



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

***Annual Activity and Performance Report  
January – December 2005***

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### Overview for 2005:

- ◆ Our annual report for 2005 combines for the first time two reports previously prepared separately to describe the operations of the Community Youth Justice Program: the quarterly Activity Report, here the “Detailed statistical information” section, and the annual Performance Report, here the “Participant feedback” section. A brief preface describes the work of the CYJP and some core values of restorative justice, around which the “Participant feedback” section is organized.
- ◆ The CYJP finished the year 2005 with 19 referrals, the same number as received in 2004. These two years have had low referral rates compared to the first four years of program operation, which saw an average of 33 referrals per year. Some of this decline appears due to aspects of the Youth Criminal Justice Act, which came into force in 2003; we were also challenged to review the effectiveness of our referral procedures and strengthen our relationships with the three police forces which refer to the CYJP: the Coquitlam Detachment of the RCMP, the Port Moody Police Department and the New Westminster Police Service.
- ◆ After consultation with our police partners the Fraser-Burrard Community Justice Society changed the scope of the CYJP during the third quarter of this year to allow for referrals of matters that, while clearly involving offences, would not likely be pursued by Crown, and for referrals of youth below the age of 12. Our referral form was revised to reflect these changes in scope, as well as extending a clearer invitation to police officers who wish to participate in restorative process. We conducted a series of watch briefings in the final quarter of the year with the RCMP and the Port Moody Police Department to inform the general duty officers of the changes, and plan to do the same with the New Westminster Police Service in early 2006 as they welcome some new recruits to active duty. We hope that these changes, which also simplified the paperwork required of officers, will encourage greater police use of the program; we have seen a slight increase in referral rates from the RCMP (particularly the school liaison officers) in the last quarter of the year and a greater interest on the part of the referring officers in participating in the process themselves. We are hopeful that these trends will continue and grow in 2006.
- ◆ Many files referred this year involved incidents in which the parties had existing relationships of some duration (for example: incidents of damage done to group home property by youth who reacted angrily to staff setting boundaries, assault charges arising out of the escalation of long-term conflict between two youths, incidents of fire setting in a school attended by the accused youth). This suggests that referring officers are finding the CYJP an appropriate resource for files in which coming to a resolution will involve a process of airing and discussing longer term issues requiring more time than officers can devote, and for which the more adversarial court system seems unlikely to repair or strengthen the relationships.
- ◆ Our average time between receipt of a referral and completing a restorative process in 2005 was twelve weeks, significantly slower than our goal of eight weeks, which is in

itself currently under review as often longer than is necessary. Some conferences involved large numbers of participants – between seven and nine, not including the co-facilitators – and took some time to arrange (for example, one file involved three different harmed parties, all of whom were away during different times after the referral was received, delaying the conference to approximately four months after the referral date; in another case a youth spent some time in a residential detoxification and treatment program before being able to participate positively in a meeting with the person harmed). We recognize the value to all parties involved in a criminal incident to be able to deal with the matter as quickly as possible and continue to streamline our process so as to move from referral acceptance to conference in a timely a manner as the real needs and constraints of participants allow.

- ◆ The vast majority of youth participants (97%) continue to fulfill the obligations they enter into in the resolution conference agreements, this year completing a variety of conditions including apology letters, financial restitution, improved school performance and voluntary work in the community. Participants in general express a high level of satisfaction with the process and the outcomes, and with the work of our facilitators who volunteer their time and skills to guide them to resolution.
- ◆ We also anticipate hearing in early 2006 from the provincial Ministry of the Attorney General, which is reviewing the wider question of community based agencies becoming authorized to receive referrals from Crown as well as police, as is the practice in some other jurisdictions such as Alberta. We have expressed a willingness to participate in any pilot projects with Crown, should the review point to these as a next step. Under the Youth Criminal Justice Act, Crown has much greater scope than police to pursue a matter through the formal justice system should an attempt to resolve it by referral to a community based restorative justice program not succeed; this comparative lack of recourse for police has been a large contributing factor to the drop in referrals by police officers to community programs throughout British Columbia since the YCJA came into effect.

### **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 some trouble 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 report provides detailed statistical information on the CYJP’s activities in 2005 and documents participants’ feedback about the effectiveness of the program this year 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.

