

Introduction

In recent years public confidence in the Canadian justice system has been declining. There is a feeling that offenders are not held accountable for their actions, and that victims and communities have little say in the justice system.

Reducing recidivism, increasing victim satisfaction and public confidence in the system will take enormous effort over many years. It will require a rethinking, and perhaps a retooling, of not only our justice system, but of our education, health and social services systems. It will require a comprehensive, multi-disciplinary, multi-departmental, and even multi-governmental strategy to prevent crime.

It will require smarter, more effective ways of making our communities safer. A promising road toward improvement is in a way of thinking about conflict and crime that has been captured by the modern phrase “*restorative justice*.”

What is Restorative Justice?

Restorative justice is a way of thinking about crime and conflict. It challenges us to look at how we think about ourselves collectively as a society, how we respond to crime and how we restore the balance after a crime has been committed. Restorative justice can come in many forms, depending on the circumstances of the case, the point in the system in which a restorative option is invoked, and the traditions and preferences of the communities that adopt restorative alternatives.

In general, all restorative models focus on holding the offender accountable in a more meaningful way, repairing the harm caused by the offence, reintegrating the offender into the community, and achieving a sense of healing for both the victim and the community. Contrasting restorative justice with the existing court-driven adversarial system highlights these principles:

Adversarial System

- crime is defined as a violation of rules, and a harm to the State
- victim is inhibited from speaking about his/her real losses and needs
- community’s role is limited
- offender is blamed, stigmatized and punished

Restorative Justice

- crime is seen as a harm done to victims and communities
- victim is central to the process of defining the harm and how it might be repaired
- community is actively involved in holding offenders accountable, supporting victims and ensuring opportunities for offenders to make amends
- the long term protection of the public mandates a focus on the methods of problem solving that include the reintegration of the offender into the community and the preservation of his/her dignity

The real essence of restorative justice is in a face-to-face meeting between the victim, offender and members of the community. During the course of that meeting each party is given an opportunity to tell the story of the crime from their own perspective, and talk about their concerns and feelings. The meeting helps the parties develop an understanding of the crime, of the other parties, and of the steps needed to make amends. The meeting concludes with an agreement outlining how the offender will make reparation. Reparation can include monetary payment, service to the victim, community service or any other measure agreed upon by the parties.

The Nova Scotia Program

Over the past decade, the shortcomings of the justice system have led many to consider turning to the idea of restorative justice. Initiatives based on restorative justice principles have been emerging in communities throughout Canada, including Nova Scotia.

The Department of Justice is committed to improving the delivery of justice services. In the summer of 1997 a multi-disciplinary Steering Committee was struck by the Department to develop a system-wide Restorative Justice Initiative for Nova Scotia. In September 1997, the Steering Committee hosted a one-day symposium on the future of restorative justice in this Province. It was attended by key individuals from all components of the criminal justice system. This group enthusiastically endorsed the idea of moving forward with restorative justice ideas.

Perhaps the strongest recommendation coming out of this symposium was that individual communities should be empowered to shape these programs and to deliver the service of restorative justice. Although Government has a leadership role to play in areas such as establishing a legal framework for the programs, enabling community-based programs, initiating interest, setting standards, and monitoring progress, Government cannot create and run restorative justice programs in every community.

The Steering Committee recognized early on that for a Restorative Justice Initiative to be truly effective, it needed to be flexible enough to meet the specific needs of many different offenders, victims and communities. Despite restorative alternatives being most prevalent at pre-charge and post-charge/pre-conviction entry points, it was recognized that there is nothing to preclude the use of restorative programs at post-conviction and post-sentence entry points as well. The Steering Committee therefore supports a more systemic approach to restorative justice, one which provides for the referral of cases at all entry points in the system. These four entry points can be summarized in the following way:

- I. Police Entry Point (pre-charge) - referral by police officers
- II. Crown Entry Point (post-charge/pre-conviction) - referral by Crown Attorneys
- III. Court Entry Point (post-conviction/pre-sentence) - referral by Judges
- IV. Corrections Entry Point (post-sentence) - referral by Correctional Services or Victims' Services staff

The long-term goal of the Initiative is to provide an opportunity for all offenders province-wide to participate in a restorative justice process. Implementation of the Initiative will be multi-phased. Phase 1 will target youth between the ages of 12 and 17 in the Halifax Regional Municipality, the Cape Breton Regional Municipality, and the more rural areas of the Annapolis Valley and Cumberland County. Phase 1 will be implemented with the assistance of multi-disciplinary working groups in each of the designated communities. Service delivery for Phase 1 is anticipated to begin in 1999.

Conclusion

The Nova Scotia Department of Justice is committed to improving the delivery of justice services. It is believed that holding offenders accountable, and giving victims and communities a voice in the response to crime will result in a decrease in recidivism rates, and an increase in victim satisfaction. The community-based nature of restorative justice will enhance the sense of safety felt by those living in the community.

Restorative justice offers exciting potential for justice agencies and communities to work together in partnership to address the concerns we have all expressed regarding the criminal justice system. The success of this partnership depends upon a system-wide approach, one which makes possible a wide range of alternatives, at various points in the system.

Crime HURTS... Justice HEALS

For more information about Restorative Justice contact:
Restorative Justice Coordinator
Nova Scotia Department of Justice
P.O. Box 7, Halifax, NS B3J 2L6 (902) 424-4222 www.gov.ns.ca/just

