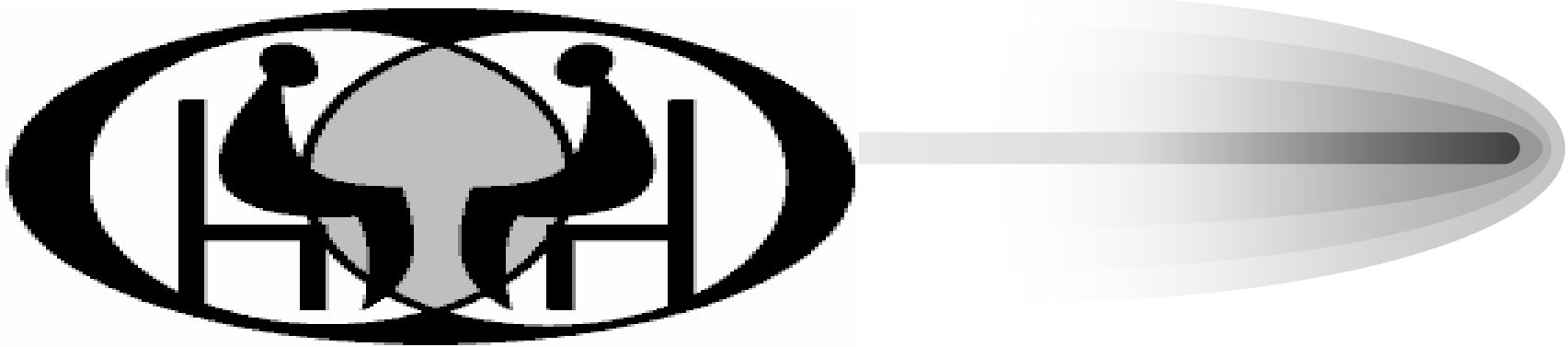


Restorative Justice
Reintegrating Traditional Values



“Building A Path Into The
Future”