## **Part 1: Detailed statistical information**

### **a) Referrals**

From receipt of the first referral in January 2000 to date, 171 files have been referred to the Fraser-Burrard Community Youth Justice Program. Some of these files involve multiple persons harmed, and several involve multiple accused youth. Some cases are more complex than others and require the use of more than one resolution conference. In some cases, a conference has been held, but the case is still considered to be “ongoing” because the second conference has yet to be held.

### **Completed Conferences<sup>2</sup>:**

	<i>This year<sup>3</sup></i>	<i>Program to date<sup>4</sup></i>
# of people involved in a resolution conference, including persons harmed, youth accused, and support people	74	526
# of persons harmed served <sup>5</sup>	20	151
# of youth accused who have attended and completed conferences <sup>6</sup>	24	173

### **Progress of cases:**

	<i>This year</i>	<i>Program to date</i>
# of cases (incidents) referred	19	171
- # of cases returned	8	56
- # of conferences held	13	108
- # of cases ongoing <sup>7</sup>	7	7

- ◆ The seven ongoing cases together involve a total of 8 youth potentially facing charges and 14 persons harmed. These individuals are not counted in the above table showing the numbers of youth and persons harmed who have completed conferences.

<sup>2</sup> On occasion, participants deem it inappropriate to meet in person but are willing to develop an agreement and come to resolution through an indirect process such as an exchange of written information through the facilitators. Resolutions reached in this manner and the participants in these processes are included in the numbers for completed conferences.

<sup>3</sup> “This year” column numbers are included in numbers in the “Program to date” columns.

<sup>4</sup> Throughout this report, “program to date” refers to totals since the program’s first case referral in January 2000. Totals in the “program to date” column for # of cases returned, conferences held and cases ongoing will add up to the total # of cases referred. Totals in the “this quarter” columns will not add up to the total number of cases referred. Some case returns, conferences and ongoing work occurring in the current quarter are for cases originally referred during previous quarters.

<sup>5</sup> Persons harmed are here defined as persons who attend a resolution conference either having suffered direct personal harm from the accused youth’s actions, or representing an institution or agency, e.g. a municipality, that has suffered direct harm.

<sup>6</sup> Accused youth are sometimes referred together, i.e. sometimes more than one youth is involved in an offence, but only one conference is held to resolve the conflict.

<sup>7</sup> Ongoing cases are also those in which volunteer facilitators are conducting or have completed preliminary meetings with all parties who would participate in a conference, but for which no conference has yet taken place.

**Reasons for returning cases to the referral source:**

	<i>This year</i>	<i>Program to date</i>
Persons harmed unwilling to participate	2	19
Youth does not take responsibility for the offence	3	15
Alternate resolution was found informally	1	9
Referral did not meet FBCJS acceptance criteria (not otherwise chargeable)	0	5
Youth moved out of area between time of incident and receipt of referral	2	8

**Referral Sources:**

	<i>This year</i>	<i>Program to date</i>
RCMP (not including Schools Liaison Unit)	8	76
RCMP Schools Liaison Unit	2	29
Port Moody Police	3	49
New Westminster Police Service	5	10
Other Community Program	1	4
Self referrals	0	2
Alternative measures (probation)	0	1

**Ages of youth referred (program to date):**

- ◆ Total number of youth referred (including returned cases): 284
- ◆ Age range: 10 (self referral) to 20<sup>8</sup>      Average age: 15      Median age: 15
- ◆ Ages of youth (e.g.):                      27 youth = 13 years                      59 youth = 14 years
- 79 youth = 15 years                      50 youth = 16 years                      35 youth = 17 years

**Time required from referral acceptance to conference:**

Program to date (108 conferences):

- ◆ Range: 2-35 weeks<sup>9</sup>                      Average: 11 weeks                      Median: 10 weeks

<sup>8</sup> Although the age referral criteria for the CYJP is from 12 to 17 years old (the ages to which Canadian youth criminal justice legislation applies), we have on four occasions worked with young adults between the ages of 18 and 20 when they have been part of a larger group of youth referred, each of whom have admitted responsibility for a single incident in which they all participated.

