

Projet de loi 56 visant à lutter contre l'intimidation

Mémoire présenté par *Option Justice Réparatrice*

À l'Assemblée nationale du Québec

Dans le cadre des consultations particulières et des audiences publiques

Québec, 29 mars 2012

Option justice réparatrice est un organisme à but non-lucratif créé en 2010. La corporation est administrée par un conseil d'administration. Elle compte également sur la collaboration du professeur et chercheur, Jo-Anne Wemmers, du Centre International de victimologie comparée de l'Université de Montréal.

Mission

Option Justice Réparatrice veut accorder une place de premier rang aux victimes qui ont subi un préjudice particulier en leur offrant, un soutien, un droit de parole et la possibilité d'obtenir réparation.

Nous voulons donner aux offenseurs la possibilité d'assumer la responsabilité de leurs actes d'une manière constructive.

Nous encourageons les parties impliquées ainsi que leurs proches à participer de façon volontaire à une conférence familiale¹.

Objectifs généraux

-Informer et promouvoir une culture propice à l'utilisation de la justice réparatrice au sein du système de justice pénal ainsi qu'en milieu scolaire.

-Faire des représentations, interventions et autres démarches similaires auprès des gouvernements supérieurs, ses ministères et ses organismes afin qu'ils élaborent des stratégies et des politiques visant à développer la justice réparatrice.

Objectifs spécifiques

Milieu pénal :

-Travailler en collaboration avec le Ministère de la justice pour que la possibilité d'une médiation directe ou indirecte soit offerte de façon volontaire, aux victimes (adultes), aux

¹ Se sont ici des médiations qui incluent généralement plus que les personnes immédiates impliquées. Une conférence familiale peut inclure les parents, les amis et les proches. Se sont ici des médiations qui incluent généralement plus que les personnes immédiates impliquées.

contrevenants (adultes) et à leurs proches respectifs et cela tout au long du processus judiciaire.

- Mettre en place en collaboration avec le Ministère de la justice du Québec, un programme de mesures de rechange pour adultes en vertu des articles 717 (*) du code criminel en mettant l'accent sur la médiation des parties impliquées et affectées par la situation.

- Implanter dans la ville de Québec un Centre de médiation sous forme de projet pilote faisant appel au processus de justice réparatrice chez les adultes. Éventuellement, étendre vers d'autres régions de la province de Québec la création de Centres de médiation

- Proposer des activités de formation reliées directement à ce domaine d'intervention.

Milieu scolaire secondaire

- Offrir des services de médiation par le biais de conférences familiales aux écoles secondaires de Québec et des environs.

- Proposer des activités de formation reliées directement à ce domaine d'intervention.

Option justice réparatrice a comme président du conseil d'administration, Mario Marchand. Celui-ci a développé une expertise de la justice réparatrice depuis la fin des années 90. Il a suivi de nombreuses formations dans ce champ d'activité tant aux États-Unis qu'en Ontario et mis en pratique les concepts de la justice réparatrice d'abord en milieu carcéral. Il est détenteur d'un baccalauréat en science santé ainsi qu'une maîtrise en théologie pratique. À titre de médiateur, il détient une reconnaissance du Regroupement des organismes alternatifs du Québec. Il effectue actuellement une recherche dans le cadre d'un doctorat qui touche la mise en place de conférences familiales en milieu scolaire.

Nous présenterons dans ce mémoire la vision d'*Option Justice Réparatrice* concernant le projet de loi 56 visant à lutter contre l'intimidation. L'objectif n'est pas de revoir article par article le projet de loi en question mais de proposer d'y intégrer une approche alternative utilisée à travers le monde : la justice réparatrice.

1. Problématique

1.1. Les sanctions

La loi sur les jeunes contrevenants prévoit des sentences en fonction du geste qui a été commis.² Selon Brodeur et Landreville, (1979), la peine est donnée dans un but utilitaire et vise à protéger la société.³ Le message envoyé à la société est que le geste commis n'est pas acceptable et que la loi doit être respectée. Dans le même esprit, l'univers scolaire a également ses règles de vie. Le non-respect de ses lois engendre des sanctions qui peuvent aller jusqu'à la suspension dans des cas de taxage ou possession de drogues par exemple.

Les sanctions prévues aux codes de vie peuvent être toutefois appliquées sans discernement. À titre d'exemple, l'histoire relatée dans les médias, de ce jeune de 6^e année de Québec, qui a été expulsé de son école au printemps 2009, pour avoir apporté un couteau. On rapporte que cet enfant était intimidé par un groupe de jeunes depuis un bon moment déjà sans avoir trouver de soutien. Avait-on pris le temps de voir le contexte de cette situation? De façon générale, est-ce que le fait de suspendre un enfant de ses cours a un réel impact sur son comportement?

² Gouvernement du Canada. *La loi sur les jeunes contrevenants* [en ligne]. <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/CIR/8613-f.htm> (consulté le 17 mai 2011).

³ Jean-Paul Brodeur et Pierre Landreville, *Finalités du système de l'administration de la justice pénale et planification des politiques* (École de criminologie de l'université de Montréal: Montréal, 1979), 33.

1.2. L'offenseur

La suspension et les sanctions n'encouragent pas nécessairement le contrevenant à admettre ses torts. Il n'a pas l'occasion d'écouter la peine, la souffrance, la douleur de la victime puis de tenter de réparer les dommages causés. Bien souvent, il reste aux prises avec un sentiment de honte. L'étiquette de délinquant lui collera à la peau.⁴ Cette stigmatisation ne risque-t-il pas d'annuler le but visé qui est de promouvoir un comportement plus responsable?

1.3. La victime

À notre connaissance, très peu d'information est offert aux intervenants dans les écoles sur le besoin des victimes. Les besoins des victimes selon Wemmers et Cyr sont identifiés comme suit : besoins affectifs, besoin de sécurité, besoin d'information, besoin d'implication, et besoin de dédommagement.⁵

Les victimes ont évidemment des besoins très grands. Plusieurs vivent de la peur, du stress et d'autres difficultés émotionnelles. Après une victimisation, la personne peut se sentir vulnérable et être atteinte dans son sentiment de sécurité. Elle désire être tenue au courant du processus d'enquête, de sa finalité et savoir si elle peut jouer un rôle actif dans la poursuite de la cause dans laquelle elle est impliquée. Toutefois, elle est habituellement exclue du processus. Enfin, les victimes ne sont généralement pas dédommagées ou remboursées quant aux pertes encourues à cause d'un délit. En plus de ne pas obtenir de réparation monétaire des torts causés, les victimes ne reçoivent pas d'excuses de l'offenseur.

⁴ Suzan Sharpe, *Restorative Justice : A vision for Healing and Change* (Edmonton : Edmonton Offender Victim Services, 1998), 33.

⁵ Jo-Ann Wemmers et Katie Cyr, *Les besoins des victimes dans un processus de médiation*, Centre International de Criminologie Comparée. No 40 (Université de Montréal : Montréal, 2004), 6-8.

1.4. L'implication des parents

Tant du côté de l'offenseur que de la victime, il appert que les familles et les proches ne sont pas impliqués dans les processus de résolution de conflits en milieu scolaire. Elles n'ont pas d'espace de parole et de façon de participer au dénouement de la situation.

Dans son plan d'action pour contrer la violence à l'école, l'un des objectifs du gouvernement est de créer un milieu scolaire agréable.⁶ Cela peut se faire notamment par l'encadrement, le soutien, la collaboration avec les professeurs, la surveillance et par l'établissement et le renforcement des liens avec les familles.⁷ Les familles sont donc sollicitées pour participer aux enjeux liés à la réussite de leurs enfants en milieu scolaire.

La justice réparatrice

Nous voulons adresser cette problématique par le biais de l'expérience privilégiée de la justice réparatrice. Par la conférence familiale, l'offenseur pourra réparer le tort qui a été causé en impliquant toutes les personnes affectées par une offense. L'offense crée une obligation envers la victime et ses proches. On parle d'une obligation de réparation.⁸

Cette médiation est volontaire et se veut un lieu de prise de parole où les parties affectées sont appelées à se raconter et trouver ce qui n'a pas fonctionné et aurait dû être dit ou fait autrement. Ces personnes auront aussi à déterminer qu'elle sera la meilleure voie pour restaurer ce qui a été brisé.

La région de Kitchener/Waterloo a fait partie d'un projet pilote en utilisant l'approche de la justice réparatrice en milieu scolaire pour renforcer l'esprit communautaire, réparer les

⁶ Gouvernement du Québec. *La violence à l'école : ça vaut le coup d'agir autrement* [en ligne]. http://www.mels.gouv.qc.ca/sections/publications/publications/EPEPS/Formation_jeunes/ViolenceEcole_f.pdf (consulté le 20 février 2010), 10.

