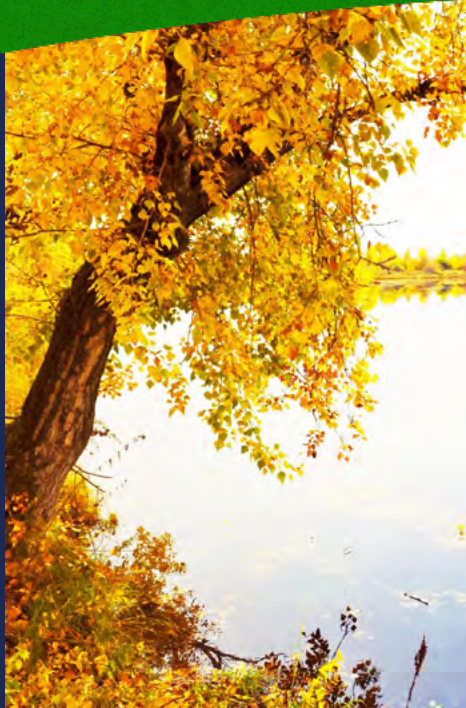


Information *bulletin*

September 2016

Victim Services and Crime Prevention

Victim Services and
Crime Prevention
Community Safety and
Crime Prevention Branch
Ministry of Public Safety and
Solicitor General



Focus on Restorative Justice

this issue

Restorative Justice in the Wake of a Homicide	2
Free Webinars for Service Providers	2
Adult Grief Support Group	3
Sophie's Place Provincial Conference	3
Program Spotlight: Restorative Justice Victoria	4
Restorative Justice-Victim Services Partnership Guide	4
Top Five Myths about RJ	5
Third Year Status Report on Human Trafficking	5
Practice Tips: Supporting Victims through the RJ Process	6
Healing and Rebuilding Highlights Aboriginal Projects	6
Enhancing and Supporting Services to Victims	7
New Resources from the Restitution Program	7
Assistance for Families of Missing and Murdered Women and Girls	7
Shining Star	8
Free Training: Supporting Victims through the Criminal Court Process	8
Save the Date: EVA BC Annual Training Forum	8
Online Training for Service Providers	8

Message from the Executive Director



From a Restorative Justice (RJ) perspective crime is not just a violation of the law, it is also a violation of people, relationships, and the community. Restorative justice holds offenders meaningfully accountable for their actions and provides them with an opportunity to help repair the harms they have caused to their victims and the community.

There are many provincial partners that contribute to the success of restorative justice in the province. Each year, Crown counsel, schools, and police refer more than 1,400 files to restorative justice programs. Volunteers and staff devote more than 70,000 hours to these cases.

Through facilitation, structured dialogue, or other methods of communication, offenders learn from those they've impacted and victims have their perspectives acknowledged.

In this bulletin, you will find:

- the story of Marlyn and Ian Ferguson's experience of participating in a restorative justice process following the murder of their son (see page 2);
- a program spotlight on the Victoria Restorative Justice Society, an award winning program that brings victims and offenders together (page 4);

- the top five myths about RJ (page 5);
- practice tips on how victim service workers can support victims through the RJ process (page 6);
- information about our upcoming free webinar on Exploring Victim-Sensitive Standards for Restorative Justice on September 22 with guest facilitators Aaron Lyons and Alex Zuur (page 2); and
- other important topics.

We welcome your thoughts on restorative justice and other issues. Feel free to contact me directly with your comments and feedback at taryn.walsh@gov.bc.ca.

Taryn Walsh
Executive Director

Restorative Justice in the Wake of a Homicide: The Path of Marlyn and Ian Ferguson

In July 2005, Marlyn and Ian Ferguson's 27-year-old son, Graeme, was abducted from an Ottawa hotel by several members of an organized crime group. He was taken to a warehouse in Montreal, chained to the floor, and held for six days, during which he was repeatedly beaten. He was finally released when he agreed to return to the Ottawa bus depot to retrieve a suitcase containing 40 kilograms of cocaine. He collapsed in the street in front of the bus depot and died from his injuries.

