



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

***Annual Activity and Performance Report
January – December 2006***

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CYJP Annual Report
January – December 2006

Overview for 2006:

- ◆ Our annual report is in two major parts: a “Detailed statistical information” section which expands on the information issued quarterly in our program “Activity Reports”, and a “Participant feedback” section summarizing the results of evaluation questionnaires completed by program participants. A brief preface describes the work of the Community Youth Justice Program and some core values of restorative justice, around which the “Participant feedback” section is organized.
- ◆ The CYJP finished the year 2006 with 51 referrals, the highest annual number since the program’s inception in 2000. We appear to have turned a corner after two lean years of 19 referrals each, a decline largely due to aspects of the federal Youth Criminal Justice Act, which came into force in 2003. In 2005 we streamlined our referral procedures and improved our communication structures after consultation 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. Police referrals rose in the last quarter of 2005 and continued to rise in 2006, when we received 34, returning to the average rate of the first four years of the program. Referring officer interest in direct participation in the process is high.
- ◆ The remaining 17 referrals were from the Crown Counsel offices that serve the Tri-Cities and New Westminster. After discussions begun in 2004, in May we were authorized by the provincial Ministry of the Attorney General to receive youth referrals from Crown under the “extrajudicial sanctions” provisions of the Youth Criminal Justice Act. The YCJA gives Crown 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. Positive feedback from Crown at the close of the pilot in November resulted in the Attorney General’s office authorizing us to continue receiving referrals from Crown on an ongoing basis. Twelve referrals were received during the pilot period, and five since, including incidents of mischief under \$5000, theft under \$5000, possession of stolen property over \$5000, obstructing a police officer, and assault. The range of incidents has been similar to that shown by police referred files in the last year; in a small number of cases, the impact on the harmed party has been more intense (e.g., theft over \$5000, assaults in which minor injuries were sustained). Of the seventeen files received, six have been fully completed, two were returned as parties were either opposed to the process or not contactable, and nine are in progress at the preliminary meeting stage and expected to go to conference early in the new year. Our volunteer facilitators have been trained in the paperwork and timelines required in Crown files. We are hopeful that this new relationship with local Crown will continue to strengthen in the coming year.

- ◆ Mischief, theft and break and enter of schools made up the bulk of files referred this year; in many the parties were not previously known to each other but approximately 30% involved incidents in which the parties had existing relationships of some duration (for example: incidents of theft or mischief at schools where youths' actions affected students or staff well known to them, assault charges arising out of the escalation of long-term conflict between two youths, incidents of theft, uttering threats or possession of a controlled substance in which the harmed parties were immediate family members or friends). 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 was reduced from twelve weeks in 2005 to nine weeks in 2006, an improvement but still slower than our goal of six weeks. Some conferences involved large numbers of participants – as many as twelve, not including the co-facilitators – and took some time to arrange (for example, one file involved six 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 three months in a residential drug 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 as timely a manner as the real needs and constraints of participants allow.
- ◆ The vast majority of youth participants (96%) 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, voluntary work in the community and referrals to counseling. 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 continue to rely on the skilled and dedicated work of our community volunteers: 31 trained facilitators, including 9 who completed our most recent 72 hour training program in December, and the 11 elected members of our Board of Directors. We are making plans for another recruitment and training of facilitators in the spring in order to maintain a high quality of service in response to the sustained increase in referral rates; with nineteen referrals accepted in the last quarter, we have ended 2006 on a high level of activity! Our main current operational challenge is to continue to maintain timely service and validate the level of confidence in restorative approaches and in our service that our police and Crown partners have demonstrated this year by greater use of the program.

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 Westminister 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 Westminister, 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 principles¹:

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 2006 and documents participants’ feedback about the effectiveness of the program this year in terms of these principles.

¹ 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, 222 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 an additional conference is required and has yet to be held.

Completed Conferences²:

	<i>This year³</i>	<i>Program to date⁴</i>
# of people involved in a resolution conference, including persons harmed, youth accused, and support people	117	643
# of persons harmed served ⁵	35	186
# of youth accused who have attended and completed conferences ⁶	40	213

Progress of cases:

	<i>This year</i>	<i>Program to date</i>
# of cases (incidents) referred	51	222
- # of cases returned	8	64
- # of conferences held	27	135
- # of cases ongoing ⁷	23	23

- ◆ The twenty three ongoing cases together involve a total of 31 youth potentially facing charges and 28 persons harmed. These individuals are not counted in the above table showing the numbers of youth and persons harmed who have completed conferences.

² 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.