⁷ *Ibid.*

⁸ Howard Zehr, *Changing lenses : a new focus for crime and justice* (Scottsdale : Herald Press, 1990), 186. Pour approfondir le sujet de la justice réparatrice voir le site d'information de la Nouvelle-Écosse : Gouvernement de la Nouvelle-Écosse. Programme de justice réparatrice de la Nouvelle-Écosse [en ligne]. <http://www.gov.ns.ca/just/rj/faq-fr.asp> (consulté le 27 mars 2012).

torts causés et développer des habiletés sociales chez les enfants.⁹ D'autres écoles de l'Ontario utilisent l'approche de la justice réparatrice (voir annexe 1). Les auteurs insistent pour mettre les balises d'une communauté saine c'est-à-dire, une communauté qui:

- Construit les relations interpersonnels*
- Fait la promotion de l'inclusion sociale*
- Fait face aux fautes commises dans une relation et responsabilise*
- Est sensible aux autres*
- Fait la promotion de support et de soutien mutuel*
- Ne domine pas sur les autres.*¹⁰

L'emphase est mis sur les relations par le développement de l'empathie et du support mutuel. Dans ce contexte, l'inclusion et la responsabilisation des personnes qui ont commis une faute deviennent importantes. En 2010, le ministère de l'éducation de l'Ontario a rédigé un guide sur une approche progressive de la discipline dans leurs écoles.¹¹ Nous pouvons voir dans ce document que le vocabulaire de la justice réparatrice est en évolution. On parle maintenant de pratiques réparatrices. La prise de parole des parties affectées par la situation, l'implication de la victime, l'inclusion du fautif lorsque cela est possible, la réparation sont des pratiques réparatrices par le biais de conférences familiales ou cercles réparateurs. Les résultats sur le terrain de la justice réparatrice en milieu scolaire sont spectaculaires. Dans une étude récente faite dans plusieurs pays, une baisse importante du taux de suspension et du nombre d'actes de violence ont été rapportées (voir annexe II).¹² L'implantation de pratiques réparatrices améliore le climat de l'école et du même coup amène une baisse du taux d'absentéisme chez les professeurs. Avec de tels résultats, il n'est étonnant de voir un policier de

⁹ Arthur Lockhart et Lynn Zammit, *Restorative Justice : Transforming Society* (Toronto : Inclusion Press, 2005), 53.

¹⁰ *Ibid.*, 77.

¹¹ Gouvernement de l'Ontario. Bienveillance et sécurité dans les écoles de L'Ontario [en ligne]. http://www.edu.gov.on.ca/fre/general/elemsec/speced/Caring_Safe_School_Fr.pdf

¹² International Initiatives of Restorative Practices. *Improving school climate* [en ligne]. <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf> (consulté le 20 février 2010).

l'Ontario avoir été récompensé pour avoir mis en place plus de 130 conférences familiales. On parle d'une participation de 213 adolescents dont 91% n'ont pas récidivés (voir annexe III).

Au Québec, le programme de résolution des conflits en milieu scolaire « Vers le pacifique » contribue à l'établissement de meilleures relations en utilisant la médiation un à un.¹³ Notre recherche actuelle à l'université Laval porte sur un modèle de résolution de conflits plus large celui des conférences familiales.

2. Historique de la justice réparatrice :

La plupart des experts situent généralement le début de la justice réparatrice dans le monde occidental en 1974 à Elmira en Ontario. Un juge accepta l'idée saugrenue de deux mennonites, Mark Yantzi et Dave Worth de préparer une rencontre de deux malfaiteurs avec leurs victimes. Le but de cette proposition était de responsabiliser les fautifs face à la gravité de la situation et ne pas seulement les envoyer en prison pour « faire du temps ». Accompagnés d'un médiateur, les deux personnes ont frappé aux portes des gens qu'ils avaient vandalisés. Certains les ont laissés entrer pour discuter de la situation. Au total, 22 personnes avaient été victimisées. Ces dernières ont pu exprimer les conséquences de l'acte criminel dans leur vie. Une vieille dame a pu dire par exemple la peur qu'elle vit au quotidien depuis qu'ils ont brisé une fenêtre avec une pierre au milieu de la nuit. Aussi la plupart des dommages n'étaient pas couverts par les assurances. Les deux hommes ont pu exprimer leurs regrets et indemniser les victimes après avoir trouvé du travail.

Le modèle de médiation débuté en Ontario en 1974 s'est répandu rapidement. Si bien qu'un programme appelé VORP (Victim Offender Reconciliation Program), débutait à Elkhart, Indiana en 1977-78. Ce programme implique des rencontres de médiation entre une victime et un offenseur.

¹³ Université de Montréal, GEMMS. *Rapport final d'évaluation des impacts du programme Vers le pacifique pour les quatre années de sa mise en œuvre* (Montréal, 2006), 63.

2.1. Les peuples autochtones

Beaucoup d'observateur considèrent que la justice réparatrice existait bien avant son apparition en Amérique du Nord et entre autres chez les Maoris de Nouvelle-Zélande. Cette forme de tradition restauratrice était là pour répondre aux besoins d'une personne victime. Cela pouvait se faire par une rencontre entre les parties impliquées dans laquelle les dommages pouvaient être adressés et réparés. La honte « Whakama » que pouvait ressentir le fautif était pour eux la plus grande punition. Il était important pour eux de rétablir le pouvoir « Mana » à la victime mais aussi à sa famille ainsi qu'à la famille de la personne qui a commis une faute et de rétablir l'ordre social dans la communauté. La compensation était aussi au cœur des lois du peuple Maori. Un système de gouvernance était basé sur la « Tikana » soit une sorte de justice et d'équité qui guidait les relations entre les individus. Les rencontres de médiation impliquaient la communauté et chacun avait un droit de parole. Le but était d'arriver à un consensus concernant la réparation.

2.2. Le cercle de guérison

La tradition autochtone d'Amérique qui est elle aussi porteuse d'une culture de justice réparatrice. Plusieurs similitudes existent avec le peuple Maori dont nous avons déjà parlé plus haut. La justice autochtone fait partie intégrante du processus de socialisation et de fonctionnement du groupe. Cette justice cherche à préserver l'harmonie au sein de la communauté. La punition est moins importante que le respect des normes du groupe. La réparation et la réconciliation sont à la base de cette culture. La personne fautive doit aussi avoir une attention pour la victime et sa famille. Les « anciens » sont impliqués lors d'une offense plus grave. Les cercles de guérison ou « Healing Circles » ou « Peace Circles » sont pratiqués dans des communautés autochtones telles que Hallow Water au Manitoba.

2.3. Les conférences familiales

Suivant les traces du peuple Maori de Nouvelle-Zélande, l'Australie n'a pas tardé à établir l'approche de la justice réparatrice en ses terres. Avec la collaboration du criminaliste John Braithwaite, le service de police et la ville de Wagga-Wagga a mis sur pied un modèle de conférence familiale qui implique les parents, les amis et les proches affectés par la situation. C'est le policier Terry O'Connell qui débute les conférences familiales en Australie en 1991 chez les jeunes contrevenants.

2.4. État de situation

La justice réparatrice est maintenant présente dans plusieurs pays à travers le monde. Au Canada, plusieurs provinces ont emboîté le pas autant chez les adultes que chez les jeunes. Le Québec fait figure de proue depuis plus d'une vingtaine d'année avec un programme de médiation chez les jeunes contrevenants. La médiation est bien souvent possible entre un jeune qui a commis une faute et les victimes.

2.5. En milieu scolaire

Bien que la justice réparatrice vienne du milieu pénal, nous avons vu que les termes ont changés en milieu scolaire. Il est question de pratiques réparatrices que le gouvernement de l'éducation de l'Ontario définit comme des moyens mis en œuvre en réponse à un comportement inapproprié en privilégiant la réparation des préjudices causés aux personnes et aux relations plutôt que l'imposition d'une peine au contrevenant. Nous avons vu que cela peut se faire en impliquant les parents et les personnes affectées par la situation dans une conférence familiale. Plusieurs pays à travers le monde dont le Canada, les États-Unis et l'Angleterre utilisent les fondements de la justice réparatrice en milieu scolaire.

3. La justice réparatrice est-elle souhaitable au Québec?

La question que l'on peut se poser maintenant est la suivante : Quel apport ce modèle qui a comme fondement anthropologique la responsabilisation de l'individu et le rétablissement des relations pourrait-il avoir au sujet québécois? La justice réparatrice est une approche communautaire. Actuellement au Québec, il n'est pas faux de dire que nous sommes une société plus individualiste où les droits individuels ont préséances. Cela se reflète certainement dans les écoles. L'absence d'un collectif fort se répercute dans une institution comme l'école et peut faire obstacle à la justice réparatrice. L'anthropologue Serge Bouchard mentionnait dans une entrevue récente, que nous ne sommes plus une société mais un style de vie. Il fait référence à la société post moderne où dans un sens historique, nous avons vu l'effritement de la communauté québécoise. Le style de vie dont il est question ici est la recherche du plaisir, la consommation et l'égo.¹⁴

Mais comment expliquer le succès de la justice réparatrice en Europe aussi laïque et postmoderne? Selon la chercheuse Van Camp, en Europe l'implantation de la justice réparatrice est plutôt associée au cadre législatif de l'Union Européenne qui insiste sur l'offre de la justice réparatrice et sur l'établissement d'une législation sur le plan national. Ainsi, la justice réparatrice est dirigée par les services gouvernementaux et sa pratique est moins dépendante des initiatives privées ou locales. Selon elle, le fait que la justice réparatrice semble bien fonctionner en Europe est le résultat d'initiatives centralisées.¹⁵ Cela nous fait dire que tant qu'il n'y aura pas de volonté politique au Québec, la justice réparatrice restera une initiative privée et locale sans grande portée. C'est pourquoi nous recommandons :

1. Que le gouvernement insère dans sa loi un paragraphe qui encourage les écoles avec l'aide des commissions scolaires et des services policiers à mettre en place des pratiques de justice réparatrice.

