



Community Youth Justice Program

**Annual Activity and Performance Report
January – December 2008**

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Overview for 2008:

- ◆ 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

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“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 2008 with 41 referrals, the second highest annual number (after 51 in 2006) since the program’s inception in 2000. Of these, 30 came from police sources: the Coquitlam Detachment of the RCMP, the Port Moody Police Department and the New Westminster Police Service. The CYJP is an option available to officers as a community referral under the extrajudicial measures provisions of the federal Youth Criminal Justice Act. Six referrals were from the Crown Counsel office serving the Tri-Cities (none were received this year from Crown in New Westminster); after a six month pilot, the CYJP was authorized in November of 2006 by the provincial Ministry of the Attorney General to receive youth referrals from Crown under the extrajudicial sanctions provisions of the YCJA. Two referrals were from similar programs in other municipalities in which the offence occurred in that area but the youth lived within our service area. For the first time in program history, two referrals were received directly from the school district in order to provide opportunities for those involved in interpersonal conflicts to put ongoing relationships on a more positive footing prior to the end of suspension processes. The final referral was from ICBC, also a first in program history, made as an alternative to seeking a charge of making a fraudulent statement.
- ◆ Half of Crown referrals were theft files involving retail outlets or mischief incidents; these were typically resolved through indirect processes in which the facilitators conveyed information from store staff to the youth, and took the youth’s response and proposed agreement terms back to the harmed parties and to Crown. The other Crown files, involving threats and minor assaults, were resolved through face to face meetings. Police referrals consisted primarily of various forms of theft and fraud (about 44% of all potential charges referred) with the next largest categories being mischief (22%) and assault (21%). Assaults were typically minor, in which the harmed parties did not require medical care, although conferences took place in 2008 for two 2007 referrals in which the harmed parties required hospital treatment for their injuries. Many referrals involved parties who were known to each other (conflicts within families, among friends, between students and school staff, between employees and employers), suggesting 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. We continue to provide orientation to the program to new police recruits and youth Crown Counselors, and remind officers of how to make referrals by speaking at watch briefings as often as possible.
- ◆ Our average time between receipt of a referral and completing a restorative process was seven weeks in 2008, a substantial improvement from the previous year’s average of eleven weeks but still slower than our ideal goal of four weeks. Some conferences

involved large numbers of participants – as many as eleven, not including the co-facilitators – and took some time to arrange (for example, the file that took 30 weeks to process involved a harmed party whose medical issues partially arising from the incident took them in and out of hospital, requiring some postponements of the conference while they focused on their recovery; in another case a youth had run away from home for a period of three months, but was able to take part in a conference upon their return). 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.

- ◆ Twenty-four processes were conducted in 2008, sixteen face to face conferences and eight processes involving indirect communication between the youth and the harmed party. Police officers participated directly in two conferences. Twenty two files were fully closed with completion of agreements within the calendar year. 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, unpaid service 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.
- ◆ Some examples of positive outcomes to situations referred this past year are:
 - ◆ A youth who set a newspaper distribution box on fire as a prank met with a representative of the newspaper company and an officer of the fire department along with his parents. His family had moved out of the area following the offence, but they were willing to travel back to attend the conference and deal with the incident. The youth's eyes were opened to the potential serious consequences of his actions, and he repaid the newspaper company for the replacement costs of the box from summer employment wages, as well as arranged to attend a fire safety education program in his new home municipality.
 - ◆ A youth was referred who had assaulted another youth in a school argument that escalated into a physical fight. Both youths and their guardians met together to talk about the incident and its aftermath; CERA engaged interpretation services as the guardians for each youth did not share a common language. In an emotional conference, impacts were explained and apologies offered and accepted, and the youths agreed on how they would interact if they met in the future, although they were now not attending the same school. The youth who made the assault had since felt unworthy of continuing his previous martial arts training, but with the encouragement of his parents and the harmed party agreed to resume as a way of improving self-discipline in the face of anger.

