN MOUNTED POLICE IN MANITOBA

By

DENNIS DE LA RONDE

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We accept this proposal as conforming to the required standard

.....  
Darrell Madill, Commanding Officer,  
“D” Division RCMP, Project Co-sponsor,

.....  
H. Conrad DeLaronde, Inspector,  
“D” Division RCMP, Project Co-sponsor,

.....  
Gira Bhatt, PhD, Faculty Supervisor,

.....  
Committee Chair P. Gerry Nixon, PhD,

ROYAL ROADS UNIVERSITY

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## ABSTRACT

This research explores the realities of the RCMP initiating the collaborative development of a restorative justice template with a focus on First Nation communities. A multi-method action approach was utilized to engage the targeted participants. A multi-method approach was the most appropriate process due to the geographic separation of the researcher and the participants. The research was designed to ascertain the viability of developing a restorative justice template for implementation of a restorative justice committee within the First Nations communities. The needs to have a segment for community-specific sanctions were also addressed. The findings of this research project indicate the overwhelming support for such an initiative. With the Aboriginal community moving toward self-government and the RCMP devoting specific initiatives to the Aboriginal community, this research should develop roots very quickly as it moves toward implementation. The restoration of relationships from a holistic perspective is complementary to Aboriginal culture.

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## CHAPTER 1. FOCUS AND FRAMING

### *Introduction*

Aboriginal people comprise approximately 24% of the total population of Manitoba. Rich with its traditions and cultural practices dating back to thousands of years, this community of people have a long history of peaceful living. One of the challenges for the Canadian government is to assure a safe and just environment to the Aboriginal people without imposing an external value system. The process of justice delivery in particular, calls for ingenious approaches. In view of the limitations encountered by the traditional court system, the Canadian government has begun to explore the role of the restorative justice system integrating the Aboriginal cultural practices.

Restorative justice is a term that has been applied to almost any version of non-traditional matters pursued through the traditional court process of the criminal justice system. The focus of this research is to develop a portable template of a restorative justice system for the First Nation communities<sup>1</sup> in the Province of Manitoba. The specific aim of the research is to examine the role of the Royal Canadian Mounted Police (RCMP) in Manitoba in bridging the gap and facilitating the collaborative development of a restorative justice template for First Nation communities.

The researcher has been a member of the RCMP for 14 years during which the majority of my time has been spent providing policing services to First Nation communities. This includes observing and participating in restorative justice processes at three distinct stages: the planning phase, intermediate phase and finally the fully

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<sup>1</sup> The term “First Nation communities” and “Aboriginal people” will be used interchangeably.

functioning committee.

First Nation Policing (FNP) is where the researcher’s priorities lie, aligned with the priorities of the RCMP both nationally and at the provincial level. Assistant Commissioner Darrell Madill stated in “D” Division’s Strategic Priorities (Madill, 2005), “[we] are actively developing new ways to prevent and resolve conflict by focusing on crime prevention partnerships, restorative justice and a holistic approach to problem solving” (¶7).

The research question is: How can the RCMP in Manitoba collaboratively facilitate the development of a template for establishing restorative justice committees for First Nation communities? Sub-questions include:

- 1) Can a local traditions and customs segment be introduced into the restorative justice template?
- 2) How can the required knowledge be gathered, processed and passed on in a meaningful and practical manner?
- 3) What is the major obstacle to implementing local justice committees in a First Nation community?



*The Opportunity*

Aboriginal-specific initiatives are one of the five National Strategic Priorities of the RCMP, mirrored at the provincial level. There are many divisions of RCMP with alphabetical designations. Manitoba is referred to as “D” Division and as such Manitoba will be referred to as “D” Division during this research. One of the National Strategic Priorities which “D” Division is primarily focused on is Aboriginal specific initiatives. The Assistant Commissioner of “D” Division D. Madill states in the Mission, Vision and Values Statement (Madill, 2005) that “in addition to implementing community policing principles in First Nation and other Aboriginal communities, “D” Division is committed to contributing to safer and healthier Aboriginal communities” (Madill, 2005, ¶6). Continued focus of its Strategic Priorities will assist the RCMP to ensure a sustained and viable template for implementation of a restorative justice system that is practical and portable.

The benefits of a portable template of a justice system that is compatible with the cultural and social values of the First Nation communities are numerous. The first and the foremost benefit is the ability of First Nation communities to have direct input into sanctions for accused persons that are community specific. Currently, many communities feel the Courts are totally oblivious to the priorities of the community. Hamilton and Sinclair (1991) state: “if the justice system in Manitoba is to earn the respect of Aboriginal people, it must first recognize and respect their cultures, their values and their laws” (p. 46). This statement reinforces the need for inclusion of Aboriginal people into the justice process within their own community.

The judicial system in some of these communities is administered in an ad hoc

manner with the Court often sitting only once a month, barring any poor weather. These judicial proceedings that bring in a Judge and a Clerk of the Court from the nearest major center such as Winnipeg, The Pas, or Thompson for a half-day court sitting do not seem to administer the basic principles of justice for either the victims or the accused. The perception that the justice system is designed for these centers and not for the local community has been reinforced by the Court parties' lack of intimate knowledge of the First Nation communities.

The idea of a community-based justice is not a new phenomenon for the First Nation People, as it is a custom to which many local Elders can still relate. The traditional practice of the sentencing circles for example illustrates this well. Sentencing circles have their roots in Aboriginal culture where a discussion of the matter at hand is conducted in a circle to represent completeness. The implication is that there is neither a beginning nor an end, therefore there must be a resolution. The benefits of sentencing circles have been evident with the Missinippi Cree Nation Justice Committee in Pukatawagan as witnessed personally during my tenure in Pukatawagan. A circle contrasts the format utilized in the formal court process:

The circle provided everyone involved with an opportunity to communicate his or her fears, concerns, anger and hopes in determining what to do. The dialogue brought people closer together. While a courtroom often fosters exchanges that exacerbate differences and polarize a community, the circle, in working towards a creative solution that everyone can support, repairs and strengthens connections within a community. (Stuart, 2001, as cited in Bazemore & Schiff, 2001, p. 222)

The implementation of sentencing circle is an offshoot of the justice system that can help a community to heal itself with its own home-grown solutions. The obvious barrier that has been overcome is the creation of dialogue which perpetuates communication which is one of the cornerstones of reconciliation.

The researcher was recently involved with the Mosaikhaiken Cree Nation Justice Committee that is still in its infancy and looking for direction and guidance as it matures. He also had the opportunity to take part in the planning of a justice committee in Bloodvein First Nation. Through this experience, the benefits to the community and the traditional court system, as well as the RCMP as a service provider, became clear.

A positive relationship with many of the members of the justice committees has been maintained and they were a valuable resource in this action research project. This research supports a unifying measure that allows all stakeholders to grasp the opportunity to develop a fully portable community-based restorative justice system template. One of the problems to be overcome is the transition of the old to the new for non-Aboriginals as well as those inside the community. As Bridges (2004) writes, “all transitions are composed of (1) an ending, (2) a neutral zone, and (3) a new beginning” (p. 4). There will be, in fact, an ending, a period of adjustment and a new beginning as we move forward as a team with a spirited, yet directed focus.

### Significance of the Opportunity

The ease with which the community-at-large uses the RCMP in the role of facilitator can be a very important cornerstone in bridging the gap between the formal Court processes and a community-based restorative justice system. “The facilitator, therefore, first must establish a stance that is perceived as legitimate and non-threatening by all major stake holding groups” (Stringer, 1999, p. 53). This utilization of members in other than law enforcement roles enabled the researcher to ease into the role of a researcher as the divide has already been bridged to a certain extent.

The research and the consequent development of a portable template for a community-based restorative justice system would be beneficial to all stakeholders in First Nation communities. By virtue of the development of new partnerships and renewal of existing partnerships working toward a common goal, the stakeholders will provide a united front in addressing the communities’ needs. This team environment will be able to align itself with various government agencies, specifically Probation Services and the Circuit Court system. Circuit Court is the manner in which court services are provided to many First Nation Communities. There is a circuit whereby court days are designated once a month in the local community hall or Band hall and all the judiciary either fly or drive into the community. The community or band hall is then set up in a manner that is meant to resemble a courtroom in one of the larger centers. At the conclusion of court the community hall is returned to its previous state. Circuit court generally lasts 3 to 4 hours at most. This process of providing justice in the Aboriginal Community quite often leaves much to be desired. The integrity of the whole process is often called into play.

This is not meant to demean those that truly try and help the community, but rather the perception often voiced by many is that the process lack transparency. A truly transparent and flexible template will ease the burden of establishing local justice committees. The ability to divert offenders to a community-based justice system will provide a more suitable vehicle to deal with the offender and victims, as well as fully explore the impact that result from the crimes.

The perception of the current process is that it has little regard for the community due to circuit court being held once a month, if there are no cancellations. The cancellations have at times resulted in no court being held for as long as three months. The process further alienates not only the participants in the process but community members as well. “The danger is that the community, victim(s), and/or offender emerge from the response further alienated, more damaged, disrespected, disempowered, feeling less safe and less cooperative with society (Claasen, 1996, p. 45). As previously indicated, to ensure success it must be an inclusive process.

Addressing the need for a culture-specific justice system for the First Nation communities, the Government of Canada proposed the following in Bill C-7 as it was presented in the House of Commons (2001):

Extrajudicial measures should be designed:

- 1) To provide an effective and timely response to offending behaviour outside the bounds of judicial measures;
- 2) To encourage young persons to acknowledge and repair the harm caused to the victim and the community;
- 3) To encourage families of young persons - including extended families where appropriate - and the community to become involved in the design and implementation of those measures;
- 4) To provide an opportunity for victims to participate in decisions

related to the measures selected and to receive reparation;

- 5) To respect the rights and freedoms of the young person and be proportionate to the seriousness of the crime... (§ 4)

With the Province of Manitoba mandating Probation Services to implement a restorative justice mechanism within its jurisdiction, an atmosphere of progress has already been created. The RCMP, as a willing participant, has expressed its desire to involve the Aboriginal community at the initial stages of research to facilitate a universal template that may be utilized in many First Nation communities. This would serve to benefit all stakeholders as it can capitalize on the mandate issued by the federal government. As a person of Aboriginal ancestry, the researcher readily saw the benefits of this provincial legislation as many of the extrajudicial measures are consistent with traditions and culture within the First Nation community.

The RCMP organization as a whole seeks to become a leader in recognizing as well as enhancing and validating its image and its commitment to restorative justice. The impact of a truly transportable template is highly significant when one looks at the criminal justice system in First Nation communities as it functions today. The Circuit Court system has not served the people. This is very apparent when one looks at the number of remands and adjournments that occur on a regular basis, quite often resulting in unsatisfactory decisions in the eyes of the community. Due to the researcher providing a front line service delivery in many of these affected communities this type of reaction has been communicated personally on many occasions. Many First Nation communities have come to realize that the unjust and irregular service is both a disservice to the community and a poor reflection of the judicial system as a whole.

The effect of a truly portable template which facilitates the implementation of

justice committees will be to relieve much of the workload on the traditional judiciary when it comes into town for a few hours on monthly Court days. The educational process for the community will enhance its understanding of the realities of the Court process in general. This education will produce benefits many times over by assisting the communities to take the initial steps to help the communities to heal themselves.

“Healing, for many Aboriginal people, is the objective of justice, and justice derives from the restorative/transformational practices of healing. Hence healing is a broad notion that encompasses restorative justice” (Proulx, 2003, p. 35).

The significance of a properly developed and implemented justice committee cannot be underestimated in dealing effectively with crime. The empowerment of many individuals reinforces the community’s self-esteem as it moves toward self-governance.

### Systems Analysis of the Opportunity

Canadian research indicates that overall Canadians indicate a high level of satisfaction with restorative processes (Chatterjee, 1999). When we look at the opportunity and its potential effects, we must be cognizant of all parties involved. As Senge (1994) believes that “systems thinking is a discipline for seeing the structures that underlie complex situations” (p. 69). One of the most in-depth inquiries conducted in Manitoba was the Aboriginal Justice Inquiry (AJI). The Commission of the AJI was created in response to two specific incidents in 1987 and 1988 involving First Nation people who were victims of violence. The AJI’s scope of inquiry covered all components of the justice system including policing, Court and Correctional Services. Hamilton and Sinclair (1991) write in *The Report of Aboriginal Justice Inquiry of Manitoba*: “The underlying message was seen to be the manner in which Manitoba’s justice system was failing Aboriginal people” (p. 3). The commission was to consider the manner in which the criminal justice system now operates and whether there were alternative methods to deal with Aboriginal persons involved in the law.

“There are two things I can say as matters of fact: i) There is a massive problem with the manner in which justice services are now being delivered to Aboriginal people, ii) Something has to be done about it” (Hamilton, 2001, p.316). This is a profound statement when one considers that Justice Hamilton was also one of the commissioners who conducted the Aboriginal Justice Inquiry. Hamilton and Sinclair (1991) also highlighted the value of integrating the cultural traditions in the justice system for the Aboriginal people.



Culture is more than the values, traditions, or customary practices of Aboriginal people. Culture is also laws, customary or contemporary, of the people who belong to a distinct society. Culture is the social and political organization of the people who constitute a distinct society. Culture also includes the administration of justice as a fundamental component of every organized society (Hamilton & Sinclair, 1991, p. 264).

In Aboriginal culture one can see the external forces that would impact on a community-based restorative justice system.

The trend to utilize a community-based justice system has been adopted in various communities by the stakeholders with varying degrees of success. The primary stakeholders are the community and Circuit Court Services, which include the Crown Attorney, as well as defence counsel; the RCMP, and Probation Services. When reference is made to the community, it should be deemed to cover the accused, the victim and the community at large. For example, the community-based justice system was witnessed by the researcher who was present for a sentencing circle involving a woman convicted of manslaughter. At the end of the session the mother of the victim hugged the accused. This type of resolution would not have come about if it were not for a true partnership for all stakeholders. The researcher has also seen a man convicted of assault causing bodily harm be given a community sentence. In this instance there was not a true partnership and the accused was deemed to have received a lenient sentence because the community as a whole was not involved.

