

Community justice, not jail, for youth in trouble

Offenders, victims and their families help decide on proper punishment

Outside of this room, they would seem to have little in common.

Helen, a widow whose husband was killed two years ago in a case of tribal violence in Africa, wore a long loose white dress, sheer shawl and blue head wrap; Nelia, a single mother who looked far too young to have a pre-teen child, was dressed in pink.

They also had their sons, sitting across from each other in a circle: Mark, the victim of death threats, and Damien, who admitted uttering them.

In this muted room in downtown Toronto, each will have a chance to speak about the schoolyard violence that changed their lives and how Damien can make amends.

Damien had two choices, he could go through the courts, or he could go through a program known as PACT. The program aims to reduce youth crime by sitting the victims and offenders in a circle, making the perpetrators of youth violence take responsibility for their actions, shaming them and reintegrating them into the community.

The victim is then given a say over how the offender can make amends for his actions.

The goal is to keep youths such as Damien from reoffending.

"For a mother to hear that her 13-year-old son is at the police station -- it's not very nice," Nelia said. "It makes me question what am I as a parent. Did I do something wrong?" "You didn't do anything wrong mom -- it was just me," Damien said.

It all got out of hand when a snowball fight went awry in February.

Damien, normally a good kid, a joker, was hit with a few snowballs and lost his temper. He pushed the smaller Mark to the ground and threatened him with a foot-long knife hidden in his jacket pocket.

"Meet me here, I'm going to kill you," he said.

Mark told on Damien to the supervisor, but was too scared to mention the knife.

"When he came home, he asked 'Can I have more shirts, mom to protect me today?' He thinks a shirt can protect him from a knife," Helen, Mark's mother, said.

Damien brought the knife to school again the next day and threatened other kids.

"Get out of my way or I'll put this in your head," he said, according to the police report.

The threat was not taken lightly.

The school confiscated the knife and called the police. He was expelled and charged with two counts of threatening death, two counts of using a weapon dangerously and one count of assault with a weapon.

Based on the conference circles used by indigenous tribes in Australia, PACT's system has also been used in some parts of British Columbia where it boasts that only 4 per cent of perpetrators reoffended after 500 cases. The national average reoffence rate was 43 per cent in 2003 said Terance Brouse, PACT community relations.

The government needs to stop punishing young offenders, and start turning them into productive citizens, said David Lockett, co-founder of PACT.

The program sees itself as a viable alternative to the current court system, but PACT's sessions are still restricted to less violent cases and the victims have to agree to participate for the process to work.

Among the observers of Damien's conference was Professor Paulo Sergio Pinheiro, who has been given the task by the United Nations to lead a global study on violence against children.

"I think that PACT can address more successfully child and youth offences," he wrote while observing the process. "It is a very painful process, but hopeful." Nelia pulled out a pack of Kleenex that made its way around the circle.

"Back home, there is a lot of forgiveness, a lot of room for youth to make mistakes," Mark's mother Helen said. "Not here, every mistake is bigger. I tell my kids that they cannot make mistakes in Canada." Damien's voice barely rises above a whisper during the almost four-hour conference.

"Sorry for making you scared, and for what happened," he said to Helen.

Damien also apologized to his mother and to Mark.

"Mostly, I think I did threaten you. But I didn't mean anything by it," he said.

As part of the process, the four of them must come up with a punishment that would be acceptable to the courts. If Damien follows through, his charges will be stayed and he'll walk away without a criminal record.

"Does he have to do something?" Mark asked.

Twenty four hours of community service, three letters of apology and anger management classes.

By the end of the day, Damien and Mark were buddies again.

The two mothers hugged at the end of the conference.

"As a parent, don't ever feel guilty. We do the best for our kids," Helen said. "As a parent, you do your best. The kids choose their own life. And the kids must keep in mind, as a single parent it's not easy. Damien, you have to think about that before you do something."