

Nishnawbe-Aski Legal Services

Restorative Justice

“Maa-Mii-Nab-Chi-Ke-Win”

Presented by Natasha Sakchekapo



About Us

Mandate

To promote creative community-based justice systems and to deliver on a wide range of law-related services including legal, paralegal, public legal education, and law reform services to members of Nishnawbe Aski Nation.

Mission

To deliver the programs and services in a culturally appropriate manner sensitive to the unique values, customs and traditions of NAN communities.

Our Values & Principles

- ✓ Unity, Self Governance, and Sustainability
- ✓ Respect and Dignity
- ✓ Integrity and Honesty
- ✓ Sharing and Partnership
- ✓ Humility
- ✓ Courage
- ✓ Compassion and Caring
- ✓ Wisdom
- ✓ Truth

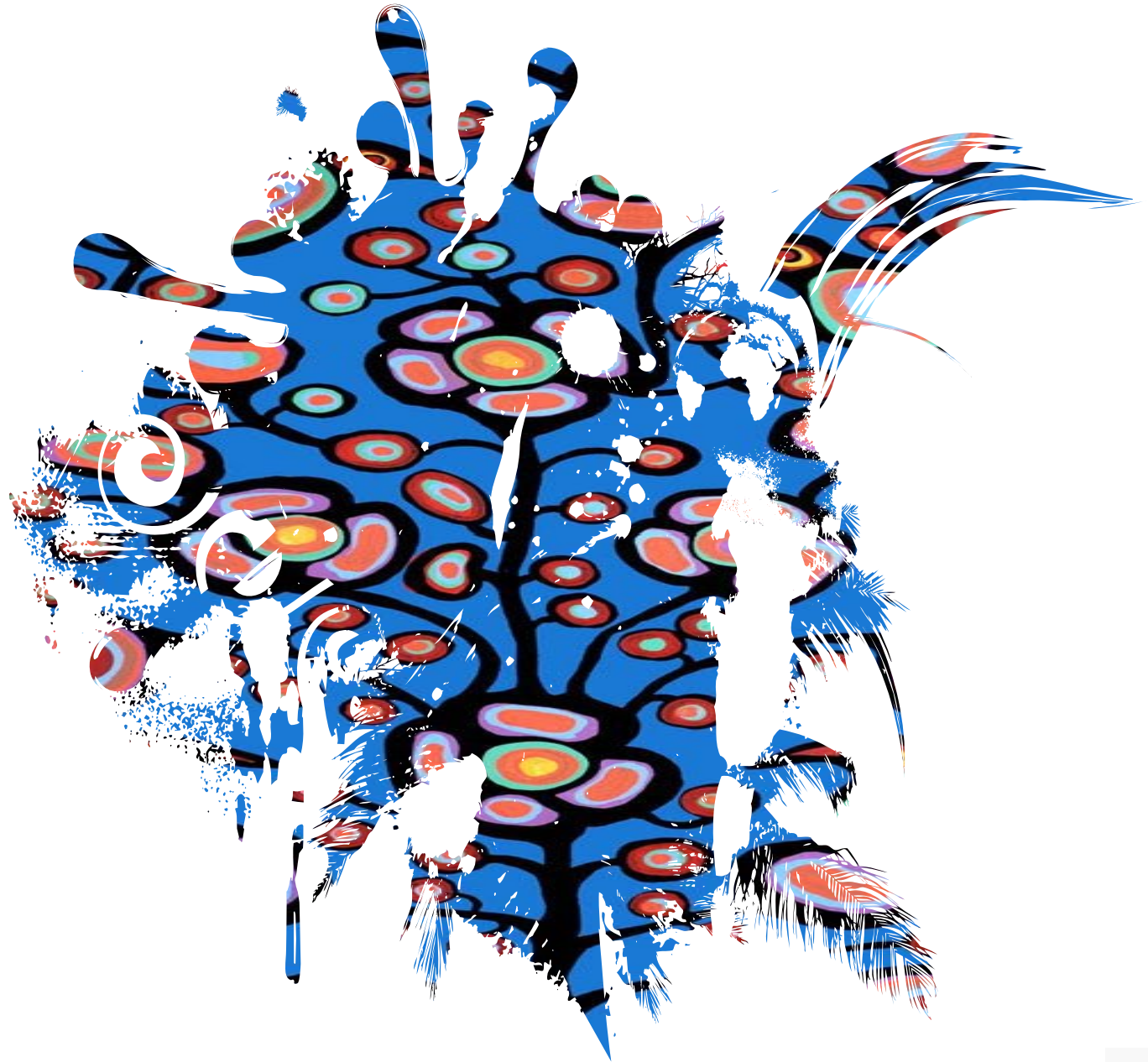


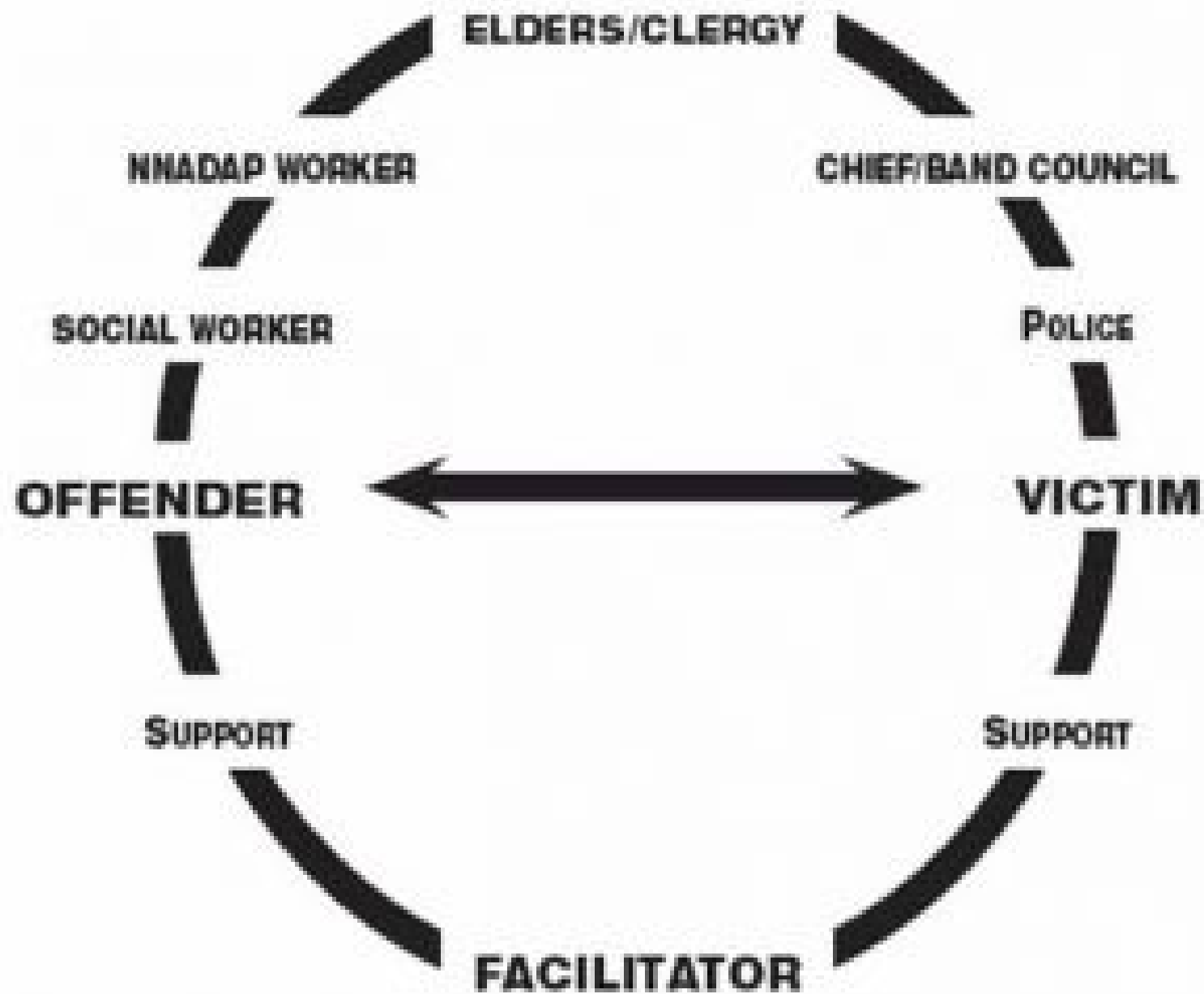
What is Restorative Justice?

