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Restorative Justice

Recommitting to Peace and Safety



Community Justice Forum



Royal Canadian Mounted Police Gendarmerie royale du Canada

Canada 

Preface

Restorative Justice, Recommitting to peace and safety was developed by RCMP Community, Contract and Aboriginal Police Services in Ottawa in the late 1990's as a national training guide for Community Justice Forum Facilitators. The original guide was revised in March 2010 by E Division Crime Prevention Services.

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Restorative Justice

Recommitting to Peace and Safety



Community Justice Forum

A partnership of police and communities

It is basic to policing in a democratic society that the police exercise discretion when investigating crime. Police are empowered to consider circumstances before making decisions to lay charges or to proceed in some other way. If this were not true, the pressure on the courts would be overwhelming.

The RCMP and other police forces across the country and around the world are going through a transition. Discretion today extends far beyond “should one charge or not?” Discretion means considering what is in the best interests of everyone responsible for and affected by a criminal event. Police in Canada undertake such considerations under the umbrella of restorative justice and the Youth Criminal Justice Act (YCJA).

Restorative justice is a philosophy that offers a set of guiding principles. These principles include the involvement of victims, offenders, and communities; a view of crime as people hurting people and not just as a breach of statute; and the use of flexible and forward-looking approaches.

Canada’s Youth Criminal Justice Act encourages restorative practices. The Act addresses widely held concerns that established practices regarding youth justice don’t always attend to the needs of victims, offenders, or communities. There is a presumption in the Act that these concerns are best satisfied if crime is addressed in the community where it occurred. This presumption places the onus to a great extent on the police to respond to crime in a collaborative and creative way. The police are part of the community, and as community members they must apply their responsibility beyond merely the investigation of crime. Given the assumption that crime grows from social conditions in the community, the partnership of police with citizens, other community professionals, and organizations to address conditions is essential.

Restorative justice practices are part of the fabric and culture of many Canadian communities, including in schools and correctional facilities. With time, and the trust that flows from consistent success, restorative justice practices may become main stream in all communities. The established court system may also gain renewed public confidence when it is reserved for the most serious offences and for the protection of human rights under the Canadian Charter of Rights and Freedoms.

For training, guidance, or assistance with restorative justice practices in British Columbia, please contact the Restorative Justice Director, E Division, Crime Prevention Services, at 778-290-4005.

Endorsement of restorative justice

The restorative justice process has gained acceptance in Canada and internationally over the past several years.

- In 1996, the Criminal Code of Canada was amended to add principles of sentencing that include providing reparation for harm done to victims or the community. These amendments also promote in offenders a sense of responsibility for and an acknowledgment of the harm done to the victims and the community.
- The Supreme Court of Canada recognized the importance of this approach in its landmark decisions of 1999 and 2000, respectively, *R. v. Gladue* and *R. v. Proulx*.
- The Law Commission of Canada endorsed restorative justice in its 1999 paper “From Restorative Justice to Transformative Justice” and in its 2003 paper “Transforming Relationships Through Participatory Justice.”
- The Federal government’s commitment to “launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions” was stated in the Speech from the Throne of the second session of the 36th Parliament in October 1999.
- The Youth Criminal Justice Act, of 2002, in its principles and substantive provisions, endorses the use of restorative justice in youth crime and provides a statutory framework for its development.

How it all started

For the most part, our earliest forebears lived in small, close-knit communities. They depended on their immediate community for survival and to solve problems, regardless of its organization into tribes or clans or its disposition to roam nomadically or to stay put in agricultural hamlets.

Justice was meted out principally on a communal basis. And in some communities, justice was harsh. Myriad offensive methods of torture, dismemberment, and death to exact “justice” for harm done are a matter of record. History also, however, speaks of societies that chose a different path to justice. Misconduct in these communities led to a council or community gathering to decide the fate of victims and offenders.

Aboriginal communities in New Zealand and Canada utilized the wisdom and experience of community elders to safeguard against rash decisions and retaliation stemming from anger. The method and appearance of early, ‘community-based restorative justice’ may have varied but were in many ways similar.

Although not perfect, this approach attempted to use mediation to resolve conflict in the community. Mediated talks might see the offender agree to restitution for the harm inflicted by working for or by making some alternative payment to the victim. Once reparation was made, the matter was closed and the offender was accepted back into the community. The community’s traditions and values were factored into the process, ensuring that the process was fair and acceptable to all. In short, this was a justice system where decisions were made by those directly involved in and affected by the crime.

Over time, our formalized system of justice emerged. Today, though, we are returning to the philosophy of restorative justice and a system that is more effective, timely, and fair. There are already many restorative justice options in place in communities throughout Canada. We invite people to be innovative, guided by the philosophy and principles of restorative justice and by what makes sense to all concerned.

Origins of restorative justice in Canada

The developmental phases of restorative justice in Canada are usually identified as follows:

- (1) the use of restoration-based practices from early European and Western societies, including North American and non-North American indigenous peoples, and from non-Western societies;
- (2) the revival of interest in restorative justice in the 1970s; and
- (3) the focus on the community role in restorative justice from the 1990s to the present.

Early dispute resolution in Western societies made extensive use of negotiated settlements and reparation—paying back for damage done—on a private and community basis to restore balance among those who perpetrated harmful acts and those who were harmed, including the community at large. Similar approaches are still found in some societies. For the most part, however, from the 11th to the 19th centuries in most Western countries the state gradually took over the responsibility for dispute resolution, prosecuting and punishing offenders for breaches of state law. In this model, punishment replaced negotiated settlement.

The revival of interest in restorative justice is usually identified with concerns about victims and citizens being excluded from the judicial process. Communities felt that they “owned” the conflicts and therefore should be empowered to deal with those conflicts. In Canada, it was the Mennonite community that urged the use of conflict mediation and reparation. The Mennonites, in fact, developed the country’s first victim/offender program, in Elmira, Ontario, in 1974. The model spread rapidly, in various forms, throughout Canada and the United States and to countries in Europe.

Participants in this early model expressed a high degree of satisfaction with the outcome. Even so, the model’s use was sporadic and referrals to it were limited. Nevertheless, a number of countries, including Canada, established networks of mediation training and contact centres and have gained considerable experience since those first years.

In the 1990s, there was mounting dissatisfaction among Canadians with the nation’s formal justice system. Court schedules were overcrowded, as were the country’s jails; sentencing was increasingly retributive; and costs were escalating. Yet for all that, crime was on the rise. What evolved in response was an emphasis on the role of the community in confronting crime. This approach advocates forming partnerships to deal with even serious criminal acts.

One model that sprang from this period is the Community Justice Forum implemented by the RCMP. This model was adapted from the family group conferences developed in New Zealand in the mid-1980s incorporating traditional Maori dispute resolution techniques with young offenders. The families and friends of victims and offenders are brought together with a facilitator to discuss the event and its consequences and to reach an agreement on restitution and the reintegration of the offender into the community.

Conferencing is now legislated throughout New Zealand as part of that country’s approach to justice. New Zealand’s approach has had an influence on the spread of restorative justice throughout North America and Europe.

The Canadian experience

Canada has played a major role in restorative justice since the 1970s, when the first victim/offender mediation took place in Elmira, Ontario. A number of programs have been established, often by voluntary, non-profit organizations, as alternative measures to formal justice for youth and, subsequently, for adults as well. Initially, referrals to these programs were few. Victim participation also was low, out of fear that the process focused too much on the offender.

A more receptive climate has since developed thanks to legislative changes that encourage the greater use of diversion from the courts of young persons and adults. There is also a greater recognition of the need to consider creative judicial processes for victims of systemic disadvantages. An increased concern for victims and the movement toward community policing have also had an influence.

The RCMP has endorsed restorative justice within its community policing service delivery model since 1995 as part of a diversionary and community development strategy. In partnership with federal, provincial, and territorial governments; aboriginal groups; and individual communities, the RCMP is training police and citizens throughout Canada in restorative justice practices.

Restorative justice has become a broad and complex concept in Canada. It also has an international presence, a wide range of approaches, and a strong, community focus. The RCMP and other police forces around the world are committed to a central role in restorative justice.

What is restorative justice?

Restorative justice emphasizes repairing the harm caused by conflict and crime. It views crime as a violation of people and relationships and a disruption of peace in the community and not simply as an offence against the state. Restorative justice is collaborative and inclusive. It involves the participation of those responsible for the harm and those harmed directly and indirectly in finding a solution that repairs and promotes trust and harmony.

The underlying values of restorative justice include respect for the dignity of everyone affected by a crime. Priority is given to addressing the human needs of the participants and to empowering them to communicate their thoughts and feelings in an open and honest way. The goal is to build understanding, to encourage accountability, and to provide an opportunity for healing.

A restorative justice process encourages those responsible for causing harm to take responsibility for their behaviour in a meaningful way, to gain insight into the effects of their behaviour on others, to change this behaviour, and to take steps toward reintegration into the community. Those harmed, meanwhile, are granted a chance to ask questions, to receive answers, to gain understanding, to explain the impact the event has had on them, and to contribute to the outcome of the process. Finally, the process enables the community to reinforce its values and expectations, to understand the underlying causes of crime, and to determine what can be done to repair the damage caused by crime. Restorative justice serves to promote community well-being and to reduce the future incidence of crime.

What is the restorative justice process?

The restorative justice process is all encompassing. All the parties with a stake in the resolution of a harmful occurrence (those responsible for the harm, those harmed, and the community where the harm took place) are supported and voluntarily participate, with the assistance of a fair and impartial facilitator, in a discussion of the circumstances surrounding the occurrence. The process provides a safe and respectful environment for all participants. Its purpose is to understand the underlying causes of the occurrence and its effect on those who have been harmed by it and to address the needs of the parties for healing and reparation. It may or may not involve a contract or agreement to repair the harm.

How do restorative practices differ from the court system?

FACT-FINDING OR PROBLEM SOLVING

Canada's criminal justice system is concerned with determining legal guilt. The focus is on facts that meet the rules of evidence and of law. The court concerns itself with whether a crime was committed and whether the Crown can prove the offence was committed by the accused. There is no onus on offenders to take responsibility for their actions. Ultimately, the focus is on the law, the proof of guilt by the Crown, and the rules that govern the appropriate punishment and treatment of the person found guilty of the offence.

Restorative practices begin with offenders taking responsibility for their actions by owning up to them. Determining guilt is not an issue. The questions instead are who has been harmed? and how have they been harmed? followed by how can the harm be repaired while reducing the likelihood of future harm? Thus, the focus is on problem solving.

Focus

Court systems focus on offenders, their offences, and their punishments. The roles of the victim and the wider community are often overlooked. Focusing on the offender establishes a rationale for punishment, but it doesn't allow or encourage offenders to take responsibility for or to learn from their actions.

In a restorative justice process, victims and offenders play key roles in identifying issues and harms and then finding solutions to repair these harms. Offenders are encouraged to take responsibility for and to learn from their actions. The needs of victims and the community are recognized. Sensitivity to, and the inclusion of the needs of victims and the community into the decision-making process are essential to ensuring a truly restorative practice.

PUNISHMENT OR RESPONSIBILITY

Punishment is the main objective of the criminal justice system. An elaborate system determines the level of punishment. The re-integrative component is not highly evident in court practices.

Punishment is not the chief concern in restorative justice practices. More important is having offenders assume responsibility for their actions. Restorative justice thus offers an element of accountability not always found in the court system.

AN ALTERNATIVE

Restorative justice is a problem-solving model that involves all participants in deciding the outcome. All must agree that the outcome is fair to victims, offenders, and community.

ALIENATION OR REINTEGRATION

The criminal justice system often causes a sense of alienation for both victims and offenders. The stigma of being charged with a criminal offence can alienate offenders from their communities and even their families. Offenders found guilty, moreover, may be physically removed from their communities to serve sentences elsewhere in the country. Victims also report feelings of alienation during a court process that grants them little to no involvement.

One of the most important features of restorative justice is its commitment to the reintegration of the offender into the community and the involvement of victims in making this possible. Reintegration is central to the objective of healing and of repairing harm. Unless everyone touched by an incident is involved in making things right, healing cannot take place. Review Appendix S for a comparison of formal and restorative processes.

Benefits of restorative justice

Many people in Canada's criminal justice system and in our society believe that our legal system doesn't always meet a community's, victim's, or offender's needs. Our current court system is required to address a broad range of offences, but it is clear that many of these may be better handled at the community level.

Through community-based restorative justice practices, victims and offenders are supported. The offender's behaviour and the victim's and community's needs are addressed, consequences are established, forgiveness and apologies may occur, and the reintegration of the offender begins. This is a cost-effective, timely, fair, and cooperative approach to justice. Many community programs claim reduced recidivism and high participant satisfaction. More importantly, harm is repaired and relationships among the victim, offender, and community are restored. See Appendix M, "Benefits for Participants of a Community Justice Forum".

IMPROVING COST EFFECTIVENESS

Restorative justice proves to be a more cost-effective method for resolving conflict than the traditional court system. In restorative practices, offenders and their families are not required to hire legal counsel and participants do not have to book full days off from work to meet court commitments. Restorative meeting times are scheduled to be as convenient as possible for all concerned. Court, probation, and legal-aid costs are not incurred, and police officers can be deployed on the job rather than kept waiting in court for their turn to testify.

ACQUIRING A CHANCE TO BE HEARD

In a restorative process, every person affected by an incident is given the opportunity to share reactions to the crime and how it has affected them. This includes victims, parents, friends, witnesses, and anyone else directly involved.

CONTRIBUTING TO THE OUTCOME

All people directly affected by an incident decide in a restorative process how to repair the harm after hearing from one another. Outcomes must be fair but can be as creative as the participants wish them to be.

GAINING PERSPECTIVE ON THE INCIDENT

Offenders, victims, and their supporters hear directly from each other during the restorative justice process. All participants, therefore, have the chance to explain their views and to hear other versions of the story.

SATISFYING CURIOSITY

Many people, especially victims, have a strong need to ask, "Why did you do this?", "Why me?" These questions are rarely answered in a courtroom but are addressed within restorative practices. Often, it is a relief for victims to discover that they may not have been targeted personally. Likewise, the parents of an offender may not adequately hear in a courtroom why their child committed an offence. For them, too, restorative practices can provide an answer.

RESTORING OR ESTABLISHING BONDS

Restorative practices strengthen family ties, forge new bonds among participants, and restore trust and stability within the community. Amid the support that is given and received, families may feel that they regain control over their lives, and offenders may feel a new sense of self-respect, especially after taking responsibility for the harm their actions have caused. The result is that the labels of “victim” and “offender” are removed.

APPRECIATING THE IMMEDIACY

A court case may take months to process. Restorative justice, conversely, can be concluded within days or weeks of the incident. Details and feelings are still fresh, but enough time has passed for people to reflect on what has happened. Participants appreciate the timeliness of restorative practices and the advantage that recent memories of and reflection upon the incident have on decision making leading to an outcome.

ACHIEVING CLOSURE AND HEALING

Once offenders understand the consequences of their actions, they are equipped to offer an honest apology to their victims. Victims who receive a heartfelt apology are then usually prepared, in turn, to quickly forgive offenders. This often gives victims a great sense of relief, because forgiving is part of healing. Apologies from offenders and forgiveness from victims can launch the healing and reintegration process.

LEARNING

Everyone can learn from participating in what is essentially the problem-solving exercise of restorative processes. Offenders learn to recognize how their actions affect others and how to take responsibility for themselves and what they do. Families, of offenders and victims, begin to understand each other, and communities learn how to repair the harm. Restorative justice offers police and schools and other community organizations lessons in holistic approaches to problem solving that will enhance the community’s trust in and respect for them. All participants—offenders, victims, teachers, police, community caregivers, and others—cast off their labels and learn to appreciate one another better.

Community Justice Forum (CJF): One model of restorative justice

The remainder of this guide pertains to the Community Justice Forum (CJF). The CJF is not, by far, the only practice that satisfies the philosophy and principles of restorative justice; however, it is one process that has shown great acceptance and success in many communities. See Appendix C, “Steps in a CJF”.

Why do CJFs work?

The success of Community Justice Forums is soundly premised in the belief that shame has the potential to change behaviour. Western culture has developed a negative image around shame. In many other cultures, however, shame is used positively to alter how people behave.

This section provides an overview of the sociological and psychological underpinnings of CJFs and of the role played in CJFs by shame. It is vital that the facilitator of a CJF have at least a basic understanding of how a community functions emotionally. For those interested in the in-depth theory behind the process, please refer to Appendix A, “References.”

THE SOCIOLOGY OF SHAME

A sociological explanation for understanding and using shame in a Community Justice Forum comes from the work of Australian sociologist, John Braithwaite. Braithwaite (1989) believes that we can use the dynamic of shame in a positive way to change behaviour. He states that people who experience the discomforts of shame, either internally through a developed conscience or externally through family and friends, do not commit crime. According to his theory, most people except sociopaths will experience shame in one of these forms.

People assume that a shame-based process will not work with today’s youth because they lack values. This is a mistaken assumption. Contemporary youth may not share adult or stated societal values, but they have a set of values that they honour. Loyalty to friends, for example, is a value most youth share.

In his work *Crime, Shame and Reintegration*, Braithwaite (1989) makes an important distinction between what he calls ‘stigmatizing shaming’ and ‘reintegrative shaming’.

REINTEGRATIVE VERSUS STIGMATIZING SHAME

It is important to understand the difference between these two types of shame. Shame caused by stigmatizing does not respect the individual. Reintegrative shame, on the other hand, is the social disapproval of the act, not the person. In its respectful disapproval by society of the individual’s act, reintegrative shame lies at the heart of restorative justice and Community Justice Forums.