Restorative Justice



Presenters

- Rena Smoke
MCA Community Justice

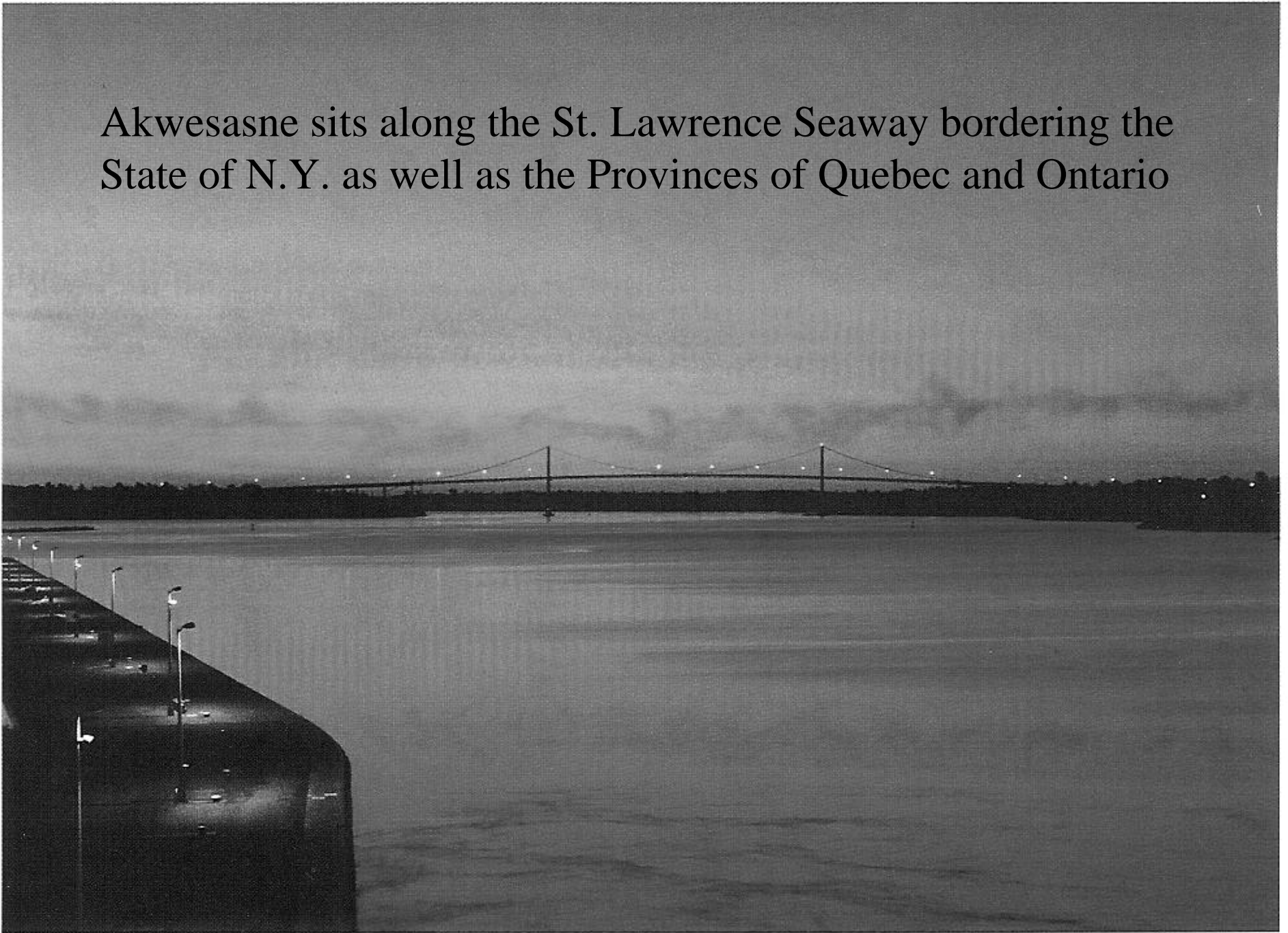
Topics of Discussion

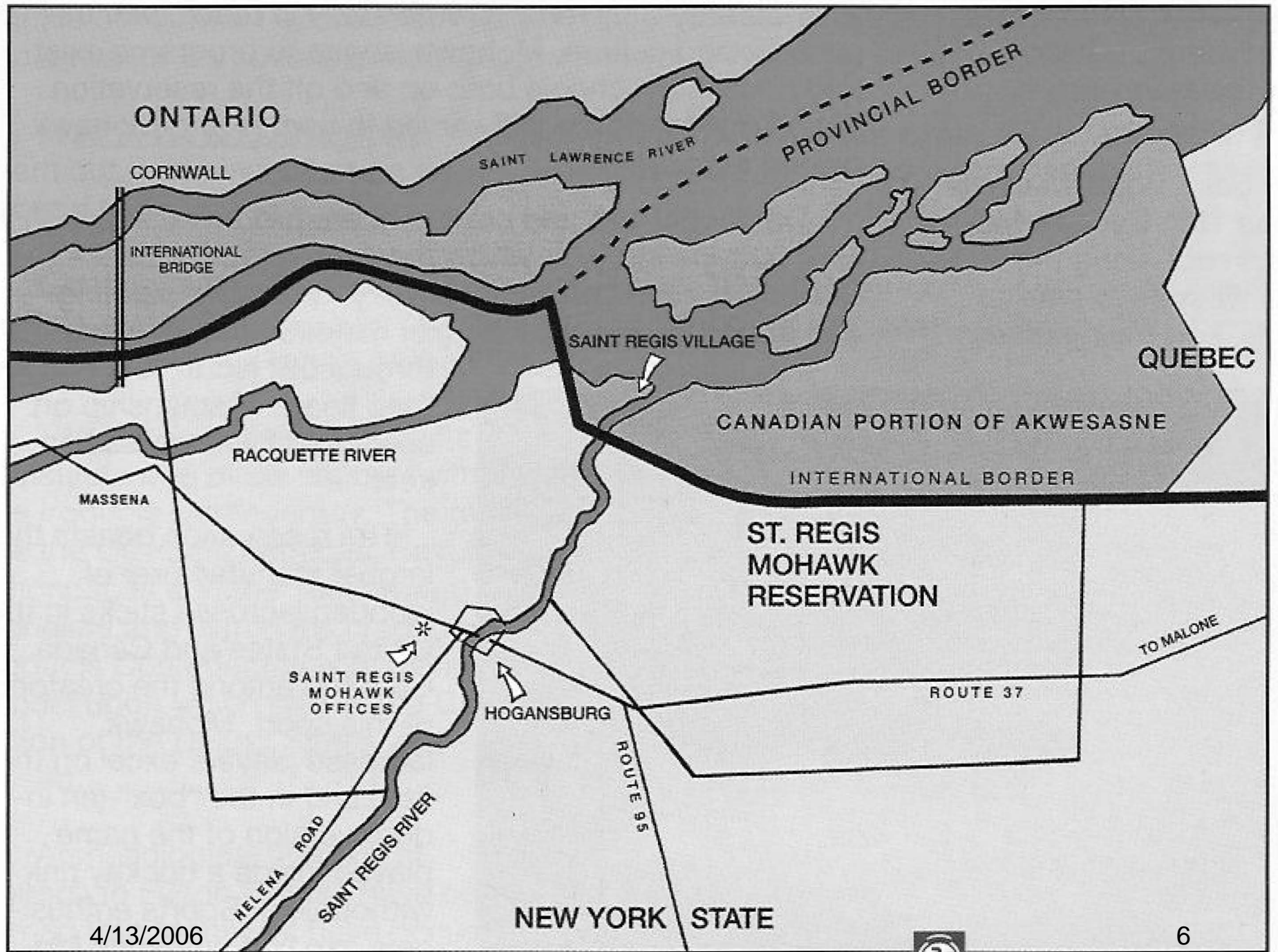
- Geographic Layout of Akwesasne
- Scope of Services
- Inter-Agency Collaboration
- Multiple Jurisdictions
- Tribal Court Development
- Challenges and Barriers
- Looking into the future

