



# Pontificia Universidad Católica De Chile

US ENVIRONMENTAL POLICY AND NATIVE PEOPLES'

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FULBRIGHT CANADA



# Truth & Reconciliation through Restorative Justice

VISITING RESEARCH CHAIR IN ABORIGINAL STUDIES

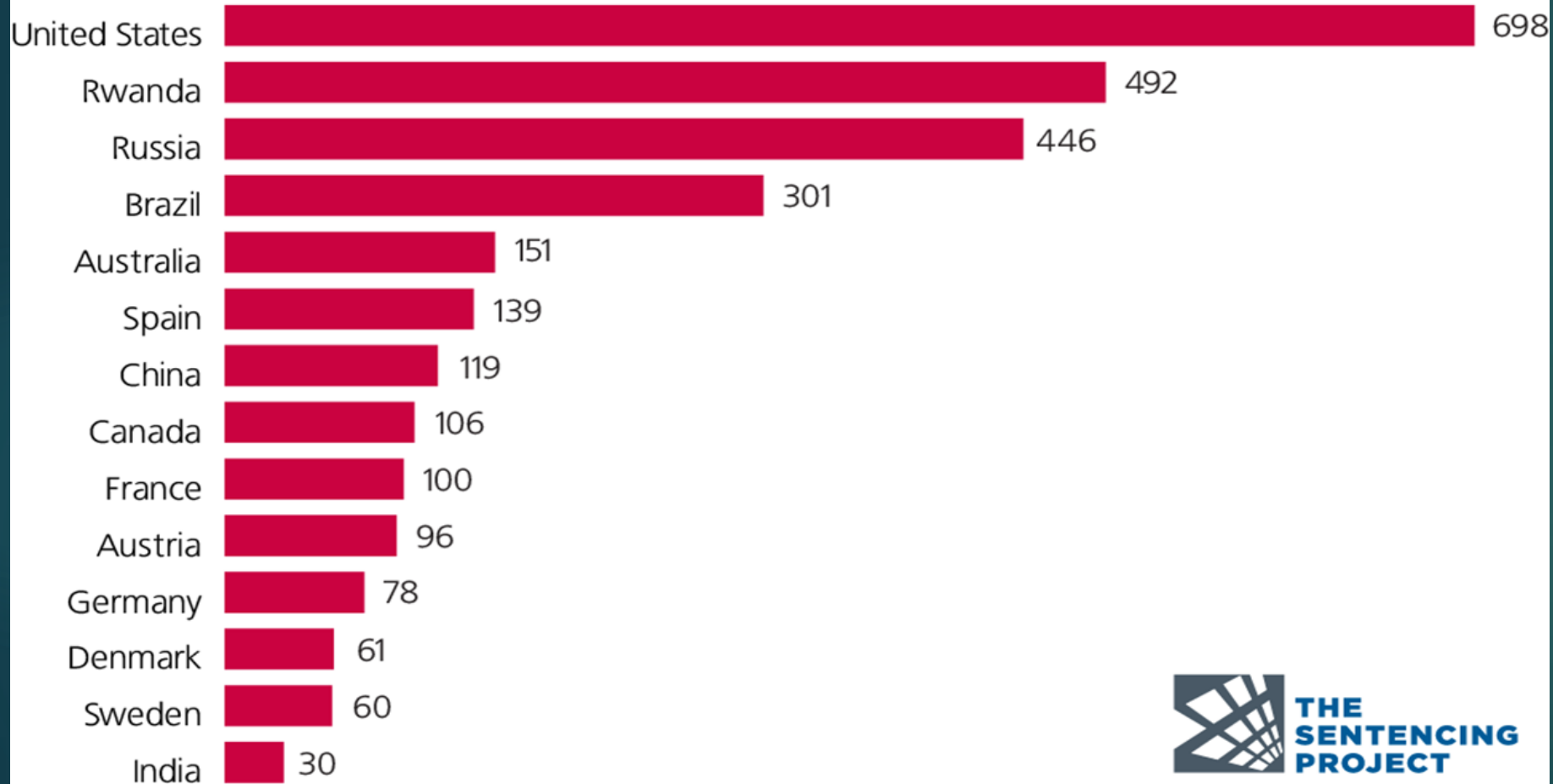
VANCOUVER ISLAND UNIVERSITY - OFFICE OF THE  
PROVOST

PITTSBURG STATE UNIVERSITY – (KANSAS)