Restorative Justice is a unique method of achieving alternative justice. Its focus is to right the wrongs done to the victim and their community. Also, to help the victims, offender, and their families/ friends who suffered from the crime make amends.

Goals of Restorative Justice:

- ✓ To give the community more empowerment by allowing their community members to repair the harm caused, and also grow within themselves
- ✓ To acknowledge the effects of crime on victims by making offenders aware of the consequences of their actions
- ✓ To provide collective support for the victim
- ✓ To replace ineffective non-traditional and culturally unsuitable justice systems and processes with a more culturally appropriate community based healing method
- ✓ To enable all participants with the opportunity to determine how best to repair the damage that was caused by the offender
- ✓ The circle agreement comes from the participants, not from the facilitator, thus giving everyone involved a voice





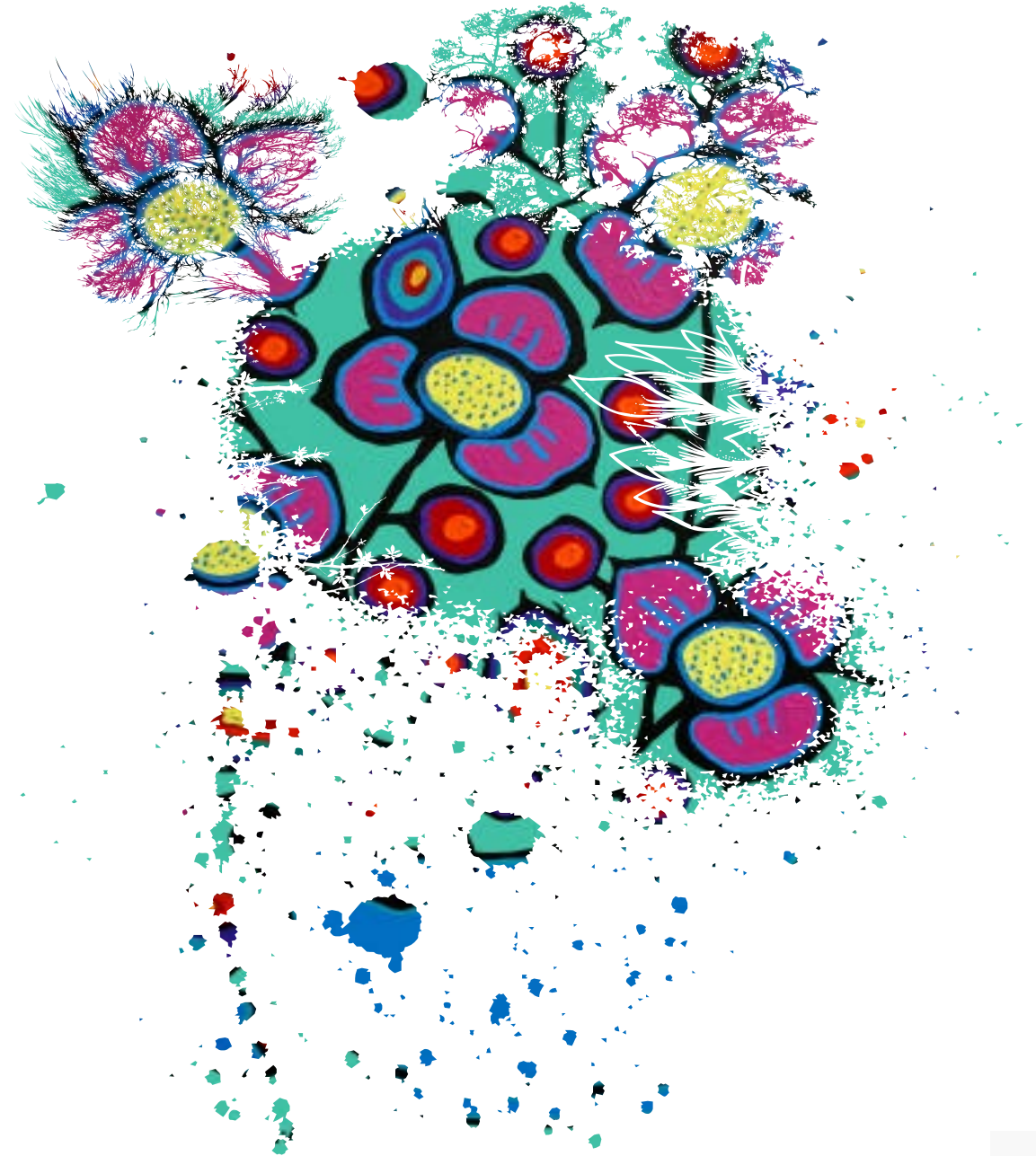
Moving forward in Healing Approaches

Court System

- Serious/less serious offenses
- Punishment driven
- Innocent until proven guilty
- Promotes silence
- Community not safer
- No community involvement

Restorative Justice Healing Model

- All are serious offenses
- Process driven/meaningful consequences
- Accepts responsibility
- Promotes openness
- Promotes a safer community
- Greater community involvement





Benefits of Restorative Justice

- » Focuses on harms resulting from the crime rather than what rules were broken
- » Equal concern is shown to victims and offenders
- » Empowers victims and responds to their needs
- » Recognizes the offender's obligations to repair harm while also recognizing their abilities and inner strength
- » Supports offenders while encouraging them to understand, accept and carry out their obligations
- » Provides opportunities for dialogue – direct or indirect – between the victim and offender
- » Finds meaningful ways to involve the community, and to respond to the causes of crime in the community
- » Respects all parties



Nishnawbe-Aski Legal Services Corporation

Restorative Justice Pre-Charge Referral

Date of Referral: _____

Referral Source (Name & Organization): _____

Name of Accused: _____ Date of Birth: _____

Accused Contact Information: _____

Charges Being Diverted: _____

Incident Date: _____ Incident Location: _____

Complainant(s) Name:	Contact Information (or Officer's phone number):	Date of Birth:

Officer Consent:

