



Community Safety Committee

Date: Tuesday, April 15th, 2003
Place: Anderson Room
Richmond City Hall
Present: Councillor Linda Barnes, Chair
Councillor Derek Dang, Vice-Chair
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Bill McNulty
Mayor Malcolm D. Brodie – 4:09 p.m.
Also Present: Councillor Rob Howard – 4:13 p.m.
Call to Order: The Chair called the meeting to order at 4:00 p.m.

As a result of a brief discussion of the agenda items, the following motion was introduced:

It was moved and seconded

That Item 8, "Emergency Social Services/Volunteer Management Co-ordinator", be deferred to the next meeting of the Community Safety Committee.

CARRIED

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the Community Safety Committee held on Tuesday, March 11th, 2003, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

2. The next meeting of the Committee will be held on *Tuesday, May 13th, 2003* at 4:00 p.m. in the Anderson Room.

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HUMAN RESOURCES DIVISION

3. PENSIONS FOR EMERGENCY SERVICES PERSONNEL

(Report: Apr. 2/03, File No.:) (REDMS No. 990802)

The General Manager, Human Resources, Mike Kirk, was present.

It was moved and seconded

That the report (dated April 2nd, 2003 from the General Manager, Human Resources), regarding Changes in Pension Agreements, be received for information.

CARRIED

COMMUNITY SAFETY COMMITTEE ADVISORY TASK FORCE

4. It was moved and seconded

That the minutes of the meeting of the Community Safety Committee Advisory Task Force held on March 13th, 2003 be received for information.

CARRIED

COMMUNITY SAFETY DIVISION

5. DRAFT RICHMOND SUBSTANCE ABUSE STRATEGY

(Report: Mar. 18/03, File No.: 5000-01) (REDMS No. 981351, 962935)

The Manager, Division Programs, Shawn Issel, introduced those members of the Richmond Substance Abuse Task Force who were present: Mr. Vince Battistelli, Executive Director of RADAT, Ms. Brenda Reynolds, Co-ordinator, Community Consultation and Partnerships, Mr. Brian Wardley, Heart of Richmond AIDS Society, Ms. Christa Mullaly, RADAT, Ms. Viki Engdahl, Executive Director, Turning Point Recovery Society, Insp Mahon, Mr. Rob Inrig, District Curriculum Co-ordinator, Richmond School District, and Ms. Lesley Sherlock, Policy Planning.

A discussion then ensued that included the following points:

- the Manager, Communications and Public Affairs, Ted Townsend, would be involved in the communication of the Strategy to the public; a key stakeholder forum would also be held for the purpose of gathering a business/industry perspective on the Strategy
- a formal method of lobbying senior levels of government was being considered

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- the responsibilities of the City and the subsequent implications would be included in the next report
- at the present time, affordable housing was not specifically targeted to individuals with histories of substance abuse
- the Richmond model was based on the needs of the City, as identified through needs assessment and focus sessions, as opposed to being a generic program

Mayor Brodie and Cllr. Howard joined the meeting (4:09 p.m. and 4:13 p.m. respectively) during the above discussion.

Mayor Brodie expressed concern about the wording contained on Page 8 of the draft strategy, and it was agreed that a portion of the wording would be revised.

The Chair, as Council Liaison to the Richmond Substance Abuse Task Force, said that it had been an honor to work with such an extremely dynamic group of people with such diverse backgrounds.

It was moved and seconded

- (1) *That Page 8 of the Draft Richmond Substance Abuse Strategy be amended by deleting:*
 - (a) *the last two sentences of the second paragraph under "Issue"; and substituting the sentence, "There is no intent to introduce supervised injection sites in Richmond;" and*
 - (b) *the word 'multicultural' in the last bullet under "Indicators" and substituting the word 'entire'.*
- (2) *That a community consultation process be undertaken (as outlined in the Draft Richmond Substance Abuse Strategy report attached to the report dated March 18th, 2003, from the Manager, Divisional Programs);*
- (3) *That the Richmond Substance Abuse Task Force be directed to finalize the Draft Richmond Substance Abuse Strategy for Council review, based upon the community input, and*
- (4) *That the final Richmond Substance Abuse Strategy be referred to staff to comment on any recommendations referencing the City, and with recommendations for implementation.*

The question on the motion was not called, as the following amendment was introduced:

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It was moved and seconded

That the main motion be amended by adding the following as Part (5), "That the Richmond Substance Abuse Strategy include potential funding sources as reviewed by staff."

CARRIED

The question on the main motion, as amended, was then called and it was **CARRIED**.

6. **POLICE CHIEF BRIEFING**

(Oral Report)

OIC Ward Clapham, introduced Cst. Carla Rivard, Cst. Jennifer Freeman, and Insp. Mahon, to the Committee. A copy of 'Richmond RCMP Restorative Justice' was distributed to the Committee, a copy of which is attached as Schedule 1 and forms a part of these minutes. The information contained in the document was then reviewed.

The Chair thanked the delegation for their presentation and requested that further updates be provided.

OIC Supt. Ward Clapham then introduced Royal Bahamas Police Force Superintendent Harold Evans to those present. Mr. Evans had been invited to the City to share his community policing experiences in the Bahamas. The Chair welcomed and extended a thank you to Mr. Evans on behalf of the City.