Compare instead an occurrence in Western Canada that saw the parents of a young shoplifter force him to wear a sign around his neck indicating that he was a thief and parade him through malls. Certainly the boy experienced intense shame and humiliation, but what is the lasting effect of the experience on him? It may well be that he will not shoplift again for fear of being put back on public display. But what does the kind of labeling or stigmatizing that he was subjected to do in the long term to the youth and to his family? There is no reintegrative component to this type of shame.

There is little doubt that serious damage has occurred to the bond of trust between parent and child. This example of stigmatizing shame offers little hope of reconciling the offender with his family or community. More importantly, it may lead to the destructive responses indicated by the Compass of Shame described in a subsequent section of this guide. Stigmatizing shame of this sort is what often occurs in the court system.

In a CJF, or Community Justice Forum, individuals likewise experience shame, but in a controlled environment of care and respect. Rather than leaving permanent scars of stigmatization, the process provides an opportunity for the individual to take responsibility for actions and to repair harm. The community acknowledges the worth of the offender as a human being, condemning the offending behaviour yet giving the offender an opportunity to repair the harm and to reintegrate with the community.

In a CJF, the continued discomfort of shame is caused by social disapproval of the offender's actions. However, the subsequent acceptance by other participants of the offender's apologies and their gestures of forgiveness toward the offender, followed by efforts to reintegrate the offender into the community, assist in restoring the offender to society's approval. The emotion of shame is an important first step to changing behavior, but it is followed by efforts to reintegrate the changed individual.

PSYCHOLOGICALLY SPEAKING

Donald Nathanson, an American psychiatrist, argues that all human beings, regardless of race, gender, or background, are born with nine 'affects', or what we might call emotions. It is a combination of an "affect" and our previous life experiences with that "affect" which we refer to as an emotion. For a CJF facilitator, it is important to understand that we all have the same nine affects but that because of our personal life experiences and memories our emotions can be quite different. The nine 'affects' are sometimes manifested physiologically and these are divided into three categories:



The word '*negative*' does not refer to the emotion being innately negative. Rather, it refers to the fact that our body does not like strong emotions, such as anger or fear. We try to avoid bringing these affects into play at all costs. Often, we modify our behaviour to avoid experiencing negative affects. Although we are socialized to control our stronger emotions, we still react accordingly and are motivated by our emotions when confronted with certain situations.

Again, it is important for the CJF facilitator to understand what to expect when participants encounter particular circumstances and experience the related affects. Participants in a CJF who experience anger may be motivated to verbally attack another participant, participants who experience fear may be motivated to flee, and participants who experience shame may be motivated to repair a relationship. The facilitator also should be aware of affective resonance whereby a response by one participant triggers the same affect in others.

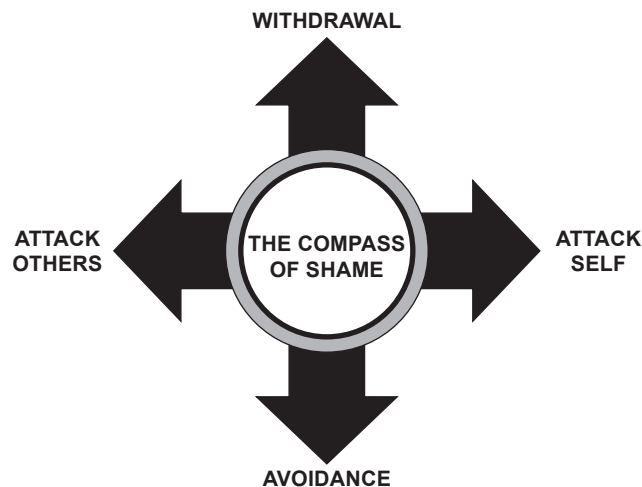
THE COMPASS OF SHAME

The logic is that if everyone experiences the affect, shame, on a physiological level, shame can be used to change behaviour. The Compass of Shame that follows explains how people react to shame.

In his book *Shame and Pride*, Nathanson (1992) describes our response options to shame as the Compass of Shame. The four points of the compass indicate the ways people respond when shame is chronic or unrelieved as withdrawal, attack self, avoidance, and attack others. In a CJF setting, these responses may be displayed by any of the participants. Consequently, it is important for facilitators to recognize these responses and to understand why they occur.

- Withdrawal:** is unresponsive to others, shows shyness, refuses to attend, rejects human contact
- Attack Self:** uses negative terms to describe self, puts self down, mutilates self, suffers depression, abuses drugs or alcohol
- Avoidance:** wants feelings to go away, cries, acts tough or super-macho, abuses drugs or alcohol
- Attack Other:** engages in name-calling, displays anger, uses “they” statements, indulges in finger pointing, hurls put downs, accuses others of sarcasm

THE COMPASS OF SHAME



The shame in a CJF is not in the context of publicly embarrassing the person who has offended against someone, but to bring accountability to the “regrettable fact” and to restore the relationships in the community.

Nathanson’s notion of affects is best explained through example: A man known for his careful handling of his finances takes friends out for dinner. He hands the waiter his credit card to pay, but the waiter returns and announces that the card has been rejected for being over the limit. The man undoubtedly feels shame and humiliation. He can react in one of several different ways. He could get angry and make a scene, he could crawl under the table, he could try to make light of the situation by saying that he forgot to make the card payment, or he could use another credit card.

People have control over how they choose ultimately to handle embarrassment or shame. First responses, though, are involuntary and can have a profound effect. Regardless of how the man in our example handles his situation, you can rest assured that he won't forget his initial shame. For a long time afterwards that memory will return whenever he pays with a credit card and may even make him feel queasy.

In a CJF, offenders experience shame as they begin to understand what the real effect of their offending behaviour has been on others. When shame and remorse are genuine, they are followed by a need to relieve those feelings. Generally, this is accomplished through an acknowledgment of how others have been harmed, followed by an apology for causing the harm. Victims and other participants in a CJF easily sense when a display of remorse and an apology are genuine and that recognition usually leads them to quickly accept the apology and to forgive the offender. These are important and powerful events that lead to the reintegration of an offender. They also are likely to be very satisfying for victims. Community Justice Forums work because all participants move from the negative feelings of shame and anger toward the positive feelings of respect and forgiveness.

Appropriate referrals for a CJF

Deciding which situations to submit to a Forum will vary dramatically from one referring agency decision maker or agency policy to the next. It is important to keep an open mind and to review all the circumstances of an incident rather than creating rigid policies to determine what can and cannot be referred to a CJF.

Communities are using CJFs for such civil matters as child custody cases; neighbourhood disturbances (barking dogs, loud music); workplace disputes; and general harassment. In schools, CJFs are being used for serious discipline problems, including bullying, truancy, and harassment. For criminal matters, the CJF process is most commonly used as a pre-charge diversion at the investigating officer's discretion. The process has been used in Canada, with young persons and adults, in cases of theft, assault, mischief, break and enter, hit and run, and drug possession. Municipal bylaw and aboriginal band bylaw infractions may also be suitable candidates for CJF resolution. In addition, CJFs may prove effective in dealing with impaired drivers and some other motor vehicle offences.

CJFs have been used for serious crimes to establish a probation term, as a pre-sentence option, for pre-release terms, and even to resolve issues during incarceration. However, facilitators and communities new to CJFs are strongly advised not to attempt to deal with serious crimes. Inexperienced facilitators should, in particular, not address sexual assaults and domestic violence and issues pertaining to them. Such crimes may, in fact, not even be appropriate for experienced CJF facilitators.

When deciding if a situation is suitable for a CJF, the following questions should be considered:

- 1) Has someone been harmed?
- 2) Is there a need to repair that harm?
- 3) Has the offender admitted responsibility?
- 4) Could a CJF cause further harm?
- 5) Does the victim want this process?

Another element to consider for Forum purposes is that there is no such thing as a "victimless crime." It is, though, useful to think in terms of those who have been adversely affected rather than of the traditional image of a victim. As well, neither the value of the property involved in a crime nor a record of criminal convictions limits eligibility for a CJF. Forums also may be applied equally to youths and adults. In some jurisdictions, CJFs are even being used with children under the age of 12.

Participation by all parties must be voluntary. Although some jurisdictions require that there is enough evidence to support a charge before considering a CJF, a Forum should be considered anytime the offender has made an admission and agrees to participate.

Each community or agency must decide the criteria and comfort level for initiating a Forum. As CJF facilitators gain experience and an understanding of the process, they may want to handle more difficult cases.

Victims and the CJF

CJF facilitators need to ensure that victims understand that their participation in a CFJ is voluntary and what their role in the CJF process is. A CJF is a restorative process that enables victims to tell their stories and to be heard not only by offenders and their supporters but by their own supporters. Victims need to know that this will be a safe, respectful venue that provides the opportunity to share how they have been affected, to have their questions answered, and to repair the harm they have experienced.

Restorative justice can have a powerful and positive impact on its participants. It may not, however, be suitable for every victim, and the wishes of victims who choose not to participate must be respected. It is essential that victims be offered support through this process.

Restorative justice agencies are encouraged to build partnerships with victim support agencies in their communities.

Please see Pre-Forum Interviews below for preparing victims to participate in a CJF. Also refer to Appendix K, “Information on Restorative Justice Approaches for Victims of Crime”, Ministry Public Safety and Solicitor General.”

Preparing for a CJF

PARTICIPANTS

The facilitator should have the details of a CJF-approved case. Additional information, such as the offender's family background and previous police contact and cognitive or physical disabilities, is also helpful. Working through the case file will reveal much about the parties involved, and the facilitator should be acquainted with all the parties and all the relevant details.

A facilitator from a community agency must also adhere to the policies of that agency as the CJF progresses. This may entail making regular contact with the agency, designating appropriate responsibilities, ensuring the necessary documents are signed, determining the reporting structure, and more.

Before the CJF, the facilitator should speak with all Forum participants, either in person or by telephone depending on the severity of the incident. The facilitator must contact all parties to schedule pre-Forum interviews. It is valuable for the facilitator to relay information to participants personally rather than have it relayed by either the victim or the offender.

Interviews with less-affected or neutral parties may be conducted by telephone. The police investigator and/or representative of the referring agency may wish to attend the CJF and need to understand the process and their role. Their role is not to affect the outcome but to confirm facts, add additional relevant information and, just before the agreement is signed, to comment on the outcome. The facilitator should know what these individuals will say and what they will contribute to the Forum. This role is a neutral one and should not influence the outcome agreed by the Forum participants.

An essential part of preparing for a CJF is determining who will attend. During the initial telephone contact with offenders and victims, the facilitator should ask who they want at the CJF to support them. Every person directly affected should attend, but sometimes it is difficult to identify those people. So the facilitator should try to determine who these people are.

The facilitator must also ensure that every participant knows what a CJF is and how it will be conducted. Participants need to be told what to expect, why they are participating, when they will speak, and what their involvement will be during the CJF's agreement stage.

PRE-FORUM INTERVIEWS: LISTEN! LISTEN! LISTEN!

Separate pre-Forum personal interviews with the offender and the victim and their primary supporters are good practice. Interviews should be conducted in a safe, quiet place where individuals feel comfortable to talk and to share their stories and emotions. There should be no disturbances, and enough time should be scheduled so that people do not feel rushed. Face-to-face interviews are beneficial for several reasons:

- Participants meet the facilitator and build some level of comfort and trust
- Facilitator meets participants and can see non-verbal cues and communication and can evaluate how other CJF participants may view these
- Facilitator can have any documentation signed, such as participation and confidentiality agreements
- Facilitator can review the script and agreement form with participants

- Facilitator can read emotions when participants are sharing their stories and observe how they may react in a CJF (bear in mind that in the actual CJF, when the venue is unfamiliar and everyone is in the circle, emotions may be heightened)
- Facilitator can address in person any concerns or confusion that arise
- Facilitator can personally provide participants with contact (business cards) and other information

For more information, see Appendix D, “Pre-Forum Interview Checklist.”

Pre-Forum interviews should be as transparent and as informative as possible. The facilitator must ensure that all participants are entirely comfortable and informed when they arrive for the actual CJF.

Review the sections of the script with participants—the introduction, the storytelling and fact-finding, the agreement, and the refreshments. Answer all questions participants have about what will happen, who will be there, and what is expected of everyone. Remember to let them know what the role of the facilitator is—to stay neutral and not decide the outcome; to ensure that restorative justice values are in place throughout; to manage emotions; to move the script along; to allow all a chance to speak; to use silence when appropriate; to maintain a safe and respectful venue; and to ensure that the agreement is consensual, restorative, relevant, and reasonable.

A pre-Forum interview with the offender ensures that the offender understands the process and has an opportunity to say what happened (see Appendix F, “Pre-Forum Interview Exercise: Offender Interview Guide”). The offender should be made aware of the room set-up and that the victim will be across the circle from where the offender and the offender’s supporters will be seated. The offender also must be told that a script will be used and that key questions will be asked during the Forum to help the victim and other participants gain a full understanding of what happened and what the offender’s role was in the incident. As well, the offender should be apprised of how important it is for an offender to accept responsibility for the incident during the CJF.

During the offender’s pre-Forum interview, facilitators should observe the offender’s emotions and address any that might be disruptive during the Forum. It is essential that the offender be prepared to participate in ways to repair the harm and to voluntarily agree to any resolution reached by consensus.

The offender and the offender’s family members should be asked during their pre-Forum interviews who they think has been affected by the incident and should attend as support. The whereabouts of the offender’s parents, siblings, and grandparents and other suggested supporters should be determined. The reasons for a family member’s exclusion or decision not to attend must be probed. It is possible that the presence of the individual in question at the Forum is crucial to its outcome. When, for example, an offender doesn’t want a grandparent to know about bad behaviour, it could be because the grandparent is the person whose opinion means the most to the offender. Having that grandparent at the Forum could have a significant impact on the offender and, consequently, on ensuring a positive outcome for the CJF.

Interview each of the offender’s supporters, preferably in person. It is important that supporters are made aware that they are to attend the CJF to speak, when requested, about how the incident has affected them; to discuss and participate in the CJF’s agreement stage; and to support the final resolution and the offender in complying with that resolution.

For the victim, a pre-Forum interview should provide a full understanding of the CJF process (see Appendix E, “Pre-Forum Interview Exercise: Victim Interview Guide”). It also gives the facilitator an opportunity to observe the victim’s emotions and to address them in regards to how they may affect the Forum. This may be the first opportunity the victim has had to share the entire story and to express the full range of emotions and needs with anyone, so take the time and listen, listen, listen.

Provide the victim the opportunity and time during the pre-Forum interview to best state the emotional, psychological, physical, and material impact of the incident to ensure that it will be felt by others (See Appendix L, “Needs of Victims”). To ensure the victim’s comfort, make the victim aware of the process and of the physical set-up of the CJF, including who will be participating. This is also the time to explore what the victim needs to repair the harm and would like to see as a result of the CJF and to indicate that the victim will be asked this question first at the CJF.

Facilitators should discuss with victims the importance of having support persons in attendance. If there are workplace personnel, including employees or employers; family members; and friends who have been affected by the incident, they should be invited. There is no need to balance the number of offender and victim supporters, but, ideally, the victim and offender should not attend the CJF alone.

For some victims, safety may be a concern. The attendance of supporters helps to address this. However, victims also should be asked if they desire a victim services agency. Other things that can increase a victim’s sense of safety include the investigating officer’s presence, which alone may be sufficient. Usually, all that a victim requires is an explanation of how a Forum is conducted and physically arranged, including reassurance of not being seated next to the offender. Additional doubts that the victim has can be addressed by explaining the benefits of the process. Victims should be assured that they will have an opportunity to tell the offender how the offender’s actions have affected them and to contribute to the outcome of the CJF. This knowledge is extremely reassuring for many victims.

Other participants at a CJF include witnesses, extended family members, friends, teachers, counsellors, coaches, social workers, elders, and religious leaders—anyone who has a direct connection to either the offender or victim. It is the facilitator’s responsibility to decide who attends.

The number of attendees is without limit. In fact, the more people who attend the greater the likelihood of participants achieving a thorough understanding of the incident and its impact.

It also is incumbent upon the facilitator to have a thorough understanding of how and why CJFs work and to be able to express that understanding clearly when contacting potential participants. The facilitator’s ability to convey the dynamics of, the reasons for attending, and what can be expected of the process is crucial. Well-prepared participants underpin the success of a Forum.

SCHEDULING AND VENUES

Different factors unique to each community need to be taken into consideration when scheduling a Forum. Most communities contact the victim first for availability and work around the victim's schedule. Work, travel, and school schedules are all relevant. In addition, Forums may need to be scheduled when the investigating officer is on duty, if this is a community's protocol. It will, of course, be difficult to accommodate everyone, but Forums should not interfere with schooling. They should be held on evenings or weekends. And facilitators should make reminder calls to all parties a day or so prior to the CJF.

Ideally, Forums should be scheduled as soon after the offence as possible. However, where there has been severe physical or emotional trauma, time may be needed before bringing everyone together.

The venue must be accessible to everyone. A participant contacted only by telephone may not have mentioned being in a wheelchair or on crutches, and this possibility must be accommodated. The venue also must be a neutral setting and physically comfortable, with adequate lighting and air-conditioning. Distractions must be minimal, and a Do Not Disturb sign should be posted on the door if necessary. If possible, there should be resources to produce copies of the signed agreement for participants (i.e. photocopier, laptop connections).