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

⁴ 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 year” columns will not add up to the total number of cases referred. Some case returns, conferences and ongoing work occurring in the current year are for cases originally referred during the previous year.

⁵ 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.

⁶ 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.

⁷ 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	1	20
Youth does not take responsibility for the offence	4	19
Alternate resolution was found informally	1	10
Youth moved out of area between time of incident and receipt of referral	2	10
Referral did not meet FBCJS acceptance criteria (not otherwise chargeable)	0	5

Referral Sources:

	<i>This year</i>	<i>Program to date</i>
RCMP (not including Schools Liaison Unit)	17	93
RCMP Schools Liaison Unit	3	32
Port Moody Police	8	57
New Westminster Police Service	5	15
Crown	17	17
Other Community Program	1	5
Self referrals	0	2
Alternative measures (probation)	0	1

Ages of youth referred (program to date): (Beginning in 2007, we will also track and report gender, and whether or not participants are of First Nations background)

- ◆ Total number of youth referred (including returned cases): 357
- ◆ Age range: 10 (self referral) to 26⁸ Average age: 15 Median age: 15
- ◆ Ages of youth (e.g.): 34 youth = 13 years 72 youth = 14 years
- 93 youth = 15 years 73 youth = 16 years 44 youth = 17 years

Time required from referral acceptance to conference:

Program to date (135 conferences):

- ◆ Range: 1-49 weeks⁹ Average: 10 weeks Median: 8 weeks

⁸ Although the age referral criteria for the CYJP is 17 years old or younger (Canadian youth criminal justice legislation applies to 12 to 17 year olds), we have on six occasions worked with young adults between the ages of 18 and 26, most often when they have been part of a larger group of youth referred, each of whom have admitted responsibility for a single incident in which all participated.

⁹ 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

During 2005 (13 conferences):

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

During 2006 (27 conferences):

◆ Range: 1-49 weeks Average: 9 weeks Median: 6 weeks

An ongoing performance goal of the Community Youth Justice Program has been 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 9 below). Of the 135 conferences held to date, 68 have taken place within eight weeks of receiving the referral and 95 within twelve weeks. Recognizing the value of timely response in providing effective learning opportunities for youth, we are now moving towards a goal of conferencing within four weeks of receiving the referral unless unusual circumstances prevent this. Of the 135 conferences to date, 26 have taken place within this timeframe, 11 of these in the past year.

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.....205 of 213¹⁰ (96%)

Of the 205 youth who have upheld their agreements:

- Total # of youth to date who have fulfilled all conditions within agreed-upon time frames.....201
- # of these 201, youth whose agreement deadline occurred in the past year and who fulfilled all conditions within agreed-upon time frames.....40
- # of youth whose agreement is ongoing (i.e., who are progressing within agreed-upon time frames but whose deadlines have not yet passed).....4

number of preliminary meetings and present more challenges in scheduling conference dates which are possible for all parties. The file that required 49 weeks to complete was delayed due to a long term illness on the part of the harmed party. In the end all parties expressed themselves to be highly satisfied with the outcome, in which a youth put 90 hours of volunteer labour into a not for profit program his actions had impacted.

¹⁰ In one case of partial compliance this year, the youth accused completed personal apologies to impacted persons not at the conference and moved out of the area prior to completing a commitment to attend counseling for underlying issues. Information on counseling resources in his new location was provided by the facilitators, but the youth did not follow through on making a connection prior to the end of the agreement period. In the second case, the youth completed one term of his two part agreement, but did not follow through on an offer of financial restitution and did not respond to further facilitator and staff attempts to contact him. The harmed parties and referring police officers were informed and the files closed. 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 eight 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 three occasions at the post-conference stage, once during the current year. In each instance 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.

Resolution Conference Agreements have included*:

	<i>This year</i>	<i>Program to date</i>
Verbal apology	30	110
Written apology	17	71
Financial restitution	3	41
Interaction agreements	6	38
Community service work	13	37
Counselling/anger mgmt/D&A prgm	5	20
Personal service work for person harmed	0	9
Remain in school	0	8
Visit to person harmed's workplace ¹¹	1	5
Social interaction with person harmed	1	3
Get a job	0	3
Remain drug free	1	3
Other ¹²	3	17

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

Time to complete agreement (program to date):

- ◆ Range: 0 days (completed at conference) to 1 year
- ◆ For the majority of youths involved in conferences, the agreement¹³ is completed within 2 months of conferencing (95 of the 135 agreements to date, or 70%, meet this guideline). The large majority of agreements (131 of 135, or 97%) 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.

