

Restorative Justice



Preventing Crime. Building Safe Communities.

Restorative Justice (RJ)

Victim Services and Crime Prevention of the Ministry of Public Safety and Solicitor General is committed to a restorative justice approach that considers the involvement of victims, offenders and communities in achieving justice and addressing the harm caused by crime.

This booklet is designed to provide general information about restorative justice as practised in B.C. for service providers, potential participants, and others.

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What is Restorative Justice?

Restorative Justice (RJ) seeks to create just outcomes by repairing the harm caused by crime and violence. Typically this happens through facilitating a process that addresses victims' needs and holds offenders meaningfully accountable for their actions. In this approach, crime is understood not only as breaking the law, but as a violation of people and relationships and a disruption of the peace in a community.

In a restorative justice process, offenders must first accept responsibility for their role in an offence and the harm they have caused. Victims must also voluntarily choose to participate. Communities or community members are often actively involved in the process as interested stakeholders, supporters, or facilitators.

In B.C., restorative justice is most commonly used for less serious offences such as mischief, assault, and theft. However, a restorative justice process can potentially be used for any crime in which harm has occurred. This can happen where the offender is showing an adequate degree of responsibility and willingness to make amends, and where the victim would like an opportunity to be heard, to have questions answered, or to seek restitution. All cases must be individually addressed for appropriateness.

When an act of crime or violence has been committed, those involved may feel varying degrees of confusion, remorse, loss, fear, anxiety, and/or guilt. The criminal justice system may not be able to help alleviate these challenges. In some cases, people may be interested in learning more about additional options available to them, including a restorative justice process.

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Benefits of RJ



Research indicates that those participating in an RJ process report high levels of victim satisfaction, increased confidence in the justice system, greater rates of agreement completion from offenders, and feeling safer and more connected to their communities. In addition, the use of RJ practices have been shown to create cost savings for the criminal justice system.

There are a number of reasons that a person who has committed or been affected by a crime would like to participate in a restorative justice process. Victims may have questions for the offender, or want the offender to understand the impact that their actions have had on them, their family members, and others. Victims may want restitution, compensation, or a sincere apology directly from the offender. Or they may feel that a direct discussion with the offender will allow them to reach closure and to move on from the effects of the offence. These kinds of interactions may not be available in the criminal justice process.

In an RJ process, offenders have an opportunity to express their perspective and to fulfill their obligations to the victim and the community in ways that are often more meaningful than through a criminal justice process. Offender compliance is often very high following an RJ process. Depending on the source of the referral, an offender may or may not be able to avoid a criminal record or a court process by participating in a restorative justice process.



In deciding to participate, some victims and community members feel that a restorative justice approach is more effective than the criminal justice system in ensuring that the offender does not repeat harmful behaviour. Others would prefer that the court handle the matter, and do not want any involvement in a restorative justice process. Decisions to participate or not to participate in a restorative justice process are both valid choices.

Most participants in a restorative justice process are satisfied with the experience and results. Victims express that the benefits include feeling listened to and acknowledged, receiving answers to their questions, experiencing an increased sense of safety, and, in some cases, receiving financial restitution. In addition, some victims indicate value for the opportunity to give input into the outcome of the offender's agreement. Offenders often report an increased sense of support, an increased understanding of the impact of their actions on others, and an appreciation for the opportunity to make things right where possible. Community members frequently indicate that it is a positive experience to be involved in justice issues outside the limits of the criminal justice process.

What to expect from an RJ process

In a restorative justice process, key people affected by a particular offence are invited to participate in a discussion of the circumstances surrounding the offence. Participation is always voluntary. Participants also have the opportunity to take a break from or withdraw from the process at any

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time after speaking with their facilitator.

Next, victims, offenders, and their respective supporters are guided by a restorative justice facilitator or elder through a structured dialogue. This dialogue allows participants to share details about how the offence happened, how they were affected, and what needs to happen to make things right. The number of people involved will vary depending on the type of offence and the comfort-level of participants. The process can be flexible, however, and does not need to include a face-to-face dialogue. For example, sometimes needs are addressed through letter-writing or other methods of communication.

A restorative justice facilitator can explain the process and answer questions about participation. Participants can also seek the support of a victim service worker or other service provider.