SEATING PLAN

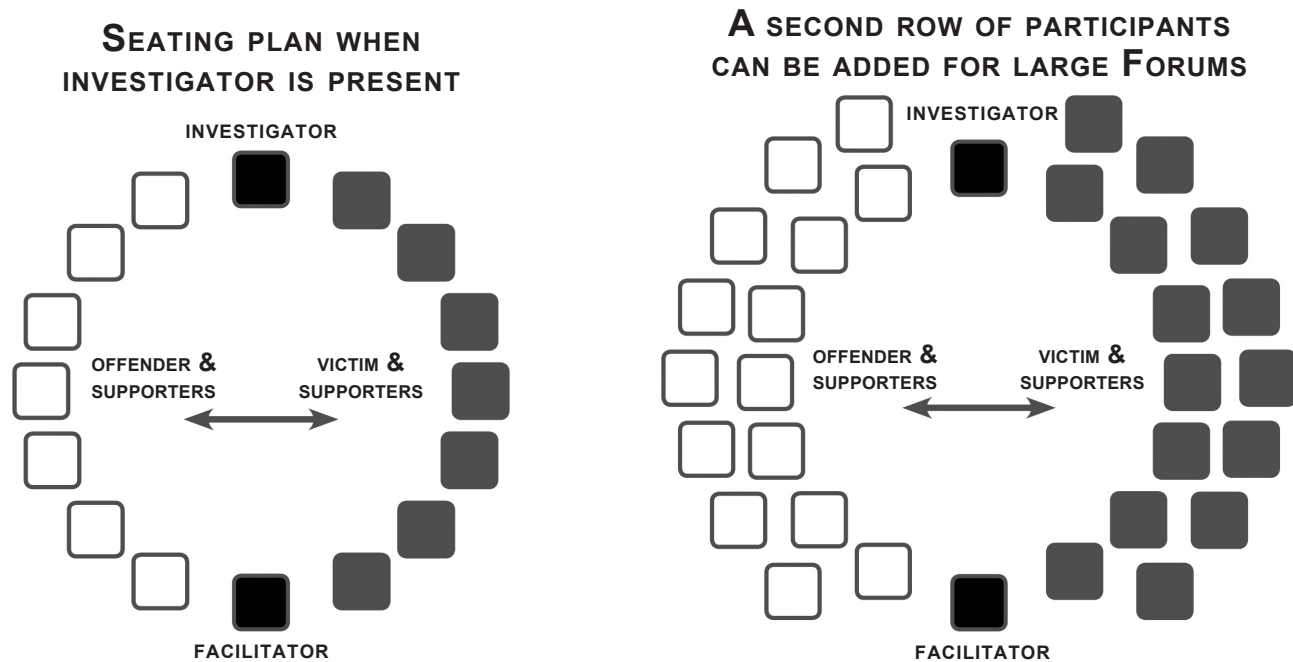
A seating plan should be drafted for each Forum to help facilitators remember names and relationships. The plan will also help the facilitator schedule each participant's involvement in the discussion. A Forum's co-facilitator should also have a copy of the seating plan, as well as of the script to follow the proceedings and to assist if the dialogue goes off script or the facilitator is distracted by participants' strong emotions.

Every participant must have a chair. The chair of anyone who does not show up should be removed and the remaining chairs drawn together to avoid the distraction of an empty chair. Physical barriers, such as tables, also should be removed. The ideal arrangement is circular, and sample seating charts are included below. Appendix I, "CJF Seating Plan" is available for use by the facilitator. These arrangements ensure eye contact among participants, no head table and thus equal status, and no physical barriers to communication.

Offender and victim are situated amid their respective support groups and across the circle from each other. Whether the offender group is placed on the left or right is up to the facilitator; however, consistency should be maintained throughout a Forum to eliminate confusion. The two groups are separated by seating the facilitator and the investigator across from each other. Angry or aggressive participants are seated next to the facilitator.

A facilitation team (facilitator and co-facilitator) may be seated beside each other in the circle. Alternatively, a co-facilitator tasked with drafting any agreements may sit outside the circle, just off the left or right shoulder of the facilitator. Facilitator and co-facilitator should determine beforehand how they will communicate in a manner least disruptive to the CJF. They also should introduce themselves to the participants and explain their respective roles.

It is recommended that there be no observers at a CJF unless participants are aware of and in agreement on being observed. Observers may include victim support agency workers, new facilitators, volunteers with the referring agencies or community programs, lawyers, and the like. They should be seated outside the circle to avoid disturbing the participants. See below and Appendix I, "CJF Seating Plan."



Facilitating a CJP

The facilitator should prepare the meeting room well before the scheduled start of a CJP, as some participants may show up early. The facilitator should arrange the chairs according to the seating plan and place a box of tissues within reach of the participants. Refreshments should be placed where they will not disrupt proceedings. It is important, too, for facilitators to collect their thoughts and review their notes before initiating the CJP.

The offender and victim groups, upon their arrival at the venue, should be kept separate. This avoids any awkwardness before the CJP begins. Once all participants have arrived, they can be shown to their assigned seats, and the session should begin on time. Everyone should be punctual. The CJP should not be held up for a latecomer unless that person is essential to the process.

CO-FACILITATION

Facilitating a CJP can be demanding and time-consuming, especially with large groups. It is recommended, where possible, that two facilitators handle each CJP. Each team can decide what their respective roles and responsibilities are regarding, for instance, who will make initial contact to set up pre-forum interviews and how to handle the interviews (one facilitator might interview the offender and the offender's supporters, and the other the victim and the victim's supporters) and who will prepare the seating plan, handle the room set-up and refreshments, contact the referring agency and program, make reminder phone calls, and so on.

How co-facilitators will communicate and share information during the CJP also needs to be clarified so that the process is seen to be seamless and they are viewed as a strong team. It is important that the two facilitators share a good rapport and a clear understanding of the process. Their roles should be flexible enough to accommodate the dynamics of the Forum. If the two facilitators are compatible and competent, the participants will experience little difficulty.

One facilitator, for example, might take the lead role throughout the CJF, while the other monitors the process and takes notes. Another option is to alternate the lead role. The facilitators can use pauses in the CJF to consult and discuss progress, but to this end they must be seated next to each other.

The benefits of co-facilitation include having a second set of eyes and ears, sharing the workload, and having a debriefing partner. Co-facilitation is also a preferred method of introducing a newly trained facilitator to the process. See Appendix G, “CJF Facilitator Preparation Checklist.”

FOLLOWING THE SCRIPT

Scripts have been developed to prevent facilitators from digressing and impairing the completion of the process. Because reintegrative shaming occurs in a specific way and sequence, it is essential that the script be read and followed to ensure a positive outcome. The script should actually be read at Forums, even though this may feel unnatural. Experienced facilitators are asked not to paraphrase but to follow the script verbatim. The CJF script has been developed and modified by experts who have learned that even seemingly minor changes can alter the course of a Forum.

The script, moreover, contains all the key questions. And it is vital that facilitators ask these questions to elicit the information needed for disclosure to all participants when individual participants share their stories and the facts as they know them. If relevant and required material is not being disclosed by a participant, it is the facilitator’s duty to ask the key questions. The pre-Forum interviews are a chance for the facilitator to develop open-ended questions relevant to the situation and incident.

For easy reference at the CJF, facilitators should have on hand the script, the details of the incident, the seating plan, the list of participants and their relationships to each other, and any other information they require to ensure a smooth CJF process. See Appendix H, “Community Justice Forum Facilitator’s Script.”

THE PARTS OF THE SCRIPT

Introduction

- establishes the role of the facilitator
- explains the purpose of the Forum
- introduces the participants and their relationship to the incident
- presents restorative values and principles
- sets the tone and focus for the Forum
- obtains the offender’s voluntary agreement

Offender’s story

- offender explains what was done and how offender became involved
- facilitator asks questions to clarify the incident, when necessary
- offender is asked to share what was in mind at the time of the incident
- offender is asked who has been affected by the actions and in what way

Victim’s story

- victim describes the emotional, physical, and financial effect of the offender’s actions
- facilitator explores how the victim’s friends and family reacted

Victim's supporters

- victim's supporters express their reactions and feelings
- victim's supporters may also share how the incident has affected their lives

Offender's supporters

- offender's supporters relate how they, too, have been affected by the incident
- offender's supporters also discuss what has occurred since the incident

Offender's response

- offender is asked for a response to anything said by those in attendance

Reparation and agreement

- victim is asked what needs to occur to repair the harm
- all other participants are given an opportunity to express their views, and a consensus is reached on an appropriate resolution
- Forum is formally closed after all parties have agreed to the terms and conditions of the agreement
- neutral parties are invited to add any comments as to the outcome

Participant interaction

- facilitator drafts the agreement
- participants are invited to share in refreshments
- further reintegration often takes place

Agreement signing

- facilitator requests that key participants sign the agreement
- facilitator thanks participants and ends the Forum

DEBRIEFING AFTER THE CJF

It is recommended that facilitators debrief following a CJF for their well-being and to discuss how the CJF went and any concerns. Some programs or agencies may also have a debriefing document that needs to be completed. The debriefing may be done with the co-facilitator and a program coordinator or, if none of these is available, with a referring individual, such as a police officer or school administrator and the like. Because of the confidentiality of the process, debriefing should not involve facilitators' family members or other people not involved with the CJF.

The CJF Agreement

A crucial responsibility of the facilitator is to ensure that the agreement that emerges from a CJF meets the victim's requirements for repairing the harm, is clear and specific, avoids stigmatizing anyone, and includes monitoring. The facilitator should ask, is it reasonable, restorative, and relevant? Facilitators also should refer the agreement against the SMART acronym: specific, measurable, achievable, realistic, timely.

Agreements should result from the consensus of all participants other than facilitators, who remain neutral. Arriving at the necessary consensus to achieve an agreement can take as much time as or more time than sharing the facts and stories. The resulting agreements must then be signed either by all participants or just the key participants according to the policies of the community or agency, and agreements involving minors must also bear guardians' signatures.

If financial restitution is part of an agreement, the arrangements need to be very clear as to when the payment will be made, who will make the payment, and to whom the payment will be made. It is recommended that restitution not pass directly from offender to victim and that there be a documented paper trail when handling funds.

Findings reveal significant offender compliance when agreements encompass these considerations. This is vital, as non-compliance can further harm all parties. For a sample agreement, see Appendix J, "Community Justice Forum Agreement."

Ensuring compliance with the CJF Agreement

In British Columbia, restorative justice programs report high rates of compliance with agreements when CJFs are conducted by trained facilitators and provide appropriate support to participants.

The explanation for this success is clear. Through the CJF, offenders hear victims tell how offenders' actions have affected them and what is needed for offenders to repair the harm resulting from their actions. In an effort to make things right, the offender, in turn, agrees to make the needed reparation.

A CJF agreement is thus something that the offender has been involved in formulating. Offenders are more likely to comply with agreements that they and their supporters have been active participants in creating than with an arbitrary and adversarial sentence imposed by someone unknown to them.

Offenders understand, moreover, that once they fulfill the terms of the agreement the matter is closed. They also understand that the other participants in the process are supporting them to ensure that they adhere to and complete the terms of the agreement.

On the rare occasion when an offender fails to comply with an agreement, the facilitator will assess the circumstances before deciding on a course of action. Was there any attempt to comply? What reasons do the offender and the offender's family offer for non-compliance? How does the victim view the offender's degree of compliance or efforts to comply? Are there unforeseeable circumstances that impeded the offender's compliance? Armed with answers to these questions, the facilitator in some cases may advocate for reconvening the Forum to address the non-compliance. Whether to reconvene, close the file, or initiate other sanctions is the decision of the individual community.

Recognizing and dealing with strong emotions in a CJF

CJFs provide an opportunity for feelings to be expressed in a safe and controlled environment that enables participants to repair the harm and move toward healing. Facilitators must learn to recognize, understand, and handle such emotional reactions as anger, shame, and moral indignation.

Anger is commonly displayed by CJF participants. It may be directed at the offender, the victim, or the system. In all cases, it is important to understand the origin of this anger and to provide an opportunity for everyone to look past the anger to see real feelings and vulnerabilities. Knowing when and how to redirect or to manage anger is a critical skill for facilitators to develop.

Facilitators must allow for the expression of anger without allowing it to derail the process. When, for example, a parent angrily blames others for the offender's actions, the facilitator might redirect the emotion by asking, "Did you hear Susan say that she threw the rock through the school window?" A good facilitator observes and knows how to manage participants' reactions, by redirecting and refocusing those reactions.

In his research, Donald Nathanson indicates that shame may be displayed as anger directed toward others. An offender's parent may lash out at the victim, the offender, or the system in reaction to a personal sense of shame. A victim may express anger at the offender or at the offender's family. This may stem from the victim's shame at being a victim and at feeling helpless.

Moral indignation, meanwhile, may cause resentment among other participants if it continues for too long. It can take the form of repeated or excessive demands for material reparations, failure to see the offender's sense of remorse, the offender may ignore other participants, others' refusal to listen to the offender, or a lecturing tone of voice.

The facilitator can address extreme displays of anger or moral indignation with any of the following:

- I know you're finding this difficult. Are you able to help us understand why you are so angry?
- What is it about what's happened that you find most difficult?
- It's clear that you are very angry and we hope you know we understand.
- How could John make you trust that he is truly sorry for what he has done?

Facilitators may be aware through contact by telephone or in a pre-Forum interview that some participants are very angry. In such cases, facilitators should plan to have these people sit next to them or perhaps next to a police officer or someone who is a calming influence.

Silence can be a very powerful tool in Forums, as it allows everyone a chance to absorb what has just been said and to ponder a response or how they think or feel about things. Facilitators can use silence to gather their thoughts and to review the CJF's progress. Silence, though, should not extend for long periods because it increases the intensity of our emotions, especially the emotion of shame. Participants may feel compelled to fill the void with their thoughts or feelings.

Participants who cry should be given time and silence to deal with the emotion. The facilitator should not take the initiative and hand a tissue to a weeping person in favour instead of seeing this done by another participant for its relationship-building benefits. The facilitator also should not pass by the crying individual if that individual had been speaking. Wait and let the individual continue speaking after the individual has regained emotional control.

Sometimes, participants assume that the Forum is a serious proceeding only and may be embarrassed or apologetic for unintended humour. Humour, however, may well serve to break tension and allow connections or bonds to be formed between participants. It can, in fact, be the trigger for participants wanting to move from negative affects to the positive affect of interest/excitement.

An understanding of the theory behind CJFs will enable facilitators to recognize and manage the array of emotions displayed at a CJF. Facilitators will develop a style of dealing with, and a comfort level for, emotions that assures participants of a successful Forum.

Also helpful in supporting victims who express strong emotions is the participation in Forums of victim services agency personnel. These individuals have specialized skills for these types of situations.

Programs and agencies are encouraged, meanwhile, to provide facilitators access to further training, including workshops, to enhance their communication skills in order to address the most robust of emotional outbursts at a CJF.

Reporting on the CJF

Community Justice Forum programs should have protocol and policy in place for personnel to report to referring agencies, such as to police, school, or other organizations. Referring agencies likewise should have procedures to ensure that an incident or file referred to restorative justice is not closed until the reporting process is complete. It is suggested that referring agencies appoint a liaison that personnel in the community program can contact and report to and who will be responsible for the restorative justice protocol and process. See Appendix O, “Community Justice Forum Case Report.”

Evaluating the CJF program

CJF justice programs, referring agencies, and funding sources need to evaluate their work. Statistics are valuable, but receiving feedback from participants is more so. It allows all parties to assess how the CJF program is viewed, if any changes should be made, and what concerns parties may have.

Evaluations may occur at any point in the CJF process and can be simple or complex. Many communities have partnered with local sources outside their CJF programs, such as colleges and universities, to develop an evaluation process. Appendix O, “Community Justice Forum Case Report,” and Appendix P, “Evaluation Form,” may serve as useful references in this regard.

CJF facilitator accreditation

Initial CJF training is usually three days and participants receive a Certificate of Attendance. Thereafter, trainees are advised to observe several CJFs—which do not count toward accreditation as a facilitator—prior to facilitating a CJF.

To become accredited, trainees are required to participate in at least five CJFs, two as a co-facilitator and three as the lead facilitator. One of the three CJFs at which trainees are the lead facilitator must be monitored by a facilitation coach or trainer or by a CJF program coordinator.

Once facilitator trainees have fulfilled the CJF participation requirements and they and their monitor are comfortable with their performance, documentation is required. A completed Facilitator Certification Log (Appendix R), with either a CJF Case Summary (Appendix Q) or a Community Justice Forum Case Report (Appendix O) completed each of the five Forums trainees participated in, are to be forwarded to the RCMP Division Restorative Justice Coordinator for consideration. If the facilitations are deemed satisfactory, a Certificate of Accreditation will be forwarded to the new facilitator.

CJF Facilitator Dos and Don'ts

If you are a facilitator...

- Do maintain confidentiality of all participants.
- Do treat all participants with dignity and respect.
- Do contact and inform all participants, making sure that they understand all of the issues involved
- Do ensure that offenders understand their rights by reading the statement of rights directly from the script.
- Do remember that your role is to facilitate the process; you are not an affected party, you are a neutral referee.
- Do ensure that the agreement reached is not stigmatizing.
- Do place a "Do Not Disturb" sign on the door.
- Don't allow forums to proceed if the facts are in question.
- Don't facilitate a forum if you have a conflict of interest.
- Don't lose sight of the ultimate aim of the process – to achieve the most satisfactory outcome for victims, offenders and the community.
- Don't impose a prayer on the group.
- Don't invite people who have no right to be there.
- Don't be surprised or react to apparent insolence or obstinance.
- Don't react to/with anger – stay calm.
- Don't take sides.
- Don't be condescending or patronizing with participants.
- Don't permit mobile phones, pagers, Ipods, Blackberrys or other devices in the forum
- Don't rush the process.

Troubleshooting

Preparation for a CJF is the best way to avoid surprises at or the need for troubleshooting during Forums. Forums will go according to script provided facilitators make direct contact with each participant and ensure that all participants are also prepared. Participants surprised by unexpected occurrences in Forums may react with anger or resentment directed at the facilitator. This can happen when participants have not been advised of who will be attending the Forum or have not had a proper explanation of what to expect during the process. Facilitators also risk their credibility if they appear surprised and unprepared for issues that arise, including the following:

If an offender denies responsibility for the incident and stands firm on the denial, the Forum must end. Without an admission, there can be no Forum.