The international border seen here overlooking the St. Lawrence River to the south divides the Akwesasne Mohawk Nation

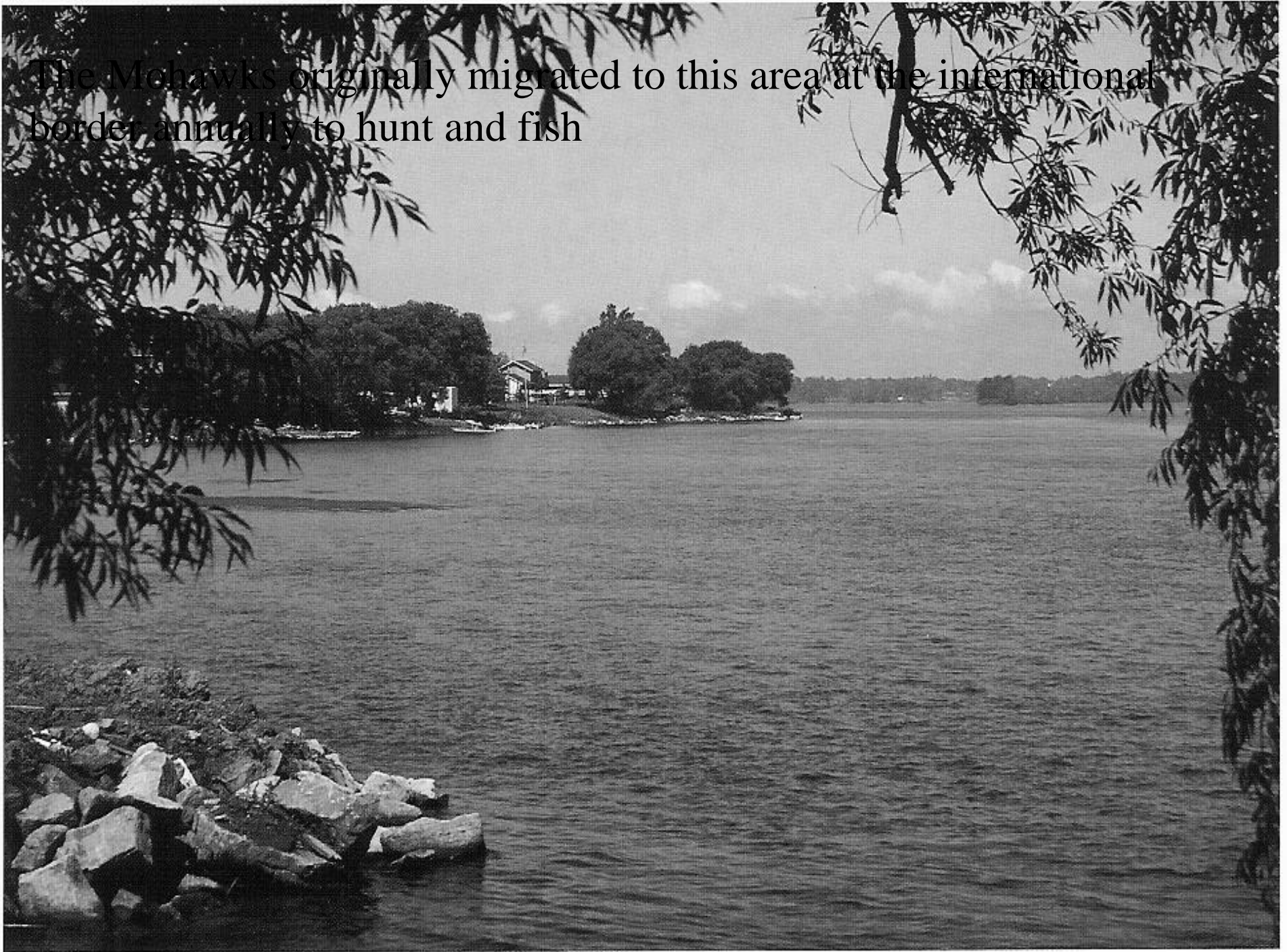


Akwesasne sits along the St. Lawrence Seaway bordering the State of N.Y. as well as the Provinces of Quebec and Ontario

