



***Fraser-Burrard Community Justice Society  
Community Youth Justice Program***

***Performance Report  
January – December 2004***

***Fraser-Burrard Community Justice Society  
644 Poirier Street, Coquitlam, BC, V3J 6B1  
Tel: 604-931-3165 Fax: 604-931-3176  
Email: [fbcs@telus.net](mailto:fbcs@telus.net)  
Website: [www.fraserburrard.org](http://www.fraserburrard.org)***

## Preface

The Fraser-Burrard Community Justice Society is a not-for-profit organization serving the Tri-Cities area of Anmore, Belcarra, Coquitlam, Port Coquitlam and Port Moody since 1999, and New Westminster since September of 2004. During this time it has operated the Community Youth Justice Program (CYJP), a community-based restorative justice program for youth. Referrals to the program are made primarily by officers from the three police forces serving the Tri-Cities and New Westminster, in cases where a youth has admitted committing a chargeable offence and the persons harmed are willing to consider a restorative justice process as an alternative to the traditional court system.

Restorative justice is fundamentally different from retributive justice. It focuses on the harm done, rather than on the laws that have been broken. The victim, the offender and the community are invited to participate in a respectful and guided dialogue. The primary practice model of the CYJP is a resolution conference facilitated by trained community volunteers, bringing together the youths potentially facing criminal charges, the persons harmed by their acts, and supporters (such as parents, friends, or neighbours) for each. Together, they talk about the impact of the crime on each of them. They try to determine what needs to be healed, what needs to be restored and what needs to be learned from the crime. The intended results are a mutually satisfactory agreement and a healthy and transformed relationship between the participants. Completion of the terms of the agreement, monitored by the CYJP, results in closure for the participants. The harms done have been addressed in ways which have direct relevance and meaning to the persons experiencing the harm. The youths have been able to make good on an opportunity to face up to and correct the harms they have done, without taking on the stigma of a criminal record. If the parties have any contact with each other in the future, they are much more likely to be able to see each other as “people I had a conflict with, which we resolved together” than as “offenders” and “victims”.

In working towards this end result, restorative justice, and more particularly the CYJP, is guided by a number of principles<sup>1</sup>:

1. Invite full participation and consensus.
2. Seek full and direct accountability.
3. Reunite what has been divided.
4. Heal what has been broken.
5. Strengthen the community, to prevent further harms.
6. Provide an effective alternative to the traditional justice system.

This performance report assesses the effectiveness of the CYJP during 2004 in terms of these principles.

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<sup>1</sup> Susan Sharpe, *Restorative justice: a vision for healing and change*, Edmonton, Edmonton Victim Offender Mediation Society, 1998, 108.

*A preliminary note about the 2004 data*

All results are based on anonymous evaluation surveys completed by the participants at the end of each resolution conference. (Sample copies of the surveys used are available upon request at the Society office.) In 2004, out of a total of 48 process participants, 18 completed surveys (a 38 % response rate) and granted permission for their responses to be used for public information or educational purposes.

These numbers are low compared to previous years; over the first four years of program operation, there were an average of 101 process participants per year. Of these, 64% typically completed the surveys. Not only were there fewer process participants than usual in 2004, consistent with the relatively low rate of referrals during this year, but a smaller proportion of those participants than usual completed post conference surveys. Reviewing the files, two explanations for this are evident:

i) Indirect processes: Of the twelve restorative processes that took place in 2004, four were indirect processes in which for various reasons (one participant lived in a distant place, concerns for personal safety on the part of a participant) it made more sense to the parties to proceed by exchange of written information than by a face-to-face meeting. These four files involved 14 participants, and as no formal resolution conferences took place, no evaluation forms were distributed.

ii) Evaluation forms taken away from the conference site: In a further two cases, involving nine participants, people chose to take the evaluation forms home and return them later, rather than complete them at the time. This is an understandable choice, as at the end of a conference people often would like to take some time to reflect on and critically consider their experience rather than fill out an evaluation on the spot. Even with a gentle reminder by phone a week following the conference requesting that the forms be completed and returned, none of the nine participants who took forms home in 2004 did so.