If an offender admits to a new offence, the facilitator must decide immediately if the Forum needs to be stopped. The facilitator who decides to carry on with the Forum should instruct the offender to avoid any further mention of the new offence and should discontinue the Forum only if the offender fails to comply with that instruction. If, on the other hand, the offender admits merely to having committed the same offence in the past as the offence being dealt with at the Forum—shoplifting, for example—the facilitator should probably let the session continue without interruption.

If disclosures of sexual abuse arise, the Forum may continue only if the alleged perpetrator is not present. In the event of such a disclosure, the facilitator should acknowledge what has been said and should, with the participants, decide if it is advisable to continue. When, however, the accusation involves a participant and is related to the incident in question the Forum must be stopped immediately. Further, the facilitator should inquire if any of the participants alleged to have been subjected to the abuse need further support following the Forum.

If one of the participants walks out of the Forum, the Forum may in most cases continue provided that the person who left was neither the offender nor the victim.

Strong emotional displays are not unusual during a CJF and should not be discouraged. However, the use of offensive language must be addressed immediately because it can distress participants. In fact, to avoid the prospect of offensive language during the Forum the facilitator could address the issue in opening remarks, particularly if there is an indication a participant is predisposed to use such language.

Some people may laugh or smile inappropriately or exchange various looks or gestures with other participants during a Forum. Such responses are often misread and may make others react. The facilitator should address this behaviour directly. Individuals should be asked if they are aware of their behaviour, and a parent or other participant could be invited to interpret the behavior for the group. An interpretation indicating that this is merely how the individual reacts when nervous, for example, may help to defuse the situation.

The facilitator should refrain from comforting a crying person. Allow silence and give the person time to recover. In what is known as affect resonance, others in the circle often are so deeply affected that they, too, become emotional. This could be the single most powerful moment of a Forum—when offenders appreciate most clearly the effect of their behaviour on others.

Frequently asked Questions

WHAT IF THE OFFENDER DOESN'T SHOW UP FOR THE FORUM?

CJFs cannot be held without the offender. Rescheduling depends on why the offender failed to appear.

CAN A FORUM BE HELD IF THE VICTIM DOES NOT AGREE TO IT?

Preferably, no. However, this is a judgment call that will depend on all the circumstances. Victims may in some cases submit in writing the questions they want asked at the Forum rather than appearing in person. In other cases, family or friends may attend on behalf of the victim. It is in all cases important that victims unwilling or unable to attend be heard in some manner.

When a victim expresses reluctance to participate the facilitator should attempt to find out why. There may be concerns that can be removed, including a misunderstanding of the process, by means of an explanation from the facilitator. In addition, some communities have alternative processes in place to handle an incident if the victim agrees with the process but chooses not to participate.

May offenders have lawyers speak on their behalf?

No. Forums are an alternative community process, so facilitators must not allow the participation of officials from the traditional judicial process. If a lawyer does attend, the lawyer may not participate in the Forum or speak on behalf of an offender and must sit outside the circle as an observer only. It is recommended that all participants agree to the attendance of observers.

ARE REFRESHMENTS NEEDED?

Yes. Refreshments need not be elaborate, but they are an important element in the process. Drinks and snacks are adequate. If resources are limited, the local community may help. Businesses such as bakeries, grocery stores, and others that see the value in the restorative justice process may be willing to contribute.

WHAT HAPPENS IF THE PARTIES CANNOT AGREE?

This rarely happens. But if resolution is impossible, the Forum should be concluded and the referring agency notified of the unsuccessful outcome.

MAY FORUMS BE HELD IN A POLICE SETTING?

Forums may be held anywhere, but a neutral, easily accessible site is preferable. All Forum participants must be comfortable with the location.

ARE FORUMS OPEN TO THE PUBLIC?

No. Only people with a legitimate reason to attend are invited. Facilitators must know who will be in attendance prior to the Forum.

WHAT IF SOMEONE SHOWS UP IMPAIRED?

Forums should be reconvened if a key participant displays signs of impairment. If the impaired person is not essential to the process, the facilitator should ask the person to leave.

WHAT IF AN AGREEMENT IS NOT COMPLIED WITH?

This will sometimes happen, and different programs deal with non-compliance in different ways, ranging from meeting with the non-compliant party to holding another Forum. The offender and offender's supporters may be contacted for a face-to-face meeting to determine why there is not compliance with the agreement. A supervisor or monitor for the agreement may also be involved in this meeting. Some programs may contact the victim as well, but most do not until the reasons for non-compliance and a remedy are established.

The offender may have extenuating circumstances and may agree to a modified resolution. The referring agency, victim, and other participants must also agree to any modification to the text of the original agreement. Should the offender, however, refuse to comply with an agreement, all parties must be informed, and the matter, along with a status report, should be returned to the referring agency for further handling.

Signposts of Restorative Justice

Restorative justice is being achieved when facilitators...

1. Focus on the harms of wrongdoing more than the rules that have been broken;
2. Show equal concern and commitment to victims and offenders, involving both in the process of justice;
3. Work toward the restoration of victims, empowering them and responding to their needs as they see them;
4. Support offenders while encouraging them to understand, accept and carry out their obligations;
5. Recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable;
6. Provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate;
7. Involve and empower the affected community through the justice process, and increase its capacity to recognize and respond to community bases of crime;
8. Encourage collaboration and reintegration rather than coercion and isolation;
9. Give attention to the unintended consequences of actions and programs;
10. Show respect to all parties including victims, offenders and justice colleagues.

CRIME WOUNDS ... JUSTICE HEALS.

HARRY MIKA AND HOWARD ZEHR, MAY 1997

Restorative Justice

Recommitting to Peace and Safety



Community Justice Forum

Restorative Justice



Community Justice Forums


Day One

1

Learning Objectives

At the end of this course, candidates will be able to:

- understand philosophy and theory of Restorative Justice Practices
- identify incidents for referral to Community Justice Forums
- identify suitable participants for a Community Justice Forum
- make arrangements for the time, date and place for participants to attend a Forum




Continued.

2

Learning Objectives

Continuation

- conduct pre-Forum interviews with participants
- facilitate a Forum using the prescribed script
- apply facilitation techniques to manage "affect"
- document Forum preparation including the agreement, case summary and program forms



3

Origins of CJs

- **1970 - 1990's** – Canada, sought to protect offenders' rights and to find alternatives to incarceration, with a focus on our aboriginal peoples (R. v Gladue)
- **1974** – Ontario, first victim-offender mediation in 1974 with 2 offenders
- **1989** - New Zealand, "Children, Young Persons and their Families Act" incorporated use of structured Family Group Conferences (FGC)
- **1991**- Australia, Police in Wagga Wagga, Australia began using FGC's and in 1996 RCMP member observed FGC process

4

Origins of CJs

- **1995** - Canada, Transformative Justice Australia trained overseas (first CJF in Sparwood, BC); in 1997, RCMP & DOJ invited TJA to train 52 facilitators – Community Justice Forum model adopted by RCMP
- **1999** – Canada, Speech from the Throne recognised the acceptance of Restorative Justice in our society
- **2003** – Canada, the YCJA (Youth Criminal Justice Act) has clear guidelines for youth matters via extrajudicial measures (RJ Practices)
- **Today** - Accepted alternative for Criminal Code, YCJA, Fisheries Act & Provincial Statutes.

5

Philosophy

- 1) What is Justice?
- 2) What is the underlying philosophy of our current legal / disciplinary system?
- 3) What outcome does it seek?



6

Philosophy

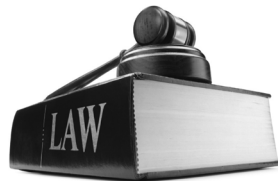
- justice is seen to be done
- punishment (just desserts)
- deterrent effect
- behaviour change
- safety of others
- public pressure
- reparation



7

Criminal Justice Discipline System

- Detention**
- Exclusion**
- Sanctions**



John Braithwaite says:

“Too rapid escalation to punishment risks making young people more angry than thoughtful (backlash)”

8



In a perfect system, what are the ideal outcomes?

9

RJ Philosophy

- **Community, defined as those who did it and those who had it done to them, is the best place to deal with offences.**
- **Victims are essential to understand consequences.**
- **You do offenders a disservice if you fail to confront them with consequences.**

Continued...

10

RJ Philosophy

Continuation

- **Offenders more willing to comply when an agreement involves their community of care.**
- **Resolutions should involve community resources.**
- **Justice is best determined by those directly affected.**

11



Do the Right Thing



Why do most people do the right thing most of the time?

(Prioritize reasons from the greatest to the least important)

13

Compliance

WHY?

- Socialization (values, morals, ethics)
- Adhering to norms
- Needs met
- Consequences
- Letting community of support down
- Conscience
- Public disgrace
- Respect
- Law / rules

14

Reintegration & Shame

John Braithwaite claims:

- ✓ Societies in which shame is a strong cultural dimension have lower crime rates.
- ✓ That we experience shame:
 - (a) **EXTERNALLY:** through sanctions or condemnation from family, community, or important others (feel disgrace).
 - (b) **INTERNALLY:** through our socialization and our sense of right and wrong (a conscience).

These 2 dynamics stop most people from committing offences or victimizing behavior.

Continued...

15

Reintegration & Shame

Continuation

DEFINITION:

Shame experienced through social disapproval followed by efforts to reintegrate offenders back into the community with understanding and forgiveness.

CHARACTERISTICS:

- ✓ Effort to maintain bonds of love and respect.
- ✓ The person's worth is valued.

Continued...

16

Reintegration Theory

Continuation

REINTEGRATION occurs in the following sequence:

- 1) The development of a conscience
- 2) Building of empathy
- 3) Minimizing impulsive behavior
- 4) Taking care not to exclude others
- 5) Shame being experienced internally and externally (2 levels)

Continued...

17

Reintegration in a CJF

Continuation

REINTEGRATION in a CJF occurs when:

- ✓ Persons responsible for offending behavior experience social disapproval. (**shame experienced**)
- ✓ The act (**unacceptable behavior**) is rejected not the person.
- ✓ followed by care & support then the process of **REINTEGRATION** can begin.

Continued...

18

Stigmatization



To Label

19

CJF Practice Instructions

DEMO ROLE PLAY #1

- ☆ Participants should follow directions from their role play and not exaggerate their roles
- ☆ Role play should not last longer than 40-45 minutes then allow 10 minutes for feedback
- ☆ Debrief and De-Role



20

Making Sense of the Forum

- What was the sequence of participant involvement?
- What type of questions were used by the facilitator?
- What were the four phases of the forum?
- When & how did reintegration begin?

21

Sequence of Participant Involvement



22

Type of Questions Asked



23

Four Phases of Forum

24

When & How Did Reintegration Begin



25

Why Should the Offender Speak First?

- You are more likely to get an offender to speak honestly if he/she is asked to speak *before* anyone else has spoken.
- It helps everyone when offenders own their behavior early in the forum.
- It helps offenders to confront their own support groups with the reality of what they've done.
- It helps the victim gain perspective on the offender and the incident.

26

The Role of Silence in a CJ Forum

SILENCE HELPS

- achieve a certain decorum.
- give people a chance to experience/cope with feelings.
- give a chance to regroup.
- allow the gravity of what was said to sink in.

27

Facilitators Role During Agreement Phase

- Clarification of who, what, where, when, and how much.
- Recording the agreement.
- Doing the occasional reality test.
- **Not** deciding the outcome.
- Ensuring supervision and monitoring are included.
- Checking that the terms of the agreement are not shame inducing.

28

Symbolic Reparation

Occurs in a CORE SEQUENCE:

- The offender tells the story and admits to the behavior – accepts responsibility.
- Victim and others express painful emotions.
- The offender expresses genuine shame and remorse.
- A bond between the victim and the offender is repaired/restored (repair the harm & minimize negative affect).
- The relationship between the offender and the affected community can be transformed (agree to a plan to minimize future harm & transform the community affected).

29

Reparation in Agreements

The diagram features a central image of two hands shaking. Above the handshake, the text 'Symbolic reparation' is centered, with two downward-pointing arrows leading to the words 'Apology' on the left and 'Forgiveness' on the right. Below the handshake, the text 'Material reparation' is on the left and 'Compensation' is on the right, with a rightward-pointing arrow between them and the word 'versus' centered above the arrow.

30

Forum Preparation

Facilitator's Role

- decide who should attend
- develop a seating plan
- predict likely dynamics
- decide on a time, place, and refreshments

31

Pre-forum Interviews

STEP BY STEP PROCESS:

- Program Coordinator & facilitator receive referral
- Schedule interview with offender(s)
- Schedule interview with victim(s)
- Interview support participants
- Do you have all parties & clear understanding of incident

Continued...

32

Pre-forum Interviews

Continuation

OFFENDER INTERVIEW:

- Ensure understanding of the CJF process and values
- Offender tells story... what happened... who was affected...
- Observe Emotions
- Explain Roles & Expectations
- Discuss reparation/agreement
- Date/location for Forum

Continued...

33

Pre-forum Interviews

Continuation

VICTIM INTERVIEW:

- Ensure understanding of CJF process
- Victim tells story
- Observe emotion
- Explain Role and Expectations
- Reparation/agreement
- Date/location for Forum

Continued...

34

Pre-forum Interviews

Continuation

SUPPORTER PROCESS:

- Ensure you speak to both offender and victim on who they would like to have as support. Encourage more... make suggestions
- Contact support participants and follow same interview process as for offender and victim

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Restorative Justice



Community Justice Forums

Day Two

36

Pre-CJF Interview Role Play

- ☆ In groups of four, two play facilitator and co-facilitator & two play offender and support. Facilitator conducts a pre-forum interview.
- ☆ Offender and support follow directions from their role play and not exaggerate their roles; Facilitator to use Checklist to conduct interviews
- ☆ Interview should not last longer than 20-25 minutes then change roles for a second 20-25 minute interview this time initial facilitators play victim and support.

37

Why the Script?

The script... describe the structure
 Open Ended Questions
 Socratic style
 Questions... Address the past,
 the present & future



Continued...

38

CJF Practice Instructions

PRACTICE ROLE PLAY

- ☆ Participants should follow directions from their role play and not exaggerate their roles
- ☆ Role play should not last longer than 30-35 minutes then allow 10 minutes for feedback



Continued...

39

CJF Practice Instructions

Continuation

- ☆ **Give feedback on how well the facilitator:**
 - ✓ followed the script.
 - ✓ fostered offender's acceptance of responsibility.
 - ✓ allowed for the free expression of emotion.
- ☆ **Debrief and de-role:**
 - ✓ Participants, in turn, say how they felt in their role.
 - ✓ De-role by saying their real name and say one way they differed from the person in the role they played (de-role).

40

Agreement Form

- **Accurate and Clear**
- **Timeline and Completion Dates**
- **3 R's... Reasonable, Realistic & Restorative**

Smart Rule for Agreements:

- **Specific**
- **Measurable**
- **Achievable**
- **Realistic**
- **Timely**



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CJF Practice Instructions

PRACTICE ROLE PLAY

- ☆ **Participants should follow directions from their role play and not exaggerate their roles**
- ☆ **Role play should not last longer than 30-35 minutes then allow 10 minutes for feedback**



Continued...

42

CJF Practice Instructions

Continuation

- ☆ **Give feedback on how well the facilitator:**
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 - ✓ fostered offender's acceptance of responsibility.
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- ☆ **Debrief and de-role:**
 - ✓ Participants, in turn, say how they felt in their role.
 - ✓ De-role by saying their real name and say one way they differed from the person in the role they played (de-role).

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Needs of Victims

- **Opportunity to express emotions / feelings**
- **Acknowledgement from supporters**
- **Assurance that what happened was unfair / undeserved**
- **Sense of safety**

44

Needs of Victims

- **Direct contact with offender to:**
 - ✓ Hear remorse
 - ✓ Have questions answered
 - ✓ Be assured that it won't happen again
 - ✓ Receive apologies
- **Restitution**

45

Affect Theory

1) Interest - Excitement	<i>positive affects</i>
2) Enjoyment - Joy	
3) Surprise - Startle	<i>neutral affects</i>
4) Shame - Humiliation	
5) Distress - Anguish	
6) Disgust	<i>negative affects</i>
7) Anger - Rage	
8) Dismissal	
9) Fear - Terror	

46

Expressing Affect in a CJF

- Sequence of participant involvement
- Types of questions
- Use of silence
- Clarification as to what has been said
- An agreement which is reached by consensus

47

Compass of Shame

WITHDRAWAL

ATTACK OTHERS THE COMPASS OF SHAME ATTACK SELF

AVOIDANCE

48

Reintegration and Shame

IN REVIEW:

Braithwaite claims:

- ✓ Societies in which shame is a strong cultural dimension have lower crime rates.
- ✓ That we shame at 2 levels:
 - a) **EXTERNALLY:** through sanctions or condemnation from family, community, or important others.
 - b) **INTERNALLY:** through our socialization and our sense of right and wrong (a conscience);

49

Relationships

(Bonds)

Good Relationships are BUILT / MAINTAINED by:

- allowing **AFFECT** to be expressed.
- minimizing **NEGATIVE AFFECT** (by listening, acknowledging, and intervening).
- maximizing **POSITIVE AFFECT**.
- doing more of 1, 2, & 3.

50

Strong Emotions

(in victims and other participants)

- Shame may be experienced as:
 - helplessness
 - betrayal
 - violation
- It is often overwhelming.
- It can be masked by emotions like **ANGER** (a defense mechanism against shame)
- It can be displayed as **INDIGNATION** which can appear in two forms:
 - a) **self-righteousness**, and
 - b) **moral superiority** (lecturing).