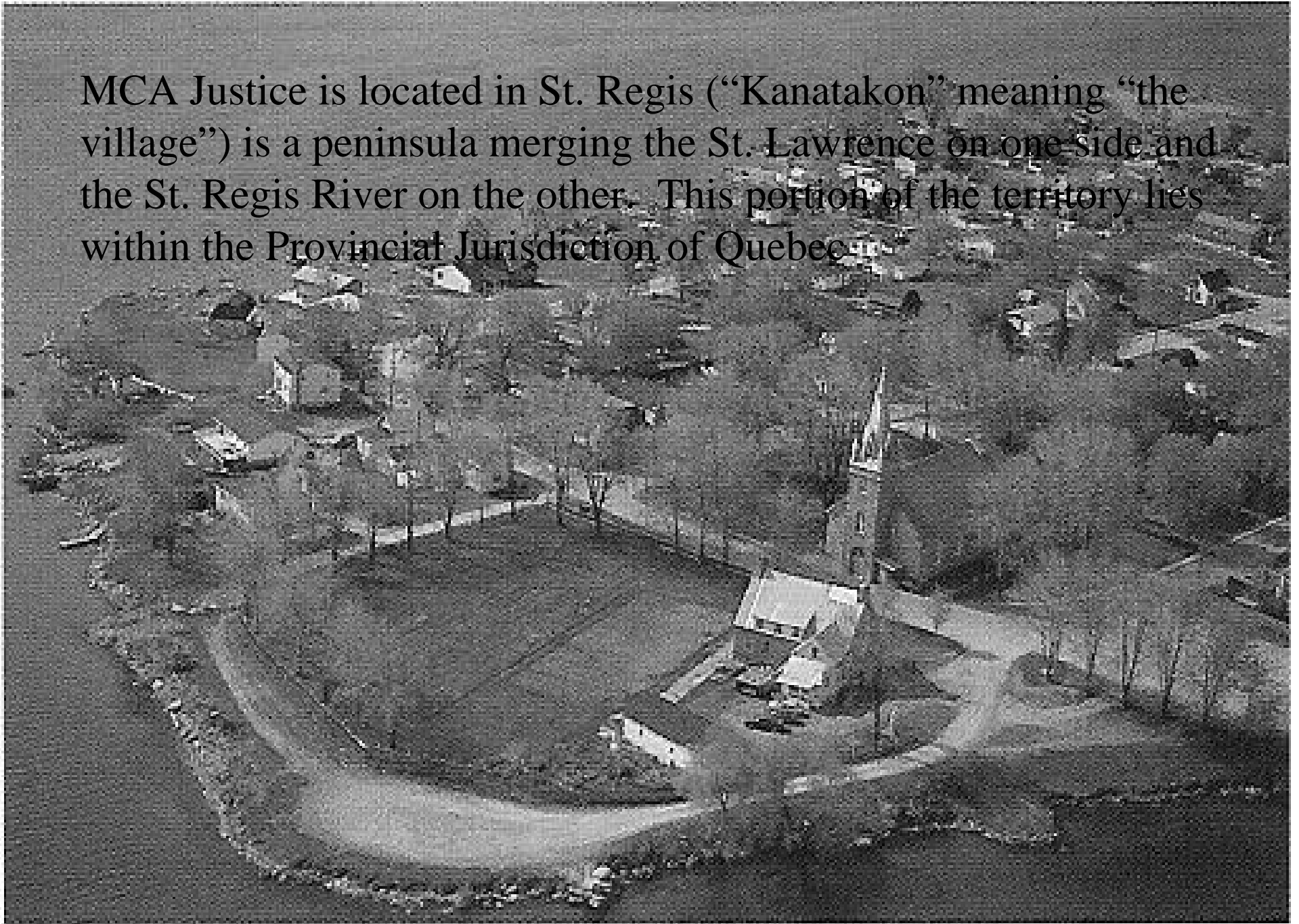




The Mohawks originally migrated to this area at the international border annually to hunt and fish



MCA Justice is located in St. Regis (“Kanatakon” meaning “the village”) is a peninsula merging the St. Lawrence on one side and the St. Regis River on the other. This portion of the territory lies within the Provincial Jurisdiction of Quebec.



MCA Justice Department Community Justice Program



- Director of Services
- Case Supervisor
- 2 workers?
- Data Coordinator

Reintegrative Shaming

Braithwaite claims:

☞ Societies in which shame is a strong cultural dimension have lower crime rates.

☞ That we shame at 2 levels:

(a) **EXTERNALLY**: through sanctions or condemnation from family, community, or important others;

(b) **INTERNALLY**: through our socialization and our sense of right and wrong (a conscience).

Reintegrative Shaming

Continuation

Where individual wrong doers are confronted (shamed) within a continuum of respect and support, then a process of REINTEGRATION can begin.

This allows:

- ☞ The act (**unacceptable behavior**) to be rejected,.....
- ☞ while offering care & support for the actor or wrong doer.

Reintegrative Shaming

Continuation

DEFINED:

Reintegrative shaming is shaming followed by efforts to reintegrate offenders back into the community with gestures of forgiveness or ceremonies to de-certify the offenders as deviant.

CHARACTERISTICS:

- ☞ Finite rather than open ended and terminated by forgiveness.
- ☞ Effort to maintain bonds of love and respect throughout this finite period.
- ☞ The person's intrinsic worth is valued.

NEEDS OF VICTIMS

- Opportunity to express emotions / feelings
- Acknowledgement from supporters
- Assurance that what happened was unfair / underserved
- Sense of safety

NEEDS OF VICTIMS

- Direct contact with offender to:
 - a) Hear remorse
 - b) Have questions answered
 - c) Be assured that it won't happen again
 - d) Receive apologies
- Restitution