Taking these two observations into account, of 48 process participants there were a total of 25 who were asked to fill out evaluation forms at the end of a face to face resolution conference and were not given the option of taking them home. Of these, 18 did so and gave permission for their comments to be used, a response rate of 72%, which is more consistent with our historical average.

There are two simple changes in practice we will implement in 2005 which we hope will prevent the repeat of such a low overall return rate: distribution of forms to all process participants regardless of whether a face-to-face meeting occurred or not, and the provision of self-addressed stamped envelopes, to make it easier for participants who take away forms (or who receive them by mail following an indirect process) to return them. (We have indeed found in the early part of 2005 that nine of thirteen participants who

took forms away along with self-addressed stamped envelopes subsequently returned completed evaluations.)

One of our current volunteer facilitators has undertaken a research project as part of a Masters program which will include collecting feedback from past CYJP participants on the longer term effects of having taken part in a restorative process. We expect these results to be available in 2005 and also anticipate that some suggestions will be forthcoming around the structure and wording of our evaluation questionnaires. A project for 2005 will be to review these questionnaires to ensure that they are equally applicable to indirect processes as to face-to-face resolution conferences.

For a discussion of the wider issue of the low rate of referrals (19 in 2004 compared to an average of 33 over the previous four years), please refer to our quarterly Activity Reports, which provide detailed information and discussion of program activity. The remainder of this report explores the feedback that was received from program participants in 2004.

### **Performance results January – December 2004**

#### **1. Invite full participation and consensus**

A restorative justice approach is essentially inclusive: it seeks to involve all those who have been harmed or who have caused harm as full participants in its process. The core of this process is a dialogue in which everyone has the opportunity to talk about what happened and how it affected them. Together, having identified the harms done, they then come to a fair and reasonable, mutually satisfying agreement on how these can be repaired.

#### ***At the CYJP, inclusiveness of all parties is reached in a number of ways:***

***a. Voluntary participation.*** Participation with the CYJP is voluntary. A forced participant can never be a truly full partner in the dialogue. According to our survey, 100% of the participants felt they had a choice to participate (n=18).

Participants named various reasons for their decision to take part in the program. Many saw the program as a learning experience, or a way to deal with a criminal incident in a more personal or timely way than going to court. "I'd rather prove a point to the kid than see this go to court" wrote one harmed person. Accused youths often saw the program as an opportunity to make things right. "I made a stupid decision when I was drinking", one accused youth told us, and the process allowed him to "repay what I did". Another wrote that she agreed to participate "because I wanted to personally apologize to [the person harmed]." One youth openly expressed that he "did not want a criminal record". Most persons harmed who responded were not concerned as much with personal compensation as with "the welfare and future of [the youth]". For example, one wanted "to give the youth a chance to make a difference and learn from his mistake". Typical of supporters'

rationales for participating was one person's response: "Because I want to stand by my granddaughter."

**b. Open communication.** The CYJP gives equal attention to the experiences of the persons harmed, the youths accused, and their respective support groups. According to our survey, 100% of the participants felt they could talk openly (n=18). Furthermore, 94% of all participants included in our survey felt others were interested in what they had to say (n=18), and 100% of youth accused felt they were being understood (n=6).

The CYJP helps to break down stereotypes and promotes understanding. Many persons harmed stated they appreciated the opportunity to explain the impact of the crime to the youth accused. Learning about the youth's background and meeting their supporters often provided vital information and a larger perspective for the person harmed. "Talking with the youth" and "understanding his situation" were held to be valuable by harmed persons completing the evaluation. The youths as well often welcomed the opportunity to talk about the offence and to show the person harmed their remorse. One youth appreciated "talking with the victim", another "seeing what it is I caused." A support person reflected the positive, respectful tone of this interaction in commenting that "everyone feels heard". One was glad to see that "[the youth] was honest about her feelings", another that "the victim was open to listening to the offender's opinion."

**c. Flexibility in process.** Our facilitators work with all parties involved in a file to design a restorative process which will meet their needs. Most often, but not always, this will be a face-to-face resolution conference. In cases where this is not the most appropriate option, written exchanges of information or use of the facilitators to convey information between the parties verbally are possible, and one third of the restorative processes which took place through the CYJP in 2004 were of this nature.