¹⁴ Tél-Québec. Entrevue donné à Marie-France Bazzo à l'émission Bazzo.tv, le 8 mars 2012.

¹⁵ Tinneke Van Camp [en ligne]. Courriel consulté le 25 janvier 2012.

2. Que le gouvernement mette en place un comité national pour documenter les initiatives canadiennes, européennes et internationales sur la mise en place de pratiques réparatrices en milieu scolaire.
3. Que le gouvernement en partenariat avec *Option Justice Réparatrice* mette en place un projet pilote dans une ou quelques écoles secondaires de la région de Québec. Que ce projet pilote soit évalué par des chercheurs pour en mesurer les impacts.
4. Que le gouvernement en partenariat avec *Option Justice réparatrice* mette en place un programme pour encadrer les pratiques réparatrices quant à la formation sur le terrain, la reconnaissance de médiateurs, les façons de mettre en application ces pratiques dans une école, les partenariats à effectuer avec les commissions scolaires, les services policiers, le réseau de la santé etc.
5. À l'article 96.27, il est dit que *le directeur de l'école peut suspendre un élève...* Nous aimerions qu'il soit plutôt écrit que *le directeur de l'école doit faire tout en son pouvoir pour favoriser l'inclusion d'un élève qui a commis des gestes d'intimidation en le responsabilisant et l'aidant à obtenir et garder un bon comportement.*

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Entrevue télévisée

Télé-Québec. Entrevue de Serge Bouchard avec Marie-France Bazzo à l'émission Bazzo.tv, le 8 mars 2012.

ANNEXE 1

ÉCOLES

DISCIPLINE

JUSTICE RÉPARATRICE

Résultats éloquentes

JEAN-PHILIPPE PINEAULT

«Avant, on était vraiment très bons pour punir. La punition, c'est beaucoup plus facile et plus rapide», avoue Vanessa Warner Bacola, une des responsables du programme de justice réparatrice au Waterloo District School Board (WDSB).

Le WDSB a vu le nombre de sanctions disciplinaires chuter dramatiquement depuis la mise en place du programme de justice réparatrice il y a sept ans.

Décidée à renverser la vapeur, la commission scolaire, située à l'ouest de Toronto, a formé des directeurs d'école, des professeurs et des travailleurs sociaux.

Plutôt que de sanctionner bêtement les enfants les écoles sont maintenant équipées pour faire de la médiation et trouver de véritables solutions aux conflits.

Effets positifs

Les établissements scolaires qui ont goûté au concept de justice réparatrice comptent les effets positifs par dizaines.

«Dans notre commission scolaire, il y a onze élèves qui auraient dû être expulsés, mais qui ne l'ont pas été après avoir réussi avec succès le programme de la justice réparatrice», raconte M^{me} Warner Bacola.

Cette nouvelle façon de faire ne fait pas seulement le bonheur des directions d'école ontariennes. Les élèves apprécient de pouvoir s'exprimer. «Ils respectent le processus car ils ont la chance d'y participer», ajoute-t-elle.

LA JUSTICE RÉPARATRICE, C'EST QUOI ?

■ La justice réparatrice vise à rétablir les relations. Elle s'éloigne de la discipline traditionnelle selon laquelle une autorité inflige une punition à l'offenseur.

■ Lorsqu'un jeune commet un délit, comme du vandalisme ou se bagarre, un intervenant ouvre une discussion. La victime et l'agresseur expriment tour à tour leurs sentiments.

■ Le jeune délinquant est invité à trouver une solution pour réparer la situation qu'il a créée. Par exemple, il peut nettoyer des graffitis qu'il a dessinés sur l'école.

■ Dans les cas plus graves, une attaque armée par exemple, un groupe de discussion peut réunir des dizaines de personnes impliquées. Le fautif prend alors conscience du mal qu'il a fait plutôt que de se refermer simplement sur lui-même et encaisser une punition.

Source : Ordre des enseignants de l'Ontario et Vanessa Warner Bacola du Waterloo District School Board.



PHOTO OLIVIER JEAN

■ Au Québec, les retenues et les copies ont encore la cote.

Méthodes dépassées

■ Au Québec, on punit encore alors qu'en Ontario l'élève doit trouver des solutions

Alors que les directeurs d'écoles ontariens ont mis au placard les vieilles méthodes de discipline, préférant utiliser une «justice réparatrice» plus efficace, les écoles du Québec font fausse route en distribuant encore des retenues et des suspensions, jugent des experts.



JEAN-PHILIPPE
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Le Journal de Montréal

Invoquant la «tolérance zéro», la vaste majorité des directions d'école de la Belle Province réagissent promptement aux cas de vandalisme, bagarre, intimidation ou consommation de drogue en sanctionnant illico les étudiants pris en défaut.

«Au Québec, c'est le système répressif. Les écoles pensent pouvoir corriger le comportement des agresseurs, mais tout ce que ça fait, c'est que le jeune se dit que la prochaine fois, il ne se fera pas prendre», affirme Jacques Hébert, professeur à l'École de travail social de l'UQAM. C'est le cas par exemple à la Commission

scolaire Marie-Victorin (CSMV) sur la Rive-Sud, où chaque école a un code de vie qui est appliqué à la lettre.

Sanctions graduelles

«Selon le geste qui a été posé, il y a un processus de sanctions graduelles. Il peut y avoir une rencontre avec l'élève, avec les parents et ça peut aller jusqu'à la suspension», explique Jocelyne Alarie de la CSMV.

Même si elle paraît efficace au premier coup d'œil, cette technique très rigide n'aide en rien l'élève à prendre conscience de ses gestes et à se réhabiliter, selon Claire Beaumont, codirectrice de l'Observatoire canadien pour la prévention de la violence à l'école (OCPVE).

«Le système punitif engendre de la rancœur et de la frustration chez l'enfant», explique-t-elle.

Réparer plutôt que punir

La technique de la justice réparatrice qui, comme son nom l'indique, vise à réparer le mal qui a été fait, gagne en popularité dans les écoles de l'Ontario.

«Avec la méthode réparatrice, le jeune est en présence de la personne lésée et de

ses émotions. Il doit trouver lui-même une solution qui convient à la victime. Ça demande pas mal plus qu'une suspension», affirme la codirectrice de l'OCPVE.

Certains profs l'utilisent dans leur classe au Québec, mais aucun établissement ne l'a véritablement érigé en système. «Ça demande une ouverture d'esprit qui n'est pas présente ici», juge le professeur Hébert.

Plus facile

Selon M^{me} Beaumont, qui enseigne aussi à la Faculté des sciences de l'éducation à l'Université Laval, il est plus tentant pour les directions d'école de punir que de demander de réparer.

«Ça prend du temps, la réparation. Donner une punition, c'est moins compliqué», dit-elle.

jppineault@journalmtl.com

Les méthodes traditionnelles de discipline, comme la retenue et la copie, ont-elles encore leur place à l'école ?

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APPELEZ-NOUS : Tél. (514) 529-8877 Ext. 1888 ou 1889

ANNEXE 2

IMPROVING SCHOOL CLIMATE

FINDINGS FROM
SCHOOLS IMPLEMENTING
RESTORATIVE PRACTICES



photo: © Ronnie Andren

A Report from the
*International Institute
for Restorative Practices*
Graduate School

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PREFACE

I was first introduced to restorative practices through a good friend. He could not stop talking about this program that worked with adults and students to change the climate of schools. As I continued to press him for data, he fed me a collection of websites and pages of summary data. The research was promising, but I wanted to know more. I decided to visit the International Institute for Restorative Practices (IIRP) in Bethlehem, Pennsylvania.

My passion has always been urban education. As a former high school teacher, assistant superintendent for research and school reform in Detroit Public Schools, and research director for the Council of the Great City Schools, I have always focused on improving the quality of education in urban schools. Therefore, my review of restorative practices was through an urban lens.

When I met Ted Wachtel, president and founder of the IIRP Graduate School, I was pleased to learn that the IIRP Training and Consulting Division was working with challenging urban schools in several cities and was committed to developing a more comprehensive research effort. I agreed to assist the IIRP in that effort and suggested that we start by producing a compilation of existing data. The very recent data provided by West Philadelphia High School constitutes the first case presented in this report.

I have always recognized that safe schools are prerequisite to academic rigor. Zero tolerance has been the rule of the land in most schools for some time. But there have not been significant reductions in fights, disruptive behavior or other violent acts in schools as a result of those policies. On the other hand, there is growing evidence that restorative practices, with its roots in restorative justice (from the criminal justice system), can improve the culture and climate of all schools: rural, suburban and urban.

Improving School Climate: Findings from Schools Implementing Restorative Practices is composed of excerpts from articles, reports and disciplinary data from individual schools and school districts. These data were collected to provide the reader with a snapshot of findings related to restorative practices. It is important to note that most schools implementing these practices have not conducted formal research studies. Hence, the types of data reported may be different from one school or district to the next and may not have been consistently collected over a set of years. However, taken together and “in their own words,” it is clear that restorative practices is having a positive effect on the lives of many students and is changing the climate of many schools.

The IIRP is committed to providing ongoing data about how these practices are being implemented in a representative sample of schools and school districts. The first portion of this document contains data from six schools in the United States; the second section reports on four international cases. The appendix includes a *Scholastic Administrator* magazine article about restorative practices in schools and a summary of research from the CSF Buxmont programs for delinquent and at-risk youth where the IIRP first developed its restorative methodology.

This is my first attempt at collecting and organizing the data. I am looking forward to working closely with schools and the IIRP as we continue to document our successes.