Many RJ programs are able to deal with basic cases of crime and harm such as mischief, common assault, and theft. Some programs with specialized training are able to take more serious or complex cases. Most RJ programs will be able to provide information on the types of cases they normally handle and the type of training and skills they possess that help ensure good practice. One is encouraged to ask questions and ask for support from other sources (e.g., a victim service worker, a probation officer, or Crown counsel) if required.



In rare instances participants have expressed dissatisfaction with the offender's level of remorse, disbelief that the offender is telling the truth, worry that the offender will not live up to their commitments, and concern about possibly forfeiting the opportunity to see the offender prosecuted in the criminal justice system.

There have also been cases where offenders or their supporters have felt that the outcome of a restorative process was disproportionate to the level of their offence and that the agreement is therefore unduly challenging.

The process itself, however, is designed to bring balance and repair an injustice where possible, so if matters feel out of balance or if new injustices are being created, any participant should have the opportunity to voice their concerns. Participants can speak with a restorative justice facilitator at any point to discuss the process, to consider options, to deal with challenges as they arise, or to discuss the possibility of withdrawal.



RJ in B.C.

Restorative Justice and related approaches (such as Alternate Dispute Resolution) can be found across the B.C. Government. A snapshot includes the following:

1. Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General (PSSG) – Many community-based RJ programs in B.C. are connected to PSSG's Community Accountability Program (CAP).



These programs primarily take on low-risk offences committed by youth and adults mostly referred through police. Some programs have special arrangements to take on more serious offences referred by Crown counsel.

2. Corrections Branch, Ministry of Public Safety and Solicitor General – Corrections Branch operates in partnership with the Federal Government to offer the Aboriginal Justice Strategy (AJS). Many of the programs within AJS use traditional justice approaches that can be consistent with RJ. There are 32 Restorative Justice Coordinators across the province connected with the AJS. As well, many Youth Probation Officers have been trained in Victim Offender Mediation and Parent Teen Mediation.
3. Ministry of Child and Family Development — Ten conferencing specialists across the province consider all categories of offences for youth (although there are some limitations on sexual offences) and conduct community conferences involving victims and offenders. As well, many youth probation officers have received training in victim-offender mediation.
4. Ministry of Attorney General (AG) — While not focused exclusively on victim-offender issues, AG is utilizing mediation and other alternative dispute resolution opportunities in family law (e.g., Child Protection Mediation Program) and civil law (e.g., mediation in Small Claims Court and guides to implement



dispute resolution processes into tribunal processes). Vancouver's new Downtown Community Court has also been indentified as adopting some restorative justice principles.

5. Some Crown counsel also refer cases to community-based RJ programs.
6. Ministry of the Environment (MOE) has been training Conservation Officers to adopt RJ principles and practices when dealing with Environmental Compliance issues.

How does RJ contribute to Crime Prevention?

An RJ process has the potential to:

- Produce reasonable agreements that include victims' and offenders' input and consent
- Provide community supports and opportunities for reintegration
- Cultivate empathy and understanding
- Make space for hearing and acknowledging other perspectives and painful experiences
- Create a sense of hopefulness and the ability to "move forward"
- Equip participants with enhanced communication skills and models

All of the above can be protective factors in preventing further crime, particularly among young people and at-risk youth. Also, some victims who have the opportunity to experience the benefits of an RJ process have been able

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to transcend some of the negative feelings about their experiences and redirect their energy in new, positive directions.

The potential benefits and the ability to prevent crime are dependent on the ethical and careful implementation of the RJ program as discussed above.

Serious cases

As RJ has become more well-known, many people have come to perceive it as a process for dealing with low-risk, first-time youth offenders who are being diverted out of the court. This is a common use for RJ practices, especially because the most common referral source for restorative justice within B.C. is by police at the pre-charge level. But RJ is not the equivalent of court diversion. As mentioned above, restorative justice--when delivered with care and support--can be used in any case where the key stakeholders are willing or interested in a restorative process to deal with criminal harm (i.e., even in serious cases).

In general, most RJ programs are not equipped to deal with serious cases involving power-based crimes such as sexual assault or abuse, or domestic violence. In rare instances, however, restorative justice programs may be explored to address such cases. There are some programs that have devoted extensive effort to training, consultation and partnership with appropriate supporting agencies. If you are interested in learning more about how restorative justice processes may assist in cases of power-based crimes and what the cautions are, please contact Victim Services and Crime Prevention.



How you can get involved

... as a service provider

If you work in the criminal justice system and assist victims, offenders or their supporters, you may encounter cases where a restorative justice process is appropriate. Contact Victim Services and Crime Prevention to learn more about these options.