Councillor Howard left the meeting – 5:10 p.m.

7. **AGREEMENT WITH RICHMOND HEALTH SERVICES**

(Report: Apr. 2/03, File No.: 6125-01) (REDMS No. 990784, 906166)

The Manager, Emergency and Environmental Programs, Suzanne Bycraft, and Chief Public Health Inspector, Kelvin Higo, were present. Ms. Bycraft provided a brief summary of the report.

It was moved and seconded

(1) *That the Mayor and Clerk be authorized to execute an agreement with Richmond Health Services for the provision of public health protection services (as outlined in Attachment 1 to the report dated April 2, 2003, from the Manager, Emergency & Environmental Programs).*

(2) *That the additional annual cost of \$41,300 associated with Part 1 above be funded from the approved 2003 additional levels.*

(3) *That staff undertake bylaw amendments, (as outlined in Attachment 2 to the report dated April 2, 2003, from the Manager, Emergency & Environmental Programs), to remove those references to the Medical Health Officer which are no longer relevant or required.*

CARRIED

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8. **EMERGENCY SOCIAL SERVICES/VOLUNTEER MANAGEMENT COORDINATOR**

(Report: Mar. 17/03, File No.: 1810-011) (REDMS No. 979910)

Please see Page 1 for action taken on this matter.

9. **MOSQUITO CONTROL PROGRAM FOR THE WEST NILE VIRUS**

(Report: Apr. 4/03, File No.: 6125-04-01) (REDMS No. 991423)

The Manager, Emergency and Environmental Programs, Suzanne Bycraft, and Chief Public Health Inspector, Kelvin Higo, were present.

Ms. Bycraft briefly reviewed the report.

Mr. Higo said that five bird samples per week would be contributed to the program that tests dead birds for the virus. In addition, upon initiation of a mosquito control program, effectiveness checks of the spraying, checks of larger properties, and the distribution of 60,000 pamphlets, would be undertaken.

A brief discussion then ensued on an alternate funding source for the program following which the Chair said that she would speak with the General Manager, Finance and Corporate Services, Jim Bruce about the matter.

It was moved and seconded

That Richmond Health Services be retained to undertake a comprehensive mosquito control program in the City of Richmond, targeted at controlling the transmission of Western Nile Virus, at a maximum added cost of \$100,000 in 2003.

CARRIED

The Acting Medical Health Officer, Anne Vogel, provided a brief update on the SARS situation, during which she advised that no probable or suspect cases had been identified in the City.

10. **PARKING PROGRAM – BYLAW AMENDMENTS**

(Report: Apr. 2/03, File No.: 8060-20-7481; 8060-20-7482) (REDMS No. 980216, 980037, 980286)

The Manager, Community Bylaws, Don Pearson, reviewed the report.

It was moved and seconded

That the following bylaws, which make the City's parking programs more flexible, responsive and effective, each be introduced and given first, second, and third readings:

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- (1) *Parking (Off-Street) Regulation Bylaw No. 7403, Amendment Bylaw No. 7481; and*
- (2) *Traffic Control and Regulation Bylaw No. 5870, Amendment Bylaw No. 7482.*

CARRIED

OPPOSED: Cllr. Barnes
E. Halsey-Brandt

11. MANAGER'S REPORT

The General Manager, Community Safety, Chuck Gale, provided clarification of certain issues that had arisen during the RCMP/Regional Policing discussions.

Mr. Gale also reported that a Community Safety Volunteer 'Thank You' picnic was being planned for September.

Cllr. Barnes reported that a letter of appreciation had been received from a family whose daughter had been returned home.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (6:00 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the Community Safety Committee of the Council of the City of Richmond held on Tuesday, April 15th, 2003.

Councillor Linda Barnes
Chair

Deborah MacLennan
Administrative Assistant



RICHMOND RCMP

RESTORATIVE JUSTICE

 Royal Canadian Mounted Police Gendarmerie royale du Canada

Cst. C.M.J. (Carla) RIVARD

Richmond City Detachment
6900 Minoru Boulevard
Richmond, BC V6Y 1Y3

Telephone: (604) 278-1212
Fax: (604) 278-6773
VOICE MAIL: 2503

FILE NO.: _____

RESTORATIVE JUSTICE

DEFINED

Restorative Justice is a community response to crime that focuses on addressing the harms done to victims and communities by holding offenders **meaningfully** accountable for their crimes.

Restorative Justice Program - any program that uses a process in which the victim, the offender and/or any other individuals or community members affected by a crime actively participate together in the resolution of issues arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include community justice forums, conferencing, mediation and circle remedies.

Community Justice Forums (Conferencing) - a safe, controlled setting in which an offender, victim and their respective families and supporters are brought together with a trained, accredited facilitator to discuss the offence and its effects and to jointly decide how to right the wrong that has been done.

Facilitator - a fair, impartial third party whose role is to facilitate the participation of victims and offenders in a restorative process,

Restorative Justice Outcome - an agreement reached as the result of a restorative process. They may include restitution, apologies or any other response design to accomplish reparation of the victim and community, and reintegration of the victim and/or the offender.

COMMUNITY JUSTICE FORUM - PHILOSOPHY

The community is best placed to deal with offending behaviour.