<sup>9</sup> On many occasions more than one preliminary meeting is required with either the accused or the person harmed and their supporters. Preliminary meetings offer opportunities to provide harmed and accused groups with enough information to make informed decisions about whether they wish to participate in the program, and to fully explore any concerns and issues they might wish to bring forward at the conference. Additional meetings of this nature typically extend the time required from referral acceptance to conference. Referrals involving multiple people harmed and/or co-accused also require a greater number of preliminary meetings and present more challenges in scheduling conference dates which are possible for all parties. The file that required 35 weeks to complete was delayed due to careful preparation required by the facilitators with each participant to ensure that all parties were clear that a resolution conference was an appropriate way to handle their dispute,

During 2005 (13 conferences):

- ◆ Range: 4-24 weeks                      Average: 12 weeks                      Median: 13 weeks

One performance goal of the Community Youth Justice Program is to move each referral from acceptance to a resolution conference within a timeline of eight weeks, where it is possible to do this while respecting the needs of all potential participants (see note 12 below). Of the 108 conferences held to date, 50 have taken place within eight weeks of receiving the referral and 71 within twelve weeks.

***b) Restitution/Compensation for Persons Harmed***

The agreements reached through these conferences have reflected the creativity of those involved. The value of meaningful solutions and input by all involved has been demonstrated through the compliance rates we have achieved in the program to date:

- # of youth who have upheld the agreement made.....168 of 173<sup>10</sup> (97%)

Of the 168 youth who have upheld their agreements:

Total # of youth to date who have fulfilled all conditions within

agreed-upon time frames.....161

- # of these 161 youth whose agreement deadline occurred in the last year and who fulfilled all conditions within agreed-upon time frames.....18
- # of youth whose agreement is ongoing (i.e., who are progressing within agreed-upon time frames but whose deadlines have not yet passed).....7

***Resolution Conference Agreements have included\*:***

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that it would be emotionally safe for the parties to meet, and that each participant was clear about what issues they wanted to bring forward. Although the incident on which the referral was based was not violent and on the surface appeared to have had little impact, some long-term conflicts between those involved were touched upon and it was clear after initial meetings that the parties would need some time to prepare to meet to discuss what had happened and how their relationships could be improved. In the end all parties expressed themselves to be highly satisfied with the outcome.

<sup>10</sup> In one case of partial compliance, the youth accused completed half of the personal service work agreed to for the person harmed before losing contact and, when asked, the person harmed stated satisfaction with the accomplishments of the youth. In the second case, the youth completed two terms of his three part agreement, but violated one of them, resulting in a subsequent new charge. Consistent with restorative justice philosophy, once we have accepted a case, the staff and volunteers at FBCJS make every effort to problem solve with conference participants. In five cases to date, the agreement was renegotiated to reflect changing needs and options. Sending cases back to the police for non-compliance is a last option, which we have only needed to resort to on two occasions at the post-conference stage. In both instances the harmed party requested that the matter be returned after a youth did not follow through on a commitment without providing any explanation or responding to facilitators' attempts to contact them.

	<i>This year</i>	<i>Program to date</i>
Verbal apology	9	80
Written apology	7	54
Financial restitution	6	38
Interaction agreements	2	32
Community service work	2	24
Counselling/anger mgmt/D&A prgm	1	15
Personal service work for person harmed	2	9
Remain in school	3	8
Visit to person harmed's workplace <sup>11</sup>	1	4
Social interaction with person harmed	1	3
Get a job	0	3
Remain drug free	0	2
Other <sup>12</sup>	2	14

(\*Agreements can, and generally do, include more than one condition.)

**Time to complete agreement (program to date):**

- ◆ Range: 2 days to 1 year
- ◆ For the majority of youths involved in conferences, the agreement<sup>13</sup> is completed within 2 months of conferencing (77 of the 108 agreements to date, or 71%, meet this guideline). The large majority of agreements (104 of 108, or 96%) are completed within 6 months. Generally, the earlier the completion date is set by participants, the greater the likelihood of completion. Also, the 6 month statute of limitations to send a file back to the police and subsequently to court (in the rare event of non-compliance) suggests an agreement completion date is best set before 6 months (from the date of the offence) are up. Facilitators generally encourage conference participants to consider these realities, and to set their completion dates within three months after the conference.

