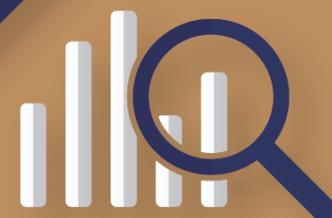


Research in Brief

Research and Statistics Division



Public Perceptions of Restorative Justice in Canada

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Jane Evans, Research and Statistics Division

Introduction

Restorative justice has been part of Canada's criminal justice system for over 40 years and is based on an understanding that crime is a violation of people and relationships. Restorative justice can be defined as an approach to justice that seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime (Federal Provincial Territorial Ministers of Justice and Public Safety 2018).

Restorative justice encourages meaningful engagement and accountability, and provides an opportunity for healing, reparation and reintegration. Some key principles of restorative justice include respect, empowerment, safety, and inclusivity. In recent years, with growing recognition of the limited ability of the mainstream criminal justice system to meet the needs of victims and survivors of crime, there has been increased interest in restorative justice programs that are designed to encompass victim needs (Hughes 2024).

Increasing the application of restorative justice principles in the criminal justice system and community-based restorative justice programs have been identified as ways to increase access to justice, improve outcomes for victims and communities, promote accountability for the accused and help reduce systemic discrimination and the overrepresentation of Indigenous, Black, racialized and marginalized populations in the system.¹

¹ Increasing the number of and funding for community-based Indigenous restorative justice programs were identified as one of the main priorities for the development of an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the Canadian justice system during Justice Canada-led consultations. Expanding the use of restorative justice was recommended in the Canada's Black Justice Strategy Framework to address the overrepresentation of Black people in Canada's criminal justice system and to reduce or eliminate anti-Black bias. See the Bibliography section of this report for resources on Canada's Black Justice Strategy, Indigenous Justice Strategy, and the Review of the Criminal Justice System.



Several commissions/inquiries, public consultations,² and surveys have found that there is support for increasing the use of restorative justice in Canada. However, restorative justice continues to operate in the margins – it is not a part of the mainstream processes - of the criminal justice system, which is practiced through community-based programs (Abramson 2018). The lack of awareness and understanding of restorative justice by both criminal justice system professionals and the public, may be one impediment to its use (Duff 2024, Research and Statistics Division 2018, Bourgon 2018). This Research in Brief provides an overview of four surveys administered by Justice Canada between 2016 and 2023 that included questions about the awareness and perceptions of restorative justice.

Methodology

The following Justice Canada public opinion research surveys included questions that looked at public perceptions of restorative justice in Canada as well as those of police and victim service providers.

2016 National Justice Survey and focus groups

The 2016 National Justice Survey³ included two surveys, six in-person focus groups and three online discussions with Canadians 18 and over from across Canada. The first survey (n=4,200) focused more generally on perceptions of the Canadian criminal justice system, while the second survey⁴ (n=1,863 from participants in the first survey), focus groups and online discussion were more focused on specific aspects of the system, including questions about restorative justice (Research and Statistics Division 2018).

2017 National Justice Survey and focus groups

The 2017 National Justice Survey also administered two surveys and was followed by 12 in-person focus groups. The second survey (n=2,027) focussed on specific criminal justice system topics including restorative justice. The focus group respondents were asked about their familiarity with restorative justice, support for its use, and the impact that it could have on the criminal justice system, victims and offenders (Research and Statistics Division 2018).

² In addition to public consultations on the development of Canada's Black Justice Strategy and an Indigenous Justice Strategy, a number of commission and inquiry reports also recommend the increased use of restorative justice. See the Bibliography for references to these reports.

³ The National Justice Survey is a public opinion research survey, administered by Justice Canada Research and Statistics Division, to explore Canadians' perceptions and knowledge of justice related issues. The survey includes standard questions on public confidence in the justice system as well as questions on topics selected to inform policy development, public engagement, and communications on important justice-related issues that vary from survey to survey. For more information see <https://www.justice.gc.ca/eng/rp-pr/jr/NJS-SNJ.html>.

⁴ The second survey focused on Canadians' views on 1) safety and long-term protections; 2) ensuring responsibility and accountability; 3) providing opportunities for reparation and restoration of relationships; and 4) providing support to help offenders deal with the root causes of their criminal behaviour. For more information about the methodology see https://epe.lac-bac.gc.ca/100/200/301/pwgs-c-tpsgc/por-ef/justice_canada/2017/015-16-e/index.html.

