

Restorative Justice 101

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Dianna Bennett

A Better Way Restorative Consulting Inc.

Session Agenda

1. What is Restorative Justice (RJ)
2. What are Restorative Practices (processes) in the Application of Restorative Justice
3. When and where should Restorative Justice be used
4. Questions

Restorative Justice

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

“Restorative Justice highlights personal and interpersonal dimensions of crime.”

(Howard Zehr, 2015)

Key Guiding Questions of RJ:

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. Who has a stake in this situation?
5. What is the appropriate process to involve stakeholders in an effort to put things right?

Restorative Practice (aka Restorative Processes)

“Restorative Practice is a way of thinking and being, focused on creating safe spaces for real conversations that deepen relationships and build stronger more connected communities.”

Mark Vander Vennen

Shalem Mental Health Network, Hamilton ON

Restorative Practices are used in formal restorative processes and also incorporates proactive practices that create positive, healthy environments.

RJ Processes

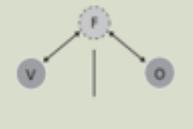
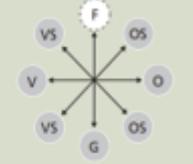
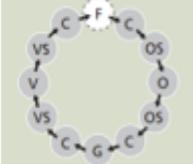
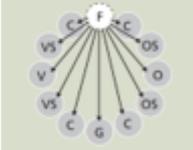
RJ is practiced in many different ways, including:

Restorative Conferencing
Victim-Offender Restorative Dialogue
Family Group Conferences
*Circles

Even though the processes may differ, the adoption of the values and principles of RJ are what keep practitioners in alignment to the goals of RJ

Restorative Justice Models of Processes

UN Handbook on Restorative Justice Programmes (2006) page 67

Models of RJ Processes	Known as	Diagram of process ¹
Indirect dialogue	Facilitated exchange of letters, videos, emails between victims and offenders	
Facilitated dialogue between victims and offenders	Victim Offender Dialogue, Victim Offender Restorative Dialogue	
Facilitated dialogue between victims, offenders, supporters, and government officials	Community conferencing	
Facilitated dialogue between victims, offenders, supporters, community members, and/or government officials	Peacemaking circles, sentencing circles	
Directed dialogue between victims, offenders, and other parties	This may take place in any of the above models	

Peacemaking Circles

Peacemaking Circles are a way of bringing everyone together in which:

- Everyone is respected
- Everyone gets a chance to talk without interruption
- Participants explain themselves by telling their stories
- Spiritual and emotional aspects of individual are welcomed

Peacemaking Circles are useful when two or more people:

- Need to address an experience that resulting in harm to someone
- Have a disagreement
- Need to make decisions together
- Wish to share difficulties
- Want to learn from each other
- May result in an agreement to address and repair harm

Restorative Dialogue

- Involves primarily those directly harmed (victim) and those directly responsible for causing the harm (offender)
- Family members or significant supports may participate however they are seen as having secondary or supporting roles
- Facilitated conversation between the victim and the offender
- May be direct (in person) or indirect (via letters, recorded video)
- Signed restitution agreement is often the result

(Howard Zehr, 2015)

Values & Goals of RJ

- The underlying values of a restorative justice approach are based on respect for the dignity of everyone affected, healing, reintegration, the prevention of future harm, and reparation.
- Priority is given to addressing the needs of participants and empowering them to communicate their thoughts and feelings in an open, honest and safe way.
- The goals are to build understanding, encourage accountability and provide an opportunity for healing, reintegration and reparation.

RJ Stakeholders

Victims, offenders, communities and governments are stakeholders in restorative justice.

Victims/those harmed: RJ provides a safe environment where victims who choose to participate can seek healing and reparation, express their views and needs, and move on from the effects of the crime.

Offenders/those who caused harm: RJ provides offenders an opportunity to learn, change and take ownership of and responsibility for their actions.

Communities: RJ empowers communities to play a role in responding to crime in a way that is meaningful to them.

Governments: RJ provides an opportunity for governments to partner with communities to address crime.

Principles of RJ

1. Focus on harms of crime rather than the rules that have been broken.
2. Show equal concern and commitment to victims and offenders, involving both in the process of justice.
3. Work toward the restoration of victims, empowering them and responding to their needs as they see them.
4. Support offenders, while encouraging them to understand, accept and carry out their obligations.
5. Recognize that while obligations may be difficult for offenders, those obligations should not be intended as harms, and they must be achievable.

Principles of RJ (continued)

6. Provide opportunities for dialogue, direct or indirect, between victim and offender as appropriate.
7. Find meaningful ways to involve the community and to respond to the community bases of crime.
8. Encourage collaboration and reintegration of both victims and offenders, rather than coercion and isolation.
9. Give attention to the unintended consequences of your actions and program.
10. Show respect to all parties – victims, offenders, justice colleagues.

(Harry Mika, Howard Zehr, 2002, 2015)

Criteria for Referral

- Voluntary Participation
- Victim and offender are willing to participate in a face-to-face meeting
- Offender must accept responsibility
- All parties must feel safe in the process

Referral Continuum

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



QUESTIONS?

Sources & Resources

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Contact Info

Dianna Bennett

403-877-0546

Dianna@abetterwayrestorative.ca