**c) Offence Types**

<sup>11</sup> To appreciate at first hand the impact of behaviours such as vandalism. While such agreements are being negotiated, the conference facilitators are careful to make explicit a common understanding between all parties that such visits are intended as genuine learning opportunities for the youth, as opposed to occasions for shaming them in front of others.

<sup>12</sup> Other agreements have included letters of apology indicating what the youth has learned from the experience, public apologies, and a letter of acknowledgement & accomplishment. In this quarter, the "other" measure was a donation to a charity of meaning to the person harmed.

<sup>13</sup> A single conference may involve more than one youth facing charges; most often, all will come to a common agreement with the person(s) harmed and supporters. To date, a total of 173 youth have entered into a total of 108 agreements.

The cases that have been completed by the Fraser-Burrard Community Youth Justice Program have all involved offences that could have otherwise been charged and processed through the criminal justice system/youth courts, with the exception of two self referred cases, one of which involved a young person under 12 years of age and the other of which involved an adult. The following chart includes all referrals made to the CYJP, including those 56 files returned to the referral source, in order to give a complete picture of the range of offences our police partners have been willing to refer. The most prevalent offence types are assault (typically between youth) (24% of the total potential charges), mischief causing damage to property (21%), and theft under \$5000 (17%).

***Types of offences (# of counts)<sup>14</sup>:***

	<i>This year</i>	<i>Program to date</i>
Assault	1	80
Mischief under \$5000 / attempted mischief	15	70
Theft under \$5000	8	57
Break and enter / attempted break and enter	4	28
Arson	12	28
Threats / harassment	0	16
Fraud	0	13
Robbery	0	8
Possession of stolen property	1	8
Possession of marijuana/controlled substance	0	4
Theft of vehicle	0	3
Attempted theft from auto	0	3
Assault with weapon	0	2
Theft of mail	0	2
Uttering counterfeit bills	0	2
False police report	0	2
Take vehicle without owner's consent	0	2
Hit and run <sup>15</sup>	0	2
Possession of a B& E instrument	0	2
Drug trafficking	0	1
Driving while impaired	0	1
Attempted auto theft	0	1
Attempted armed robbery	0	1
Attempted assault	0	1
Sexual touching	0	1
Firearms and other offensive weapons	0	1

<sup>14</sup> This is not the number of youths committing offences, nor the number of referrals or active files. Some referrals include potential charges for more than one offence arising out of the same incident. For example, in one case completed this quarter, two youth were co-accused of ten potential charges in total, but only a single conference was needed to involve all parties and resolve the incident.

<sup>15</sup> Hit and run cases involve vehicles, not persons.

**d) Municipalities affected (for cases referred to FBCYJP):**

The files referred to our program cannot effectively be categorized as affecting one municipality or another, due to the complexities inherent in the incidents referred to us. The following breakdown reflects the municipalities that have been served through our program in one way or another, and does not include the 56 files ultimately returned to the police without resolution through the CYJP.

**Municipality where the offence occurred (implying referring police agency):**

	<i>This year</i>	<i>Program to date</i> <sup>16</sup>
Coquitlam	4	47
Port Moody	2	33
Port Coquitlam	4	25
New Westminster	5	9
Maple Ridge	1	1

**Municipality where the person harmed resides:**

	<i>This year</i>	<i>Program to date</i>
Coquitlam	8	63
Port Moody	6	39
Port Coquitlam	6	33
New Westminster	6	10
N/A (Corporation, eg., transit)	0	7
Maple Ridge	1	6
Burnaby	0	2
Abbotsford	1	2
Vancouver	1	1
Belcarra	0	1
Pitt Meadows	0	1

**Municipality where the youth accused resides:**

	<i>This year</i>	<i>Program to date</i>
Coquitlam	6	60
Port Coquitlam	4	45
Port Moody	3	37
New Westminster	8	16
Maple Ridge	0	8
Burnaby	0	3
Belcarra	0	2
North Vancouver	1	2
Mission	1	1
Pitt Meadows	0	1
Abbotsford	1	1

<sup>16</sup> Figures in the program to date columns are the totals for completed files, and non-returned files that are still in progress.