51

Indignation

Indignation (anger caused by an injustice) interferes with the process of symbolic reparation when it is excessive and repetitive by:

- damaging the potential for bonding between the offender and other participants.
- preventing the victim (and others) from getting in touch with their own shame and being able to express it.
- setting up defensiveness in the offender who then **may not appear** perturbed, triggering further anger in other participants.

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Indignation

Situations which may cause excessive displays of indignation:

- Repeated unreasonable demands for material reparation
- The victim and the others not being able to read the offender's obvious shame / remorse.
- The offender not listening to participants.
- If the offender lies, you may get outbursts of indignation from other participants.
- Participants not listening to offender.

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Indignation

**Handling of excessive displays of indignation
Techniques to get the CJF back on track:**

- **Paraphrasing**
"If I understand what you are saying, you feel that this financial restitution must be included in the agreement. Is that right?"
- **Indirect Questions**
"I hear what you are saying but I'm not sure everyone understands what you are asking."
- **Why Not & What If Questions**
"We have heard what you have asked and you have heard the response from your request, is there any other options for Sandy because of his financial situation."
- **Use of Silence**

54

CJF Practice Instructions

PRACTICE ROLE PLAY

- ☆ Participants should follow directions from their role play and not exaggerate their roles
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Continued...

55

CJF Practice Instructions

Continuation

- ☆ Give feedback on how well the facilitator:
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- ☆ Debrief and de-role:
 - 1) Participants, in turn, quickly say how they felt in their role (debrief).
 - 2) Participants, in turn, quickly say their real name and say one way they differed from the person in the role they played (de-role).

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Forum Preparation Homework

From handout scenario

- decide who should attend and predict likely dynamics to develop a seating plan
- personalize the script
- decide on a time, place, and refreshments
- Complete the agreement with one resolution by consensus



57

Restorative Justice



Community Justice Forums

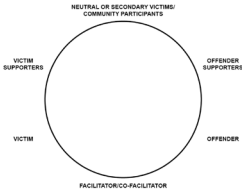
Day Three

58

Homework

SEATING PLAN

Incident: _____ Date of Occurrence: _____
Forum Location: _____ Date of Forum: _____
Referral Person: _____ Forum Facilitator: _____
Refreshments: _____



Note: Order can be reversed with Offender to left of Facilitator and Victim to the right, etc. There may be a cultural reason to go a certain direction first. The Offender is always the first to tell the story about what happened so the circle is set up in such a way that the circle is complete by the time the last person tells their story.

59

Preparation Checklist

- Do you have a clear understanding of the incident?
- Are you clear about who the offenders and victims are?
- Have you talked to the investigator or relevant staff member?
- Have you talked to other personnel who may be able to shed light on the incident?
- Have you invited all those necessary?
- Do you know who is attending and what each individual is likely to contribute?
- Do all participants understand the purpose and process of the CJF?

Continued...

60

Preparation Checklist

Continuation

- Does everyone know the CJF time and how to get there?
- Is the location suitable?
 - Will you be disturbed?
 - Is it large enough?
- Have you arranged for refreshments?
- Have you begun to prepare your seating plan?
- What will the forum look like?

Continued...

61

Preparation Checklist

Continuation

- Do you need any assistance with arranging, setting up, or running the forum?
- Are you satisfied that you are now well prepared for the forum?
- Have you thought about how it is likely to unfold?
- Have you a sense of who is likely to be supportive, hostile, or otherwise?

62

Re-frame & Paraphrase

- Summarizing technique to help understand what was said
- Commitment to understanding key points and interests identified
- Re-framing is redefining a description of an event
- Paraphrasing acknowledges a person's viewpoint

63

CJF Practice Instructions

PRACTICE ROLE PLAY

- ☆ Participants should follow directions from their role play and not exaggerate their roles
- ☆ Role play should not last longer than 30-35 minutes then allow 10 minutes for feedback



Continued...

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CJF Practice Instructions

Continuation

- ☆ Give feedback on how well the facilitator:
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 - 1) Participants, in turn, quickly say how they felt in their role (debrief).
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65

Benefits

What does the CJF offer to the following:

- Victims
- Offenders
- Victim/offender family and support
- Community

66

Facilitator Do's and Don'ts

- Refer to page 27 of the Resource Manual

**Ensure you are
PREPARED**



67

Selecting Cases

- **Make two lists:**
 - incidents you **can** CJF
 - incidents you **cannot** CJF
- **Explain why you cannot use CJF for certain incidents.**



Continued...

68

Selecting Cases

Continuation

- **Has someone been harmed?**
- **Is there a need to repair the harm ?**
- **Has the offender admitted responsibility?**
- **Could the CJF cause further harm?**
- **Does the victim want this process?**

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CJF Practice Instructions

PRACTICE ROLE PLAY

- ☆ Participants should follow directions from their role play and not exaggerate their roles
- ☆ Role play should not last longer than 30-35 minutes then allow 10 minutes for feedback



Continued...

70

CJF Practice Instructions

Continuation

- ☆ Give feedback on how well the facilitator:
 - ✓ followed the script.
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 - ✓ allowed for the free expression of emotion.
- ☆ Debrief and de-role:
 - 1) Participants, in turn, quickly say how they felt in their role (debrief).
 - 2) Participants, in turn, quickly say their real name and say one way they differed from the person in the role they played (de-role).

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Successful CJF Cases

POLICE CASES:

- Theft
- Break, Enter and Theft
- Assault
- Mischief
- Drug Possession
- Arson
- Traffic Offences
- Theft Motor Vehicle / Joy-riding

Continued...

72

Successful CJF Cases

Continuation

SCHOOL CASES:

- assaults
- victimization
- thefts
- drug incidents
- classroom disruption
- vandalism
- damaging school's image
- killing & cruelty to animals
- harassment
- weapons

73

Community Justice Forum

MAJOR FINDINGS:

- a high degree of satisfaction
- a high compliance rate
- lower recidivism
- improved relationships between participants
- victims feel safer
- improved empathy / understanding
- improved school - community relations
- improved police - community relations
- impacts on behavior management

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Radio Justice



75

Signposts of Restorative Justice

We are working towards restorative justice when we:

- focus on the harms of wrong doing more than the rules that have been broken;
- show equal concern and commitment to victims, and offenders, involving both in the process of justice;
- work toward the restoration of victims, empowering them and responding to their needs as they see them;
- support offenders while encouraging them to understand, accept and carry out their obligations;
- recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable;

Continued...

76

Signposts of Restorative Justice

Continuation

We are working towards restorative justice when we:

- provide opportunities for dialogue, direct and indirect, between the victims and offenders as appropriate;
- involve and empower the affected community through the justice process and increase its capacity to recognize and respond to community bases of crime;
- encourage collaboration and reintegration rather than coercion and isolation;
- give attention to the unintended consequences of our actions and programs;
- show respect to all parties including victims, offenders, and justice colleagues.

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Restorative Justice



“Crime wounds...
Justice Heals”.

Harry Mika and Howard Zehr, May 1997

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Restorative Justice

Recommitting to Peace and Safety



Community Justice Forum

APPENDIX A

REFERENCES

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APPENDIX B

Best Practices

Many of the following best practices appeared in *Pony Express*, the RCMP's national, internal news magazine.

COMMUNITY JUSTICE FORUMS IN ACTION

Note that all names are fictional and that some details have been changed to protect the identities of those involved.

Mad Bomber

THE CASE:

A 16-year-old girl phoned in two bomb threats to the local high school.

THE BACKGROUND:

This was not the first time the school had received bomb threats, and the principal decided not to evacuate. When confronted, the youth stated that she was bored and wanted to get out of class. She was suspended from school.

THE FORUM:

The girl attended a CJF accompanied by both parents and a brother. Also in attendance was the school principal, the superintendent of schools, the chairperson of the school discipline committee, the school's guidance counselor, the two secretaries who had answered the phone calls, and the investigating police officer. The participants also agreed to invite a younger student in the school along with his parents to discuss how the lockdown affected them.

The girl admitted the offence and added that she did not realize that her actions would have such serious consequences. The secretaries talked about the effect that the threats had on them and their families. Both had been experiencing added stress and nightmares. The principal talked about the emotional pain of being forced to make the difficult decision to evacuate the school. He related that in a previous evacuation some of the special needs children had been injured, and that his infant son had been attending the school daycare that day. The younger student talked about how afraid he was as he hid under a table, and his parents shared how helpless they felt when their son called them on his cell phone to let him know what was happening.

The girl expressed deep feelings of shame and remorse for the harm she had caused, and forgiveness was expressed by the victims. To make reparation, she agreed to work one hour a day with the school handicapped children for seven months until the end of the school year. She further agreed to apologize in writing to the families of the principal and secretaries. In addition, she did research and prepared an essay about bomb victims with the assistance of the guidance counselor.

THE FOLLOW-UP:

The girl was allowed to return to school and successfully completed the term as agreed. She has since decided to make special education her career choice. All participants were supportive of the CJF process.

Walking in Another Man's Shoes

THE CASE:

Three 14-year-old youths went into the cloakroom of a local medical treatment facility where they took a pack of cigarettes and a pair of shoes. Police later found one of the youths wearing the missing shoes, and an investigation resulted in all three admitting their involvement.

THE FORUM:

The three youths, their families, the two victims, a friend of one of the victims, and the police detachment commander were present at the CJF. The victims talked about feeling violated as a result of their property being taken. The offenders' families expressed anger and shame about the behaviour, and the grandfather of one of the offenders commented on how the bond of trust between him and his grandson had been severed. This had a profound impact on the offenders, and they expressed shame and remorse.

The victims suggested that the offenders do some community work, including yard work for the medical facility. Everyone agreed that this would be a good plan of action, and everyone left on friendly terms.

Midnight Sun

THE CASE:

Two teenage girls in an arctic community were caught going through vehicles looking for things to steal. One of the girls had a tool in her possession that had been taken from a local plumber's truck. The plumber was willing to have the matter dealt with by a CJF.

THE FORUM:

At the forum, one of the girls was accompanied by her mother and the other by both parents and three siblings. The girls admitted to and apologized for the offence. The victim spoke of the impact their behaviour had on him. The parents and siblings also spoke, and emotions ran high.

One family talked about how their daughter had been kicked out of the home two weeks prior. The siblings expressed their love for their sister, which resulted in the mother and daughter reconciling.

The girls agreed to make reparation by cleaning the victim's vehicles, and this decision was supported by everyone. In fact, things went so well that the girls' parents later established a friendship with the victim. Participants expressed gratitude to the local police for their efforts and left the forum satisfied with the outcome.

Hands-off

THE CASE:

Tina was accused of assaulting her daughter's second grade classmate by grabbing his arm and shirt. Tina's daughter witnessed the altercation, which took place in the school cloakroom. The victim's mother wanted charges laid against Tina. At first, Tina denied the allegation but then admitted it was true and wanted to make amends. Both sides agreed to work out their difficulties in a CJF.

THE BACKGROUND:

Tina was going through a long, drawn-out, and expensive custody battle. She also had recently found out that her daughter was sexually abused by an older family member. In addition, Tina's family was somewhat dysfunctional. Tina's stress was such that it caused her to express her anger inappropriately.

THE FORUM:

The day after the incident, Tina and her daughter participated in a forum involving the victim, his mother, the school principal, and an RCMP employee trained in facilitating CJFs. Tina spoke first, explaining that she was angry when she saw the victim and her daughter sitting together in the cloakroom and reacted by forcibly pulling them apart.

She was ashamed of her actions and the impact they had on her daughter and the victim. The victim explained that he was scared to go to school after the incident, and his mother was very angry that someone would hurt her son.

Tina apologized to the boy and his mother. They both accepted the apology, and the boy even gave Tina a hug. Tina asked for help in arranging a counsellor to help her deal with her anger and stress. The children returned to the classroom hand in hand, and the mothers left together.

Unprovoked Attack

THE CASE:

At school, in an apparently unprovoked attack, Billy punched Mike twice, giving Mike a black eye and a bloody nose. The school principal called the police to report the crime and suspended Billy for three days. The principal, however, asked for the time to try a CJF before formal charges were laid.

THE BACKGROUND:

Billy had experienced problems controlling his anger recently. He was from a blended family, and his biological father lived in another province. He was seeing a mental health worker but had not been recommended for anger management counselling. This attack was completely out of character; in fact, Billy was often the target for teasing and bullying from other students.

THE FORUM:

Billy was withdrawn and obviously embarrassed by his actions. He had to be prompted to speak and said very little. Mike also said little, but his mother spoke for 15 minutes, recounting how her son had become sullen and withdrawn after the attack. She was near tears when she finished, and her words had an obvious impact on everyone in the room.

After listening to Mike's mom, Billy spontaneously apologized to Mike and agreed to start anger management counselling. Mike perked up and smiled, and everyone in the room started talking together. The healing process had begun.

“Found” Phone Card

THE CASE

Kelly opened her phone bill and was shocked, as the total was for over \$300. She knew that she had not made the calls, and upon checking her wallet she realized that her calling card was missing. As she had not reported the card missing or stolen, the phone company advised her that she was responsible for the charges. When Kelly failed to pay the phone bill, the phone company threatened to cut off her phone and to begin legal action. Kelly called the police and asked them to help.

THE BACKGROUND:

Investigators discovered that a girl named Lilly found the card on the street and used it to make several long-distance phone calls. She then gave it to her friends, Mike and Mark, who did the same.

THE FORUM:

A meeting was called with Kelly and the offenders, who each brought a family member. The facilitator also invited a representative from the phone company’s credit department.

All three offenders admitted to the crime and offered to pay for the calls. They appeared remorseful and apologized to Kelly for their actions. Kelly told the offenders how stressful and upsetting the incident had been and that she was concerned that they had permanently damaged her credit rating. The phone company rep confirmed the damage to Kelly’s credit, and that the phone company would take legal action.

The offenders agreed to pay for the calls, plus the interest charged on the unpaid account, and to write a letter to the phone company explaining their responsibility for the situation. The phone company rep agreed to place this letter on Kelly’s file and to reinstate her credit rating as soon as the bill was paid. The rep also added a disclaimer to the letter, ensuring that the offenders’ admission of guilt would not be used against them if they open phone accounts in the future.

No Last Chance

THE CASE:

Jim was accused of stealing money from a classmate's wallet at his private boarding school. When the school found out, Jim was expelled. He asked to be reinstated, since he had paid back the money and had sent a letter to the victim apologizing for his actions.

THE BACKGROUND:

According to the school, the case was more than a simple theft. Jim, an assistant dormitory rep, was in a position of trust and authority over the victim. As the forum unfolded, the facilitators realized that there was even more to the story than they, or the school administration, originally thought. Jim had a history of this kind of behaviour, and the other students were sick of it. When this theft occurred, Jim blamed other students for it.

THE FORUM:

A forum was held involving Jim, his father, the victim, the two dormitory house parents, several student representatives, several school administrators, and an RCMP CJF facilitator. Jim spoke first, admitting to the theft. After hearing about the impact of his actions on the others involved, he apologized to everyone and asked for a chance to redeem himself. However, the other students were firm in their opinion that Jim could not return to school. The students angrily told the school administration that Jim was a habitual thief and a bully and that they did not think he deserved another chance. The administration was at a loss; it was not aware of the magnitude of the situation and did not want to override the will of the students.

The facilitators called for a break and held an open discussion with the students to see if they could get to the bottom of the situation. While Jim and his dad waited outside, negative comments were made about Jim by the students. It became clear that such strong feelings could jeopardize the CJF itself.

The facilitators realized that there was more to the case than originally thought. Given the strong tradition and culture of the school, it would take more time and preparation to introduce the CJF process.

The facilitators decided to call off the forum and planned to hold preparation sessions before trying another forum at the school. This would ensure that they knew all the details of the case and that the students were indeed committed to the process. They thanked everyone involved and told Jim they were proud of him for facing up to what he had done, although the process did not turn out the way he had hoped.

Teasing Hurts

THE CASE:

Carrie, Sheila, and Lucy were caught writing graffiti on a portable classroom at the town's secondary school. The portable was the classroom for developmentally delayed teens, and the girls had written messages about the "retard" class on the walls.

THE BACKGROUND:

Carrie was 17-years-old. A former student at the secondary school, she now attended a specialized learning centre. She had caused her parents a lot of grief over the past few years. Adding to this strain, the family also had a developmentally delayed child at home. Sheila was 16 and attended the town secondary school. She was feeling very guilty about the incident. Lucy was also 16 and attended school with Carrie. The graffiti writing was her idea, and she felt no remorse about the crime. In fact, she did not take the incident or the CJF seriously.

THE FORUM:

Carrie and Sheila each came to the forum with both parents. Lucy brought her mother. A representative from the local youth services bureau, a school counselor, and the CJF facilitator were also present.

The girls began speaking one by one. While admitting their involvement in the crime, they showed very little emotion. The parents spoke about this incident and past behaviour. They told the group that they were worried their daughters were getting out of control.

The school counsellor then spoke, recounting the financial and emotional tolls that the girls' actions had on the school and the other students. She told the girls that she had a developmentally delayed child herself and found their actions particularly hurtful. She then read several letters to the girls, written by the students in the portable classroom. The letters recounted the students' hurt and anger about being called "retards." As the counsellor read the letters, all three offenders begin to cry as they realized the full impact of what they had done. Lucy's mother later told the facilitator that she had not seen Lucy cry in years.

The offenders agreed to apologize to the students by writing them a letter. They also agreed to volunteer some time to the developmentally delayed class by accompanying the students on a field trip. The parents agreed to pay for the damage to the school, and the girls all agreed to attend counselling sessions at the youth services bureau.