Probation Services currently has a mandate to facilitate the establishment of Youth Justice Committees (YJCs), as outlined in the Youth Criminal Justice Act (YCJA).

The establishment of such a committee in any community should be viewed as an opportunity to expand the service and use it as a foundation to establish a local justice committee. The renewed focus of the RCMP toward the utilization of restorative justice practices should not be lost, but rather re-focused in a collaborative effort.

### Organizational Context

This project was sponsored by the RCMP, “D” Division, Manitoba. “D” Division is made up of three districts: Manitoba North, Manitoba East and Manitoba West. The Division Headquarters is a separate entity.

The researcher has spent the majority of his policing career in Manitoba North District (MND). MND encompasses the largest geographic area within Manitoba and has the greatest number of First Nation communities, many of which are isolated. Because of the isolation, in many of these communities Circuit Court is held only one day a month. This minimal service is frequently affected by bad weather conditions. Further, it is not uncommon that administrative difficulties, such as a lack of available judges, further interrupts Court services.

There are RCMP officers stationed in almost every community, with many communities pursuing community tri-partite agreements. The three components that make up a tri-partite agreement are the Federal Government, the provincial Government and the First Nation community. These agreements provide financial resources to set up permanent detachments. The goal is to staff the communities that have signed community tri-partite agreements with Aboriginal members.

Commissioner Zacardelli has identified five National Strategic Priorities

(Zacardelli, 2006b). Aboriginal communities are identified as one of these in line with its priority to build stronger Aboriginal communities, “the RCMP is committed to working collaboratively with the communities, partners and stakeholders” (¶ 2). With the RCMP taking the lead role in developing a restorative justice template for First Nation communities, the organization is moving to achieve its Strategic Priorities. Working with the partners and stakeholders to facilitate the development of a restorative justice template will contribute to the positive legacy of the RCMP.

The primary outcome of this RCMP Aboriginal Strategic Priority is to contribute to the health and safety of Aboriginal communities. This will be achieved by “developing community capacity to prevent crime through social development, the on-going delivery of culturally appropriate policing services and on going consultation and collaboration with the communities” (Zacardelli, 2006b, ¶4).

Within this Strategic Priority, there are provisions for capacity building within the Aboriginal community. Assisting the community to take some ownership of the justice process is within the scope of this capacity building.

In order to achieve this Strategic Priority, the RCMP will i) “Build new and strengthen existing partnerships; ii) Promote the use of restorative process – ensure that alternative criminal justice initiatives are considered as key policing options/services” (Zacardelli, 2006b, ¶4). Assistant Commissioner Madill ensures the “D” Division Strategic Priorities also reflect the national priorities by “actively developing new ways to prevent and resolve conflict by focusing on crime prevention, partnerships, restorative justice and a holistic approach to problem solving” (Madill, 2005, ¶8).

The Mission, Vision and Values Statement reflects these Strategic Priorities:

MISSION - The RCMP is Canada’s national police service. Proud of our traditions and confident in meeting our future challenges, we commit to preserve peace, uphold the law and provide quality service in partnership with our local communities. (Zacardelli, 2006a, ¶1)

As well, we will: be a progressive, proactive and innovative organization; be accountable and efficient through shared decision-making; promote safe communities. (Zacardelli, 2006a, ¶2)

The Mission, Vision and Values Statement, as well as select Strategic Priorities, are truly reflected in this restorative justice initiative. The sponsoring organization is open to examine new ideas and processes that are efficient, cost effective, and collaborative, and which address the Strategic Priorities of the RCMP.

## CHAPTER 2. LITERATURE REVIEW

The aim of this literature review was to gain a greater insight into the concept of restorative justice. The knowledge acquired directed the researcher to the development of a restorative justice template for implementation in First Nation communities wishing to adopt the process. The literature review examines three topics: organizational culture, restorative justice and sustainability. There has been a considerable number of research projects conducted on restorative justice, so the terminology and definitions are varied. There are many conflicting theories, and just as many congruent opinions about restorative justice. The literature review was specifically focused on the First Nation communities in mind.

The chapter begins by looking at the culture of the RCMP as an organization, followed by restorative justice and the effects it may have on the organization. The role of sustainability is considered, including governance, accountability, training and education.

## Organizational Culture

Many definitions fall under the scope of organizational culture. O’Toole (1996) indicates that “culture is the unique whole - the shared ideas, customs, assumptions, expectations, philosophy, traditions, mores and values - that determine how a group of people will behave” (p. 72).

Schein (1997) defines culture as “a pattern of shared basic assumptions that the group learned as it solved its problems of external adaptation and internal integration that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way you perceive, think, and feel in relation to those problems” (p. 12). The organizational culture of the RCMP has evolved since the inception of the North-West Mounted Police (NWMP) in 1873 to what it is today. One of the defining qualities of the RCMP is its organizational culture both from an introspective view as well as from the view of external parties. As O’Toole (1996) states, “when we talk of a corporation’s culture we mean the complex interrelated whole of a standardized, institutionalized, habitual behaviour that characterizes that firm and that firm only” (p. 72). This puts forth the notion that there will be two views on an organization’s culture, through an internal lens as well as an external lens.

Schein (1997) speaks of evolution of an organization occurring in two basic processes; general evolution and specific evolution. The RCMP organizational culture is very fluid, as it must be, for it to remain the police force of choice for the majority of Canada, and specifically Manitoba, as well as for being a recognized leader in the international policing world. General evolution is usually dictated by external influences

such as terrorism, internet-based crime or crime without borders. Schein says that “general evolution toward the next historical stage of development involves diversification, growing complexity, higher levels of differentiation and integration, and creative syntheses into new and higher-level forms” (p. 305). This type of evolution affects the whole organization as it grows with the changing social dynamics on a global scale.

Specific evolution as defined by Schein (1997) “involves the adaptation of specific parts of the organization to their particular environments and the impact of the subsequent cultural diversity on the core culture” (p. 306). This speaks to the RCMP developing specific units to examine specific types of activities. Although some of the job-specific units are relatively new, they have developed their own subculture within the larger organizational culture of the RCMP. This evolution of the RCMP’s organizational culture has spawned many subcultures. The defining qualities of these subcultures are influenced by geographic locations as well as specific job focus.

The North District in Manitoba has the greatest number of isolated First Nation communities. The researcher, as a member of the RCMP in these First Nation communities, has perceived that there is a view of the organizational culture that the police will provide the necessary leadership and guidance in response to any request, even if it is outside the scope of a police service. The size of the RCMP as an organization also has an effect on its organizational culture as well as the ability or inability to influence its organizational culture. Fully understanding what change is taking place, and the impact it will have, affects change management. When reference is made to changing an organization’s culture or creating a culture shift, it must be noted

that this will not occur in a wholesale manner, but rather as alluded to by O’Toole (1996) who states that “effective change builds on the existing culture” (p. 73).

The RCMP as an organization has a very strong imbedded culture that has been evident throughout its history. To those outside the organization, these perceptions are based on the cultural icons and traditions of the RCMP. To those within the organization, many of their perceptions of the organizational culture are based on their own realities as well as their intimate knowledge of the organization. In order to initiate effectively a shift in culture one must be aware of the history and traditions of the organization. Schein (1997) holds that past history and an organization’s growth and development are not necessarily good guides to what will succeed in the future because the environment may have changed and, more important, internal changes may have altered its unique strengths and weaknesses (p. 314). Hamilton and Sinclair (1991) state: “cultural differences between Aboriginal and non-Aboriginal people have been noticed and remarked upon by various non-Aboriginal writers for hundreds of years, few people have tried to explore and explain these differences in terms understandable to the general population” (p. 30). There are many within the organization that subscribe to these unfounded stereotyping of cultural differences of Aboriginal people.

Hamilton and Sinclair (1991) put for the following: “instead, these differences have been explained away in terms of handy stereotypes and vague generalizations, to the detriment of real understanding. The justice system has been no less insensitive and ignorant of these differences than other sectors of society” (p. 30). Members of the RCMP at times are no different than the general population when it comes to acknowledging this type of stereotypical bias. The need for greater education in



acknowledging and correcting these inappropriate cultural imperatives is one of the first items we must address internally as an organization.

As an organization, the RCMP has experienced a shift in its organizational culture regarding those now joining the organization as evidenced by the promotion of junior members. It was not too long ago that an RCMP member with junior service would not be recognized as suitable or experienced enough to merit a promotion without having been posted to a large number of geographic locations or specialized sections. As a day-to-day operational requirement, this traditional practice of the organizational culture has slowly eroded due to the number of junior promotions. One of the contributing factors has been an increase in overall age of new recruits who bring a vast amount of life experience with them. This is an example of a gradual shift in the organizational culture that now has become normalized over a relatively short period. This practice of recruiting members with greater life experiences became more evident in the early 1990s while the researcher was in basic training. Having had the opportunity to speak with facilitators the researcher learned that they were cognizant in this shift in recruiting applicants with a greater variety of life experiences.

There are shifts in culture born out of external influences that occur at a more rapid pace out of necessity or survival. These brisk changes or shifts transpire quite often out of crises. The most widely accepted shift has come about because of the terrorist attack in the United States of America on September 11, 2001. There have also been sporadic terrorist events in many other countries that were primarily considered regional events. This has brought about a new age of information sharing with a dynamic and sustained collaboration by police agencies on a global scale focused on combating

terrorism.

There are many differing views on whether changing an organization’s culture can be done, as well as the varying methods to achieve this. Schein (1997) speaks to the evolution of an organizations identity as a “stabilizing and meaning-providing function” (p. 298). With a paramilitary organization such as the RCMP there is a high regard for its identity as well as the artifacts and icons associated to it. As Schein states, “the evolution of culture is therefore one of the ways in which a group or organization preserves its integrity and autonomy, differentiates itself from the environment and other groups, and provides itself an identity” (p. 298). The notion of “unfreezing, cognitive restructuring and refreezing” is a simplistic approach to changing and organization’s culture put forth by Schein (p. 298). Simply put, it is the unfreezing or letting go or re-examining the current assumptions. Cognitive restructuring takes place in the form of cognitive redefinition of the core concepts of the assumption set. Refreezing is simply embracing these new assumptions and behaviour (p. 298). An example of this process is in the inclusion of women as regular members and the move from special constable status to regular members for Aboriginal persons. It was due to the organization (RCMP) unfreezing and examining its structure and its role in society that gave pace to the changes in membership. In its ongoing cultural development the force still maintains its artifacts and icons while continuing to build its culture of diversity.

O’Toole (1996) speaks to changing a culture as “effective change builds on the existing culture” (p. 73). In contrast to Schein (1992), O’Toole asserts that culture change occurs in one of two basic ways revolutionary or evolutionary. The revolutionary process is usually on a large scale and is not usually successful; the evolutionary process is

slower and more calculated and occurs over a period of time. Revolutionary is “always shocking, painful, disruptive and undesirable, where as evolutionary change is an inclusive gradual process.

## Restorative Justice

### *Definition*

Varying applications of restorative justice programs have led to some confusion and many misconceptions within the First Nation communities at large as well as among members of the RCMP. Although there are many similarities, one can find just as many variations in the applications of the term “restorative justice.” With so many applications for the same term, it is imperative that we develop and introduce a working definition of restorative justice, and its relation to the community. As Shaw and Jane (1998) write,

Philosophy, goals and terminology: these are linked together and need to be clearly activated to avoid the ‘incorporation’ of programs and movement away from restorative principles and to retain a balance between the interests of victims, offenders and community members.  
(¶29)

It is important that we must acknowledge restorative justice through the lens of the community that will facilitate the restoration of this relationship as put forth by Zehr (1990). Marshall (1996) defines restorative justice as “a process whereby all parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implication for the future” (p. 37). The definition utilized in the Pocket Criminal Code of Canada utilizes the definition brought forward by the Supreme Court of Canada in *R. v. Gladue* (1999) which states,

In general terms, restorative justice may be described as an approach to remedying crime in which it is understood that all things are interrelated

and that crime disrupts the harmony which existed prior to its occurrence, or at least which it is felt should exist. The appropriateness of a particular sanction is largely determined by the needs of the victims, and the community, as well as the offender. (p. 549)

Clear and Karp (1999), as cited by Bazemore and Schiff (2001), define community justice to include:

all variants of crime prevention and justice activities that explicitly include the community in their processes. Community justice is rated in the actions that citizens, community organizations and the criminal justice system take to have control over social disorder. Its essential focus is community-level outcomes, shifting the emphasis from individual incidents to circulate to systemic patterns, from individual conscience and social mores from individual goods to the common good. (p. 25)

This citation is included as it relates to community justice and reinforces the need for community level sanctions which will be instrumental to its success. In view of the different interpretation of the term, a working definition of restorative justice will be used within the scope of this research. For the purposes of this research the definition utilized by the Supreme Court of Canada in the Pocket Criminal Code of Canada in reference to *R v Gladue* (1999) will apply which is as follows:

In general terms, restorative justice may be described as an approach to remedying crime in which it is understood that all things are interrelated and that crime disrupts the harmony which existed prior to its occurrence, or at least which it is felt should exist. The appropriateness of a particular sanction is largely determined by the needs of the victims and the community as well as the offender. (p. 549)

### *History*

Restorative justice is a process that has been present in the Canadian criminal justice system for some time. Before the RCMP and before the advent of the Canadian criminal justice system, the Aboriginal peoples of this country had their own understanding of justice. The understanding of justice in an Aboriginal paradigm must be understood in the context of land and culture.

Hamilton and Sinclair (1991) state:

culture is more than the values, traditions or customary practices of Aboriginal people. Culture is also its laws, customary or contemporary, of the people who belong to a distinct society. Culture is the social and political organization of the people who constitute a distinct society. Culture also includes the administration of justice as a fundamental component of every organized society. (p. 264)

Thomas Berger (1991) also indicates that:

Native people feel an attachment to their land, a sense of belonging to a part of the earth, that we can scarcely comprehend. For native people, their land is not a commodity but the heritage of the community, the dwelling place of generations. It is where they were born, where they will spend their lives, and where they will die. (p. xi)

The central values of land and culture inform the ethic of restorative justice from an Aboriginal perspective. Murray Sinclair (1994, as cited in Gosse, Youngblood Henderson, & Carter, 1994), states:

Appropriate conduct in Aboriginal societies was assured through the teaching of proper thought and behaviour from one generation to the next. Moral, ethical and juridical principles were taught by example. Individuals within society who lived according to tribal principles were esteemed and honoured.... elders were, are the unwritten source of knowledge of fitting behaviour and conduct. Their memories constituted the unwritten precedents of Aboriginal customary law, and the means for interpreting customary law in a manner suitable to a particular occasion. (pp. 176-177).