2023 National Justice Survey

The 2023 National Justice Survey (n=4,487) asked those 18 years and older in Canada about the awareness and use of restorative justice processes, public awareness of and views on the *Youth Criminal Justice Act*, the implementation Indigenous justice systems and processes, and public awareness of and confidence in the criminal justice system and the civil justice system (with a focus on the family justice system). The survey also included an oversampling of Indigenous and racialized respondents so that it would be possible to examine how perceptions may differ by population (Duff 2024).

2018 Criminal Justice Professionals Survey

A 2018 survey (n=846) examined the attitudes, knowledge, and perceptions of police, victim services providers,⁵ and Crown prosecutors⁶ on the role and participation of victims in the criminal justice system. Respondents were asked about their awareness of restorative justice processes, how often they refer victims to restorative justice programs, whether they believe victims usually receive adequate information on restorative justice, who should be responsible for providing that information and whether victims of crime face challenges in accessing restorative justice programs. Although there were police and victim service provider respondents from each region, there was unequal representation across jurisdictions and unlike the National Justice Surveys, it was not a representative sample that was weighted to represent the Canadian population. Therefore, the results should be interpreted with caution (Bourgon 2018).

Given that the same questions were not asked for each survey, it is not possible to directly compare the results of the different surveys nor predict future trends. However, the results of the surveys provide an overall indication of the public perception of restorative justice in Canada between 2016 and 2023.

⁵ Victim services are a provincial and territorial responsibility. Each jurisdiction has a different service delivery model, which could include police-based, community-based, court-based, or system-based victim services. See **Victim Services in Canada**, available upon request to rsd-drs@justice.gc.ca.

⁶ Crown prosecutors were removed from the analysis of survey results due to a low response rate (n=8). Although there were respondents from each region, findings should be interpreted with caution as there was unequal representation across jurisdictions. The majority of police respondents were located in British Columbia (57%; n=301); the majority of victim services provider respondents were based in Alberta, British Columbia, and Ontario (40%, 25%, and 19%, respectively; n=125, 78 and 59, respectively).

Findings

Familiarity and awareness of restorative justice

Most people living in Canada are not familiar with restorative justice. In 2023, after being shown a definition of restorative justice processes,⁷ only 15% reported being familiar with restorative justice (Duff 2024), which was also seen in 2017 (14%) (Research and Statistics Division 2018).⁸

In 2023, women (16%) and men (14%) respondents had fairly similar familiarity with restorative justice, with awareness highest in the Atlantic region (24%) and lowest in Quebec (13%). While respondents who identified as Indigenous reported greater familiarity with restorative justice (all Indigenous: 23%; First Nations: 26%; Inuit: 9%, Métis 22%) compared with White respondents (16%), respondents who identified as Black (12%), Middle Eastern or North African (10%), East Asian or Southeast Asian (8%), or Latinx (7%) reported a lower level of awareness. Younger respondents (aged 18 to 34) were more aware of restorative justice (21%) than respondents aged 35 to 54 (16%) and 55 years or older (10%) (Duff 2024).

Although similar results were also seen in 2017,⁹ men had a slightly higher level of familiarity (16%) than women (11%) and the highest familiarity was in Saskatchewan and Manitoba (19%) with the lowest level also in Quebec (9%). Younger respondents (aged 18-34) were only slightly more aware of restorative justice (30%) than respondents aged 35-55 (29%) (Justice Canada 2017).

In a 2018 criminal justice professionals survey, 89% of police and 92% of victim service providers who responded indicated that they were aware or very aware of restorative justice (Bourgon 2018). Given their roles within the criminal justice system it is not surprising to see that they are more aware of restorative justice than the public, including victims and survivors of crime. When asked whether they believe victims usually receive adequate information on restorative justice, only 21% of police and 19% of victim service providers who responded agreed (Bourgon 2018).