¹¹ 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.

¹² Other agreements have included letters of apology indicating what the youth has learned from the experience, public apologies, a letter of acknowledgement & accomplishment, attending short term educational programs with agencies such as local fire departments, and drawing a poster illustrating the youth's goals in life and ways of overcoming the barriers to achieving them.

¹³ 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 213 youth have entered into a total of 135 agreements.

c) Offence Types

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 64 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 mischief causing damage to property (21% of the total potential charges), assault (typically between youth) (21%), and theft under \$5000 (20%). All offences involving theft together make up 34% of the potential charges referred.

Types of offences (# of counts)¹⁴:

	<i>This year</i>	<i>Program to date</i>
Mischief under \$5000 / attempted mischief	18	88
Assault	5	85
Theft under \$5000	23	80
Break and enter / attempted break and enter	12	40
Arson	0	18
Threats / harassment	2	18
Fraud	4	17
Possession of stolen property	4	12
Robbery	0	8
Assault with weapon	3	5
Possession of marijuana/controlled substance	1	5
Theft of vehicle	1	4
Firearms and other offensive weapons	2	3
Attempted theft from auto	0	3
Take vehicle without owner's consent	1	3
Assault police officer	2	2
Theft of mail	0	2
Uttering counterfeit bills	0	2
False police report	0	2
Hit and run ¹⁵	0	2
Possession of a break and enter instrument	0	2
Obstructing a police officer	2	2

¹⁴ 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, one youth was accused of two potential charges in total, but only a single conference was needed to involve all parties and resolve the incident. In another, two youths faced a total of three potential charges that were resolved in one conference.

¹⁵ Hit and run cases involve vehicles, not persons.

Theft over \$5000	1	1
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

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 62 files ultimately returned to the police without resolution through the CYJP.

Municipality where the offence occurred:

	<i>Year to date</i>	<i>Program to date¹⁶</i>
Coquitlam	20	67
Port Moody	8	41
Port Coquitlam	9	33
New Westminster	4	13
Maple Ridge	1	2
Anmore	1	1
Burnaby	1	1

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

Municipality where the person harmed resides:

	<i>Year to date</i>	<i>Program to date</i>
Coquitlam	18	81
Port Moody	11	50
Port Coquitlam	9	42
New Westminster	2	12
N/A (Corporation, e.g., transit)	1	8
Maple Ridge	1	7
Burnaby	2	4
Pitt Meadows	1	2
Vancouver	1	2
Abbotsford	0	2
Other BC (outside Lower Mainland)	1	1
Other Canada	1	1
Surrey	1	1
Belcarra	0	1

Municipality where the youth accused resides:

	<i>Year to date</i>	<i>Program to date</i>
Coquitlam	33	98
Port Coquitlam	12	57
Port Moody	8	45
New Westminster	5	21
Maple Ridge	0	8
Burnaby	1	6
Agassiz	2	2
Belcarra	0	2
North Vancouver	0	2
Mission	0	1
Pitt Meadows	0	1
Abbotsford	0	1

Part II: Participant feedback

A preliminary note about the 2006 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 2006, out of a total of 117 process participants, 47 completed surveys (a 40% response rate) and granted permission for their responses to be used for public information or educational purposes.

This return rate is similar to last year but low compared to most 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. The number of participants was significantly higher this year than in the previous year, but a smaller proportion of those participants than usual completed post conference surveys. Reviewing the files suggests two explanations:

i) Indirect processes: Of the twenty-seven restorative processes that took place in 2006, six (22%) were indirect processes in which for various reasons (concerns for personal safety, time pressures on owners of affected businesses) it made more sense to the parties to proceed by exchange of written information than by a face-to-face meeting. These six files involved a total of 20 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 nine cases, involving fifty 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 nine of these fifty participants did so.

Taking these two observations into account, of 117 process participants there were a total of 97 who were asked to fill out evaluation forms: 47 at the end of a face to face resolution conference (38 of whom, 81%, did so) and 50 who were given the option of taking them home (nine of whom, 18%, returned completed forms). In all, 47 of the 97 participants given evaluations completed them, a response rate of 48%, still below program norms.

We hope to achieve a better return rate in 2007 by distributing evaluation forms by mail or email to all process participants regardless of whether a face-to-face meeting occurred or not.

