

Looking for an Alternative: Sken:nen A'onsonton

Restorative Practices Part 1: Justice

Ever been the victim of vandalism or assault? Are custody matters frustrating you? If you've been involved in the above, or similar situations, and are seeking justice by going to court, there's another option.

Restorative Justice is a way of dealing with matters outside of the courtroom, and views crime as resulting from the breakdown of relationships between people, and looks to repair those relationships. This approach looks past the western justice system that focuses on winning and losing, to creating a win-win situation for offender and victim.

In 1999, the Kahnawà:ke Justice Commission began looking to develop a Community Based Justice program. A community consultation took place, and the response showed a clear lack of confidence and satisfaction with outside courts, citing value differences, lack of healing (offender *and* victim), and its' win/lose nature. Those consulted wanted to see a justice system that returned to, or was based on Kanien'kehaka values of accountability, responsibility, and community involvement. To feel they received justice, people needed to feel heard, safe, with their values and beliefs respected. People wanted to be involved in the justice process, and to have people held accountable for their actions.

Based on community response, the *Sken:nen A'onsonton* ("To become peaceful again") program was developed, putting Restorative Practices into action, and has been operating from the Kahnawà:ke Courthouse since December 2000, headed by program coordinator Dale Dione-Dell. Cases are referred from community members, court, or from organizations within the community such as the Peacekeepers, K.S.C.S., etc. A key element of the program is that both parties need to be in agreement to work with Sken:nen A'onsonton. From there, how the parties work together will be determined in order to come up with the best solution for their situation.

There are major differences between western and restorative justice practices. For one, the offender and victim get together with a facilitator present, and through talking, they determine their own solutions. With the court system, victim and offender are separated, with little or no contact. Lawyers do most of the talking in the courtroom, leaving the victim and offender without a voice. As a result, they may not feel they received the justice they were seeking. For example, a judge might sentence an offender to pay a fine, or community service, and the victim may feel the consequences don't fit the crime. The offender may never realize how their actions affected the victim, and both walk away angry.

Restorative justice has other advantages. It isn't as long as the regular court process, and nowhere near as expensive. Some may say it's an easy way out, and it *is* easier in that it avoids going to court. The difference is that it requires the people involved to work together. Things take place in a safe and respectful manner, without lawyers present, and people have to speak for themselves and their actions. This allows for more control over justice, rather than being at the mercy of the court.

Restorative Justice is one piece of the philosophy of Restorative Practices. For more information on Restorative Justice, call the Court of Kahnawà:ke at 450-638-5647 to speak to Dale Dione-Dell, or Davis Montour.