

Alberta Indigenous Restorative Justice in Action (AIRJA) Project

RECOMMENDATIONS REPORT TO INFORM GOA'S
PROVINCIAL RESTORATIVE JUSTICE STRATEGY

AIRJA Project

TRUE DIALOGUE RESTORATIVE JUSTICE CENTRE | APRIL 2026

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Introduction

Restorative justice in Alberta is at a pivotal moment. Communities, practitioners, and justice system partners consistently expressed a desire for approaches that repair harm, strengthen relationships, and uphold the dignity of all those involved. The Alberta Indigenous Restorative Justice in Action (AIRJA) engagement project brought forward clear themes about what is working, what is needed, and how restorative justice can be strengthened across the province.

“If you’re practicing restorative justice, you’re advancing human rights by facilitating social change, all of which is deeply connected to healing and reconciliation through meaningful dialogue” (Gayle Desmeules). This framing aligns directly with provincial priorities related to community safety, victim support, and system effectiveness. Restorative approaches reduce reoffending, improve victim satisfaction, and lower long-term system costs. These outcomes reinforce Alberta’s justice and public safety objectives by improving accountability, strengthening community relationships, and reducing pressure on courts, corrections, and policing.

Indigenous restorative justice is not a culturally adapted service delivered within a colonial framework. It is an expression of Indigenous self-determination and customary law — systems of governance grounded in relationships, accountability, repair, and responsibilities to community and future generations (Tauri, 2014; Hou, 1988). These legal traditions predate colonialism and have endured despite centuries of displacement, criminalization, and imposed state authority. The Office of the Commissioner for Federal Judicial Affairs Canada emphasizes that Indigenous nations are distinct, with their own legal orders, languages, and governance systems — making a “pan-Indigenous” model neither accurate nor appropriate.

The AIRJA project provided a platform to acknowledge traditional ways in a contemporary context. Its purpose is to support Indigenous-led restorative justice programs, facilitators, and training development, responding directly to the Truth and Reconciliation Commission’s Calls to Action (particularly Calls 25–42) and to the ongoing overrepresentation of Indigenous peoples in the justice and social systems.

The need is urgent. Alberta has one of the largest Indigenous populations in Canada and some of the highest rates of Indigenous incarceration. Statistics Canada reports that Indigenous adults remain significantly overrepresented in both provincial and federal custody. In Alberta, 47% of men sentenced to custody were Indigenous, 65% of women in the Edmonton Women’s Institution were Indigenous, and 74% of youth involved in the Child Welfare System were Indigenous (Statistics Canada, 2022). These disparities reflect long-standing structural issues that place pressure on provincial justice, policing, corrections, and social service systems.

A primary driver is unresolved Intergenerational trauma — the cumulative emotional and psychological wounding experienced across generations — continues to shape the present. Research in *The Little Book of Trauma Healing* (Schirch & Yoder, 2005) and the work of Vamik Volkan demonstrate that collective traumas deliberately inflicted by external forces often lead to predictable cycles of harm. The breakdown of family and traditional law has contributed to cycles of

involvement with the justice system. Mainstream justice responses often focus on punishment rather than prevention, limiting opportunities for healing and for nation- and community-driven solutions.

Alberta Justice and Public Safety has been working with Indigenous nations and communities to change this. Indigenous courts, community-based justice committees, and local restorative justice initiatives have demonstrated that culturally grounded, relationship-based approaches can reduce harm, enhance safety, and restore trust. Indigenous-led court models have a long history in Alberta: the Alexis Nakota Sioux Nation established a restorative court model in 1993; Siksika First Nation has operated an Indigenous Court since 1998; and the Tsuu T'ina First Nation Court was established in 2000. More recently, Indigenous courts have opened in Calgary (2019), Edmonton (2022), the St. Paul Healing to Wellness Court (2024), and Lethbridge (2025).

The AIRJA project contributes directly to this work. It provides a province-wide, Indigenous-led space for learning, connection, and collective action — a space where practitioners and allies can share knowledge and strengthen restorative justice in ways that honour Indigenous legal systems and increase access to out-of-court restorative pathways.

This report reflects what was shared at the 2026 AIRJA Provincial Gathering and what we heard from ongoing connections with Indigenous and non-Indigenous RJ practitioners, Elders, crown prosecutors, police, justices, probation, educators, and government, this past year. It offers a means to support reconciliation, improve public safety, and acknowledge Indigenous self-determination within the justice system.

This initiative was made possible through funding from the Honourable Mickey Amery, Minister of Alberta Justice, and support from the Integrated Justice Initiatives Unit. For more information about AIRJA, visit www.truedialogue.ca/airja.

Indigenous Restorative Justice and Self-Determination

Indigenous restorative practices are pre-colonial legal traditions that have guided conflict resolution, accountability, and community balance since time immemorial. As outlined earlier in this report, these practices are not culturally adapted versions of Western justice; they are expressions of Indigenous law, governance, and relational responsibility. Within this context, **self-determination is foundational**. It extends beyond consultation or participation and requires Indigenous control over program design, leadership, implementation, and evaluation. When Indigenous peoples are invited to advise but not to govern, justice becomes something done *to* them rather than *by* them.

The **United Nations Declaration on the Rights of Indigenous Peoples (2021)** affirms the inherent right of Indigenous peoples to self-determination, including the right to maintain and strengthen their political, legal, and social institutions. This aligns with the **Truth and Reconciliation Commission's Calls to Action (particularly Calls 25–42)**, which call for Indigenous-led justice solutions and the revitalization of Indigenous legal orders.

An Indigenous legal order is a distinct system of laws, protocols, and legal processes developed and practiced by Indigenous Peoples to govern themselves, manage relationships with lands and resources, and resolve conflicts. These orders are rooted in Indigenous history, oral traditions, and cultures operating independently of Western legal systems. (First Peoples Law).

In Alberta, addressing the persistent overrepresentation of Indigenous peoples in the criminal and social systems requires treating Indigenous restorative justice as **core justice infrastructure**, rather than a culturally informed add-on. Indigenous Nations, Metis Settlements, and Indigenous-led RJ agencies must have the authority to lead justice responses that affect their people. Strengthening Indigenous governance in justice is essential to building safer, healthier, and more connected communities.

Indigenous over-incarceration is not only a justice issue—it is a symptom of deeper relational, social, and health disruptions caused by colonial policies. As the Introduction outlines, these disruptions include intergenerational trauma, the breakdown of kinship ties, and the erosion of Indigenous values. Effective justice responses must therefore be grounded in **community health, kinship restoration, and prevention**, not solely offender accountability.

Advancing Indigenous self-determination in justice is essential to repairing intergenerational harm and building long-term public safety. It is also central to supporting Indigenous-led restorative justice as a pathway to healing, reconciliation, and the restoration of healthy relationships.

Funding Model and Jurisdiction

Alberta's Two Restorative Justice Grant Streams

1. Alberta Restorative Justice Grant (ARJG)

- Supports restorative justice programs that provide alternatives to court, focusing on accountability, healing, and repairing harm.
- Funds operational costs, including wages, administration, training, and program delivery.
- Individual grants are capped at **up to \$50,000**.
- Open to municipalities, non-profits, First Nations, Métis communities, and Youth Justice Committees (for activities not already funded).
- The **2025–26 provincial budget allocates \$720,000** to this stream.