- ◆ A young man who had overindulged on New Year's Eve made verbal threats to a homeowner who confronted him behaving obnoxiously outside the latter's residence, scaring the homeowner and his spouse. They were willing to meet with him, however, to talk about the incident, at which they expressed their feelings about the incident. The youth offered an apology for his behavior, explained how the incident had been a wake up call to him to curb his use of alcohol, and completed 50 hours of community service work at a charitable organization which the couple supported.
- ◆ A young man who had taken funds from his employer using the company credit card met with his now ex-employer accompanied by his parents. The employer expressed both his disappointment in the youth's choice and his hopes that he would not continue further down this road and instead have a successful future. The youth was moved by the concern expressed, and made and followed up with a commitment to enter counseling to address some personal issues and set some goals for the future.
- ◆ Our pilot level partnership with School District #43, Empowering YOUth continued this year with age-appropriate trainings in conflict resolution skills and peer mediation for 14 grade four and five students forming a "Peace Squad" of peer helpers at Porter Street Elementary School in the spring. This was repeated for an additional 16 students in the fall. As well, CERA trained 15 student peer mediators at Maillard Middle, and 27 at Centennial Secondary Schools between late August and early December. Ten students at Como Lake Middle School also began training in December, with the sessions to be completed in the new year. These schools are all part of the same family, and we hope to begin work next year with at least one of the other elementary schools feeding into these middle and secondary schools. Ongoing support relationships are also being established between CERA personnel and the student mediation teams and their staff supporters at both Centennial and Maillard, with the latter school's experience to date of peer mediation generating positive interest and coverage from both local print media and CBC Radio in November.
- ◆ This past year saw some important growth and change in CERA staff, with Jennifer Ingraham moving from a restorative justice program manager position with the Kelowna John Howard Society to become our first Executive Director in May. As we continue to reorganize following our long-term strategic plan, Jennifer is working on consolidating the sustainability of our existing programs, and working with the Board and the wider community to plan future services. One of her major accomplishments has been managing the transition of the name of the Fraser-Burrard Community Justice Society to the more descriptive CERA (Communities Embracing Restorative Action). At the end of the year Alan Patola Moosmann, program manager for the CYJP since 2008, resigned this position, which will be taken up in January 2009 by Gerry Baragar, an ex-RCMP member who brings us a rich and long experience of practicing, administering and promoting restorative justice in local, national and international contexts.

- ◆ We were ably assisted through the fall by a practicum student from Simon Fraser University, who assisted with community outreach and event planning, as well as with some training of secondary school students in peer mediation.
- ◆ We continue to rely on the skilled and dedicated work of our community volunteers: 31 trained facilitators, including 12 who completed our most recent 65 hour training program in the fall, and the 11 elected members of our Board of Directors. We will likely hold another recruitment and training of facilitators in the fall of 2009 in order to maintain a high quality of service in response to the steady referral rate. Our main current operational challenge continues to be 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 continued use of the program.

Preface

CYJP Annual Report
January – December 2008

The CERA (Communities Embracing Restorative Action) 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, helps to bring closure for the participants, as 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 2008 and documents participants’ feedback about the effectiveness of the program this year in terms of these principles.

Part 1: Detailed statistical information

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

a) **Referrals**

From receipt of the first referral in January 2000 to date, 300 files have been referred to the CERA's 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.

Completed Conferences²:

	This year³	Program to date⁴
# of people involved in a resolution conference, including persons harmed, youth accused, and support people	85	835
# of persons harmed served ⁵	26	244
# of youth accused who have attended and completed conferences ⁶	27	277

Progress of cases:

	This year	Program to date
# of cases (incidents) referred	41	300
- # of cases returned	22	104
- # of conferences held	24	189
- # of cases ongoing ⁷	7	7

- ◆ The seven ongoing cases together involve a total of 12 youth potentially facing charges and 7 persons harmed. These individuals are not counted in the above table showing the numbers of youth and persons harmed who have completed conferences.

Reasons for returning cases to the referral source:

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.

	This year	Program to date
Youth does not take responsibility for the offence	5	31
Persons harmed unwilling to participate	2	23
Youth moved out of area between time of incident and receipt of referral, or was otherwise not contactable	10	27
Alternate resolution was found informally	5	18
Referral did not meet FBCJS acceptance criteria (not otherwise chargeable)	0	5

Referral Sources:

	This year	Program to date
RCMP (not including Schools Liaison Unit)	15	129
RCMP Schools Liaison Unit	5	39
Port Moody Police	6	67
New Westminster Police Service	4	21
Crown – Tri-Cities	6	27
Crown – New Westminster	0	3
Other Community Program	2	8
Self referrals	1	3
School district	2	2
Alternative measures (probation)	0	1

Ages of youth referred (program to date) :

Of 54 youth referred in 2008, 40 were male and 14 were female. Three self-identified as being of first nations backgrounds.