Giving Up the Fight

THE CASE:

Marvin lived in a secure custody facility for young offenders. He broke a minor rule, and when disciplined for it he became physically aggressive and threatened the youth workers, Kevin and Lisa. When Kevin and Lisa tried to move him into an isolation cell, Marvin swung a chair at Kevin and threatened to kill Lisa. The workers called the police to lay charges of assault and uttering threats. Kevin and Lisa agreed to try a forum to address the problem.

THE BACKGROUND:

Marvin was serving time for a number of assaults and property offences and had a history of violent, aggressive outbursts while in custody. Most of these incidents were handled without police intervention, but the serious nature of this event prompted the youth workers to involve the police.

THE FORUM:

Marvin admitted to what he had done but attempted to minimize his guilt by blaming Kevin for provoking him into the assault. When confronted, Marvin admitted his actions had a big impact on the workers and the other residents at the facility.

Kevin and Lisa spoke about their reaction to the incident and how it affected their families, as it changed their behaviour at home. Marvin's parents were embarrassed by their son's actions and said they were upset when they heard the whole story. Previously, they thought the staff had overreacted to a minor skirmish. Suzanne, Marvin's case worker, told Marvin she was disappointed in his behaviour, as she had put a lot of time and effort into working with him and had thought that he was making progress.

At first, Kevin and Lisa thought Marvin should face an extended period of isolation, which would be the maximum penalty. When prompted to speak his mind, Marvin agreed he should spend some time in isolation; however, he suggested restricted activity instead and offered to apologize to a teacher that he had been rude to the same day. Everyone agreed to the modified punishment.

After the forum, Kevin told the police officer he had been a youth worker for 10 years and had never felt so involved in the outcome of an incident.

Coming In from the Cold

THE CASE:

Jeffrey, a young offender, was accused of breaking into a car and causing about \$1,000 in damage to the convertible roof. Both he and the owner of the car were willing to try to resolve the situation in a forum setting.

THE FORUM:

A forum was organized with Jeffrey, his parents, the victim, two of his friends who had discovered the damage, and a CJF facilitator. Jeffrey began by explaining that he broke into the car looking for a jacket, because he had forgotten his at home.

The victim explained how he felt after the break-in and how his similar mistakes as a young man affected his life and his relationship with his family. One of his friends who discovered the break-in explained that this incident and others like it had created a lot of fear and distrust in the neighbourhood.

Jeffrey's dad apologized for his son's actions, explaining that he no longer felt he could trust his son. Jeffrey's mother also apologized for what the victim and his friends had gone through. She further discussed the impact of Jeffrey's behaviour on the whole family. Jeffrey apologized to everyone, including the police, and agreed to work on his parents' farm to repay his father for the money spent on the car repairs. Jeffrey also agreed to carry out community work that involved the collection of canned food to be delivered to the local food bank.

The victim promised Jeffrey a brand new leather jacket of his own once Jeffrey had completed the requirements agreed to at the forum. Everyone left on friendly terms.

Gaining Respect for the Dead

THE CASE:

Four young offenders were accused of damaging headstones in the local cemetery. Many of the stones were quite old, and some were damaged beyond repair.

THE FORUM:

The young offenders met with their parents, the local priest and minister, town council representatives, and a CJF facilitator. The teens admitted to the crime with varied reactions. Some were remorseful, one was defiant, and another owned up to what he had done.

The town representatives and clergy explained how the vandalism affected them, how shocked and upset they were, and how they felt the sanctity of the cemetery had been violated.

The offenders apologized for their actions and told the group they now understood the magnitude of what they had done. With the help of their parents, they agreed to pay for the damages, perform 10 hours of community work each, and plant flowers in the cemetery. They also agreed to research the history of some of the people whose graves they had damaged and write brief essays about those people explaining their contributions to the community. Everyone left on good terms.

Corporate Air Pollution

THE CASE:

A large, forestry-related company was investigated after one of its employees contacted a government ministry with concerns about the company plant's burning of plastic containers. This was not allowed on the permit the company had to burn, and the burning was releasing toxins into the air, contrary to the Waste Management Act. Crates containing scrap wood and plastic barrels containing paint residue were lined up in the yard in preparation for being loaded into the beehive burner.

Conservation officers arrived on the site, and after two months of investigation and the agreement of all parties it was decided that a CJF would be held to deal with this issue. Some of the reasons given for proceeding with a forum were concerns about the shape of the forest industry; about the need for a quicker resolution than possible through traditional routes; and about the community relationship the company wanted to maintain.

THE FORUM:

The offending company was represented by a senior executive, by its general manager, and by the plant's shift supervisor. Victim representatives included a plant employee speaking on behalf of fellow plant employees and the community's citizens, the community's mayor, and a waste expert. A conservation officer participated as a neutral party.

The forum started with the conservation officer outlining the events and outcome of the investigation. He highlighted the items burned and stressed that the company had been co-operative throughout the investigation.

The plant employee/citizen then revealed how upset he was about the possible impact of the pollution on his fellow plant workers and on the reputation of the plant, of which he was proud. He also expressed concern that the plant could have been forced to shut down and that a lot of good-paying jobs could have been lost.

The mayor likewise expressed concern for what it would have meant to his small town if the plant had been forced to shut down amid a troubled economy. He felt it could have crippled the town.

The waste expert then explained how toxic the burning of the material at the plant was to community citizens and plant employees.

The supervisor of the plant was extremely remorseful and apologized several times throughout the forum. He admitted to being the person who instructed the employees to burn the plastic. He shared his misunderstanding that there would be no pollution if there was not a lot of black smoke and if the fire was hot. He was also of the belief that the manufacturer of these items said they were okay to burn.

The company general manager indicated that he was unaware of the burning until approached by the conservation officers. He acknowledged the error on the part of the supervisor and wanted to move forward in correcting the problem. He intimated that he felt uncomfortable in the circle and did not want to be placed in this situation again and so would ensure that the incident would not be repeated.

The company's senior executive expressed considerable concern for the reputation of the company, which owns several other plants in addition to the offending plant, and about a potential backlash from corporate stockholders. He elucidated the company's conformity to high environmental standards and stated that the plant's burning of plastic was not in line with these standards. He informed the group that the company was already in the process of placing signs at the burner doors listing acceptable materials. He came to the CJF with a letter of apology to the community intended for release through the local paper.

The agreement reached by the participants of the CJF included several expectations of the company. The company was to prepare and to post—in hard copy at six prominent locations in its offending plant—a policy to guide its employees regarding its expectations for them to report environmental incidents when or before they occur. The policy was to include whistle-blower protection and a website link.

The company also was to clarify its incident-reporting and whistle-blower policies at its safety committee meetings. In addition, the company was to install wood-waste only signs on its wood-waste burner.

And finally, the company agreed to donate \$20,000 to the provincial conservation foundation in support of environmental programs and a part-time specialist for the town and surrounding area. The money also would cover the cost of monitoring a second air emission analysis sampler in the town at a cost of \$1,500 per year for three years. In the meantime, the company forwarded its letter of apology to the community to the paper for publication.

Decaying Fish Case

THE CASE:

Fishery officers seized two abandoned and set gill nets full of dead and rotting fish in what amounted to two counts in violation of federal fisheries laws. Count #1 violated Fisheries Act 36(1)(c): No one shall leave decayed or decaying fish in any net or other fishing apparatus. Count #2 violated Fishery General Regulations 34(3): No person who is food fishing for personal use or fishing for recreational or sport purposes shall waste any fish that is suitable for consumption.

Investigations led the fishery officers to discover that the nets were being used in an aboriginal youth program that teaches traditional and ethical fishing practices. Offender #1, the program supervisor, had given permission for the user of the nets, offender #2, to leave the river to attend to a family emergency and assured offender #2 that he, offender #1, would retrieve the nets.

The nets were not retrieved, and neither offenders were aware of that until they were contacted by the fishery officers. The nets had soaked for 29 days. Both individuals took full responsibility and agreed to participate in a forum.

THE BACKGROUND:

Because of the low returns in the fishery, conservation closures were in effect at the time for all recreational and commercial fisheries. In addition, all upper-river First Nations had in place self-imposed closures of their fisheries for food, social, and ceremonial purposes.

THE FORUM:

Offenders #1 and #2 spoke individually about what had happened, and each accepted responsibility for the transgressions. Offender #1 expressed anxiousness to move on. During the agreement stage, he recommended a plan to implement changes in the youth program of which he is a supervisor to prevent this kind of thing from ever happening again in the community.

Offender #2, a young adult, displayed great emotion and expressed that he didn't know how he would get over the shame that he caused his Nation, family, community, and co-workers. He brought up in the agreement stage a desire to work with youths to mentor them in ethical fishing practices. His mother was there to support him and was tearful in telling her son that she loved him and that he is not a bad person. She admitted that a terrible mistake had happened and worried about how the community would look at her family.

Both offenders' supporters expressed concern for the offenders and for finding a way of mending the harm without being so harsh as to damage relationships. The elder who attended in support of offender #1 expressed disbelief at how this could have happened with two individuals who were proving to be young leaders. The elder also revealed concern for the example the offence set for youth and over the waste of a valuable resource. In addition, he was concerned about the high level of shame being experienced by offender #2 and told the young man that part of healing involved forgiving himself.

The forum had three victims. First, a young person from the First Nation Fisheries Youth Group who worried that this incident would reflect badly on the program that the group had worked so hard to start. Second, one of the two fishery officers who discovered the nets and described what it was like pulling nets full of rotting salmon out of a river that he well knew was in conservation mode to protect these very fish. The officer detailed how upper-river First Nation fisheries were making sacrifices by not fishing and how the river closure was affecting recreational fisheries. He recommended that both individuals complete patrols with fishery officers to get a sense of what officers do on the river and why the marking of nets is so important.

The third victim was the local chief, who represented the community's council at the CJF. He asked the following questions: What will the other First Nations' response be, because they are not harvesting fish and the offenders have wasted so much? What are the political implications? What will they tell their members, because there has to be some accountability? What do we need to do to stop this from happening again?

Victims' supporters included a community First Nations counsellor, who was grateful for the CJF process and for the professionalism of the fishery officers involved. A respected community elder, he spoke about the lower returns of salmon each year and the lesson this incident provided for the community's youth. He suggested that the offenders attend youth council meetings and reiterated that protracted shame was not good and that the offenders needed to forgive themselves.

After four hours of discussions regarding the impact of the incident on First Nation youths and families and on the resource, two agreements were completed. All participants expressed gratitude and support to the fishery officers for convening the CJF process.

THE AGREEMENT:

The two completed agreements had the following requirements and were signed by all forum participants. Each of the offending individuals was to complete seven hours of patrols during work hours with personnel from the Department of Fisheries and Oceans, including making two phone calls each to plan patrols with fishery officers. One individual also agreed to attend youth council meetings, and the other individual agreed to teach youths fishing ethics and techniques. Both offenders also had to complete a log of activities. In addition, one of the offenders agreed to complete a memo outlining a plan to implement changes to repair the harm and prevent this kind of incident from ever happening again. The plan would include developing a method to account for every net in the youth group program after the close of a fishery.

Both individuals were extremely remorseful. And fisheries officers felt certain that they would not repeat the offence.

THE SUMMARY:

The process has strengthened the Department of Fisheries and Oceans' relationship with the two individuals involved in the incident and with the First Nation's peoples in general. The individuals' patrols with fishery officers led to better working relationships and greater trust. There was increased understanding by the offenders of the purpose of patrols and of issues encountered on patrols, such as the importance of marking community nets. As a result, the community has taken steps to better account for and track its nets.

Crab Fishing in a Closed Area

THE CASE:

The file was referred for a CJF by officers from the Department of Fisheries and Oceans and involved the skippers of two commercial crab fishing boats that had fished in a closed area. The area had been closed because crab fishing gear was interfering with the safe navigation of large, ocean-going vessels and with tugboats engaged in approaching and docking at the area's port. The two skippers agreed to participate in the CJF process and to accept responsibility for their violations.

This case initially seemed to be fairly simple, dealing with setting gear in a closed area. However, once pre-forum interviews were conducted with the victims, it was found that the implications of the violations for the safety of ships and their crews and for the environment were very serious. Tidal conditions in the approach to the port made ship and tug manoeuvring critical to stopping and docking. If a tug became disabled by a crab trap line, the results could be significant damage to the tug or injury to the crew. A large ship's inability to stop might result in collisions with other ships or with the dock and possibly even in running aground on the shore, leading to millions of dollars in damage, to injury or loss of life, and to environmental devastation from spilled fuel oil.

THE FORUM:

Thirteen people participated in the forum. They included a representative from a tugboat company, two ship captains (pilots), two Area I crab fishers, two fishery officers, an interpreter, and the two offenders and their three supporters. Both offenders understood English but required interpretation for clarification. For support, they brought three sons between them. The son of one offender was also a deckhand on his crabbing vessel.

The forum went fairly well, and it quickly became clear that the theme for resolving the harm would be education of the crab fleet about the closure and possible consequences of setting gear in the area. It was discovered, however, that translation from one language to the other caused a significant break to the flow of the forum because of difficulties in translating concepts or phrases that required lengthy explanation to ensure understanding. Fortunately, the translator had previously been a fishery officer who also understood the concepts of restorative justice, and this made translation somewhat easier.

THE AGREEMENT:

The two offenders agreed to develop a pamphlet explaining the shipping safety concerns of the port authorities and warning that anyone caught fishing in the closed area would be subject to a recommendation for licence suspensions and area prohibitions. The pamphlet contents were to be approved by the forum participants, and 200 copies of the pamphlet were to be paid for by the offenders up to a cost of \$1,500 to each individual. The pamphlet was to be produced in English, Vietnamese, and Chinese and would be sent out with the Area I commercial crab licences the following year.

The two offenders also agreed that should they be caught fishing in the closed area in the following season they would voluntarily relinquish their crabbing privileges in certain areas for a period of one year from the date of violation. If they commit a second offence or continue to fish in the areas, they will voluntarily relinquish their fishing privileges for the entire Area I for a one year period from the date of violation. The two offenders, moreover, agreed to report any crab fishing floats in the closed areas to the Department of Fisheries and Oceans' Observe, Record and Report Line.

New relationships and understandings occurred between many of the participants, and everyone seemed to benefit from the forum. The officers involved were very satisfied with the outcome and would be actively involved in monitoring compliance with the agreement.

The Effects of Shoplifting

The following essay was written by a 14-year-old as one of the resolutions in a recent Community Justice Forum conducted by a restorative justice program in "E" Division and appeared in the Horse & Rider.

Hi, my name is Keith. I steal from stores as a hobby, it's almost like a job, and so do most of my friends. We call ourselves the Unit, here's our story.

DAY 1

I walked into Sears while the Unit waited outside. The day before we scoped out the joint and two of us found this tripped out belt. So here's the plan; I go in, buy the belt, walk out of the store. Simple, right? Well here's the catch, I hand the receipt off to Kaden. He walks in grabs the belt and walks out. The alarm goes off, he flashes the receipt and goes. Simple, easy, no harm done. Right?

DAY 2

I have a rep for doing this and pullin' it off. People come to me daily asking how to get, well, let's say a "deal" on shop merchandise. I'm not trying to keep it a secret so I tell 'em. No biggie. Right?

DAY 4

I'm hearin' all sorts of stories from the kids that I told my little "hobby" to, most of 'em pulled it off. Some were arrested. Guess they couldn't make the cut. Let's see, that was about twenty kids that got away with it. So that's maybe twenty or more objects stolen. Who cares, it's not that much money. Only like \$20.00 for each thing stolen. Wait. $20 \times 20 = 400$. Oh, that's \$400.00 in a couple of days, but it's still no biggie, but how many other people were stealin' that I don't even know about? Well whatever, it's not my problem.

DAY 5

The Unit is walkin' down the street. This time we have bigger plans. One of us walk in, start lookin' in the clothin' department. It's Nikolai's turn this time. He finds a good pair of pants and heads over to the electronics section, and right there, is an electric blue Sony MP3 player and slips it into his own pants, then slips the box into the bench cushion and walks out. Hold up! How much did that MP3 cost? And what would happen?

DAY 10

Less and less people have been showin' up to class each day, guess that they'll just fail this year. I feel slightly bad because they're goin' to fail from them gettin' arrested, they all try what the Unit does, but nobody does it better than the Unit so I guess it shouldn't get to me. I get home, mom's sittin' there with a Sears catalogue, flippin' through page after page. She finally looks up at me and immediately starts complainin'. "Prices at Sears have really gone up all of a sudden, last month their MP3's were only \$52.00. Now they're \$86.00." I think this through. Normally after somethin' has been on the shelf for a while prices will start to get cheaper. Does this have somethin' to do with the Unit?

DAY 18

People keep complainin' that the prices keep goin' up. Many of them cannot afford the merchandise now. And I found out why the prices have been goin' up too. Each time the Unit would steal, or any other people, Sears has to pay for it. How do they pay it back? By raisin' prices. And when you raise prices less people can afford things causin' less sales, and less money for the shoppers' wallets. And when families have less money they have less food and clothes. And suddenly I realize this "hobby" isn't affectin' me so much as it's affectin' a three year old toddler or an eighty-nine year old man.

DAY 48

The Unit got busted. Handcuffed, put in police cars and everythin'. I should have stopped when I first found out the real effects of shopliftin', I would do anythin' in the world to trade my spot with someone else, but I didn't stop and there's no going back. And that brings me to now, writing this about our broken Unit...but I believe it was meant to be broken.

