

Restorative Justice Conferencing with Young Offenders at Brookside Youth Detention Centre and Secondary School, Cobourg, Ontario, Canada

INTERVIEW WITH MICHAEL MAGUIRE, BRUCE SCHENK AND RON CAMERON, BY LAURA MIRSKY

Brookside Youth Centre, in Cobourg, Ontario, Canada, about 70 kilometers east of Toronto, is a secure residential facility and secondary school for young men who have come into conflict with the law, capacity 106. Brookside is using the Real Justice (an IIRP program) model of restorative justice conferencing. Below are excerpts from an interview with Brookside staff members Michael Maguire, superintendent of administration and programs; Bruce Schenk, chaplain and co-coordinator of the restorative justice program; and Ron Cameron, principal of the secondary school. The interview was conducted at "Building a Global Alliance for Restorative Practices and Family Empowerment, Part Two," the IIRP's Fifth International Conference on Conferencing, Circles and Other Restorative Practices, August 2004, in Vancouver, British Columbia, Canada, where the men appeared as presenters.

Q: Describe the set-up at Brookside.

Maguire: Brookside is located on about 30 fenced-in acres. Inside are six separate residential units with approximately 18 youth per unit.

Cameron: The school is inside the perimeter of the facility. Our staff goes through the gates every morning.

Maguire: The restorative justice piece has been incorporated with the whole school program, as well as linked with the units.

Q: How did you hear about Real Justice conferencing and restorative justice?

Schenk: As a chaplain I was always concerned about reconciliation and the repair of relationships. You can't isolate somebody and expect them to reintegrate into society. I started to hear the term "restorative justice" around 1993-1995 when the Canadian government got into it, along with the Correctional Service of Canada's chaplaincy program. I wanted to actualize my sense of the theory. Through the Ontario Multi-faith Council I learned about a Real Justice training in Waterloo [Ontario] in 1998. I came back from that training all fired up. In December 1999 I took the Real Justice training of trainers in Bethlehem, Pennsylvania [U.S.A.].

Q: Tell us about the restorative justice program at Brookside.

Schenk: This began as an idea after I completed the Real Justice conferencing training in 1998. The superintendent [of Brookside] at that time was very open to the idea of incorporating conferencing into dealing with peer-on-peer violence.

We piloted it in 1999 in a number of conferences where fights between residents had occurred. The pilot became a practice within one unit out of six. It worked there for a number of years.

The average age of a Brookside resident is 17, with residents ranging from 16 to 18 years old. A few residents are older than 18. On reaching his 20th birthday, a resident is transferred to an adult facility. Some 70 percent of residents have experienced various degrees of emotional abuse: of these, 10-15 percent have experienced sexual abuse. Substance abuse, including drugs or alcohol or both, is frequent and heavy in this population, as it often is within their families. From the Brookside Youth Centre website: www2.kpr.edu.on.ca/brook/riro/page2.htm

Maguire: At the facility I worked in prior to Brookside—the Young Offender Unit of the Ottawa-Carleton Detention Centre—there was an issue of peer-on-peer violence. I instituted some strategies to reduce that.

We took the approach of disciplinary action first. The problem with that for me was that it didn't have the healing component to it, or the learning.

We had a chaplain, Carl Wake, who had been a restorative justice facilitator. That was my orientation to restorative justice. In viewing the conferencing process, it occurred to me that it was something that should be blended with our strategies.

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So we utilized restorative justice conferencing, which provided youth with a clear understanding of the impact that their actions had on their victim, and on the unit, as well. It also provided the staff—the clinicians and myself—an opportunity to talk to the youth about the impact their behavior had on the unit.

It was well received by everybody in the unit. And our statistics, in terms of reoccurring fights, really diminished.

In 2002, I was transferred to Brookside Youth Centre and promoted to superintendent. They had a restorative justice process going, but it was limited to one unit. It worked well at the previous place I worked at, so I wanted to institute it in our facility, starting with peer-on-peer violence, because that's common in any sort of custody setting.