## Part II: Participant feedback

### A preliminary note about the 2005 data

All results in this section 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 2005, out of a total of 74 process participants, 29 completed surveys (a 39% 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 2005, 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 thirteen restorative processes that took place in 2005, five (38%) were indirect processes in which for various reasons (one harmed party worked three jobs and could not find a time to meet directly, others had concerns for personal safety) it made more sense to the parties to proceed by exchange of written information than by a face-to-face meeting. These five files involved a total of 32 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 three cases, involving twenty participants, people chose to take the evaluation forms home with self addressed stamped envelopes 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. However, even with a gentle reminder by phone a week following the conference requesting that the forms be completed and returned, only seven of these twenty participants did so.

Taking these two observations into account, of 74 process participants there were a total of 24 who were asked to fill out evaluation forms at the end of a face to face resolution conference (20 of whom responded) and 20 who were given the option of taking them home (9 of whom responded). In all, 29 of the 42 participants given evaluations responded and gave permission for their comments to be used, a response rate of 69%, similar to our historical average.

We hope to achieve a better return rate in 2006 by distributing evaluation forms by mail or email to all process participants regardless of whether a face-to-face meeting occurred or not.

One of our current volunteer facilitators completed a research project in 2005 on meaningful evaluation of restorative justice programs as part of a Masters program. This work included

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collecting feedback from past CYJP participants on their views about what made their process “successful” or not. The resulting thesis is available on request from the Fraser-Burrard office, and some of its conclusions and recommendations are guiding, among other improvements, the revision of our evaluation forms in 2006 to ensure that they are equally applicable to indirect processes as to face-to-face resolution conferences.

**Performance results January – December 2005**

**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:

Participants who felt they had a choice to participate:	100% (n=29)
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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 way than going to court. “I believe that youth should always have a chance to make amends when possible” wrote one harmed person. Accused youths frequently welcomed the program as such an opportunity to make things right. One wrote that he agreed to participate because “I wanted to make things right and apologize.” Almost half the accused youth openly expressed that they participated in order “to not have a criminal record”, or “because it had a better outcome in a positive way” than going to court. Another simply wrote “because it was the right thing to do.” A person harmed who responded was concerned “to hold the youth accountable, and put this behind us”. Another stated “I felt it would be more beneficial for the offender”. Two thirds of supporters, most often parents or guardians of the accused youth, echoed one supporter’s response: “To help our son try to right the situation.” Others gave as their rationales for participating “to have my daughter see how her actions fall onto others”, “I believed it would be beneficial to all parties” and “It seemed like a much better alternative to the criminal justice system”.

**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:

Participants who felt they could speak openly	100% (n=29)
Participants who felt others were interested in what they had to say	100% (n=29)
Youth who felt they were being understood	100% (n=9)

The CYJP helps to break down stereotypes and promotes understanding. Learning about the youth’s background and meeting their supporters often provided vital information and a larger perspective for the person harmed. “Meeting with the youth” and being “able to understand the youth’s perspective” were held to be valuable by harmed persons completing the evaluation. Another found it satisfying that the “youth was open and honest”. The youths as well often welcomed the opportunity to talk about the offence and to show the person harmed their regret for their actions. One youth appreciated “that I got to hear her side of the story”, another “meeting the people harmed.” One support person valued “hearing all sides” and another characterized the positive tone of the interaction as one of “open communication and mutual respect.”

**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 38% of the restorative processes which took place through the CYJP in 2005 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 since the CYJP began in 2000 it has taken 11 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 2005 the longest time to conference was 24 weeks, due to a combination of work commitments on the part of the harmed party, an unexpected move by the family of one of two youths involved, and illness on the part of the other youth. When this conference did take place, the participants were satisfied with the outcome, and relieved to be able to put the matter behind them.