Support for the use of restorative justice

Although over half (55%) of Canadians indicated they were not familiar with restorative justice in 2023, when asked whether a victim of crime should be given the opportunity to communicate¹⁰ with an offender to tell them about the impact of the crime, 86% agreed (Duff 2024). Similarly, in 2017, 87% indicated that

⁷ The following definition was included in the 2023 National Justice Survey and similar definitions were used in 2016 and 2017: A restorative justice process provides a supportive and safe opportunity for communication between those who are affected by an offence (victims, offenders, and community). The goal of restorative justice is to repair harm, including by emphasizing victims' healing and promoting meaningful accountability of offenders. The process is only used in cases where an offender has accepted responsibility for the offence and both the victim, and the offender have voluntarily agreed to participate. A restorative justice process can be offered at any stage of the criminal justice process (pre-charge, post-charge, pre-sentence, during incarceration and post-sentence). There are many different types of restorative justice processes. Skilled facilitators guide these processes.

⁸ Although not directly comparable, in 2016, 28% of respondents indicated that they have a lack of awareness or understanding of what restorative justice is in general with 52% indicating they had a low familiarity with restorative justice and 30% a moderate familiarity.

⁹ Identity of respondents was not collected for the 2017 National Justice Survey.

¹⁰ This could be done through a representative, via a letter or video or an in-person meeting.

victims should be able to meet with their offenders to relate to them the impact of the crime (Research and Statistics Division 2018).

The majority of respondents in 2023 were supportive of restorative justice being used to address a wide range of offences provided that both the victim and offender want to take part in the process. Support was highest for cases involving property offences (82%), robbery (82%), assault (81%), and other offences against the person (80%). Most respondents were also supportive of the use of restorative justice for hate-motivated crimes (74%) and cases involving homicide (68%), intimate partner violence (63%) or sexual assault (58%) (Duff 2024).

In 2017, a similar proportion of respondents (64%) indicated that restorative justice should be available to all victims and offenders, regardless of the type of crime committed provided that both the victim and the offender want to take part in the process and the offender admits their guilt (Research and Statistics Division 2018).

The 2016 focus group participants indicated that the following requirements were key elements of a restorative justice process: 1) that offenders take responsibility for their crime; 2) that offenders can see the pain they caused; and 3) that offenders would make efforts to address or repair the harm caused (Research and Statistics Division 2018).

There was also strong support by respondents to the 2016 survey (80%) to require criminal justice system officials (police, prosecutors, judges, defence counsel) to inform victims/survivors and accused people about the availability of restorative justice processes (Research and Statistics Division 2018). However, a 2018 survey of police and victim service providers indicated that they don't believe that victims usually receive adequate information on restorative justice (Bourgon 2018).

Concerns over the use of restorative justice

Although there continue to be some concerns over the use of restorative justice for criminal matters, these concerns may be linked to the level of awareness respondents have of restorative justice¹¹ (Justice Canada 2018).

For example, in 2016, over one-third of Canadians (39%) expressed concerns about the use of restorative justice processes in the criminal justice system. These concerns included a lack of awareness or understanding of restorative justice (28%), the types of crimes and offenders considered eligible for restorative justice (69%) and whether accused/offenders would be held accountable (78%). Fewer than half also outlined concerns with the process (49 per cent) (i.e. who is taking part, what are they doing, how is the victim involved, what say does the victim have, how is it monitored and supervised, etc.) and concerns with access to restorative justice processes (35 per cent) (Research and Statistics Division 2018).

In particular, comments provided in the 2016 survey and by the 2016 focus groups included: skepticism that the process is effective; apprehension about situations where restorative justice may not be appropriate, including to address violent crime, domestic violence, sexual violence, or harm to a child,

¹¹ In 2016, a similar proportion (38%) said they did not have any concerns and 22% were not sure, likely either a result of a lack of information and/or because they were unsure of the effectiveness and impact of restorative justice.

or with repeat offenders; concerns about re-victimization, ensuring that the victim is not pressured to participate, nor additional burden placed on the victim to help the offender; and uncertainty about whether restorative justice has implications for more lenient (or not) sentences that no longer fit the crime, or that no longer give victims and society a sense of justice (Research and Statistics Division 2018).

In 2018, police (33%) and victim service providers (22%) indicated that victims of crime faced challenges with accessing restorative justice programs in their communities. This may be due to very few or no restorative justice programs being available within their communities or limited capacity for programs that do exist to take on referrals due to availability of funding and resources. Respondents also indicated that having limited knowledge or understanding of restorative justice as well as the level of “buy-in” from criminal justice system professionals, which can impact the number of referrals to programs (Bourgon 2018).

