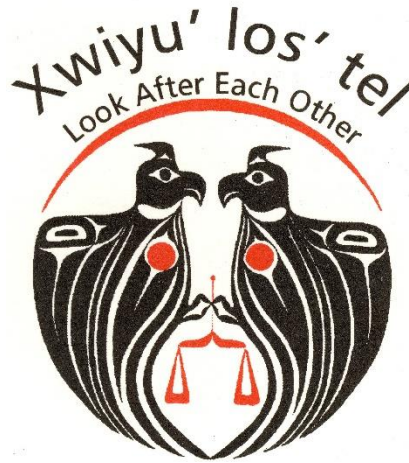


Web Training Module 5

Arrowsmith Community Justice Society



The Resolution

1. Introduction
2. Writing the Resolution Agreement
3. Forms

What is a Resolution Agreement?

A resolution agreement for restorative justice is a document stating what the offender will do to make amends for the harm caused to a victim or a community. The decision on what items are included are determined at the Community Conference. The agreement is written up at the end of the conference and signed by the offender and the victim.



Expectations for an Agreement



The expectation that comes from an agreement is closure for the victim. They may be repaid for any losses or will know that the offender has performed services as a consequence. Some victims might be satisfied with only knowing why the event happened to them and just want an apology. For the offender it is also closure. By completing the agreement they are no longer having the offence held over their heads. They will not receive a criminal record for this event and they can move forward with their lives in a productive way.

Content of an Agreement?

The only criteria that ACJS is obligated to follow is that the resolution is reasonable and achievable. Anything else can be considered.

Reasonable: ACJS is mandated to provide a resolution that is not more than the offender would get from a court of law. This can be difficult for the facilitator as judges are flexible and no two verdicts will be the same. It is up to the facilitator to use their judgement to determine if the final determination is reasonable. For example: A vandalized park bench may take a few hours to sand down and repaint with a cost for the labour and paint. It would be unreasonable to ask for \$500 and 20 hours of community service. The cost of the paint and the offender doing the work would be more reasonable. During the pre-conference the expectations of what to ask for or what to offer is discussed.

Achievable: Is it in the capabilities of the offender to do the resolution or would it cause more harm than benefit. For example: The resolution for a youth is 20 hours of community service to be completed in a month. The youth is going to school and has a job after school and on weekends. Asking for 20 hours would be difficult for them to fit into their schedule without affecting the quality of their school and work. Giving a longer time frame would make it more achievable.

Some items that have been included in a past resolution agreements are:

- **A written apology** – is included in many resolutions. ACJS has developed a template (see below) to assist in writing an apology letter.
- **A verbal apology** – is part of every conference in some form. It comes naturally from the offenders during the session.
- **Financial restitution** – when this is brought up in the conference, be sure to ask the offender if they have the ability to pay this amount and how they would do it.
- **Repairing of damaged item** –
- **Community Service** – This could be a module all on its own and once you start working a case your trainer will expand on it more. Community service venues are hard to supply.

PRO'S	CON'S
<ul style="list-style-type: none"> - The offender has to work to repair the harm - Offender can develop self-worth by completing - Could develop into a job if done well - Victim satisfaction 	<ul style="list-style-type: none"> - Venues difficult to find - Workers Compensation insurance required - Community venues use union employees, will not take offender - Venue requires offender supervision

If the suggestion of community service is presented, put it back on the participants with “Can you suggest a community service venue?” With discussion someone in the circle might have a job or a chore they would be willing to have the offender do.

- **Personal Service** – This would be providing a service to the victim or a supporter of the victim to pay back some of the costs incurred by them. Some examples of this would be mowing the victim’s lawn, doing yard work or assisting in some way to be benefit of the victim or a victim supporter. With this the victim benefits so is acceptable.

If using community service or personal service, a time log (see below) is used to keep track of their hours.

Resolutions can be unique as well.

- A spaghetti dinner
- An acknowledgement when they pass on the street
- Mowing lawns or yard work
- Volunteer to work at the Coombs fairgrounds or the Teddy Bear’s Picnic in Nanoose
- A senior asked to attend a senior center weekly for 2 months



Writing the Resolution Agreement

The agreement should list each item the offender has agreed to do with a clear and concise “who”, “what”, “when” & “how”. There has to be an end date for every item as these police files are kept open until completed and when open the person assigned the file will get electronic reminders until it is done.