Rupert Ross (1996) further defines restorative justice as:

Traditional teaching suggests that the principle-or law-of wholeness applies not only to the nonhuman realms, but to the human one as well. When people cause problems for instance, this law of interconnectedness requires that a justice system investigate all the factors that might have contributed to the misbehaviour. That investigation must go back much further in time than is the custom in Western courts and it must encompass a greatly expanded circle of friends, family, employers and other influences. Further, any plan of action must involve not only the individual doing what he or she can with *his or her* problem, but the whole, larger group doing what they can about *their* problem. Disharmony within one individual is seen as everyone's disharmony, for it

“infects” all relationship which involves that person. The principle of wholeness thus requires looking for, and responding to, complex interconnections, not single acts of separate individuals. (p. 64)

It is in this context that the RCMP took responsibility for reintegrating restorative processes into its policing mandate with particular care in acknowledging the culture of the Aboriginal communities it serves. Restorative justice and healing in Aboriginal communities are intrinsically linked and acknowledged. Griffin (2001) quotes Lavallee “this [healing] process truly works, but it is not be romanticised. It must be done for the right motivations...we need to address they this that is out there” (p. 77).

The exploration of a portable template for restorative justice takes place in many forms yet acknowledges the similarities of Aboriginal worldview from community to community.

To begin this venture into the restorative justice, initiatives were taken by the RCMP in the forms of Family Group Conferencing or the Community Justice Forum. This initiative was launched by the federal Department of Justice as an extension of the Aboriginal Justice Inquiry in 1991. This initiative was an offshoot of the Family Group Conferencing initiative that is currently the focal point of restorative justice in many parts of the world. Family Group conferencing was initially developed in New Zealand and is based on Maori Traditions (McIrea, 1996).

One must be prepared to look at the various models of restorative justice paradigms and their relationships to one another. We must start at the beginning with the need for restorative justice; namely, there must be a crime with which the community is comfortable in dealing with.

Zehr (1990) interpreted crime as a “...violation of people and relationships,

therefore the primary goal of restorative justice can be viewed as a restoration of relationships” (p. 85). Zehr describes crime as a violation of people and relationships, which we can easily focus on in a First Nation community. While in the communities, members of the RCMP are quite often subject to mistreatment for not having any concern for the “Aboriginal way,” or the culture of the Aboriginal community when dealing with many legal matters. This is all too often the response this researcher heard in his role as a police officer in the various First Nation communities in which he had the opportunity to serve.

*Education and Awareness for the RCMP and the Community*

The RCMP has taken seriously the need for restorative justice within the Aboriginal community. The RCMP has adopted the Community Justice Forum (CJF) as a restorative justice process and has taken a lead role in training RCMP members in this process throughout the country. This commitment was demonstrated when, in 1996, an RCMP delegation traveled to New Zealand and Australia to observe and learn first hand these countries' approach to restorative justice via the Family Group Conferencing model. This is a key concept in the restorative justice process from an RCMP officer's perspective, as the traditional general thrust of the criminal justice system has been toward incarceration or “state justice.” Van Ness (1998) further validates this view by saying that “state justice is imposed justice, punitive justice, hierarchal justice. Community justice was negotiated justice, restorative justice” (p. 8).

Brathwaite (1996), as cited in Chatterjee (1998), focused on a victim-centered approach to restorative justice as opposed to the Euro-Canadian view of the offender-based justice system. When we shift our focus from an offender-based system we must attract those that have been impacted most by the actions of others. This thought process compounds the view of the community that they are truly not a part of the process when the “gatekeepers” have no input.

The RCMP must remain vigilant in our unofficial role within the First Nation community. As cited by Stringer (1999): “they also need, at the same time, to locate informal patterns of influence to insure that all significant people – sometimes ... opinion leaders or gatekeepers are included in the early stages of research process” (p. 52). This is an extension of the RCMP's role that must be projected into the community as the



implementation process begins to ensure all issues are brought forward for review.

In order to develop a self-sustaining restorative justice template we must begin at the grassroots; namely to understand clearly and shape the focus of the process itself.

“All models are to some extent culture bound. So restorative justice should be built from the bottom up, by communities” (Zehr, 2002, p. 10). The gathering of information at this level is necessary to ensure the needs at the community level are incorporated. In order to develop successfully a restorative justice template driven from a grassroots level, there must be community ownership. McKim writes, “By actively involving the community in policing matters, police agencies have a better chance of developing successful strategies and problem-solving techniques to effectively combat crime” (*Policing in Canada Today*, n.d.).

As we move forward to develop a portable template, it is an imperative that at the outset we provide the needed assurance that the template will not be a top driven process but rather something that is being constructed from the ground up. In order to complete the necessary construction, we must rely on the participants’ unfettered input.

“Community-based action research seeks to change the social and personal dynamics of the research situation, so that it is non-competitive and non-exploitive and enhances the life of all those who participate” (Stringer, 1991, p. 21). The essence of a community-based restorative justice system is to enhance the outlook and ownership of all those who participate.

The intention in developing a restorative justice template is not to attempt to develop a new judicial process, but rather to harmonize the current one with the customs and traditions of the local First Nation community. In their final report to the Aboriginal

Justice Inquiry, Hamilton and Sinclair (1991) write: “instead of exacting vengeance and punishment, the intent in Aboriginal communities was to demonstrate the community’s disapproval of the behaviour, to counsel the offender and return peace and order to the community without using imprisonment” (p. 405).

Bazemore and OBrien (2002) bring forth the notion:

Regardless of how much theorists, policymakers, and practitioners seek to move restorative justice toward an essential focus on victims needs – and we have argued that this is also essential to its survival-the fact remains that restorative interventions do have implications for offender change. (p. 35)

Zehr (2002) supports this statement when he addresses recidivism in the Restorative justice context when he states:

Reduced recidivism is a by product, but restorative justice is done first of all because it is the right thing to do. Victims needs should be addressed, offenders should be encouraged to take responsibility, those affected by an offense should be involved in the process, regardless of whether catch on and reduce their offending. (p.10)

There is some that feel simply putting a label on the participants itself causes harm. Sullivan and Tiff (2001) suggest that “to conceive and of others in terms of identity fixing and identify separating categories such as offender and victim is itself a source of harm because these designations are personally deconstructive and non-integrative” (p. 80).

There have been specific guidelines adopted by the Canadian legal system for dealing with Aboriginal offenders and with this there must be an awareness of these provisions. The guidelines for sentencing judges were clarified by the Supreme Court of Canada in R. v. Gladue (1999). The Gladue Decision specifically focuses on restorative justice within the Aboriginal paradigm. In 1999, the Supreme Court of Canada issued a

decision, R. v. Gladue (1999) 139(e), which required lower Courts to take into account an accused person’s Aboriginal identity in sentencing. This decision resulted in clear guidance to the judiciary on the utilization of the sentencing provisions in Section 718.2(e) of Martins Annual Criminal Code Police Edition that states,

...[the] court that imposes a sentence shall also take into consideration the following principles:

(e) All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders” (Martins Annual Criminal Code, 2006, p. 1360)

The initial focus of this research is to deal with the less serious offences that still have a negative impact on the First Nations community. Ultimately it is hoped the process will grow to include a greater range of offences.

### Sustainability

#### *Governance*

One of the major obstacles in First Nation communities is lack of employment, which manifests itself in many ways. Infrastructure and support services are quite often non-existent or exist in name only. The need for sustainability of a restorative justice committee at the community level is paramount to its success. Wright (2003) suggests the benefits of a restorative justice concept could provide many answers in their own communities by engaging in this practice:

...in a non-adversarial, non punitive system people would speak more freely and much could be learnt about the circumstances which make crime more likely: failures in parenting, in schools.... These could be relayed to local authorities with responsibility crime reduction strategy and ultimately those that influence social policy. (p. 21)

Sustainability is a significant component of a locally owned and operated restorative justice committee. A cornerstone of this must be accountability from within and well as when viewed externally. Governance must be entrenched as an important component of the process from which it can move forward. Governance is not intended to impede the process that, to some degree, must remain fluid to adapt to its circumstances, but rather to establish guiding principles. The overall notion of governance might be seen as an extension of the formal Court process, which is not the intent. Governance will validate the process as well as provide the means to ensure a sustainable process.

Governance is not a new trend but has been around in various forms for many centuries. A board with written policies and regulations can remain flexible to address the specific needs of the community it is serving. Carver and Carver (2001) assert that “the Policy Governance model is not designed to please today’s board members or today’s managers. It is designed to give organizations’ true owners competent servant-leaders to govern on their behalf” (§12).

Carver’s Policy Governance Model for Non-profit Organizations is used as a starting point for the purposes of this research project. This model is only intended to create a foundation into which the principle of incorporation of traditional governance can be infused. The National Center for First Nations Governance (2006) states: “the cases described...are innovative and visionary in their attempts to incorporate and renew traditional ideas, structures, philosophies and processes into contemporary governance” (p.18).

Recruiting board members for community justice committees may pose some

difficulty without monetary compensation in the initial stages, but over time it is to be hoped that the service the committee provides will minimize this problem. “Governance excellence requires members who can think conceptually and with a long term perspective, able to welcome a diversity of opinions but abide by group decisions” (Carver & Carver, 2001, ¶71). The capacity to develop and implement long term plans will serve to alleviate some of the day-to-day stressors as the committee begins to grow and function.

Transparency of the process must be entrenched in the board to ensure community participation. Carver and Carver (2001) refer to board members’ qualities by saying:

they must be able to speak on behalf of the ownership rather than merely from their own or some splinter group perspective. They must place organizational accountability above personal gratification. They must be able to view the board’s task of assuring performance at arm’s length - through setting expectations. (¶71)

#### Accountability

There is an undeniable requirement for the board to be accountable, which will assist in maintaining its integrity as well as ensuring longevity. A significant component of this process will be evaluation. As stated by Carver and Carver (2001),

we have said being accountable in leadership of the organization requires the board (1) to be definite about its performance expectations, (2) to assign these expectations clearly, and then (3) to check to see that the expectations are being met. (¶26)

This idea is further explored by Carver and Carver (2001) who state that “evaluation of performance is not extraneous to the board’s job. It is as integral to the board’s job as it is

to any manager’s” (¶75).

Due to the very nature of the role of a restorative justice committee, a subjective evaluation process will pose some problems in capturing its successes. Performance measures on a continual basis will serve to address the validity of the committee addressing the needs of the community. “Performance measures have both a quantity as well as a quality dimension; it usually is more feasible to measure quantity than quality. Despite this difficulty, the quality dimension should not be overlooked” (Anthony & Young, 2003, p. 632).

A simple quantitative measure of success and growth of the committee can be expressed as inputs versus outputs. Anthony and Young (2003) express it as: “although generally less desirable than a true output measure, inputs are often a better measure of output than no measure at all” (p. 635). In simpler terms, if the committee shows a steady increase in cases handled it can be viewed as an expanding community partner. On the qualitative side, the number of repeat clients can be used to track the quality and impact the committee is having.

## Training and Education

There must be a form of training put in place to ensure committee members are in sync with the purpose of the restorative justice committee. This initial training should be in capacity building to assist in engaging the community. The Institute on Governance (2005) indicate that: “they need a range of tools to help build joint solutions and think through how implementation can best be achieved. A precursor to engaging citizens in policy development must be clear communications around mutual responsibilities” (¶25).

Creating a focus on capacity building at the outset will reap great benefits as the committee grows. This capacity building will assist in generating specific terms of reference as well as defining roles and responsibilities for committee members and the committee as a whole.

This section has discussed the organizational culture of the RCMP, the influences that affect the culture and changes to the culture and their effects. Restorative justice has been examined from a historical perspective as it relates to the RCMP and the impact that restorative justice will have on the national police force. Governance has been examined for the benefits that can accrue at the community level. Stability of the process was also considered under governance.

### CHAPTER 3. CONDUCT OF ACTION RESEARCH PROJECT

This chapter will look at the research conducted in a manner that will attempt to answer the research question. How can the RCMP in Manitoba collaboratively facilitate the development of a template for establishing restorative justice committees for First Nation communities? The primary research method used is action research utilizing qualitative and quantitative analysis.

The intent of action research is to identify phenomenon, gather data and, based on this, take action. Action research, when used as it best, acknowledges the Aboriginal way of knowing and doing. It allows Aboriginal people living in a vast geographic region to have input into the research process in a meaningful manner. This process lend itself well to bridging the gap between an academic study and engaging those who have little regard for yet another academic study.



## Research Approach

This research project provides some focus to explore the advantages and disadvantages of a restorative justice template directed specifically to First Nation communities in the Province of Manitoba. The question guiding the research was, “How can the RCMP in Manitoba collaboratively facilitate the development of a template for establishing restorative justice committees for First Nation communities?”

Action research is a perfect vehicle to ascertain the breadth of the disparity between the formal court process and the communities involved. Action research is humanistic in approach to facilitate problem solving with all of the stakeholders being involved. As Stringer (1999) writes,

That action research may not conform to conventional criteria of research rigor is much less important than that it takes a democratic, empowering and humanizing approach; assists locals in extending their own understanding of their situations; and helps them to resolve the problems they see as important. (p. xvii)

The idea of identifying and focusing on a problem from an inclusive and participatory perspective has been validated by the recent changes in perspective from that academic community. With the endorsement of the academic community, action-based research has emerged as a legitimate research medium. “Its purpose is to assist people in extending their understanding of their situation and thus [help] in resolving problems” (Stringer, 1995, p 10).