During the next four years, seven men were convicted of various offences related to Graeme's abduction and murder and began serving federal prison terms.

"I remember in the beginning we had no idea that our son was transporting drugs and it all happened very, very quickly," says Marlyn. "We had learned that he did it once before and the second time he changed his mind. I don't think it was a lengthy time that he had been involved in this. So, it came as a terrible shock to us."

About a year after the first offender was convicted (April 2008), motivated by a desire to know more about what happened to their son, Marlyn and Ian decided to look into options available through an approach to criminal harm called "Restorative Justice". Marlyn had heard about restorative justice and knew it could be used to bring victims and offenders together to engage in dialogue, have questions answered, and help repair the harm or gain restitution. Most commonly, restorative justice is used for minor crimes, but it can also be effective at all levels of the criminal justice spectrum.

"Initially, I think it was about the things that my husband and I needed to know—questions that the court hadn't



Photo: Graeme Ferguson

been able to answer," says Marlyn. "But also, it was about learning who these offenders were and especially this young one. At 19, how come he was serving a 14-year sentence? For a man so young, how come he got involved in such a violent crime and what had the impact been on his family?"

Marlyn and Ian contacted Community Justice Initiatives (CJI) in Langley and met with Dave Gustafson and Sandi Bergen. While CJI began the process of contacting the offender—incarcerated in Quebec—about the possibility of a victim-offender meeting, Marlyn and Ian met with family members of other victims of homicide who had taken part in a restorative justice process, including Robert Seto, whose sister, Suzanna, was murdered in 1980.

"He helped us focus on what we wanted to hear from the offender," says Marlyn of Seto. "He told us that it would be important for us to talk about who our son was before all that happened. He suggested to take pictures or tell stories to really give the offender the total picture of who our son was."

With a clear sense of what they wanted to get out of the meeting with the offender, Marlyn and Ian travelled with Dave Gustafson to Quebec to meet with the young man who had taken part in their son's murder. Within seconds of meeting him, Marlyn could sense his genuine remorse and his desire to try to make things right.

Cont'd on next page

Free Webinars for Service Providers



On June 15, we held a free webinar for service providers on Third Party Reporting of Sexual Assault with panel members Corporal J.L. (Jen) Collins, Denise Russell, Morgen Baldwin, and Gisela Ruebsaat. More than 150 participants registered to learn about the process of third party reporting and working with others on this important issue. Special thanks to Emily Arthur, Wendy Potter, and Steve Lauer for organizing the session.

For more information about third party reporting, please see EVA BC's [*Third Party Reporting Guidebook: Increasing Reporting Options for Sexual Assault Victims*](#).

Our next free webinar will be held on Thursday, September 22 (from 1:00 p.m. to 2:30 p.m.) on Exploring Victim-Sensitive Standards for Restorative Justice with guest facilitators Aaron Lyons (Community Justice Initiatives) and Alex Zurr (North Shore Restorative Justice Society). To register for this webinar, please contact us at victimservices@gov.bc.ca.

The Path of Marlyn and Ian Ferguson (cont'd)

"Right off the bat, he said, 'I can't believe that you've met with me. I'm really scared,'" Marlyn recalls. "We reassured him and within thirty seconds he said, 'I'm sorry. I'm sorry. I'm sorry.' He was quite emotional. I said, 'It's okay, let's just sit down and talk about this. Just tell me about you growing up. Tell me about your mom and family and who else was there for you.'"

As they talked and showed the offender pictures of Graeme's life, the offender expressed how he couldn't believe why Graeme, who came from a good family, had gotten involved in the transport of drugs. He said Graeme did not have a clue what he was getting into and how dangerous it was going to be for him.

The offender said his own father had been in and out of jail for years and had let his mother down so many times. He expressed how he regretted that he, too, had let his mother down by getting into trouble at a young age. He wanted to change that.

