

Diversion — Young Offenders — Sparwood Project

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INTRODUCTION	267
I. PRESENTATION	267
A. Implementation of the Program	267
B. Benefits of the Program	268
1. Cost	268
2. Cost Savings	268
3. Victim Reaction	269
4. Community Reaction to the Program	269
5. RCMP Member Reaction to the Program	269
6. Speed	269
C. Anecdotal Examples of Conferences	269
1. Shoe Store Matter	270
2. Subsequent Offence	270
3. Multiple Offenders	271
4. Restitution	272
D. Legal Foundation	272
II. PROGRAM OUTLINE	273
A. Stage 1	273
B. Stage 2	273
C. Resolution Conference	274
D. Procedural Guidelines	274
III. AGREEMENT FOR THE YOUTH TO PARTICIPATE	276
IV. VICTIM INFORMATION PAMPHLET	278
A. Who Else Besides the Victim Attends the Resolution Conference?	279
B. What Happens at the Resolution Conference?	279

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C. What Happens After the Resolution Conference?	279
V. SUGGESTED FACILITATOR'S GUIDELINES FOR CONDUCTING A RESOLUTION CONFERENCE	280
A. Seating Arrangement	280
B. Opening the Conference	280
C. The Offence and its Effects	281
D. The Disposition	282
E. Closing the Conference	283
VI. RESTORATION AGREEMENT	283
CONCLUSION	284

The Sparwood Youth Assistance Program was commenced in January of 1995 as a community initiative by Sergeant Jake Bouwman of the Sparwood Detachment of the Royal Canadian Mounted Police and Glen Purdy, a Sparwood lawyer in private practice. The purpose of the Sparwood Youth Assistance Program is to allow young persons involved with the law to be dealt with outside of the traditional Court System, through a means of dealing with the young person, the victim, the young person's family, and the community as a whole, in an effort to reduce repeat offences by young persons, increasing the role of the police in proactive policing, and as well, bring a greater sense of participation to all concerned. The program is based upon the Community Accountability Conferencing Model developed in Wagga Wagga, New South Wales, Australia, and Shame Reintegration Theory as set forth by John Braithwaite. It is a police diversion model, with a community base of support, founded on the common law principle of a police officer's discretion to lay a charge or not. The only criteria that must be met by a youth to be eligible for the program are that he or she must be a resident of Sparwood or the surrounding community, the youth must admit responsibility for the offence, there must not be serious concerns with respect to future protection of the public and the offence must not be of such a serious nature that if dealt with outside of the traditional Court System, it would bring the administration of justice into disrepute. Consequently, the decision as to whether a youth will be offered the program or proceed through the traditional court system rests with the officer in charge of the Sparwood Detachment. The program is more fully outlined in the attached program documents :

1. Program Outline;
2. Agreement for the Youth to Participate;
3. Victim Information Pamphlet;
4. Suggested Facilitator's Guidelines for Conducting a Resolution Conference;
5. Restoration Agreement.

I. PRESENTATION

A. Implementation of the Program

Since the inception of the program in January of 1995, all youth who have committed offences residing in the District of Sparwood or surrounding community have been dealt with in the program, rather than the traditional court system. Although many youth have been dealt with through the informal police caution, a total of 71 (as of March 1, 1997) youth have been dealt with through the formal resolution conference process (48 in 1995, 21 in 1996, 2 in 1997). The offences dealt with have included minor property offences, break and enter, assault, including relatively serious assault causing bodily harm,

mischief and minor sexual assault. The program is not limited to first-time offenders, but is offered to youth who have previous Youth Court Records and those who may have been dealt with in the program on a prior occasion. To date, the Sparwood model has been adopted, with modifications to suit particular community resources and needs, in 16 other communities in British Columbia, various communities in Alberta, and several Aboriginal communities.