The very nature of the action research process is conducive to this research from many perspectives. The primary reasons are harmonious with the Aboriginal culture,

such as openness and inclusiveness and, more recently, the focus on self-determination. Stringer (1999) states: “community-based action research focuses on methods and techniques of inquiry that take into account people’s history, culture, inter-actional practices, and emotional lives” (p. 17). The mandate for adoption of alternate justice models by the justice system can serve as a starting point for the collaborative process, the process of Appreciative Inquiry which will serve to bring the positives forward and alleviate the need to dwell on what has not worked. Appreciative Inquiry is a great format with which to build on the research conducted in a parallel manner in other jurisdictions.

When mind mapping through a shared experience, the research can restore clarity to the problem. “As they rigorously explore and reflect on their situation together, they can repudiate social myths, misconceptions, and misrepresentations and formulate more constructive analysis of their situation” (Stringer, 1999, p. 10). Utilizing this process can overcome the many misconceptions in the restorative justice paradigm, specifically its relation to First Nation communities. The partnerships that will be developed with local and provincial agencies will enhance the strategic direction the development of restorative justice committees will pursue. The model of action research lends itself well to data acquisition from both a qualitative and quantitative perspective. Qualitative research is a valuable process when conducting research immersed in the Aboriginal paradigm due to the congruence with oral analysis versus written analysis. Quantitative research had a defined role to play within the scope of the research and the relative number of participants, stakeholders and affected communities as well as the subsequent data analysis.

*Project Participants*

This study draws from several sources: (1) Appreciative Inquiry telephone interviews with two probation officers, (2) face-to-face interviews with three elected officials from First Nation communities who hold a justice portfolio, (3) an electronic survey with the Aboriginal Court Service Workers as well as the Crown Attorneys involved in the Circuit Court process and (4) a focus group with six detachment members.

Appreciative Inquiry (AI) was chosen as it is a positive first step in utilizing a positive approach to moving forward and building on previous successes. Utilization of AI helps to foster a positive mindset for the current challenges being faced. Recognizing previous problems are important but AI is not used as a problem solving model.

Utilization of AI acknowledges problems and moves forward on what can work and builds on these processes. This participatory approach engages an optimistic mindset in acknowledging what was wrong and yet focuses on what is right and builds upon it.

Appreciative Inquiry telephone interviews were conducted to assist with scoping realities of the Court process. The conversational nature of this method of inquiry translated into meaningful qualitative data. The participants for the Appreciative Inquiry telephone interviews were two probation officers working in two First Nation communities that have a local probation officer. Appreciative Inquiry interviews were elected to be done with the local probation officers due to their intimate knowledge of local justice issues. These participants were selected from different geographic regions of the Province of Manitoba to ensure a cross section of life experiences. Telephone inquiries were conducted due to the geographic distribution of participants.

Face-to-face interviews were specifically conducted with three elected representatives in First Nation communities from three distinct geographic regions of the province. The participants for the face-to-face interviews were selected from First Nation communities with restorative justice committees in varying stages of implementation. The target participants were the elected board members who currently hold the justice portfolio from three separate First Nation communities. The selection of the representatives of the First Nation communities drew on the resources of the communities through these persons, as they are the frontline connection to the police and justice system within their communities. These officials, holding the justice portfolio, are in direct communication with the people of the region who have specific concerns with the Circuit Court system. These participants bring their own worldviews to the table, as well as those of their constituents.

The electronic survey participants were the staff in the Aboriginal Court Workers Program. The personnel within this program work out of the main Provincial Court offices in the City of Winnipeg and travel with the Court parties to the various communities to provide their service. Although few in number, this group is very aware of the trials and tribulations of Circuit Court and can speak from first-hand knowledge. All members of this group were asked to participate in this survey. The electronic survey was also sent to the justice officials in the Circuit Court system. The Crown Attorneys who are currently active in the Circuit Courts were also asked to be participants in the survey. Their intimate professional knowledge must be incorporated in the research to have a true understanding of the process.

The groups of six participants selected for the electronic surveys consisted of a

group of Aboriginal Court Workers as well as active Circuit Crown Attorneys. These participants were randomly selected by their department managers to further ensure their anonymity. The two groups are an integral part of the Circuit Court program and have many experiences and views that could only enhance this research project. There were no specifics regarding race, gender or years of service provided to the department heads as to who should be invited to participate. The only stipulation was that the selected participants be currently involved in the Circuit Court process.

The participants for the focus group were selected by virtue of their primary service delivery to First Nation communities. The attending participants varied in years of employment as police officers from 2 years to twenty plus years, so they brought a wide range of experience to the process. The only stipulation to the participants was that they were currently providing front line policing services to a First Nation community.

## Research Methods and Tools

As the RCMP are going to be taking a lead role in implementing this process, it was necessary to involve front line police officers to get their opinions. This process served well in garnering personal opinions and responses borne out of the RCMP culture.

This research utilized a number of methods of data collection: Appreciative Inquiry telephone interviews, face-to-face interviews, focus groups, as well as electronic surveys. The need to utilize more than one method of data collection speaks to the diversity of the research participants, as well as the geographic imperative, to achieve a balance of participants within the province.

## Study Conduct

### *Appreciative Inquiry Interview*

The data gathered from the initial informal interviews was in the form of Appreciative Inquiry (AI). Cooperrider, Whitney and Starvos (2003) state, “AI begins by identifying what is positive and connecting to it in ways that heighten energy and vision for change” (p. xvii).

Appreciative Inquiry (AI) was utilized at the outset of this research to develop the foundation that would initiate and sustain the process as it moves forward. “AI is based on the simple assumption that every organization has something that works well and these strengths can be a starting point for creating positive change” (Cooperrider, Whitney, & Starvos, 2003, p.3). This qualitative approach allowed participants to express their worldviews, their hopes and dreams, building a foundation for and a sense of connectedness to the other method which follows.

Cooperrider, Whitney, and Starvos, (2003) view AI as a cyclical process with the four stages overlapping one another and referred to as the four “Ds.” The four “Ds” are as follows:

1. Discovery, in which the participant engages in positive dialogue which turns to consensus.
2. Dream is the stepping-stone from discovery which should serve to enhance the discovery to limitless possibilities, that is to say it presents a focus of realistic possibilities.
3. Design is the construction phase of the previous two stages where the successes of your organization and like organizations are used as strategic focuses while being grounded in realities.
4. Destiny delivers the discovery with a renewed vision. Discovery is the verbal engagement of a general area and destiny focuses it into a reality-

based process. (pp. 6-7)

The notion of taking only the positives forward will rejuvenate those stakeholders who will inspire and share in the dream as we look forward to community ownership.

Due to geographic limitations, the information obtained during the Appreciative Inquiry interview was gathered through telephone discussions. The participants were contacted by telephone and the researcher identified himself and gave an overview of the intended discussions. Once verbal consent was obtained, a consent form was faxed for signature and returned prior to engaging in any discussion (see Appendix A). The participant was verbally advised of his/her right to withdraw without prejudice at any time. The questions focused on the suitability and effective of the current court process (see Appendix B). There was also some discussion on the benefits of a restorative justice committee. The data was gathered in the form of field notes and the participant was provided an opportunity to validate the data via facsimile transmission. The utilization of the Appreciative Inquiry method served as a foundation to initiate the questions utilized in conducting the research.



*Face to Face Interviews*

The face-to-face interview process was instrumental in gathering data from the elected officials in a truly meaningful fashion. Kirby and McKenna (1989) state: “good questions are the hallmark of good research” (p. 121), so it was imperative to develop meaningful questions in a meaningful manner to promote discussion rather than attempt to get answers. The interview process was conducted with three elected officials from the three distinct regions of the province. These recognized gatekeepers of the community social affairs were consulted to gather information that is unique to their communities. The face-to-face interview process employed a qualitative method of data collection. This, combined with quantitative data collection, brought the human-centered approach to the forefront, capturing the essence of thoughts and perceptions, contrasted with hard data.

The interviews were conducted at a site chosen by the participant in an attempt to alleviate some of the power differential, real or imagined. This was an important factor to consider due to the nature of the researcher’s position as a police officer and the preconceived prejudices that might have been present. Prior to conducting the interview, free and informed consent was discussed. A consent release form was signed by the participant prior to the start of the interview (see Appendix C). The participants were advised of their right to withdraw at any time without prejudice. Although the interviews were designated as formal, the data collection method was comprised of the researcher taking field notes and summarizing them. The summarized field notes were then relayed back to the interviewee for validation. Appendix D lists the questions utilized in the face to face interviews.

This methodology provided the basis of information for the survey questions. The questions were peer reviewed by a Human Resources Director of a non-profit organization that deals almost exclusively with First Nation clientele. A release form and a copy of the initial Abstract were provided and the option was offered for the participants to view the Request for Ethical Review submitted to Royal Roads University. All participants were reminded of anonymity, confidentiality and their right to withdraw without prejudice at any time.

*Electronic Surveys*

Two electronic surveys were conducted and all survey participants were provided an electronic copy of the free and informed consent form with direction also provided to the department head to provide an explanation consistent with the ethics policy also provided (see Appendix E) . The free and informed consent forms were then forwarded back to the researcher via facsimile. The data gathered through the two interview processes were analyzed to develop core themes. These themes were used to create questions for the electronic survey. The electronic survey contained both qualitative and quantitative questions (see Appendix F). The survey was sent via email to the Director of Aboriginal Court Services for the Province of Manitoba for review. The review process ensured it did not provide any degree of conflict with the mandate of the Court Workers Program.

The Director of the Aboriginal Court Workers Program selected the participants from within the organization and forwarded the survey to them. This process was undertaken to help facilitate the integrity of the survey as well as to help ensure the guarantee of the respondents' remaining anonymous. The program has only a small number of workers and, by the very nature of their role; they are in contact with a large number of First Nation communities. This process captured a great deal of timely data. The survey participants had their anonymity further guaranteed by the utilization of an online survey tool.

A second electronic survey was prepared and a link on the World Wide Web was forwarded to a Senior Crown Attorney for review prior to sending it out to Circuit Court Crown Attorneys. This process was undertaken to help facilitate the integrity of the

survey as well as to help ensure the guarantee of the respondents’ remaining anonymous as the participants were chosen by the Senior Crown Attorney.

The questions for the survey were peer reviewed for clarity by the Human Resources Director of an Aboriginal non-profit organization. The survey was pilot tested on 3 members of the RCMP in two detachments different from the focus group participants. This process validated the questions as well as the survey instrument (see Appendix G ).

### *Focus Group*

The research was to capitalize on a meeting convened for other matters such as training course or meeting. The need for obtaining the participants for the focus group that has been convened for another matter is a simple matter of logistics. The geography and work locations are not conducive to gathering participants specifically for this focus group. The intent of capturing the data from the interviews as well the utilization of AI is to provide the fodder for generating dialogue in an engaging manner with members of the RCMP. This initial approach to conducting the focus group did not work as anticipated and is addressed in the scope and limitations portion of this report. The initial focus group was to be conducted at RCMP Headquarters with participants of a course for detachment commanders. Due to the heavy workload and assigned evening assignments there were no participants able to volunteer.

The idea of incorporating the worldviews of others was instrumental in designing the theoretical constructs for meaningful dialogue while incorporating AI to maintain a positive focus. The focus group was comprised of six detachment members from selected detachments whose primary function is service delivery to First Nation communities. The focus group consisted of all male RCMP members for no reason other than availability. The focus group was conducted in the RCMP Detachment in The Pas, Manitoba and lasted approximately 3 hours. In order to facilitate the process a retired RCMP member was retained as a scribe. His knowledge of terminology and vast experiences contributed to a greater understanding of the ideas being put forth by the focus group. The focus group participants were advised of their right to withdraw without prejudice and were provided with a consent release form which each signed prior to the start of focus group

(see Appendix H) There were a few concerns with conducting a focus group session that the researcher had to be cognizant of and that included the researcher’s conceptual baggage, as well as groupthink by the participants. Being aware of these possible influencing factors prior to initiating a focus group ensured validity of the process. The chronological flow of research continued with this systematic process, which built on the information in a progressive fashion as we moved into the survey portion. The focus group provided an insight from the perspective of the “gatekeepers” of First Nation Communities which was themed and used as a guide to develop the electronic survey.

“Gathering data is easy: gathering meaningful data is a whole other challenge” (Palys, 2003, p. 150). The notion of amassing data and determining themes via the focus group is a task that must be conducted with great attention to detail to capture the essence of the discussion. The time and place of the focus group had an indeterminable effect on the level of engagement of the participants. As a facilitator, one must be cognizant of these influences upon a focus group. The researcher provided an outline of his intended research to the participants and sought volunteers, ensuring a group of interested participants with a mix of views (see Appendix I).

## Data Analysis

Once the researcher obtained the raw data, he removed all identifying information that referred to specific locations, including geographic regions of the province, due to their distinctive nature. Data analysis was constantly conducted as an ongoing process throughout the data collection. This was a necessary course of action to provide feedback in a timely manner to participants to make certain the data was congruent with the information provided. Glesne (1999) states: “data analysis done simultaneously with data collection enables you to focus and shape the study as it proceeds” (p. 130). The ongoing data analysis helped to theme the data for consistency and assist in sustaining the process. “Data analysis involves organizing what you have seen, heard and read so that you can make sense of what you have learned” (p.130). This research lent itself well to this process by the multi-method approach undertaken.

The researcher themed data from initial telephone interviews and made field notes. These field notes were transcribed for ease of reading and forwarded back to the interview participants for validation. The validation process provided an opportunity for participants to ensure their ideas and thoughts were captured with no misinterpretation. This process ensured the authenticity of the researcher and the participant and also validated their input.

Utilization of Appreciative Inquiry interview during the process of keeping field notes continued the research in a positive manner. The benefits of utilizing Appreciative Inquiry interview within this research were many. The benefits of bringing the positives forward while acknowledging the not so positives brought an overall positive spin to the

research, which helped promote involvement.

Review and developing themes or commonalities from field notes or rough notes from formal interviews provided the basis for developing a guide to help facilitate the focus groups. The themes were presented back to the interview participants to ensure validity for their perspective.

Field notes from focus groups were in rough format in an attempt to capture the rawest data while simultaneously facilitating the focus group. These data were also presented back to the participants in a written manner that was easiest for the participants to understand. The written format was developed into themes that were consistent with the formal interview process.