- ◆ Total number of youth referred (including returned cases): 473
- ◆ Age range: 10 (self referral) to 26⁸ Average age: 15 Median age: 15
- ◆ Ages of youth (e.g.): 37 youth = 13 years 97 youth = 14 years
- 117 youth = 15 years 95 youth = 16 years 75 youth = 17 years

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 eight occasions worked with young adults between the ages of 18 and 26, 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.

Status of harmed party:

Of 44 harmed parties referred in 2008, 24 were individuals (16 adults and 8 youth), 9 were private businesses, 4 were schools, 5 were municipal agencies (e.g. civic facilities, fire departments) and 1 was a Crown corporation.

Time required from referral acceptance to conference:

Program to date (189 conferences):

◆ Range: 1-49 weeks ⁹	Average: 10 weeks	Median: 8 weeks
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During 2007 (30 conferences):

◆ Range: 3-27 weeks	Average: 11 weeks	Median: 9 weeks
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During 2008 (24 conferences):

◆ Range: 1-30 weeks	Average: 7 weeks	Median: 5 weeks
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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). This past year was the first during program history in which an average processing time of less than eight weeks was achieved, 15 of 24 conferences (62%), thanks to the diligent work of our facilitators. Of the 189 conferences held to date, 95 (50%) have taken place within eight weeks of receiving the referral and 131 (69%) 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 189 conferences to date, 39 (21%) have taken place within this timeframe, nine of these in the past year.

b) Restitution/Compensation for Persons Harmed

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 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.

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.....266 of 277¹⁰ (96%)

Of the 266 youth who have upheld their agreements:

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

agreed-upon time frames.....264

- # of these 264, youth whose agreement deadline occurred in the past year and who fulfilled all conditions within agreed-upon time frames.....28
- # of youth whose agreement is ongoing (i.e., who are progressing within agreed-upon time frames but whose deadlines have not yet passed).....2

Resolution Conference Agreements have included* :

	This year	Program to date
Verbal apology	19	146
Written apology	7	93
Financial restitution	4	55
Community service work	4	48
Interaction agreements	4	42
Counselling/anger mgmt/D&A prgm	4	29
Personal service work for person harmed	0	11
Remain in school	0	9
Visit to person harmed's workplace ¹¹	0	5
Social interaction with person harmed	0	3
Get a job	0	3
Remain drug free	0	3
Other ¹²	5	28

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

¹⁰ 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 ten cases to date, two this past year, the agreement was renegotiated to reflect changing needs and options. Sending cases back to the referral source for non-compliance is a last option, which we have only needed to resort to on eleven occasions at the post-conference stage, three this past 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. In cases of non-compliance this past year, one harmed party chose to pursue the matter civilly after seeking legal advice as to remaining options, and one youth whose file was returned to Crown was placed on probation instead.

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 this year have included essays indicating what the youth has learned from the experience (3 in 2008) and attending short term educational programs about topics such as diversity or fire safety with agencies such as local school districts or fire departments.

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 (133 of the 189 agreements to date, or 70%, meet this guideline). The large majority of agreements (182 of 189, 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

The cases that have been completed by the 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 three self referred cases, one of which involved a young person under 12 years of age and the other two of which involved adults. The following chart includes all referrals made to the CYJP, including those 104 files returned to the referral source, in order to give a complete picture of the range of offences our police and Crown partners have been willing to refer. The most prevalent offence types are mischief causing damage to property (22% of the total potential charges), assault (typically between youth) (21%), and theft under \$5000 (20%). All offences involving theft together make up 44% of the potential charges referred (this includes the 12% of potential charges related to breaking and entering).

Types of offences (# of counts)¹⁴:

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 277 youth have entered into a total of 189 agreements.

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 two separate instances referred this year, two youths were each accused of two potential charges.