Although timely case processing is a constant concern for program staff and volunteers, taking the needs of all participants into account sometimes requires flexibility in this regard as well. Although on average it takes approximately 10 weeks to move from receipt of referral to a conference, on occasion other considerations in the lives of the participants can extend this period significantly. In 2004 the longest time to conference was 21 weeks, due to preexisting commitments on the part of the person harmed. When this conference did take place, the participants were satisfied with the outcome, and the person harmed noted on the evaluation that he particularly "appreciated all parties' willingness to accommodate my complications regarding availability."

## **2. Seek full and direct accountability**

The traditional criminal justice system does not require a youth accused to take responsibility for his or her actions. In fact, it encourages an accused to remain silent and deny all charges, unless there is compelling evidence against him or her. A restorative justice approach sees this as a missed opportunity. For both the person harmed and the

youth accused, an acceptance of responsibility could mean a sense of closure and a possibility for personal growth. Furthermore, fostering accountability for behaviour promotes feelings of self-worth and increases self-esteem for many youth in conflict with the law.

***The CYJP encourages offenders to take responsibility:***

***a. Encouraging accountability.*** At the CYJP, cases are only accepted when the youth accused takes responsibility for the offence and all its related aspects. In 2004, four of the 19 referred cases (21%) were returned because the youth accused refused to take full responsibility.

In preliminary meetings with the youth accused, the CYJP emphasizes the great importance of an admission of responsibility to the person harmed. By doing this, the risk of secondary victimization – making the person harmed feel re-victimized through an insensitive response to a crime – is reduced. Questions about what it might mean to make things right are discussed with the youth accused. A closed-ended question in our survey showed:

Youth accused who felt it was important to take responsibility and apologize	100% (n=6)
Persons harmed who felt it was important that the youth accused take responsibility and apologize	100% (n=5)
Support people who felt it was important that the youth accused take responsibility and apologize	86% (n=7)

The CYJP recognizes the importance an apology can hold for both the person harmed and the youth accused. Many persons harmed stated they really appreciated the youth accused taking responsibility for what happened. One person harmed wrote that the most satisfying part of the conference experience was “receiving an apology and seeing the youth accept responsibility”. For the youth, too, being able to apologize is often important: “I was able to apologize in person” is typical of youth responses to open questions asking what they found satisfying about the process.

**3. Reunite what has been divided**

Crime often leaves behind an “us – them” mentality. Some persons harmed feel like they forever lost trust and faith, and now have to face a world where people are out to hurt them. Offenders feel mistreated by the system, and thus focus on their own feelings of victimization. A restorative justice response aims to tackle these misconceptions and wishes to heal the broken relationships.

***The CYJP aims to reunite people through building:***

**a. *Understanding.*** By allowing each participant to share his or her story, the CYJP promotes understanding and, sometimes, forgiveness. Through closed-ended questions in our survey, we found that:

Youth accused who said the conference helped to build understanding	100% (n=6)
Persons harmed who said the conference helped to build understanding	100% (n=5)
Support people for youth accused who said the conference helped to build understanding	100% (n=7)

For many participants, seeing the other parties and hearing them talk about what happened provides a better understanding of the crime. One youth wrote that the conference was useful “because you get to talk face to face with the other and come to an agreement”.

**b. *Empathy.*** Through a better understanding of the crime, empathy is built and both parties are given a sense of closure. One youth stated that the process “gives you a perspective on what you did from the others’ points of view.” Closed-ended questions showed that:

Youth accused who felt the conference helped them regain the trust and respect of their family and friends	67% (n=6)
Youth accused who felt the conference made them feel better about themselves	100% (n=6)
Persons harmed and support people who felt something positive was accomplished	100% (n=12)

**c. *Relationships.*** Both for the person harmed and the youth accused, meeting the other party can be emotionally difficult. Much effort, therefore, is put into carefully preparing all participants of a resolution conference. Through the guidance of trained volunteers, the resolution conference proceeds in a respectful and safe manner. Closed-ended questions in our survey showed that:

Persons harmed who felt meeting the youth accused was difficult	0% (n=5)
Youth accused who felt meeting the victim was difficult	33% (n=6)
Youth accused who felt having family and friends present made the conference more difficult	0% (n=6)

Although the thorough preparation by the volunteers often makes the atmosphere at the resolution conference much more relaxed than the participants initially anticipate, 33% of youth nonetheless expressed that they found it difficult to meet the person harmed. A face-to-face encounter with a person one has harmed is not a soft option! In contrast to

previous years, none of the youth accused found it difficult to have support people present at the conference, which to us speaks well of the level of caring shown by those around them during times of crisis and difficulty.