**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 2005, three cases 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=9)
Persons harmed who felt it was important that the youth accused take responsibility and apologize	100% (n=8)
Support people who felt it was important that the youth accused take responsibility and apologize	100% (n=12)

The CYJP recognizes the importance an apology can hold for both the person harmed and the youth accused. Many persons harmed indicated that their expectation that the youth accused would accept responsibility for what happened and apologize was met during the conference. One person harmed wrote that the most satisfying part of the conference experience was “being able to receive an apology”. For the youth, too, this is often important: “Being able to apologize” 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=9)
Persons harmed who said the conference helped to build understanding	88% (n=8)
Support people for youth accused who said the conference helped to build understanding	92% (n=12)

For many participants, seeing the other parties and hearing them talk about what happened provides a better understanding of the crime. One person harmed wrote that the conference was useful “because the experience allows you to put a face to the incident and understand their issues”. A youth called the process “a real eye-opener”.

**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 he “saw the disappointment of the victims.” A parent valued the way that “facing their victims on a personal level opened [my son and his friend’s] eyes to things they hadn’t considered”. Closed-ended questions showed that:

Youth accused who felt the conference helped them regain the trust and respect of their family and friends	75% (n=8)
Youth accused who felt the conference made them feel better about themselves	100% (n=9)
Persons harmed and support people who felt something positive was accomplished	100% (n=20)

**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	17% (n=6)
Youth accused who felt meeting the victim was difficult	63% (n=8)
Youth accused who felt having family and friends present made the conference more difficult	38% (n=8)

Although the thorough preparation by the volunteers often makes the atmosphere at the resolution conference much more relaxed than the participants initially anticipate, 63% 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! Almost two-thirds of the youth did not find 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. reaching a positive solution
2. feeling able to move on
3. meeting the youth
4. understanding the youth's perspective
5. the inclusive process

Other satisfying aspects included receiving an apology, hearing what the youth had learned, and the opportunity to speak without interruption.

Youth accused named as most satisfying:

1. resolving the conflict
2. meeting the harmed party
3. coming to a fair agreement outside of the court system
4. being able to speak freely
5. learning more about how their actions had affected others

Other satisfying aspects included being able to apologize, having a chance to make things right, and that "the victim forgave me".

Support people named as most satisfying:

1. resolving the conflict
2. the open communication
3. the inclusiveness of the process
4. the safe environment
5. the skilled facilitation

Other satisfying aspects included relevant and appropriate consequences, an increase in mutual understanding between youths and harmed parties, and witnessing youths accepting responsibility.

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, 94% have ended in an agreement (n=115, 6% of cases remaining in process). 95% of the agreements made have been upheld (n=108), with 168 of 173 youth (97%) in full compliance.

Persons harmed who felt the conference had resolved the conflict	88% (n=8)
Youth accused who felt the conference had resolved the conflict	100% (n=9)
Support people who felt the conference had resolved the conflict	82% (n=11)

Persons harmed who thought the agreement would significantly repair the harm	100% (n=8)
Youth accused who thought the agreement would significantly repair the harm	100% (n=9)
Support people who thought the agreement would significantly repair the harm	92% (n=12)

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 restitution, healing and educational components.

Resolution agreements reached during 2005 have included:

Verbal apology	69%
Written apology	54%
Financial restitution	46%
Stay in school	23%
Community service work	15%
Interaction agreements	15%
Other (enter counseling, donation to charity, personal service to harmed party, participate in community recreational/social program)	38%

(n=13, 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=29). Furthermore, 100% of the participants felt their contributions to the agreement were taken seriously (n=29).

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=9)
Youth accused who thought the agreement was fair for the person harmed	89% (n=9)
Persons harmed who thought the agreement was fair for them	100% (n=8)
Persons harmed who thought the agreement was fair for the youth accused	100% (n=8)
Support people who thought the agreement was fair for the youth accused	100% (n=12)
Support people who thought the agreement was fair for the person harmed	100% (n=12)

Persons harmed who believe the youth accused will be able to complete the agreement	100% (n=8)
Support people who believe the youth accused will be able to complete the agreement	100% (n=12)
Youth accused who believe they will be able to complete the agreement	100% (n=9)

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>17</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 participation is essential to creating safe and healthy communities. Community members and

<sup>17</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.