2. Youth Justice Committee (YJC) Grant

- Supports Youth Justice Committees operating under the *Youth Criminal Justice Act* to deliver:
 - Extrajudicial Measures (EJM)
 - Extrajudicial Sanctions (EJS)
 - Youth Conferences'
 - Open to Youth Justice Committees operating under the Youth Criminal Justice Act (YCJA).
- Also capped at **up to \$50,000** per organization.
- Funds operational activities such as volunteer training, coordination, and administration.
- Included within Alberta's broader restorative justice investment envelope (e.g., **\$1.3 million in Budget 2026**).

How These Two Streams Function Together

- Together, they form **Alberta's entire restorative justice grant structure**.
- Both are **short-term, competitive, one-year operational grants**.
- Both draw from the same provincial allocation, creating **competition between Indigenous and non-Indigenous applicants**.
- ARJG supports community-based restorative justice programs, while the YJC Grant specifically supports youth diversion under the YCJA.

Challenges for Indigenous-Led Justice Initiatives

This model poses significant barriers for Indigenous-led justice initiatives. One-year grants do not support the long-term capacity building, governance stability, or intergenerational relationship-building central to Indigenous customary law. As a result, Indigenous restorative justice programs are often kept in a state of precarity—required to reapply annually, restructure programming to meet provincial reporting metrics, and compete directly with mainstream service providers that typically have greater administrative infrastructure.

When funding lapses, programs lose trained staff, community relationships, and trust, impairing continuity and effectiveness. These outcomes run counter to provincial goals of reducing recidivism, improving public safety, and strengthening community-based responses.

Jurisdictional Limitations

Alberta’s funding structures also prioritize service delivery over jurisdictional authority. Provincial grants support organizations in delivering restorative justice “services,” yet they do not transfer decision-making power or legal authority to First Nations, the Métis Nation, or Metis Settlements.

This approach aligns with Alberta’s broader justice orientation—including its Indigenous Justice Strategy—which emphasizes cultural inclusion and relationship-building while ultimately retaining control over justice processes within provincial institutions. Indigenous participation is encouraged, but Indigenous governance over justice responses remains limited.

This stands in contrast to federal and international commitments:

- **Canada’s Indigenous Justice Program** identifies Indigenous self-administration of justice as a core objective, including support for community control over justice processes and outcomes.
- **UNDRIP** affirms Indigenous peoples’ right to maintain and strengthen their own legal institutions.

Alberta’s continued reliance on short-term, competitive funding for Indigenous-led justice—combined with the redirection of resources to non-Indigenous agencies delivering “culturally informed” programming—places the province out of alignment with these commitments.

A Call to Action: Move Restorative Justice Into Core Services

A central call to action is to move restorative justice from the margins into **core government services**. If restorative justice is recognized as a viable, evidence-based out-of-court justice process, then the question becomes unavoidable: **why is it not funded as a core line item within Ministry budgets?**

To recap, Alberta relies on short-term, competitive grants to support programs that deliver measurable reductions in reoffending, improved victim satisfaction, and lower long-term system costs. This creates a structural contradiction: the province acknowledges restorative justice as an effective justice response, yet funds it as if it were optional, peripheral, or experimental.

Repositioning restorative justice as **core justice infrastructure** would mean:

- **Stable, multi-year funding** that allows programs—especially Indigenous-led ones—to build capacity, retain staff, and meet demand.
- **Clear policy alignment** between restorative justice outcomes and Ministry mandates related to community safety, victim support, and system efficiency.

- **Integration with existing justice pathways**, ensuring restorative options are available consistently, not sporadically or by geography.
- **Recognition of Indigenous restorative justice** as an expression of self-determination and a legitimate justice process, not a cultural add-on.

This aligns with the coalition of Indigenous governments, organizations, and legal advocates that recently used the United Nations Permanent Forum on Indigenous Issues to call international attention to what it describes as Canada’s continuing mass incarceration of Indigenous Peoples. According to reporting from NetNewsLedger (2026), the coalition—including the Assembly of First Nations, BC First Nations Justice Council, Black Lake Denesuline First Nation, Prince Albert Grand Council, Union of BC Indian Chiefs, and Prisoners’ Legal Services—is urging Canada to shift funding and authority away from the federal prison system and toward Indigenous-led justice, healing, and community safety programs.

The groups are calling on Canada to redirect **one-third of Correctional Service Canada’s approximately \$3-billion annual budget—about \$1 billion a year—to Indigenous governments and organizations.**

Conclusion

Alberta has a strong foundation for restorative justice, supported by growing community leadership and clear evidence that these approaches reduce harm, strengthen relationships, and improve safety. By shifting from short-term, competitive grants to stable, core funding, the province can unlock the full potential of restorative justice—especially in Indigenous communities, where these practices are rooted in longstanding legal traditions.

Aligning provincial investment with federal and international commitments to Indigenous self-determination would create a more coherent, effective, and culturally grounded justice system. With sustained support and shared decision-making, restorative justice can become a reliable, province-wide pathway that builds safer communities and meaningfully addresses Indigenous overrepresentation and the cycle of violence—helping to end it within the next seven generations.

Provincial Restorative Justice Strategy Recommendations

The following seven recommendations are offered to align provincial practice with reconciliation, public safety, justice system effectiveness in addressing Indigenous over-representation, fiscal accountability, and self-determination. They can be integrated into ministry business planning, results-based budgeting, and cross-government priorities in support of the provincial restorative justice strategy.

1. Transition Indigenous-Led Restorative Justice from Grant-Based Funding to Core Justice Infrastructure

Transition from short-term, competitive grant funding to stable, multi-year base funding for Indigenous-led restorative justice initiatives. One-year operational grants are incompatible with the relational, intergenerational, and community-centered nature of Indigenous customary law. Multi-year funding would enable programs to retain skilled staff, build long-term relationships with communities and justice partners, and conduct meaningful planning, evaluation, and knowledge transfer. Stable funding should be recognized as essential justice infrastructure rather than as discretionary or project-based programming.

Planning Implications:

- Move Indigenous restorative justice from annual grant programs into multi-year operational funding agreements.
- Enable predictable staffing, service continuity, and long-term prevention outcomes and healing work that aligns with restorative justice principles and public safety goals.
- Reduce downstream court and custody costs by investing in upstream community-based justice responses.

Planning Alignment:

- Core Business Operations: Justice system administration and alternatives to court
- Outcome Focus: Reduced justice system demand; increased public safety through prevention.

This approach improves system efficiency and reduces over-reliance on the court system in administering justice across all matters.

2. Create a Dedicated Indigenous-Led Restorative Justice Funding Stream

Establish a **dedicated funding stream exclusively for Indigenous-governed restorative justice initiatives**. Eligibility criteria should prioritize Indigenous-led agencies over those citing cultural relevance or Indigenous representation. This would address systemic inequities and affirm Indigenous jurisdiction over justice responses affecting their communities.

Eligibility criteria and assessment processes should be co-developed with Indigenous justice practitioners, Elders, and leaders to reduce systemic barriers and ensure that developing Indigenous-led agencies are not forced to compete with well-resourced mainstream organizations.

Planning Implications:

- Responds directly to Truth and Reconciliation Commission Calls to Action related to justice
- Reduces inequities created by competitive funding models
- Demonstrate concrete progress on Indigenous justice reform in GOA reporting.

Planning Alignment:

- Cross-Ministry Priority: Reconciliation and Indigenous relations
- Outcome Focus: Increased community safety

Making this funding envelope permanent signals provincial recognition of Indigenous restorative justice (traditional legal systems) as legitimate and essential.