Open-ended questions in our survey found that the chance to build or restore healthy relationships is seen as one of the most appreciated outcomes of the conference:

Persons harmed named as most satisfying:

1. seeing the youth accept responsibility and attempt to remedy the harm done
2. meeting the youth's parents or other supporters
3. understanding the youth's point of view
4. the fair agreement
5. the open communication

Other satisfying aspects included receiving an apology, the positive atmosphere, and the "quick resolution" as compared to the court process.

Youth accused named as most satisfying:

1. having a chance to meet the person harmed and apologize in person
2. the positive attitudes of the other participants
3. resolving the conflict
4. the positive environment
5. being able to speak

Other satisfying aspects included understanding the effects of what they had done, having a chance to make things right, and "that everyone kept their cool".

Support people named as most satisfying:

1. the open communication
2. seeing the youth show accountability
3. seeing the harmed party listening to the youth's perspective
4. resolving the conflict
5. the neutral facilitation

Other satisfying aspects included a sense of closure, the fair agreement and having "happy feelings at the end".

These results are interesting: they do not correspond with stereotypes of the vengeful victim and the angry offender. On the contrary, both parties seem to prefer the resolution conference precisely for its positive, problem-solving approach.

#### **4. Heal what has been broken**

Because a restorative response focuses on the harm done, it defines crime as an action that hurts people, with painful and often lasting human consequences. A central objective of all restorative justice processes, therefore, is to find ways to repair this harm. Much attention is given to the needs of the person harmed. The primary harmed party,



however, is not the only one who suffers harm. Neighbours, friends and family of the person harmed may be indirectly impacted and feel that their community has become less safe. The youth's family may also suffer harm as well, by having their son or daughter in conflict and by having to deal with complicating issues. The youth may feel more isolated and vulnerable to negative influences as a result of making wrong choices. In an effective restorative process, the hurts of all parties need to be recognized and addressed.

***The CYJP attempts to heal the harm caused by a crime by:***

***a. Meaningful resolution.*** The CYJP recognizes the importance of achieving a tangible resolution for the person harmed. Of all the cases that have been accepted by the CYJP, 91% have ended in an agreement (n=103, 9% of cases remaining in process). 96% of the agreements made have been upheld (n=94), with 145 of 149 youth (97%) in full compliance.

Persons harmed who felt the conference had resolved the conflict	100% (n=5)
Youth accused who felt the conference had resolved the conflict	100% (n=6)
Support people who felt the conference had resolved the conflict	100% (n=7)

Persons harmed who thought the agreement would significantly repair the harm	100% (n=5)
Youth accused who thought the agreement would significantly repair the harm	100% (n=6)
Support people who thought the agreement would significantly repair the harm	100% (n=7)

Often the underlying conflicts between participants are much broader than the particular incident for which charges could potentially be laid (for example, on-going long-term struggles within a single family). In such cases the volunteer facilitators will make referrals to other community service agencies with the capacity to assist people in longer term work.

***b. Flexible, fair agreements.*** The agreement reached during a resolution conference is carefully constructed. Great emphasis is placed on meeting both the material and emotional needs of the person harmed and providing him or her with a sense of closure. Agreements are never punitive, but often contain restitutive, healing and educational components.

Resolution agreements reached during 2004 have included:

Verbal apology	83%
Written apology	50%
Interaction agreements	42%
Community service work	33%
Financial restitution	25%
Other (complete an anger management course, get a summer job)	17%

(n=12, agreements usually include more than one condition)

The resolution conference gives each participant the opportunity to have input in the agreement. 100% of the participants in our survey felt they had as much input into the resolution agreement as they wanted (n=18, 94% very much, 6% somewhat). Furthermore, 100% of the participants felt their contributions to the agreement were taken seriously (n=18). Great importance is given to making the agreement fair and feasible for everyone.