The offender described how when they had picked Graeme up from the Ottawa hotel and were transporting him to Montreal, the two young men had chatted mostly about hockey. He also filled in details of how Graeme was confined and beaten, and the circumstances that would lead to Graeme's death.

Marlyn and Ian have since met with additional offenders who were key players in Graeme's kidnapping and murder. During these meetings, they experienced the offenders taking responsibility for their roles in the crime. In addition, Marlyn pressed each of them to take steps to change their lives so that they were never responsible for another person's death again. One of the offenders deferred his parole to complete computer training in custody so he has a better chance of getting a job when he is released. Another of the offenders is in a half-way house, has taken his level three of the "Alternatives to Violence Project" training, and wants to teach the course to others.

Marlyn and Ian's meetings with the offenders have impacted more than just their own lives. They have also touched the lives of Graeme's friends.

"We met with three of Graeme's friends after we came back from the meetings with the two offenders in March [2016]," says Marlyn. "I needed to tell them what we had done and explain why. They said, 'Wow, if we met these guys, we would be out for revenge.' I said, 'That has to change.' I felt that we had an opportunity to try and teach them about restorative justice. We were never out for revenge, it was more about understanding, learning more of the facts, and the reassurance that no more harm would be done."

Marlyn has high praise for CJJ and their victim-offender dialogue program.

"The way that we were taken care of was just remarkable," says Marlyn. "The last time to secure the funds for us to go again and the support that we received both here, from Dave, and in Quebec from Serge, was just wonderful. We could never have done this on our own."

"There has definitely been a change for us. We don't focus on the offenders anymore. It's been 11 years, but I think even up to ten years ago, we were always just wondering about them. Now that I know more of the story and how that all played out, I can let that go."

Marlyn Ferguson has been the Arborcare Coordinator at Valley View Funeral Home in Surrey, B.C. for more than 14 years, where she supports those grieving the loss of a loved one. She also facilitates a Homicide Loss Support Group, is a member of the advisory committee of BC Victims of Homicide, and is Vice President of the BC Bereavement Helpline. In 2010, Marlyn was the first recipient of the "Light of Hope" award presented by Police Victims Services of BC.

Community Justice Initiatives (CJI) has over 30 years of experience providing conflict resolution services. For more information about CJI, please visit [their website](#).

Adult Grief Support Group



Marlyn Ferguson will be facilitating an Adult Grief Support Group for those who have experienced a death due to suicide, homicide, or automobile accident. The group runs every Thursday for 10 weeks beginning September 15, 2016 from 6:30 p.m. to 8:30 p.m. at Valley View Funeral Home, 14660 72nd Avenue, Surrey (valleyviewsurrey.ca). To register, please call 604-596-8866.

Sophie's Place Provincial Conference

The Second Annual Sophie's Place Child Advocacy Centre Provincial Conference: Building Resiliency Through Collaboration will be taking place on November 1 to 2, 2016 at Surrey City Hall. For more information about the conference and registration please visit [Sophie's Place website](#) or contact Justyna@centreforchild-development.ca.

Top Five Myths about RJ

Myth #1: RJ is soft on crime—offenders get off the hook

Facts: Some people are surprised to learn that restorative justice processes may or may not have anything to do with the court outcome of a case. Some restorative justice processes, such as Marlyn and Ian Ferguson’s case from page 2, occur while an offender is serving a custodial sentence (and have no effect on parole eligibility). That process occurs when both the victim and the offender are interested in a dialogue. Other times, typically in situations involving less serious matters, the offender may avoid facing criminal charges by participating in a restorative justice process at the “diversion” level. Examples of diversion-level outcomes include the offender writing a letter of apology, going for counselling, doing community service, or paying restitution.

Research indicates that restorative justice reduces recidivism. According to the Washington State Institute for Public Policy, the efforts of a local restorative justice program resulted in an 8.7% reduction in recidivism¹. Well, that’s not soft on crime.

