
The Work of a Community Justice Committee

A Community Justice Committee (CJC) is a group of citizen volunteers who work with Police and other justice professionals to provide justice services in their community. This section provides an overview of the work that CJs do in urban and rural communities. Parallel informational material describing the work that CJs do in First Nation communities has been developed by the Federation of Saskatchewan Indian Nations (FSIN).

Determining Community Needs

The CJC's workload varies from one community to the next depending on community need. It might also vary from year to year within the same community as local conditions change, and as the CJC becomes more experienced and more accepted in the community.

Regularly assessing the needs of the community is an important responsibility of a CJC. This needs assessment might be done through:

- a formal survey (with community volunteers administering the survey and a high school computer class analyzing the data);
- informal conversations with community members; and
- meetings with community groups (CJs are required to hold at least one public meeting per year. This is an ideal opportunity to ask the public about their needs and expectations).

The CJC's workload usually falls into four categories:

- advising on justice matters;
- doing public education activities;
- doing crime prevention activities; and
- using conflict resolution processes to handle cases in which the law has been broken.

Each of these types of work is discussed in more detail in subsequent sections of this document.

Funding the Work of a CJC

Most CJs do not have an office or a budget to support their work. Usually, the chairperson or the secretary is appointed as the official contact person and his/her address and phone number is given as the contact address. A CJC usually has small administrative expenses such as postage, the occasional long distance call, coffee and donuts for public meetings etc. These expenses may be covered by:

- donations of services from government agencies - for example, the local office of the Department of Corrections and Public Safety (CPS) might agree to put all CJC letters through its postage meter and to provide a few hours of typing per month;

- donations of money from individuals, service clubs, churches or businesses; and
- community fundraising—for example, raffles, bingos, selling buttons or shirts promoting CJs.

The members of a CJC are volunteers who contribute their time and expertise to their communities. They are not paid for their work, although, in some circumstances, they may be reimbursed for out-of-pocket expenses by CPS or Saskatchewan Justice.

CJCs must keep records of any money received through fundraising or donations and records of all expenditures. At the end of each calendar year a financial statement must be prepared.

CJC Activities

The four different types of work that CJCs may do are described below.

Advising on Justice Matters - advisory activities that a CJC might undertake include:

- advising the local Police on matters relating to policing;
- suggesting ways to make the community safer to the Mayor and Council;
- at the request of the Court, providing sentencing recommendations for offenders who have been found guilty; and
- advising the Police, the Crown Prosecutor, the head of the local Legal Aid Office and other justice system officials on matters related to justice in the community.

Doing Public Education - The range of public education is broad. A few examples are:

- organizing workshops and seminars on justice-related topics;
- speaking to local schools, service and community groups about the CJC; and
- preparing booklets about the CJC and articles for the local paper.

Doing Crime Prevention Activities - Possible CJC crime prevention activities include:

- working with local organizations and groups to establish an evening and weekend recreation program, so that youth will be busy and less likely to get into trouble;
- working with the school to establish and maintain a peer mediation program for kids who get into conflicts with each other;
- organizing seminar speakers for home owners on ways to burglar-proof your home;
- organizing seminars for businesspeople on ways to prevent theft; and
- organizing seminars for business people and for public institutions like hospitals and libraries on ways to handle rowdy or disruptive customers/clients.

Using Conflict Resolution Processes to Handle Cases in Which the Law Has Been Broken –

Some CJCs bring the victim of the crime and the offender together and use conflict resolution processes to help them reach an agreement about how the offender should be held responsible for the offending behaviour.

This section that follows on using conflict resolution processes to handle cases in which the law has been broken includes information on the following topics:

- the mandate of a CJC;
- the referral process;
- resolving conflict;
- agreements;
- follow-up;
- time limits for handling cases; and
- completing the CJC Case Information Form.

The Mandate of a CJC

In order to handle cases in which the law has been broken by young offenders (youth aged 12 to 17 inclusive) or adults, CJCs must be incorporated as a non-profit charitable corporation and must be officially appointed by the Attorney General of Saskatchewan. Incorporation and appointment are not necessary for other work such as advisory, public education and crime prevention activities. Incorporation and appointment are also not necessary in order to work with children under 12 years of age.