Sharon Lewis
Director of Research
IIRP Graduate School

FOREWORD

The emerging new field of study, restorative practices, has the potential to transform our schools and our communities. It includes but goes beyond restorative justice, an innovative criminal justice system response to wrongdoing. Restorative practices, however, are both proactive and reactive, ranging from relationship and community-building activities to effective processes for dealing with disruptive student behavior and violence. When systematically employed on a whole-school basis, restorative practices transform negative school environments by engaging students in taking responsibility for making their own schools better. Restorative practices stands in stark contrast to the prevailing reliance on punishment employed in today's schools.

While restorative practices works well in both school and criminal justice settings, the ultimate implementation of restorative practices is demonstrated in our work with Hull, labeled the worst place to live in the UK by the BBC in 2005. In Hull, a city of a quarter million, the IIRP is helping to build the world's first restorative city by training over 23,000 people. The unique cross-service implementation model has enabled children, young people, parents, educators, social workers, caregivers, police and youth justice professionals to adopt a unified set of practices that enhance personal well-being, promote appropriate behaviors and, crucially, strengthen acceptance of responsibility. We have included the remarkable outcomes from Hull in this report.

I am grateful to all of those who provided us with the data presented in this report, which highlights the remarkable potential of restorative practices to achieve safer, saner schools and communities.

Ted Wachtel
President
IIRP Graduate School

RESTORATIVE PRACTICES

U.S. SCHOOLS



www.iirp.org

West Philadelphia High School

4700 Walnut St., Philadelphia, Pennsylvania 19139

West Philadelphia High School, widely known as one of Philadelphia's most dangerous and high-risk schools, on the state's "Persistently Dangerous Schools" list for six years running, is seeing positive results with restorative practices less than one school year into implementation.

Administrators at West Philadelphia High School learned about restorative practices in spring 2008 and began implementing the practices immediately, using circles in some classrooms. The school had its first formal restorative practices training in fall 2008. From April to December 2008, suspensions decreased by half and recidivism plummeted. The school's administrators credit restorative practices for these improvements.

"Restorative practices is what you need in an urban environment, because you have students who have so many social concerns, so many things that get in the way of learning. Restorative practices has given us a way to help the kids process the things in the front of their minds that make learning secondary to them."

"In the classroom, it's about getting to a state where we can work, rather than seeing how much punishment we can heap on a student. The more kids understand that, the more they're willing to own their actions and become productive members of their class. This is different from the model that says, 'You're going to get a detention and a suspension, whether it's going to help you or not,' over and over and over again. Now the kids have the authority to make their own corrections."

"We didn't really believe that we could get our kids to the point where they could express remorse, sympathy and respect. Now the kids have embraced restorative practices even more than the adults."

—Saliyah Cruz, principal

"Before implementing restorative practices, we had a lot of issues of violence, fires, kids misbehaving in class, disrespect. What restorative practices does is change the emotional atmosphere of the school. You can stop guns, but you can't stop them from bringing fists or a poor attitude. A metal detector won't detect that."

—Russell Gallagher, assistant principal

"The PFT [Philadelphia Federation of Teachers] should encourage the use of restorative practices and support it in schools. It's not just another new thing on the block. It's a way of life."

—Marsha A. Walker, teacher and PFT building committee member

"Restorative practices can work in tough urban schools. It doesn't get any tougher than West Philadelphia High School."

—Lt. Colonel James Cotton, officer and teacher, Air Force Junior ROTC

Source: Caralee Adams, *Scholastic Administrator* magazine, November/December 2008 (see Appendix); International Institute for Restorative Practices, "Safer Saner Urban Schools: The Story of West Philadelphia High," www.iirp.org/westphilahigh

West Philadelphia High School Characteristics

Large City High School

2007–2008

GRADES 9–12

913 Students*

- › 98% African American
- › 84% Eligible to Receive Free/Reduced-Price Lunch
- › 27% Special Needs

*as of 2008–2009

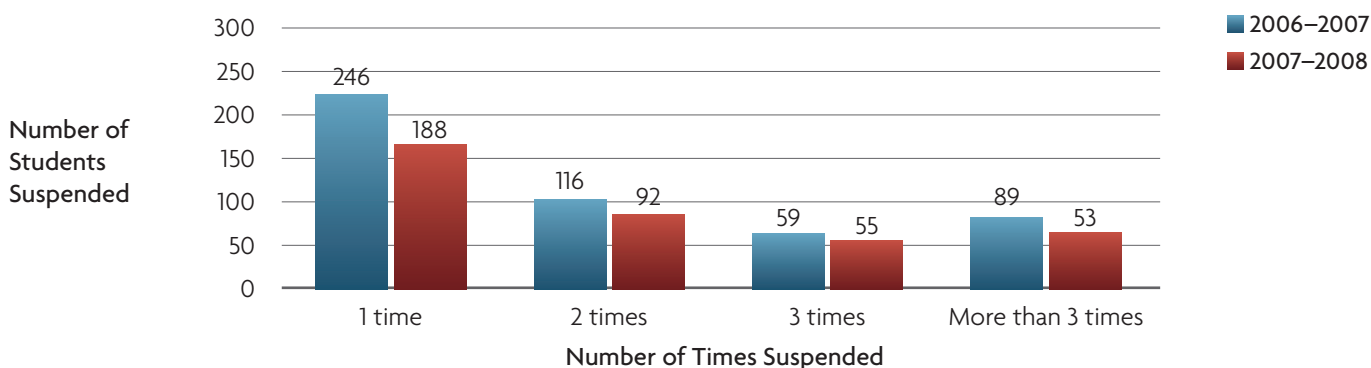
Source: Russell A. Gallagher, assistant principal, West Philadelphia High School, February 2009

West Philadelphia High School Data

- › Violent acts and serious incidents were down 52% in 2007–2008 compared to 2006–2007.
- › Violent acts and serious incidents were down an additional 40% for 2008–2009 (through December 2008).
- › In school year 2007–2008, there were only two fire-alarm pulls and two “limited responses” (i.e., two very small pieces of paper were set on fire).

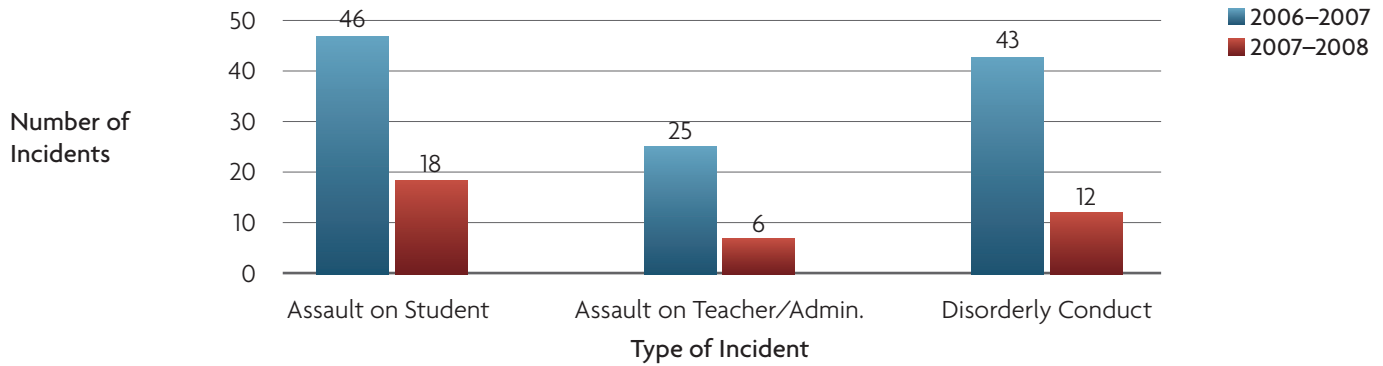
Number of Students Suspended in 2 School Years

N=941



Serious Behavioral Incidents by Type in 2 School Years

N=941



Source: Russell A. Gallagher, assistant principal, West Philadelphia High School, February 2009

Pottstown High School

750 N. Washington St., Pottstown, Pennsylvania 19464

Pottstown, once a thriving working-class town, fell on hard times when its manufacturing industries dried up. Poverty turned Pottstown into a small town with big-city problems, a circumstance exacerbated by an influx of transplants from urban areas.

Pottstown High School was struggling badly, had been placed on academic probation and was in danger of being taken over by the state when Stephen J. Rodriguez became the school's principal in fall 2005. Besides poor academic performance, the school was experiencing cultural problems, with students divided into factions and staff disillusioned and at odds. "We had a lot of issues: a lack of community spirit, disrespect to teachers, cutting classes, classroom disruption, physical fights," said Rodriguez, adding, "The teachers wanted to drop the hammer and punish harder. I thought we needed a schoolwide approach. I wanted everybody to speak the same language and be on the same page."

Rodriguez pursued restorative practices implementation vigorously beginning in fall 2006. He began by sending an assortment of 10 enthusiastic, neutral and resistant teachers to a restorative conferencing training at the IIRP in Bethlehem. All came back "totally energized" about the potential for restorative practices at Pottstown. They quickly tried a conference with one of the most "hard-core" girls in the school, who "was in tears within minutes" after having the opportunity to tell her story, as well as hear how her behavior affected others. She has been much better behaved since.

The entire school staff has now been trained, including teachers, counselors and instructional aides. Every educator is now required to use restorative practices in some way. The school has been removed from academic probation, student test scores and behavior have improved greatly, and staff are united and inspired in their work.