The themes developed up to this stage helped the development of the electronic survey. A commercial survey instrument was used to facilitate the development and delivery of the electronic survey. Zoomerang, an electronic survey tool was employed due to its ease of use and the need to acquire data in an anonymous manner from a vast geographical region.

Compilation and analysis of electronic survey data was completed by the researcher. These data were brought forward with the data from the formal interviews, focus groups and telephone interviews, then compared to and contrasted against one another. The analysis not only sought common themes, but also looked for anomalies that must be recognized.

Additional data outside the scope of research was examined for relevance. This included previous studies and personal communications with others in the justice field as well as fellow police officers from other provinces and elected official from First Nation



communities. There was data that is outside the developed themes and these also had to be examined to determine any possible significance to the research as a whole. The consistency of the respondents to the questions posed by the researcher brought the few contrary responses to the fore. These were determined to be contrary due to misunderstanding of the question.

Triangulation method of data analysis was the dominant method of ensuring the validity and consistency of interpretation. Triangulation is a process whereby data is compared and contrasted from various methods of data collection. Berg (2004) speaks to triangulation as,

Every method is a line of sight directed to the same point, observing social and symbolic reality. By combining several lines of sight directed towards the same point, researchers obtain a better more substantive picture of reality; a richer, more complete array of symbols and theoretical concepts; and a means of verifying these elements. The use of multiple lines of sight is frequently called triangulation. (p. 5)

With the various methods of data collection utilized for this research project and the on-going validation by the participants, the data stands on its own reliability. The data were compared to one another and the relevance to the research question. Combining “several lines of sight directed towards the same point” (Berg, 2004, p. 5), validated the data analysis conducted by the researcher.

The community-based action research process that was utilized for this research was comprised of different types of Participatory Inquiry. Stringer (1999) views community-based action research as the one that intends “to concede the limitations of expert knowledge and to acknowledge the competence, understanding and wisdom of ordinary people” (p. 167). The data collected were both qualitative and quantitative. “Research is a systematic and rigorous inquiry or investigation that enables people to

understand the nature of problematic events or phenomena” (p. 5). Analyzing qualitative data is a very creative process. It consists of reviewing the collected data and constructing meaning and structure.

The analysis was begun by identifying common themes. The themes were then contrasted against one another and further refined. Taking the additional step in re-theming proved useful in highlighting data that would be viewed as being contrary to the developed themes. The actual process of developing themes was threaded together by the researcher as part as the continuous interpretation of the collected data. Stringer (1999) describes this process by saying, “Interpretation builds on description through conceptual frameworks – definitions and frameworks of meaning – that enable participants to make better sense of their experiences” (p. 90). The process of interpretation is not one that lies solely in the hands of the researcher as many would postulate. Further, as Palys (2003) states, in this inductive interpretation of raw data, “researchers should listen to their informants, aiming to understand categories and theoretical dimensions from the perspective of their informants’ experience and to incorporate those understandings into their analysis, rather than relying exclusively on theoretical categories imposed from the outside” (pp. 11-12).

Quantitative data analysis is generally viewed as the more scientific approach to data analysis. Palys (2003) refers to this as “the sort of data that are characteristic of quantitative research, that is, structured, systematically derived data amenable to aggregation and analysis” (p. 336). Qualitative analysis was used in both surveys that were presented, in concert with qualitative analysis. The quantitative analysis was utilized to gather the number of responses in the raw data, then compared and contrasted

to the qualifying comments. Palys (2003) makes reference to this as follows: “numbers are a fact of life. They are also a tool of social science in the same way they are a tool of every day life. They help us describe, make comparisons, and express relationships” (p. 336).

Establishing the validity of research findings is of utmost importance. Validity and trustworthiness of the research can be established by credibility through prolonged engagement with participants and verification of information through triangulation, participant verification of information accuracy, as well as peer evaluation with fellow researchers to ensure the defined research protocol was adhered to. Transferability is established by describing the means to apply the research findings to other contexts. Dependability and confirmability are provided through an audit trail such as the concept proposal and research log (Stringer, 1999).

## Ethical Issues

One of the ethical challenges encountered pertained to the choice of the sponsor from the researcher's organization. The first person considered for a sponsor was the researcher's District Area Officer in Charge, but he transferred to another department. The researcher then approached the Officer in Charge of Community, Contract and Aboriginal Policing Section (OIC-CCAPS) to consider acting as project sponsor. After the researcher made a short presentation of the major project proposal and discussed the sponsor's role, the OIC-CCAPS posed a question of ethics, based upon the fact that he and the researcher are brothers. The researcher advised the potential sponsor that research had been done through the Royal Roads handbook and there was no indication that the familial relationship would pose an ethical dilemma, whereupon he agreed to act as project co-sponsor. Additionally, to overcome any perception of researcher bias based on the relationship between the researcher and the sponsor, the Commanding Officer of “D” Division was asked to become a co-sponsor. Together, the two co-sponsors bring with them a wide-ranging policing experience with First Nation people at a local as well as national level.

Another issue pertained to the reporting procedures. The researcher advised the co-sponsors that, in order to keep them informally abreast of the direction of his Major Project (MP), he would forward complete assignments for their perusal. This would benefit both the researcher and the co-sponsors as they would be up-to-date on the MP and could use it to track resources and internal documents of which the researcher would not otherwise be aware.

The fact that the researcher had the access to information that would otherwise not be readily available; e.g., being given an opportunity to view internal documents and memos that are not for the general police membership, posed another ethics challenge. A related consideration was the perception of others as to any impropriety, had the researcher’s brother acted in sole capacity as sponsor. “You may gain access to intimate information given to you in the context of friendship rather than your researcher role” (Glesne, 1999, p. 121). To be aware of this prior to initiating any research helped to alleviate the misguided perceptions of others and assisted in the securing of a co-sponsor.

The Tri-Council Policy Statement (Government of Canada, 2005), states that “respect for human dignity entails high ethical obligations towards vulnerable persons” (p. i.5). There are special considerations to which one must adhere in terms of obtaining free and informed consent from vulnerable persons. Subject to applicable legal requirements, individuals who are not legally competent shall only be asked to become research subjects when:

- 1) The research question can only be addressed using individuals within the identified group(s); and
- 2) Free and informed consent will be sought from their authorized representative(s); and
- 3) The research does not expose them to more than minimal risks without the potential for direct benefits for them. (p. 37)

This further shows a legal obligation as well as an ethical obligation to research participants, therefore there are special considerations to which one must adhere in terms

of obtaining free and informed consent from vulnerable persons who are those who have diminished competence or decision-making ability. This research did not conduct any form of research with vulnerable persons.

In addition, The Tri-Council Policy Statement (Government of Canada, 2005) outlines that “respect for human dignity also implies the principles of respect for privacy and confidentiality. In many cultures, privacy and confidentiality are considered fundamental to human dignity” (p. i.5). This component is extremely important to ensure the anonymity of participants as well as to safeguard their personal information. The loss of control of personal information would be catastrophic to the participants as well as the integrity of the research and researcher.

There are rarely right and wrong ethical answers ... researchers and participants are individual human beings who differ from one another, have different belief systems and value the ethical principles differently - because of the value systems they bring to the research. (Palys, 2003, p.103)

The principles of privacy and confidentiality must be acknowledged and ensured to the participants and re-enforced continually to the research participants. There must be assurances that they will not be identified through the analysis of the data collection process. The success of this research is rooted deep in the adherence to these guiding principles so as not to undermine the integrity of the research, researcher or the participants.

Tri-Council Policy Statement (Government of Canada, 2005), *Ethical Conduct for Research Involving Humans* outlines “respect for Justice and Inclusiveness: Justice connotes fairness and equity” (p. i.6). Justice and inclusiveness is an awareness of fairness and equity, that is to say the researcher must create a balance to ensure those

who are unable to protect their interests are not exploited and yet not show prejudice to those of who have the most to gain. The choice of research participants was designed to represent the three geographic areas served by the Circuit Courts in an attempt ensure inclusiveness. The researcher had to remain cognizant of the importance of justice and inclusiveness to gather the required knowledge and remain impartial and accountable.

The Tri-Council Policy Statement (Government of Canada, 2005), further states: “balancing harms and benefits: the analysis, balance and distribution of harms and benefits are critical to the ethics of human research” (p. i.6). As the harms-benefit balance can shift during the course of research, due in part to the acquiring of new knowledge, the researcher constantly conducted a harms-benefit analysis to maintain his ethical integrity and protect the welfare of research participants and reputations. The researcher did not capitalize on the views of a single participant to achieve beneficial results, and similarly did not ignore those participants who projected a contrasting viewpoint or anomaly.

“Respect for Human Dignity: The cardinal principle of modern research ethics ... is respect for human dignity. This principle aspires to protecting the multiple and interdependent interests of the person - from bodily to psychological to cultural integrity” (Government of Canada, 2005, p. i.5). This is more than a surface respect for the research participants as the research will have a lasting impact on their total being: physical, emotional and cultural. The researcher remained cognizant of this and accorded respect for human dignity at all times. The message being expressed by the participants must be accepted as an extension of them and treated, as they would expect, as if they were physically present.

Tri-Council Policy Statement (Government of Canada, 2005) also states:

Individuals are generally presumed to have the capacity and right to make free and informed decisions. Respect for persons thus means respecting the exercise of individual consent ... the principle of respect for persons translates into the dialogue, process, rights, duties and requirements for free and informed consent by the research subject. (p. i.5)

The researcher obtained written consent after having informed all participants of their rights. There are provisions that allow consent to be obtained in a manner other than written and were documented accordingly. Free and informed consent also comes with the right of the participant to withdraw from the research at any time without fear. All research participants either completed a signed informed consent form that had specific allowances made for their feedback or interpretation of their rights. The participants completing the electronic survey had their rights addressed on the first page prior to the survey. Those participants involved in telephone inquiry had the option of receiving the form electronically, via email or fax. The need to adhere to the ethical principles previously outlined was vital to the success of this research project. Attentiveness to these principles ensured that respect to the participants' view, through their lens, was valued.

The researcher ensured that his personal conceptual baggage did not dilute his diligence in maintaining these basic ethical principles. “‘Being ethical’ thus involves not simply following a set of rules but trying to find a way to resolve competing demands, balancing and trading off goods, and making decisions based on the perspective and best interests of our research process” (Palys, 2003, p. 103).

The researcher was also aware that quite often any ethical dilemmas he may have been in might not always have had clear-cut answers due to the evolution of the research



process. The ethical dilemmas anticipated related to the fact that the researcher is currently an RCMP officer and this could have caused some difficulty for research participants. In order to gather the knowledge from the participants' worldview of restorative justice without bias, this perceived power differential had to be alleviated. In order to ease the perception of authority, there were guidelines set and shared with all research participants relating to his role in the research process. He conducted research activities in a neutral site and dressed accordingly to help dissolve the perception of power, focusing on the role of a researcher.

A key factor was the awareness of the participants of free and informed consent. One of the ways this was overcome was a feedback document with their interpretation of the researcher's explanation of free and informed consent, used in conjunction with and not to replace a consent form. The researcher ensured he was aware of this possible conceptual baggage he brought to the research project because of his current job role and the fact that certain portions of the research were to be conducted in the “backyard.” He foresaw conceptual baggage as an important factor that had to be constantly checked to ensure a bias-free research project. The application of these ethical principles to this research project provided a stable, yet flexible foundation from which to build; flexible as there were provisions to encompass non-traditional methods of executing the research while still maintaining the integrity of the process.

## Conclusion

This chapter discussed the research approach, the project participants, the study conduct and the data analysis. The utilization of a multi-method approach was instrumental in ensuring the participants’ voices were heard. This approach was also the most feasible means to reach the participants. A brief overview was incorporated to each method to help show the focus of that particular research tool.

## CHAPTER 4. ACTION RESEARCH PROJECT RESULTS AND FINDINGS

This chapter presents the four instruments that were utilized for the investigation of the major project. The following instruments were used: literature review, Appreciative Inquiry, personal interviews, focus group and two electronic surveys. Each of these instruments is presented with an analysis and summary. Conclusions were reached through confirmation of themes that are presented and supported by the review of the literature. The scope and limitations of the research are also presented.

### Study Findings

This chapter represents the results of four instruments utilized for the community-based action research project. These instruments consisted of Appreciative Inquiry with two Probation Officers; personal interviews with elected officials who held the justice portfolio in three First Nation communities; electronic surveys with the Aboriginal Court Workers for the Province of Manitoba; Crown Attorneys who are active in the Circuit Court program; and a focus group consisting of RCMP members with various years of service who provide policing service to predominantly First Nation people.

The research question is: How can the RCMP in Manitoba collaboratively facilitate the development of a template for restorative justice committees in First Nation communities?

## Literature Review

A literature review was conducted within the separate context of the research question. The defining purpose of conducting the literature review is to determine the scope of the research as well as existing knowledge as it relates to the research question. Kumar (1999) believes that “literature review will help to understand the subject area better and thus help to conceptualize the research problem clearly and concisely” (p. 26). The literature review was conducted through Royal Roads library, The Royal Canadian Mounted Police Info Web, the World Wide Web, personal collections and the public library system. The literature review served to develop the theoretical framework in which the research was conducted.

The Appreciative Inquiry Process, face to face interviews, electronic surveys as well as the focus group were developed with basic themes in mind. These themes consisted of the following :

- i) gauging the level of support for the development of a restorative justice template;
- ii) determining the current level of support for a restorative justice initiative;
- iii) determining if there is room in a restorative justice template to incorporate local customs and traditions;
- iv) determining what are the major obstacle to implementing a restorative justice committee in a First Nation community;
- v) exploring the level of satisfaction with the current judicial process.

### Appreciative Inquiry Interview

In order to establish the practicality and scope of the additional data collection instruments, Appreciative Inquiry was instrumental at the initial stages in re-enforcing the theoretical framework which guided this research. As the starting point of Appreciative Inquiry is discovery, it was instrumental in engaging the participants and rejuvenating the researcher.

Conclusions were drawn through the confirmation of themes arrived at by utilizing both quantitative and qualitative data analysis and literature review. This chapter also presents the study conclusions and the scope of limitations of research.