	This year	Program to date
Mischief under \$5000 / attempted mischief	15	121
Theft under \$5000	17	108
Assault	7	99
Break and enter / attempted break and enter	4	65
Threats / harassment	5	25
Arson	2	20
Fraud	3	20
Possession of stolen property	0	14
Robbery	0	11
Assault with weapon	2	10
Take vehicle without owner's consent	4	7
Possession of marijuana/controlled substance	0	6
Theft of vehicle	0	4
Firearms and other offensive weapons	0	3
Attempted theft from auto	0	3
Intoxicated in a public place	2	2
Assault police officer	0	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	0	2
Public mischief	1	1
Trespass (School Act)	1	1
Uttering forged document	0	1
Theft over \$5000	0	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 CYJP):

¹⁵ Hit and run cases involve vehicles, not persons.

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. The “Program to date” column and does not include the 104 files ultimately returned to the referral source without resolution through the CYJP.

Municipality where the offence occurred:

	This year	Program to date¹⁶
Coquitlam	20	90
Port Moody	8	44
Port Coquitlam	6	38
New Westminster	5	17
Maple Ridge	1	3
Delta	1	1
Burnaby	0	2
Anmore	0	1

Municipality where the person harmed resides:

	This year	Program to date
Coquitlam	22	97
Port Coquitlam	3	54
Port Moody	8	49
New Westminster	5	14
N/A (Corporation, e.g., transit)	1	12
Maple Ridge	2	8
Burnaby	0	4
Vancouver	1	3
Abbotsford	1	3
Surrey	1	2
Pitt Meadows	0	2
Other BC (outside Lower Mainland)	0	1
Other Canada	0	1
Belcarra	0	1

Municipality where the youth accused resides:

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

Coquitlam	25	108
Port Coquitlam	6	65
Port Moody	12	56
New Westminster	6	31
Maple Ridge	1	9
Burnaby	1	8
Surrey	2	2
Pitt Meadows	1	2
Agassiz	0	2
Belcarra	0	2
North Vancouver	0	2
Mission	0	1
Abbotsford	0	1

Part II: Participant feedback

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A preliminary note about the 2008 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 2008, out of a total of 85 process participants, 26 completed surveys and granted permission for their responses to be used for public information or educational purposes (a 31% response rate).

This return rate is similar to that of the last three years but low compared to the first four years of program operation during which an average of 64% typically completed the surveys. Reviewing the files suggests that this is primarily due to the increased frequency in recent years in which processes were completed indirectly. Of the twenty four restorative processes that took place in 2008, 8 (33%) 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 or by communication through the facilitators than by a face-to-face meeting. These 8 files involved a total of 30 participants, and as no formal resolution conferences took place, no evaluation forms were distributed.

Taking this into account, of 85 process participants there were a total of 55 who were asked to fill out evaluation forms, 26 of whom did so, for a response rate of 57%.

In several instances of face-to-face conferences, participants 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, when they are often quite tired. However, even with a gentle reminder by phone a week following the conference requesting that the forms be completed and returned, we estimate that only about a third of these participants do so.

A task for the coming year will be to modify our evaluation forms to include questions relevant to other processes than face-to-face conferences. We hope to achieve a better response rate by distributing these by hand, mail or email to all participants whatever process is used in their specific case.

Performance results January – December 2008

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=26)
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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. One harmed party wrote that they chose to participate “to see if it helped” and “to have a say in the result”. Others wrote that they saw this as a “learning process”, to “help the youth”. Supporters, most often parents or guardians of the accused youth, typically responded that they participated in order to support the youth (“I’m the parent – I care”) and often saw this as helping the youth learn through accepting responsibility. One acknowledged a desire “to avoid the courts”. Harmed party supporters felt the process would “help bring closure” and was “the best course of action” for a youth “with no past criminal record”. Accused youths often welcomed the program as an opportunity to resolve the situation. One wrote that he agreed to participate “to repay my debt to those I damaged”, another “to learn from my mistake.” A third expressed the hope that participating would be “better than court”. One youth felt that they didn’t really have a choice about participating, but that this became something of a duty “because the other person felt they wanted it”.