From there, it was a question of how to interest staff and change the way we do business. So we asked for a response from the staff regarding who would be interested in doing restorative justice. We did an orientation as to what it was. We had a very good response. About 25 staff were trained, including teachers, principals, administration staff, direct-line staff and clinicians, with the goal of utilizing restorative justice practices within our six units.

We formulated a committee and empowered it to come up with a process to operationalize restorative justice within our setting. We thought that the staff—the clinicians and teachers—best knew how their days' work would go and how we could implement the process. This committee worked on it for about three months, and we ended up getting a final process in place.

From there, we did an orientation for all the staff, so that they understood what the restorative justice process was. Simultaneously, the new Youth Criminal Justice Act (YCJA) came into play.

Staff needed to be oriented on the new Act, so we used that as an opportunity to relate and blend the YCJA with restorative justice. In doing that, staff started to understand why

we needed to look at other approaches. We were now looking at discharge planning from the moment the youth came into the facility, and what kind of practices we needed in order to achieve that. So we put a process in place, starting off with peer-on-peer violence as the target behavior.

Schenk: The way the process works is if there's an incident that occurs between two residents—thus far, most of them have been fights—then the operational manager meets with the youth. Their job is to decide what's happened, how to deal with the situation and what the consequence should be.

They investigate it and do a report, and they also consequence the youth. When we originally looked at setting this program up, we looked at having more of a front-end approach with conferencing, where the agreement could be fed directly into the consequence. But that just wasn't going to work in terms of our facility yet. We needed to keep some of the usual procedures in place.

What's evolved is that it's more of a healing process, to create balance and harmony between these youth, and within the unit in which they live or the school where the incident occurred. The agreement has significance and has a place in that.

The operational manager who investigates completes a referral form that comes to one of the two restorative justice coordinators [Schenk is one], and we review it. We usually receive it the next day. We have a cadre of trained facilitators, so we see who's on duty that day. Once we review the referral, along with the documentation describing the incident, we get in touch with the facilitator. The facilitator does the normal prep work, including meeting with the youth. Ideally, the conference should happen that same day. Sometimes it happens a day later. It depends on how many trained staff is on duty, whether the youth is ready to do this yet—a variety of things.

An agreement comes out of the conference. The facilitator fills out a section on the referral form that comes back to the restor-

The Youth Criminal Justice Act (YCJA) replaced the Young Offenders Act on April 1, 2003. The YCJA core principles state that measures to address youth crime must: hold the offender accountable; address the offending behavior of the youth; reinforce respect for social values; encourage repair of the harm done to victims and the community; respect gender, ethnic, cultural and linguistic differences; and involve the family, community and other agencies. From the Department of Justice Canada website:

canada.justice.gc.ca/en/ps/yj/repository/2overvw/2O10001c.html

ative justice coordinator, who forwards the agreement to the youths' unit or units. It also goes into their main file, which is sent to a variety of places.

We want to make sure that the agreement is fulfilled. We also want the main file to show that the youth participated in this—that they tried to address the harm. On the contrary, if a youth chooses not to participate, we make note of that. It's a voluntary process for youth. But they're certainly strongly encouraged to do this process as a way to repair harm.

Since we officially began the program last summer [2003] up to the middle of June [2004], we've had about a hundred referrals and we've conferenced over 50. With many of those we haven't conferenced, the incident was already dealt with, the youth may have left the facility already because of their court situation, or he may just not be in a place to want to be a part of it.

But in the school, conferencing has evolved a little bit differently in terms of when and how it's used.

Cameron: What we've been doing at the school is facilitating, for the most part, our own conferences when an incident of peer-on-peer violence occurs. But we've learned that sometimes it's very difficult to identify who the offender is. Sometimes, for example,

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a fight may be staged so that something else can occur. For example, a piece of equipment from one of our tech shops could be stolen or hidden for later use.

