

ON THE WEB

Santa Claus is coming to town today. See parade dates and routes in the community section.

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Justice partners focus on healing

BY NICOLE O'REILLY

By the time Jay was about halfway through Grade 11, he had only 3½ credits and no hope or thoughts of a meaningful life beyond high school.

He didn't feel connected or respected in the community. He was "just another kid wearing baggy clothes."

Then the Hamilton teen got into a fight with another student that landed him in police custody and saw him expelled from school.

Enter restorative justice.

Experts say it is the first really effective way to deal with such issues as young offenders and bullying.

Restorative justice focuses on healing the harm, not punishment, said Dale Pyke, co-ordinator of the local John Howard Society's restorative justice project.

"Restorative justice very simply is a philosophy that supports a sense of belonging, (a) positive sense of community," he said.

A coalition of Hamilton agencies is working to make the practices and language of restorative justice part of the city's daily vocabulary.

Through an Ontario Trillium grant, the partnership began three years ago with the John Howard Society, Hamilton police and the Hamilton public school board. This past year, it expanded to include the Hamilton Catholic school board and the city's recreation department.

Its genesis, said David Lane, executive director of the John Howard Society, was a conversation with a public school board representative about the high number of suspensions.

The society had already been exploring restorative justice practices in a couple programs and there was enough of an appetite to apply for a grant, he said. Now the partnership has transformed into something unlike anything else in Canada.

This week is Restorative Justice Week, coming on the heels of Bullying Awareness Week.

Canada has one of the highest rates of youth incarceration, many of them repeat offenders, Pyke said. According to Statistics Canada figures, there was an average of almost 1,900 youths between the ages of 12 and 17 in custody on any given day in 2008-09. That's 168 admitted to correctional facilities for every 10,000. While the figure dropped by 6 per cent from 2004-05, youth justice workers say there is still a long way to go.

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A new means of dealing with offenders

Community, police turn to restorative justice

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Pyke says the system isn't working, because youth are detached from their communities and the punishments are detached from the problem.

But restorative justice, which gives all affected parties the opportunity to come together and talk out the issues, does not forgo justice or punishment.

If recommended by the police or the Crown, the perpetrator of a crime can get together with the victim and the community and collectively decide on a punishment.

"We want kids to take ownership, have empathy, build relationships and trust," Pyke said.

More often, youth would rather just take the punishment, do their time than actually face the underlying issues, said David Stam, the John Howard Society's youth services manager.

"With suspensions, with punitive responses, oftentimes they're not connected actually to the situation," he said.

When Jay began the public school board's Gateway program for students facing long-term suspensions or expulsions, he was resistant. During those first classes at the John Howard Society, he was disruptive.

Things began to spiral. In a year, he only earned one school credit. He was arrested again.

He realized: "I have to get on the right path, or I'll keep sinking."

Something clicked and by the end of one semester he had eight credits. Jay (whose real name is protected by the Youth Criminal Justice Act) credits restorative justice and its "circle" practice modelled after aboriginal healing circles.

"I wasn't ready at the time when they wanted to help me, but they stuck with me through it and when I was ready, it helped me a lot," said Jay, who is now 17.

Some circles are in response to a specific problem or incident, bringing together the harmed, the harmers, their families and the community.

Other circles, like the ones the John Howard Society holds once a week with the kids in the Gateway program and once a day with those in the gang exit program, are a chance for at-risk youth to express themselves and connect with their community.

It is as much about dealing with a problem as it is about preventing problems in the future.

In circle everyone is equal; everyone gets their chance to speak.

"It's not every day us kids get the chance to be heard," Jay said.



BARRY GRAY, THE HAMILTON SPECTATOR

Garth Bell, youth worker at the John Howard Society, leads a restorative justice session, where individuals are brought together to try and resolve their differences.

Even the teacher or circle leader or police officer has to share.

"It's not just a teacher sitting there, I can actually say, 'You're my friend,'" Jay said, turning to John Howard Society youth worker Garth Bell.

While Jay has graduated from the Gateway program, he said he would come to Bell if he had a problem.

Jay now helps train teachers, police and other workers at restorative justice sessions — he even spoke at the training session for the principal who expelled him. He has been welcomed back to the school and plans to finish up his last four credits next year and graduate.

He wants to become a child and youth worker. He tries to apply restorative language, such as not blaming and respect, to all his relationships now.

Despite all he has gained, Jay doesn't just paint a rosy picture. He's honest.

"I struggle every day," he said. He struggles with getting work done, getting mad with people outside the restorative justice cir-

cle, seeing friends going down bad paths.