The community is defined as those who 'did it' and those who 'had it done'.

Victims are essential to understanding consequences.

Offenders need to be confronted with the consequences; not to do so does them a disservice.

Justice is best determined by those directly affected (Transformative Justice Australia, 1996).

HISTORY - Community Conferencing

Family group conferencing² originated in New Zealand, which, like Canada, has an Indigenous population that has long been over-represented in the country's courts and jails. For decades, youth crime in New Zealand was largely defined as a product of personal or family dysfunction, so court dispositions often meant referral to various social welfare programs. Such programs were overworked and underfunded, so young offenders typically went untreated or spent their adolescent years in juvenile institutions. By the 1980s, Maori people were highly frustrated with that system's effects on their young people's behaviour and its inability to correct criminal behaviour effectively. Taxpayers and administrators were highly frustrated with the ever-increasing cost of dealing with youth crime.

Maori traditions offered a better way: involving the young offender's family in the process of holding him or her accountable, and in the process of teaching a greater sense of responsibility. Family and government together might do what neither could do alone.

A family group conference was introduced into the juvenile justice system to serve as an alternative to youth court. In 1989, the New Zealand Parliament passed legislation that made family group conferences the standard way of responding to young people's criminal behaviour. Youth court became the exception, not the rule.

The model attracted attention in Australia as well. Police there had already been using formal cautioning process with young offenders (when criminal charges were not laid). Some police reformers had been looking for ways to make that process more effective. In 1991 the New

²Family Group Conference - known in Canada as Community Justice Forum.

Zealand conferencing approach was adopted, with certain differences. It was established in the city of Wagga Wagga as the official police cautioning procedure, and it soon spread to other areas. In 1993 a Young Offenders Act was passed in South Australia, mandating the use of family group conferencing to deal with the majority of youths' offenses. Since then, Australian states have mandated or allowed community conferencing to different degrees. At present there is considerable variation from one jurisdiction to the next in how community conferencing is used in local programs.

Such changes naturally attracted the attention of other countries, including Canada. As in Australia, Canadian police officials have been strong advocates of family group conferencing and have been instrumental in promoting its use. This practice is rapidly gaining visibility and support across the country, not only as a policing initiative but also as a community-based practice. (used with permission from Restorative Justice: A Vision for Healing and Change by Susan Sharpe). See appendix A.

Restorative justice and its philosophy has spread to many areas of the world. Still widely used in New Zealand and Australia in youth criminal matters, restorative justice is now being used in the United Kingdom, Singapore, South Africa, the United States and Canada. More recently it has gained interest in places such as Spain, Italy, Mexico and Ireland.

Locally, there are approximately sixty restorative justice/community accountability programs in British Columbia.

Does it work?

Worldwide evaluation studies “show promising results. Victim satisfaction with the conferences is very high, consistently around 90 percent. Restitution agreements have been reached in 95 percent of the cases, and restitution payments have been completed without police follow-up in more than 90 percent of those cases. Repeat criminal behaviour appears to be between one-third and one half of what would normally be expected. A research team that conducted extensive interviews of a randomly selected sample of participants concluded that offenders had developed empathy for their victims, that many families of offenders reported that their child’s behaviour had changed after the conference, that the support networks of the offender had been strengthened, and that an improved relationship had developed between a number of the parents and police officers” (Van Ness and Strong 1997: Restoring Justice).

Locally:

From S/Sgt Randy Munro - Nanaimo Detachment (Nanaimo RCMP has entered into a service agreement with the local John Howard society to facilitate their community justice forums).

“We had our 500th referral in January and we had 15 re-offend to date (over 4 years).

Agree, that any kind of break-down can cause things to go off track and takes a lot of work to keep it maintained and sustained”.

Why does it work?

John Braithwaite - Australian Sociologist - has done extensive work in this area.

(In brief) Braithwaite’s theory is:

- shame is the reason we don’t commit crimes
- we can be shamed internally by our conscience or externally by family, friends, or society at large.
- Braithwaite’s notion of **re-integrative shaming: the focus of shaming is on the act, not the actor.**

In our justice system people are labeled (dis-integrative shaming or stigmatization).

Once a person is labeled as something (for our purposes ‘a criminal’) they are likely to continue acting that out (if you are told something enough times you are likely to start believing it).

Braithwaite argues that we will be far more successful if our focus is on the act (crime) not the actor (criminal).

Foreword



Restorative Justice : Doing Business Differently

In recent years, people have begun to question the adequacy of justice in Canada. Many Canadian communities and justice system professionals are dissatisfied with the way justice is conceived and delivered in Canada. Many communities are turning to alternatives to adversarial justice — the idea of restorative justice. The RCMP, as a national police service, has an important role to play in reworking the Canadian justice system. Restorative justice is a priority in the community policing philosophy.

Restorative justice is a philosophy built on the cornerstone of community healing. Like community policing, it's a way of doing business differently. Unlike the current adversarial system, which is based on punishment, restorative justice encourages dialogue and responsibility for past behaviour, while focusing on problem-solving and offender accountability. Ideally, the victim, the offender and the community should be involved in 'making things right' so that all parties return to their pre-crime states. Within the philosophy of restorative justice, crime is a violation of one person by another, not simply a broken law.