I am of the opinion that there are reasonable and probable grounds to charge the accused and I hereby consent to referring the matter to the Pre-Charge Restorative Justice Program. I acknowledge that I have the discretion to proceed with charges if the accused does not successfully complete the Program.

Officer Signature _____

Date _____

Accused Consent:

1. I understand that a police officer believes they have the grounds to charge me with a criminal offence but is using their discretion to divert me to the Restorative Justice Program.
2. I understand that if I do not complete the Restorative Justice Program, the police officer has the discretion to proceed with charging me with a criminal offence.
3. I consent to attend the Restorative Justice Program and to comply with all the terms of the Restorative Justice Program.
4. I understand that any statements made during a circle are confidential and sacred and are not to be used against me in a Court of Law.
5. I understand that in order to participate in the Restorative Justice program I have to take responsibility for my actions.

Accused Signature _____

Date _____

If under 18, Parent/Guardian Signature _____

Date _____

Attention to Chantelle Johnson, Manager

Email: cjohnson@nanlegal.on.ca

Fax: (807) 622-3024

Pre-Charge Referrals

How can we utilize our resources & declutter court dockets?

- » Refer the accused to restorative justice before laying charges
- » Collaborative teamwork with police officers and community workers, etc.
- » Allow more serious crimes to be focused on in court
- » Involvement of family, community & leadership
- » Opportunity to repair harm and not enter revolving door system
- » Before court, let's work together to use the following:

C – Collaboration

H – Helping

A – Accountability

R – Reparation

G – Guidance

E – Empathy

Inclusion of Culture & Tradition



Traditional Community Service Hours

- » Clients are encouraged to participate in as many types of programming, services, or ceremonies that would benefit them or help them grow
 - Encouraging hunting/gathering
 - Doing any outdoors events, reconnection with the land
 - Assisting community buildings
 - Volunteering at community events
 - Going to traditional events, ceremony, etc.
 - Assisting elders: cleaning, visiting, cooking

Use of Elders in Circles

- » In our circles, we utilize the presence of Elders, leadership, community resources
 - The inclusion of multiple networks encourages more support
 - The wisdom and teachings that come from this inclusion is extremely important
 - Focus on unity and re-establishment of families
 - Story-telling, smudging, and use of sacred items



Nishnawbe-Aski Legal Services

Thank You

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- 🌐 <https://nanlegal.on.ca/restorative-justice/>