"There has been a significant reduction in discipline problems, disrespect and fighting, and students are more accountable," said Rodriguez. "Teachers used to be afraid to deal with students in the hallways; they felt that students had the advantage there. And students felt that staff were like police." Now, said Rodriguez, "There's no more feeling of 'us versus them.' Staff and kids are all one team."

Source: *Stephen J. Rodriguez, principal, Pottstown High School, February 2009*

Pottstown High School Characteristics

Small Suburban High School

GRADES 9–12

63 Teachers

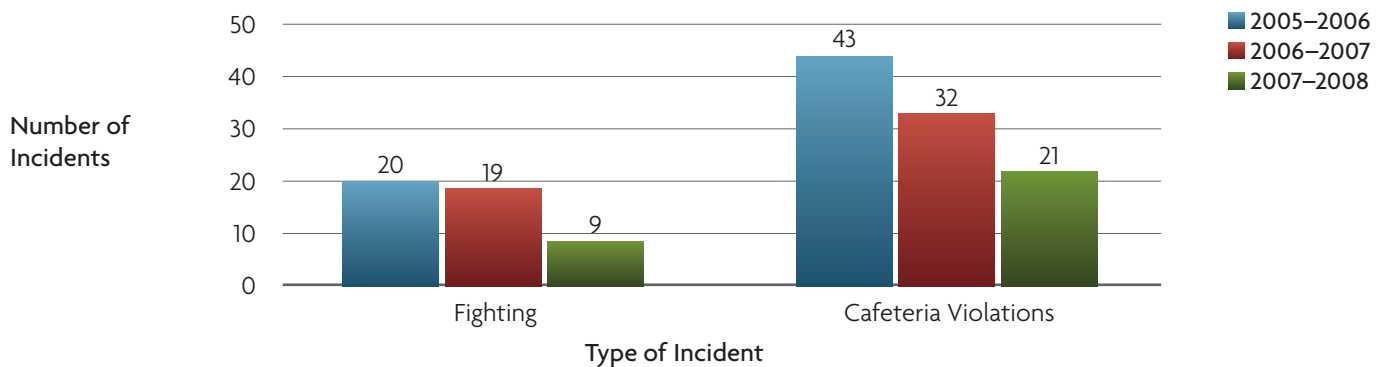
874 Students

- › Grade 9: 278
- › Grade 10: 230
- › Grade 11: 202
- › Grade 12: 164

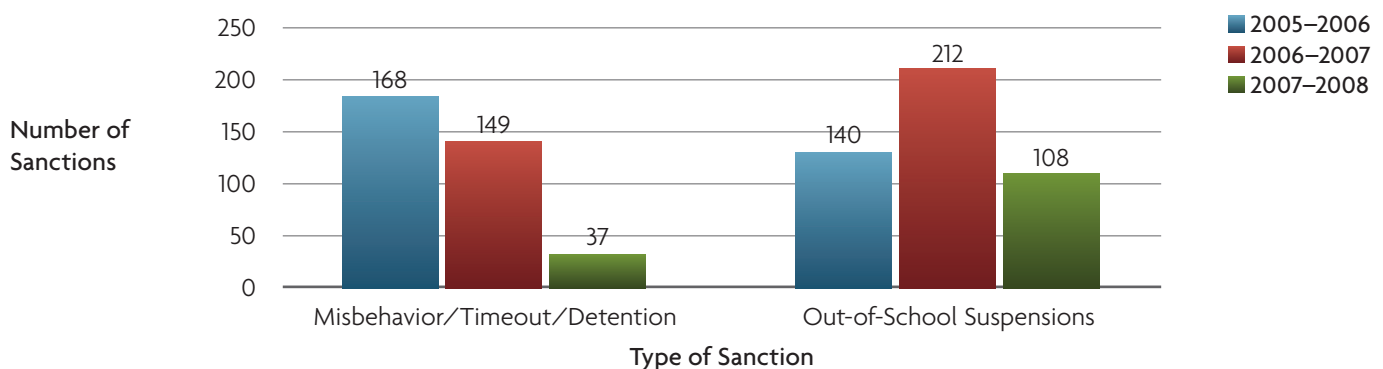
Source: NCES Kids' Zone, nces.ed.gov/nceskids/tools/index.asp, February 2009

Pottstown High School Data

Behavioral Incidents by Type in 3 School Years



Disciplinary Sanctions by Type in 3 School Years



Source: Stephen J. Rodriguez, principal, Pottstown High School, February 2009

Newtown Middle School

116 Richboro Rd., Newtown, Pennsylvania 18940

Relatively affluent Newtown Middle School first learned about restorative practices in 2003 when then–assistant principal Richard Hollahan received a training flier from the IIRP’s SaferSanerSchools program. He was intrigued by the potential of restorative practices to deal with the school’s “frequent fliers” — students who were repeatedly sent to his office for fighting, disrespect to teachers and other behavioral issues.

Hollahan’s first IIRP restorative practices training was in how to facilitate a restorative conference (which brings together victims, offenders and their supporters to repair the harm of wrongdoing or crime), a process he felt was too complex to use all the time in school. He was especially intrigued by the restorative questions, which are used to respond to challenging behavior and to help those harmed by others’ actions, and he began using them with students right away.

“Restorative practices changed the way I view discipline,” said Hollahan. “As an assistant principal my task was to assign blame and levy a penalty. That didn’t sit well anymore. The goal is for students not to repeat misbehavior. Now I see my task as helping them, and it’s done through building relationships.”

Newtown’s staff was trained in 2006, after Hollahan had begun spreading restorative practices throughout his building. “Restorative practices has changed the feeling and culture here. Now it’s like a family setting. Everyone asks for help and helps others. This has come about through a conscious effort on our part to build community.”

Discipline problems have all but disappeared. “Out of 900 kids we suspended only five this year. We used to have two days a week of detention, now we have only one. This has been a financial boon,” said Hollahan. “It’s a shame not to do this. It’s the right thing to do. Our school is no different than any other. Kids are far more likely to behave due to relationships than out of fear. And that’s the same at school as it is at home.”

Newtown is now participating in the IIRP’s Training of Trainers program, which helps selected school staff train new staff in restorative practices. More schools in the Council Rock School District are implementing restorative practices, and others in the Newtown area are paying attention as well. “The police department has a Youth Aid Panel [for first-time offenders], but all they were doing was handing out punishments,” said Hollahan. “They visited the school and were blown away by the restorative process, and they’ve started implementing it, too.”

Source: Richard J. Hollahan, principal, Newtown Middle School, February 2009

Newtown Middle School Characteristics

Large Suburban Middle School

GRADES 7–8

52 Teachers

861 Students

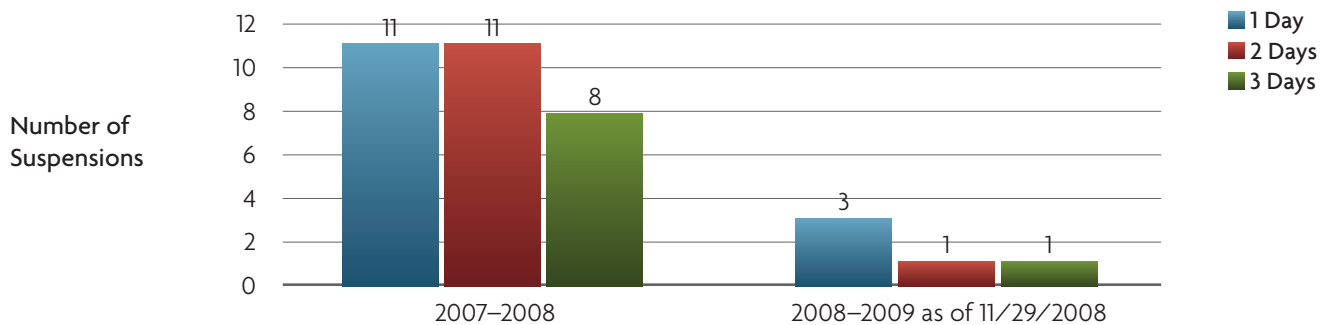
› Grade 7: 437

› Grade 8: 424

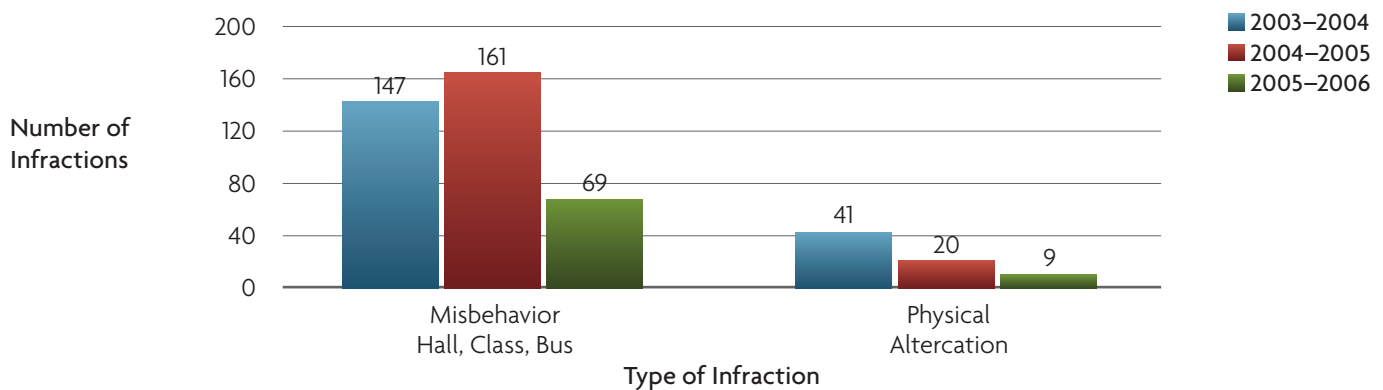
Source: NCES Kids' Zone, nces.ed.gov/nceskids/tools/index.asp, February 2009