The starting point for this research consisted of telephone contact with two probation officers who serve primarily First Nation communities. The main component of the Appreciative Inquiry was taking the high points and bringing these forward. The process did not ignore the low points which are recognized, as they must be, to seek the highest or most important positive points available. These questions were developed from the literature review and carried forward to compare and contrast responses. The questions were used as a starting point for generating dialogue. This approach was utilized to gain greater insight into the realities faced by those at the end of the Circuit Court process. The participants were only brought in as the Appreciative Inquiry progressed. This was a premeditated action to encourage dialogue with no preconceived responses. The researcher felt this would generate a more conversational communication as opposed to a telephone interview.

The conversation opened with an overview of who the researcher was and the

focus of his research. The questions posed to the probation officers followed with a brief summary of their responses and a general analysis. Once the formalities of information and faxing of consent forms were completed, the appreciative inquiry process began with three pre-formatted questions:

The first question was: In your opinion do you think the Circuit Courts adequately deal with minor offences in the community?

The consensus was that there “was no other option” (AI1). Participants indicated that “we must rely on the present Circuit Court system”(AI1). The conversations stimulated much discussion on having greater input from the community on a more frequent basis. The lack of consistent Court dates compounds the problem of lengthy Court delays to resolve even minor issues. A local justice committee could deal with matters in “real time,” that is to say more frequent and regular sittings at the community level would send many messages. These messages to the community would include: i) “We don’t have to wait for the circuit court to come and deal with this in the next couple of months. We can deal with it in a couple of weeks” (AI2), .ii) “We, the community representatives, will hold you accountable to your sanctions” (AI1), iii) “the process is not retributive and creates lines of communication to bring forward a genuine communication process” (AI2), iv) “We deal in repairing relationships, not enabling one to hide behind a very technical process of which little is understood by the main participants” (AI1), v) “provide a forum for both the victim and the offender to speak openly and honestly as to the cause (offender) and effect (victim)” (AI2).

As for the second question; “In your opinion, who do you think would benefit most from a local justice committee”?, and the third question; “In your opinion, do you

believe a restorative justice template should include a component that introduces local customs and traditions as part of its community-based solutions?”, the consensus was that “the success of any community-based restorative justice committee would be to incorporate traditions and customs that would reflect the community” (AI2). These are “not the contemporary customs but rather the traditional customs based on the community’s specific history” (AI2). Including “community-specific sanctions within these teachings serve to enhance the accountability of both the committee and the participants” (AI1). Implementation of these “traditional sanctions should be left solely to the community to develop” (AI1). Many Elders can bring these teachings to the table.

There will be many from outside the community who will view these types of sanctions as being lenient or showing favouritism to the community membership. There must be a process to bridge the gap and provide a forum whereby outsiders can be educated. This also holds true for the community members who are not cognizant of the teachings. Creating a learning environment with a purpose will bolster pride in all involved.

The Appreciative Inquiry process provided the necessary baseline information from which the research would develop. The questions posed to the participants deal with the status quo: Circuit Court and the beneficiaries of a restorative justice committee, as well as addressing the segment dealing with the incorporation of customs and traditions.

The passion expressed in these conversations was quite evident from the outset. The consensus was that the Circuit Court was currently the only process available. The Circuit Court process did not properly address the communities’ needs. One of the major concerns highlighted was that Circuit Court is a cumbersome process, fraught with

delays. The Circuit Court process lacked community involvement and this resulted in the whole process alienating the community. With the implementation of a community justice committee, there would be many benefits at the community level and community specific sanctions are instrumental in engaging the community.

At the local level, this process brought forward the needs of the victims and the effects of the offenders’ actions, in their own words and, at times, in their own language. “Dealing with matters in their own Aboriginal language is important to the local culture” (AI1). What was once a strictly Euro-Canadian process can be modified to allow the inclusion of local customs and traditions, validating the process while recognizing the uniqueness of each community.

The Appreciative Inquiry interviewees were unanimous in their belief that the current circuit court process is not dealing with many matters in a meaningful fashion. There is a need for a mechanism that incorporates the community in the justice process. The consensus was the “community involvement would be able to deal with many of the issues and the systemic problems associated with it” (AI1). This holistic approach to resolution brings a humanistic approach to it while building capacity to confront community specific issues. The community would benefit by incorporating its local resources and by doing so create inter-agency dialogue as well as ensuring a multi-agency approach to problem solving. The active participation of the community in matters that affect them most helps to create ownership in their destiny. This notion of ownership precipitates the “growth of pride and community solidarity” (AI2).

The incorporation of a local customs and traditions segment into the template will also serve to enhance and recognize the uniqueness of the individual communities. These



are not the contemporary customs but traditional customs based on the community’s specific history. This component will also serve to revitalize traditions and would serve as an educational tool for both internal and external partners in this concept. “Embracing one’s traditional and cultural uniqueness in today’s multi-cultural society not only brings strength it also encourages solidarity” (AI2). There are many Elders in most communities that can provide the necessary guidance to bring these teachings to fruition.

The Appreciative Inquiry conversations spoke to the victim, offender and the community with equal conviction. This forum provided an opportunity for all parties to communicate in their own Native language and be understood, “which creates an atmosphere of honesty” (AI1). This applied to both the victim and the offender. “This kind of honesty also provides a release for the victim to verbalize the true impact of the offender’s actions rather than through a written document summarized for the benefit of the Court”(AI1). This summary serves the Court as it is used to prove or disprove that an offence happened. This process leaves the victim’s salient points on the paper and not introduced. The emotional impact of the crime upon the victim is often not expressed through an impersonal paper document. As Palys (2003) explains: “reality is constructed by the experiences of participants, not just focusing on events and ranking their importance but exploring what led up to them and the impact they had” (p. 401).

The community becomes actively involved in matters that affect them the most. This type of participation creates ownership of their destiny. The notion of ownership precipitates the growth of pride. The consensus was that the benefits would be equal to all parties, the victim, the accused and the community.

The level of support for the development of a restorative justice template specific

to a First Nation Community fostered much support as indicated by the participants' comments. In the AI process the respondents unanimously indicated “the need to accept the First Nation community as a partner in the justice system” (A1,AI2). This need must be addressed at the government level in order to ensure the commitment of needed resources. The allocation of these resources would provide a “greater benefit than increased funding for incarceration” (AI2).

### *Face-to-Face Interviews*

Building on the Appreciative Inquiry process, the researcher moved to personal interviews with elected officials from three First Nation communities within the Province of Manitoba. This research method allowed the researcher to probe responses further to enhance the inquiry description received. The interviews were conducted in a semi-structured manner at the location of the interviewee’s choice. Questions were provided in advance to give the participant an opportunity to consider their responses. The questions were left open-ended to encourage dialogue, providing an opportunity for the participants to share their experience and world views.

The initial invitation was to four members of First Nation communities who were in varying stages of implementing restorative justice committees. All four readily agreed to be involved in this research project. One participant unfortunately had to withdraw at the last moment due to personal reasons. The remaining three interviewees were provided with the necessary documentation relating to consent and the researcher’s available Abstract, along with an invitation to review the authenticity of the research through an offered opportunity to review the Request for Ethical Review.

All the participants were provided with a copy of the questions beforehand. This provided an opportunity for them to reflect and prepare for the interview. The participants agreed to interviews at a mutually suitable location of their preference. This helped alleviate travel for both the researcher and the interviewee. The researcher will provide, for the purposes of this report, a summary of the responses.

The frustrations that were brought forward by the participants on behalf of their

constituents were apparent throughout the interview. There were many concerns brought forward with the most consistent ones being; “lengthy remands”, “offender based process” as well as “lack of any sort of resolution for the victim or the community.” The lengthy delay with “court-imposed sanctions perpetuated even more offences as well as showing a perceived disregard for the wishes of the community.” The continual remands cause many concerns for the community. These “lengthy delays result in apathy on the part of the victims, who feel there will be no meaningful resolution” at the end of the process. The current judicial process is focused toward the offender with little regard for the victim. Many remands perpetuate offences by the offender, as he/she usually has Court imposed sanctions. When a resolution is determined, the victim feels like “the only concerns taken into consideration were the offender’s.” The feedback from the community members reflects their negative feelings toward the Circuit Court process. These ideas are based on the disservice the current Circuit Court process provides. The perception is the “court gives out lenient sentences in order to alleviate the work load and this results in retribution to make up for the lack of meaningful sanctions.” This starts a cyclical process in which the victim now becomes the offender.

The participants are willing to assist in facilitating the implementation of a restorative justice committee in their community. The implementation of such a committee would “instil ownership within the community,” and “support any initiative that betters the community” (Interview 1 [I1]). The benefits to the community are many. Engaging the community allows for greater representation of the community which in turn, fosters ownership through an inclusive process. A restorative justice committee that works with the offender, allows Court time which is at a premium, to be devoted to more

serious matters that impact the community.

The face to face interviews reflected the need for implementing a segment that would allow for local customs and traditions would provide a view from the community’s perspective. Greater flexibility would be present due to the diversity of the teachings adopted as part of the restorative justice committee, “initiating a healing process earlier” (I1). The holistic nature of a restorative justice committee that utilizes local culture and traditions would have a greater impact on the participants.

The major obstacles in implementing a restorative justice committee include “lack of committed resources as well as a lack of community education and involvement.” The need for established guidelines, development of appropriate resources and engaging the community in a sustained manner to generate involvement while introducing ethical guidelines are of concern. “Lack of education of the community at large regarding the role justice committee and lack of community involvement” (I2), were identified as the major obstacles. It was felt that these obstacles could be overcome with education and showcasing the benefits of a restorative justice committee results. As every participant in the restorative justice committee process would benefit. “Dealing with the matter in a timely manner benefits the community immediately” (I3). The ripple effect would cause the community to realize benefits as well. These benefits will be achieved by “dealing with offences in a timely manner”, and the positive effects would be immediate.

The respondents felt that a restorative justice committee would promote accountability, which would serve to “promote healing instead of fostering anger for an extended period”(I2). Timely intervention by a restorative justice committee “would

ensure matters are dealt with in a satisfactory time frame”(I1). The community being able to deal with offences at a local level would foster a sense of community pride.

### Focus Group

The focus group was convened in The Pas, Manitoba. The participants were provided with release forms and a copy of the Abstract of the proposal. Prior to engaging the focus group, the researcher explained the basic premise behind a focus group. The participants were reminded their participation would be anonymous outside the actual group discussion. Their right to withdraw without prejudice was also verbally reinforced.

Initial questions were developed from the literature review and Appreciative Inquiry process. These questions were intentionally left open ended to encourage discussion. The focus group was conducted in an environment in which no RCMP rank was displayed by either the researcher or participants in order to eliminate any impression of power, real or imagined.

A scribe was utilized to record the data directly on a computer while the researcher facilitated the focus group discussion with the aid of flip charts. The questions were put to the focus group and the responses recorded on the flip chart and by the scribe. The responses were validated as the focus group progressed and will be presented as a summary.

The respondents felt referrals to a restorative justice committee could be made by any of the participants as long as it was a transparent process. In addition to the participants, the respondents felt that the community administrators should be able to refer matters for the restorative justice committee to act as a mediator to prevent

escalation of any issues.

The initial question put to the focus group was to determine their views on the need for a restorative justice committee. The response was unanimous in the support of such a committee. The focus of this question was to gauge the support of RCMP members who were service providers to First Nation communities. The discussions were very positive and recognized many benefits of a restorative justice committee. The common themes included accountability and creating dialogue between the offender and the victim in non-adversarial environments. “With a justice committee you get the human side of the offence and [that] creates interaction between the accused and the victim, there is more accountability; the accused is more accountable to the victim” (FG). The restorative justice committee provides an opportunity for both the offender and the victim to express themselves. This communication will allow for real solutions when the victims are given the opportunity to express his/her wishes. This dialogue would also prove useful in providing feedback to the community.

The consensus supported a local customs and traditions segment of a restorative justice committee template. This component would have to be developed at the grass roots level and would incorporate an education component. Identifying specific customs and traditions would be delegated to the community. “There would be numerous benefits derived from the process; education of the communities’ youth, education in local schools and education of the stakeholders” (FG). Cultural awareness could impact the scope of crime prevention to some extent. “Developing cultural and traditional awareness that could be introduced in the schools; that is done in the schools if you have a template for a specific community” (FG). This speaks to the need to promoting cultural awareness

in all aspects of community life not solely for the purposes of the restorative justice process “have cultural awareness pre-offence; if they know about their cultural awareness and traditions it would work [but] if not then it won’t work” (FG).

### Electronic Survey

There were two surveys utilized in this research. The surveys were developed based on qualitative and quantitative constructs governed by the literature review.

The surveys were presented electronically to the two department heads together with an electronic copy of the Request for Ethical Review. The available version of the researcher’s Abstract was also provided. The researcher chose this method due to the distant geographic regions of the province.

The department heads were asked to view the survey to ensure it did not violate any of their policies or cause conflict with their mandate. The surveys were sent to those involved in the current Circuit Court. The survey returns were lower than projected and this issue will be addressed in the scope and limitations of the research. The link to access the electronic survey was initially sent to the Senior Crown Attorney who upon completing his review forwarded it to 11 Crown Attorneys.

The survey of the Crown Attorneys (S1) and Aboriginal Court Workers (S2) provided an excellent opportunity to gather data from a large and diverse group representing a vast geographic region. All regional identifiers and personal data were omitted. This anonymity provided an opportunity for the respondents to be forthcoming in their responses.

The survey was initially developed on the basis of the literature review. The



survey questions were further refined as a result of the Appreciative Inquiry process. The researcher determined at the outset that, in order to capture both the professional and layperson perspectives over such a huge geographic region, two surveys would have to be completed. This would allow the researcher greater latitude to examine the correlative aspects of this form of inquiry. The questions were peer reviewed by the Human Resources Director of an Aboriginal non-profit organization and forwarded to the departmental heads to review and ascertain that there would be no conflict with their policies or mandates.

The survey questions were also pilot tested on RCMP members from three detachments, at which time their involvement ended. This process further validated the questions as well as the survey instrument.