There are a number of options or strategies within the restorative justice approach including Community Justice Forums, victim-offender mediation and sentencing circles. Strategies can be as numerous as communities. The RCMP has chosen to champion one specific process — Community Justice Forums (CJFs).

Restorative justice offers the philosophical base for a justice system that is flexible, responsive and accountable to communities. A key to making change is training and educating criminal justice professionals as well as the wider community. The RCMP is committed to promoting restorative justice processes like CJFs as a way of doing business under a community policing philosophy.

As an organization, we are committed to sharing the materials and experience we have accumulated on this topic. We are also committed to

developing partnerships with communities across Canada. It is my hope that this guide will provide comprehensive information on the process of CJs and how to facilitate them in your own community. It is written based on our uniquely Canadian experience with the process.



Commissioner J.P.R. Murray
Royal Canadian Mounted Police, Ottawa

The Discretion to Choose Restorative Justice

The following was adapted from an article written by Assistant Commissioner Cooper, in the October, 1996 issue of the *Pony Express*, a publication of the Royal Canadian Mounted Police.

Not too much has been written or said about police officers using their discretion to choose not to initiate criminal proceedings. It is done frequently by many street police officers and we do not think too much about it. Indeed, police officers "let people off" every day for minor infractions and if they didn't, our courts would be even more backlogged than they are. But when it comes to "getting formal" about police procedure and practice in dealing with a criminal matter, our training and imagination, for the most part, starts and stops with the laying of criminal charges and going to court. We are seemingly locked into the court syndrome.

Our criminal justice system is a very complicated process for dealing with offenders. However, I believe the policing profession can contribute substantially to matters by being much more "hands on" and innovative in dealing with less serious offences, particularly where young offenders are involved.

Each of us, as a sworn police officer, have a major role to play in the criminal justice system. This is particularly true when decisions regarding criminal charges are being made following a successful criminal investigation. It is at this point in the criminal justice system that police officers decide whether to pursue criminal charges and engage the cumbersome criminal justice system or do something else. We are advocating much deeper involvement and dynamism on the part of investigators and supervisors through this innovative approach which aims to divert cases outside the traditional court system. We advocate restorative justice measures which entails the use of discretion by the police officer. Remember, the expensive court system is not engaged unless a police officer lays an Information.

Let me be completely clear, I am not talking about using the *Young Offenders Act* and its formal procedures, for authorizing diversion. As we all know, that process is bureaucratic and slow. Community Justice Forums, sometimes referred to as Family Group Conferences, have quickly become a very popular and credible alternative in many Canadian communities. If you are not already using diversion in your community, I would urge you to examine and explore the possibilities. All RCMP Divisions have persons trained in the Restorative Justice process and can provide guidance and assistance in implementing this process.

The Honourable Allan Rock, the former Minister of Justice for Canada, was a strong supporter of alternative measures and openly advocated the wider and wiser use of police discretion in these matters. His comments and encouragement, together with those of many other supporters in our communities, represent tremendous support for diversionary initiatives. I know that restorative justice is alive and well in the RCMP and many Canadian communities. We have RCMP

members and others leading the way in communities. What we need are leaders working with our front-line officers in providing the necessary encouragement and training to ensure broader embracement of the process.

We, in Community, Contract and Aboriginal Policing Directorate, stand ready to provide any assistance or training necessary to keep this process moving.

A handwritten signature in black ink, appearing to read 'C. Cooper', written in a cursive style.

A/Commr. Cleve Cooper, Director
Community, Contract and Aboriginal Policing Services
Royal Canadian Mounted Police, Ottawa

RESTORATIVE

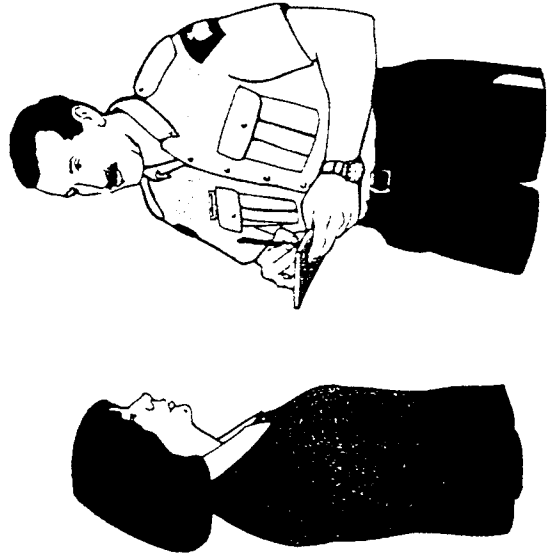
JUSTICE:

A FRESH APPROACH

RESTORATIVE JUSTICE: A Fresh Approach

Many Canadians believe the formal justice system is failing. It is often criticized for being too costly and time consuming. Meaningful reparation is rare. All too often, offenders leave court only to commit similar types of crimes. Victims are often excluded from the court process and are rarely provided with an opportunity to heal from the effects of an offenders' actions. A more satisfying system of justice is needed.