Myth #2: It’s good for an offender to feel ashamed during the restorative justice process

Facts: It is a normal human response to feel shame when realizing that one has harmed others. Intentionally causing an offender to feel ashamed, however, is not a goal of a restorative justice. Shame results in fear, blame (of self or others), and disconnection which tends to create more criminal behavior². A restorative justice process will seek to explore the impact of the crime, how those involved were affected, and what might be a positive way forward (e.g., restitution, an apology, enrolling in a program, and so on). Often, the chance to make things right as much as possible is an

opportunity to release shame and reintegrate the offender into community in a healthy way.

Myth #3: RJ is only for first-time offenders and youth

Facts: Restorative justice is most effective when a person who has committed an offence begins to feel remorse and empathy, which are significant emotional triggers for behavior change. Therefore, restorative justice is effective for approaching many different types of crime, at many different levels of the criminal justice system—especially when there is a victim present who can speak personally to the harm that was caused.

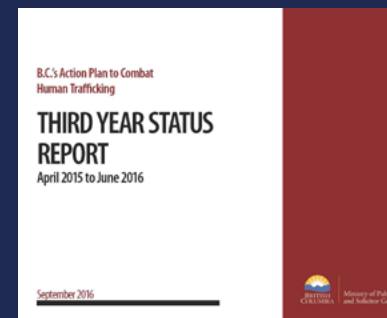
Myth #4: Advocates of restorative justice are just naïve idealists

Facts: Many people who advocate for restorative justice wish to see improvements in the current criminal justice system and better outcomes for victims. In recent years, research is demonstrating that restorative justice is a best practice that can reduce recidivism and can provide cost savings for the criminal justice system over the long term. Top court judges, chiefs of police, policy makers, and victim advocacy groups around the world have become convinced of the role restorative justice can play in justice reform³.

Myth #5: RJ is about forgiving the offender

Facts: Forgiveness is a personal decision. No process and no person can expect, coerce, or persuade someone else to forgive. While some people experience restorative justice as an avenue to forgiveness, others do not. Regardless, it is not an expected outcome. What is expected is that the victim would have an opportunity to share and be heard, and that the offender would make amends in an appropriate manner.

Third Year Status Report on Human Trafficking



B.C.’s Office to Combat Trafficking in Persons (OCTIP) recently released its *Third Year Status Report on B.C.’s Action Plan to Combat Trafficking in Persons*. The status report provides a summary of the actions and activities completed to fulfill the third year of the B.C. Action Plan from April 2015 to June 2016. Many of the actions taken in the third year were supported by funding from the Civil Forfeiture Office through Crime Prevention and Remediation Grants. Additional funding was leveraged with support from the Department of Justice Victims Fund and Public Safety Canada. In all, the actions completed demonstrate our commitment to work with communities and partners to prevent and respond to human trafficking in British Columbia.

1. Washington State Institute for Public Policy. (2007). Evidence Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost. (<http://www.wsipp.wa.gov/ReportFile/986>).

2. Gilligan, James (1997). *Violence: Reflections on a National Epidemic*.

3. See http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr01_9/p5.html

Practice Tips: Supporting Victims through the RJ process

By Catherine Bargen, Program Manager, Community Safety and Crime Prevention Branch

As a victim service worker, you may encounter victims of crime or their family members who are interested in the restorative justice process or who you think may benefit from being involved in an RJ process. These tips may be helpful to remember when working with these individuals.

Be open-minded and curious about the process

It is very common for victims to want more information about the offender and his or her motivation than the court process typically offers. While it may seem surprising at first that victims would actually want to have some kind of structured contact with an offender, get curious about how this might help them in their journey, and how to make it happen.

Help the victim think through what they want to get out of the meeting

It may be that no one has ever asked the victim what questions they might have for the offender if they had a chance to meet. You have the opportunity to help prepare the victim for their first meeting with the restorative justice facilitator by helping them form their questions, articulate their concerns, and make special requests, such as the opportunity to share a photo or a memory.