Youth accused who thought the agreement was fair for them	100% (n=6)
Youth accused who thought the agreement was fair for the person harmed	100% (n=6)
Persons harmed who thought the agreement was fair for them	100% (n=5)
Persons harmed who thought the agreement was fair for the youth accused	100% (n=5)
Support people who thought the agreement was fair for the youth accused	100% (n=7)
Support people who thought the agreement was fair for the person harmed	86% (n=7)

Persons harmed who believe the youth accused will be able to complete the agreement	100% (n=5)
Support people who believe the youth accused will be able to complete the agreement	100% (n=7)
Youth accused who believe they will be able to complete the agreement	100% (n=6)

The fact that so many participants believe the youth accused will complete the agreement is a good indicator of the quality of the agreement. It means that the agreement is fair, and that the needs, strengths and logistical limitations of the youth accused are taken into account. Persons harmed, youth accused and support people occasionally mentioned in both open- and closed-ended questions that reaching “a fair agreement” was satisfying. Overall, however, surprisingly little comment was dedicated to the resolution agreement. Instead, participants focused on the process, praising the program for providing an opportunity for understanding and closure. This observation is consistent with what various authors in restorative justice literature have stated<sup>2</sup>: emotional healing is often much more needed and appreciated than material or financial restitution.

### **5. Strengthen the community, to prevent further harms**

The community is often a forgotten party in the traditional criminal justice system. Restorative justice approaches, on the other hand, consider that active community

<sup>2</sup> Lode Walgrave, *Met het oog op herstel: bakens voor een constructief jeugdsanctierecht*, Leuven, Universitaire Pers Leuven, 2000, 178; Mark Umbreit, *Victim impact of restorative justice conferencing with juvenile offenders*, <http://ssw.che.umn.edu/rjp>; Heather Strang, *Restoring persons harmed: an international view*, paper presented at the Restoration for persons harmed of crime conference, Melbourne September 1999.

participation is essential to creating safe and healthy communities. Community members and agencies have the ability and resources to respond to the harms of much crime and ultimately to restore and re-integrate persons harmed and youth accused into the community.

***The CYJP aims to strengthen communities by:***

***a. Involvement.*** The CYJP invites all community members involved in and affected by a crime to participate in the resolution conference. Having support people present provides an opportunity to create a sense of community and mutual responsibility.

Persons harmed who felt it was important to have support people at the conference	25% (n=4)
Support people who felt it was important to participate in the conference	100% (n=7)
Support people who valued the opportunity to meet the person harmed or the youth accused	71% (n=7)

***b. Prevention.*** In strengthening the community, the FBCYJP hopes to prevent future harms.

Youth accused who believed the conference experience would stop them from committing future crimes	100% (n=6)
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This year the CYJP has received three repeat referrals. According to police records, as of the end of September 2003, 11% of youth who had participated in conferences since the start of the program had re-offended within one year of their conference date. Recidivism statistics, however, are only partially useful as indicators of success, since it is difficult to know whether the youth that took part in our program would have re-offended had there been no intervention, or a criminal conviction and sentence following a guilty plea.

***c. Volunteers.*** Resolution conferences at the CYJP are conducted by volunteer facilitators who take part in a 90 hour training program offered once each year. In early 2004 a group of 16 new facilitators completed training and joined 23 facilitators then active; at the end of the year the total number of active facilitators was 32. In addition, eleven community volunteers with strong administrative, financial and organizational skills make up the Society's Board of Directors along with representatives from the municipal councils which partially fund the program and the two municipal Family Court and Youth Justice Committees serving the Tri-Cities and New Westminster. By involving volunteers from the communities it serves in the program, the CYJP hopes to involve and empower the community.

Volunteers trained as facilitators who contributed to the CYJP in 2004	39
Participants who felt the facilitators acted neutrally	100% (n=18)

Overall, participants were very satisfied with the role played by the volunteer facilitators. The fact that the facilitators limit their personal input in a conference, but instead allow the participants to do the talking, was especially valued. One person harmed wrote that the facilitators “were very open-minded and only tried to draw out everyone’s feelings and information”. Youth in particular commented on the even-handedness of the facilitators, and the safe environment thus created for a positive discussion to occur: one emphasized that the facilitators “didn’t take a side”, while another appreciated that “we were all asked pretty much the same questions”. A support person felt that this “helped the adolescent be accountable for his part in the event.” One youth wrote “they made me feel comfortable and at ease”, and a person harmed commented that the facilitators were “extremely good – they made this an easier process and made us feel good about helping.”