Newtown Middle School Data

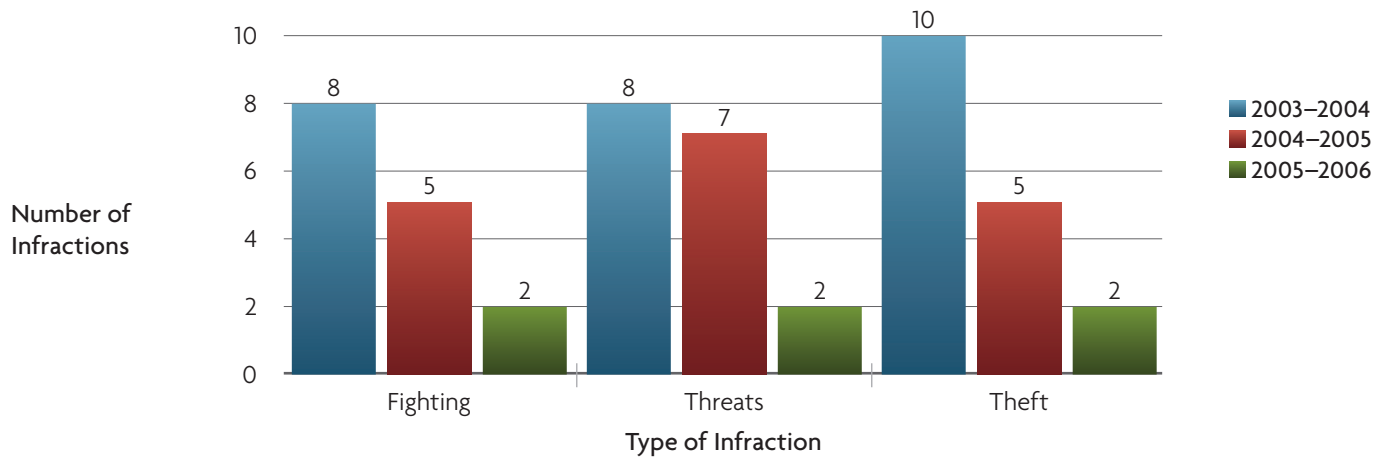
Student Suspensions in 2 School Years by Days of Suspension



Disciplinary Infractions by Type in 3 School Years (part 1)



Disciplinary Infractions by Type in 3 School Years (part 2)



Source: Richard J. Hollahan, principal, Newtown Middle School, February 2009

Palisades High School

35 Church Hill Rd., Kintnersville, Pennsylvania 18930

Palisades High School was the first International Institute for Restorative Practices (IIRP) SaferSanerSchools pilot school. Restorative practices was introduced in the 1998–1999 school year. David Piperato, former Palisades H.S. principal, said that before the program was introduced, as in many public schools throughout the U.S., the level of caring and respect among many students had declined. Restorative practices, he said, “created a more positive relationship between staff and students.”

In fall 1998, the school launched a new program, the Academy, for students who didn’t feel connected to school and were struggling with behavior or academics. Said Piperato, “We had addressed the content of the program, not relationships between teachers and students.” Consequently, the program was a disaster. Rebelling against the lack of structure, unmotivated kids roamed the building, their behavior rude and belligerent. Teachers turned on each other, frustrated and upset.

The IIRP taught the Academy staff to employ the continuum of restorative practices, starting with affective statements and questions — sharing and eliciting emotions — to help students understand that they were as responsible for the success of the Academy, as well as to and for each other, as the teachers were. The teachers learned how to use circles, interventions, one-on-ones and group meetings with students. They introduced “check-in” and “check-out” circles at the beginning and end of each class — for students to set goals and expectations together.

The strategies quickly started to show results with Academy students, even those no one had been able to reach before. The administration decided to phase in restorative practices in the rest of the school over a three-year period. All teachers were encouraged to use restorative practices in the classroom. Data gathered by the school indicate a clear decrease in discipline problems.

Restorative practices had a positive effect on academic performance as well. Said Piperato, “You cannot separate behavior from academics. When students feel good and safe and have solid relationships with teachers, their academic performance improves.”

Restorative practices also helped establish a culture of collaboration among staff members, where teachers discuss students’ behavior, rather than their personalities, and brainstorm as a group about how to handle it. Said Academy teacher John Venner, “You never talked to another teacher about how they talked to kids. It was their own damn business in their own classroom. Now we find it very acceptable to hold each other accountable.”

Source: Laura Mirsky, “SaferSanerSchools: Transforming School Culture with Restorative Practices,” *Restorative Practices eForum*, May 20, 2003, www.iirp.org/library/ssspilots.html

Palisades High School Characteristics

Rural Fringe High School

GRADES 9–12

52 Teachers

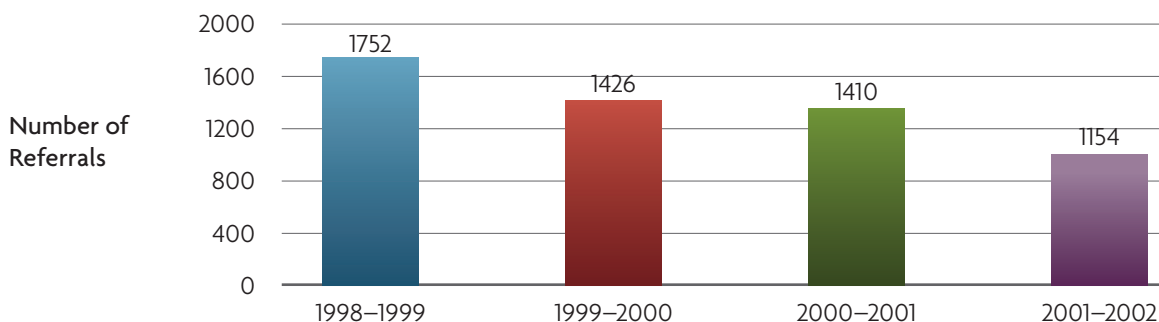
743 Students

- › Grade 9: 175
- › Grade 10: 198
- › Grade 11: 205
- › Grade 12: 165

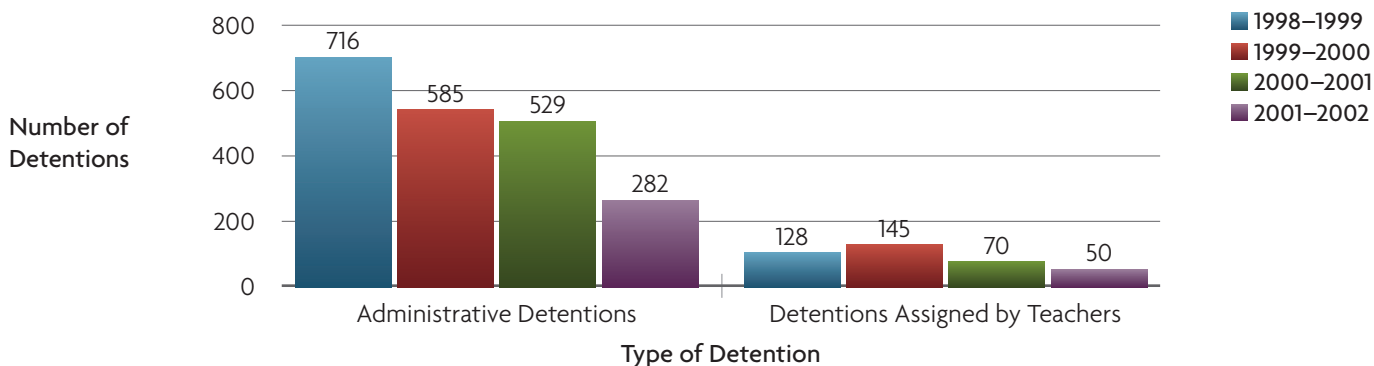
Source: NCES Kids' Zone, nces.ed.gov/nceskids/tools/index.asp, February 2009

Palisades High School Data

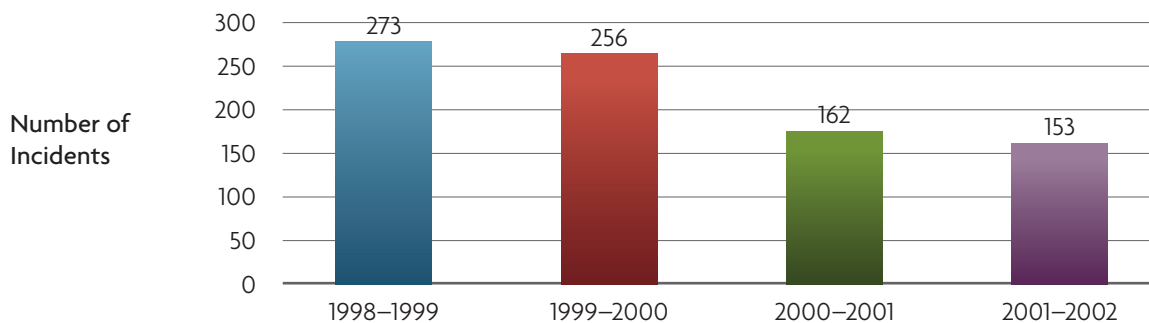
Disciplinary Referrals to Student Office in 4 School Years



