RESTORATIVE JUSTICE

WHAT MAKES A SAFE COMMUNITY?
Getting together to hear and be heard. Working side-by-side to repair the harm done by crime in your community. So pull up a chair – we need your voice.
Imagine a justice process where we address the victim’s needs and hold offenders responsible for their crimes and the harm they have caused.

Restorative justice works to repair harm done to victims and to communities. It also holds offenders accountable for their actions in a very personal way. It takes courage to find real and lasting solutions. We need to work together to rebuild trust and bring everyone into the circle of responsibility. Everyone has a role in restorative justice. What if instead of looking at our differences, we saw what we have in common?
WHAT IS RESTORATIVE JUSTICE?

Restorative justice is a different way of thinking about and responding to crime. It brings together those who have a stake in a specific crime, and tries to give them what they need to put things as right as possible. Restorative justice is a voluntary process that focuses on the victim’s needs and the offender’s responsibility to repair the harm.

When offenders admit their wrongdoing, restorative justice offers the opportunity to bring them together with victims and other people concerned with the crime to talk about what happened and how it impacts everyone. Each person involved in the restorative process voluntarily agrees to meet to share their thoughts and feelings and to have a say in what needs to happen to address the harm done. This can assist them in healing (or repairing the harm).

During a restorative justice process, victims are invited to tell their story. They can explain how the crime has affected them and ask the offender tough questions. Often victims learn, for the first time, everything that happened during the incident and have many of their questions answered. This assists them in healing (or repairing the harm).

Restorative justice requires that offenders take responsibility for their actions. Offenders describe the crime and their actions to the victim. They respond to the victim’s questions, explain why they did what they did, and sometimes say they’re sorry. Learning first-hand how they have hurt others helps offenders accept responsibility, while answering questions makes them accountable to those they have harmed.

Family and friends of both victims and offenders may participate in a restorative justice process, and discuss the impact that the crime has had on them. Community members can also participate to support their neighbours, and suggest ideas for how offenders can contribute or improve their neighbourhoods.

Through the restorative justice process, victims say how they have been hurt and what they need to feel safe again. Offenders acknowledge and accept the obligations they have to repair the harm they have caused. Then, the whole group has a say in what needs to happen for the offenders to make up for the wrong they have done. The group’s decisions are usually written up into some form of agreement which the offenders then follow.

Restorative justice is used alongside the criminal justice system in countries around the world and has been adapted for use in schools, workplaces and communities to address non-criminal issues.
THERE ARE MANY DIFFERENT TYPES OF
RESTORATIVE JUSTICE.

Every community’s needs are different, and every crime is different, so various restorative approaches have been developed. The offender and victim may know each other well or they may be total strangers. The people involved may come from very different places – from a farm, an Aboriginal community, or a large city. The crime could be a serious or a minor offence. It could be a first-time offence or repeat crime for the offender. With so many possibilities, we need different approaches.

There are three common restorative justice models:

- Family group (or community) conferencing
- Circles (sentencing circles, healing circles, or peace circles)
- Victim-offender mediation

All involve some form of encounter between the victim and offender. The meetings are led by facilitators who oversee and guide the process, balancing concern for all parties involved. Often they will include others with an interest in the case. The encounter provides an opportunity for victims to say how they were harmed and for the offender to acknowledge this harm.1

While restorative justice processes might look a little different, they all have some basic principles in common:

- **Voluntary** - all individuals are free to engage in the process
- **Respect** - accorded equally to all participants in a restorative justice process
- **Acknowledged Harm** - there is a recognition of the harm caused to the victim and community
- **Accountability** - the offender takes responsibility for the harm that he/she has caused.
- **Inclusiveness** - full consensus among those affected by the crime
- **Shared Responsibility** - all parties decide what restitution or other measures are appropriate
- **Balanced** - between the needs of the victim, offender and community
- **Non-adversarial** - decisions are made on a consensus basis

Restorative justice is not an easy way out. It is a serious and difficult process for everyone involved. It takes courage for all present to talk about what is often a traumatic event. It is difficult for victims to relive a painful and frightening experience. It is also tough for offenders to face up to what they have done in front of those they have harmed. Even after taking part in a restorative justice process, offenders may still have to pay a fine, do community service, or serve time in jail.
When community members have a say in how offenders are held accountable for what they’ve done, communities become better, closer and safer.
THE PROCESS HAS TO MAKE SENSE AND ADDRESS THE NEEDS OF THE PEOPLE DIRECTLY IMPACTED BY THE CRIME AND THE LARGER COMMUNITY.
Loved ones of both offenders and victims are able to discuss the impact that the crime has had on themselves and their families.

**HOW DOES RESTORATIVE JUSTICE LEAD TO SAFE COMMUNITIES?**

Restorative justice practitioners view crime as harm done to people and communities, not just a violation of the law. They seek to put things right by addressing the harm to victims and the community, and by addressing the causes of crime. This can lower the risk of more crimes being committed and can restore victims and offenders to their place in the community.

