

# Chair Training Handout

## 1. PRE-PANEL TASKS

- Have you spoken to the Coordinator about appropriate ranges for hours or ideas for sanctions/sentences? YRAP and the youth come up with an agreement based on what everybody agrees will be meaningful, but there are some things we don't want to do if we are going to maintain our credibility.
  - o If we give someone 5 hours for assault causing bodily harm, or 75 hours for first time theft, the crown is going to think we've lost it, and stop referring youth our way. Check with the coordinator if there are "mitigating" or "aggravating" factors that need to be considered, and ask for a guideline.
  - o Don't think that you need to assign community service hours. Sometimes taking a course or program will be loads more meaningful, or spending quality family time or something specific to the youth's life is a better EJS sanction than hours.
  - o Are you or the coordinator aware of some issues/struggles/strengths of the youth from intake? For example, if the youth is looking for cultural programs or LGBTQ, you can do a check of local programs and bring that information to the panel.
  - o Keep in mind that you do not need to stick to a guideline or program idea that you come up with before the panel. The youth has as much input as you do—the prep work is just to help you come to the panel prepared, it is not a pre-made decision.
- Arrange with the coordinator to receive the disclosures, panel primer, and agreement form.
- Be the first person to the panel location! When other panel members begin to gather, facilitate introductions between members and the youth.

## 2. POST PANEL TASKS

- BEFORE the youth leaves, make sure (s)he and the mentor exchange contact information and make a plan to meet or talk on the phone.
- Update the coordinator on how the panel went, and arrange to meet him/her to return the disclosures and signed agreement form.
- If Billy decided to write the report instead of Bob, please tell the Coordinator so (s)he knows who to ask for it from.

### 3. MAJOR DOS AND DON'TS

#### Important things to ALWAYS do:

- ❖ At the beginning of the panel
  - Explain to the youth that the process is voluntary. They can leave any time.
    - Check in throughout the panel if you think the youth is maybe not agreeing to sanctions freely.
  - Explain confidentiality.
    - Everything that we say in the circle stays confidential, unless the youth tells us about thoughts of harming themselves or others, or is being harmed. Basically any time a child is in harm's way we must report to child welfare and/or police.
    - If this happens, contact your coordinator immediately after the panel to handle this.
    - The only person keeping notes is doing so to create a court report so that the judge can see the bigger picture of what happened. If there is anything that the youth does not want in the report, (s)he just needs to ask for something to be "off the record" and we will not record it. This way, it can never come up in court.
  - Let the youth know that we can take breaks at any time, especially if (s)he would like to call a lawyer.
  - Allow for silence. Give the young person time to think about what they want to say, and don't let panel members interject. If the youth is really struggling with a question, try wording it in a different way or leaving it for later.
  - Ask them questions about how they think others would describe them or how they would describe themselves. This can give insight into who the young person is outside of their actions.
  - When you get to the point in the panel where you are discussing the offence, always let the victim describe their experience first (how they were harmed, how they felt, etc) so the young person can empathize and integrate that into their answer. If there is a victim statement read this before asking the young person about the offence.
- ❖ Throughout the Panel
  - Make sure that you and everyone else is always asking **open questions**. It is easy to accidentally ask closed/leading questions which the youth will sometimes just follow and agree to. We want their story, not just what they think we want to hear.

- It is great when the group gets a little bit side-tracked discussing our personal interests which the youth shares, (“I love Halo too, do you play online?” Etc etc). This often makes the youth more comfortable discussing more personal things, but be sure to steer the conversation back shortly after the tangent so that we get through the panel before we all lose focus or get tuckered out. On the other side, be wary of what you are sharing and also the attention span of the youth. Ask yourself “what is my purpose for sharing this story?” “Is it going to add to the conversation?” If not, consider sharing it with the volunteers after the panel.

#### **Important things to AVOID:**

- Ensure that nobody is putting pressure on a youth to do a certain condition. If the young person does not want to go to counseling, we say okay and move on.
  - If the youth says that (s)he does not have an addiction even if they state that they use crystal meth, then we do not give an addictions-related condition. Meaningful consequences are those which are intrinsic in the youth.
- Avoid acting like a professional.
  - We are youth helping youth, not psychologists and addictions counselors in training who can teach youth. Avoid diagnosing youth from what you learned in class.
  - Speak to youth as you would a friend, and try to remember how you viewed the world at age 16, not how you understand it now.
- Avoid condoning AND condescending reactions to the youth’s story and opinions. We do not want to glorify unhealthy choices, or judge the youth’s decisions at all.
  - Stick to open questions to see how the youth feels about her own choices.