The legal basis of CJC's work with young offenders aged 12 to 17 inclusive is Section 18 of the **Youth Criminal Justice Act (YCJA)** and the **Youth Justice Administration Act (YJAA)**. Liability protection to CJC's dealing with youth cases is provided through the **YJAA**. The legal basis of CJC's work with adults is through a service agreement with Saskatchewan Justice and Section 717 of the *Canadian Criminal Code*. Liability protection to CJCs dealing with adult cases is provided through Section 15 of the **Correctional Services Act**. Children under 12 years of age, who have committed a wrong for which they would be held criminally responsible if they were older, can be referred to a CJC by their parents. They can receive conflict resolution services through a CJC with the informed, written consent of their parents/guardians.

CJCs only handle cases in which the offender admits responsibility for an offence. They do not determine guilt or innocence. Cases involving adults and young offenders are referred to a CJC by the Police or Crown Prosecutor on the basis of criteria relating to the nature of the offence and the background of the offender. Cases handled by a CJC typically involve a property offence (such as shoplifting or vandalism) or a minor assault (such as a schoolyard fight) that doesn't involve serious injury. For these types of cases, the CJC is an alternative to the court process.

CJCs do not handle any of the following types of cases:

- incidents involving the use of or threatened use of a weapon;
- violence against the person cases (adult or child) (where the Crown Prosecutor elects to proceed by way of indictment);
- child sexual abuse cases;
- sexual assault cases (where the Crown Prosecutor elects to proceed by way of indictment);
- perjury;
- driving while disqualified cases;

- all *Canadian Criminal Code* driving offences where alcohol was a contributing factor;
- any federal offence other than *Canadian Criminal Code* offences; and
- all family violence cases.

The Referral Process

CJCs only handle cases which have been referred to them. Referrals involving adults and young offenders (youth aged 12 to 17 inclusive) will come from the Police or Crown Prosecutor. The case can be referred either before or after a charge is laid.

The exact details of the referral process vary somewhat from one community to another depending on local circumstances. Therefore, an important task for every newly established CJC is to meet with Police, the Crown Prosecutor and CPS staff to work out the details of the referral process that will be used in their community.

When the offender is under the age of 12, referrals and written consent must come from the child's parents or guardians. It is appropriate to obtain the consent of the child also.

When an offender is under the age of 12, the CJC has a responsibility to explain the conflict resolution process to the parents/guardians and to ensure that the parent can, in turn, explain it to the child. Explain to the parent that:

- the child must accept responsibility for the offence;
- the parent must be willing to participate in the process;
- when the case is being handled, the offender and victim will face each other and tell what happened. The offender and the victim (if under 18) will be accompanied by their parents/guardians;
- the proceedings will be confidential;
- the child or the parent can withdraw from the process at any time; and
- the CJC cannot guarantee satisfaction with the outcomes of the process.

A sample of a consent form to be completed by an offender under the age of 12 and their parent/guardian is provided at the end of this booklet.

Resolving Conflict

The conflict resolution processes that are used to handle cases vary somewhat depending on the nature of the offence, the background of the offender and the resources available in the community. An overview of the process for an offender 12 years of age or older is as follows:

1. **an incident occurs** in which the law is broken;
2. **the case is referred to the CJC** by the Police with the approval of the Crown Prosecutor. The CJC accepts the referral;
3. **the CJC gathers information** about the offender and the offence. CJC members might speak to the Police who investigated the offence, a Social Worker who is working with the victim or offender's family, staff at the local school, or other community members;

4. **the CJC meets with the offender;**
5. **the CJC meets with the victim;**
6. **the CJC determines whether it will be possible to resolve this conflict** by bringing the victim and offender together. If the victim does not wish to participate, the options are to work with the offender alone or to use a surrogate victim. If the victim is a business (as in shoplifting), a manager or employee of the business will often represent the victim. If the victim is the community as a whole (as when a public park is damaged) a member of the community can represent the victim;
7. **the CJC brings the victim and offender together** for a discussion. If the victim, the offender or both are under 18 years of age, they are accompanied by their parent/guardian. Under some circumstances, the victim and offender might also be accompanied by other family members or friends. During the discussion, the offender and the victim are each given an opportunity to describe what happened and to tell how it affected them;
8. **the victim and the offender are each asked what it would take to reach a satisfactory resolution to the conflict.** Discussion continues until victim and offender agree on the actions that the offender will take to right the wrong that he/she has done. **If the CJC is working with the offender alone, the offender is asked what he/she thinks would be appropriate actions to right the wrong that he/she has done.** Discussion continues until both the offender and the members of the CJC are satisfied with the conflict resolution; and
9. **the CJC provides information about the resolution of the case to the Police.**