3. Embed Indigenous Governance and Decision-Making Authority into Provincial RJ Policy

Explicitly distinguish between **Indigenous participation** and **Indigenous jurisdiction**. Funding, program design, and evaluation mechanisms should support First Nations, the Otipemisiwak Métis Government, and the Metis Settlements of Alberta in exercising decision-making authority over justice responses affecting their members. This includes recognizing Indigenous laws, community-defined accountability processes, and locally determined resolutions as legitimate justice outcomes within Alberta's broader public safety framework.

Restorative justice funding frameworks should move beyond merely supporting Indigenous participation to recognizing Indigenous authority over justice processes. This includes supporting Indigenous Nations and Settlements in designing, governing, implementing, and evaluating justice initiatives in accordance with their laws, values, and definitions of success.

Planning Implications:

- Aligns with Alberta Justice's system transformation goals
- Clarifies roles between the province and Indigenous governments
- Improves outcomes by ensuring justice responses are rooted in customary law, culture, and traditional accountability structures.

Planning Alignment:

- Strategic Objective: Indigenous restorative justice as a core service
- Outcome Focus: Increased access to restorative justice services

This clarification strengthens policy coherence and reduces role confusion between Indigenous justice initiatives and provincial justice agencies.

4. Align the Provincial Restorative Justice Strategy with UNDRIP and Self-Determination Principles

As Alberta Justice finalizes and implements its Provincial Restorative Justice Strategy, there is an opportunity to demonstrate clear alignment with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and with Canada's commitments to Indigenous justice reform. This requires embedding self-determination as an operational principle across funding structures, program governance, and interdepartmental policy. A policy review should identify and remove structural barriers that constrain Indigenous autonomy in RJ programming.

Planning Implications:

- Enables the Provincial RJ Strategy to demonstrate alignment with federal and international obligations
- Strengthens accountability through measurable commitments

Planning Alignment:

- Legislative Context: UNDRIP implementation
- Outcome Focus: Indigenous justice reform

Embedding UNDRIP into planning enables a move from aspirational language to actionable policy.

5. Co-Develop Culturally Responsive Evaluation and Reporting Frameworks

Involve Indigenous Nations, Settlements, and Agencies to **co-develop evaluation and accountability frameworks** that reflect Indigenous ways of knowing and measuring success. Current reporting expectations prioritize quantitative outputs aligned with mainstream justice systems and do not adequately capture relational, preventative, or healing-based outcomes. Evaluation frameworks should prioritize community well-being, strengthened relationships, prevention of harm, and long-term safety, rather than narrow indicators such as case volume or short-term recidivism alone.

Planning Implications:

- Improves the quality and relevance of performance data
- Reduces administrative burden imposed by ill-filing reporting metrics
- Supports evidence-based decision-making aligned with restorative justice outcomes

Planning Alignment:

- Results-Based Management
- Outcome Focus: Meaningful performance measurement

This approach strengthens accountability while respecting Indigenous knowledge systems.

6. Invest in Capacity Building and Long-Term Sustainability of Indigenous Justice Initiatives

Beyond program delivery, the RJ Provincial Strategy should invest in **capacity building, leadership development, peer-to-peer learning, and succession planning** within Indigenous-led restorative justice initiatives across the province. Platforms like AIRJA demonstrate the value of Indigenous-led spaces for relationship-building, shared learning, and collective advocacy. Dedicated funding for provincial gatherings, practitioner networks, and community-driven research would strengthen Alberta's Indigenous justice ecosystem. Supporting the long-term sustainability of Indigenous justice initiatives strengthens not only individual programs but also the broader provincial justice system by reducing reliance on courts and custodial responses.

Planning Implications:

- Reduces turnover and service disruption
- Protects prior provincial investments by sustaining institutional knowledge
- Builds long-term system resilience and community safety capacity

Planning Alignment:

- Workforce Development: invest in Indigenous Justice capacity as a system-wide asset
- Outcome Focus: Sustainable service delivery

Capacity building should be recognized as a core system investment.

7. Formalize Ongoing Partnership with Indigenous Justice Networks

As Alberta develops and implements its Provincial Restorative Justice Strategy, Indigenous-led restorative justice must be embedded as a foundational pillar. This requires ongoing, meaningful Indigenous leadership in strategy governance, decision-making, and implementation, along with a clear commitment to resourcing Indigenous justice initiatives as essential to public safety, reconciliation, and long-term system transformation.

Regular provincial gatherings, practitioner networks, and Indigenous-led knowledge exchange are considered core components of Alberta's restorative justice infrastructure.

Planning Implications:

- Moves engagement beyond consultation toward partnership
- Ensure there's a comprehensive mechanism for Indigenous-led policy feedback
- Strengthens transparency, trust, and policy adaptability

Planning Alignment:

- Stakeholder Engagement and Advisory Structures
- Outcome Focus: Continuous improvement and relevance

Formalizing Indigenous RJ Networks ensures Indigenous voices remain central throughout implementation, not just at the strategy launch.

Summary for Planning Purposes

Taken together, these recommendations support reconciliation, public safety, and fiscal responsibility in addressing Indigenous overrepresentation. **Meaningful investment in Indigenous restorative justice creates a more effective and accountable justice system for all Albertans.**

From a planning perspective, these recommendations:

- Advance public safety through prevention
- Improve fiscal efficiency by reducing court and custody reliance
- Align Alberta Justice actions with reconciliation, UNDRIP, and TRC obligations

Most importantly, they support the development of a Provincial RJ Strategy aimed at **shifting from short-term program funding toward structural justice reform**, ensuring that **restorative justice—and Indigenous restorative justice in particular—are embedded as core components of Alberta’s justice system.**

Defining Restorative Justice from an Indigenous Lens

Restorative justice is a transformative, relational process grounded in meaningful accountability and the repair of harm. It promotes social cohesion, community responsibility, and good citizenship. As an out-of-court justice process, RJ creates opportunities for the person responsible to acknowledge harm, make amends, and reconnect with their identity through cultural, family, and community supports. It also provides the person impacted with choice, voice, and agency—whether their needs relate to safety, healing, acknowledgment, restitution, or preventing recurrence. Many victims gain answers to questions such as “Why me?” and have space to express how the harm affected them and what they need moving forward.

A restorative process targets the underlying causes of offending behavior, acknowledging that those who cause harm often contend with trauma, poverty, disconnection, or survival struggles. While accountability is crucial, restorative justice also offers space for second chances—promoting healing, growth, cultural reconnection, and a new path forward.

Indigenous worldviews hold that all things are cyclical, holistic, and interconnected. When restorative justice is rooted in Indigenous laws, spirituality, language, and relational worldviews, it becomes a means of restoring balance, not merely a way to resolve incidents of harm. Traditional cultural values that support healing and connection to restore balance inform restorative justice models and processes. This may involve supporting a person who is out of balance with themselves, their identity, another individual, or the broader community.

While restorative justice is most commonly applied in the criminal context, its principles and traditional values are universal and can address harm in families, schools, workplaces, child protection services, civil matters, and membership or organizational disputes. In every setting, the focus remains the same: repairing relationships, strengthening accountability, and restoring the conditions necessary for safety, dignity, and well-being.