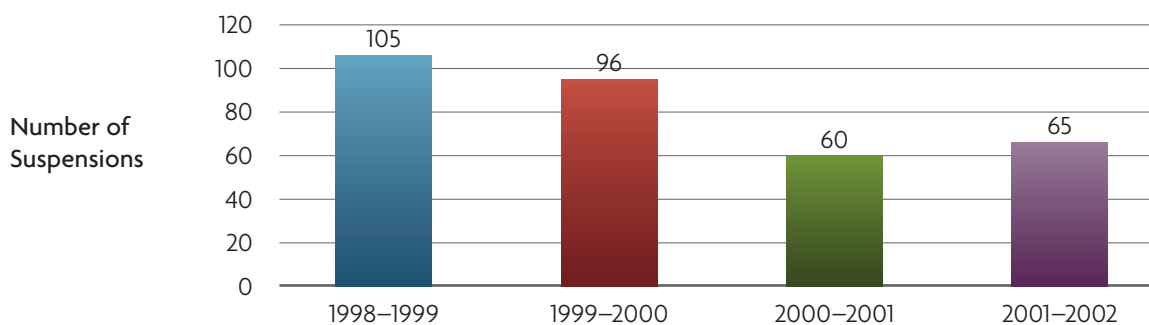
Student Detentions by Type in 4 School Years



Disruptive Behavior in 4 School Years



Out-of-School Suspensions in 4 School Years



Source: Laura Mirsky, "SaferSanerSchools: Transforming School Culture with Restorative Practices," Restorative Practices eForum, May 20, 2003, www.iirp.org/library/ssspilots.html

Palisades Middle School

4710 Durham Rd., Kintnersville, Pennsylvania 18930

Restorative practices was introduced at Palisades Middle School (PALMS) in fall 2000. Previously the school climate was discourteous and disrespectful and altercations were common. PALMS principal Edward Baumgartner said, “We were suspending 200 students a school year for everything from disrespect to not making up gym.” All staff were trained in restorative practices, including support staff.

Restorative practices is used in classrooms in the form of circles, where students and staff share information and problems. In discipline situations, students write in their personal journals, kept in the student office, about what happened and suggest how to take care of it. The entire continuum of restorative practices is also employed, from affective statements and questions to formal restorative conferences.

The school has seen a statistically significant decrease in the amount of problems that occur each day. Data gathered by PALMS indicate a substantial drop from school year 2000–2001 to 2001–2002 in discipline problems and incidents of fighting. Restorative practices has also had a positive effect on academic performance, said Baumgartner.

“I’ve gotten more out of my students with this approach than I did with a more rigid approach to discipline problems. When you solve problems with them rather than coming down from ‘on high’ they buy into it much better.”

— Fran Ostrosky, longtime PALMS teacher and president of the Palisades Education Association (teachers’ union)

“I used to get in a lot of trouble, but teachers talk to students and help you make the right decisions here. In homeroom we sit in a circle and talk about anything that needs to be brought up.”

— Eighth-grade girl

“I used to be one of these black and white, law and order guys. Kids had to be held accountable and the only way to do that was to kick them out of school — to show the other kids that you’re the boss. That doesn’t work. I didn’t solve problems; I just postponed them until they got to high school. Restorative practices works. We now fix and solve problems.”

— Edward Baumgartner, principal

Source: Laura Mirsky, “SaferSanerSchools: Transforming School Culture with Restorative Practices,” *Restorative Practices eForum*, May 20, 2003, www.iirp.org/library/ssspilots.html

Palisades Middle School Characteristics

Rural Fringe Middle School

GRADES 6–8

37 Teachers

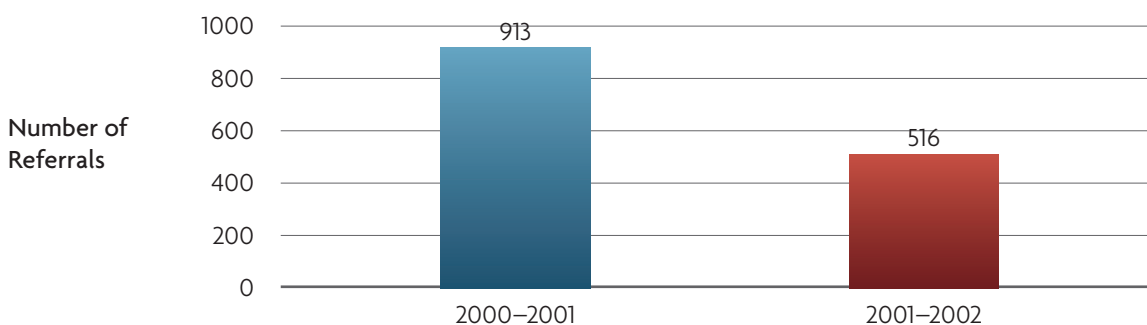
529 Students

- › Grade 6: 179
- › Grade 7: 176
- › Grade 8: 174

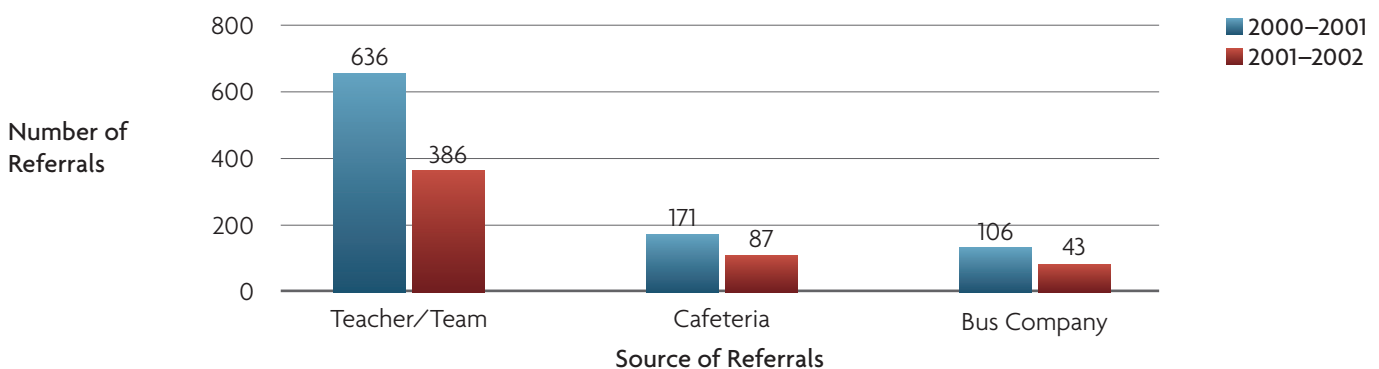
Source: NCES Kids' Zone, nces.ed.gov/nceskids/tools/index.asp, February 2009

Palisades Middle School Data

Disciplinary Referrals to Student Office in 2 School Years



Disciplinary Referrals to Student Office in 2 School Years by Referral Source



Source: Laura Mirsky, "SaferSanerSchools: Transforming School Culture with Restorative Practices," *Restorative Practices eForum*, May 20, 2003, www.iirp.org/library/ssspilots.html

Springfield Township High School

1801 E. Paper Mill Rd., Erdenheim, Pennsylvania 19038

Springfield Township is in the first ring of suburbs around Philadelphia. The school district receives many urban transfer students and has a mobile student body. The administration believes the students are more “street smart” than traditional suburban students.

Joseph Roy became principal of Springfield Township High School in January 2000. The entire Springfield faculty was introduced to restorative practices in fall 2001. Data gathered by the school since restorative practices was introduced indicate decreases in discipline problems, disrespect and defiance.

The challenge at Springfield, said Roy, has been to integrate students from different systems into the culture of the school, rather than let the culture of the school shift toward the disruptive and unruly. Roy said that restorative practices had definitely helped that concern. “Usually kids will catch onto ‘OK, this is how we behave at this school, this is what the expectations are and this is the culture’ and they get on board,” he said.

Prior to restorative practices, students were kicked out of class and sent to a “time-out room.” “Sometimes they’d get there, sometimes they wouldn’t,” said Roy. “If they got there they just hung out. There was no follow-up.”

Now during in-school suspensions, assistant principal Michael Kell gives each student a list of questions to think about: What happened? Who do you think has been affected by your actions? What can you do to repair the harm? He discusses the questions with the student and often brings in the teacher involved to talk about how everyone feels and help mend relationships. Kell also facilitates formal restorative conferences when serious problems arise, as does guidance counselor Kevin McGeehan.

Staff employ a restorative approach in everyday interactions with students. “When I see a kid acting up in the hallway, instead of dragging him into the discipline office, I’ll pull him over, one-on-one, and try to understand where he’s coming from,” said McGeehan.

Teachers use check-in and check-out circles with both classroom management and academic issues to “create the culture that says, ‘We talk about stuff as a group and we help each other out,’” said Roy. He considers restorative practices to be part of culture building, including treating kids with respect and having a team of teachers and parents identify the school’s core values. “It’s all part of restorative practices.” Said Roy, “When you get to the point where it’s informal but constant, that’s where you want to be.”