The philosophy of restorative justice is based on community healing. In other words, the community decides what is best for itself in terms of resolving certain criminal matters. While the formal justice system is adversarial and punishment-based; the focus of restorative justice is on offender accountability, problem solving, and creating an equal voice for offenders and victims. The best results occur when the victim, offender, and the community jointly resolve the effects of a offenders' behaviour. There are many options within restorative justice. The RCMP is championing one specific process: *Community Justice Forums (CJF)*.



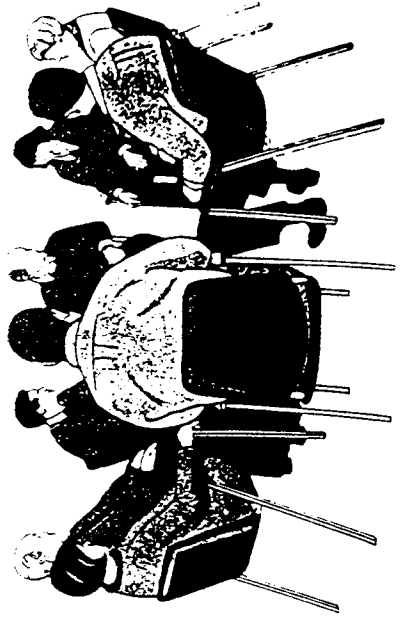
What is a Community Justice Forum?

A CJF is a safe, controlled environment in which an offender, victim and their families or supporters are brought together under the guidance of a trained facilitator. Together they discuss the offence, how they have all been affected, and jointly develop a plan to correct what has occurred. "Righting the wrong" can involve a simple apology and restitution for the victim. Other agreements may include community service work, counselling, or addictions treatment for the offender.

In a CJF, offenders must accept responsibility for their own actions. They are confronted with how their behaviour affected the victim personally - and they hear it directly from their victim. This is the first step toward healing and reintegrating the offender into the community as a productive member.

The Benefits of Community Justice Forums

- Often more cost-effective and immediate than the court process.
- All participants have a chance to be heard equally and to learn.



- Individuals directly affected have a say in the outcome.
- Offenders, victims and supporters gain a deeper perspective on the incident.
- Victims receive an answer as to why the offence was committed.
- Bonds between people can be restored or created.
- Offenders take responsibility for their actions.
- Victims and offenders receive closure and healing.
- Lower recidivism rates.

Why are Community Justice Forums successful?

A CJF is powerful in its ability to reintegrate an offender and restore balance for victims. The process provides an opportunity for offenders to accept responsibility for their actions and to understand the impact of their behaviour on others. This realization often brings about deep feelings of remorse and empathy. Consequently, when offered the chance, many offenders are willing to do whatever they can to repair the harm they have caused. Moreover, when victims are able to express how they have been affected by what has happened and then see and hear genuine expressions of remorse, they are often quick to accept and to forgive. This brings about the closure they need to put the matter behind them and move on with their lives.

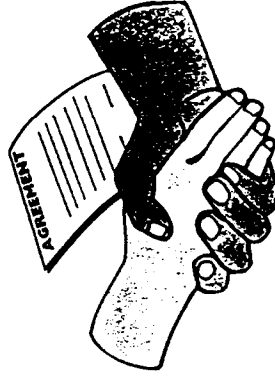
Do my circumstances qualify for a CJF?

The following criteria must be met before an offender can be considered for the process:

- The offender must take responsibility for his or her actions and be willing to participate voluntarily.
- Victim involvement is essential to the process.
- Criminal cases are referred to the process by the police or Crown.
- The facilitator must feel the case is suitable for a CJF.

Where can I get more information?

The RCMP is undertaking a major effort to train facilitators in communities throughout Canada. If a trained facilitator is not available within your community, check with a neighbouring detachment or jurisdiction. For more information about CJF's or to discuss a specific case, please contact your local detachment.

