

Sunshine Coast Elder College

Restorative Justice – September 16 Class

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Restorative Justice as a Practice

Justice happens when trust is restored, and relationships are healed...

Restorative questions to ask when someone has been harmed...

1. What did you think when you realized what had happened?
2. What impact has this incident had on you & others?
3. What has been the hardest thing for you?
4. What do you think needs to happen to make things right?

Restorative Justice as a Practice

Justice happens when trust is restored, and relationships are healed...

Restorative questions to ask when things go wrong...

1. What happened?
2. What were you thinking of at the time?
3. What have you thought about since?
4. Who has been affected by what you have done? In what way?
5. What do you think you need to do to make things right?



RESTORATIVE JUSTICE

What is Restorative Justice (RJ)?

FACT SHEET

In the face of crime and conflict, RJ is a philosophy and an approach that views crime and conflict principally as harm done to people and relationships. It strives to provide support and safe opportunities for the voluntary participation and communication between those affected (victims, offenders, and community) to encourage accountability, reparation, and a movement towards understanding, feelings of satisfaction, healing, safety and a sense of closure.

RJ is a non-adversarial, non-retributive approach to justice that emphasizes healing in victims, meaningful accountability of offenders, and the involvement of citizens in creating healthier, safer communities.



RESTORATIVE JUSTICE

What is Restorative Justice (RJ)?

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The RJ approach is based on values and principles that emphasize:

- Recognition of Harm
- Inclusion
- Accountability
- Facilitated Dialogue
- Truth
- Voluntary Participation
- Safety
- Choice
- Holism
- Humanism
- Reparation



RESTORATIVE JUSTICE

What is Restorative Justice (RJ)?

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How is Restorative Justice Applied?

RJ views crime as a violation of people and relationships. RJ is an approach that seeks to determine who has been hurt, what their needs are, and how these needs can be addressed. RJ uses processes that are collaborative and inclusive to all parties affected - victim, offender and community.

RJ processes include but are not limited to:

- Victim-Offender Mediation
- Restorative Conferencing
- Circle Processes



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What are the Benefits of RJ Processes?

Victims can tell their story; be certain the offender understands the impact; find answers to questions; hold the offender accountable; and if possible, identify what can be done to repair the harm.

Offenders can tell their story; accept responsibility for and acknowledge the harm caused; hear how their behaviour affected others; and participate in determining how to repair the harm.

Communities can be empowered to gain a better understanding of the root causes of crime, engage in a process to express and reduce their fears, and contribute to an understanding of the wider impacts of crime.



RESTORATIVE JUSTICE

PRINCIPLES AND VALUES

Everyone engaged in restorative justice tends to have their own definition of what it means. While no single universal definition of restorative justice has yet emerged, the roots of its understanding lie in examining the core elements shared between them. These common elements, or values, are fundamental to ensuring that restorative justice approaches remain consistent with the philosophy underpinning it. The following is a list of common elements found among many restorative justice writings:



RESTORATIVE JUSTICE

PRINCIPLES AND VALUES

Harmful Behaviour: At the core of restorative justice is an appreciation of the full effects of criminal behaviour. Restorative justice views crime not only as law breaking, but primarily as damage to individuals, their property, their relationships and their communities. As such, any appropriate response requires a principal focus on the harm caused by crime. In addition, there is also an acknowledgement of harm created by the criminal justice process on the participants.

Inclusion: Restorative justice is driven by an engagement of all people affected by crime, who are most often identified as the victim, offender, their individual support people (family, friends, others) and the community. This requires elevating the roles of those traditionally excluded from the process, particularly the victim and the community. Government, criminal justice professionals and Canadian society in general also need to be included in appropriate ways within these processes. Inclusion involves the important elements of giving voice, accessibility, ownership of the process and support.



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Accountability: Restorative justice is about creating processes that allow offenders to take responsibility for the harms created by their actions, directly to those harmed. As well, it is an opportunity for community to see its role in contributing to the crime. This requires, to the degree possible, an ability to hear all points of view and understand the "truth" of what occurred. In all cases, accountability involves not only accepting responsibility for the crime, but also accepting responsibility for addressing the harms and needs arising from it. For many, accountability also represents the opportunity to denounce the criminal act and reinforce social rules and laws.