B. Benefits of the Program

As the program has only been operating for 28 months, statistical data with reference to youth offence rates in the community and re-offence rates may not have great significance, however, in 1994 in Sparwood, prior to implementation of the program, 64 youth were dealt with in the traditional court system. No youth resident in Sparwood who committed offences in Sparwood since the inception of the program in 1995 have been dealt with in the traditional court system. Compared to 1994, the reduction in offence rates in 1995 was 26% and in 1996, 67%. To date in 1997, as only 2 youth have been dealt with, statistical comparison with 1994 makes little sense, but it appears that the offence rate is continuing to decline. Given the limited time frame of the program, the reduction in youth offending rates may well be attributable to numerous other factors. Of the youth dealt with in the program, six have been dealt with on a second occasion in the program, (4 re-offended in 1995; 2 re-offended in 1996) which translates into a re-offence rate in 1995 of 8.3%, and in 1996, 2.9%. The national re-offence rate for young offenders, within one year of a disposition being imposed, dealt within the traditional court system, as published by Statistics Canada, is approximately 40%. Again, given the limited numbers, such statistics in the Sparwood Youth Assistance Program may have little or no meaning at this date. However, other benefits of the program are as follows :

1. Cost

The Sparwood Youth Assistance Program operates without any direct funding. Police officers generally attend the resolution conference while on duty, resulting in no additional cost to the RCMP. The facilitator acts without remuneration. In most cases, any compensatory work service is done directly for the victim, however, where such is not wanted by the victim or such is inappropriate, various community groups, including the municipality supervise work service.

2. Cost Savings

Subsequent to each resolution conference, an estimate is made of the costs that would have been incurred if the matter had proceeded through the traditional court system. Factors included in such calculation are the cost of Legal Aid Defence Counsel, court operational costs and Corrections Services costs. Not included in such calculations are police investigative time, nor Crown Counsel costs. While the estimate of cost savings is very approximate, the cost savings to date exceed \$100,000.00. A few judges have commented that such is probably one-half of actual costs that would have been incurred. In 1996, 13 fewer court sitting days occurred in Sparwood over 1994.

3. Victim Reaction

Subsequent to the completion of each disposition, the victim of the offence is requested to fill out a Victim Evaluation Form, ranking the program on a scale of 1 to 10, with 10 being high. The average ranking of the program to date is at 9.5.

4. Community Reaction to the Program

The reaction of the Community to the program has been exceptionally positive. Very few, if any, negative comments are received from the general public.

5. RCMP Member Reaction to the Program

The members of the Sparwood RCMP Detachment have reacted very favourably to the program. They have found that the actual time spent on any particular matter is reduced, as paper work is reduced and there is no court appearance time required. As well, the members of the RCMP are finding a greater rapport with not only the youth in the community, but the community as a whole. Cooperation from youth and members of the public in investigation of criminal activity has greatly increased. Some youth have expressed to members of the RCMP that they are less reluctant to talk to the RCMP about the offences of others, as they feel that the subject youth will be assisted by the program, and dealt with fairly.

6. Speed

Resolution conferences are attempted to be scheduled within 14 days, if possible, of a suspect of an offence being identified. All dispositions are attempted to be complete within six months of the offence date. The average time frame experienced to date from the time of offence to conclusion of the disposition is 74 days. Given the above identified benefits of the program to date, provided that the program does not appear to increase re-offence rates among youth, it is the intention to continue with the program.

C. Anecdotal Examples of Conferences

While each resolution conference has its own dynamics, as a result of the varying offences dealt with and the participants involved, each disposition being unique to the particular case, the following four anecdotal reports provide a better understanding of what can be achieved through the program.

1. Shoe Store Matter

A local shoe store owner experienced the theft of an expensive designer shirt from his premises. He did not report the offence for approximately four months, until such

time as he saw a youth wearing the unique shirt. Upon complaint to the RCMP, the shoe store owner did not wish to proceed with charges, nor proceed with the resolution conference process. He simply wished the youth to make restitution to him of the value of the shirt (\$100.00). The RCMP persuaded the shoe store owner to participate in the resolution conference process. At the resolution conference, the shoe store owner, a person one could regard as a shrewd and competent businessman, became extremely emotional. It was apparent that the rationale for him not wanting to have charges laid or participate in the resolution conference was because of the significant affect that the simple shoplifting had had upon him. He felt that he had had the trust and respect of the youth of the community, and that by the youth involved committing the theft, the trust was broken. The youth very strongly felt the shoe store owner's emotion. It was agreed upon by the participants of the resolution conference that the youth would compensate the shoe store owner for the value of the shirt, and as well, perform 75 hours of work service to the shoe store owner at his premises, being 7 1/2 hours on each Saturday for 10 weeks. At the resolution conference, the shoe store owner indicated that he was not going to have the youth shoveling snow, sweeping out the stock room, or other such tasks, but that he would teach him how to run the business, including the ordering of supplies, waiting on customers, and all other matters that the shoe store owner performed himself. He wished to have the youth fully understand what it meant to run a small business and the effect that theft had on his business. The youth complied with the disposition. Subsequent to completing the disposition, the youth continued to frequent the store, assisting the owner with various matters of running the business. Eventually, the shoe store owner felt guilty about the youth continuing to work at his store for free and offered the youth part-time employment at the store, which the youth continues to hold to date. This case illustrates that first, even what would be deemed by many to be a minor offence can have very significant effects upon a victim. In the traditional court system, in matters such as this, the victim certainly would not have had the opportunity to express fully the effect that the offence had upon him. More importantly, the case demonstrates that many victims, once they have had the ability to express to the offender the effects that the offence had upon them personally, are frequently quite willing to assist the youth in reintegrating into the community. In this particular case, the youth who is now 16 years old, has significant stature among his peer group as he has part-time employment, while few of his peers do.