Role of a Restorative Justice Practitioner

The role of a Restorative Justice (RJ) Practitioner is to ensure that every person entering the process is treated with respect, dignity, and cultural safety. Practitioners create an environment that supports the accused or offender in openly sharing the circumstances that contributed to the offence, exploring how their actions affected victims, families, friends, colleagues, and the wider community, and identifying what is needed to repair the harm and prevent future incidents. RJ Practitioners facilitate peacemaking by fostering communication, understanding, and shared accountability. Their work blends facilitation skills, culturally informed practices, and a commitment to continual learning, listening, and adapting. Remaining impartial, they support all participants equally—victims, offenders, and their supports—while guiding a process that repairs harm and helps develop a restorative resolution that acknowledges wrongdoing and promotes healing. Every participant’s perspective is valued; the process is collaborative, relational, and reparative, providing a safe space for meaningful engagement by criminal justice representatives.

Process Design and Adaptation

The facilitator’s approach depends on the needs and readiness of the participants. The process may involve:

- **Victim–offender dialogues**
- **Restorative circles** (peacemaking, sentencing, or support circles)
- **Elements of family group conferencing**

Sometimes the process is a single event; other times it combines multiple approaches. Facilitators make real-time process decisions, pose reflective questions, and check in with participants to ensure their needs and expectations are met.

Boundaries and Supports

As neutral guides dedicated to reconnecting offenders with natural and formal supports, facilitators do not offer life or professional advice. This is why cultural connections—Elders, knowledge keepers, family, community supports, and professional helpers—are essential. These relationships support the person’s healing journey in ways facilitators cannot. Ceremony and traditional teachings, offered by Elders or knowledge keepers, help restore spiritual balance and strengthen relational connections.

Facilitators also do not provide legal advice. Ensuring participants have access to legal counsel when needed is essential to maintaining safety, fairness, and informed decision-making throughout the process.

Referral Stage Considerations

1. Acceptance of Referral

Before a referral is accepted, it must be clear that the matter is suitable for Indigenous community governance.

Key considerations:

- Has the Indigenous community or program agreed to accept referrals of this nature?
 - Does the referral align with community or nation-defined mandates, laws, or protocols?
 - Has the referral been made with the knowledge and consent of the nation or community, rather than unilaterally by the justice system?
- ✓ *Referral should recognize Indigenous justice as an exercise of Indigenous legal authority—not a service option.*

2. Confirm Voluntary, Culturally Informed Consent

Voluntary participation is essential, but consent must also be culturally and historically informed.

Steps include:

- Explaining the RJ process in plain language, free from legal jargon
 - Acknowledging historical and ongoing harms that may affect trust in justice processes
 - Making clear that participation is not required to access services
 - Ensuring participants understand they may withdraw at any stage
- ✓ *Consent must be free, prior, informed, and ongoing.*
-

3. Centre the Person Harmed and Community Safety

Indigenous-led RJ prioritizes relational safety over speed or system efficiency.

At referral:

- Assess whether the harmed person wants a restorative approach
 - Explore what safety looks like for them (emotional, cultural, physical, spiritual)
 - Identify community impacts of the harm—not just individual ones
 - Ensure RJ is not being used to avoid accountability or bypass victim needs
- ✓ *Indigenous RJ should never proceed if it risks further harm or retraumatization.*
-

4. Assess Accountability Through Indigenous Lenses

Accountability in Indigenous RJ is about relationships and responsibility.

Referral screening should consider:

- Does the person who caused harm acknowledge their role and impact?
 - Are they willing to listen, reflect, and engage respectfully?
 - Do they understand accountability as a process of repair, not punishment avoidance?
- ✓ *RJ is not appropriate when responsibility is denied, minimized, or externalized.*
-

5. Conduct a Community-Driven Safety and Risk Assessment

Risk assessment must be shaped by community knowledge.

Consider:

- Power imbalances (age, gender, status, family ties)
- Ongoing violence, coercive control, or lateral harm

- Inter-family or clan dynamics
- Community capacity to hold the process safely at this time

If needed, options include:

- Delayed referral
- Separate or indirect processes
- Integration with healing, wellness, or protection supports
- Have an outside Indigenous RJ Agency to provide lead facilitation services

✓ *Safety includes cultural, emotional, spiritual, and collective dimensions.*

6. Honour Cultural Protocols and Local Practices

Each Indigenous community has distinct protocols that must guide referral decisions.

At the referral stage:

- Identify relevant Elders, Knowledge Keepers, or community leads
- Clarify expectations around ceremony, language, or preparation
- Ensure non-Indigenous justice partners understand their **limits and roles**
- Avoid imposing standardized RJ models that conflict with community practice

✓ *Culture shapes the process—it is not an add-on.*

7. Clarify the Relationship with the Formal Justice System

Referral must include transparency about how Indigenous RJ interacts with courts or social justice agencies.

This includes:

- Whether RJ is a diversion, parallel process, or reintegration support
- What information (if any) will be shared with justice authorities
- Who retains decision-making authority at each stage
- How agreements or outcomes will be recognized

✓ *Build a rapport and establish expectations for ongoing communication until file closure.*

8. Determine Community and Program Readiness

Readiness is not only about participants—it is about **community capacity**.

Questions include:

- Is the program adequately resourced at this time?
- Are Elders, facilitators, or supports available?
- Is the community experiencing pressures (grief, conflict, capacity strain) that may affect safety?

✓ *If the answer is “not yet,” declining or deferring a referral is an act of care, not failure.*

9. Make a Transparent Accept / Defer / Decline Decision

The decision to accept a referral should:

- Be made by the Indigenous program or community authority
- Be clearly communicated to all referring partners
- Include reasons grounded in **safety, readiness, and community wellbeing**
- Offer alternative pathways or referrals where appropriate

✓ *Indigenous programs must retain the right to say no. If unable to provide services, a neighboring program or another Indigenous-led agency should be available to do so.*

10. Document Decisions in Ways That Respect Indigenous Data Sovereignty

Referral documentation should:

- Be minimal, relevant, and trauma-informed
- Respect community ownership, control, access, and possession of data
- Avoid unnecessary extraction of personal or cultural information
- Serve the community first—not just funder or system reporting needs

Why This Matters

For Indigenous-led RJ programs, the referral stage:

- Protects Indigenous jurisdiction and community safety
- Prevents restorative justice from being co-opted or misused
- Builds trust between communities and justice partners
- Ensures RJ remains grounded in Indigenous law, relationships, and responsibility

✓ *A strong referral process is an act of justice, care, and self-determination.*

Preparation Stage

Purpose:

To ensure participants are emotionally, culturally, and practically prepared; that harm is fully understood; and that the process reflects Indigenous values, safety, and self-determination.

1. Affirm Indigenous Jurisdiction and Process Design

- Community authority over the process is affirmed
 - The restorative process type is agreed upon (circle, conference, dialogue, ceremony, or multiple processes)
 - Process design reflects **local Indigenous laws, customs, and protocols**
 - Roles of Elders, Knowledge Keepers, and helpers are confirmed
 - External justice system partners understand they do not control the process, but have an integral, meaningful role
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2. Preparation of the Person Harmed

- Individual preparation meeting completed
- Person harmed understands: the purpose of restorative justice, what will and will not happen, that they control their level of participation
- Their needs, expectations, and boundaries are clearly identified
- Safety concerns (emotional, physical, cultural, spiritual) addressed
- Desired outcomes identified (answers, accountability, repair, boundaries, truth-telling)
- Supports identified (family, Elder, advocate, helper)
- Consent reaffirmed and documented

Key Question: What does safety and healing look like for you?