Safety: A complicated element, safety has two primary folds. First, safety is identified as the need to restore a sense of security to those impacted by the crime. Second, safety refers to the need to create processes for restorative justice that are safe (physically, emotionally, psychologically) for those participating. This often involves creating support structures within and around the restorative intervention. In cases of power imbalances among the participants, these dynamics can be powerfully destabilizing to the creation of a safe environment for restorative justice. Safety also involves ensuring that the rights of participants are respected.



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Transformation: Another complicated element, transformation implies restorative justice's forward looking aspects. The potential outcomes of restorative justice interventions typically include healing, personal growth, reparation of harms, restoration of positive relationships, and creation/re-creation of enhanced personal and communal situations. These goals apply equally to all parties involved but are not always possible within the scope of all circumstances. While these long-term goals are essential, restorative justice interventions foster movement towards these goals.

Voluntary: Many authors identify the need for choices among the participants - these choices range from choices about participation, to process design, to limitations, to timeframes. As restorative justice is designed to fully engage the range of needed participants, the degree to which the processes reflect their needs, wants and desires becomes essential.



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Humanistic: This refers to wide subset of values that describe the nature of interactions between those involved. These include respect, compassion, dignity, honesty, openness, and growth. Fairness and equality/equity are essential. Multi-cultural issues are important in ensuring the processes are balanced for all those involved.

Interaction: Communication, either direct or indirect, between those impacted by the crime is typically required. This communication is most often facilitated and supported and can take many formats from face-to-face meetings, correspondence and video exchanges, shuttle communication, online discussions and multi-party representation.



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Holistic: These processes take into consideration and value the full breadth of each individual participant as well as the larger context in which they function. This includes appreciation of the physical, psychological, mental, emotional, spiritual and social context surrounding each person as well as the environment. It is important to note that the spiritual component is important for many participants and a restorative experience connects deeply to their belief systems. For example, at the heart of many Aboriginal processes are the reflection of the world view of the inter-connected nature of all things.

A Partnership of Police and Communities

It is basic to policing in a democratic society that the police exercise discretion when investigating crime. Police are empowered to consider circumstances before making decisions to lay charges or to proceed in some other way. If this were not true, the pressure on the courts would be overwhelming.

The RCMP and other police forces across the country and around the world are going through a transition. Discretion today extends far beyond "should one charge or not?" Discretion means considering what is in the best interests of everyone responsible for and affected by a criminal event. Police in Canada undertake such considerations under the umbrella of restorative justice and the Youth Criminal Justice Act (YCJA).

A Partnership of Police and Communities

Restorative justice is a philosophy that offers a set of guiding principles. These principles include the involvement of victims, offenders, and communities; a view of crime as people hurting people and not just as a breach of statute; and the use of flexible and forward-looking approaches.

Canada's Youth Criminal Justice Act encourages restorative practices. The Act addresses widely held concerns that established practices regarding youth justice don't always attend to the needs of victims, offenders, or communities. There is a presumption in the Act that these concerns are best satisfied if crime is addressed in the community where it occurred. This presumption places the onus to a great extent on the police to respond to crime in a collaborative and creative way. The police are part of the community, and as community members they must apply their responsibility beyond merely the investigation of crime. Given the assumption that crime grows from social conditions in the community, the partnership of police with citizens, other community professionals, and organizations to address conditions is essential.

A Partnership of Police and Communities

Restorative justice practices are part of the fabric and culture of many Canadian communities, including in schools and correctional facilities. With time, and the trust that flows from consistent success, restorative justice practices may become main stream in all communities. The established court system may also gain renewed public confidence when it is reserved for the most serious offences and for the protection of human rights under the Canadian Charter of Rights and Freedoms.

For training, guidance, or assistance with restorative justice practices in British Columbia, please contact the Restorative Justice Director, E Division, Crime Prevention Services, at 778-290-4005.

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Restorative Justice

Recommitting to Peace and Safety



Community Justice Forum



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Thank you

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