Upon the approval of the Director of Aboriginal Court Services, the surveys were forwarded to the Aboriginal Court Workers in each geographic region of the province. For the purposes of this research the regions were: North Region, Southeast Region, Southwest Region, Interlake Region and Norman Region. Each of these regions has more than one worker and this was valuable in ensuring anonymity. No information reflected in the raw data or subsequent analysis was collected to ensure anonymity of the respondents. Seven people viewed the survey. One was the Director who perused it for any potential conflicts that might have arisen.

The survey instrument was developed to seek both a layperson's perspective as well as a professional point of view on the current Circuit Court system. The survey was utilized to determine appropriateness as well as to gauge support for a community-based restorative justice program within the First Nation community. The survey was presented

to both the Aboriginal Court Workers for the Province of Manitoba and the legal community who are directly involved in the Circuit Court program.

The surveys were developed to gain a greater understanding and analysis of opinions of those actively involved with in the judicial process. The questions for the surveys were developed as result of the literature review as well as information obtained through the Appreciative Inquiry process. The questions in the survey were presented to the managers of each of these departments to provide a field analysis prior to actual deployment. This field analysis had specific focus on determining any bias within the question as well as the answer options. Those that field-tested the questions were not participants in the actual survey. Once a field test was completed, the appropriate managers deployed the surveys. The surveys were presented with Zoomerang Surveys, an online survey tool to ensure anonymity of the respondents.

For the purposes of analysis of the survey instrument, the researcher did a question-by-question analysis of the responses made by each group individually and then collated them into group responses.

The respondents unanimously support the restorative justice committee’s being able to deal adequately with minor offences. One respondent goes as far as saying it is “more than adequate, often better than Court” (S1). The responses unanimously support the idea that a community restorative justice committee would be cognizant of local circumstances, which is of immeasurable value. This local knowledge would have a greater impact on the participants. Dealing with matters at the local level ensures ownership as well as “closure for victims in a timely manner” (S2). The majority of the respondents acknowledge the role of a restorative justice committee would be

meaningful. The respondents acknowledge the fact that the officers of the Court represent the community. The restorative justice committee creates a sense of intimacy because of the involvement of community members. The lone dissident felt there were already “too many voices heard in the process” (S1).

The respondents unanimously indicate that there is room for a local restorative justice committee to work in a complementary manner with the current judicial process. This harmonious relationship would provide an opportunity to bring about cultural awareness and sensitivity that is community specific. This education process would also assist in recognizing and bringing to life the community’s history (S2). The respondents unanimously indicate the need to accept the First Nation community as a partner in the justice system. This need must be addressed at the government level in order to ensure the commitment of needed resources. The allocation of these resources would provide a greater benefit than increased funding for incarceration “allocate the appropriate resources instead of funding incarceration” (S1).

The majority of these responses support a segment of the template being left open for addressing the committees’ specific sanctions. This segment could be key to its success. This segment could impact the rate of recidivism. The contrary response identified the fact that local customs and traditions are just that, local customs and traditions. The quantitative response indicates support this statement as 100% of the respondents felt this was a necessary component to help each First Nation community deal with matters at a level that was specific to their local history. (S2). The respondents unanimously acknowledged the importance of ensuring that local customs and traditions are incorporated. This further supports the notion that there must be a component of the

template left open for the communities to develop in accordance with their own traditions (S2). The respondents unanimously support the benefits that would be realized as the result of a restorative justice committee. The committee could harmonize the “victim-offender relationship in a manner that is consistent with Aboriginal beliefs” (S2).

The respondents did not deal specific issues in relation to obstacles in the community instead they dealt with obstacles that maybe encountered from their perspective. The respondents support working in a collaborative environment with the current Circuit Court. This will involve some growing pains through the transition. Once the transition is accomplished, there will be lingering issues that will have to be addressed, such as the restorative justice committee accepting its new role and the Circuit Court relinquishing some of its control.

## Study Conclusions

The finding of greatest significance during the scope of this research was the near unanimous support for the development of a restorative justice template. This finding is supported by all methods of research applied to this project. The support for such an initiative seemed to be at a standstill waiting for a driver to initiate the process. During this research as identified in the research question, the RCMP in Manitoba would be this agent of change.

The underlying principle of this research was to explore the feasibility of the collaborative facilitation of the development of restorative justice template by the RCMP in Manitoba resonated with the research participants in a very positive manner. The lay person as well as representatives of the current judicial process recognized the shortcomings real or perceived. The study found there was a greater need to engage the affected communities and its resources. This will ensure stability as well as bringing about a dimension of capacity building.

Initiating this process, the RCMP would help cement existing bonds as well as renew working relationships with its community partners. Assuming a share of the legal system burden would provide many spin-off benefits for the organization. The Strategic Priorities would be reflected in relation to capacity-building, alternative forms of justice and Aboriginal specific initiatives. Collaborative participation between the RCMP partners and the community would build better relationships.

Local resources are sufficient in most communities, but are relatively dormant. Engaging these resources and activating them in the community would assist in making

the restorative justice committee a functional entity in the community. Involving the greatest number of local resources will ensure that there are enough committed participants to assist in dealing with community-based sanctions. These positive benefits would help the RCMP to foster its Strategic Priorities as it engages the community in a collaborative solution.

Cultural awareness would be specific to the community engaging in this initiative, as it is a portable template. The community restorative justice committee is made up of community persons who are familiar with the participants and this also encourages communication and ownership. The forum that is created by the community restorative justice committee is ideal for open and honest communication due to the absence of the retribution factor. This openness fosters accountability of the offender to the victim as well as to the community.

The RCMP should take the lead in creating a focused and spirited team to address the need for community restorative justice committees. This team approach produces benefits to all the stakeholders, specifically the Aboriginal community, as it provides a vehicle for utilizing community-specific sanctions with incorporated customs and traditions. The consensus supported by the research indicated the will to engage in restorative justice processes is present. The process only requires the RCMP to lead the charge in facilitating the collaborative development of a restorative justice template specific to First Nations communities.

## CHAPTER 5. RESEARCH IMPLICATIONS

### Study Recommendations

The focus of this research project was to address the following research question: How can the RCMP in Manitoba collaboratively facilitate the development of a template for establishing restorative justice committees for First Nation communities? This action research project utilized methods of data acquisition to prepare the recommendations. The data acquisition engaged full, rich participation from community members, the RCMP and other engaged in the daily mechanics of the justice system. Based on the knowledge and wisdom of all involved the recommendations honour their participation while acknowledging the limitation of financial resources. The financial limitations of the community and the RCMP are acknowledged and the recommendations are based what can provide the greatest positive impact without creating financial hardship. The recommendations are not based on creating another budget but rather reallocating existing resources in current budgets. This chapter addresses these recommendations, and is concluded by considering future research.

The researcher made the following recommendations based on the findings of this study, to the Project Sponsor, The Royal Canadian Mounted Police, “D” Division (Manitoba):

1. That the Officer in Charge of Community, Contract and Aboriginal Policing (OIC-CCAPS) examine the study and its findings with a view to implementing and facilitating the necessary resources to expand the

recommendations in a pro-active manner;

2. That the OIC-CCAPS review the existing Community Justice Forum Initiatives in a manner that allows RCMP “D” Division, with its partners, to move forward with the facilitation of the development of a restorative justice template for First Nation communities;
3. That the OIC-CCAPS seek to secure resources to fund an on-going training program for RCMP members to facilitate the development and implementation of community-based restorative justice committees.
4. That an appropriate Officer be designated to approach Manitoba Courts, Justice Division, to enlist their support and assistance in this initiative;
5. That the appropriate Officer-designate enlist the support, assistance and resources of the leaders of the umbrella organizations representing Manitoba’s Aboriginal people;
6. That the appropriate Officer-designate approach the appropriate Provincial Government department responsible for Justice to garner their support, assistance and financial resources to facilitate the development of a restorative justice template for First Nation communities;
7. That the RCMP in Manitoba continue to maintain its current respectful relationship with all Aboriginal people;
8. That the RCMP as an organization continues to recognize Aboriginal people with respect and create Aboriginal-specific initiatives and maintain this recognition within the Strategic Priorities.
9. Community Contract and Aboriginal Policing compile an inventory of First



Nation Communities with a Restorative Justice committee and its accompanying statistics.

10. OIC-CCAPS create a matrix with deadlines embedded as part of the framework for achieving these recommendations.
11. CCAPS develop and institute a system for reporting local restorative justice initiatives from the detachment level to the District level which will in turn report to the provincial level.

### Organizational Implementation

The scope of this study was somewhat limited by low numbers of participants. Despite the low numbers, the geographic selection of participants provided appropriate evidence to validate this study. This compilation of data and information made available to the RCMP “D” Division, Manitoba, creates a significant starting point for the implementation of the major project recommendations.

There are recommendations that do not come with significant financial costs attached. The basis of this research was to look at the project through a collaborative lens. With this process in mind, the costs can be borne by all the partners, which will alleviate some of the financial burden on the RCMP. The recommendations start with the RCMP “D” Division, Manitoba, in a leadership capacity, seeking both human and financial support from the stakeholders to support and drive this initiative.

The RCMP, as part of their approach to building an organization of excellence, uses a Pillar approach to provide specific methods to achieve this goal. This Pillar approach utilizes four Pillars which maintain the focus on managing its responses in a

changing environment. The collaborative leadership role are reflected in Pillar Three: “If we are to achieve our goals as an organization, we must build bridges with colleagues, partners and other governmental organizations, and the communities we serve” (RCMP Strategic Priorities, 2006, ¶3).

The organization’s Strategic Priorities, on a three-to-five year time projection, speak specifically to Aboriginal communities, stating,

Aboriginal Communities: [we must]...invest in the long-term wellness and safety of Aboriginal communities by being involved in initiatives surrounding education, employment, health and cultural development, at the same time, finding ways to prevent/resolve conflict by focusing on crime prevention partnerships, restorative justice processes and a holistic and culturally sensitive approach to problem solving. (Zacardelli, 2006b, ¶3)

These research recommendations are certainly in line with the Strategic Priorities of the organization.

Commissioner J. P. R. Murray (ret.), in his foreword to *The Community Justice Forum Canadian Resource Guide* (1998), states,

Restorative justice is a philosophy built on the cornerstone of community healing. Like community policing, it is a way of doing business differently. Unlike the current adversarial system, which is based in punishment, restorative justice encourages dialogue and responsible post-offence behaviour, while focusing on problem-solving and offender accountability. (p. 1)

The principle of restorative justice as a process integral to the RCMP is neither new nor unknown. Commissioner Zacardelli states, “In 2006-2007, I am asking you to achieve the objectives of strengthening partnerships, improved responsiveness and creative integration with greater intensity” (Zacardelli, 2006b, ¶5).

The organization can begin the task of reviewing and implementing the

recommendations immediately, as they pose no shift in its mandate or Strategic Initiatives. A strategic plan can be developed and adapted to fit the Balanced Scorecard process currently used by the RCMP. This process provides an opportunity to create milestones while ensuring ownership of the process.

## CHAPTER 6. LESSONS LEARNED

Many life lessons were learned throughout the process of conducting this research project. I found that there were many moments during the course of embarking on this learning journey when I felt I was at the breaking point. I came to realize, with the gentle persuasion of family and friends, that the breaking point can be stretched a bit by simply slowing myself down and re-focusing.

My family understood my commitment to re-kindling my passion for learning. My motivation level ebbed and flowed over the course of this project. Their uncanny ability to recognize a low period and rejuvenate my enthusiasm and energy was profound.

During the time of this project, I experienced many personal crises and it was only through the love and support of others that I was able to “soldier on.”

To undertake a project of this duration and magnitude and see it through to completion was, for me, a significant achievement. From an academic perspective, the faculty and fellow cohorts were always there for support and guidance. The act of asking for help from fellow cohort members was, at first, a humbling experience. The genuine manner in which help was given was a constant reminder that we must all help one another. What was at first humbling became a positive opportunity to engage others in my research.

I learned that I had not realized there are still segments of this community that are not in step with the current technology that many of us take for granted in urban centers. The lack of “techno-wizardry” hit me when, in the course of my work as an RCMP

officer in a remote northern Aboriginal community, I was forced to go to a slow speed internet dial-up system and could not upload large documents. This technological deficit resulted from a lack of infrastructure, not the individual.

I was encouraged by the willingness of the RCMP, “D” Division, Manitoba, to become involved in this research project. The participants were very accommodating and engaging. Their heartfelt rich dialogue brought validity to the research project. Throughout this project, I developed better communications skills and learned the value of careful listening. This has given me the opportunity to gain a greater understanding of the breadth and depth of dialogue. I have learned to read with a critical eye and developed a taste for academic writing. I have found myself to be in a very unique place: reading academic work and writing in an academic style on what I have learned from Aboriginal people who are masters of non-verbal communications. Throughout the MALT program, I was able to gain a greater understanding of myself, both as a follower and a leader. I was able to incorporate many of the new and refined abilities almost instantly. A promotion to the position of Detachment Commander in a small northern detachment proved to be very useful in implementing and monitoring these results. These lessons are a few of many that I will carry forward on my lifelong learning journey. This research project has also provided me with the opportunity to engage others in the lifelong learning process and share these gifts with them.

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APPENDIX A. CONSENT FORM FOR APPRECIATIVE INQUIRY INTERVIEW

Hello My name is Dennis DeLaronde and I would like to invite you to be a part of a research project that I am conducting. This project is part of the requirements a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, at Royal Roads University. My name is Dennis DeLaRonde and I am the detachment commander in Moose Lake Manitoba. My credentials with Royal Roads University can be established by telephoning Dr. Graham Dickson, Director, School of Leadership Studies, Royal Roads University 1877-778-8028.

My Major Project Co-sponsors are Assistant commissioner Darrell Madill Commanding Officer “D” Division and Inspector Conrad Delaronde, who is the Officer in Charge of Community Contract and Aboriginal Policing (CCAPS) for the RCMP in Manitoba. Inspector Delaronde is also my brother. I sought him as my sponsor due to his position within the RCMP as it would be CCAPS that would implement any recommendations that arise out of the research. I do not foresee any ethical dilemmas being brought forward as a result of this relationship. I have also sought Assistant Commissioner Madill as a co-sponsor to alleviate any perception of ethical bias on the part of the researcher.