Performance results January – December 2006

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:	96% (n=47)
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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. “Everyone who admits to doing wrong and wishes to make amends deserves another chance” wrote one harmed person. Accused youths often welcomed the program as such an opportunity to make things right. One wrote that he agreed to participate because “I made a mistake and needed to be responsible for my actions.” A quarter of the accused youth openly expressed that they participated “so I don’t have a criminal record in my future”. Others wrote “so we could all share ideas” and “to see everyone’s point of view on what happened”. Another said “I wanted to face my problems.” A person harmed who responded hoped that participating would provide “a good learning experience”. Two saw their role as more than personal, participating because “I care about my community”, and “to assist in helping our community and to help this program succeed. Supporters, most often parents or guardians of the accused youth, typically responded in two ways: “I wanted to show my support to my son, and also the victims”, and “I wanted to see resolution to the issue at hand”.

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	96% (n=46)
Participants who felt others were interested in what they had to say	89% (n=46)
Youth who felt they were being understood	84% (n=19)

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 “hearing the youth talk” were held to be valuable by harmed persons completing the evaluation. Another found it satisfying to “listen to the offender’s plan to remedy his situation”. 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 saw value in “learning how much people were really affected”, another in “listening to what others had to say.” One support person appreciated that “both parties heard willingly the side of the other”.

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 22% of the restorative processes which took place through the CYJP in 2006 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 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 2006 the longest time to conference was 49 weeks, due to an extended illness on the part of the harmed party. When this conference did take place, the participants were satisfied with the outcome, which included a commitment, fulfilled by the youth within the agreed timeframe, for 90 hours of service work to an agency in the community of value to the harmed party.

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 2006, four 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 in individual meetings before a conference is held. A closed-ended question in our survey showed:

Youth accused who felt it was important to take responsibility and apologize	100% (n=17)
Persons harmed who felt it was important that the youth accused take responsibility and apologize	83% (n=12)
Support people who felt it was important that the youth accused take responsibility and apologize	87% (n=15)

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 “receiving an apology”. For the youth, too, this is often important: “Saying sorry” was 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=18)
Persons harmed who said the conference helped to build understanding	85% (n=13)
Support people for youth accused who said the conference helped to build understanding	93% (n=15)

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 they “wanted to hear what the accused people had to say and their parents’ perspectives”. A youth valued “being able to let everything out and be honest”.

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 “learned that crimes hurt people.” A parent valued the opportunity “to address unspoken feelings”. Closed-ended questions showed that:

Youth accused who felt the conference helped them regain the trust and respect of their family and friends	80% (n=15)
Youth accused who felt the conference made them feel better about themselves	100% (n=19)
Persons harmed and support people who felt something positive was accomplished	96% (n=28)

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	23% (n=13)
Youth accused who felt meeting the victim was difficult	33% (n=18)
Youth accused who felt having family and friends present made the conference more difficult	83% (n=16)

The thorough preparation by the volunteers often makes the atmosphere at the resolution conference much more relaxed than the participants initially anticipate. One-third of youth who responded 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! Over 80% of the youth found it challenging to have support people present at the conference, which speaks to the double role that parents often find themselves in, wishing to support the youth in taking responsibility, yet also needing to express the impact on them personally of what the youth has done.

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. meeting the youth and parents
2. reaching a satisfying agreement
3. having input into the process
4. understanding the youth’s perspective
5. expressing the impact

Other satisfying aspects included receiving an apology, the non-threatening environment, and “the ways the facilitators helped each person bring out information which helped all understand each other better”.

Youth accused named as most satisfying:

1. learning more about how their actions had affected other
2. reaching a fair agreement
3. meeting the harmed party
4. being able to speak freely
5. safe and comfortable process

Other satisfying aspects included “being in a circle”, “calm and understanding” and “getting help”.

Support people named as most satisfying:

1. the inclusive process
2. having questions answered
3. the safe environment
4. reaching a fair agreement
5. the skilled facilitation

Other satisfying aspects included meeting the harmed party, witnessing youths accepting responsibility and “calmness”.

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, 85% have ended in an agreement (n=158, 15% of accepted cases remaining in process). 94% of the agreements made have been upheld (n=135), with 205 of 213 youth (96%) in full compliance.

Persons harmed who felt the conference had resolved the conflict	100% (n=12)
Youth accused who felt the conference had resolved the conflict	100% (n=19)
Support people who felt the conference had resolved the conflict	100% (n=15)

Persons harmed who thought the agreement would significantly repair the harm	85% (n=13)
Youth accused who thought the agreement would significantly repair the harm	100% (n=19)
Support people who thought the agreement would significantly repair the harm	100% (n=15)

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 2006 have included:

Verbal apology	100%
Written apology	63%
Community service work	48%
Interaction agreements	22%
Enter counseling	19%
Financial restitution	11%
Other (education program at person harmed's workplace, social interaction with harmed party, remain drug free, complete art project)	22%

(n=27, 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=47). Furthermore, 100% of the participants felt their contributions to the agreement were taken seriously (n=47).