Criminal Justice Discipline ***System***

Detention

Exclusion

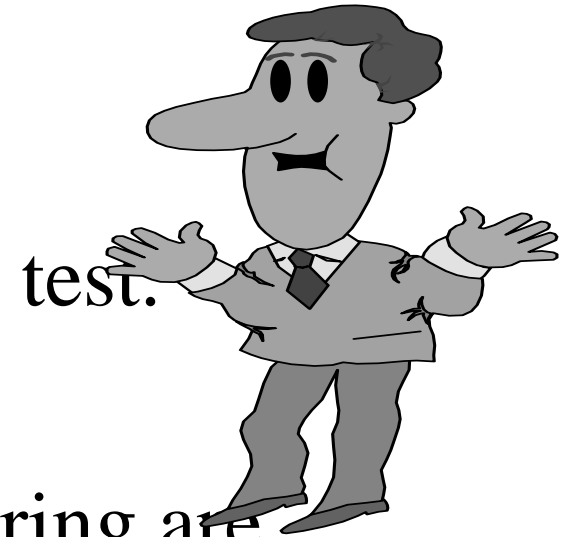
Sanctions



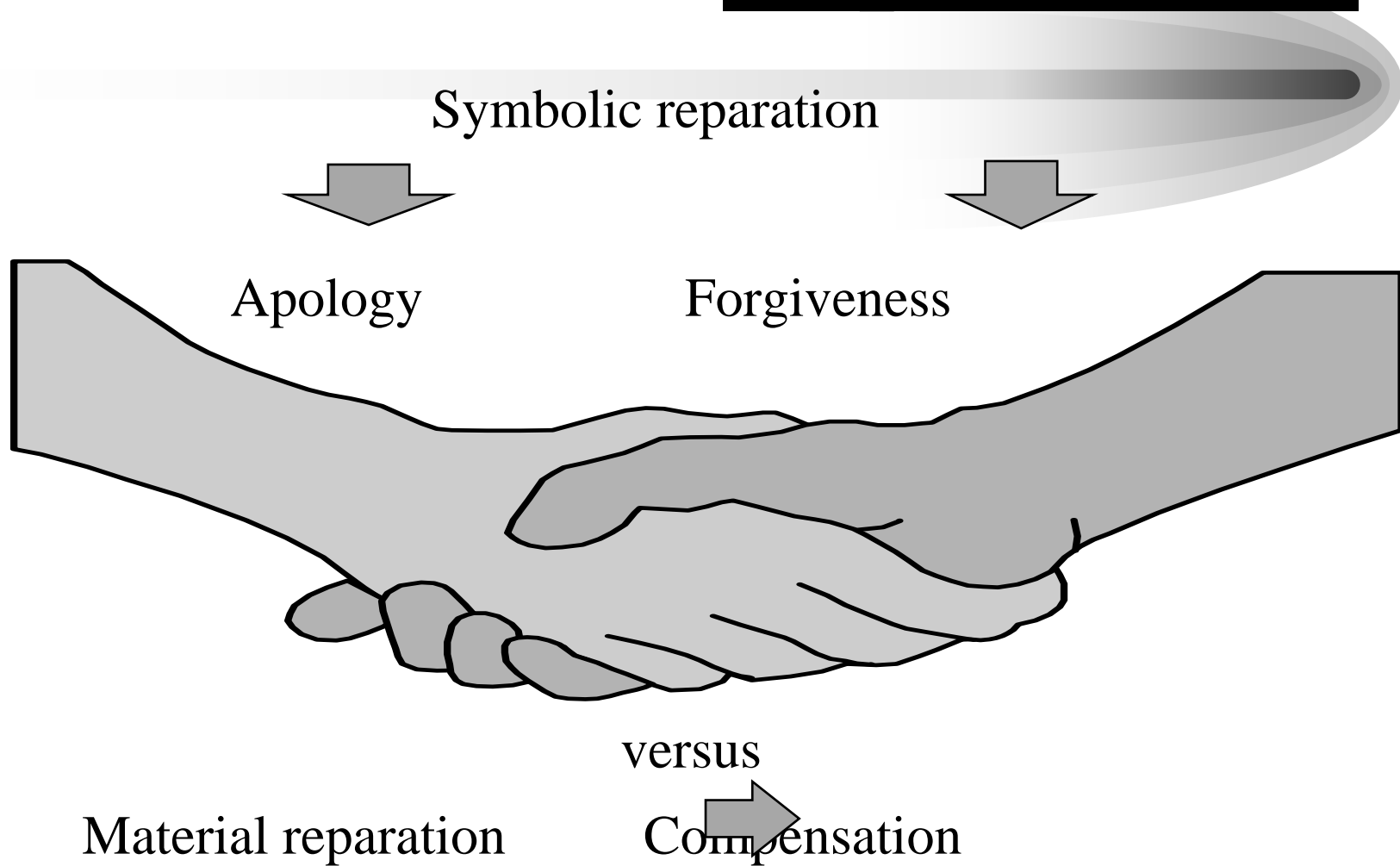
A rapid escalation of punishment risks making young people more angry than thoughtful (backlash).