Victims have an important role in restorative justice. Unlike the criminal justice system, where the Crown represents the victim, restorative justice processes give victims a say in what they believe should happen with the offender.

Instead of separating offenders from their families and communities, restorative justice includes offenders in decisions about how the harm should be repaired. Offenders learn more about the people they have harmed and understand that their actions have lasting consequences. Gaining this understanding may make offenders less likely to re-offend. It also increases their commitment to fulfill the agreement they make to repair the harm.

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Restorative justice is not about getting “bad guys” out of our neighbourhoods, but about accepting those who take responsibility for their actions and giving them a chance to right their wrongs.

Restorative justice is recognized worldwide as an effective practice that prevents crime by making our bonds to each other stronger and making our communities safer. Restorative justice is a process that puts things right. To do that, we must understand the victim’s needs, give offenders a chance to make amends for the harm they have caused, and work with the community to address the root causes of crime.

Research is increasingly showing the value of restorative justice and its promise as an alternative justice practice. Of significance research has shown that:

- Restorative justice can reduce recidivism
- Victims and offenders who participate in restorative justice report high levels of satisfaction
- Victims are substantially more likely to obtain restitution
HOW DOES RESTORATIVE JUSTICE WORK IN ALBERTA?

Restorative justice is recognized as a way to create safe communities. It allows affected Albertans to participate in justice. In the appropriate circumstances, restorative justice processes should:

- Provide an effective tool for resolving conflict and social tension and ensure the operation of the justice system reflects community expectations;
- Require the voluntary and fully-informed participation of victims and offenders, as well as community members affected by the crime;
- Offer a clear, active and constructive opportunity for offenders to be accountable to the person(s) and communities they have harmed;
- Be available at all stages in the criminal justice system (i.e., pre-charge, post-charge, pre-sentencing and post-sentencing) and must be consistent with the priority of public protection and safety;
- Be humanitarian, culturally sensitive, provide all parties with an equal opportunity for participation and the ability to make decisions voluntarily; and,
- Be as swift as is compatible with proper and just consideration of the issues involved.
- Be facilitated by a trained and impartial facilitator who has no personal benefit / bias in the outcome of the discussion.
- Do no more harm to those impacted by the actions of the offender.
RESTORATIVE JUSTICE ONLY WORKS WELL WHEN EVERYONE TAKES PART.
WHAT’S YOUR ROLE IN RESTORATIVE JUSTICE?

Victims, offenders, and communities all play an important role in the justice process. Restorative justice works best when everyone takes part, including victims, offenders and members of the community.

Victims. The needs of the victim are given priority in restorative justice. They need to have answers, to tell their story and to gain some sense of control. They also need some type of restitution. Victims are offered support and can decide what their role in the restorative justice process will be. They don’t have to forgive the offender.

Offenders. Offenders come face-to-face with victims to acknowledge the harm they have caused. They are given the opportunity to take responsibility for their actions and encouraged to empathize with the victim. At the same time, offenders are offered help for their problems and given support to make new choices and seek new opportunities. Seeing offenders as people who are still part of our communities helps all of us build a safer community.

Community members. Communities can support restorative justice by participating in the process, building a sense of belonging for everyone, and by addressing the root causes of crime. Community members can talk about the impact of the crime and what they need to feel safe in their neighbourhood. They can also help assure that offenders meet their obligations.

Everyone has a part to play in the restorative justice process. Creating safe communities comes from caring how justice and restorative justice works for you, your family and community.

SUPPORT FOR ALBERTA COMMUNITY PROJECTS

Alberta Community Restorative Justice grants are available for community projects. The grant program was set up to help restorative justice take root and grow throughout the province. The grant can meet various needs: training for facilitators and supporters; program development; public education and awareness; and, covering operational expenses. The grants also support Aboriginal justice initiatives and recognize the success of culturally sensitive programs. To find out more, visit: www.crimeprevention.alberta.ca
EXAMPLES OF USE

There are a number of places where restorative justice may be used.

FOR EXAMPLE:

- Mediation can occur as part of the formal alternative measures program.
- Referrals to community justice conferences can be initiated by the Crown prosecutor or the court.
- Sentencing circles in their pure form also include members of the court.
- Victims may request restorative justice conferences even many years after the sentence, whether or not the offender is incarcerated at the time.

MORE INFORMATION:

- Alberta Justice and Solicitor General Crime Prevention and Restorative Justice Office
  www.crimeprevention.alberta.ca
- Alberta Restorative Justice Association
  www.arjassoc.ca
- Correctional Services of Canada

PARTICIPATING GIVES US THE COMMON GROUND NEEDED FOR SAFE COMMUNITIES.
What do we have in common?

For more information of restorative justice in action visit www.crimeprevention.alberta.ca

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SOURCES:
Correctional Services Canada, Alberta Conflict Transformation Society, and Mediation and Restorative Justice Centre.


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