



## RESTORATIVE JUSTICE PROGRAM GUIDELINES

These Guidelines are intended to be aspirational and not prescriptive in nature. They are intended to set out Best Practices in restorative justice. They are intended to be applied in a way appropriate to the context of each community.

Bearing in mind the statement of *Values and Principles of Restorative Justice*, the Department of Justice will pursue programs that seek to incorporate the following guidelines:

### General

1. A program is engaged in the delivery of restorative justice processes when it has an intention to fully involve the victim, the offender and the community in the process, and it can demonstrate there is the capacity in the program or the community to support the victim and the offender before, during and after the conference.
2. These guidelines are intended to encourage the safe and effective use of restorative justice processes. Restorative justice processes will vary in design and approach from one community to another, and from case to case depending on the particular cultural, social and other circumstances.
3. The referral must be consistent with the provisions of the criminal law, in particular with respect to such matters as the right to counsel, authority to make referrals, privacy protections, proportionate accountability, withdrawal of consent and Alternative Measures.

### Program Development

1. Each program should develop and articulate its own vision, goals and objectives.
2. At the initial planning stage, a program would benefit from the input of a diverse cross-section of the community and justice stakeholders. Views should be sought from persons representing a variety of cultural and social backgrounds and community roles. Consideration should be given to the establishment of an advisory committee or board composed of a similarly diverse cross-section of the community. Of particular importance is the need to encourage balance among victim, community and offender perspectives in the development and operation of the program. Every effort should be made to avoid compounding injustices by limiting the access of any party to the program in a discriminatory fashion.



3. It is suggested that each program should be developed and maintained through close working relationships and consultation with provincial and territorial officials responsible for restorative justice and local criminal justice officials and social service agencies. Following the program development stage, collaborative relationships should be maintained with community and justice stakeholders. However, care should be taken to avoid overrepresentation by criminal justice professionals.

### **Program Facilitation**

1. Restorative justice processes must be facilitated by fair and respected third parties known as “facilitators”. In Aboriginal communities these may be elders. Facilitators should receive solid training in leading restorative justice processes. This training may be both formal and informal in nature. They should demonstrate sound judgement and effective interpersonal and communication skills. They will be responsible for establishing and maintaining a safe, respectful environment which is sensitive to vulnerabilities.
2. Facilitators may be recruited from all sectors of society and should possess an understanding of the local cultures and communities in which they are working.
3. Ideally, the training of facilitators would provide the following skills and knowledge:
  - The values and principles of restorative justice
  - Restorative justice processes
  - Skill set of conflict resolution
  - How to effectively work with victims and with offenders
  - How to recognize and deal with issues of power imbalance
  - Understanding the impact of crime on victims and the dynamics of victimization
  - The workings of the criminal justice system
  - The operation of the program in which they will work
  - The objectives of the particular model of restorative justice which is being used in the program.

### **Program Operation**

1. Programs should develop ethical standards and protocols to guide their operation. The issues potentially included are criteria for the referral of cases, confidentiality, specific protocols concerning the day to day relationships with the police, Crown, and other justice officials around file management, and the handling of cases following a meeting



2. Programs need a solid operating structure with policies concerning governance, accountability, staffing, training, finances, and volunteer recruitment and management.
3. Programs must have an evaluation framework, outlining clear goals that are known and understood by staff, volunteers and facilitators in order to provide a basis for assessment.
4. All cases should include careful preparation and follow-up with both victims and offenders. At all stages of the process every effort should be made to identify and attend to the needs of victims and offenders, and where necessary, to connect individuals to support services which can meet their needs.
5. Where appropriate, cases should include an offender reintegration plan which will address the underlying causes of the criminal behaviour and assist the offender with treatment, counselling and rehabilitation.
6. Whenever possible, cases should consider a plan to address the ongoing needs of the victim and to provide information about assistance that is available in dealing with the aftermath of the offence.
7. Priority should be placed on ensuring the timely processing of a case and on ensuring the prompt completion of any agreement reached. Every effort should be made to arrange meetings at times and places convenient to all parties.
8. Efficient data collection practices should be developed at the outset. A careful record of each case should be kept and made available to funders and other relevant parties. This will involve keeping a record of the number and types of cases, outcomes, satisfaction rates, costs etc. Record keeping must respect any non-publication orders and court directives.
9. It is suggested that each program consider implementing an outreach and public education strategy.
10. Ongoing professional and volunteer recruitment, training, support and development will be a priority of a successful program.

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