



Corporate Report

NO: R089

COUNCIL DATE: May 26, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: May 15, 2008
FROM: Crime Reduction Strategy Manager FILE: 7450-30
SUBJECT: Crime Reduction Strategy – Refinement of the Restorative Justice Program

RECOMMENDATION

It is recommended that Council receive this report as information.

INTENT

The intention of this report is to inform Council of the progress that has been made in refining a restorative justice process in Surrey in accordance with the recommendations of the Crime Reduction Strategy.

BACKGROUND

The Surrey Crime Reduction Strategy (CRS) was publicly launched on February 26th 2007. The CRS contains 106 recommendations that are focussed on reducing crime and improving perceptions about crime in Surrey and thereby improving quality of life for those who choose to live in, work in or visit the City.

One of the recommendations under the “Apprehend and Prosecute Offenders” strand of the CRS reads as follows:

- Continue refining a ‘restorative justice’ process in the City.

“The Surrey RCMP have been involved in ‘restorative justice’ approaches for several years. These programs should be further refined with partners including the aboriginal community ethnic community, academics and others with a view to diverting appropriate offenders to rehabilitation.”

In 1988, the Parliamentary Standing Committee on Justice and Solicitor General conducted a review of sentencing, conditional release and related aspects of corrections, and published a report titled *Taking Responsibility*, commonly known as the Daubney Report. This far-ranging

review included a focus on the needs of victims and restorative justice. The report also recommended that the purposes of sentencing be enacted in legislation, and that these include reparation of harm to the victim and the community and promotion of a sense of responsibility in offenders. The purpose and principles of sentencing were introduced in the *Criminal Code of Canada* in 1996. The stated objectives of sentencing include "to provide reparations for harm done to victims or to the community" and "to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community" [*Criminal Code*, Canada ss. 718 e) and f)].

Section 6 of the *Youth Criminal Justice Act* requires police to consider use of Extrajudicial Measures or making a referral, with the consent of the young person, before considering either Extrajudicial Sanctions or commencing a formal proceeding. The referral to a restorative process is considered to be a bona fide alternative to placing a youth before the court.

Restorative Justice is a philosophy that views conflict as a violation of people and relationships rather than an act against the state. In this approach, offenders and victims are brought together to repair the harm caused by the incident or crime committed and also to consider the harm the incident caused to the greater community. For this to be achieved offenders must accept responsibility and accountability for their behaviour and victims must be willing to discuss with the offender in an open and honest manner the impact the crime has had upon them.

Participants engage in the process voluntarily to discuss the circumstances of the incident and work together to achieve a resolution agreement that addresses how to repair the harm done.

DISCUSSION

In January 2008 Surrey RCMP recruited a Restorative Justice Program Coordinator. This is a civilian position. During the first quarter of 2008 'best practices' from existing programs in the Lower Mainland were identified and together with other research carried out, a new program was designed for application in Surrey based upon an assessment of our community's needs. The program takes referrals from the Surrey RCMP. The program is designed to accept youth between nine and seventeen years old.

The Surrey program is volunteer-based and collaborative in nature. To date twelve volunteers have been trained and further volunteers are awaiting the next round of training. The screening process for volunteers includes information sessions, application forms, interviews, criminal record checks and reference checks. Volunteers reflect the cultural and ethnic diversity of the City of Surrey, possessing a broad cross section of life skills and experiences.

Upon completion of their initial training volunteers are expected to commit to a minimum of twelve months of service to the program. Initial training will be complemented by ongoing monthly training sessions facilitated by the Program Coordinator in partnership with other agencies including Surrey Victim Services, School District 36 and the Ministry of Children and Family Development.. The intention of the training is to provide volunteers with the skills to assist young offenders and their victims, to address the effects of a crime that has been committed, repair the harm done and restore the relationship between the offender and the victim and with the larger community.

Working in teams the volunteers will facilitate resolution agreements between participants using community justice forums, mediations and restorative conferences. Explanations of these three distinct methods of engagement are attached to this report. Once an agreement has been reached, mentors will be assigned to assist the young offender with completing the terms of their agreement.

It is intended that an Advisory Committee will be established consisting of professionals representing a wide range of disciplines and experience to guide the program.

The program will be evaluated using an array of quantitative and qualitative indicators including:

- Number of referrals;
- Number of agreements completed;
- Rate of recidivism;
- Community service hours completed by offenders; and
- Satisfaction surveys.

It is estimated that the program will address approximately sixty referrals in the first year.

CONCLUSION

The establishment of a Restorative Justice program in Surrey complements the existing Youth Intervention Program run by the RCMP. That program focuses upon youth who have been involved in minor offences and identifies ways of making positive changes in their lives as an alternative to prosecution that will deter them from committing further crime. .

Lance Talbott
Crime Reduction Strategy Manager

Attachments

Appendix I

Community Justice Forum Model

The Community Justice Forum Model is used when both the offender and the victim (or victim representative) are willing to participate in the process of restorative justice.

Trained facilitators conduct pre-conference interviews with all parties involved in the process to determine what issues/concerns they will be bringing into the conference. The facilitators may also suggest some interventions at this stage.

After the pre-conference interviews, the offender and the victims meet face-to-face under the guidance of a team of facilitators to achieve a resolution agreement that addresses the accountability of the offender and repairs the harm done to the victim and/or the greater community. Some resulting conditions may include, but are not limited to, an apology letter, financial or physical reparation, community service or a restorative project.

A mentor from Surrey Restorative Justice Program is assigned to support the youth to complete the requirements of the agreement.

Appendix II

Mediation Model

The Mediation Model is used when both the youth offender and the victim are willing to participate in the process of restorative justice and there may be underlying issues that are necessary for the mediator to examine or address in greater depth during the mediation process. As an example, the parties may share a relationship (familial or peer), which might make them less likely to be as forthcoming as would be expected with a more scripted (Community Justice Forum Model) restorative process. Another example could be a situation when the parties are both victim and offender to each other.

Trained mediators conduct pre-mediation interviews with all parties involved in the process to explore the issues/concerns that the participants will be bringing to the table. The mediators may also suggest some interventions at this stage.

After the pre-mediation interviews, the offender and the victim meet face-to-face under the guidance of a team of trained mediators to achieve a resolution agreement that addresses the accountability of the offender and repairs the harm done to the victim and/or the greater community. Some resulting conditions may include but are not limited to an apology, financial or physical reparation, community service or a restorative project.

Mediators have the choice of undertaking some conciliation work when a face-to-face meeting is not immediately appropriate or desired to assist the participants to come to a future mediated session, forum or conference.

A mentor from Surrey Restorative Justice Program is assigned to support the youth to complete the requirements of the agreement.

Appendix III

Restorative Conference Model

The Restorative Conference Model is used in the absence of a victim or victim representative.

The youth offender meets with the team of trained facilitators who through a restorative process assist the youth to understand the consequences of his/her actions (crime) and to identify who has been harmed by the same. The facilitators will also work with the youth to achieve a resolution agreement so that the youth can demonstrate accountability and take steps to repair the harm done by his/her actions.

Some resulting conditions may include but are not limited to an apology, financial or physical reparation, community service or a restorative project.

A mentor from Surrey Restorative Justice Program is assigned to support the youth to complete the requirements of the agreement.