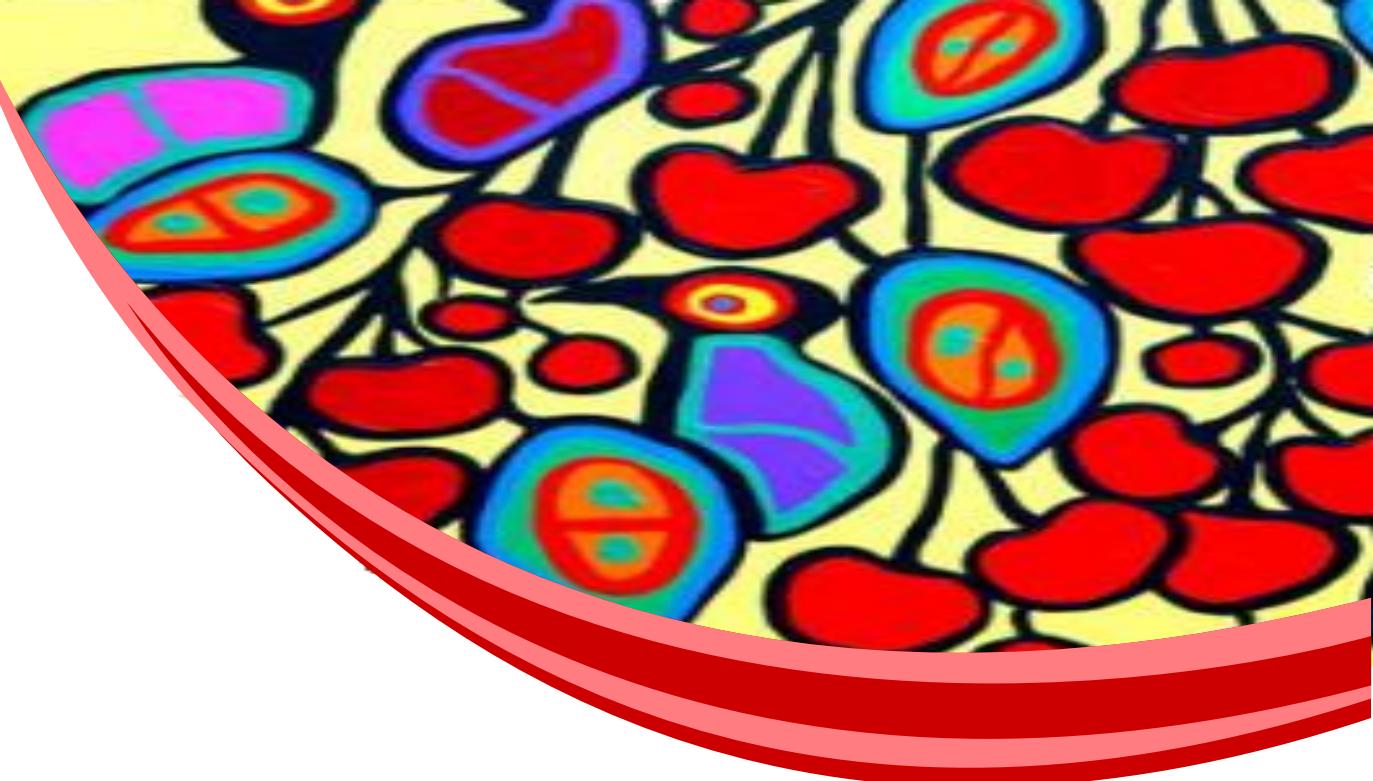


CIRCLE PARTICIPANTS

The following individuals should be invited to participate in the circle:

- The victim and their supporters
- The offender and their supporters
- Key persons involved in helping the offender and victim such as youth workers, social workers, teachers and counselors
- Elders



"Exercise your rights"

© 2013 NLS

CONTACT US

1805 Arthur Street East
Thunder Bay, ON
P7E 2R6

Toll free: 1-800-465-5581

Email: cjohnson@nanlegal.on.ca



PRE-CHARGE RESTORATIVE JUSTICE

"Maa-Mii-Nah-Chi-Ke-Win"

What to Consider & Who Can Refer

- Has someone been harmed?
- Is there a need to repair the harm?
- Has the offender admitted responsibility?
- Could this cause further harm?
- Does the victim want this process?

Participation by all parties (victim, offender, etc.) must be voluntary.

Referrals can come from **anywhere**.

- ✓ Community Legal Workers
- ✓ Police Officers, Probation Officers
- ✓ Chief and Council
- ✓ Principals & Teachers
- ✓ Community Resource Workers
- ✓ Parents & Individuals
- ✓ Neighbourhood Watch

What is Pre-Charge Restorative Justice?

Restorative justice is defined as an alternative form of justice that focuses on addressing the harm caused by crime while holding the offender responsible for their actions. In our pre-charge program, we also include cultural healing and traditional resources. A healing circle is done in this process, and provides an opportunity for the parties directly affected by the crime – victims, offenders and community members – to identify and address their needs to repair the harm caused by the crime.

The principles of restorative justice are based on respect, compassion and inclusivity. Restorative justice encourages meaningful engagement and accountability and provides an opportunity for healing, reparation and reintegration.

Pre-charge restorative justice means that diversion methods are used before criminal charges are laid. The process starts with a traditional circle, led by a restorative justice facilitator. While attending the circle it is the goal to reach an agreement. Within this agreement, the offender agrees to take a course of action to repair harms caused by him/her to the victim. It is up to the offender to put in the effort and dedication needed to uphold the agreement. If the offender is successful in meeting the conditions set by the circle, then the matter is closed. If the conditions are not met the matter is referred back to the referring party for potential charges stemming from the offence(s) committed.

The following are some of the conditions of the Agreements made in a circle:

- Volunteering in the community
- Tending to Elders
- Apologies
- Restitution
- Written or verbal apology
- Attending presentations
- Attendance at school
- Testimonies, sharing of stories to provide a teaching
- Attending a treatment program/self-help program

It is important not to have strict policies on which cases can be referred to the pre-charge restorative justice program. Each case and all its circumstances should be thoroughly reviewed to determine eligibility.

Restorative justices are being used for civil matters, neighborhood disturbances, workplace disputes and harassment. In schools, restorative justice is being used for attendance, bullying, truancy and harassment. For criminal matters, restorative justice circles are most commonly used as a pre-charge diversion at the referring party's discretion.

Here are just a few examples of charges referred:

- Theft
- Assault
- Break and Enter
- Breaches
- Bullying
- Mischief
- Trespass to Property
- Public Intoxication
- Impaired Driving
- Fail to Comply
- Disturbances
- Disputes
- Repetitive Warnings

This program gives all involved an opportunity to have a voice, to heal, and to grow within themselves and their communities. We want people to access further resources from this process as well as develop self-determination for positive decision making. Through motivation and understanding, Restorative Justice works towards changing the mindset of offenders to live more positively and recognize their strengths as individuals. We also aim to replace ineffective non-traditional and culturally unsuitable justice systems with more culturally appropriate community based healing methods.