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=26)
Participants who felt others were interested in what they had to say	96% (n=26)
Youth who felt they were being understood	70% (n=10)

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. “Having the youth try to say why” was considered valuable by one harmed person completing the evaluation. Another found satisfying “being able to discuss how the offence made me feel”. 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 the chance to “understand the victim’s feelings”; another to “understand my own thoughts”. One support person was pleased with the attendance and perspective of the referring police officer. Two police officers attended conferences during 2008, speaking to community safety concerns and their hopes that youths learn to make better choices; we hope that more will take part in the future.

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 33% of the restorative processes which took place through the CYJP in 2008 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 2008 the longest time to conference was 30 weeks, due to complicated medical needs of the harmed party which were partially related to the offence and took priority for some time thereafter. When this conference did take place, the participants were satisfied with the outcome, which included a verbal apology, an interaction agreement between the parties and some financial restitution.

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 2008, seven 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 they had taken responsibility and apologized	100% (n=10)
Persons harmed who felt that the youth accused had taken responsibility and apologized	100% (n=6)
Support people who felt that the youth accused had taken responsibility and apologized	100% (n=10)

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 supporter wrote that the most satisfying part of the conference experience was “the offender participation”. For the youth, too, this is often important: 88% of youth responding indicated that it was important to them to find a way to repair the harm they had caused.

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=10)
Persons harmed who said the conference helped to build understanding	100% (n=6)
Support people for youth accused who said the conference helped to build understanding	100% (n=10)

For many participants, seeing the other parties and hearing them talk about what happened provides a better understanding of the crime. One youth stated that “it really helps to get the many perspectives of others affected.” A parent participating in another conference stated that it was satisfying to have “the accused hear the impact his actions had on the victim”.

- b. Empathy.** Through a better understanding of the crime, empathy is built and both parties are given a sense of closure. A support person wrote that they found it satisfying “having the

youth have a eureka moment”. A youth stated he now could understand “the impact on everyone.” Closed-ended questions showed that:

Youth accused who felt the conference helped them regain the trust and respect of their family and friends	71% (n=7)
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	94% (n=16)

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	40% (n=10)
Youth accused who felt having family and friends present made the conference more difficult	14% (n=7)

The thorough preparation by the volunteers often makes the atmosphere at the resolution conference much more relaxed than the participants initially anticipate. Forty per cent of the 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! Almost 15% 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. For 86% of the youth who responded, however, the presence of family or friends did not make the experience more difficult.

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

Persons harmed named as most satisfying:

1. seeing the youth learn from the experience
2. hearing the youth acknowledge and explain their actions
3. expressing the impact
4. a satisfying agreement
5. a fair process

Youth accused named as most satisfying:

1. finding a resolution

2. meeting the harmed party
3. being able to have input
4. understanding the impact
5. feeling better

Support people named as most satisfying:

1. the safe atmosphere of the process
2. hearing the other parties' perspectives
3. observing the youth understanding the impact of their actions
4. the youths' willingness to acknowledge their actions
5. the respectful and open tone set by the facilitators

These results 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 the opportunity to bring people involved together in a positive, problem-solving way.

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, 96% have ended in an agreement (n=196, 4% of accepted cases remaining in process). 94% of the agreements made have been upheld (n=189), with 266 of 277 youth (96%) in full compliance to date.

Persons harmed who felt the conference had resolved the conflict	100% (n=6)
Youth accused who felt the conference had resolved the conflict	100% (n=10)
Support people who felt the conference had resolved the conflict	100% (n=10)

Persons harmed who thought the agreement would significantly repair the harm	100% (n=6)
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Youth accused who thought the agreement would significantly repair the harm	90% (n=10)
Support people who thought the agreement would significantly repair the harm	100% (n=9)

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 2008 have included:

Verbal apology	79%
Written apology	29%
Financial restitution	17%
Community service work	17%
Interaction agreement	17%
Enter counseling	17%
Other (e.g. personal service for harmed party, complete school, remain drug free, complete education program on fire safety, diversity training, essay on lessons learned about impact of actions, etc.)	21%

(n=24, agreements usually include more than one condition)

The resolution conference gives each participant the opportunity to have input in the agreement. 100% of those responding to the survey question felt they had as much input into the resolution agreement as they wanted (n=26). Furthermore, 100% of the participants responding to the question felt their contributions to the agreement were taken seriously (n=26).