3. Preparation of the Person Who Caused Harm

- Individual preparation meeting completed
- Person understands restorative justice is about **responsibility and repair**, not punishment avoidance
- Accountability explored: understanding of the harm and its impacts, willingness to listen without defensiveness, readiness to make amends
- Expectations clarified (honesty, respect, humility)
- Risks of re-harm or minimization addressed

- Supports identified (Elder, family member, helper)
- Consent reaffirmed and documented

Key Question: What do you understand about the harm you caused?

4. Harm Mapping and Impact Clarification

- Facilitator has gathered a full picture of:
 - Individual harm
 - Family impacts
 - Community impacts
 - Cultural or spiritual harm
 - Differences in understanding of harm explored
 - Historical, intergenerational, or systemic factors acknowledged where relevant
 - Language and framing reflect Indigenous worldviews, not criminal labels
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5. Safety Planning and Power Balance

- Power imbalances identified and addressed
 - Ongoing risks assessed (intimidation, community pressure, lateral harm)
 - Safety plan developed if needed:
 - Seating or process structure
 - Breaks or grounding options
 - Separate arrival/departure
 - Support persons present
 - Decision confirmed that it is **safe to proceed at this time**
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6. Community and Family Involvement

- Decisions made about who should be present and why
- Invitations extended respectfully and according to protocol
- Roles clarified (speaker, supporter, witness, Elder)
- Consent from participants regarding community presence

Note: Community involvement serves accountability and healing—not shaming.

7. Cultural Protocols and Ceremony

- Relevant cultural protocols identified and respected
- Ceremony or spiritual grounding discussed (if appropriate)

- Language, symbols, or teachings identified
- Cultural guidance provided by appropriate community members

Note: Participants are prepared for cultural elements, so no one is caught off guard

8. Relationship With the Justice System (if applicable)

- Participants understand how RJ relates to:
 - Charges
 - Court process
 - Probation or bail
 - Confidentiality and information-sharing limits explained
 - No expectation that restorative dialogue will be reported as evidence
 - Indigenous program not positioned as an enforcement body
-

9. Facilitator Readiness

- Facilitator(s) are:
 - Culturally grounded
 - Trauma-informed
 - Supported and not overloaded
 - Facilitator bias and assumptions reflected upon
 - Co-facilitation or Elder support arranged if appropriate
 - Plan in place for managing strong emotions or disruption
-

10. Final Readiness Check

- All participants confirm readiness to proceed
 - Consent reaffirmed immediately before the process
 - Logistics finalized (location, time, accessibility, food, transport)
 - Contingency plan in place if process needs to pause or stop
-

Final Question for the Team

Does this process honour Indigenous law, protect safety, and serve healing and accountability?

Practice Reminder

- Preparation is not a formality.
- It is where trust is built, harm is honoured, and justice begins.

Types of Restorative Justice Processes

One or multiple processes may be offered.

1. Restorative Circle

Description:

Participants sit in a circle to speak and listen in turn, often guided by a facilitator and, in Indigenous contexts, Elders or Knowledge Keepers.

Common uses:

- Community-based harm
- Youth or family-related harm
- Situations involving broader community impact

Strengths:

- Reflects Indigenous relational worldviews
- Emphasizes equality and shared responsibility
- Allows community voice and collective accountability

Key considerations:

- Requires careful preparation and safety planning
 - Not appropriate where power imbalances cannot be mitigated
-

2. Victim–Offender Dialogue (or Harmed–Responsible Person Dialogue)

Description:

A facilitated conversation between the person harmed and the person who caused harm, sometimes with supporters present.

Common uses:

- When direct dialogue is desired
- Cases involving personal harm or unanswered questions

Strengths:

- Allows the harmed person to be heard directly
- Supports meaningful accountability and understanding
- Can be adapted to indirect or shuttle formats

Key considerations:

- Must be fully voluntary
- Requires readiness, emotional safety, and accountability

3. Restorative Conference (Family or Community Conferencing)

Description:

A structured meeting involving harmed persons, responsible persons, families, and sometimes community representatives.

Common uses:

- Youth justice
- Family or inter-family harm
- Situations where family systems are central

Strengths:

- Mobilizes family and community responsibility
- Supports reintegration and long-term accountability

Key considerations:

- Needs strong facilitation to manage dynamics
 - Cultural protocols should guide who participates
-

4. Community Accountability Process

Description:

A community-designed process shaped by local Indigenous law and practice, which may or may not involve direct dialogue.

Common uses:

- Community-wide harm
- Breaches of community norms or obligations
- Situations where community impact is central

Strengths:

- Centers Indigenous jurisdiction and values
- May integrate teachings, ceremony, or land-based work

Key considerations:

- Must avoid shaming or coercion
 - Requires clear community authority and safeguards
-

5. Indirect or Shuttle Restorative Process

Description:

Information and messages are shared through the facilitator rather than face-to-face meetings.

Common uses:

- When safety or readiness prevents direct dialogue
- Cases involving trauma or high-power imbalances

Strengths:

- Reduces risk of re-harm
- Allows accountability and repair without direct contact

Key considerations:

- Outcomes may be more limited
 - Requires clear communication and consent
-

6. Reparative or Restitution-Focused Process**Description:**

Focuses on repairing harm through agreed-upon actions (e.g., restitution, service, cultural obligations).

Common uses:

- Property-related harm
- Situations where repair is concrete and defined

Strengths:

- Provides tangible outcomes
- Can be combined with other RJ processes

Key considerations:

- Repair must be meaningful, not symbolic
 - Should not replace emotional or relational accountability
-

7. Healing-Centered or Wellness-Based Process**Description:**

Focuses on healing, support, and addressing root causes rather than structured dialogue.

Common uses:

- Complex trauma or intergenerational harm
- When dialogue is premature or unsafe

Strengths:

- Prioritizes safety and wellbeing
 - Aligns with Indigenous holistic approaches to justice
-

Key considerations:

- Still requires accountability pathways, or may be part of a staged or longer-term process

8. Reintegration or Re-entry Process

Description:

Supports a person’s return to community after custody or separation.

Common uses:

- Post-sentence
- Parole or probation contexts

Strengths:

- Reduces stigma and isolation
- Engages community in shared responsibility

Key considerations:

- Must not serve as surveillance
- Community consent and readiness are essential

Follow-Up and File Closure Checklist

Purpose:

To ensure outcomes are honoured, harm repair is supported, safety is maintained, and files are closed in a way that reflects Indigenous values and community wellbeing—not administrative convenience.