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=8)
Support people who felt it was important to participate in the conference	100% (n=12)
Support people who valued the opportunity to meet the person harmed or the youth accused	92% (n=12)

**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=9)
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This year the CYJP has received one repeat referral. According to police records, as of the end of December 2005, 85% 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. Due to the comparatively low volume of referrals in 2004 and 2005, this training program has not been offered since early 2004 and we anticipate that the next intake and training will be in the fall of 2006. Volunteer facilitators attend ongoing training sessions for continuing education about restorative process and community resources, and for skills practice; at the end of 2005 the roster of trained facilitators was 26. 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	32
Participants who felt the facilitators acted neutrally	100% (n=29)

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 support person wrote that the facilitators “were very good at getting everyone’s feelings out in the open, and gave all sufficient time to express themselves”. Youth in particular commented on the safe environment created for a positive discussion to occur: one emphasized that the facilitators were “very helpful on getting me to open up. No one was blamed or shamed upon.” Another described how “they would wait until you were done speaking, and then would ask more, very good questions. Felt like there was no pressure from them to say what needed to be said.”. One support person characterized the facilitators she worked with as “very professional, patient, non-threatening and knowledgeable – good instincts with people.” Another appreciated the way they “explained everything in detail through this whole process” and one noted that in particular “the pre-meeting was helpful”. A person harmed commented that the facilitators were “able to make everyone involved feel as comfortable as possible in a very uncomfortable situation” and another called them “good listeners who kept us on target”. One youth wrote “I’m surprised they were volunteers, they take their job seriously.”

**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	84% (n=19)
Average time from referral to conference	12 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=8)
Youth accused who were satisfied with the CYJP	100% (n=9)
Support people who were satisfied with the CYJP	100% (n=12)

Persons harmed who would recommend the CYJP to others	100% (n=8)
Youth accused who would recommend the CYJP to others	100% (n=9)
Support people who would recommend the CYJP to others	100% (n=11)

Many participants favored the CYJP as either a supplement or an alternative to the traditional criminal justice system. A support person wrote that “if doing a conference will satisfy the victim, I think the choice should be theirs”. Another thought having this process as an option was “good for our society, good for the courts too.” One person harmed commented that the process “reminds me of the healing circle” and another valued its potential to “bring about a proper resolution without involving more serious intervention (i.e. courts, criminal record, etc.)”.

### Areas for improvement

Twenty-seven (93%) of the twenty-nine participants 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). Twenty-three (79%) responded to the subsequent survey question asking what three things they found least satisfying about the conference experience. Of these twenty-three respondents, eight wrote “nothing”, “none” or “n/a”.

Of the fifteen participants who responded with substantive comments to this question, three youths felt that the conference itself was too long, and two found it personally challenging to see the harmed party’s disappointment in their actions. One youth felt that the process “lost focus”; this comment was also made by one support person. One youth and one person harmed described their awkwardness in meeting the other party as the conference began. One person harmed was disappointed that a youth’s parent seemed to remain unappreciative of the seriousness of the offence. One person harmed and one support person commented that one facilitator’s efforts to ensure mutual understanding caused them to repeat what participants had said to an extent that was annoying rather than helpful; the support person further commented that the co-facilitator picked up on this and helped get the process back on track. One support person found the chairs uncomfortable<sup>18</sup>. Two support people also expressed frustration at the length of time between the offence and the conference, and the logistical challenges of organizing a conference with many participants (the largest conference held this year involved twelve participants and two facilitators).

The responses to this question focused both on aspects of the experience that participants found difficult, and on critiques of the process or the facilitation. They suggest that participants are in general taking the process seriously and expecting a high quality of guidance and support from the facilitators. They also illustrate how participants recognize that this is challenging work for themselves, and acknowledge that it might not always be possible for their expectations of the other participants to be met. This feedback is valuable to the staff and co-facilitators who meet to debrief after every conference to see what areas of skills or process need improvement and plan accordingly for ongoing training. It is gratifying to see

<sup>18</sup> The Fraser-Burrard Community Justice Society remains open to in-kind donations.

that although the experience of coming together in conference is not an easy one, 100% of respondents rated themselves as “satisfied” with their own experience of the CYJP, and 100% would recommend conferencing to others.

### **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 words go to a youth who wrote of their experience that “it helped me think before I do stuff”, and to a person harmed who noted that after some honest, powerful and emotional exchanges “it ended in laughter and smiles”.