

ACTION RECOMMENDED

CBABC calls on the BC Government to increase access to restorative justice services in communities across the province, including Indigenous communities through the following actions:

- Development of a Restorative Justice Strategy and Action Plan in consultation with the Restorative Justice Association of BC, First Nations Justice Council and Metis Nation BC Justice Council, BC Community Corrections, police, lawyers, as well as other legal stakeholders and restorative justice providers.
- Increased funding to restorative justice associations and societies to enable services in all parts of British Columbia, not just in urban areas or where by luck programs exist.
- Continued funding for education of police, Crown Counsel, criminal defence counsel, and BC Community Corrections teams about the benefits of and access to restorative justice programs.

ISSUE

While the value of restorative justice programs has been well demonstrated, they remain on the fringes of the criminal justice system. Restorative justice is an approach that provides an expanded set of tools that complement and can work within all levels of the traditional justice system. By looking at those harmed and community needs first, restorative justice recognizes that, while crime offends society as a whole, crime is primarily an offence against people. Restorative justice therefore involves the person harmed, the offender, and their communities in the search for outcomes that meet the needs of those who have been harmed and address the underlying causes of the act. This may include restitution, counselling, apology letters and/or community service, but can also invite creative solutions determined by key stakeholders.

A robust and comprehensive restorative justice program, which can be accessed at the discretion of both police forces and Crown counsel, has potential for significant cost savings to both the judicial and corrections systems. Building this type of program would require:

- A funding model for community-based restorative justice organizations that allows them to accept all referrals from both police and Crown counsel, provide high-quality training to staff members, retain staff and provide a viable career path for those who wish to excel as restorative justice practitioners, and constantly improve upon programming.
- The development of common standards and training regimens across the province that will enhance the reputation of restorative justice organizations while allowing them, at the same time, to retain their close community ties and reflect the nature and needs of their local communities.
- Amended government policies guiding Crown counsel to permit expanded referrals to restorative justice programs.



- A plan to educate players in the justice delivery and response system as to the benefits of restorative justice programs.

WHY IT MATTERS

Indigenous people are overrepresented in the criminal justice system both as criminals convicted of crimes and as people harmed by crime. The rate of women harmed by crime who are Indigenous is almost double that of non-Indigenous women. Steps have been taken by the Government which includes increased engagement with Indigenous organizations and communities, expanding First Nations courts (criminal sentencing courts that employ restorative justice principles), Indigenous Justice Centres, and establishing the BC First Nations Justice Strategy. The Strategy calls for a complete shift in how Indigenous people are treated by the justice system, in all roles. The suggestions in the Strategy are clear, and CBABC supports these initiatives and urges the BC Government to begin doing the work to accomplish the goals laid out, which include:

- Establishing a presumption of diversion to divert First Nations people from the court system, wherever possible;
- Improving cultural competency in the justice system;
- Establishing roles for Elders and Knowledge Keepers within the justice system; and
- Increasing community justice programming in each First Nations community.

These goals can be met through a Restorative Justice Strategy.

The Fall 2020 Justice Summit focused on Diversion and Alternatives to Short-term Incarceration which highlighted again the benefits of restorative justice for all offenders and persons harmed by crime within the criminal justice system. Restorative justice agencies need to be funded and the police and Crown Counsel decisions need to be enabled in order to gain the best results of a restorative justice system.

REFERENCE MATERIALS

[BC First Nations Justice Strategy](#), BC First Nations Justice Council and Province of British Columbia (Feb 2020)

Links to all *Agenda for Justice 2021* reference materials are available at cbabc.org/A4Jbackground.