



Restorative Justice Committee

COMMUNIQUE

by Justices Beverley Browne and Anna Loparco, July 13, 2020



Justices Beverley Browne and Anna Loparco

The Court of Queen's Bench has launched a Restorative Justice Committee to study the possibility of creating a referral process for appropriate court matters to a restorative justice process (RJ). The committee has received the advice and guidance of Justice Mandamin and Judge Ladouceur, both of whom have successfully introduced RJ programs in

their courts. Members of the committee consist of judges from Queen's Bench and Provincial Court, Crown, defence counsel, Indigenous groups and other stakeholders in the community.

Definition

Restorative justice is defined as a process in which the parties affected by a particular offence (the victim, the offender, and community members) are supported and voluntarily participate in a discussion about the causes, circumstances, and impact of the offence. Dialogues take place with the assistance of an impartial facilitator or "keeper", who is tasked with engaging stakeholders to identify the harm, discuss its impact, and recommend what needs to be done to assist in creating more meaningful outcomes. The goal is to build understanding, encourage accountability and provide an opportunity for stakeholder engagement, capacity development, and repairing the harm caused by crimes.

Scope

While appropriate cases for RJ referrals extend beyond criminal offences to include civil and family matters, the referral process will focus on criminal matters. RJ can occur between strangers but most often involves members of special interest or community groups who are amenable to RJ and where specialized resources are available (e.g., Indigenous groups, immigrant groups, members of the LGBTQ community, neighbourhood groups). It can occur at all points of entry into the justice system. Domestic violence cases, sexual offences, and other offences that engage a power disparity between parties will only be referred in exceptional circumstances.

Purpose

To engage the judiciary in RJ and explore innovative pathways for contextually-informed resolution of matters where broader community involvement could result in meaningful outcomes for victims, lower rates of recidivism, and cost-savings to the judicial system. This is intended to be distinct from Alternative Measures referred to in sections 716 and 717 of the Criminal Code of Canada. The RJ process may inform a sentencing decision, but is not intended to replace the sentencing process.

Next step

To establish a roster of RJ professionals to whom appropriate matters can be referred and to develop protocols/policies for judges to refer cases to RJ and to work with stakeholders on efforts to enhance accountability, training, and resources for RJ practice in Alberta.

We look forward to providing you with more information about the referral process in the future.

If you are interested in joining the committee or have any questions, please contact the chair of the committee, Justice A. Loparco at elise.russell@albertacourts.ca, or Justice B. Browne at B.browne@albertacourts.ca.

ADDITIONAL LINKS

- The Federal-Provincial-Territorial (FPT) Meeting of Ministers agreed to a target of 5% increase in RJ referrals over a 3 year period:
<https://scics.ca/en/product-produit/news-release-federal-provincial-territorial-meeting-of-ministers-responsible-for-justice-and-public-safety/>
- Saskatchewan's RJ program:
<https://www.saskatchewan.ca/government/partnerships-for-success/profiles/restorative-justice-programs>
- Manitoba's Criminal Justice Modernization Program:
<https://www.gov.mb.ca/justice/pubs/criminaljusticereform.pdf>
- Nova Scotia:
<https://novascotia.ca/just/rj/>