2. Subsequent Offence

In the late winter of 1995, shortly after inception of the program, a young offender was dealt with through the resolution conference process. At the resolution conference, his mother and her then current boyfriend attended with the youth. The mother of the youth was well known herself to the police and frequently caused significant difficulty for the police through spurious formal complaints about alleged wrongdoings of various RCMP members. She herself had a significant court record. At the resolution conference, while the mother participated appropriately in the conference, her then current boyfriend had little to say. It was apparent that the youth did not take the matter exceptionally seriously given the attitude of his mother and boyfriend. However, the youth did complete the agreed upon disposition satisfactorily. A short while after the youth had completed his disposition, the youth was involved in a further property offence. It was decided to offer the youth the program on a second occasion. At the second conference, the mother did not attend, although requested to do so, expressing to the investigating

officer that she had "given up" on the youth. Instead, the investigating officer was able to locate the youth's natural father (who had had very little to do with the youth since birth, but had been paying maintenance to the mother), an uncle of the youth and the youth's stepfather who had been a parent to the youth for many years. At the second resolution conference, the three men, who did not particularly like one another, determined that they were going to do everything within their power to ensure the youth did not re-offend. The message that these three men cared about the youth was very adequately conveyed to the youth. It was determined that the youth would live with his uncle and that his natural father and stepfather would have regular contact with the youth. For the first time in the youth's life, his natural father became involved with him. Since the second resolution conference, the youth has not come to the attention of the police again. This case demonstrates that the application of the "step up" principal may often be inappropriate. While it cannot be hoped that in all cases that a resolution conference will result in no further offending behaviour, if appropriate resources are brought to bare, often a second conference will achieve the desired objective. To date in the program, we have not had any third-time offenders.

3. Multiple Offenders

In September of 1995 it came to the attention of the RCMP a number of grade 7 students from an elementary school were being apprehended for shoplifting. Upon investigation, the police learned that what was transpiring was that a game of shoplifting "one-ups-manship" was occurring. A youth would shoplift an item from a store, and then tell friends about such, and see if they could do "better". A total of 13 youth were involved and two retail grocery stores. It was determined that all the youth would be dealt with at a single resolution conference, primarily to ensure that all the youth were dealt with in a level manner, to have the youth deal with matter collectively as a group, and, perhaps more importantly, to reduce the time and trouble of the store owners to deal with the matter. The resolution conference was conducted at the elementary school gym, with over 60 people in attendance. The principal of the school did attend, but none of the teachers of the students, as apparently, they believed it was not a school matter. The resolution conference commenced at 5:00 p.m. and continued through without break until 9:00 p.m. The disposition agreed upon by the group was that each of the youth would write a report about their experience and then the principal would collate such reports for distribution among the other students of the school in a Shoplifting Awareness Program. This case illustrates that numerous offenders may be dealt with at the same resolution conference, and secondly, the results of a conference process can have educational value for others. It has been the experience in the program that resolution conferences with numerous parties in attendance appear to have better dynamics than smaller resolution conferences. An ideal group appears to be from 8 to 15 people in attendance.