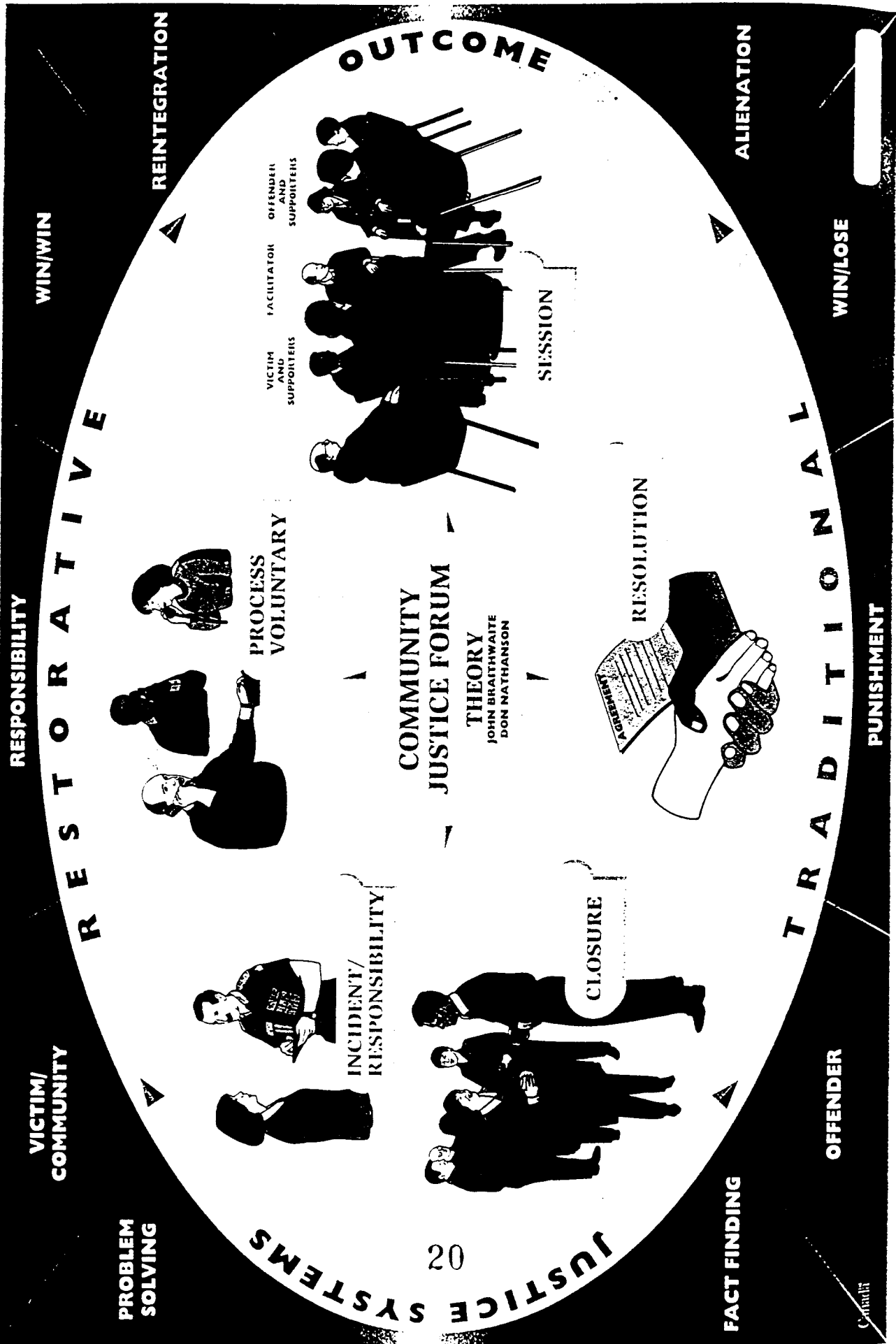


Contacts:

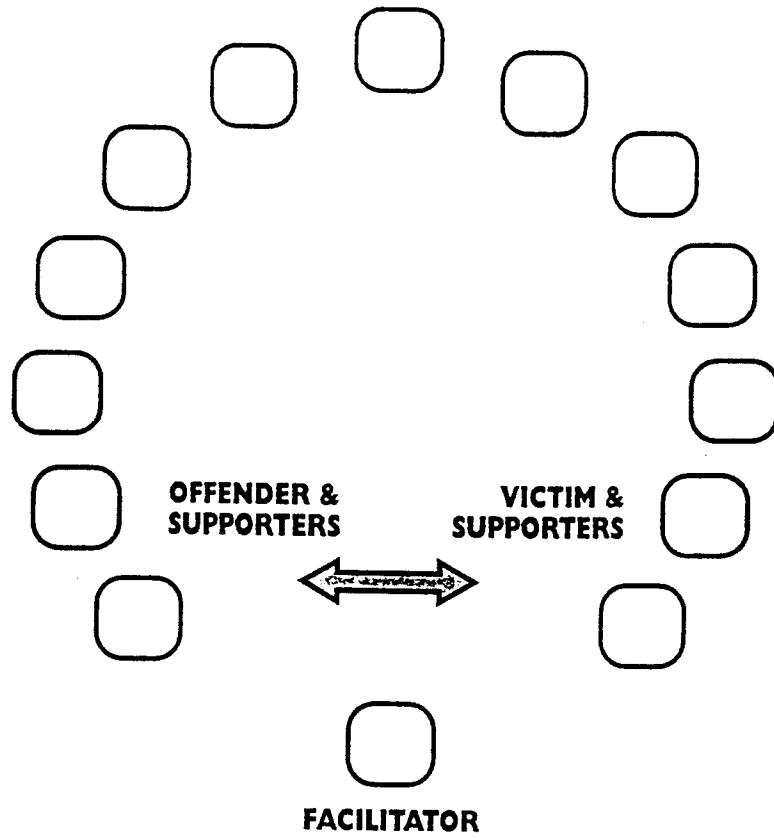
My local detachment:

Area CJF Facilitator:

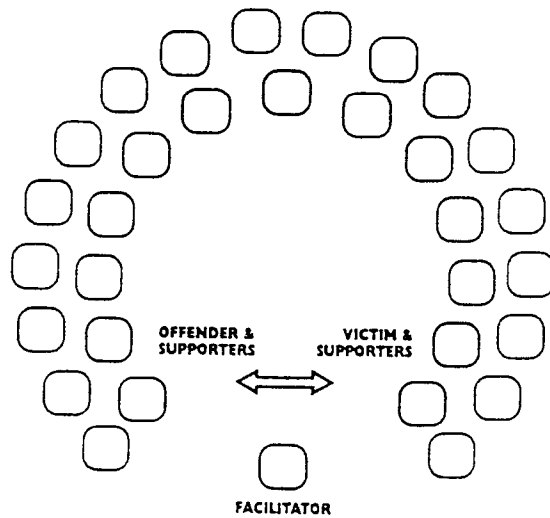
COMMUNITY JUSTICE FORUM



Seating Plan Horseshoe Shape



A second row of participants can be added for large forums.



