Learnings from New Zealand for restorative justice in Alberta

Workshop findings

The 12th Annual Alberta Restorative Justice Conference, November 2018
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A workshop on Learnings from Restorative Justice in New Zealand for Alberta/Canada was delivered by Francesca Kliffen, Senior Advisor, Ministry of Justice, New Zealand on 22 November 2018 at the 12th Annual Alberta Restorative Justice Conference. Around 30 people attending the conference took part in the workshop, including restorative justice practitioners and government officials.

This report provides a summary of the content generated during the workshop by participants.

The purpose of the workshop was to identify:

- key learnings that are relevant to Alberta/Canada from the New Zealand experience of restorative justice
- actions individuals and groups can take to overcome the biggest challenges in restorative justice in Alberta/Canada

Participants used the method of post-it notes to answer:

- What are the greatest strengths in restorative justice in Alberta/Canada?
- What aspects of the New Zealand model could work well in Alberta/Canada?
- What are the biggest challenges in restorative justice in Alberta/Canada?

Participants had the opportunity to add stars to other people's ideas that they strongly agreed with. Ideas with the most stars have been reported in **bold** (stars are represented by a number next to an idea).

In tables groups, participants identified:

- three things I can do to overcome out biggest challenges?
- three things we can do to overcome our biggest challenges?

Groups then shared their ideas with the rest of the participants.
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Greatest Strengths

What are the greatest strengths in restorative justice in Alberta/Canada?

The greatest strengths in restorative justice in Alberta/Canada were identified as the knowledge of elders, people and communities, that community buy-in has happened, the use of language, First Nation’s communities having their own justice youth communities and doing restorative justice their own way.

Most “starred” ideas

- Knowledge of Elders - 6
- Community buy-in has happened – 4
- Use of language - 4
- Having our own Justice Youth Community for our First Nation’s community/Reserve – 3
- Our strength is doing RJ in our own way (First Nation) - 3
- Knowledge of our people and community – 3

All ideas

- The willingness is there with government and First Nations to bring back RJ practices – 2
- Indigenous knowledge - 2
- Grass roots community lead process – 2
• ARJA in Alberta – 2
• Space and recognition to acknowledge indigenous ways of knowing – 2
• Have Elder from their community to say prayers - 2
• Starting to educate courts about indigenous ways of justice – 2
• Some Judiciary who understand what is not working and are looking to RJ – 2
• Pray - 2
• Government buy-in (in most places) - 1
• We have a historical RJ platform but it will need to be revived with relationships - 1
• Community led process – 1
• Bringing communities together and can heal communities – 1
• Youth Court now has less cases to deal with due to diversionary programmes – 1
• Willingness of communities to participate – 1
• Strong youth intervention programming – 1
• Get leadership to get involved in RJ programmes – 1
• Storytelling – empowerment - 1
• Some buy-in from front line law enforcement – 1
• Some buy-in from provincial and municipal governments – 1
• Knowing what will work in our own communities
• RJ encourages people to engage with laws and process rather than being imposed – wants to participate
• Working towards Collective Impact
• Bringing everyone together for a positive solution
• Support from elders
• As a community organization, provincial government employees have been open to explaining
• The wealth of knowledge of youth and clients we serve
• Collaboration with outside agencies, Crown and Police
• Momentum and people coming together
• Leading academic institutions
• The ability to connect with integrative holistic theory, in combination with traditional cultural teachings
• Strong RJ programme helping the people
• Direction of change – working in a manner to grow resources we have
Biggest Challenges

What are the biggest challenges in restorative justice in Alberta/Canada?

The biggest challenges were identified as a lack of funding, that restorative justice doesn’t address underlying issues and systemic barriers, and multi-agency engagement.