1. Immediate Post-Process Check-In

- Debrief completed with the person harmed
- Debrief completed with the person who caused harm
- Emotional, cultural, and spiritual well-being assessed
- Immediate supports offered or activated (Elder, helper, wellness supports)
- Participants understand next steps and timelines

Key question:

- How are you feeling after the process, and what support do you need right now?
-

2. Confirmation of Agreements and Responsibilities

- Agreements clearly documented in culturally appropriate language
- All parties understand:

- What was agreed to
- Who is responsible
- Timelines and expectations

- Agreements are realistic, meaningful, and non-punitive
 - Community-based or cultural obligations are clearly framed
 - Accountability is relational—not surveillance-based
-

3. Community and Family Follow-Up (If Applicable)

- Community or family members involved are informed (as appropriate)
 - Roles in supporting accountability or healing are confirmed
 - Community supports are in place to prevent isolation or shame
 - Follow-up respects privacy and cultural protocol
-

4. Ongoing Safety Monitoring

- Safety of the person harmed reassessed
 - Safety of the broader community considered
 - Any new risks or concerns identified and addressed
 - Adjustments made if circumstances change
 - RJ process is **paused or re-entered** if safety concerns arise
-

5. Support for the Person Who Caused Harm

- Supports for accountability and change are in place (cultural, wellness, mentoring)
 - Follow-through is encouraged through relationship, not threat
 - Barriers to completion identified and addressed
 - Successes acknowledged and reinforced
-

6. Follow-Up Timing and Method

- Follow-up schedule established (check-ins, visits, gatherings)
- Follow-up method decided:
 - Direct
 - Through community/Elder
 - Group or family-based
 - Informal relational check-ins
- Timelines are flexible and responsive to community rhythms

7. Completion Review

- Agreements completed OR Agreements adapted through consent of participants
 - The person harmed confirms:
 - Their needs have been addressed as intended
 - They feel safe and respected
 - The person who caused harm demonstrates:
 - Understanding of impact
 - Completion or credible effort toward obligations
-

8. Relationship With the Formal Justice System (If Applicable)

- Any required notification to justice partners completed
 - Only agreed-upon information is shared
 - No disclosure of restorative dialogue content
 - Indigenous program not framed as enforcement or compliance monitoring
-

9. File Closure Decision

- Decision made by Indigenous program or community authority
- File closure reflects:
 - Safety
 - Accountability
 - Community wellbeing
- Closure communicated respectfully to participants
- Referrals to ongoing supports provided if needed

Closure status:

- Completed
 - Completed with ongoing supports
 - Closed with adaptations
 - Re-opened (if needed)
-

10. Documentation and Indigenous Data Stewardship

- Documentation is minimal, respectful, and trauma-informed
- Cultural knowledge protected
- Information stored according to community data governance principles
- File reflects learning—not judgment

Final Reflection for the Program

- Did this process strengthen or restore relationships?
 - Did it honour Indigenous law and community authority?
 - Did it leave people safer than before?
-

Practice Reminder

File closure is not the end of justice.

It is the point at which responsibility fully returns to the community and relationships.

Indigenous Restorative Justice Training

The purpose of Indigenous Restorative Justice (IRJ) training is to build the skills, understanding, and ethical grounding needed to practice restorative justice in ways that honour Indigenous laws, self-determination, and community wellbeing. Unlike mainstream RJ training, IRJ training is not simply about techniques—it is about jurisdiction, relationships, responsibility, and healing. The recommended training framework was developed by True Dialogue Restorative Justice Centre.

Core Training Objectives

- Understand restorative justice as an expression of Indigenous values
- Practice RJ in a way that prioritizes safety, consent, and cultural integrity
- Distinguish Indigenous-led justice from culturally adapted colonial models
- Navigate ethical referrals, preparation, facilitation, follow-up, and file closure

RECOMMENDED TRAINING FRAMEWORK

Module 1: Indigenous Justice Foundations

Key Topics

- Indigenous law
- Pre-contact justice systems and governance
- Impacts of colonial criminal justice on Indigenous communities
- Restorative justice as self-determination, not diversion
- UNDRIP, TRC Calls to Action, and Indigenous justice
- Police, Crown, and court roles

Learning Outcome:

Participants can explain *why* Indigenous restorative justice is fundamentally different from mainstream RJ.

Module 2: Restorative Justice Principles (Indigenous Lens)

Key Topics

- Responsibility vs. punishment
- Harm, repair, and relational accountability
- Community and collective responsibility
- Prevention and long-term safety
- Difference between reconciliation and restoration

Learning Outcome:

Participants understand RJ as a **relational practice grounded in Indigenous values.**

Module 3: Referral Stage Training

Key Topics

- Ethical referral decision-making
- Voluntary, non-coercive consent
- Indigenous jurisdiction at referral
- Working collaboratively with formal referral authorities: Crown, police, probation, parole
- Referral screening using Indigenous RJ checklists

Skills Developed

- Assessing suitability and readiness
 - Responding to inappropriate referrals
 - Asserting community/program authority respectfully
-

Module 4: Preparation Stage Training

Key Topics

- Trauma-informed and culturally grounded preparation
- Supporting the person harmed
- Accountability readiness of the person who caused harm
- Harm mapping (individual, family, community)
- Safety and power-balance planning
- Role of Elders, helpers, and community

Skills Developed

- One-to-one preparation conversations
 - Risk identification and mitigation
 - Building trust and emotional readiness
-

Module 5: Restorative Justice Process Options

Key Topics

- Circles, dialogues, conferences
- Indirect and shuttle processes
- Community accountability processes
- Land-based and ceremony-centred justice
- Choosing the right process

Skills Developed

- Process design grounded in Indigenous protocol, victim and offender needs
 - Adapting processes for safety and readiness
 - Avoiding rigid or standardized models
-

Module 6: Facilitation Skills

Key Topics

- Role of the RJ facilitator vs. justice system representatives vs Elders
- Holding space for strong emotions
- Managing conflict, silence, and disruption
- Avoiding shaming and coercion
- Ethical use of stories and cultural teachings

Skills Developed

- Circle facilitation, trauma-aware engagement, grounding and regulation techniques

Module 7: Follow-Up and File Closure

Key Topics

- Accountability agreement follow-up without surveillance
- Community reintegration
- File closure as relational completion
- Indigenous data and GOA documentation

Skills Developed

- Follow-up practices, post-process evaluative feedback
 - Closure communication with justice partners
-

Training Methods

- Story-based learning
 - Elder- and Knowledge Keeper involvement
 - Case studies and scenario work
 - Talking circles and reflection
 - Land-based learning and ceremony
 - Skills practice with debriefs
 - Co-facilitation by Indigenous practitioners
-

Who Should Take Indigenous RJ Training

- Indigenous RJ workers and facilitators
 - Community justice committees
 - Elders and Knowledge Keepers
 - Crown prosecutors and police (role specific training)
 - Probation and corrections staff
 - Social service and child-welfare workers
 - Policy and justice system leaders
-

Training Duration

- Introductory Training: 1–2 days
- Core Practitioner Training: 5–7 days
- Facilitator Certification Pathway: Modular + mentorship
- Justice Partner Training: 1–2 days, role-specific
- Ongoing Learning: Circles, coaching, community gatherings

Aligning Training with Alberta Justice Standards and Expectations

The recommended training framework aligns Indigenous Restorative Justice (IRJ) practice with Alberta Justice and Public Safety standards related to:

- Public safety
- Accountability
- Victim-centred approaches
- Ethics and professionalism
- Evidence-informed practice
- Risk management
- Reconciliation commitments

ALBERTA JUSTICE STANDARDS → IRJ TRAINING ALIGNMENT

1. Public Safety and Harm Prevention

Alberta Justice Standard

- Justice initiatives must enhance public safety and reduce future harm.
- Emphasis on prevention, proportionality, and community safety.

IRJ Training Alignment

- Training emphasizes RJ as preventative justice, not reactionary diversion.
- Safety planning is embedded at every stage:
 - Referral
 - Preparation
 - Process design
 - Follow-up and file closure
- Participants learn to assess:
 - Individual safety
 - Family and community impacts
 - Long-term risk and reintegration needs

Training Outcomes

- ✓ Participants can demonstrate how Indigenous-led RJ contributes to safer communities
- ✓ Safety is understood holistically (physical, emotional, cultural, spiritual)

2. Victim-Centred and Trauma-Informed Practice

Alberta Justice Standard

- Justice responses must be victim-centred, trauma-informed, and non-coercive.
- Participation in alternative measures must be voluntary.