But now he has hope, said Bell, who has run hundreds of circles.

Hamilton police have facilitated more than 130 circles since the project began, said Sergeant Andrew Toms, youth services co-ordinator.

Of the 213 youths who went into some type of diversion this past year, 91 per cent have not reoffended, he said.

"Youth are never just let off, we don't want people to think that police are soft on crime," he said.

As of this fall, staff in approximately 95 schools, across both local school boards, all Hamilton police youth and school officers and John Howard Society workers have been trained.

Ten full-time recreation staff have gone through the three-day training, and 80 program leaders and parks staff have gone through one-day training.

The next step in the partnership will see all Hamilton police auxiliary officers and victims services employees trained.

Restorative justice: Five questions asked

1. What happened?
2. What were you thinking of at that time?
3. What have you thought about since?
4. Who has been affected by what you have done? In what way?
5. What do you think you need to make things right?

Restorative justice is in no way a panacea. All parties need to be willing and capable of respectful communication, said Hamilton police Constable Perry Mason, who has worked in schools for the last seven of his 31-year career.

But it's the most effective tool he said he's ever used.

Recently, Mason ran a circle with two boys accused of knocking over 113 headstones at Eastlawn Cemetery in August.

They faced the families of two victims.

One woman brought a framed photograph of her daughter, who died as a child. Another woman explained how she arrived at the cemetery to place her daughter's wedding bouquet on her parents' grave and found the marker overturned.

In the end, and after many tears, the boys agreed to 113 hours of community service at the cemetery, an hour for each gravestone, Mason said.

Young offenders' history with the law and their level of remorse affects whether police or the Crown recommend diversion.

Mason said restorative justice is effective because it restores a sense of community.

Even the most resistant, old-school detectives, who declare "I don't want to hold hands and sing Kumbaya" before a circle are amazed by the end, he said.

It's also about how you measure success. Even if all a circle achieves is creating a level of understanding and empathy among the parties, Mason said it's worth it.

The practice also gives a unique voice to victims.

Gary Schnuur was driving a transport truck on the Red Hill Valley Parkway on the Barton Street ramp when a rock came flying through his windshield.

Luckily, he was able to stop safely. Police later arrested two boys at the underpass.

Schnuur agreed to meet with one of the boys and says the circle was empowering and moving.

He wasn't out for a pound of flesh, rather just understanding. And he said he learned about how one of the boys was struggling, how he used to live in a group home.

In the end, they decided that the boy was going to write a letter about what he'd learned so it could be distributed as an educational tool in schools. The boy is now in a leadership program.

"I found it so powerful, a great way to solve problems," Schnuur said.

Now he's interested in going

through restorative justice training as a volunteer for the John Howard Society.

Last Thursday night, at an event for Bullying Awareness Week at Sir Winston Churchill Secondary School, representatives from the school, police and John Howard Society discussed the merits of restorative justice.

Sitting on a panel before a packed library, three Grade 9 boys and their families spoke about how a circle helped with bullying.

Lemon Wilson and his parents, Hai Yen and David, spoke about how angry and scared they were following a bad bullying incident. But sitting down with the two bullies allowed them to understand how sorry the boys were and it put a stop to any further incidents.

"It gave us the chance to move past anger," David Wilson said.

Hai Yen Wilson said the process challenged her earlier belief that she didn't need to be part of the solution.

The two former bullies and their families also sat on the panel.

Trenton Tryon said the process taught him "that you can be forgiven."

Logan Forbes said the circle was a safe place where everyone could freely talk about their feelings.

The aim is to have restorative justice training and practices in all classrooms from Grade 7 to Grade 12 in the next few years. (Younger grades use peer mediation.)

"It's important to be in partnership because no one agency can have the impact that a group of agencies can," said Pam Reinholdt, superintendent of safe schools for the public school board.

Already, schools are seeing a significant reduction of reoffending among the students who've gone through a circle.

In the past year, the Catholic board has trained 25 employees to be school leaders and they are already seeing positive results, said Des Brennan, the board's manager of social work.

Nothing works all the time, he said. But with the punitive approach "we were dealing with the manifestation of the real problem." Janine Gaunt, manager of district recreation operations for the city, said restorative justice was a clear fit for staff to better deal with children at recreation facilities and camps.

It was an easy decision to join the partnership "because it works," she said.

Over the summer, she said she received countless e-mails from staff lauding the change.

With its origins in Australia — mirrored in part on aboriginal practices — restorative justice is making waves around the world in the youth and adult justice agencies, police and courts.

The partners say the next steps will be to expand training to more local social service agencies, perhaps including adults.

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