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=19)
Youth accused who thought the agreement was fair for the person harmed	100% (n=19)
Persons harmed who thought the agreement was fair for them	100% (n=12)
Persons harmed who thought the agreement was fair for the youth accused	100% (n=13)

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=12)
Support people who believe the youth accused will be able to complete the agreement	100% (n=15)
Youth accused who believe they will be able to complete the agreement	100% (n=19)

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, comparatively little comment was dedicated to the resolution agreement. Instead, participants focused on the process, appreciating an opportunity for understanding and closure. This observation is consistent with what various authors in restorative justice literature have stated¹⁷: 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 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	73% (n=11)
Support people who felt it was important to participate in the conference	93% (n=15)
Support people who valued the opportunity to meet the person harmed or the youth accused	93% (n=15)

¹⁷ 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.

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=19)
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This year the CYJP has received one repeat referral. According to police records 85% of youth who had participated in conferences since the start of the program had not 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 72 hour training program. We conducted a training program in the fall and graduated nine new facilitators at the end of 2006, bringing our roster at year’s end to 31; as the referral volume has more than doubled in the last year and shows signs of continuing at the same rate we anticipate that the next intake and training will be in the late spring of 2007. Volunteer facilitators attend ongoing training sessions for continuing education about restorative process and community resources, and for skills practice. 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 2006	26
Participants who felt the facilitators acted neutrally	93% (n=46)

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 “committed to providing a forum where resolution was reached with understanding on both parts”. Youth in particular commented on the safe environment created for a positive discussion to occur: one emphasized that the facilitators “didn’t gang up on us or try to put us on the spot.” Another described how “they listened and got people to explain things better.” One person harmed characterized the facilitators she worked with as “very friendly, receptive people who really seemed to have a genuine interest in solving the problem.” Another appreciated the way they “made it a comfortable environment in order to freely discuss situations”. A support person commented that the facilitators “provided support without judgment” and another stated “they know their job”. One person harmed wrote “Excellent. I have learned skills that I have since used in my work context.”

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	51
Referred cases accepted	84% (n=51)
Average time from referral to conference	9 weeks
Average time to complete resolution agreement	7 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=13)
Youth accused who were satisfied with the CYJP	100% (n=19)
Support people who were satisfied with the CYJP	100% (n=15)

Persons harmed who would recommend the CYJP to others	100% (n=13)
Youth accused who would recommend the CYJP to others	89% (n=19)
Support people who would recommend the CYJP to others	100% (n=14)

Many participants favored the CYJP as either a supplement or an alternative to the traditional criminal justice system. A support person wrote that “more can be resolved than through the court system”. One youth commented that “it really makes you realize the harm done”; another that “the resolution fits the actions as best as possible”. One person harmed thought the process “provides an opportunity for people to learn from each other and enables closure”. Another would recommend it to youth particularly, as “it allows them a good chance to walk away knowing that adults are willing to understand and forgive, not just to demand prison time”.

Areas for improvement

Forty-one (87%) of the forty-seven participants who completed surveys responded to an open question asking what three things they found most satisfying about the conference experience

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(see pages 17 and 18 above). Thirty-five (74%) responded to the subsequent survey question asking what three things they found least satisfying about the conference experience. Of these thirty-five respondents, twenty wrote “nothing”, “none” or “n/a”.

Of the fifteen participants who responded with substantive comments to this question, one youth felt that the conference itself was too long, two commented on feeling nervous ahead of time and awkward at the beginning of the conference, and three found it personally challenging to see the harmed party’s disappointment in their actions. One person harmed was disappointed that a youth seemed to remain unappreciative of the seriousness of the offence, and another advised that their impression that they would be solely responsible for coming up with a resolution hadn’t been picked up and addressed by the facilitators in the premediation meeting, and that realizing this wasn’t entirely up to her would have reduced her anxiety as the conference approached. Two harmed parties and 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). One support person thought inadequate time had been set aside for the conference itself, and two harmed parties and one support person thought other parties should also have been present. One support person for a harmed party observed that “it takes a bit of personal time for the victim to invest in this process, and not everyone might be willing to do this”.

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 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 96% 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 “I learned a huge lesson”, and to a person harmed who noted that “the process allows everyone to move forward”.