Be an advocate for the victim without being adversarial toward the offender

You can continue to advocate for the person you are working with in all ways you normally do. This, however, does not require demonizing the offender or hoping the offender receives harsh treatment. Of course, raising legitimate concerns about the offender is always appropriate.

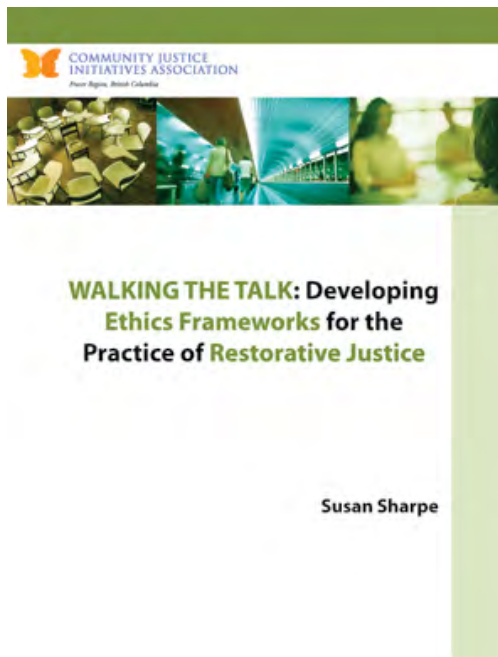
Approach the process with the right amount of cautiousness

Ask the RJ agency why they believe the practice or model they generally use is the best one for the work they do, or when a particular practice or model is most appropriate for the cases they handle. What resources or other supports does the RJ agency have in place for victims?

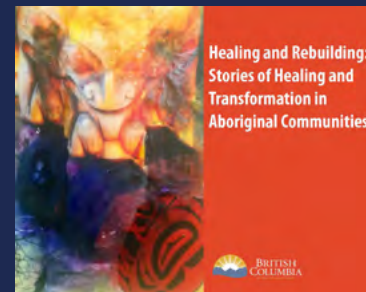
Understand that while the process is a viable option, it is voluntary throughout

Remember that even if the restorative justice process gets started, the victim is able to opt out at any point. Make sure you and the victim you are working with know how to stop the process if needed and what any next steps after withdrawing might look like.

For more information about working with victims of crime in the RJ process, please see [*Walking the Talk: Developing Ethics Frameworks for the Practice of Restorative Justice*](#).



Healing and Rebuilding Highlights Aboriginal Projects



In September 2016, we released *Healing and Rebuilding: Stories of Healing and Transformation in Aboriginal Communities*. The projects highlighted in this bulletin are examples of diverse, holistic, and culturally based approaches Aboriginal communities have adopted to come together to heal and rebuild from violence against Aboriginal women. Nine projects are profiled, which include activities ranging from working with Aboriginal victims of violence, to learning First Nations traditional cultural and healing practices, assisting residential school survivors, supporting families of missing and murdered Aboriginal women, providing programming for youth, and others. These projects promote cultural resiliency for Indigenous women and their families by supporting them to rebuild strong personal identities and community connections through traditional cultural practices.

Enhancing and Supporting Services to Victims

On July 14, 2016, federal Justice Minister Jody Wilson-Raybould [announced funding](#) of more than \$3 million over five years to enhance and support services to victims and survivors of crime in British Columbia. The funding supports a five year project (April 1, 2016 to March 31, 2021) that is being delivered by the Community Safety and Crime Prevention Branch.

Some specific activities include:

- developing multi-disciplinary training, education and awareness on trauma informed practice for the justice and public safety sector;
- establishing a provincial network of Child Advocacy Centres;
- establishing a provincial network for Domestic Violence Units;



Photo (left to right): Ministers Morris, Wilson-Raybould, and Anton at funding announcement on July 14, 2016

- delivering regional training sessions on working with trafficked children and youth;
- delivering Train-the-Trainer workshops on human trafficking awareness and prevention; and
- further developing and supporting the Restitution Program.

For more information on these activities, please contact victimservices@gov.bc.ca.