4. Restitution

Once the disposition phase (now termed the restoration phase) of a resolution conference is reached, the first matter addressed is restitution to the victim for any monetary loss sustained. To date in the program, there has been a virtual 100% success rate in victims receiving full monetary compensation. The following case illustrates the extent to which such is possible. A 17-year-old youth, under the influence of alcohol,

determined one evening to vandalize various District of Sparwood Municipal signs and Chamber of Commerce signs, through the aid of a chain saw. The total monetary damage amounted to approximately \$4,000.00. At the disposition phase of the resolution conference, the parents of the youth suggested that it would be appropriate that the youth, who did not have a part-time job, sell various assets he owned, which would include his prized car if need be, in order to make restitution to the Municipality and the Chamber of Commerce. The youth was given six months to make such monetary restitution. As well, he was to assist in the rebuilding of the District of Sparwood signs and Chamber of Commerce signs. The youth made full monetary compensation within three months of the resolution conference, selling his weight set, stereo, and various other assets, but not his car, in order to do so. Frequently, in many resolution conference, it is the parents of the young offender who will sometimes propose rather drastic solutions in order to ensure monetary compensation is made. We insist in the program that the parents of the youth do not make such monetary compensation themselves, but such is left to the youth. We do encourage the parents, however, to ensure that the youth does so. It is not unusual for the parents to suggest that the youth sell assets that the youth owns in order to make such compensation. A frequent comment made by a parent at a resolution conference is to the effect that the youth has caused loss to others, and he should experience an equivalent loss. At the commencement of a resolution conference, parents often do not fully appreciate what the youth has done, or sometimes do not believe the allegations made against the youth, but invariably, by the conclusion of a resolution conference, the parents are taking an active role in ensuring accountability for the youth.

D. Legal Foundation

The Sparwood Youth Assistance Program is not an alternative measure authorized by the Attorney General of the Province of British Columbia pursuant to section 4 of the *Young Offenders Act*. It is our view that a program such as the Sparwood Youth Assistance Program is authorized at common law, based upon a police officer's discretion as to whether to lay a charge or not, and hence, the program falls outside of the ambit of the *Young Offenders Act*. If such view is incorrect, we take the position that section 3(1)(d) of the *Young Offenders Act* does implicitly authorize a pre-charge diversion program such as the Sparwood Youth Assistance Program.

II. PROGRAM OUTLINE

For the program to be effective, not only must the concerns of victims of crime be addressed in a meaningful manner, the support of the public is crucial.

The first involvement with a young person accused of a crime is almost invariably the investigating police officer. In the S.Y.A.P., a far greater degree of discretion is utilized by the investigating officer in dealing with a particular offender. Rather than automatically forwarding a report to Crown Counsel, recommending the laying of an information, a two-stage process is utilized, where appropriate. Obviously, some types of offences and young persons cannot be suitably dealt with outside of the traditional court system, and matters proceed in the traditional fashion.

A. Stage 1

The investigating officer is encouraged, in minor and appropriate cases, to attempt to deal with the young person informally, in consultation with the victim (if any), such as taking them home to their parents and explaining the problem to the young person's family. The investigating officer is encouraged to assess the effectiveness of this minimal step, and if satisfied that the young person's parent or guardian is capable and willing to appropriately deal with the matter, the matter goes no further. In the event that the investigating officer determines that the parent or guardian was not prepared or able to appropriately deal with the matter, or the matter is of a more serious nature, the investigating officer recommends the matter proceed to Stage 2.

B. Stage 2

In more serious matters, or where a Stage 1 approach is not effective or obviously not appropriate, a more formal process is recommended by the investigating officer. If such is recommended by the investigating officer, and approved by the N.C.O. in charge, a formal process is implemented, outside of the traditional court system, to deal with the young person. On recommendation by the police, a process is implemented to bring all parties concerned together to attempt to define an appropriate response as soon as possible. These parties include :

1. The young person;
2. The victim;
3. The young person's family;
4. The police;
5. A facilitator;
6. Any other person effected by the youth's offending behaviour.

Formal notification is given to all parties, and a conference arranged in a neutral setting (the "resolution conference") at the earliest possible time, provided the young person admits involvement in the matter, and agrees to become involved in the process. The victim's consent to the process is not required, but should be sought in all cases, and their views given great weight. The victim's involvement in the process is crucial.