IRJ Training Alignment

- Training centres the needs, consent, and safety of the person harmed
- Explicit instruction that:
 - RJ is never mandatory
 - Forgiveness is never required
 - Victims are not responsible for offender outcomes
- Trauma-aware preparation and follow-up are core competencies

Training Outcomes

- ✓ Practitioners can support victims without pressure or retraumatization
 - ✓ RJ is practiced ethically, not system-driven
-

3. Accountability and Meaningful Consequences

Alberta Justice Standard

- Justice processes must ensure accountability.
- Alternative measures must involve responsibility, repair, and follow-through.

IRJ Training Alignment

- Training reframes accountability as:
 - Relational responsibility
 - Repair of harm
 - Obligations to the community
- Participants learn to distinguish:
 - Superficial compliance vs. meaningful accountability
 - Repair vs. punishment
- Follow-up expectations are built into training (without surveillance)

Training Outcomes

- ✓ Accountability is demonstrable, documented, and meaningful
 - ✓ Outcomes meet justice system expectations
-

4. Ethical Decision-Making and Professional Standards

Alberta Justice Standard

- Justice practitioners must act ethically, transparently, and within role boundaries.
- Clear limits on information-sharing and authority.

IRJ Training Alignment

- Strong emphasis on:
 - Role clarity (RJ ≠ policing or prosecution)
 - Informed consent
 - Confidentiality limits
 - Conflict-of-interest management
- Crown and police training modules explain acceptable practice.

Training Outcomes

- ✓ Practitioners can articulate clear ethical boundaries
 - ✓ Justice partners understand and respect Indigenous authority
-

5. Risk Assessment and Case Suitability

Alberta Justice Standard

- Appropriate screening of cases for diversion or alternative measures.
- Attention to power imbalances, violence, and ongoing risk.

IRJ Training Alignment

- Training includes:
 - Indigenous-informed risk and safety assessment
 - Recognition of lateral violence, family dynamics, and colonial context
 - Authority to defer or decline cases, saying *no* is consistent with professional standards

Training Outcomes

- ✓ RJ is applied only where safe and appropriate
 - ✓ Programs meet risk-management expectations without rigid checklists
-

6. Evidence-Informed and Outcome-Focused Practice

Alberta Justice Standard

- Programs must demonstrate effectiveness, outcomes, and value.

IRJ Training Alignment

- Training teaches participants how to:
 - Identify meaningful Indigenous-defined outcomes
 - Document prevention, repair, and safety impacts
 - Report without disclosing restorative dialogue content
- Evaluation framed around:
 - Community wellbeing
 - Reduced justice system contact
 - Sustained accountability

Training Outcomes

- ✓ Programs can meet reporting expectations
- ✓ Metrics align with restorative and Indigenous values

7. Reconciliation and UNDRIP Commitments

Alberta Justice Standard

- Commitment to reconciliation, Indigenous inclusion, and UNDRIP alignment.

IRJ Training Alignment

- Training explicitly teaches:
 - RJ from an Indigenous Lens
 - Self-determination vs. consultation
 - Jurisdictional respect in practice
- Justice partners are trained on:
 - When to step back
 - How to support Indigenous governance
 - Why “culturally informed services” are not the same as Indigenous justice

Training Outcomes

- ✓ Reconciliation is operationalized, not symbolic
- ✓ Alberta Justice obligations are met through structural practice change

Training Modules Mapped to Alberta Justice Competencies

Alberta Justice Focus Area	Training Module
Public Safety	RJ Foundations; Preparation; Follow-Up
Victim Services	Victim-Centred Preparation; Safety Planning
Diversion & Alternatives	Referral Stage; Accountability Assessment
Ethics & Professionalism	Roles & Boundaries; Confidentiality
Risk Management	Suitability Screening; Power Analysis
System Accountability	Documentation; Evaluation; File Closure
Reconciliation	Indigenous Law & Jurisdiction

How Alberta Justice Can Use This Training

This training can be positioned as:

- Required training for Indigenous-led RJ programs receiving referrals
- Mandatory orientation for Crown, police, and probation referring to RJ
- A core pillar of the Provincial Restorative Justice Strategy
- Evidence of compliance with UNDRIP, TRC, and public safety mandates
- A cost-effective prevention investment reducing court and custody use

APPENDIX

Referral Checklist - Indigenous Nation and Metis Settlement RJ Programs

Purpose:

To ensure referrals respect Indigenous jurisdiction, community safety, cultural protocols, and restorative justice principles.

1. Indigenous Jurisdiction & Mandate

- The referral aligns with the First Nation, Métis Nation, or Metis Settlement justice mandate, laws, and protocols
- The program has agreed to receive this type of case
- The referral was not imposed unilaterally by an external justice authority

Decision note:

- Accept jurisdiction
 - Defer
 - Decline
-

2. Voluntary, Informed Consent

- Participation is **fully voluntary** for all parties
- No pressure, coercion, or expectation of leniency is present
- The process has been explained in plain, culturally appropriate language
- Participants understand they may withdraw at any time
- Consent is free, prior, informed, and ongoing

Decision note:

- Consent confirmed
 - Further discussion needed
 - Decline
-

3. Person Harmed: Needs & Safety

- The person harmed wants a restorative approach
- They understand what participation would involve
- Emotional, physical, cultural, and spiritual safety has been assessed
- Needed supports (advocates, Elders, family, helpers) have been identified
- RJ is not being pursued solely for system convenience or offender benefit

Decision note:

- Safe to proceed
- Needs preparation/support
- Do not proceed

4. Accountability Readiness

- The person who caused harm acknowledges their role and impact
- Responsibility is not denied, minimized, or externalized
- They are willing to listen to understand the impacts of their actions, and care to make amends
- They understand accountability as a **relational obligation**, not punishment avoidance

Decision note:

- Ready
 - Preparation required
 - Not appropriate
-

5. Community-Based Safety & Risk Assessment

- Power imbalances have been identified (age, gender, status, family ties)
- Risks of coercion, intimidation, or retaliation have been assessed
- Ongoing violence or control has been considered
- Community dynamics (inter-family, clan, lateral harm) are understood
- Safeguards or adaptations have been identified if needed

Decision note:

- Safe
 - Conditional
 - Unsafe at this time
-

6. Cultural Protocols & Local Practice

- Relevant Elders, Knowledge Keepers, or community leads identified
 - Cultural protocols for decision-making respected
 - Ceremony, language, and preparation needs identified
 - External partners understand their role and limitations
 - Process aligns with the nation's or settlement's ways of doing justice
-

7. Relationship to the Formal Justice System

- Stage of referral is clear (pre-charge, post-charge, sentencing, reintegration)
- Roles and expectations of justice partners are defined
- Information-sharing limits are clearly explained
- Community is not positioned as a surveillance or enforcement body
- Legal implications are understood by participants

8. Community & Program Readiness

- Adequate program capacity exists at this time
- Facilitators, Elders, or supports are available
- RJ Program has the capacity to hold the process safely
- Current community pressures or trauma have been considered

Decision note:

- Ready now
 - Defer
 - Decline respectfully
-

9. Referral Decision

- Accepted** – Proceed with preparation
 - Deferred** – Conditions for future review identified
 - Declined** – Clear reasons provided

 - Decision made by the Indigenous program authority
 - Decision communicated clearly to all parties
 - Alternative supports or referrals offered if declined
-

10. Documentation & Data Stewardship

- Documentation is minimal, relevant, and trauma-informed
 - Community ownership and control of information respected
 - Cultural knowledge protected
 - Data supports nation or settlement accountability—not just criminal justice system reporting
-

Final Reflection

- Does proceeding uphold community safety and dignity of the involved parties?
 - Does this process reflect Indigenous laws and values?
 - Does the referral strengthen—not strain—community wellbeing?
-

Key Principle Reminder: *Saying “not now” or “no” is an act of care, not failure.*

Referral Checklist - Crown Prosecutors and Police Services

Purpose:

To guide referral decisions in a way that respects **Indigenous jurisdiction, community safety, restorative justice principles, and legal obligations**, while avoiding coercion or misuse of Indigenous-nation or Metis Settlement processes.

