



Restorative Justice in New Brunswick

Community and Youth Justice Services Branch
Department of Justice and Public Safety



Definition of Restorative Justice

Restorative Justice is considered both a *philosophy* and a *practice*.

For our purposes, it is an alternative to the traditional criminal justice system that emphasizes **healing in persons harmed**, the meaningful **accountability and reconciliation of persons responsible for causing harm**, and the **involvement of community members** in creating healthier, safer, and stronger communities.

Indigenous Roots

*Acknowledgement and
Appreciation of Indigenous
Teachings*

Restorative Justice is drawn from and developed out **of Indigenous principles and processes**, both in Canada and around the world.

Our intent is that the RJ Program shall be inclusive and flexible in practice, to ensure space is held for **Indigenous wisdom and knowledge** in repairing harm restoratively.

In New Brunswick, we recognize the wisdom and guidance of the **Wolastoquey, Mi'kmaq** and **Peskotomuhkati** peoples and traditions.

New Brunswick's 8 Principles of Restorative Justice

Restorative Justice and the 8 Principles

A CHEAT SHEET

Restorative Justice emphasizes healing in persons harmed, the meaningful accountability and reconciliation of persons responsible for causing harm, and the involvement of community members in creating healthier, safer, and stronger communities across New Brunswick.

Restorative Justice is an approach to justice that is not about 'getting even', but about getting well.



Visit us on the web! Scan the code with your smartphone camera!

WHAT DO THE '8 PRINCIPLES OF RESTORATIVE JUSTICE' REALLY MEAN?

VOLUNTARY

Having a voice and a choice!

HOLISTIC

Seeing the complete person for who they are

INCLUSIVITY

A program for all that meets your needs

COLLABORATIVE AND PARTICIPATORY

Working together by fully participating, from start to finish!

MEANINGFUL ACCOUNTABILITY AND RESPONSIBILITY

Taking responsibility for your actions, and
Understanding how those actions affect others

RELATIONAL AND RECONCILIATORY

Building connections between people, and with their communities, and
Recognizing each person's unique background

FLEXIBLE

Meeting people where they are at
Respecting the person's own perspective and stage in their healing

FORWARD FOCUSED

Finding ways to move forward

New Brunswick's *Pillars of* Restorative Justice

Trauma-Informed

Culturally Grounded

Victim-Centered

Two Eyed Seeing

Restorative Justice: Accessed through NB Diversion Programs

How it works

Our Mandate

To provide “the **right services** to the **right people** at the **right time** through **individualized, collaborative, community-based** and **stakeholder-supported** alternatives to the traditional criminal justice system.”

Our Goal

To increase awareness and application of the programs available to adults and youth navigating the criminal justice system, promoting **diversion as the default** and **restorative principles** for all New Brunswickers.

Diversion and Restorative Justice can be used at **all stages of the criminal justice process**, from **pre-charge (referral by police)** all the way through to **post-charge (referral by Crown Prosecutors)**.

Diversion and Restorative Justice



The Models

Youth

Extrajudicial Measures (EJM)

Extrajudicial Sanctions (EJS)

Adult

Alternative Measures (AM)

All

Restorative Justice (RJ)



Eligibility Criteria for Youth Diversion Program

Youth Diversion / Extrajudicial Sanctions

- Aged 12-17
- **Free** and **informed consent** to participate granted by youth and parent, guardian and/or responsible adult (under the age of 16)
- Accepts **responsibility** for the act that forms the basis of the offence (EJS only)
- Offence must be on Youth Diversion Schedule of Offences
- Prior to Program acceptance, youth must be advised of their right to be represented by counsel and be given a reasonable opportunity to consult with counsel
- There is **no** limit to the number of times a youth can be referred to the Youth Diversion Program
- Youth Diversion Program **may** be used if the young person has previously been dealt with by EJM or EJS or has been found guilty of an offence.
- Youth with addictions, emotional-behaviour issues, mental health concerns, or intellectual disabilities **can** be considered for the program
- Consideration for 12-month statute of limitations (pre-charge)

Restorative Justice

*Key Factors to be Considered
for Eligibility*

Q: When is referral to a Restorative Justice process appropriate?

A range of factors must be considered when determining whether a case is appropriate for a Restorative Justice process. The key factors that **support** a referral to Restorative Justice include:

- Validation that harm has been caused, as well as recognition of the need to **repair that harm** (trauma-informed)
- Opportunity for more **culturally appropriate, meaningful, and effective** justice process;
- Potential for **victim participation**;
- Enhanced opportunity for **access to justice** for affected communities - increased confidence in the administration of justice
- Opportunity to better **understand root causes/systemic issues** connected to the parties or offence
- **Reduce over-representation** in justice system for individuals from vulnerable and marginalized groups
- Access to **better supports** and **wrap-around responses** to parties needs

Restorative Justice at other points in the criminal justice system

*Restorative Justice in
Correctional Environments*

RJ in Correctional Environments

- Working Group created Summer of 2023
- Miramichi Youth Campus and NB Women's Correctional Centre identified as pilot sites (Winter 2025)
- Jurisdictional scanning and in-depth consultations with intra- and inter-provincial partners and subject matter experts
- Change management and communications/education initiatives
- Development of best practice guidelines, policies, and other foundational documents

Various other points in the CJS in which RJ implementation is being explored

Restorative Justice Success Stories

So far!

Dedicated and
expanded
**Restorative
Justice Team**

Can offer RJ
services
province-wide,
for Adult and
Youth, in EN
and FR

**Case-by-case
approach** – review
process considers
context, unique
needs, personal
histories, and more

Greater
opportunity to
learn about
impact of actions
/ harm caused

**Flexibility in
types of victim
participation**

Dual partiality

Able to focus on
repairing harm
between family
members, friends,
and community
members

Introduction to
services that
can have a
lasting impact

Culturally
appropriate
services for
Indigenous clients
(Elsipogtog RJ, WRJ)

Restorative Justice in New Brunswick

Next Steps

Advocate and educate partners and public on Restorative Justice! Demystify and bust myths surrounding RJ

Promote “**Diversion as the default**” for youth and adults in contact with the justice system and recommend use of Restorative Justice when appropriate.

Continue to explore and implement the use of Restorative Justice at different points in the criminal justice system – and beyond

Increase confidence and comfortability with RJ in criminal justice system – **grow and accelerate Restorative Justice across all of New Brunswick**



Thank you!

Any questions?

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Government of New Brunswick