Perceived impact of restorative justice

When asked about possible impacts of restorative justice, 67% of respondents in 2017 (Research and Statistics Division 2018) and half of respondents (50%) in 2023 indicated that it would be more satisfying¹² than the mainstream justice system for victims of crime.¹³ Half of respondents (51%) in 2023 also felt that the process would be more meaningful¹⁴ for offenders than the mainstream justice process (Duff 2024).

In 2023, most respondents (90%) reported it is likely or moderately likely that restorative justice would give victims an opportunity to share how the crime impacted them. While 83% of respondents indicated that a restorative justice process would help victims and families heal in the aftermath of a crime and 82% of respondents indicated that restorative justice would contribute to community wellbeing (Duff 2024).

Although many respondents in 2023 indicated that they did not know, or neither agreed nor disagreed, 45% agreed that restorative justice effectively holds offenders accountable, and more than half (56%) agreed that restorative justice helps make communities safe by increasing offenders' understanding of the impact of their actions on others. Finally, a third of respondents (34%) agreed that offenders who participate in restorative justice are less likely to commit another crime (Duff 2024).

¹² Although the survey didn't define “more satisfying”, research has identified a number of benefits of restorative justice for victims, including in a recent article by Patricia Hughes, “the benefits of restorative justice for victims may be considerable: “the fact of being part of the process, gaining back some of the control they lost; alleviating concerns about whether the offender will return to harm them; satisfying their need to feel vindicated; accepting that the offender's conduct was not their (the victim's) fault.”

¹³ It is important to note that direct comparisons between the surveys is not possible. There could be methodological reasons such as the order of questions on the survey that impact the responses for any given question. However, the results provide an overall indication of the public perception of restorative justice at the time in which the surveys are administered.

¹⁴ Although the survey didn't define “more meaningful”, restorative justice encourages meaningful engagement of offenders who take accountability and provides an opportunity for healing for everyone involved.

Conclusion

While most people living in Canada are not familiar with restorative justice, public opinion research does show that they support victims of crime being given the opportunity to communicate with an offender to tell them about the impact of the crime. Although it is not possible to directly compare the results between the different surveys, it appears that there are a few differences in perspectives between 2017 and 2023. One key difference in 2016 from the other two surveys, was regarding support for the types of crimes that restorative justice can be used to address. In 2016, there was apprehension about its use to address domestic violence, sexual violence, or harm to a child, other violent crimes, or repeat offenders. However, in 2023 and 2017, the majority of respondents were supportive of restorative justice being used to address a wide range of offences provided that both the victim and offender want to take part in the process (Research and Statistics Division 2018 and Duff 2023).

Results from the 2016 National Justice Survey also identified some concerns over the use of restorative justice: (1) skepticism over the effectiveness of the restorative justice process; (2) concerns about re-victimization; (3) ensuring that the victim is not pressured to participate and the burden on the victim; and (4) whether restorative justice has implications for more lenient (or not) sentences that no longer fit the crime or give victims and society a sense of justice. However, one in four respondents indicated that they did not have sufficient information or understanding in which to base their answers so concerns over the use of restorative justice may be related to a lack of awareness (Research and Statistics Division 2018).

When asked about possible impacts of restorative justice, two-thirds of respondents in 2017 and half of respondents in 2023 indicated that it would be more satisfying than the mainstream justice system for victims of crime as well as more meaningful for offenders than the mainstream justice process (Research and Statistics Division 2018 and Duff 2023).

Other possible impacts identified by respondents in 2023 included giving victims an opportunity to share how the crime impacted them, helping to make communities safer by increasing offenders' understanding of the impact of their actions on others, helping victims and families heal in the aftermath of a crime, contributing to community wellbeing, effectively holding offenders accountable, and that offenders who participate are less likely to commit another crime and (Duff 2024).

There is public support for the use of restorative justice in criminal matters; however, increasing awareness of restorative justice will be key if there is to be an increased use in Canada. Future qualitative and quantitative research to assess the effectiveness and impact of restorative justice will be important. It will also be important to continue to measure the level of awareness of restorative justice amongst the public, especially if opportunities arise to increase its use in criminal matters.

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For more information, please contact: rsd-drs@justice.gc.ca