C. Resolution Conference

At the resolution conference, the victim has the opportunity to explain to the young person the effect that the offence has had upon them. The youth has the opportunity of explaining to the victim the motivation for the offence. The police can outline the gravity of the offence if dealt with in the courts, and any relevant past history of the youth. The young person's family has the opportunity of expressing any concerns about the youth in the home, his attitude, and any relevant family background. Any other persons concerned with the youth or the family, such as Ministry of Social Services workers, probation officers, or teachers, have the opportunity to attend the conference and have input. The facilitator moderates the conference, and focuses the parties on arriving at consensus. The outcome of the resolution conference (the "restoration agreement") is the imposition of appropriate measures to first, attempt compensation to the victim, secondly, levy a consequence on the young person, third, if appropriate, deliver required services to the family, and fourth, establish a monitoring program of the young person to ensure compliance. All restoration agreements must be agreed upon by the parties in attendance at the resolution conference. Upon completion of the measures, the police review the youth's compliance with the restoration agreement, and report such to the youth, the youth's family, and, most importantly, the victim. The individual police officer is encouraged to have ongoing discussions with the youth and the victim as the measures are being complied with. At any stage of the process, the youth has the option of electing to not participate, and go through the traditional court system. If agreed upon measures are not being complied with by the youth, the police have the option of forwarding a report to Crown Counsel, recommending charges be laid.

D. Procedural Guidelines

Procedural guidelines are, hopefully, clear, yet flexible, able to be modified to meet particular requirements. The following is an outline of the mechanics of the program, followed in most circumstances.

1. On receipt of a complaint, the investigating officer pursues normal investigative procedures, including the obtaining of a warned statement from the young person, in normal fashion;
2. In minor offences, if appropriate (for example, first offence involving liquor) the youth is brought home to the parents by the investigating officer, the offence explained to the parents, and the parents allowed to deal with the youth;

3. In more serious matters, or matters where the investigating officer believes that the parents are unable or unwilling to deal with the matter, not limited to summary matters, even if the youth does not immediately admit involvement, a resolution conference is recommended to the youth. In the event that the youth denies involvement, a promise is made to the youth that if the youth agrees to participate in the program, any statements made by him will not be tendered as evidence against him in a prosecution;
4. The youth is given an opportunity to consider the proposal, legal advice is encouraged, and a response requested from the youth in a specific time frame (for example, 5 days);
5. If the youth agrees to participate in the resolution conference, and admits involvement, he and his parent/guardian enter into a written agreement to participate, and a date is set for the conference, within 14 days if possible, and all parties as indicated notified and encouraged to attend;
6. At the resolution conference, the following guidelines are followed, subject to modification to meet specific cases :
 - a) The facilitator first outlines the structure of the conference, the basic purpose, ensuring the youth understands their right to be represented by legal counsel and that their participation is voluntary;
 - b) The youth is asked to outline the details of the offence, and the investigating officer and victim are asked to comment on the youth's version. Details are explored until substantial agreement on the circumstances is reached;
 - c) Provided that there is substantial agreement on the circumstances of the youth's involvement, the youth is then asked to identify who the persons are that his offending behaviour has effected, and how it has effected them;
 - d) The youth is then asked to explain the motivation for the offence, usually in terms of "how was he feeling" or "what was going through your head";
 - e) Other persons involved with the youth, particularly the family of the youth, are then asked to explain how the youth's behaviour has effected them;
 - f) The victim, and supporters of the victim, are requested to explain to the youth the effect of the offending behaviour upon them. Victims are encouraged to express their feelings honestly to the youth;
 - g) The participants then attempt to arrive at consensus on appropriate measures to compensate the victim, ensure a consequence to the youth, and determine if other services are required for the youth or his family, such as counseling. If appropriate, any compensatory work service is done directly for the victim. The agreement is reduced to writing, and signed by all participants at the conference;

- h) If consensus could not be reached, potentially after several meetings, as a last resort, the investigating police officer would recommend to Crown the laying of an information;

- 7. Compliance with the restoration agreement is monitored by the most appropriate person and reported to the investigating officer. For example, in some cases, the victim is the monitor, in others, the investigating officer or the supervisor of the community work service being performed (for example, campground manager, municipal public works superintendent);
- 8. If the youth does not comply with the restoration agreement, the investigating officer has the option of submitting a report to Crown Counsel, without reference to evidence obtained as a result of the resolution conference, recommending an information be sworn. However, prior to such step being taken, a further resolution conference to deal with the youth's non-compliance is usually held, to attempt to gain compliance with the restoration agreement, or formulate an alternative restoration agreement. At any time, the youth may opt out of the restoration agreement, and have the matter resolved in the traditional court system;
- 9. On successful completion of the restoration agreement by the youth, the investigating officer contacts the youth, his family and the victim, outlining the youth's performance, and requesting the victim fill out the victim evaluation form. The restoration agreement is not limited to traditional community work service, but is designed on a case by case basis to meet the needs of the youth, and arrive at meaningful compensation to the victim. Any restoration agreement, on summary matters must be able to be completed within the 6-month limitation for laying an information. No time limit need be imposed in indictable matters, but restoration agreements should be able to be completed in a short time frame.