4.

#### **5. AWARENESS OF SANCTION GUIDELINES**

- When the victim is there or if there is a victim statement, always integrate their ideas into the sanctions

EJS:

Youth on EJS generally have non-violent and/or first time, relatively minor offences. The crown entrusts YRAP to create and supervise an EJS agreement with the young person, and then withdraws the charge once the youth has completed. This means that the youth can start on their conditions immediately following the panel. EJS is where we have the most opportunities to be creative. Here are some examples of EJS sanctions:

- NRO hours: youth gets credit for doing positive things such as parenting program, girl talk group, program at Attendance Centre, school (1 hour per school day) etc.

- Community Service Hours- could be baking for a shelter, picking up garbage, Habitat for Humanity, help at a church, help at a school, volunteer at any non-profit like a soup kitchen.
- Go to school regularly (or a paid to learn program)
- Write a resume, keep a journal, write an essay etc.
- Art project, video project, music project maybe at iHuman or Youcan
- Personal service: this means repaying someone in a non-monetary way. Ex- babysitting for mom, clean the house
- Do a positive extracurricular activity
- Participate in a peacemaking circle with victims
- Counseling

The list is not limited to this and can really be anything under the sun. Two additional possibilities are listed below. Please be careful when adding these as conditions, and always be very sure to only use as sanctions if the young person would actually like to complete them:

- Addictions assessment
- Mental health assessment

#### Sentencing:

YRAP is different from other Youth Justice Committees because we hold panels for all charges, including more serious charges which are not eligible for EJS. Things in this category range from serious assaults to homicide. YRAP's role sentencing is still to hold a panel, but the sentences which we create must go before the judge to be approved, amended, or sometimes thrown out. If agreed to by the court, the youth usually is assigned a Probation Officer who will supervise the conditions, but YRAP can request to supervise as well if we have a reason to. Typical sentencing options are as follows:

- Reprimand- this is rare, but if we feel like the person has really been through enough already, we can make an argument for no further sentences to happen.
- Fine- not exceeding \$1000 paid to the court
- Compensation- money paid to the victim
- Restitution- give back stolen goods (or pay purchaser- innocent person who bought goods)
- **Personal Service- repay victim by doing chores etc. max 240 hours**
- **Community Service- max 240 hours**
- Prohibition- banned from owning something
- **Probation- max 2 years. The judge usually expects this**
- Intensive Support and Supervision- closer supervision than PO. We are not likely to use this because we offer mentors
- **Attendance order- attend a program max 6 months**
  - **School**

- **Healthy activity**
- **AADAC**
- **Attendance Centre program**
- **Anything else you can think of**
- Custody and Supervision Order- 2/3 portion of custody, then 1/3 community
- Deferred Custody- youth is allowed to serve sentence in the community under conditions. If they mess up they go to jail
- Intensive Rehabilitative Custody and Supervision Order- for serious violent offenders with mental health issues. Lots of criteria to meet for this.
- **Absolute Discharge- similar to a reprimand but this stays on the record for longer. No conviction will be put on her record and record of charge is no longer accessible after 1 year**
- **Conditional Discharge- the youth is given an amount of time to complete conditions, and if successful, no conviction is entered and record of charge is no longer accessible after 3 years.**

We can still do our weird and wacky things for sentencing recommendations such as writing letters, art projects and all that jazz. They aren't official sentencing options, but if the crown likes the ideas the judge is usually agreeable. Alternately, we can re-phrase things to make them fit under the community service umbrella. If a victim wants a cake baked for them, or the youth wants to share their story with a younger group of youth, never ever ever get caught up on following official court sanctions. If those things always worked, we wouldn't need YRAP!

Lastly, you absolutely do not need to understand what all of these things are. Generally the lawyer plans to ask for, say, deferred custody and they have involved us to come up with the conditions which will happen during the order. I have bolded the things that we commonly use. Just keep in mind that everything is only a guideline, not a rule.