Facilitators role during agreement phase:

- Clarification of who, what, where, when, and how much.
- Recording the agreement.
- Doing the occasional reality test.
- Not deciding the outcome.
- Ensuring supervision and monitoring are included.
- Checking that the terms of the agreement are not shame inducing.



Reparation



SELECTING CASES

- 1. Has someone been harmed?**
- 2. Is there a need to repair that harm ?**
- 3. Has the offender admitted responsibility?**
- 4. Could the CJF cause further harm?**
- 5. Does the victim want this process?**



R.J. Benefits

What does a R. J. offer to:

- **Victims?**
- **Offenders?**
- **Victims Supporters - family and others?**
- **Offenders Supporters - family and others?**
- **Service Agency Professionals?**
- **Communities?**

BENEFITS TO VICTIMS

- **A chance to be heard**
- **Removes the fear of re-victimization**
- **Offers insights into the offender**
- **Satisfies curiosity**
- **Provides more certainty**
- **It's immediate**
- **A result is gained**
- **De-certifies the person as a victim**
- **Restores stability and trust in people**
- **Offers a chance for closure**

BENEFITS TO OFFENDERS

- **An alternative to court**
- **A chance to have a say**
- **Getting support**
- **Full reintegration**
- **Atonement**
- **Admit to owning the behavior**
- **Deal with the results of their behavior**
- **Insights gained**
- **Portrayed as whole persons**
- **Reduces personal re-offending**

BENEFITS TO PARENTS & SUPPORTERS **(VICTIMS & OFFENDERS)**

- **Less cost**
- **More understanding gained**
- **See both sides of the incident**
- **Involvement with stakeholders**
- **Avoidance of publicity**
- **Contribution to outcomes**
- **A chance to be heard**
- **Restores faith in the system**

BENEFITS TO PARENTS & SUPPORTERS

(VICTIMS & OFFENDERS)

- **Regain lost control**
- **A positive chance to fix things**
- **A chance to regain respect / understanding**
- **Strengthening of family bonds**
- **Their input is not discounted**
- **Incident gains perspective**
- **A catalyst for change**
- **Re-affirms the status of primary victim**

BENEFITS FOR SCHOOLS & POLICE

- **Satisfaction - better outcomes**
- **Less paper work**
- **Shifts responsibility to the community**
- **Cost effective**
- **Pro-Active**
- **Non-Punitive / Restorative**
- **Recognizes needs of victim**
- **Strengthens partnerships**

BENEFITS FOR COMMUNITIES

- **Effective - reduces recidivism**
- **Allows for emotional defusing**
- **Provides a forum for options**
- **Offers insight into police & schools**
- **Greater parental cooperation / student control**
- **Schools re-assess behavior management approaches**
- **Transforms how we approach each other**

Community Justice Forum

MAJOR FINDINGS:

- ◆ a high degree of satisfaction
- ◆ a high compliance rate
- ◆ lower recidivism
- ◆ improved relationships between participants
- ◆ victims feel safer
- ◆ improved empathy / understanding
- ◆ improved school - community relations
- ◆ improved police - community relations
- ◆ 4/13/2006 impacts on behavior management

R.J. CASES :

SCHOOL CASES:

- serious assaults
- property theft, damage and vandalism
- shoplifting
- drug incidents
- killing & cruelty to animals
- harassment
- Weapons violations

R. J. CASES, cont.:

Continuation

Law Enforcement Cases:

- Theft
- Break, Enter and Theft
- Assault
- Mischief
- Drug Possession
- Arson
- Traffic Offences, Joy-riding

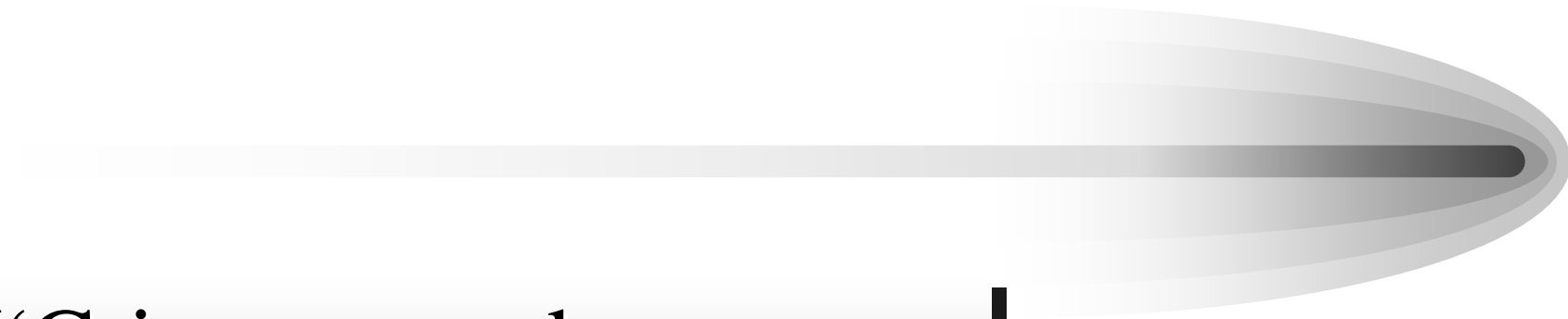
To Summarize...Restorative Justice:

- provides opportunities for dialogue, direct and indirect, between the victims and offenders as appropriate;
- involves and empowers the effected community through the justice process and increases its capacity to recognize and respond to community bases of crime;
- encourages collaboration and reintegration rather than coercion and isolation;
- gives attention to the unintended consequences of our actions and programs;
- shows respect to all parties including victims, offenders, and justice colleagues.

Restorative Justice, cont.

- focuses on the harms of wrong doing more than the rules that have been broken;
- shows equal concern and commitment to victims, and offenders, involving both in the process of justice;
- works toward the restoration of victims, empowering them and responding to their needs as they see them;
- Supports offenders while encouraging them to understand, accept and carry out their obligations;
- recognizes that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable;

RESTORATIVE JUSTICE



“Crime wounds...
justice heals”.

Peacemakers Role



- Roles
- Community Members
- Listens to both sides
- Guides participants through process
- Not decision maker
- Not a judge

Community Justice Scope of Service

- To protect and pass on the cultural heritage and values of the Tribe to
- To assume responsibility for the protection, care, and well-being
- To develop positive relationships between Justice and the community

Various Standards Adopted



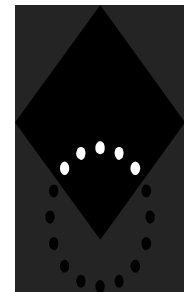
- Other Places that use it?

Throughout Canada

****BENEFITS****

CHALLENGES

- Strongest Challenges Faced Involve Creating a Judicial and Criminal Court Process that is Embraced by the Mohawk Nation
- Requires Research into Traditional Cultural Values and Traditional U.S. Court Policy & Procedures.
- Successful MERGING of Two (2) Philosophies



AS WE LOOK INTO THE FUTURE.....

- Strengthening the bond among our community
- Expanding our Service Delivery to include more cases
- Providing Educational Aspects
- Working more closely with Provincial and Federal Govt.'s
- Increasing our Sovereignty, Self-Governance and Autonomy
- The Preservation of our Cultural Core and Mohawk Identity

NIAWEN KOWA (Thank You)

- Akwesasne Justice Department Inquiries
 - Rena Smoke, Community Justice @ 613-575-1651
 - Russ E. Jock, Court Administrator @ 613-575-1651

