

Introduction to Restorative Justice



What is Restorative Justice

Restorative Justice is an approach that focuses on the repair of harm and restoration of damaged relationships caused by specific incidents between people and within communities.

Howard Zehr's Definition

Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.

Restorative Justice in the context of the justice system...

- ❖ A way of looking at crime.
- ❖ Focuses on addressing the harm suffered by victims
- ❖ Holds offenders accountable
- ❖ May involve all those impacted by the crime.

Restorative Justice in a non-criminal context...

- ❖ Address or repair the harm caused by the actions of another person(s)
- ❖ Collectively deal with the aftermath of the damaged relationship
- ❖ Uses the terms “person harmed” and “person responsible” or “harmer.”

Two Views of Justice

Retributive (Criminal) Justice

- ❖ Violation of the law and state
- ❖ Violation creates guilt
- ❖ Justice requires punishment

Restorative Justice

- ❖ Violation of people and relationship
- ❖ Violation creates obligations
- ❖ Justice requires an effort to repair the harm

Questions

Retributive Justice

- ❖ What laws have been broken?
- ❖ Who did it?
- ❖ What do they deserve?

Restorative Justice

- ❖ Who has been hurt (harmed)?
- ❖ What are their needs?
- ❖ Whose obligations are these?
- ❖ How will the harm be repaired?

Results of each set of questions

Retributive Justice

The offenders get what they deserve

Restorative Justice

The victims needs are recognized and offenders take responsibility for repairing the harm.

Supporting Principles

- ❖ Address the harms that have occurred and subsequent needs of the person harmed
- ❖ Address obligations that result from this harm
- ❖ Address the cause of the harm
- ❖ Participation by all of those impacted by the incident
- ❖ Balance concern for all
- ❖ Use of collaborative outcomes

Restorative Justice Processes

The common processes of Restorative Justice are:

- ❖ Peace Making Circles
 - ❖ Healing Circle
 - ❖ Sentencing Circles
 - ❖ Conferencing
- ❖ Victim/Offender Restorative Dialogue
 - ❖ Community Justice Forum

Sometimes in order to meet the needs, circumstances and cultural traditions of the participants a combination of processes are used.

Common Elements

Restorative Justice processes have the following elements:

- ❖ It is voluntary.
- ❖ It respects all of the participants.
- ❖ It is held in a safe place.
- ❖ It has informed consent.
- ❖ It holds the person responsible for the harm accountable.

Description of Restorative Justice Processes

Circles:

- ❖ Face-to-face, facilitated conversation
- ❖ Includes the victim and the offender, their supports others who have been impacted by the offence.
- ❖ a “talking piece” is passed around the circle to assure that everyone has a chance to speak.
- ❖ One or two circle keepers act as facilitators of this process.



Conferencing:

- ❖ Often uses scripted facilitated dialogue.
- ❖ Includes victims, offenders and their supports and anyone affected by the incident
- ❖ One or two trained facilitators.

Victim/Offender Restorative Dialogue:

- ❖ Face-to-face dialogue between the victim and the offender,
- ❖ Generally using a co-facilitation model.

Benefits of Restorative Justice

- ❖ Gives victims a larger role in the process by allowing them to be part of defining the harm and how to address it.
- ❖ Brings the community and all those affected by the harm to the conversation.
- ❖ Provides an opportunity to engage the offender (harmer) in a dialogue about values and norm clarification.
- ❖ Examines the underlying causes of the harm (offence) in detail.
- ❖ Works towards addressing them rather than simply punishing the offender.
- ❖ Reduces the likelihood of re-offending.

Common Myths About Restorative Justice

- ❖ Restorative Justice is a cure all.
- ❖ Restorative Justice is a replacement for the legal system.
- ❖ Restorative Justice is a replacement for prisons.
- ❖ Restorative Justice is the same concept as mediation.
- ❖ Becoming involved in a circle process means that you are involved with Restorative Justice.
- ❖ Restorative Justice is always about forgiveness.
- ❖ Restorative Justice is only for young people or minor crimes.
- ❖ Restorative Justice lets the person who has harmed (harmer, offender) off easy.
- ❖ Only punishment can deter people from committing crime.

Who can refer and when

Entry Points in the Criminal Justice System

Pre-Charge	Post Charge Pre-Conviction	Post-Conviction Pre-Sentence	Post Sentence Pre-Integration	Post confinement Re-Integration
Police and Crown Referrals	Crown referrals	Court and Crown referrals	Probation and Corrections referrals	Corrections, Parole and re-integration agency referrals
Self-referral victim/offender	Defense Counsel	Defense Counsel	Self-referral victim/offender	Self-referral victim/offender

Summary

There are different approaches to be used where an incident of harm has occurred and repair of the harm is necessary

In some cases or situations

- ❖ Criminal justice system is the best way to achieve justice and truth.
- ❖ Restorative Justice is the most appropriate way
- ❖ Both systems need to be utilized

Alberta Restorative Justice Association's Vision

Restorative Justice processes are valued
and accessible to all communities in
Alberta.

www.arja.ca