THE READERS' PAGE



Rick Loughran — The Province

Friends say goodbye to Tula Ellard, run down outside her school five years ago by a speeder. The girl's mom said meeting youth two years later in a healing circle helped.

TALKING POINT

The value of healing circles

'Meeting youth who killed my daughter helped heal anger'

I wanted to share my personal experience with meeting with the young man who killed my daughter. Tula died Feb. 13, 1997. She was killed on the crosswalk in front of Earl Marriott Secondary.

Tula and her friend Dana were hit by a car. The driver, a young offender at the time, was driving in excess of 100km/h.

Before sentencing, I met with the Crown prosecutor and told him I wanted the driver to attend a healing circle as part of his sentencing.

The judge denied the request based on the driver's fear of doing this, and felt no one would benefit.

However, two years later the driver requested to meet with me and my family. It was very useful that this happened two years after the death of my daughter. By that time, the very harsh edges of my pain had softened and the shock had worn off.

The experience did provide healing for me. I came away knowing this young man did not set out to kill my child.

Yes, he chose to speed, and the consequences of his actions will live with him forever. I learned he was very fond of my daughter and admired her from afar. He

knew what an exceptional young woman she was and how well-loved she was.

He had some idea of the pain he had caused me, but I think he will understand this at a deeper level when he becomes a parent himself.

I was able to ask him many questions which he willingly answered. The information helped resolve the anger I felt towards him and put to rest some of the pain associated with how Tula died. I also saw him as a young man who had made a very terrible choice that caused great pain for himself and many others.

No one should feel they have to do this in order to move forward, forgive, find closure, etc. These are aspects of this painful journey one is entitled to experience in his or her own way. It helps to have few expectations and accept what gifts you receive — most of which will be unexpected.

Also, be patient with the outcome. It could take a while before change is felt. Most importantly, gather support around you. The process will be hard and will reopen a lot of wounds.

I hope this helps those who are thinking of doing this.

NANCY CAMERON, *White Rock*

Dead teen's mother agrees to healing circle with bully

By Damian Inwood
Staff Reporter

The mother of Dawn-Marie Wesley, the 14-year-old who committed suicide after being bullied, wants a chance to face her daughter's convicted tormentor in an aboriginal healing circle.

"How do you not be angry with her?" said Cindy Wesley, referring to a 17-year-old convicted March 25 of criminal harassment of her daughter.



DAWN-MARIE

"We heard a lot of stuff in that trial about the sorts of things Dawn-Marie had to live through during those last few days of her life and they weren't very pleasant."

The teenager who bullied Dawn-Marie has agreed to take part in a healing-circle sentencing,

said her lawyer, Darrel Schultz.

The judge sits in a circle with the offender and the families. An eagle feather is passed around and only the person with the feather is allowed to speak.

But Wesley said no formal papers have been signed. A prosecution spokesman said the go-ahead for the healing circle rests with provincial court Judge Jill Rounthwaite.

Dawn-Marie killed herself in the basement of her family's Mission home on Nov. 10, 2000. She wrote in a suicide note of how she was being bullied by a group of girls at Mis-



CINDY WESLEY
wants 'to work through this positively'

sion Senior Secondary School.

Court heard how the convicted teen threatened to beat Dawn-Marie up numerous times and told her on the phone, "You are f—ing dead."

A second girl, age 16, was acquitted of uttering threats and a third girl has been charged and is awaiting trial. None can be named under the Young Offenders Act.

Schultz stressed that while his client's actions were not linked in court to the suicide, he thinks the unusual sentencing hear-

ing may have positive results.

"If it results in greater healing, as designed to do, and restores someone to the community, it certainly sounds like a positive thing," he said.

But Wesley said that for healing to work, both sets of families need the chance to express their feelings heard.

"My husband and I have the feeling that yes, our daughter's gone but at the same time it's important that people learn from her and not from her death," she said.

Being able to talk directly to the convicted teen and tell her how she feels and how the teen feels will help, said Wesley.

Dawn-Marie's father is a native from Simpson and the convicted girl is also a native background in northern B.C.

"It's very hard," said Wesley. "I'm very emotional. I have to find a way to work through this positively."

A hearing April 23 in Abbotsford to firm sentencing will allow all parties to discuss the healing-circle process. Sentencing itself is to take place May 8.

dinwood@pacpress.south

What do you think?

Give us your comments by 2:00 p.m. at (604) 603-2029 or mail to: 604-603-2029. Be sure to spell out first and last names and give your home town.