APPENDIX C

Steps in a CJF

BEFORE	DURING	AFTER
<p>Receive case details</p> <p>Become familiar with case</p> <p>Draft plan and consult with co-facilitator (if there is one)</p> <p>Invite participants and determine time, date, and place for Forum</p> <p>Arrange interviews with key participants and supporters</p> <p>Book forum site, conduct interviews, and confirm attendance of participants</p> <p>Confirm time, date, and place of CJF with all participants</p> <p>Prepare CJF seating plan, arrange refreshments, etc.</p>	<p>Arrange seating and refreshments</p> <p>Greet participants</p> <p>Conduct brief interviews with all participants</p> <p>Complete documentation</p> <p>Identify participants by name and seat according to seating plan</p> <p>Introduce case and give preamble on rights</p> <p>Conduct core of CJF: listen to offenders' stories, victims' stories, supporters' stories</p> <p>Reach outcomes: discuss resolution and need for consensus</p> <p>Hold reintegration ceremony and agreement signing</p>	<p>Debrief with co-facilitator/office</p> <p>Finalize records and complete case summary, log sheet, etc.</p> <p>Follow up on referrals</p> <p>Monitor agreements</p> <p>Be available to discuss issues of concern with participants</p> <p>Reconvene with some or all participants if and when required (should be rare occurrence)</p> <p>Complete any closing documentation, including advising referring agency of outcome</p>

APPENDIX D

Pre-Forum Interview Checklist: *Listen, Listen, Listen!*

Have you discussed/reviewed the following:

- Confidentiality and other agreements for a safe, respectful environment
- Values (trust, respect, transparency, safety)
- Parties to the incident (Have you got them all?)
- Seating arrangements and room set-up
- Each section of the Script and the purpose of same
 - Introduction (sets out values, incident, rights, settles everyone in)
 - Story telling (focuses on incident, script, all having an opportunity)
 - Agreement (seeks victim input first, full consensus, 3 R's, non-stigmatizing, clear and specific, supervision/monitoring, signing)
 - Refreshments (informal reintegration)
- Supporters (Available for all participants?)
- Role of each participant (why they are there, when they will speak, involvement during the agreement stage)
 - Offender (accepts responsibility, speaks first, wants to repair harm, agrees voluntarily to resolution)
 - Guardian, if applicable (supports the Offender, participates in script when requested, discusses and participates in agreement stage, supports final agreements reached)
 - Victim (clarifies details and tells story so others feel incident's impact, clarifies needs to repair harm and expectations of forum)
 - Supporters of Offender (same as guardian)
 - Supporters of Victim, including Victim Services (support Victim by participating in script; clarifying details stated by victim, including harm to victim; contributing at agreement stage; supporting final agreements)
 - Others, including police officers, neutral parties, lawyers, etc. (confirm details, support final agreements)
 - Facilitator and, if applicable, Co-facilitator (stays neutral, moves script along, manages emotions, allows all to speak, uses silence, sustains restorative values, maintains safety and respectfulness of forum, ensures agreements are consensual and as discussed above)
 - Mentor, if applicable (performs role as set out by program, including supervising and monitoring agreements, supporting offender and family, liaising between offender and any required agencies)

SECTION 3: APPENDICES

- Possible resolutions to repair harm
 - Don't know (discuss suggestions may be discussed at interview)
 - Restitution wanted (determine invoices, ability of offender to pay, alternatives)
 - Community service (outline what is available), etc.
- How factors not related to incident are handled (drugs, not attending school, parent/teen issues, peer pressure, etc.)
- Forms (signed and applicable to your program)
- Handling restitution money, if applicable
- Role of program staff
- Follow-up after CJF (by letter, phone call, further circle, evaluation process)
- Forum location and date (AM/PM)
- Confirmation of participation and attendance
- Clear understanding of process among all participants
- Answers to all questions (or advise that you will find answers)
- Business card/contact information to give to participants

DO NO FURTHER HARM... IT'S NOT MY CIRCLE

APPENDIX E

Pre-Forum Interview Exercise

- Receive and review referral
- Contact victim and victim's supporters and set up face-to-face interviews
- Review Pre-forum interview checklist in preparation for interviews

VICTIM INTERVIEW GUIDE

- Introduce yourself and your co-facilitator, advise the victim of who referred the matter, and explain the CJF process using the coloured resource map as a guide.
- Ascertain the victim's willingness to participate following your explanation of the process, ensuring to include in this discussion any victim support persons present.
- If the victim agrees to participate, ask the victim to relate what happened. You need to hear the whole story, from beginning to end. Ask the victim questions from the script to get an idea of the levels of emotions being experienced. Keep in mind the victim's needs (review appendix L) as you ask questions. Ensure that you also ask any victim support persons present questions to get an idea of what they will bring to the forum. Also talk about the agreement phase and ask victim for victim's expectations. If there has been a high dollar loss, ask the victim if repayment is expected.
- If you hear anything that may interfere with the success of the process, talk about it now with the victim and the victim's supporters.
- If the interview is complete and the victim has told you everything you need to know, confirm that this is the process the victim wants and advise that you will go ahead and make preparations to hold a forum.
- If the victim support persons are not present, ask the victim who the victim wishes to invite as support. Encourage the victim to include more supporters if need be and provide examples of who may participate. Get contact information on the support people and ask the victim to let those people know that you will be contacting them for an interview.
- Discuss the date and location for the forum, but let the victim know that the date and location could change if the majority of people cannot make that date or feel uncomfortable about the location. Give the victim your contact information and assure the victim that you can be contacted for further questions or clarifications or for any support that may be required. Also advise the victim of the availability of victim services if this information has not yet been provided.

APPENDIX F

Pre-Forum Interview Exercise

- Receive and review referral
- Contact offender and offender's supporters and set up face-to-face interviews
- Review pre-forum interview checklist in preparation for interviews

OFFENDER INTERVIEW GUIDE

- Introduce yourself and your co-facilitator, advise the offender of who referred the matter, and explain the CJF process using the coloured resource map as a guide.
- Ascertain the offender's willingness to participate following your explanation of the process, ensuring to include in this discussion any offender support persons present.
- If the offender agrees to participate, ask the offender to relate what happened. You need to hear the whole story, from beginning to end. Ask the offender questions from the script to get an idea of the levels of remorse/shame and other emotions being experienced. Ensure that you also ask any offender support persons present questions to get an idea of what they will bring to the forum. Also talk about the agreement phase and inquire if they know what the victim may want and what they think might be done to repair the harm. If there has been a high dollar loss, let the offender know that the victim may ask for reparation and that you will let the offender know the amount after you've spoken with the victim (or discuss this if already known).
- If you hear anything that may interfere with the success of the process, talk about it now with the offender and the offender's supporters.
- If the interview is complete and the offender has told you everything you need to know, let the offender know that, provided the victim agrees to the process, the offender will be expected to restate at the CJF everything said in the pre-forum interview. Ask the offender if this is agreeable.
- If the offender support persons are not present, ask the offender who the offender wishes to invite as support. Encourage the offender to include more supporters if need be and provide examples of who may participate. Get contact information on the support people and ask the offender to let those people know that you will be contacting them for an interview.
- Discuss the date and location for the forum, but let the offender know that the date and location could change if the majority of people cannot make that date or feel uncomfortable about the location. Give the offender your contact information and let the offender know that you can be contacted for further questions or clarifications or for any support that may be required.

APPENDIX G

CJF Facilitator Preparation Checklist

- Do you have a clear understanding of the incident?
- Are you clear about who the offender(s) and victim(s) are? (contact office if further offenders/victims come to light)
- Have you spoken with the investigating officer or relevant staff member(s)?
- Have you spoken with other individuals who may be able to shed light on the incident?
- Have you invited to the CJF everyone who has been harmed/affected by the incident—all those necessary to the CJF's success?
- Do you know who is attending and what each person is likely to say and what they will contribute?
- Do all the participants understand the purpose (to focus on the incident) and the process (the Script and seating plan) of the CJF and their role at the CJF?
- Is the location suitable? Will you be disturbed? Is it large enough?
- Does everyone know the CJF date and time (AM/PM), the location, and how to get there?
- Have you prepared your seating plan (in consultation with your co-facilitator)?
- Have you thought about what the CJF will look like; about how it is likely to unfold; about the dynamics of who is likely to be supportive, hostile, or otherwise?
- Do you need help arranging refreshments for, setting up, or running the CJF?
- Are you satisfied that you are well prepared for the CJF?

APPENDIX H

Community Justice Forum Facilitator's Script

ROOM ARRANGEMENT

- Before participants arrive, arrange the seating according to the seating plan
- Have tissues, script, agreement forms, etc., ready
- Set up your refreshments so they are inconspicuous — you don't want people helping themselves before you begin

GREETINGS

- Greet each person upon arrival
- Invite the victim and victim's supporters and the offender and offender's supporters to wait in separate areas

INTRODUCTIONS

Welcome. I'd like to begin by introducing everyone. My name is _____, and I will be facilitating today's Forum.

Introduce each participant and indicate their relationship to the victim, offender or incident. (Do not use the words Victim & Offender in the Forum)

Your presence here today is appreciated and shows a willingness to resolve this situation. We will be concentrating on what happened... **(give basics of the incident, date, place without details).**

We will be dealing with what _____ did and how others have been affected. It must be understood that we are not here to judge _____'s character. Instead, we are here to learn how others have been affected by _____'s actions and to find ways to repair the harm that has been done. To help us understand what is needed to make things right, I will invite you all to talk about how you and other people may have been hurt or affected by what has happened.

You are reminded that the discussions here today are confidential and that we will remain respectful so that everyone can feel safe. Each person will have a chance to speak.

(To Offender) _____, your presence here today is voluntary and you are free to leave this Forum at any time. However, if you choose to leave, this matter will be dealt with in a different way. By participating in this Forum and completing the agreement reached, this matter will be finalized. Do you understand this?

If a youth, ensure that parents/guardians also indicate their understanding.

OFFENDER(S)

_____ has admitted his(her) role in this matter and we will start by asking him(her) to tell us what happened. _____, tell us what happened and what was your part.

Key questions to ask offender(s) to solicit a complete story:

- How did you come to be involved in this incident?
- What were you thinking about at... **(specify critical points in the incident)**
- Who do you think has been affected by your actions?
- In what way have they been hurt or affected?
- What have you thought about since?
- How have you been affected?

VICTIM(S)

_____, what was your first reaction when this happened?

Key questions to ask the victim(s) to solicit a response:

- What did you think immediately after?
- How has this affected you?
- What has been the hardest thing for you?
- How did your family and friends react when they heard what happened?

VICTIM'S SUPPORTERS

- _____, how did you find out about what happened?
- What did you think when you heard about it?
- How has this incident affected you?
- What has been the hardest thing for you?
- What has been happening with _____ **(victim)** since this happened?

OFFENDER'S SUPPORTERS

- _____, how did you find out about what happened?
- What did you think when you first heard about it?
- How has this incident affected you?
- What has been the hardest thing for you?
- What has happened with _____ **(offender)** since this happened?

OFFENDER

_____, you have heard how _____ (**victim**) and others have been affected by your actions. Before we move on, is there anything you would like to say to _____ (**victim**) or to anyone else here?

We are now going to talk about how to repair the hurt and harm that has been caused. Before we do, is there anything anyone else would like to say at this time?

AGREEMENT (RESTITUTION AND REPARATION ARE NOW NEGOTIATED)

(Allow plenty of time for discussion so that plans to repair the harm may begin to develop. Include the offender(s) and the offender supporters in your discussions to ensure that there is consensus on what is being asked for by the victim(s) and other participants. Remember, your role as a facilitator is to make note of all the suggestions. You may need to ask questions to help clarify and focus discussion points. It is helpful to take each suggestion and ensure specifics are included: that each contains monitoring arrangements, deadlines, and the specifics of who does what...when...where...and how much.)

Start with the Victim:

After hearing all that has been said here, what would you want to see happen as a result of this Forum?

Ask the Offender:

What do you think of what _____ has suggested? What do you think you need to do?

Ask the Victim supporters:

What do you want to see happen?

Ask the victim and all forum participants:

Is there anything else you think will help make things right?

When the agreement has taken shape and is beginning to look okay, be sure and ask the offender:

Do think this is fair?

Then ask the offender supporters:

Is this a fair arrangement?

Then ask generally to all:

Do you think this is fair?

Is everyone satisfied with this?

NEUTRAL (IF PRESENT)

- You have heard the outcome, is there anything you would like to say?

CLOSING THE FORUM

Read back the agreement exactly as it will be signed to ensure that the group's decision is accurately recorded.

Participating in this Forum and the completion of this agreement will go a long way toward repairing the harm that has been done. Is there anything anyone would like to say before we close?

Go around the circle and give everyone an opportunity to speak if they wish.

Thank you all for coming. I hope it's been worthwhile for you. Please help yourselves to refreshments while I prepare the agreement for signatures.

(When writing up the agreement, you must ensure that it is exactly what the group intended; that it contains monitoring arrangements, deadlines, and the specifics of who does what...when...where...and by how much.

DO NOT rush people out of the conference room—remember that much informal reintegration will be happening now.

When you see that the informal reintegration has occurred and you have the agreement ready for signing, have the participants return to the seating area for the signing of the agreement.)

APPENDIX I

CJF Seating Plan

INCIDENT:

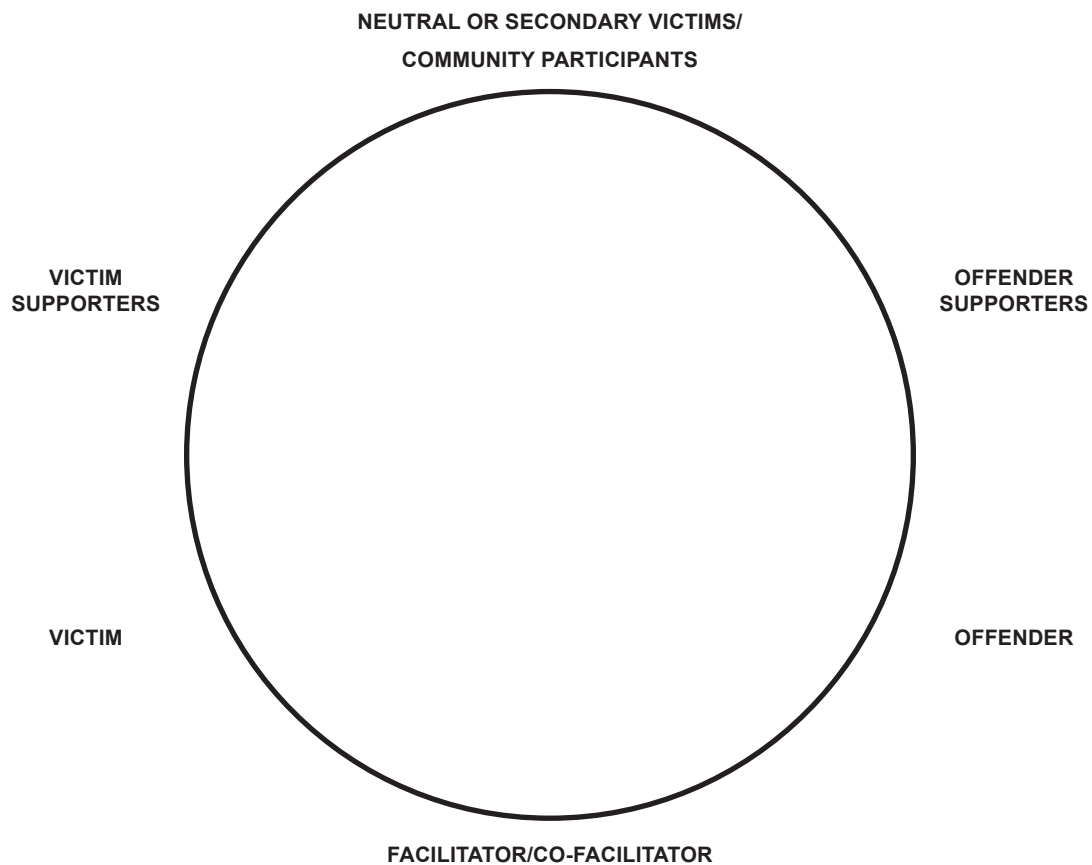
DATE OF OCCURRENCE:

FORUM LOCATION:

DATE OF FORUM:

REFERRAL PERSON:

FORUM FACILITATOR:



Note: Arrangement can be reversed, with Offender to left of Facilitator and Victim to the right, etc. There may be a cultural reason for a certain arrangement. Regardless, the Offender is always the first to tell the story about what happened, so the circle is set up in such a way that the circle is complete by the time the last person tells the story.

APPENDIX J

Community Justice Forum Agreement

The Community Justice Forum took place at _____

on _____ and was facilitated by _____

The participants in the Forum were:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The following agreements were made (use additional paper if more space is required):

The terms of the agreement will be supervised by _____

Follow-up in the form of _____ will take place on _____

Agreement completed by: _____

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____

APPENDIX K



BRITISH
COLUMBIA

Help Starts Here.

Information on Restorative Justice Approaches for Victims of Crime

When an act of crime or violence has been committed, those harmed may feel varying degrees of confusion, loss, fear, anxiety, and even guilt. Victims may have questions such as, “*What kind of person would do this?*”, “*Why did this happen to me?*”, or “*How can I prevent this from happening to somebody else?*” The court system may not be able to help alleviate these feelings or answer these questions for victims, therefore some victims of crime may be interested in learning more about the support options available to them, including a restorative justice process.

What is restorative justice?

Restorative justice seeks to repair the harm caused by crime and violence by facilitating a process that addresses victims’ needs and holds offenders meaningfully accountable for their actions. To achieve this, offenders must first accept responsibility for their role in an offence and the harm they have caused. Victims must also voluntarily choose to participate. In this approach, crime is understood not only as breaking the law, but as a violation of people and relationships and a disruption of the peace in a community.

What does a restorative justice process look like and who is involved?

In a restorative justice process, everyone affected by a particular offence is invited to participate in a discussion of the circumstances surrounding the offence. Often this means that victims and their supporters, and offenders and their supporters, are guided by a restorative justice facilitator (or in some cases an elder) through a structured dialogue. This dialogue allows participants to share how the offence happened, how they were affected, and what needs to happen to make things right. The number of people involved will vary depending on the type of offence and the comfort-level of participants.