... as a community member

Community-based restorative justice in B.C. is robust and thriving. Community advocates are maintaining a website at www.rjbc.ca where you can learn more. If you are interested in starting an RJ program in your community, or if you would like to volunteer for an existing RJ organization, contact the Victim Services and Crime Prevention to connect with appropriate resources and people.

... as someone in trouble with the law

If you or someone you care about is in trouble with the law and may want to participate in an RJ process, there may be options in your community. Your local police detachment may have information for you. You can also check out the RJ Directory at www.rjbc.ca or contact Victim Services and Crime Prevention.

...as someone harmed by a crime

If you are looking for your needs to be met through options outside the criminal justice system, ask a victim service worker what your options might be. For more information, you can read Information on Restorative Justice Approaches for Victims of Crime, available at:



<http://www.pssg.gov.bc.ca/victimservices/publications/index.htm#helpstartshere> or call VictimLink BC at 1-800-563-0808.

What resources are available?

Restorative Justice in BC

This website is being maintained by community-based restorative justice volunteers in British Columbia. The website provides a space for B.C. restorative justice practitioners and advocates with a place to share information, raise awareness of issues or concerns, and facilitate information sharing and networking.

- Website: www.rjbc.ca

Victim Services and Crime Prevention, Ministry of Public Safety and Solicitor General

Victim Services and Crime Prevention can provide you with or connect you to relevant resources, information, and/or programs related to RJ in B.C. and beyond.

- Phone: toll free in B.C. at 1-866-668-2137, or in the Lower Mainland at 604 660-5199
- Email: CrimePrevention@gov.bc.ca
- Website: www.pssg.gov.bc.ca/crimeprevention

Community Accountability Programs (CAPs)

Many community-based RJ programs in BC are connected to PSSG's Community Accountability Program (CAP). These programs primarily take on low-risk offences committed by youth and adults. Some programs have special arrangements to take on more serious offences if referred by Crown counsel.



- Website: <http://www.pssg.gov.bc.ca/crimeprevention/justice/index.htm#cap>

Correctional Services Canada—Restorative Justice Portal

This national website provides information, resources and leadership on restorative justice week each year (held annually in mid-November).

- Website: www.csc-scc.gc.ca/text/rj/index-eng.shtml

Restorative Justice Online

This international website provides an excellent online resource library and search function.

- Website: www.restorativejustice.org.

Simon Fraser University's Centre for Restorative Justice

The SFU Centre for RJ hosts a website of resources and information and also supports events and workshops related to advancing restorative justice.

- Website: www.sfu.ca/cfrj/

RCMP Community Justice Forums

A learning tool and training aid to facilitate discussion and assist with the training of RCMP officers that covers both traditional and restorative justice approaches to justice.

- Website: <http://www.rcmp-grc.gc.ca/pubs/ccaps-spcca/cjf-fjc-eng.htm>



Community Court

Community Court creates partnerships both within the justice system and with health and social services, community organizations, area residents, merchants, faith communities and schools.

- Website: http://www.criminaljusticereform.gov.bc.ca/en/justice_reform_projects/community_court/

Aboriginal Justice Strategy

The Aboriginal Justice Strategy (AJS) in BC is offered on a provincial and federal cost-shared basis. Currently, the program supports approximately 31 AJS programs. AJS is designed to support the use of traditional justice approaches in Aboriginal communities, some of which can be consistent with restorative justice programs.

- Website: www.justice.gc.ca/eng/pi/ajs-sja/prog/bc-cb.html

VictimLink BC

VictimLink BC is a toll-free, confidential telephone service available across BC and Yukon 24 hours a day, 7 days a week at 1-800-563-0808. It provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence. VictimLink BC is TTY accessible.

- Call TTY at 604-875-0885; to call collect, please call the Telus Relay Service at 711.
- Text to 604-836-6381.
- Email VictimLinkBC@bc211.ca.
- Website: www.victimlinkbc.ca



Ministry of Attorney General Community Crime Prevention Guide

The Community Crime Prevention Guide provides information and tools for communities in B.C. to develop action plans to enhance public safety and security through crime prevention and to develop programs that target those most at risk of becoming involved in crime.

- Website: www.criminaljusticereform.gov.bc.ca/en/what_you_can_do/index.html



Please note:

This document provides general information only. It is not intended to provide legal information or advice.

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