EXAMPLES OF CASE TYPES

| CATEGORY 1 | CATEGORY 2 | CATEGORY 3 | CATEGORY 4 |
|---|--|--|--|
| <ul style="list-style-type: none"> - first and second degree murder - attempted murder - conspiracy to commit murder - manslaughter - sexual assault with a weapon, or threats to third parties, or causing bodily harm or aggravated sexual assault - sexual offences involving breach of trust and/or children - robbery - aggravated assault - criminal harassment - arson with disregard for human life - break and enter or unlawfully in a dwelling house involving injury or attempted violence - hostage taking - extortion - criminal negligence - impaired driving or dangerous driving causing death or bodily harm - use of explosives which are likely to cause bodily harm or death - sabotage - using a firearm in the commission of an offence - kidnapping - unlawful confinement - prison breach - escape lawful custody (involving violence) living on the avails of prostitution, procuring etc. - obtaining or attempting to obtain sexual services of children (S. 212(4)) - counterfeiting - bribery - obstructing justice - perjury - mischief causing danger to life - pornography offences (possession or making) involving children - hate/propaganda offences | <ul style="list-style-type: none"> - abduction (parental) - impaired driving and driving while over 0.08 - dangerous driving and driving while disqualified - impaired driving or dangerous driving involving a high speed chase - spouse assault and violence against women in relationships (except for aggravated assaults noted in Category 1) - assaulting a peace officer - arson (except those arson offences noted in Category 1) - break and enter of a dwelling house - carry a concealed weapon - possession of a prohibited weapon - possession of a weapon for a purpose dangerous to the public peace - possession of a restricted weapon - careless use, storage or pointing a firearm - escaping lawful custody (non-violent) - uttering threats to cause death or bodily harm - possession of an explosive substance - possession of forged currency and passports - criminal mischief - indecent act (targeting children) - failures to appear and unlawfully at large - sexual assault (other than those sexual offences noted in Category 1) - theft, possession of stolen property, forgery, fraud, false pretences, uttering, unlawful use of a credit card, unauthorized use of a computer, (involving public funds, public documents, internal theft, a scheme of organized criminal activity, a position of trust or a vulnerable victim) - hate bias offences - assault causing bodily harm - assault with a weapon - child abuse (except as noted in Category 1) - breach of probation or recognizance | <ul style="list-style-type: none"> - break and enter other than a dwelling house - theft over \$5,000 (except as noted in Category 2) - possession of stolen property over \$5,000 (except as noted in Category 2) - forgery, fraud, false pretences, uttering, unlawful use of a credit card, in amounts over \$5,000 (except as noted in Category 2) - unauthorized use of a computer (except as noted in Category 2) - assault - s. 266 (except VAWIR) - mischief over \$5000 - indecent act (except for offences targeting children as noted in Category 2) - possession of house/car breaking instruments - take auto without consent - trespass at night - communication for the purposes of prostitution (exception: demonstrated nuisance in the community, in which case the matter should be dealt with as a Category 2 offence) | <ul style="list-style-type: none"> - theft under \$5,000 (except as noted in Category 2) - possession of stolen property under \$5,000 (except as noted in Category 2) - false pretences, uttering, unlawful use of a credit card, where the amounts involved are under \$5,000 (except as noted in Category 2) - causing a disturbance - mischief under \$5000 |

RESTORATIVE JUSTICE

Youth Criminal Justice Act
What is significant?
Implementation date 2003 April 1.
Police will be required to use extrajudicial measures when dealing with certain offenses.

Significant problems in the youth justice system include:
Incarceration is overused - Canada has the highest youth incarceration rate in the Western world, including the United States.
The courts are over-used for minor cases that can be dealt with better outside the courts.
The system does not give sufficient recognition to the concerns and interests of victims.

Youth Criminal Justice Act

What remains the same?

The way police conduct investigations will not change.

Violent and repeat offenders who commit serious crimes will continue to be dealt with in the same way.

Restorative Justice

Defined

Restorative Justice is a community response to crime that focuses on addressing the harms done to victims and communities by holding offenders meaningfully accountable for their crimes.

Restorative Justice

Focus

Restorative Justice focuses on co-operation between the victim, offender and members of the community. The RCMP supports one specific process, Community Justice Forums, and trains facilitators in communities across Canada to help offenders and victims discuss and resolve the effects of crime.

Restorative Justice

History

Not a new invention.

Family group conferencing evolved in New Zealand in the 1980's (Maori people).

In 1989 New Zealand Parliament passed legislation that made family group conferences the standard way of responding to young people's criminal behaviour. Youth court became the exception not the rule.

Restorative Justice

History

1991 the New Zealand conferencing approach was adopted by Australia as police procedure.

1993 a Young Offenders Act was passed in Australia mandating the use of family group conferencing to deal with the majority of youths' offenses.

1994 started in North America.

Community Justice Forum

Eligible Cases for referral

| | |
|--------------------------|-------------------------------|
| Mischief | Obstruction |
| Theft (under \$5000) | Possession of stolen property |
| Minor assault (bullying) | Trespass by night |
| B & E | Cause a disturbance |
| Minor drug possession | Threats |

Community Justice Forum

Criteria

The offender must take responsibility for his or her actions and be willing to participate voluntarily.

Victim involvement is essential to the process.

The facilitator must feel the case is suitable for a CJF.

Resolution Commitments

May Include

Financial Restitution

Apology to Victim

Community Service

Work

Essay

Counseling

Resume Preparation

Job Search

The Benefits

More immediate than the court process.

All participants have a chance to be heard equally.

Individuals directly affected have a say in the outcome.

Victims receive an answer as to why the offence was committed.

Offenders take responsibility for their actions.

Conclusion

Questions? Comments