Why would I participate in a restorative justice process? What about court?

There are a number of reasons that a person who has experienced a crime will participate in a restorative justice process. You may have questions for the offender, or want the offender to understand the impact their actions have had on you, your family members, and others. You may want restitution or compensation directly from the offender. Or you may feel that a direct discussion with the offender will allow you to have closure and to move on from the effects of the offence. These kinds of interactions may not be available in the court process.

Some victims feel that a restorative justice approach is more effective than the court system in ensuring that the offender does not repeat harmful behaviour. Others would prefer that the court handle the matter, and do not want any involvement in a restorative justice process. The decision to participate or not to participate in a restorative justice process are both valid choices.



Ministry of
Public Safety
and Solicitor General





What do people say about restorative justice?

Most victims who participate in a restorative justice process are very satisfied with the experience and results. Participants express that the benefits include feeling listened to and acknowledged, receiving answers to their questions, experiencing an increased sense of safety, and, in some cases, receiving financial restitution. In addition, victims often appreciate the opportunity to give input into the outcome of the offender's agreement.

In rare instances participants have expressed dissatisfaction with the offender's level of remorse, disbelief that the offender is telling the truth, worry that the offender will not live up to their commitments, and concern about possibly forfeiting the opportunity to see the offender prosecuted in the criminal justice system. You can speak with a restorative justice facilitator to discuss your concerns and to help consider your options.

How does the offender benefit and why would they want to participate?

Offenders have an opportunity to express their perspective and to fulfill their obligations to the victim and the community in ways that are often more meaningful than through a criminal justice process. Depending on the source of the referral, an offender may or may not be able to avoid a criminal record or a court process by participating in a restorative justice process.

For which types of crimes is restorative justice used?

In B.C., restorative justice is most commonly used for less serious offences such as mischief, assault, and theft.

However, a restorative justice process can potentially be used for any crime in which harm has occurred, and where the victim would like an opportunity to be heard, to have questions answered, or to seek restitution.

What can I expect?

A restorative justice facilitator can explain the process, and answer your questions about participation. You can also seek the support of a victim service worker.

Where is more information available?

Victim Services and Crime Prevention Division

- Phone: 604 660-5199
- Email: SGCPD@gov.bc.ca

Restorative justice is not offered in every community. Please contact the number above and ask to speak with the Restorative Justice Coordinator to find out if there is an agency offering this service near you.

VictimLINK (Victim Services Information and Referrals)

- Phone: toll free at 1 800 563-0808 (available 24 hours a day and is multi-lingual)
- TTY (Teletypewriter): through Information Service Vancouver's TTY service at 604 875-0885 (collect calls accepted)

Support is available to all victims of crime in B.C. Contact VictimLINK for more information on community and government resources, including social, health, and justice resources such as victim services and counselling.

Please note: *This document provides general information only. It is not intended to provide legal advice.*



October 2009



APPENDIX L

How Crime Affects the Victim

PHYSICALLY

- Injury - Bruises and scratches to life-threatening injuries and even death
- Physiological reactions, such as sleep, eating, or other bodily disturbances
- Chronic ailments can develop

FINANCIALLY

- Property loss or damage
- Lost wages
- Medical expenses
- Child care expenses
- Counselling and recovery-related expenses

EMOTIONALLY/PSYCHOLOGICALLY

- Various degrees of personal suffering and trauma
- Initial emotional crisis and long-term effects

OTHER

- Inadequate responses to the victimization and the needs of the victim adds to the distress that victims and their families suffer

The Three I's of Secondary Victimization

INJUSTICE

- Fear of reprisal
- Lack of information
- Perceived lack of interest by the police, courts, and correctional system
- Delays in the court system
- Lack of contact and response from appropriate 'players' in the court system
- Loss of income or job

INDIGNITY

- Inability to pay funeral expenses
- Sexual assault examination
- Police investigation and questioning
- Inference of blame on the victim

ISOLATION

- Exclusion by family friends and others who may blame the victim
- Exclusion by others as a result of their fears, suspicions, insecurities, or feelings of vulnerability
- Discomfort of others in talking about the incident with the victim
- Exclusion by projecting the attitude that the incident has made the person or family 'different' in some way

APPENDIX M

Benefits for Participants of a Community Justice Forum

BENEFITS FOR VICTIMS

- Provides chance to be heard
- Removes the fear of re-victimization
- Offers insights into the offender
- Satisfies curiosity
- Provides more certainty
- Grants immediacy
- Gains definite result
- De-certifies the person as a victim
- Restores stability and trust in people
- Offers chance for closure

BENEFITS FOR OFFENDERS

- Provides alternative to adversarial process
- Offers chance to have a say
- Provides support
- Offers full reintegration
- Grants atonement through owning up to behaviour
- Ensures communication is in a co-operative manner
- Deals with results of behaviour
- Gains insight and understanding
- Portrays whole person
- Reduces chance of reoffending
- Avoids criminal record

BENEFITS FOR SUPPORTERS OF VICTIM & OFFENDER

- Reduces cost
- Heightens understanding
- Gives perspective of both sides of the incident
- Involves stakeholders
- Avoids publicity
- Contributes to outcomes
- Grants chance to be heard
- Restores faith in the system
- Regains lost control
- Provides positive chance to fix things
- Offers chance to regain respect and understanding
- Strengthens family bonds
- Ensures input is not discounted
- Provides catalyst for change
- Reaffirms the status of primary victim

BENEFITS FOR SCHOOLS

- Reduces recidivism effectively
- Allows for emotional defusing
- Provides a forum for options
- Offers insight into police and school interaction
- Enhances parental cooperation and student control
- Offers schools opportunity to reassess behavior management approaches
- Transforms approaches to one another

BENEFITS FOR POLICE

- Raises satisfaction through better outcomes
- Reduces paperwork
- Shifts responsibility to the community
- Heightens cost-effectiveness
- Offers proactive, restorative approach
- Recognizes needs of victim
- Strengthens partnerships with community

APPENDIX N

Facilitator Best and Worst Practices

BEST PRACTICES

- Contacts and informs participants prior to the CJF and ensures understanding of the issues and process
- Creates an open, safe, and trusting atmosphere
- Makes certain everyone in attendance has a legitimate reason to be there
- Helps people understand why they are participating
- Speaks in simple and direct language
- Views role as an aide to the process—a neutral referee
- Treats all participants with dignity and respect
- Makes members the centre of attention
- Maintains the purpose and focus of the forum
- Makes sure everyone has a clear understanding of any agreements
- Ensures that participants feel ownership for what has been achieved
- Ensures agreements are not stigmatizing or shame inducing
- Ends forum on a positive and optimistic note

WORST PRACTICES

- Proceeds even if the facts are in question
- Allows someone other than the offender to outline what happened
- Loses sight of the aims of the process: to achieve the most satisfactory outcome for victims and offenders, repair the harm done, and reduce the potential for further harm
- Imposes a sermon or prayer on the group
- Involves people who have no right to be at the forum
- Takes sides
- Rushes the process
- Remains oblivious to what the group thinks or needs
- Loses track of or deviates from the scripted order of events
- Tries to provide answers or to “fix” things
- Is overly passive with the process
- Lacks sensitivity to cultural diversity issues
- Issues a closing lecture
- Tells offenders that they are lucky to have this opportunity
- Informs offenders that they will never have this opportunity again

APPENDIX O

Community Justice Forum Case Report

Facilitator: Please fill this out completely immediately after conducting a Community Justice Forum and keep a copy for your records.

1. Type of Offence _____ Date of Offence _____
2. Number of Offenders _____
3. Age of Offender(s) _____ Gender of Offender(s) _____ Ethnic group (if known) _____
 - a) _____
 - b) _____
 - c) _____
 - d) _____
4. Number of Victims _____ 4a. Gender of Victims Vi 1) _____
 Vi 2) _____
 Vi 3) _____
5. Date of CJF _____ 5a. Duration of CJF _____ hours _____ minutes
6. Total number of CJF participants _____
 - # of Victim(s) _____
 - # of Offender(s) _____
 - # of Victim Supporters _____
 - # of Offender Supporters _____
 - # of Neutral Parties _____
7. Agreement reached? Yes _____ No _____
 Nature of agreement _____
8. Person assigned to monitor compliance with agreement? Yes _____ No _____
9. Name of Facilitator (please print) _____
10. RCMP Detachment/Other _____ Tel. no. _____
11. Telephone number of Facilitator _____

APPENDIX Q

CJF Case Summary

In writing up case notes, we suggest using the format outlined below.

Date _____

Place _____

Facilitator _____

BACKGROUND INFORMATION ABOUT INCIDENT

POLICE/SCHOOL INTERVENTION

Describe what happened prior to the forum

FORUM PARTICIPANTS

List names of participants and their roles (e.g., name—offender's mother)

SECTION 3: APPENDICES

DESCRIPTION OF FORUM

Describe the content and process of the forum

FORUM OUTCOMES

Describe the agreements reached

ISSUES

Anything of interest noted

Lessons learned/implications

Recommendation

APPENDIX Q

CJF Case Summary

In writing up case notes, we suggest using the format outlined below.

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List names of participants and their roles (e.g., name—offender’s mother)

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List names of participants and their roles (e.g., name—offender's mother)

SECTION 3: APPENDICES

DESCRIPTION OF FORUM

Describe the content and process of the forum

FORUM OUTCOMES

Describe the agreements reached

ISSUES

Anything of interest noted

Lessons learned/implications

Recommendations

APPENDIX R

Facilitator Certification Log

Name _____

Program Affiliated with _____

Date & Place of Training _____

Name of Trainer _____

1. Co-Facilitation: Date _____

Location _____

2. Co-Facilitation: Date _____

Location _____

3. Facilitation: Date _____

Location _____

4. Facilitation: Date _____

Location _____

5. Facilitation: Date _____

Location _____

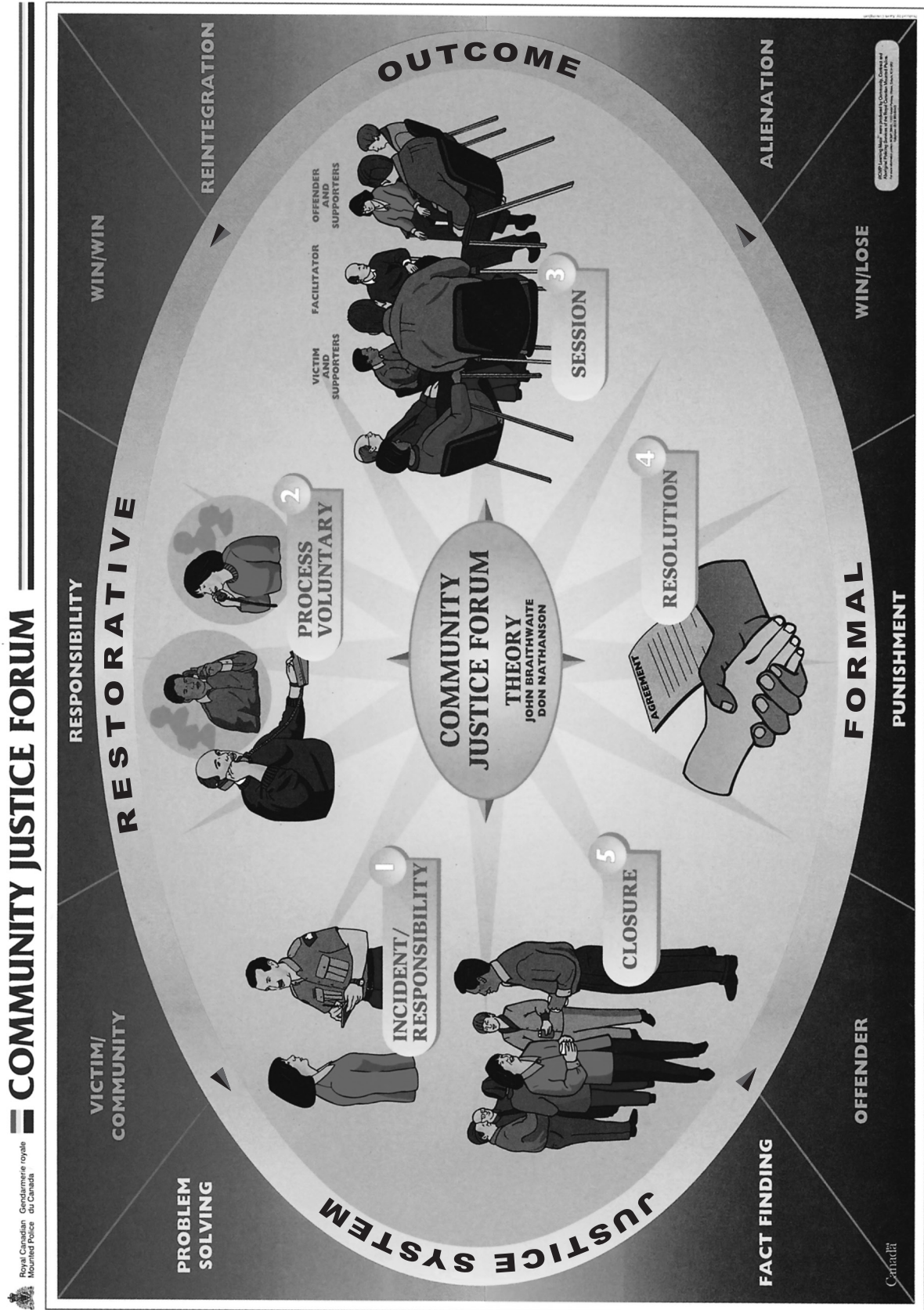
Facilitation # _____ Observed by _____

Date forwarded for certification: _____

(Please attach case summaries or reports for each CJF)

Trainer or Accredited Facilitator/Staff Signature

APPENDIX S



APPENDIX T

Glossary

Accessible (ility): Easy to approach; ease of understanding; ease of use; openness; user friendly; convenient; reachable; available; clear; simple

Accountable (ility): Responsible; answerable; blamed; liable

Affect: Emotion; to produce an effect on

Alienation: Isolation; separation; distancing; divide

Alternative: Option; substitute; choice; other

Avoidance: Evade; dodge; keep away from

Barrier: Obstacle; difficulty; obstruction; barricade

Collaboration: Teamwork; group effort; cooperation; partnership; join forces

Commitment: Promise; pledge; obligation; assurance

Coercion: Force; intimidate; bullying

Condescend(ing): Talk down to; patronize; humiliate

Conference: Meeting; discussion; talks; forum

Confidentiality: Privacy; discretion

Conflict: Disagreement; clash; argument; dispute

Consensus: Agreement; harmony; consent

Consequence: Result; outcome; effect

Credibility: Trustworthiness; integrity; sincerity; reliability

Dispute: Disagreement; argument; clash; difference of opinion

Diversion: Redirection; reroute; deflect; avert; refocus

Dynamics: Life force; giving vigor; forces; energy

Empower: Allow; authorize; sanction; give power to; make powerful

Facilitat(or): Smooths the progress; helps; assists, makes possible or easy

SECTION 3: APPENDICES

Guilt: Shame and fear combined; fault; blame; remorse

Holistic: Analysis of the whole system; taking into account all of someone

Immediacy: Nearness; closeness; urgency; high priority

Impartial: Neutral; fair; objective; unbiased; detached; open-minded

Incarceration: Imprisonment; custody; confinement

Inclusive: Wide-ranging; complete; general; broad; all-encompassing

Indignation: Righteous anger; resentment; offense; crossness

Insolence: Disrespect; rudeness; cheek; audacity; impertinence

Interaction: Communication; contact; relations; dealings

Isolation: Separation; seclusion; remoteness; segregation; loneliness

Intervene: Intercede; interfere; arbitrate; mediate; get involved

Justice: Fairness; even handedness; impartiality; fair dealing; integrity; honesty; truthfulness

Legitimate: Rightful; lawful; legal; genuine; valid; justifiable

Mediation: Intervention; arbitration; conciliation; negotiation

Negotiation: Compromise; give and take; cooperation; conciliation; finding the middle ground

Neutral: Not taking sides; non-aligned; unbiased; impartial

Obligations: Responsibilities; duties; commitments; debts

Obstinance: Stubbornness; pigheadedness; inflexibility; persistence; tenacity

Onus: Obligation; duty; responsibility; burden

Outcome: Result; ending; conclusion upshot; consequence

Participant: Member; contributor; accomplice; involved in; plays a part

Patronizing: Belittling; demeaning; condescending; talk down to; denigrating

Perpetrate: Commit; pull off; do; be responsible for; carry out

Redirect: Readdress; pass on; forward; send

Refocus: Change; transfer; redirect

Reintegration: Put together again; re-join; re-incorporate; re-mix; fit in; include again

Remorse: Regret; repentance; guilt; be apologetic; feel sorry

Reparation: Damages; amends; compensation; reimbursement; recompense

Recidivism: Relapsing into crime; re-offending

Resolution: Promise; decision; decree; outcome; solution; end

Responsibility: Accountability; duty; trustworthiness; dependability

Restorative: Healing; uplifting; remedial; reinstatement; giving new strength or vigor

Restitution: Repayment; amends; compensation; reimbursement

Retribution: Revenge; reckoning; justice; payback; vengeance

Sequence: Progression; series; order; arrangement; succession

Sociology: Study of society or particular social institution

Stigmatizing: Label someone socially unacceptable; to mark someone

Shame: Humiliation; disgrace; embarrassment; indignity; dishonor; degrade

Transformative: Change dramatically; to change completely for the better; convert

Venue: Location; site; scene; setting

Violation: Breach; abuse; desecration; infringement

Voluntary: With intent; intentional; deliberate; on purpose; conscious; planned

Withdrawal: Removal; pulling away; departure; leaving; abandonment; isolation; retraction