Agreements

The outcome of many conflicts handled by a CJC is an agreement in which the offender agrees to undertake specific actions to right the wrong that has been done. In most cases, the agreement is formalized in writing. The form of the written agreement varies from one situation to another depending on the age of the offender and the nature of the offence. The important elements are a list of the actions that the offender has agreed to, timelines for completing the agreement and the offender's signature. In some cases, the victim and/or members of the CJC sign as well.

Some agreements only contain one action, but most contain several. Examples of actions that might be part of an agreement include:

- **personal apologies** and/or formal letters or tape recordings of apology **to the victim** and the victim's family;
- **personal apologies** and/or formal letters or tape recordings of apology **to the offender's family** (appropriate when the offender's family feels shamed by the offender's actions);
- **restitution**, for example, if an offender broke the windows in a store, the offender might be required to pay for the windows. If the offender was a youth, this might mean taking a part-time job and using the earnings to make restitution;
- **direct repair of damage**, for example, if an offender spray-painted slogans on the victim's garage, it would be appropriate for the offender to paint the garage;
- **personal service to the victim**, such as a specific number of hours of yardwork, housework and/or running errands;

- **community service**, such as picking litter in a local park, reading to seniors at the local seniors' lodge;
- **spending time with an Elder** and writing a report or making a tape recording about what the offender learned from the Elder;
- **participating regularly in Alcoholics Anonymous meetings;**
- **completing an anger-management program;**
- **completing a drug and/or alcohol treatment program;**
- **returning to or staying in school;** and
- **avoiding certain places in the community** (typically places where large groups of young people hang out such as certain restaurants or the video arcade).

The list above identifies just a few of the most common actions. Many others are possible. CJC's tailor the actions required of the offender to suit the situation. For example, in one Saskatchewan community, youth who knocked over gravestones were required to repair the gravestones and to research and write the life histories of the deceased people whose gravestones they knocked over.

Follow-Up

A CJC's work does not end when an agreement is reached. It is usually necessary to monitor the offender to ensure that the terms of the agreement are fulfilled. Sometimes one or more members of a CJC assume responsibility for monitoring specific agreements. Other times, CPS assumes this responsibility. The responsibility for follow-up will vary depending on the nature of the case and the resources available in the community.

Occasionally, terms of an agreement prove unworkable. In these situations, a CJC meets with the victim and offender again (or offender alone) and renegotiates the terms in order to bring about resolution. If the terms are renegotiated, the Police must be informed of the new terms.

Time Limits for Handling Cases

The Police have six months after the date on which an offence occurs to lay a charge. Thus, it is best if CJCs can resolve the cases referred to them within six months. If a case is approaching the six month mark and the offender has not satisfactorily completed the terms of the agreement, the CJC should discuss the case with the Police. The Crown Prosecutor is also sometimes involved in this discussion. The CJC's options are to refer the case back to the Police or the Crown Prosecutor, so that a charge can be laid, or to continue on with the case knowing that laying a charge will no longer be an option. Together the CJC, the Police and, sometimes, the Crown Prosecutor will decide which option is best.

Usually, if the offender has made no effort to meet the terms of the agreement, the Police will advise referring the case back to them or to the Crown Prosecutor so the offender can be charged. If the offender is making a sincere effort to meet the terms of the agreement, the Police and the CJC may decide that the CJC should continue on with the case.

Completing the CJC Case Information Form

A CJC is required to complete a Case Information Form for every case it handles. This form is

available from the Community Services Division of Saskatchewan Justice. It forms part of the service contract that is signed between Saskatchewan Justice and CJs that plan to handle cases involving adult offenders. Regional staff of CPS or staff of Saskatchewan Justice will help you custom design a Case Information Form specific to your needs and advise you the first few times you fill out the form.