III. AGREEMENT FOR THE YOUTH TO PARTICIPATE

SPARWOOD YOUTH ASSISTANCE PROGRAM

TO : _____

It is alleged that you have committed the following offence :

contrary to section _____ of the _____

It has been determined that you are an appropriate person to be offered assistance from the SPARWOOD Youth Assistance Program. YOUR PARTICIPATION IN THE PROGRAM IS ENTIRELY VOLUNTARY. YOU HAVE THE RIGHT TO SPEAK TO A LAWYER BEFORE YOU AGREE TO PARTICIPATE IN THE PROGRAM. If you decide to participate in the program, the following will happen :

1. A meeting will be held, called the "Resolution Conference", in the very near future. You will be required to attend, and as well, your parent(s) or legal guardian. Also, any other person significant to you or your family will be asked to attend. **YOU MAY ALSO HAVE A LAWYER PRESENT TO ACT FOR YOU.** In addition, the following people will be at the Resolution Conference :
 - a) The police officer who investigated the alleged offence will be present;
 - b) The person(s) who were the victims of your actions;
 - c) A person to assist the people at the resolution conference to arrive at a decision, called the "facilitator";
2. At the resolution conference, you will be asked to explain what happened. What you say happened must be basically what the police and the victim say happened;
3. The victim of the offence will be asked to explain what effect your actions have had on them;
4. The conference will then try to arrive at an agreement for you to compensate the victim, if appropriate, and as well, impose a consequence for your actions. This is called the "disposition". The disposition will not necessarily be less than what might happen to you in court, but it may be similar. You will be requested to agree in writing to the disposition. If you do not agree to the disposition, or do not carry out the terms of the disposition, a charge may be formally made against you, and you will proceed through the normal court system.

AT ANY TIME, YOU MAY DECIDE NOT TO PARTICIPATE IN THE PROGRAM, AND A FORMAL CHARGE MAY BE MADE AGAINST YOU AND YOU WILL BE DEALT WITH IN THE COURT SYSTEM.

I, _____, promise you that if you decide to participate in the program, anything said by you about the alleged offence will not be used against you in any subsequent criminal court proceedings relating to the alleged offence.

Signature of Officer in Charge of Sparwood Royal Canadian Mounted Police Detachment

I, _____
have read and understand the above. I further understand that I can speak to anyone I wish before I agree to participate in the program, including a lawyer. By signing this form, I agree to participate in the SPARWOOD Youth Assistance Program.

Dated this day _____ of _____, 19 ____

Witness :

Name

Address

Signature of young person

Signature of parent/guardian

IV. VICTIM INFORMATION PAMPHLET

SPARWOOD YOUTH ASSISTANCE PROGRAM INFORMATION FOR VICTIMS OF YOUTH CRIME

The Sparwood Youth Assistance Program was initiated in January of 1995. The Program has eight primary objectives :

1. Divert young offenders from the traditional court system;
2. Provide victims with an opportunity to participate actively in the process of seeking reparation;
3. Arrange compensation, where appropriate, for material damage or loss;
4. Make young offenders aware of the consequences of their behaviour;
5. Make young offenders accept responsibility for their behaviour;
6. Involve the family and close friends of a young person whose behaviour has offended in the process of dealing with the consequences of that behaviour;
7. Involve the victim, their families and close friends, if appropriate, in the process of dealing with the consequence of youth offences;
8. Lay the foundation for a gradual restoration of trust between all persons affected by a young person's offence.

One of the most important aspects of the program is called the "Resolution Conference". Your attendance and participation at the Resolution Conference is essential as you are probably the person most affected by the youth's offence. At the resolution conference you will be provided with an opportunity to :

1. Deal with your own anger in the company of people who are experiencing similar feelings;
2. Convey these feelings to the offender;
3. Ask the offender : why?;
4. Participate in the collective process of arranging for material reparation where appropriate and arriving at an appropriate consequence.