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=10)
Youth accused who thought the agreement was fair for the person harmed	100% (n=10)
Persons harmed who thought the agreement was fair for them	83% (n=6)
Persons harmed who thought the agreement was fair for the youth accused	100% (n=6)
Support people who thought the agreement was fair for the youth accused	100% (n=10)
Support people who thought the agreement was fair for the person harmed	100% (n=10)

Persons harmed who believe the youth accused will be able to complete the agreement	100% (n=6)
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Support people who believe the youth accused will be able to complete the agreement	100% (n=10)
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, comparatively little comment was dedicated to the resolution agreement; participants instead focused on the process, appreciating an opportunity for understanding and closure. (One supporter approved of the way restorative process is built on “respect for all opinions/concerns” and another noted that “everyone was open about their feelings”.) 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	75% (n=4)
Support people who felt it was important to participate in the conference	90% (n=10)
Support people who valued the opportunity to meet the person harmed or the youth accused	100% (n=10)

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

Youth accused who believed the conference experience would stop them	100% (n=9)
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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.

from committing future crimes	
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This year the CYJP has received one repeat referral. The Coquitlam RCMP is currently preparing an updated assessment of recidivism; when we last did such an assessment in 2005, police records indicated that 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 65 hour training program. We conducted a training program in the fall and graduated 12 new facilitators, bringing our roster at year's end to 31; as the referral volume has remained relatively steady over the last three years and shows signs of continuing at the same rate we anticipate that the next intake and training will be in the fall of 2009. 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 2007	21
Participants who felt the facilitators acted neutrally	96% (n=26)

Although one harmed party felt that the volunteer facilitators they worked with were not neutral, participants were very satisfied overall with their work. 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 youth wrote that the facilitators were "able to keep discussion going without putting in opinions". Youths and persons harmed commented on the safe environment which made it possible for an open discussion to occur: one of the latter appreciated that the facilitators "demeanor helped in keeping things calm". A youth described how "they looked at all sides without choosing sides, calmly and constructively." One person harmed characterized the facilitators he worked with as "to the point, unbiased, positive and respectful". Other frequently used words were "supportive" and "professional". A youth appreciated how the facilitators "went through all the procedures, making sure everyone knew what was going to happen".

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 in 2008	41
Referred cases accepted	66% (n=41)
Average time from referral to conference	7 weeks
Average time to complete resolution agreement	4 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=6)
Youth accused who were satisfied with the CYJP	100% (n=8)
Support people who were satisfied with the CYJP	100% (n=10)

Persons harmed who would recommend the CYJP to others	100% (n=6)
Youth accused who would recommend the CYJP to others	100% (n=6)
Support people who would recommend the CYJP to others	100% (n=9)

Many participants favored the CYJP as either a supplement or an alternative to the traditional criminal justice system. A person harmed wrote “the process can be helpful in circumstances when you know no legal action can or will be taken with any effect”. One support person wrote that they would recommend the process “to find resolution to both sides”; one youth would recommend the process to “other accused so that they will be able to solve their problems easily”.

Areas for improvement

Nineteen (73%) of the twenty-six participants who completed surveys responded to an open question asking what three things they found most satisfying about the conference experience (see pages 20 and 21 above). Fourteen (54%) responded to the subsequent survey question asking what three things they found least satisfying about the conference experience. Of these fourteen respondents, six wrote “nothing”, “none” or “n/a”.

Of the eight participants who responded with substantive comments to this question, one youth wrote of feeling embarrassed and another felt that the conference itself was too long, a comment echoed by one support person. Two persons harmed commented that their expectations of the youth were not met, in one case expressing disappointment that the youth did not have their own ideas about how they could make amends, and in the other that they did not see that the youth really understood the impact of their actions. One harmed party felt the facilitation was not even-handed, and another made the general comment that “some things are hard to have empathy for”. One support person for a youth felt that a harmed party was allowed to speak at too great a length, and another felt uncomfortable at the way the harmed party expressed their anger at the youth’s actions. One support person for a harmed party expressed disappointment that restitution was not part of the agreement, although they did feel that the agreement reached would be fulfilled and that the experience of the process itself would go some way towards repairing the harm. One support person commented that the chairs were uncomfortable.

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 100% would recommend conferencing to others.

Conclusion

The statistics on program activity and the feedback from process participants together 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 support person who explained their choice to take part by saying “we must do this for a better community”.