New Resources from the Restitution Program

The Community Safety and Crime Prevention Branch's Restitution Program helps victims who have unpaid restitution orders; encourages offenders to comply with restitution orders; and liaises with probation officers, parole officers, victim service workers and other service providers about unpaid restitution orders as needed.

The Restitution Program has recently developed:

- a new [web page](#), which provides information about victim restitution
- two new brochures for victims and offenders
- printed copies of the "Restitution Program: Information for Victims" brochure that can be obtained online on our [publications page](#)
- electronic versions of both brochures that can be accessed on the [Restitution Program web page](#).
- new posters which promote the Restitution Program to both victims and offenders



In addition, the program is partnering with Court Services Branch to ensure that brochures are provided to victims and offenders at the time they receive a restitution order (effective September 2016).

If you would like additional information, please contact the Restitution Program Manager at 604-660-4898 (toll-free, 1-844-660-4898) or Restitution@gov.bc.ca.

Assistance for Families of Missing and Murdered Women and Girls

The National Inquiry on Missing and Murdered Indigenous Women and Girls is a critical step towards collaborative, meaningful and transformative action on this important issue. September 1 marked the beginning of the National Inquiry Commission's formal mandate, which runs from September 1, 2016 to December 31, 2018. The Province will be participating fully in the National Inquiry, and is in discussions with the federal government, and provincial/territorial colleagues, to work out details.

In complement to actions being taken on the National Inquiry, the federal government recently announced funding to support the broader delivery of culturally-responsive, trauma-informed services for families of missing and murdered Indigenous women and girls. This new funding is available from September 1, 2016 to March 31, 2020. Eligible applicants include Indigenous community-based organizations, non-governmental community-based organizations, and provincial and territorial victim services.

For more information, please visit the [Department of Justice Canada website](#).

Shining Star

Christianne Paras (Community Justice Initiatives)

Christianne Paras is a passionate, thoughtful, and ethically grounded practitioner, who brings an authentic presence and insightful reflection to her practice and training. She has been involved in the field of restorative justice since 2001 and serves as Community Justice Initiative's (CJI) Coordinator of Training and Education.

Christianne has extensive experience working with community-led initiatives and education-based programs, and works with a variety of community agencies. She established the [Community Dialogue Series](#) initiative, which offers opportunities for community members to come together and discuss pertinent, local issues. She also created the [Speak Out Series](#), which promotes the



Photo: Christianne Paras

use of circle dialogue process to discuss youth related issues such as identity, power, and violence, and is now being offered in various high schools in North Vancouver.

Is there someone in your program whom you would like recognized as a Shining Star? Please send your submission to victimservices@gov.bc.ca.

Free Training: Supporting Victims through the Criminal Court Process

The [Victim Services: Supporting Victims Through the Justice System E-learning Training](#) is now available to both paid staff and volunteers of Ministry-funded Victim Service Programs, Violence Against Women Programs, and Provincial Associations.

This online course provides an orientation to victim services in B.C., information about the justice system, and suggestions on providing support to victims through the criminal court process. This

foundational training is particularly useful for new victim service workers, but others may take this course to refresh their knowledge.

Registration for this course is currently being offered for free due to funding received from the federal Department of Justice. To register, please download the [registration form](#) and submit your completed form by email to victimservices@gov.bc.ca.

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Save the Date: EVA BC Annual Training Forum



#OurTimesNow: Ending Gender-Based Violence, EVA BC 2016 Annual Training Forum will be held November 24 and 25 at the Sheraton Vancouver Airport Hotel. For more information, please visit the [EVA BC website](#).

Online Training for Service Providers

[Understanding and Responding to Elder Abuse E-Book and Video](#)

[Domestic Violence Safety Planning Online Training](#)

[Human Trafficking: Canada is Not Immune](#)

Videos of the following webinars are available online:

- [Crime Victim Assistance Program](#)
- [Human Trafficking](#)
- [Draft Justice Framework](#)