YOU ARE STRONGLY ENCOURAGED TO BRING WITH YOU FAMILY, CLOSE FRIENDS AND OTHER SUPPORTERS. Those close to you are often affected as well by the youth's offence.

A. Who Else Besides the Victim Attends the Resolution Conference?

At the resolution conference, the youth will be required to attend, as well as his or her parents or guardian. Other persons close to the young offender, such as brothers or sisters, may also be in attendance, as the youth's behaviour almost always affects those close to the youth. The police officer who investigated the offence will be in attendance, as well as a "facilitator". The facilitator is not there to act as a judge, or impose a disposition, but to assist the participants to deal with the consequence of the youth's offence. There may also be other persons in attendance who are connected with the youth such as social workers or teachers.

B. What Happens at the Resolution Conference?

Once the resolution conference is commenced by the facilitator, the youth will be asked to speak first and state the circumstances of the offence and try and identify who has been affected by his/her actions. The parents, guardians or other persons close to the youth will then be asked to explain the effect of the youth's actions upon them. You and your family and/or supporters will next be called upon to explain to the youth the effect of the youth's actions on your life, and those near to you. At this stage, it is quite appropriate for you to express to the youth any anger, fears or frustration that you are experiencing as a result of the youth's actions. Don't be afraid to express your feelings. It is important for the youth to hear from you the impact his/her actions have had upon you, as well as those close to you. Once all participants have had the opportunity to give input regarding the youth's actions, the conference then proceeds to the next stage of arranging compensation to yourself, where appropriate, and arriving at a consequence for the youth's actions, called the "disposition". The disposition must be agreed upon by all parties, and once agreement is reached, it is put in writing and signed by the participants. If appropriate, it is often preferable that any consequence beyond monetary compensation take the form of work service to you. Where that is not appropriate, or you do not want that to occur, other resources are available for compensatory work service.

C. What Happens After the Resolution Conference?

The youth is required to complete the disposition within a specified time frame. If the work service is being done directly to yourself, the investigating police officer will check with you on a periodic basis to see how things are going. Please ensure you report any problems to the investigating police officer. At the conclusion of the youth's disposition, you will be advised by the investigating police officer as to the youth's performance (if the work service was not done for you) and requested to fill out an evaluation form of the program.

IF YOU HAVE QUESTIONS AT ANY STAGE OF THE PROGRAM, PLEASE FEEL FREE TO CONTACT THE SPARWOOD R.C.M.P. DETACHMENT AND ASK TO SPEAK TO THE INVESTIGATING OFFICER.

V. SUGGESTED FACILITATOR'S GUIDELINES FOR CONDUCTING A RESOLUTION CONFERENCE

The following format generally will produce, in most cases, appropriate shaming and subsequent acceptance of the young person. However, each resolution conference will have its own dynamics, simply because of different personalities involved and the type of offence being dealt with, and therefore, modification should be made to suit any particular case as appropriate. The facilitator should strive to use simple language and as few words as possible so as not to dominate the conference. Care should be taken to condemn the youth's actions, not the youth.

A. Seating Arrangement

- A circle formation is recommended, to enable all participants to view one another, without obstruction such as tables between participants;
- The victim and supporters should be seated together, preferably with the victim between any supporters;
- The youth should be seated opposite the victim, preferably with parents and others with youth on either side;
- Police officer and facilitator seated side-by-side, with facilitator on youth's side and police officer on victim's side.

B. Opening the Conference

- Participants are welcomed/introduced;
 - Purpose of conference briefly outlined (e.g., "We're here today to deal with an offence of _____ committed by John on _____");
 - Agreement to participate given to youth and the youth is asked to read it and confirm their signature :
- Ensure youth understands the agreement;

- Ensure youth understands that he has the right to be represented by legal counsel;
- Ensure youth understands that at any stage of the conference or subsequent to the conference that he may elect not to participate in the program and the matter may be dealt with in the court system;
- Ask parents/guardians if they understand the above.

— Structure of conference outlined :

- Role of the facilitator (not acting as judge or to impose a disposition but to assist the parties in dealing with the matter);
- Will deal with what has happened and the effects and then arrive by agreement of the group on an appropriate resolution.