So sometimes the school will act as a victim. We identify the two youths as offenders, and then I or my vice principal or a teacher acts as the victim. We point out to the young people just what the fight means to the school. For example, we may have to shut down our



“You can’t isolate somebody and expect them to reintegrate into society.”
—Bruce Schenk

tech classes and carry on a search, which can take one or two days to carry out. This may mean that a program is shut down and students have to return to their units until the item is found or the “all clear” is given for the incident.

The other thing we have found is that we can use the process very successfully as a preemptive measure. For example, we may hear a rumor, or a youth may say that he’s being “soldiered” to do something. Then we will hold a restorative conference to try to put an end to the incident so that it does not occur.

One of the other benefits that I see, which I believe is very critical, is the capacity for building social capital. The school has moved to a “destination work” philosophy. We have established pre-apprenticeship programs for our youth. One of the requirements for participation in that program is the ability to

conduct yourself in an appropriate manner in the classroom.

We are also trying to change some of the youths’ “street” attitudes, to allow them to be successful upon release when they go into the work force. By carrying out a restorative justice conference, we are able to point out to the youths how their behavior would impact on their future. We believe very strongly that we’ve been able to take advantage of that process to build pro-social behavior in our youth, which is very significant for their employability factor.

Q: How has restorative justice conferencing impacted the climate of the institution as a whole?

Schenk: Most of the time a youth will not come back to the school—in fact, I’d say all the time now—until they’ve agreed to participate in a process like a conference, or at least to sit down with the principal to make sure that the incident is over. The conference provides a really good forum to do that.

My sense is that the school is a lot more relaxed around these youth than it normally would be. In fact, I think all staff, in the units as well as the school, are a lot more relaxed. They feel like the incident is dealt with, that it’s safer, and they don’t have to worry about those two youth anymore. Because if an incident isn’t dealt with in such a way, there’s always a question, “What’s going to happen next?” I think it becomes a way to resolve things in a clear fashion.

Maguire: With the old way of doing business, you would consequence a youth for a behavior. It was sort of open-and-shut. It would be consequenced, and when it was finished, they would come back to the unit or to school. And nobody knew what precipitated the event; there wasn’t any closure.

This is what restorative justice is doing for us: When the two youth and the support people and the clinicians take part in a restorative circle, everybody gets to express their views. There’s more participation in the event, and it brings in more of a community

feeling. At the end, you come up with an agreement. As an administrator, you know that the incident has come to a close because you find out what started it, you find out how the person reacted. Here’s where the learning comes into play: There’s a discussion around, “Was there another way we could have dealt with this? Was there another way *you* could have dealt with this?”

Here’s a case in point: We had a restorative justice conference not too long ago after one youth jumped another. There was a fight. It was split up. The youth who’d been jumped didn’t retaliate because the staff told him not to. In the conference, it came out that the victim was still very angry because he was bigger than the guy who jumped him. He still wanted his pound of flesh because he needed to save face with everybody else in the unit. So a staff member called him on it and said, “If the guy had been way bigger than you, would you still be mad at the staff for breaking it up?” And he thought for a couple of minutes and said, “No, I guess not. I guess you guys were just doing your job.” He learned something.

The other piece that came out was that the person who jumped him disclosed that the victim had made some derogatory comments to him the day before. And he said he really didn’t feel comfortable telling somebody, or being assertive enough to say, “I didn’t like that.” So he just kept it to himself and got angrier and angrier, waited for his moment, and then jumped.

That conference had other benefits. A social worker was participating who said, “I can work with you on dealing appropriately with your anger.” The youth said, “Yeah, I would like to do that.” The other youth was still angry about not retaliating. The psychologist in the conference said, “I can work with you around that.” That related to some of the reasons the youth was in our facility to begin with—the inability to deal with his anger.