Important: Indigenous-led restorative justice is an exercise of Indigenous legal authority—not a discretionary service within the criminal justice system.

1. Jurisdiction and Program Mandate

- The RJ program has agreed to receive referrals from police/Crown
- The referral aligns with the **nation's or settlement mandate and protocols**
- The program has the authority to **accept/defer/decline**
- The referral agent should not assume automatic acceptance

Reminder for Crown/Police:

- Indigenous programs retain the right to say *no* without justification to the court or police.
-

2. Appropriate Use of Restorative Justice

- RJ is not being used to:
 - Expedite file closure only
 - Replace victim-centered decision-making
 - Pressure participation
 - Avoid accountability or due process
 - Referral is based on **harm and suitability**, not offence category alone
 - Referral aligns with applicable diversion or alternative measures policy
-

3. Voluntary Participation (Non-Coercive)

- Participation has been explained as **fully voluntary**
- No promises or threats (charges, bail outcomes, sentencing) were tied to participation
- The harmed person understands RJ is **not mandatory**
- The person who caused harm understands RJ is **not leniency**

Key Principle:

RJ must never be coercive—especially when initiated by formal authorities.

4. Person Harmed: Readiness and Safety

- The harmed person has expressed interest in a restorative option
 - Their safety (physical, emotional, cultural) has been considered
 - They are not being asked to participate solely for system efficiency
 - Supports or advocates are available if needed

 - If the harmed person does **not** wish to participate, this has been respected
-

5. Accountability Threshold

- The person who caused harm:
 - Acknowledges responsibility for the harm
 - Is willing to engage respectfully
 - Is not denying or minimizing the impact

- The referral is **not** being used to test credibility or elicit confession

Reminder:

RJ is about responsibility and repair—not evidence collection.

6. Safety and Risk Considerations

- There are no immediate, unmanaged risks of:
 - Intimidation or retaliation
 - Ongoing violence or coercive control
 - Severe power imbalances

 - If risks exist, they have been disclosed to the Indigenous program
 - The Indigenous program has space to assess safety independently
-

7. Relationship to the Criminal Justice Process

The stage of the file is clear:

- Pre-charge Post-charge Pre-sentence Bail/probation context

- The legal consequences of RJ (or non-completion) are clearly explained
- Information-sharing limits with the RJ program are understood
- The Indigenous program is **not** expected to monitor or enforce compliance

8. Respect for Data and Confidentiality

- Only necessary information is shared with the Indigenous program
 - Confidentiality limits are clearly communicated
 - No expectation that RJ discussions will be disclosed in court
 - Indigenous data sovereignty is respected
-

9. Referral Decision

- Referral submitted for Indigenous program consideration
 - Decision-making authority resides with the Indigenous program
 - If declined or deferred, alternate options are pursued respectfully
 - No negative inference is drawn from program refusal
-

Final Reflection for Crown and Police

- Is this referral advancing **community safety and healing**, not just system efficiency?
 - Does it respect Indigenous jurisdiction and self-determination?
 - Does it preserve the integrity of restorative justice?
-

Practice Reminder

Indigenous-led restorative justice is not an extension of policing or prosecution.
It is a nation or settlement-governed legal response grounded in Indigenous law.

Concluding Remarks

The Alberta Indigenous Restorative Justice in Action (AIRJA) initiative demonstrates that meaningful system change is both possible and already underway when Indigenous knowledge, community leadership, and government partners work in genuine relationship. Indigenous communities have long affirmed that restorative justice is not an “alternative” to the current system, but a proven, culturally grounded pathway that strengthens safety, accountability, and healing for individuals, families, and Nations.

Across the province, Indigenous-led programs are responding to harms with approaches that restore balance rather than deepen disconnection. Their work reflects the principles embedded in the Truth and Reconciliation Commission’s Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, and Alberta’s commitments to equity and system transformation. Yet these programs continue to operate within structures that were not designed with Indigenous worldviews in mind. Sustainable change will require coordinated investment, policy alignment, and a shared willingness to shift from short-term interventions to long-term relational accountability.

The next phase of development must remain focused on deepening partnerships, amplifying Indigenous leadership, and advancing a justice system that reflects the strengths, rights, and aspirations of Indigenous peoples in Alberta. The path forward is collaborative, and the opportunity before us is significant: to build a justice landscape where healing is possible, accountability is meaningful, and Indigenous-led restorative justice agencies and Nations are supported to thrive.

The urgency of this work is unmistakable. Indigenous leaders across the country continue to call for sustained investment in Indigenous-led justice and an end to the mass incarceration of Indigenous peoples. According to Justice Canada, Indigenous adults represented 33 per cent of admissions to federal custody in 2022–23, while Indigenous women accounted for 49 per cent of female admissions. The Office of the Correctional Investigator has also warned that Indigenous women now account for half of all women in Canadian federal penitentiaries.

As Woodhouse-Nepinak stated, “There is no justice for First Nations in Canada’s so-called justice system. First Nations are massively over-policed and over-incarcerated as a result of systemic discrimination.” She further emphasized that these issues are deeply connected to child welfare, policing, courts, and corrections: “The so-called child welfare system is a pipeline that funnels our children into conflict with the law and often places their welfare at risk. Governments at all levels in Canada must follow the lead of First Nations to restore our ways of justice, healing, and reconciliation.”

This call is echoed in other jurisdictions. Kory Wilson, Chair of the BC First Nations Justice Council, notes that Indigenous-led justice programs are already demonstrating results but require stable funding and authority to reach their full potential. “The issue is not a lack of solutions; it is a lack of sustained investment and authority in Indigenous-led solutions,” she said. “If Canada is serious about ending the overrepresentation of Indigenous Peoples in the Criminal Justice System, it must

invest in and scale what is already working, and support Indigenous governments to lead.” (Netnews Ledger.com)

These voices reinforce the central message of this report: the solutions exist, the leadership exists, and the evidence exists. What is required now is the collective will to act. By investing in Indigenous-led restorative justice as core justice infrastructure—not an add-on or temporary initiative—Alberta can take a decisive step toward a justice system that upholds dignity, strengthens safety, and honours the inherent rights of Indigenous peoples.

The work ahead is substantial, but the path is clear, and the momentum is growing. With sustained partnership, shared responsibility, and a commitment to Indigenous self-determination, Alberta can help shape a future where justice is not merely a system, but a lived experience of balance, accountability, and healing for all.

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