**6. To provide an effective alternative to the traditional justice system**

An approach based on restorative justice principles recognizes that not all conflict can be resolved through restorative processes. However, it does imply that an intervention by the traditional criminal justice system should be considered as a last resort rather than the first choice. Where possible, the more constructive approach of restorative justice ought to be taken.

***The CYJP provides an effective alternative to the traditional justice system by:***

***a. Promoting restorative justice.*** Through its program and through its outreach activities, the CYJP introduces the police, justice professionals, schools and community agencies to a more positive and constructive way of responding to crime.

Number of cases referred to the CYJP	19
Referred cases accepted	74% (n=19)
Average time from referral to conference	10 weeks
Average time to complete resolution agreement	8 weeks

***b. Meeting the needs of participants.*** The CYJP provides participants with a satisfactory experience of justice. Furthermore, it gives them a sense of empowerment in dealing with future conflict.

Persons harmed who were satisfied with the CYJP	100% (n=5)
Youth accused who were satisfied with the CYJP	100% (n=5)
Support people who were satisfied with the CYJP	100% (n=7)

Persons harmed who would recommend the CYJP to others	100% (n=5)
Youth accused who would recommend the CYJP to others	100% (n=5)
Support people who would recommend the CYJP to others	100% (n=7)

Many participants favored the CYJP as either a supplement or an alternative to the traditional criminal justice system. A support person wrote that “It helps an accused see the seriousness of their crime, while not having to tie up police and judicial time/money”. One person harmed commented that “The courts don’t allow the opportunity to discuss emotions and why the offence occurred in an open, honest manner.” Another wrote that they wanted to “know the motivation of the youth and did not want him to have a criminal record – this is more useful.”

### Areas for improvement

Fifteen of the eighteen participants (83%) who completed surveys responded to an open question asking what three things they found most satisfying about the conference experience (see pages 6 and 7 above). Twelve of the eighteen (71%) responded to the subsequent survey question asking what three things they found least satisfying about the conference experience. Of these twelve respondents, nine wrote “nothing”, “none” or “n/a”.

Of the three participants who responded with substantive comments to this question, one person harmed was disappointed that the accused youth was unwilling to say much, and stated that he thought this was due to the youth’s apparent nervousness. It might well have made sense in this case for the facilitators to have spent additional preparation time with the youth, or to have identified an additional support person to attend the conference. Another harmed party found the site of the conference at the Fraser-Burrard office inconvenient, but then commented that the long trip “was worth it”. One youth wrote that “dressing up, walking down here and facing the victim” were the least satisfying elements of the process; this same youth identified “meeting the victim, relief and closure” as the most satisfying elements. It seems apparent that this youth found the anticipation of the conference a particularly challenging experience, especially in the moments leading up to the meeting.

The responses to this question thus focused more on aspects of the experience that participants found difficult, rather than criticizing the process or the facilitation. They suggest that participants are in general taking the process seriously, recognizing that it is challenging, and acknowledging that it might not always be possible for their expectations of the other participants to be met. It is gratifying to see that although the experience of coming together in conference is not an easy one, 100% of respondents were satisfied with their own experience of the CYJP and 100% would recommend conferencing to others.

To date our annual performance reports have only sought input from process participants; in the coming year we also intend to elicit and include feedback on the performance of the CYJP and perceived areas for improvement from our referral partners, the Coquitlam RCMP Detachment, the Port Moody Police Department, and the New Westminster Police Service.

## **Conclusion**

Throughout this performance report, the notions of inclusion, empathy, understanding, respect and accountability are shown in a number of ways. Together, they reflect the efforts of a dedicated group of volunteers and staff to deliver a program true to the principles of restorative justice, where participants consider the experience of the process of at least equal importance as the outcome, and where damaged relationships can begin to be transformed into healthy, caring connections. The last word goes to one support person who summed up their experience by writing that at the end of it all “there was laughter – it worked!”