In addition to submitting the final report to Royal Roads University and partial fulfillment for a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, I will also be sharing research findings with community contract and aboriginal policing section Manitoba division. In future the results of my research will be used for educational purposes such as continuing education or

information presentations.

This portion of the research project will deal with general conversation as it relates to restorative justice in a First Nations Community. This segment of the research is referred to as Appreciative Inquiry. Cooperrider, Whitney and Starvos (2003), refer to the initial stages of Appreciative Inquiry (AI) as “Ai begins by identifying what is positive and connecting it in ways that heighten energy and vision for change” (p.xvii).

This portion of my research project will consist of open ended questions in a one and one telephone conversation format and is expected to last approximately ½ hour in length. This information will be recorded in handwritten format and will be appropriately summarized in anonymous format in the body of the final report. At no time will any specific information be attributed to any individual. It is anticipated that a short debriefing will be conducted to validate the data obtained.

The result of the final report will be made available by way of electronic copy to the participants upon request. The final report will be housed at Royal Roads University. I anticipate utilizing the data within the context of the report to write an article for publication as well as educational purposes.

I do not anticipate any conflict of interest in the scope of this research project.

You’re not compelled to participate in this research project. You are free to withdraw at anytime without prejudice. If you choose not to participate in this research project, this information will also be maintained in confidence. Prior to the commencement of this focus group session I am available to discuss any of your concerns regarding this process.

Would you be interested in taking part in this research project?

YES \_\_\_\_\_ NO \_\_\_\_\_

Please fax your response to me at 1-204-xxx-xxx or email at xxx@xxxx.ca.

Sincerely,

Dennis DeLarondet

APPENDIX B. QUESTIONS FOR APPRECIATIVE INQUIRY TELEPHONE INTERVIEW

1. In your opinion do you think the Circuit Courts adequately deal with minor offences in the community?
2. In your opinion, who do you think would benefit most from a local justice committee?
3. In your opinion, do you believe a restorative justice template should include a component that introduces local customs and traditions as part of its community-based solutions?

APPENDIX C. CONSENT FORM FOR INTERVIEWS

Date [ ]

Dear [ ]

I would like to invite you to be a part of a research project that I am conducting. This project is part of the requirements a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, at Royal Roads University. My name is Dennis DeLaRonde and I am the detachment commander in Moose Lake Manitoba. My credentials with Royal Roads University can be established by telephoning Dr. Graham Dickson, Director, School of Leadership Studies, Royal Roads University 1-877-xxx-xxxx.

My Major Project co-sponsors are Assitant Commissioner Darrell Commanding Officer “D” Division as well as Inspector Conrad Delaronde, who is the Officer in Charge of Community Contract and Aboriginal Policing (CCAPS) for the RCMP in Manitoba. Inspector Delaronde is also my brother. I sought him as my sponsor due to his position within the RCMP as it would be CCAPS that would implement any recommendations that arise out of the research. I do not foresee any ethical dilemmas being brought forward as a result of this relationship. I have also sought and obtained Assistant Commissioner Madill to act as a co-sponsor to alleviate any perception of ethical bias on the part of the researcher.

The objective of my research project is to explore the practicality of the Royal Canadian Mounted Police in conjunction with community partners and stakeholders together developing a template for restorative justice with a specific focus on First Nation’s communities.

In addition to submitting the final report to Royal Roads University and partial fulfillment for a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, I will also be sharing research findings with Community Contract and Aboriginal Policing (CCAPS) section Manitoba division. In future the results of my research will be used for educational purposes such as continuing education or information presentations.

Your name was chosen as a possible participant because of your work and commitment to social justice matters on behalf of your community. You’ve also been given a mandate to act on behalf of the community by virtue of the democratic process of an election.

This portion of my research project will consist of open-ended questions in a one and one interview format and expected to last approximately two hours in length. This information will be recorded in handwritten format and appropriately summarized in anonymous format in the body of the final report. At no time will any specific information be attributed to any individual. It is anticipated a short debriefing will be conducted to validate the data obtained.

You’re not compelled to take part in this research project. You are free to withdraw any time with no prejudice. Similarly, if you choose not to take part in this research project, this information will also be maintained in confidence.

If you would like to be a research participant in my research project please contact me at: Email: xxx@xxxx.ca / Phone 204-xxx-xxxx

Sincerely,  
Dennis DeLaRonde

APPENDIX D. QUESTIONS FOR FACE TO FACE INTERVIEW

1. In your opinion do you feel the circuit courts adequately deal with many minor offenses in the community?
  2. Do you feel a local justice committee could deal with many minor offenses satisfactorily?
  3. In your role as an elected official do you field many complaints from community members regarding dispositions handed down by the courts to minor offenses?
  4. In your opinion, if a local justice committee were implemented would local cultural and traditional sanctions be imposed?
  5. Do you feel the community would benefit from a local justice committee?
  6. In your opinion, who do you feel would benefit the most from a local justice committee.
  7. What do you feel are the major obstacles in implementing a local justice committee?
  8. Would you support local justice committee?
  9. Do you feel the community has enough local resources i.e. probation services, NADAP etc. to support community-based sanctions?
  10. What do you feel would be the greatest benefit of the community being able to deal with some offenses within the community?
  11. What do you feel is one primary resource required to implement local justice committee?
-

12. Who do you feel should be able to refer matters to a local justice committee

APPENDIX E. CONSENT FORM FOR SURVEY

Date [    ]

Dear [    ],

I would like to invite you to be a part of a research project that I am conducting.

This project is part of the requirements a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, at Royal Roads University. My name is Dennis DeLaRonde and I am the detachment commander in Moose Lake Manitoba. My credentials with Royal Roads University can be established by telephoning Dr. Graham Dickson, Director, School of Leadership Studies, Royal Roads University 1877-xxx-xxxx.

My Major Project sponsor is Inspector Conrad Delaronde, who is the Officer in Charge of Community Contract and Aboriginal Policing (CCAPS) for the RCMP in Manitoba. Inspector Delaronde is also my brother. I sought him as my sponsor due to his position within the RCMP as it would be CCAPS that would implement any recommendations that arise out of the research. I do foresee any ethical dilemmas being brought forward as a result of this relationship. I have also sought and obtained Assistant Commissioner Madill to act as a co-sponsor to alleviate any perception of ethical bias on the part of the researcher.

The objective of my research project is to explore the practicality of the Royal Canadian Mounted Police in conjunction with its community partners and stakeholders together developing a template for restorative justice with a specific focus on First Nation’s communities.

In addition to submitting the final report to Royal Roads University and partial



fulfillment for a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, I will also be sharing research findings with Community, Contract and Aboriginal Policing Section (CCAPS), Manitoba division. In future the results of the research will be used for educational purposes such as continuing education or information presentations.

This survey seeks your opinions and thoughts on restorative justice committees with the specific focus on First Nation’s communities. It looks to the address the harms and benefits of such an initiative.

The information being gathered is anonymous and all information will be merged with other respondents so that there is no possible linkages to identify you. The original survey forms will be destroyed one year from the date of acceptance of the final report by Royal Roads University. The result of the final report will be made available by way of electronic copy to the participants must submit a request. The final report will be housed at Royal Roads University. I anticipate utilizing the data within the context of the report to write an article for publication as well as educational purposes.

Your participation is important to the success of the project; however, your participation is voluntary and can be withdrawn at any time without prejudice. By completing the survey you are considered giving free and informed consent to participate in the project.

I appreciate you completing the survey by [ insert date depending on ethical review]. If you have any questions or concerns, would be happy to speak with you in confidence.

Thank you, for your support in helping me with my major project.

Sincerely,

Dennis De LaRonde.

APPENDIX F. QUESTIONS FOR ABORIGINAL COURT WORKER SURVEY

1. Do you believe there is room for the First Nation community at large to become a partner in the justice system by way of a local community justice committee?
2. In your opinion do you think a local justice committee could bring some benefits to the current judicial process now being utilized in many First Nation communities?
3. Are you aware of any currently functioning restorative justice committees in the communities you serve?
4. In your opinion do you feel a local restorative justice committee would be beneficial to the community?
5. Do you think the implementation of a restorative justice committee would only be a duplication of current initiatives, i.e., Youth Criminal Justice Act?
6. In your opinion, who should be responsible for referrals to a local justice committee?
7. Do you feel there is room in the current judicial process to work in harmony with a local justice committee?
8. Do you believe there is a meaningful and functional role for the community to become an active participant in today's judicial process?
9. Do you support the development of a template that would be utilized to implement restorative justice committees in First Nation communities?
10. In your opinion do you believe a restorative justice template should include a component that introduces local customs and traditions as part of its community-based sanctions?
11. In your opinion do you believe a restorative justice template should include a component that introduces local customs and traditions as part of its community-based sanctions?

APPENDIX G. CROWN ATTORNEY SURVEY

The definition utilized by the Supreme Court of Canada in R. v. Gladue in the Pocket Criminal Code of Canada (1999) states:

In general terms, restorative justice may be described as an approach to remedying crime in which it is understood that all things are interrelated and that crime disrupts the harmony which existed prior to its occurrence, or at least which it is felt should exist. The appropriateness of a particular sanction is largely determined by the needs of the victims, and the community, as well as the offender (R. v. Gladue, 1999, p. 549).

1. Do you believe there is room for the First Nation Community at large to become a partner in the justice system by way of a local restorative justice committee?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

2. In your opinion do you feel a local justice committee could bring some benefits to the current judicial process now being utilized in many First Nation's communities?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

3. Are you aware of any currently functioning restorative justice committees in the communities you serve?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

4. In your opinion do you feel your local justice committee would have any impact on the current methods that the courts deal with minor offences?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

5. In your opinion do you feel a local restorative justice committee would be beneficial to the community?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

6. Do you feel the implementation of a restorative justice committee would only be a duplication of current initiatives ie. Youth criminal Justice Act?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

7. In your opinion who should be responsible for referrals to a local justice committee?

Police \_\_\_\_\_ Courts \_\_\_\_\_ Victim \_\_\_\_\_

Comments \_\_\_\_\_

8. Do you feel there is room in the current judicial process to work in harmony with a local justice committee?

Yes \_\_\_\_\_ Please comment. No \_\_\_\_\_ Please comment.

Comments \_\_\_\_\_

9. Do you believe there is a meaningful and functioning role of the community to become an active participant in today's judicial process?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

10. Do you support the development of a template that would be utilized to implement restorative justice committees in Manitoba's First Nation's Communities?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

11. In your opinion do you feel restorative justice committee could adequately deal with minor offences without the formal court process?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

12. In your opinion do you believe a restorative justice template should include a component that introduces local customs and traditions as part of its community-based sanctions?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

Comments \_\_\_\_\_

Thank you for your participation. If you wish to discuss this matter further please contact me at [xxx@xxxx.ca](mailto:xxx@xxxx.ca) or by telephone at 204-xxx-xxxx.

Thank You,  
Dennis DeLaronde

APPENDIX H. CONSENT FORM FOR FOCUS GROUP

Date [    ]

Dear [    ]

I would like to invite you to be a part of a research project that I am conducting. This project is part of the requirements a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, at Royal Roads University. My name is Dennis DeLaRonde and I am the detachment commander in Moose Lake Manitoba. My credentials with Royal Roads University can be established by telephoning Dr. Graham Dickson, Director, School of Leadership Studies, Royal Roads University 1-877-xxx-xxxx.

My Major Project Co-sponsors are Assistant commissioner Darrell Madill Commanding Officer “D” Division and Inspector Conrad Delaronde, who is the Officer in Charge of Community Contract and Aboriginal Policing (CCAPS) for the RCMP in Manitoba. Inspector Delaronde is also my brother. I sought him as my sponsor due to his position within the RCMP as it would be CCAPS that would implement any recommendations that arise out of the research. I do not foresee any ethical dilemmas being brought forward as a result of this relationship. I have also sought Assistant Commissioner Madill as a co-sponsor to alleviate any perception of ethical bias on the part of the researcher.

The objective of my research project is to explore the practicality of the Royal Canadian Mounted Police in concert with its community partners and stakeholders together developing a template for restorative justice with a specific focus on First

Nation’s communities.

In addition to submitting the final report to Royal Roads University and partial fulfillment for a Master’s Degree in Leadership and Training specializing in Justice and Public Safety Leadership, I will also be sharing research findings with community contract and aboriginal policing section Manitoba division. In future the results of my research will be used for educational purposes such as continuing education or information presentations.

This component of the research will consist of a focus group session facilitated by the use of open ended questions and is expected to last approximately three hours. I will be using limited number of questions but these questions will be open ended in an attempt to generate discussion.

Information from this focus group will be handwritten as well presented on flip charts format, where appropriate, summarized in anonymous format. At the conclusion of the focus group a short debriefing will be conducted to ensure validity of data collected. Further validation prior to incorporating data to the final report will be conducted by way of a summarized email to all participants. All information from this focus group will remain strictly confidential.

As not all participants are of the non-commissioned officer rank the focus group will be conducted in rank free environment; ie. no rank identification will be permitted.

You’re not compelled to participate in this research project. If you do choose to participate, you are free to withdraw at anytime without prejudice. Similarly, if you choose not to participate in this research project, this information will also be maintained in confidence. Prior to the commencement of this focus group session I am available to



discuss any of your concerns regarding this process.

By signing this letter, you give free in informed consent to participate in the project.

Name(please print)\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

APPENDIX I. QUESTIONS FOR FOCUS GROUP

1. Do you feel there is a need for a local restorative justice committee in your community you serve?
2. You feel the community would benefit in dealing with minor offences with a focus on the victim rather than the offender?
3. Do you feel a component of restorative justice template that deals with culturally sensitive local customs and traditions would help or hinder the process?
4. Who do you feel would reap greatest benefit of the local justice committee?
5. Would you support the implementation of the local justice committee?
6. How do you feel a local justice committee fits within the strategic priorities of the Royal Canadian Mounted Police?
7. Do you feel there's enough local resources in the community to assist with dealing with community-based sanctions i.e. NADAP, probation Services?