Any person reading the agreement must not be left with questions. For example: an item stating “*will pay to repair the mail box*”. This tells the reader that the offender is going to pay to have the box repaired but we don’t know who will determine the cost, how much it will be, who will do the repair, when it has to be completed. Instead the cost should have been determined before the conference by the victim. This would have been suggested at the pre-conference when what the victim wanted was discussed. Correct write-up would be: “*Payment of \$55 to cover the cost of the victim repairing the mailbox. To be paid by March 15th, 2021. Payment in cash will be delivered to the facilitator who will take it to the victim*”

At the conference the facilitator will write up the contract and advise the participants that copies will be available and how. This could be mailed, emailed, hand delivered or picked up. This can be determined at the conference.

Incomplete Resolution Agreement

In most cases the contract is completed as agreed to but there are occasions when something else happens. If it is a case of the offender having difficulty meeting the terms, a meeting can be arranged between the participants to discuss the problem and determine an amendment to the contract. It may just need an extension of time, it may need to be looked at for an alternative.

There are also times when the offender just does not do what was agreed to. These are handled by several means. Trying to contact the offender to find out why it isn’t being done is the first step. If this doesn’t result in a satisfying answer, the coordinator can speak to the investigating police officer to see if they would go over to the residence and talk to the offender in person. Sometimes having the authority of the investigator will spur them on.

If none of these options work then the file will be closed as incomplete. A letter will be sent to the offender advising them the file is closed as incomplete and they could be affected in the future by:

- a) *could be treated as a repeat offender if you commit another offense;*
- b) *may not be eligible for Restorative Justice in the future;*
- c) *this offence may be entered into evidence if a future offence is committed; and*
- d) *may receive an ‘unacceptable’ response on a police information check or security screening initiated by an employer or volunteer opportunity. .*



ARROWSMITH COMMUNITY JUSTICE SOCIETY
Community Conference Resolution Agreement
(4 copies required)

Adopted: 14 Oct 2014

Case # _____

Date: _____

Place: _____

BETWEEN:

Name: _____

Name: _____

Name: _____

AND

Name: _____

Name: _____

Name: _____

The parties agree as follows:

It is agreed that the above noted resolution is reasonable and resulted from a fair process and when fulfilled brings this matter to a final conclusion

SIGNATURES:

WITNESSES TO THE SIGNATURES:

Facilitator _____



ARROWSMITH COMMUNITY JUSTICE SOCIETY
Community Service Time Log

Adopted: 14 Oct 2014

Name: _____

Contract for _____ hours of Community Service.

Please record the hours of service below. If you have any questions, please contact:

ACJS Team Member: _____ @ 250- _____ OR

ACJS Coordinator at 250-954-2968

Please Fax the completed form to ACJS at 250-248-4962.

Date	Hours Worked	Initial



Letter of Apology - Template

Adopted: 14 Oct 2014

Date

Name of person or business or newspaper contact
Address

Dear (Name or Sir or Madam)

1. Clear statement of what you have done and that you are taking responsibility for your actions. *(see examples below*)*
2. An explanation which may include:
 - What was happening in your life at the time the incident happened?
 - What were you doing immediately before the incident?
 - Whether you were with other people at the time or alone.
 - What you were thinking at the time.
3. How do you think your actions have harmed the person or community?
4. What have you done or propose to do to heal the harm?
5. What have you learned from the conference?
6. What have you learned from working on the steps in the resolution agreement?
7. What commitment are you willing to make to ensure this does not happen again?

Sincerely, (or other appropriate closure)

Name (omit your name if the letter is to be published)

Your letter of apology must be shown or read to your conference team members for review and discussion before it is given to the recipient.

<p>*Non apology I'm sorry your files got shredded. I am sorry for whatever I may have said to insult you. I am sorry if you felt threatened. I'm sorry if I did anything wrong.</p>	<p>Apology I'm sorry I shredded your files. I'm sorry I swore at you. I'm sorry I threatened you. I'm sorry for (the specific harm).</p>
--	---