So—we find out what caused an incident; we come up with an agreement; we know the issue’s over and that we don’t have to worry about it happening again, or that there’s

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still bad blood. On top of that, we get some benefit out of it from a program perspective. We now know what we need to do with this guy, and what we need to do with *this* guy. So from that perspective it's a better approach.

Cameron: My vice principal was assaulted during an interview by one of our youth, so I put him out of the school for quite some time. He wanted to come back to school, but because it was an assault on staff, I wanted nothing more to do with him. Mike approached us and said, "What happens if we do a restorative justice conference? Would that be one way to get the youth reintegrated into the school?"

That conference was extremely successful. It pointed out to me the importance of the [Real Justice conferencing] script and how that script allows you to get to the end you want to get to. But most important, as a result of that conference, the youth was reintegrated into the school, remained there for three months until his release and was very successful. He was able to gain two more high school credits. That in and of itself made me a believer in restorative practices.

Schenk: One of the other real advantages [of restorative conferencing] is that it allows the staff to let down some of their traditional role and be themselves, in saying how they have been affected [by an incident]. That really impacts the youth. In the conference process we ask the offender, "Who was impacted by your actions?" And he'll say: the kid who was hit; maybe himself somewhat, because he's lost privileges or has been suspended from school; the staff, because they have to write reports. Well, when the staff start to talk about how they're impacted, it's not just about writing reports. It's about the kinds of feelings they have or the fact that it affects everybody in the unit. Other youth who sit in the circle as support for the youth also start to talk about that. So the process really allows people to talk about impact, and that's very important for staff. In a correctional facility—a youth correctional facility—there are

rules and processes that don't often allow for that kind of disclosure.

Some very dramatic things can come out of a conference. Just the other week we were in the midst of a conference when a youth revealed that there was a weapon in the house. That's the first time that happened. What was really interesting is that the staff—the "youth officers," as they're now called—were very persistent but still supportive in that concern. Normally, if there's a weapon, the procedure is you get it at all costs. But it was because of what was happening in the conference that the weapon was revealed. And it was negotiated as part of the conference agreement that if the weapon was handed over, there would be no consequence for it. A conference allows people to be themselves in expressing what they need and what will help make a safer institution. So I think it certainly has led to a deeper level of safety.

Q: How has the staff reacted to the introduction of restorative justice conferencing, and how do the students like it?

Schenk: It began five years ago as a pilot, so people were fairly OK with the concept. But there was a big shift between doing it on an occasional basis and making it part of the policies and procedures on an every-case basis, so there's been a learning curve around that. But in spite of that, the acceptance has been quite good, on the whole. There are individuals who think that it's not a very good idea, or they're not willing to participate, but there's at least an equal amount of staff who would say this is a great process. They're beginning to win people over, I think.

Cameron: What's really interesting about the restorative justice conferences I've participated in is how willing the youth are to get involved in the process. I think they see it as one way to be reintegrated, and a positive experience.

Schenk: Brookside has not been a facility that fits a typical correctional model. It's always operated on what's called "relational

custody." In other words, it's the relationship that the staff have with the youth that make the place work. It's not a lock and key kind of place. So the staff who do that well understand the importance of relationship and healing, or at least resolution, when there's a conflict.

Maguire: We have some youth officers who feel, "Why do we have to make this so formal? We do this naturally. And why do we have to do this every time?" Because we're growing, we certainly have to seek the advice and comments of the people who actually do



"Restorative justice conferencing provides youth with a clear understanding of the impact of their actions."

—Michael Maguire

the work and empower them to make it work. So we're taking a look at the way we're doing our process. Maybe we need to do a restorative practice, but it doesn't necessarily mean that it has to be a full-blown conference.

I think the staff in general appreciate the process. We have a formal process that really validates what they do. I think for the most part it's very positive.

