

## Policy on Restorative Justice

- ISSUE:** Restorative justice approaches are generally consistent with the philosophy of St. Leonard's Society of Canada, and since they are increasingly being used in Canada, an official policy position concerning them is warranted.
- GOAL:** To endorse evidenced-based approaches to criminal and social justice in order to further the Society's mission.
- BACKGROUND:** Restorative Justice approaches are becoming increasingly prevalent both nationally and internationally. St. Leonard's Society of Canada has explored much of the discourse and research concerning these approaches and their implementation.

The formal criminal justice system in Canada is based on an adversarial model whereas Restorative Justice processes are founded on core principles of inclusion, consensus, mutual respect, cooperation, repair of harm, accountability and empowerment. It has been found, however, that these practices are not ideal in all situations. Cases involving assault, battery and sexual abuse have been cited in this connection.

Several significant policy considerations were identified during the Society's review and analysis of Restorative Justice:

- *Defining Restorative Justice*  
Definitions must remain as broad as possible since prescriptive, narrow definitions do not allow for the flexibility in programming which is needed to accommodate specific situations and allow for healing and change.
- *Power imbalances*  
Facilitators may contribute unintentionally to an imbalance of power within the process. Assault cases pose an appreciable concern in this regard and facilitators need to be particularly attuned to these issues.
- *Gender considerations*  
Gender issues dovetail with the concerns about power imbalance issues outlined above. To ensure an environment conducive to fully consensual decision making, participants must not feel oppressed by, or as a result of, the proceedings.
- *Voluntariness of participation*  
Participation in Restorative Justice processes must be voluntary to ensure successful outcomes. For instance, family members may place pressure on an individual, especially a young person, to engage in Restorative Justice practices.
- *Defining success and achieving consensus*  
The diverse and idiosyncratic needs of participants must be acknowledged in designing successful, mutually acceptable agreements. Participants must feel that they have contributed to and are able to be supportive of agreements made.

· *Qualifications of facilitators*

Facilitators must have adequate professional qualifications and an appropriate grounding and appreciation for the principles of Restorative Justice. At the same time, fiscal constraints and accreditation processes must not create an environment where voluntary sector involvement is not feasible. Qualifications need to be appropriate to the circumstances in which the Restorative Justice approach is being applied. In the end, it is important that both public and voluntary sector staff are able to promote and provide Restorative approaches where appropriate.

Recent developments in Restorative Justice have resulted in differing definitions of what constitutes a Restorative process, in part depending upon the context in which the practice is developed and applied. For example, there is debate about whether a practice can or should be termed Restorative or Transformative. Examples include the use of the terms Restorative and Transformative and what is meant by voluntariness and reparation of harm.

Rather than restricting itself to any specific definition, SLSC chooses to set out the conditions it supports for alternatives to the formal criminal justice system.

As Canadians increasingly rely on Restorative Justice, SLSC must continue to examine developments in order to determine evidenced-based best practices. The Society will share the resulting information with affiliates which may or may not choose to operationalize particular Restorative Justice principles and policies.

POLICY:

St. Leonard's Society of Canada endorses approaches to offending behaviours which are consensual, inclusive, mutually respectful, cooperative and empowering, and which provide an opportunity to either repair or mitigate harm and that require accountability.

St. Leonard's Society of Canada supports and promotes responses to crime which are inclusive of victim, offender and community and which result in outcomes respectful of their individual and collective needs.

The Society promotes criminal justice responses that are free from power imbalances and that are cognizant of gender and minority issues.

Voluntariness of participation is an essential pre-condition for a Restorative Justice process.

*Approved and adopted at the Annual General Meeting held June 4, 2005 in Kingston ON.*