C. The Offence and its Effects

— Youth asked to explain what happened :

- Ask short questions to get details;
- If more than one youth, allow each youth to give version of events prior to asking questions;
- Make sure that youth committed the act alleged and that the youth intended to commit the act if any doubt from youth's explanation of what occurred;

— Victim asked briefly if they agree with youth's version of events and any pertinent details as to what occurred, not how they have been affected;

— Investigating officer asked to comment on circumstances;

— Further discussion may be required to ensure that there is substantial agreement on the circumstances;

— Youth asked to explain motive :

- Do not ask : "what was your motive for committing the alleged act on the night in question"? but "what were you thinking about at the time"? or "what was going through your head"?

— Youth asked to describe who in their view has been affected by his actions and how they have been affected :

- Frequently, youth will name family members and the victim; often appropriate to ask him what the reaction has been of friends at school and relatives, such as siblings, aunts, uncles, etc.;

- Parents/guardians/offender supporters asked their reaction to the youth's actions and how they have been affected;
- Victim asked to explain affects of youth's actions :
 - At the time of offence and immediately after (for example, what was your reaction at the time of the incident? Right afterwards?);
 - Subsequent to the offence;
 - Affect on family and friends;
 - Attempt to quantify any monetary loss;
 - Victims may be reluctant to express emotions, and if so, the facilitator should encourage the victim to express any feelings of anger, frustration, etc.;
- Any supporters of victim asked to explain affects upon them or upon the victim from their perspective;
- Police officer asked for comments;
- Youth asked if he has anything to say at that time to the victim, parents, his supporters;
- Any further comments from any participants asked for;
- Advised that a short break will be taken (for example, 10 minutes) and that when reconvened, will discuss what should be done about the matter :
 - First matter that will be dealt with is any monetary loss/compensation to the victim;
 - If appropriate, indicate that if victim is willing, it is preferable that work service be done for victim;
 - Advise of work service opportunities available through the program;
 - *May* wish to advise of what would potentially happen in court, but stress that it is up to the participants to decide on the disposition.

D. The Disposition

- Youth asked first to propose method of monetary compensation if available;
- Victim asked if satisfactory;

- Ensure that proposal is realistic and youth can comply/may wish to ask parents/guardian if realistic;
- Youth asked to propose an appropriate consequence;
- Victim asked to comment on youth's proposal and whether they would wish something different done/if work service to be done for victim, make sure that the victim is comfortable with what is proposed;
- Victim's supporters asked for comment;
- Youths' parents asked for comment;
- Police officer asked for comment;
- Discussion until agreement reached;
- Facilitator should only comment on proposal to ensure that it is workable/completed within program guidelines;
- Agreement reduced to writing by facilitator;
- Youth, parent/guardian, police officer, victim, facilitator sign agreement/copies given to all participants (original to police officer).

E. Closing the Conference

- Facilitator asks for any closing comments from any of the participants/often appropriate for police officer and/or facilitator to comment on the positive aspects of the youth;
- Often appropriate for facilitator to congratulate the participants for their work at resolving the matter;
- Ensure the victim knows who to contact with any questions, particularly if work service to be done for victim.

VI. RESTORATION AGREEMENT

**SPARWOOD YOUTH ASSISTANCE PROGRAM
RESTORATION AGREEMENT**

I, _____
acknowledge that I participated in a Resolution Conference on the _____ day of
_____, 19___, at which I acknowledged responsibility for the offence
of _____ occurring on
the _____ day of _____, 19___.

I have been advised of my right to be represented by legal counsel and have been given a reasonable opportunity to consult with legal counsel, prior to agreeing to participate in the Sparwood Youth Assistance Program. I agreed and undertook at the resolution conference, freely and voluntarily, that I will :

I understand that if I fail to complete my agreement and undertakings, that a charge may be laid against me for the offence, and I may be required to go to Court for the offence.

I further understand that if I do go to Court for the offence, and I either plead guilty to the offence or am found guilty of the offence, this Agreement may be given to the Court and the circumstances of my failure to complete this agreement may be put before the Court.

Dated this _____ day of _____, 19__.

Youth

Parent/Guardian

Victim/Complainant

Investigating Police Officer

Resolution Conference Facilitator

CONCLUSION

We gratefully acknowledge the invaluable assistance, support and encouragement of Judge Heino Lilles of the Yukon Territorial Court and Judge Don Waurnchuk of the Provincial Court of British Columbia.