Most “starred” ideas

- Lack of funding – 15
- We don’t address underlying issues and system barriers – 3
- Multi-ministry engagement – health, CFS, justice – 3

All ideas

- Identifying individual needs – 2
- Crown counsel allowing referrals to RJ – 2
- Lack of trust – 2
- Lack of understanding of all nationalities re: cultures, traditions etc – 2
• Bureaucracy -2
• Interagency policies and procedures not aligned – 2
• Healing lodges – 2
• Current amendments to current system to allow for suitable funding/sources to target areas of need – 2
• Too concerned with time and funding, without recognizing RJ saves long term time and money – 1
• Youth coming to RJ and how it works
• Unwillingness to take risk and make change
• Volunteer based – burnout, turn over and training – 1
• Dispelling beliefs that are biased (i.e. ultra conservative) - 1
• Trust between the offender and the victim – 1
• Accepted standards and principles for practitioners and organizations - 1
• Information sharing – 1
• Priorities - 1
• Interagency work, establish policy, promote Judges and justice system to look at cases and refer the cases when able – 1
• Lack of RJ programming where it needs to be – 1
• No support from Government so no funding - 1
• Lack of legislation to mandate referrals
• Lack of evaluation, organisations measuring success
• Silos
• Difficulty in silos and matching priorities
• Geography accessibility of RJ in remote communities
• Community and referral partner understanding of process and referral
• Perceptions that RJ is “soft on crime. Perception that we need to be “harder on crime”
• Understanding the offender’s background
Learnings from NZ model

What aspects of the New Zealand model could work well in Restorative Justice in Alberta/Canada?

Aspects of the New Zealand model that could work well in restorative justice in Alberta/Canada strongly identified with were funding, facilitator training and professionalisation, and legislation of referrals.

Most “starred” ideas

- Funding Funding Funding - 8
- Facilitator training – 5
- Professionalization of facilitators - accreditation and advanced accreditation for sexual and domestic violence – 2
- Legislation of referrals – 2
- Robust and adequate funding – 2

All ideas

- Using language, culture, ways etc of Maori – 1
- Focus on the victims – 1
- Role of the University – formal relationship – 1
- Community agency involvement in developing protocol/practices etc - 1
- Judges being required to consider it – establishing pre-sentence RJ – 1
• Community
• Offender can say what led them to offend – 1
• Programmes to assist in the Decolonisation Process – 1
• Community Engagement in the creation and Implementation of programmes – 1
• Inclusion of RJ providers in best practices frameworks – 1
• Community based – 1
• Focus on the offender and underlying issues versus the offence – 1
• Streamlining of referrals less serious offences to more serious offences
• Accreditation
• Collaboration and relationships
• RJ with a hub
• Offender can choose what can be done
• Re-allocation i.e. corrections $ to RJ $
• Fund pre-conference and emphasize pre-conference
• Availability to offenders
• How do we develop programmes that are relevant to regional needs?
Three things I can do

Three things I can do to overcome our biggest challenges?

• I can continue advocating for RJ in my community
• Develop relationships and remove stereotypes of First Nations people
• Lobby for change, including funding and community
• We/I can educate myself better
• Learn from the wisdom of others (all perspectives) and collaborate
• Raise awareness with Judges and justice personnel
• Pre-conference to address individual needs and try to identify (determine) underlying issues
• Increase community available – big city v. small town training and awareness
• Promote awareness of RJ to increase funding and referrals
• Increase RJ practice theory, skills and therefore increase the depth of understanding
• Integrate RJ principles in daily life. Bring to non-justice system context so it becomes a default position. Act as a role model for my friends, family and colleagues
• Promote Restorative cultures in our communities
• Remain dedicated to this movement in our community
• Awareness to our communities and police about RJ and how we can come together to support both sides
• Learn more
• See how justice system in my area is working with RJ
• Be aware of own thoughts and opinions
• Supporting each other
• Can use our own ways to make this successful in our community
• Stay connected to the offender after RJ
• Allowing the victim and offender to choose who on the RJ committee they would like to work with (trust) might allow it to be more successful
• Staying non-judgmental and open minded
Three things we can do

Three things we can do to overcome our biggest challenges?

- Form RJ hub to build relationships and share information
- Support funding model change
- Break down barriers amongst our own people
- Stay resilient
- Advocate for Truth and Reconciliation
- Develop a clear definition of what RJ is – better training and clarity on what RJ is (and isn't)
- Have community conversations about RJ to promote the practice
- Target community leaders to engage them and educate them about RJ. Make them allies/advocates
- Encourage/task ARJA to facilitate justice reform
- Engage with ARJA to work towards/developing community standard of practice
- Lobby (educate and encourage) government
- Reality of election looming – consider engaging with candidates about RJ
- Incorporate First Nation wisdom in our practice (both community and government)
- Increase understanding of culture
- Create awareness
- Advocate
- Participate in training