One of our staff members was originally from an adult facility, where basically it's: "Count heads, turn keys and hope for a quiet shift." Not a lot of interaction with—they call them "inmates." He transferred to the young offender system at Brookside. He made a comment after the [restorative conferencing] training: "I've been working for

20 years, and this is the best training I've ever had." He is actually one of our "star players." This guy, he's involved; he's very enthused; he's feeling a lot of worth in what he does. That's another benefit.

Q: Can you talk more about the preemptive restorative processes you're using?

Cameron: We had heard that there was going to be a fight between two youth. We went to each of the youth and said that we'd heard this was going to happen and we would like to put a stop to it. And so we arranged for a conference and conducted it, again in such a way that the school was portrayed as the victim. And it put an end to the situation. I found it very successful.

It also pointed out to us the wide application restorative practices can have. In my training, originally I thought it was strictly "offender/victim." I remember going to Bruce and saying, "I'm confused," because often we're not able to determine the offender. I have sat through a conference, and it was only through the conference that we learned who threw the first punch. But there's often—as both Mike and Bruce have pointed out—there's name-calling that may have precipitated the fight. Nothing is ever clear-cut in the facility. So it pointed out to me just how much flexibility restorative practices can have. In particular, we've found it very effective at the school to preempt something from happening. And that, I think, is very exciting.

Maguire: What came out of that particular conference was that one youth saw a tattoo on another. He thought the tattoo was a swastika, so he thought the other youth was a racist. That was why the fight was going to be on. Dealing with it restoratively, they found out that the tattoo was actually a Native symbol. So again, there was some learning that went on. It was a misunderstanding. Part of the resolution was that one person would do a poster on Native symbols—a real positive ending to something that could have been fairly drastic.

Schenk: What was interesting is that it was a First Nations youth, and he was very proud of this symbol and of his tattoo. For him it was very confusing. But we were able to talk that through very well.

Cameron: The poster was completed, and it hangs in the school. It's a reminder of the wide diversity of culture and ethnic background in our school, and that harmony is extremely important.

The school population reflects the cultural diversity of Toronto, where hundreds of different cultures are represented. Being cognizant of that in developing the milieu—the climate of the school—we spend a lot of time understanding the various cultures.

Maguire: We have a gang culture as well. We're working on identifying the different gangs. My plan is to work out how we can use restorative justice with those members.

Schenk: Although that already happens because people from different gangs get into issues with each other, and we've conferenced those situations. In the conference process they begin to see each other as humans and as equals. Say part of the consequence, as is often the case, is that the guys shake hands or apologize. If this is done with someone from a different gang, that can be very powerful.

The other thing that happens is a whole sense of empowerment. They feel less threatened if they feel empowered by the experience. They might not have a need to attack the other person or get back at them. In addition, if they're part of an agreement that talks about, say, anger counseling, then they're far more likely to participate [in counseling].

Maguire: We're also looking at trying to expand outside the facility, linking with community. We've had one opportunity, which we were unfortunately unable to take advantage of, due to the courts. We had a youth who was feeling very guilty about his offense to the victim in the community. Prior to discharge he asked to do a restorative justice conference with that individual. But the judge was reluctant to allow that to go forward. This is a job Brookside needs to do in terms of



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—Ron Cameron

promoting restorative justice and getting the message out.

Q: Are there plans to use restorative practices at the "front end," as opposed to after a fight?

Schenk: Our restorative justice committee continues to strategize on this issue. We want to further incorporate restorative philosophy on an overall basis to deal with youth and their behavior, beyond peer-on-peer violence. In this, we will gradually build in more front-end procedures. Now, a conference frequently results in an agreement that is incorporated into a plan to help the youth reintegrate back to their unit, or in therapeutic interventions to assist the youth with issues like anger or peer relations.

The administration—both within the correctional or security side and the school side—strongly support evolving this and using more from the informal to the formal continuum of restorative practices. In that, we hope to move the whole facility toward being a more restorative place.☺