This form requires that you collect data when a case is accepted, at several points when the case is being handled, and when the case is closed. Before a case is closed, keep all forms being worked on in a locked filing cabinet in a secure location. Ensure that access to the filing cabinet key is strictly controlled. If you have entered information about the case in a computer, ensure that the information is protected with a password or some other security feature.

When the CJC Case Information Form is completed, make two copies and handle the original and the copies as follows:

- send the original to the Regional Director of CPS for your area. The Regional Director will send it to the CPS head office in Regina where it will be used to compile statistical reports;
- send copy #1 to the Police or Crown Prosecutor who referred the case to you; and
- keep copy #2 in a secure location until you have completed your annual report for that year.

You will need to refer to your Case Information Forms when you are compiling your annual report. After you have completed your annual report, send copy #2 to the Regional Director of CPS for your area. The Regional Director will keep these copies of Case Information Forms in a secure location for a prescribed period of time. While these forms are in the Regional Office, members of your CJC can access the forms relating to the young offenders on a "need to know" basis as outlined in the YCJA.

Confidentiality

When you become a member of a CJC you take an oath of confidentiality. When working with young offenders 12 to 17 years of age, you are also bound by the confidentiality requirements of the YCJA.

In general, this means that:

- all records must be kept in a secure place (or a secure computer file) and can only be accessed by the person responsible for completing them;
- CJC members working on a specific case may only discuss the case with other members involved with that case and with the Police or Crown Prosecutor;
- CJC members must not disclose details of cases to their spouses, families, friends or the general public. The only information they can legally provide to the public is statistical information about number and types of cases handled; and
- the names of young offenders may not be made public.

The YCJA allows for sharing of information in certain specific "need to know" situations. Ask your local Police or Crown Prosecutor for details.

Professional Development

Effective CJC members have good interpersonal skills, knowledge of basic conflict resolution processes, and knowledge of the community organizations that can support them in their work. When individuals agree to become members of a CJC, they are also making a commitment to on-going professional development. Mediation Services Division of Saskatchewan Justice offers training courses to CJC members from time to time. Various types of workshops and conferences offer learning and networking opportunities for individuals involved in community justice work. Building the knowledge and skill levels of its members is an important part of the work of a CJC.

For more information about Community Justice Committees contact:

Director
Community Services Branch
Saskatchewan Justice
10th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7
Tel: (306)787-5096
Fax: (306)787-0078

Program Manager
Alternative Measures
Young Offender Programs Division
Department of Corrections and Public Safety
7th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7
Tel: (306)787-6290
Fax: (306)798-0012
(Or the Regional Director of Corrections and Public Safety for your area.)

The publications are available on this website or from the addresses above. Publications about Community Justice Committees include:

- Community Justice Committees – Frequently Asked Questions;
- Community Justice Committee – Application Kit;
- The Work of a Community Justice Committee; and
- Community Justice Committee – Year-End Reporting.

**Request by Person Under 12 and Parents/Guardians to Have a
Matter Referred to a Community Justice Committee (CJC)**

Consent of Child

Before the child completes this portion of the consent form, the parent is expected to explain the CJC process and the meaning of this form to the child.

I, _____ acknowledge that I did the following wrong
(child's name)

(if child cannot write, he/she may dictate the above description)

I agree, with my parents' support, to work with the CJC to right this wrong.

Signature of Child

Consent of Parents

I, _____ am the parent/guardian of _____.
(name) (name of child)

The conflict resolution process that will be used by the CJC has been explained to me and I have explained this process to my child.
I am satisfied that my child accepts responsibility for her/his actions and has freely consented to participate in the CJC conflict resolution process.
I am prepared to participate in the CJC conflict resolution process with my child.
I understand that my child and I can withdraw from the process at any time.
I understand that the CJC conflict resolution process will be kept confidential.
I understand the CJC cannot guarantee a satisfactory outcome to the conflict resolution process.
I consent to the CJC commencing a conflict resolution process to resolve this matter.

(Name of Parent)

Witness _____
(Name of CJC Member)

(Signature of Parent)

(Signature of CJC Member)

Date: _____