DEPARTMENT OF HISTORY, PHILOSOPHY & SOCIAL  
SCIENCES

# International rates of incarceration per 100,000

## International Rates of Incarceration per 100,000

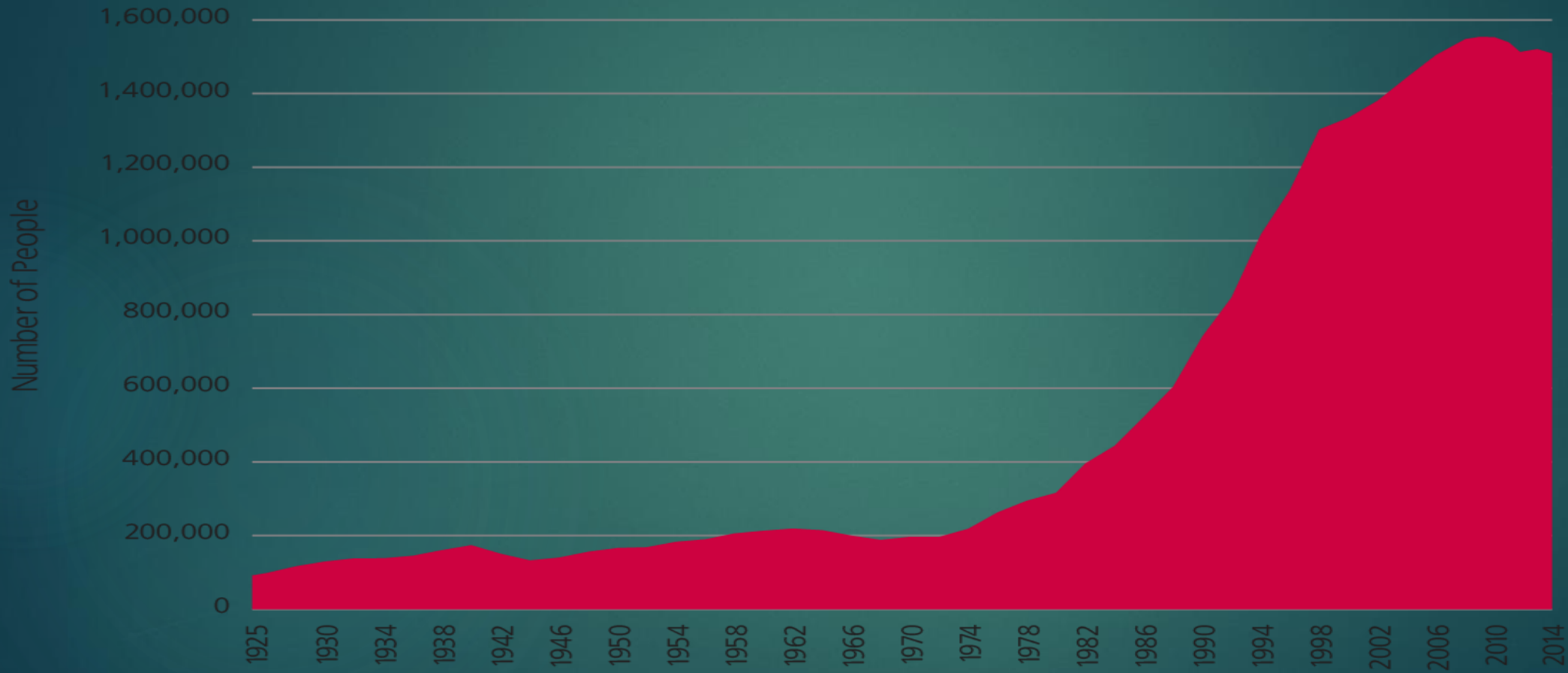


Source: Walmsley, R. (2015). *World Prison Brief*. London: Institute for Criminal Policy Research. Available online: <http://www.prison-studies.org/world-prison-brief>

# PRISON POPULATION, 1925-2014

## WHAT THE DATA REVEALS:

### U.S. State and Federal Prison Population, 1925-2014



Source: Bureau of Justice Statistics *Prisoners Series*.

# Four Types of Justice

- ▶ Distributive Justice Economic
  - ▶ Fairness
- ▶ Procedural Justice
  - ▶ Fairness
- ▶ Retributive Justice
  - ▶ Punishment
- ▶ Restorative Justice
  - ▶ Repair

# Recidivism

- ▶ The Bureau of Justice Statistics has finally released new information on recidivism rates among former prisoners in the U.S.—and while the numbers, aren't necessarily surprising, experts say, they are disturbing.

# Where jurisdiction has not been conferred on the state:

<b>Offender</b>	<b>Victim</b>	<b>Jurisdiction</b>
Non-Indian	Non-Indian	State
Non-Indian	Indian	Federal
Indian	Non-Indian	Federal
Indian	Indian	Federal 18 U.S.C.
		§1153
Non-Indian	Victimless	State
Indian	Victimless	Federal/Tribal – IGRA

# Truth & Reconciliation Commission Calls to Action

- ▶ Child Welfare
- ▶ Education
- ▶ Language & Culture
- ▶ Health
- ▶ Justice
- ▶ Reconciliation-UN framework
- ▶ Equity (Legal System)
- ▶ A Way Forward



# Restorative Justice

- ▶ RJ is a non-adversarial, non-retributive approach to justice that emphasizes healing in victims, and provides...
- ▶ meaningful accountability of offenders, and the involvement of citizens in creating healthier, safer communities.

## Primary Questions

- ▶ What works; where?
- ▶ Why does it work?
- ▶ How is it different?
- ▶ How do we create change?
- ▶ Who benefits from Restorative Justice?
- ▶ How do we create, and manage (RJ) organizations?

# Restorative principles

- ▶ The simplest form of restitution is an apology.
- ▶ Restoration means putting things back as they were.
- ▶ Action toward the offended party.
- ▶ Culturally appropriate programming.

## What are the Benefits of RJ Processes?

- ▶ Victims can tell their story; be certain the offender understands the impact; find answers to questions; hold the offender accountable; and if possible, identify what can be done to repair the harm.

## What are the Benefits of RJ Processes?

- ▶ Offenders can tell their story; accept responsibility for and acknowledge the harm caused; hear how their behaviour affected others; and participate in determining how to repair the harm.

## What are the Benefits of RJ Processes?

- ▶ Communities can be empowered to gain a better understanding of the root causes of crime, engage in a process to express and reduce their fears, and contribute to an understanding of the wider impacts of crime.

## RJ as (re)conciliation...

- ▶ If civil society is to move forward in a meaningful way for all citizens, we must answer the questions:
- ▶ Who, what, when, where, how, why?
- ▶ How do we do reconciliation? How do we do justice?

Thank you for attending;  
questions?