Source: Laura Mirsky, “*SaferSanerSchools: Transforming School Culture with Restorative Practices*,” *Restorative Practices eForum*, May 20, 2003, www.iirp.org/library/ssspilots.html

Springfield Township High School Characteristics

Large Suburban High School

GRADES 8–12

68 Teachers

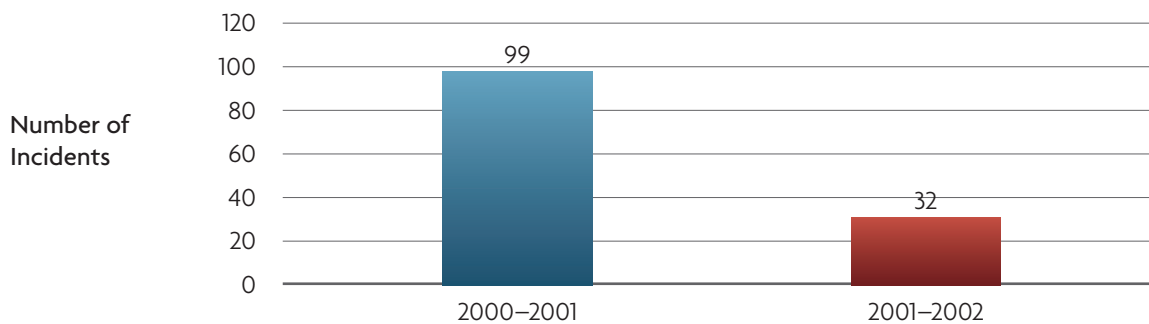
834 Students

- › Grade 8: 154
- › Grade 9: 159
- › Grade 10: 157
- › Grade 11: 200
- › Grade 12: 164

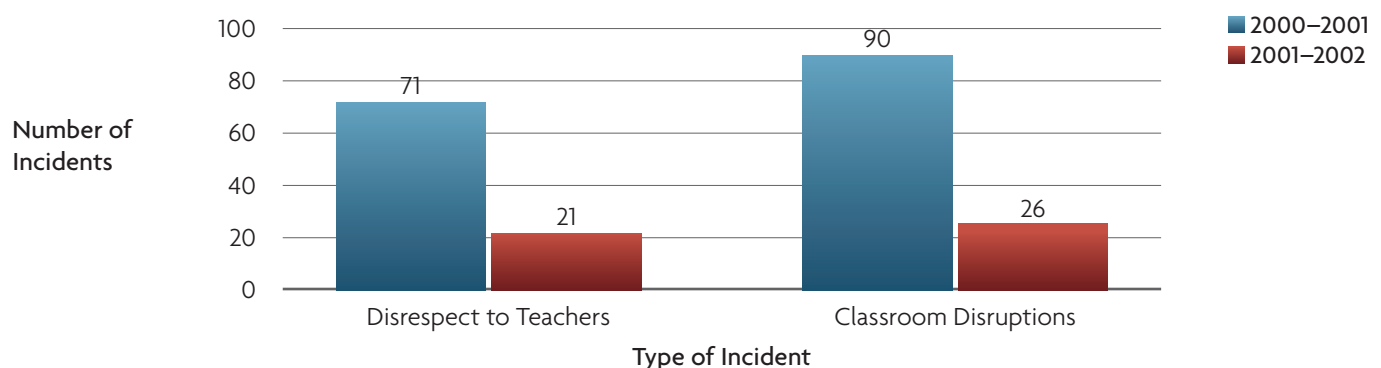
Source: NCES Kids' Zone, nces.ed.gov/nceskids/tools/index.asp, February 2009

Springfield Township High School Data

Incidents of Inappropriate Behavior in 2 School Years



Classroom Incidents by Type in 2 School Years



Source: Laura Mirsky, "SaferSanerSchools: Transforming School Culture with Restorative Practices," Restorative Practices eForum, May 20, 2003, www.iirp.org/library/ssspilots.html

RESTORATIVE PRACTICES

CANADIAN & BRITISH SCHOOLS



www.iirp.org

Kawartha Pine Ridge District School Board

1994 Fisher Dr., Peterborough, Ontario, Canada K9J 7A1

In the summer of 2004, the Kawartha Pine Ridge (KPR) District School Board began restorative practices implementation. Starting with a successful restorative practices pilot program in four elementary and secondary schools, the senior board administration proceeded with a major effort to develop the restorative practices framework across 95 elementary and secondary schools as a systemic approach. Kawartha Pine Ridge was the first major school board in North America to follow this path.

From fall 2006 to June 2008, each KPR school underwent a full day in-service to familiarize all staff with restorative practices; each held in-school assemblies with all students, as well as parent workshops.

There are numerous examples of how restorative practices has positively changed the interactions between students and teachers: children meeting in impromptu restorative circles, thousands of informal restorative interventions, over 60 formal restorative conferences over the 2007–2008 school year to address harm, school staff meeting in facilitated restorative circles to deal with conflict, the restorative questions posted throughout schools as a way to guide and influence language and thinking. All indications are that a paradigm shift is occurring, as school administrators, teachers, students and parents across the board move from addressing harm in a punitive way to thinking of restorative solutions.

Restorative practices is also supporting a paradigm shift for dealing with suspended and expelled students. Instead of dealing with problem student behavior by getting rid of the student, the goal is to re-integrate the suspended or expelled student as well as to effectively deal with others who are negatively affected by the incident, including the larger school community.

“What we are doing here in the Kawartha Pine Ridge District School Board is cutting-edge and setting a trend in the manner that inappropriate behavior is handled. This is achieved in a manner that facilitates repair of harm (victims, schools, others), builds empathy, promotes student accountability, responsibility and reintegration, and sees misbehavior as an opportunity for learning, not punishment.

“Probably one of the greatest impacts of this initiative is when teachers and students utilize this approach in the classroom. Not only do many fewer issues come to the office, but the classroom environment is healthier and students are more productive.”

— Bruce Schenk, director of IIRP Canada

Source: Bruce Schenk, director of IIRP Canada, “Restorative Practice and Our Schools: A Visionary Journey,” a report to the Kawartha Pine Ridge District School Board, August 2008

Kawartha Pine Ridge District School Board Characteristics

Urban & Rural Communities

82 ELEMENTARY SCHOOLS

16 SECONDARY SCHOOLS

4 Adult Learning Centers

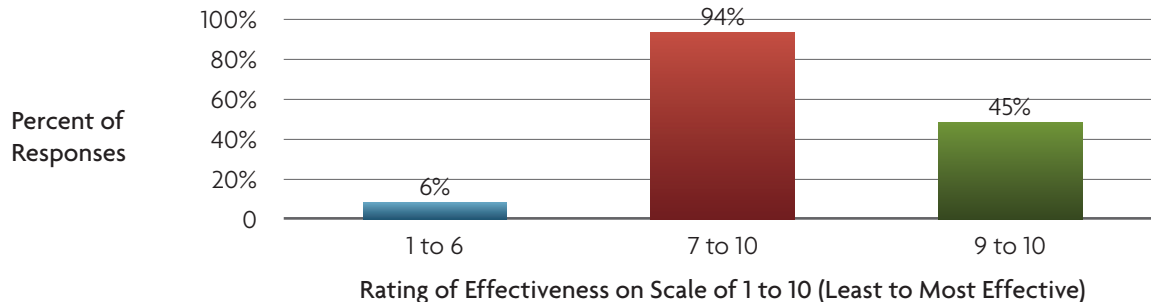
35,491 students

- › 22,166 Elementary
- › 13,325 Secondary

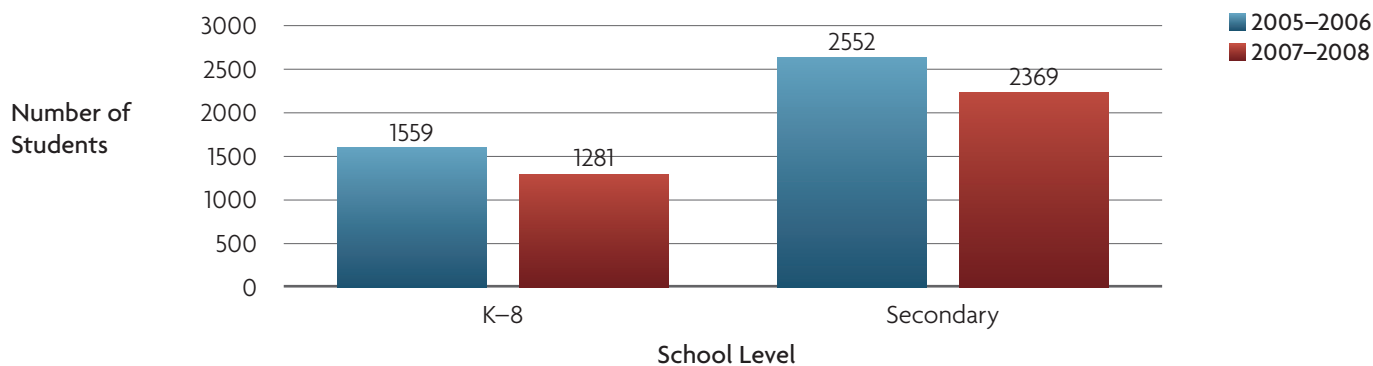
Source: Kawartha Pine Ridge District School Board, www.kpr.edu.on.ca/aboutus/general_info.php, February 2009

Kawartha Pine Ridge District School Board Data

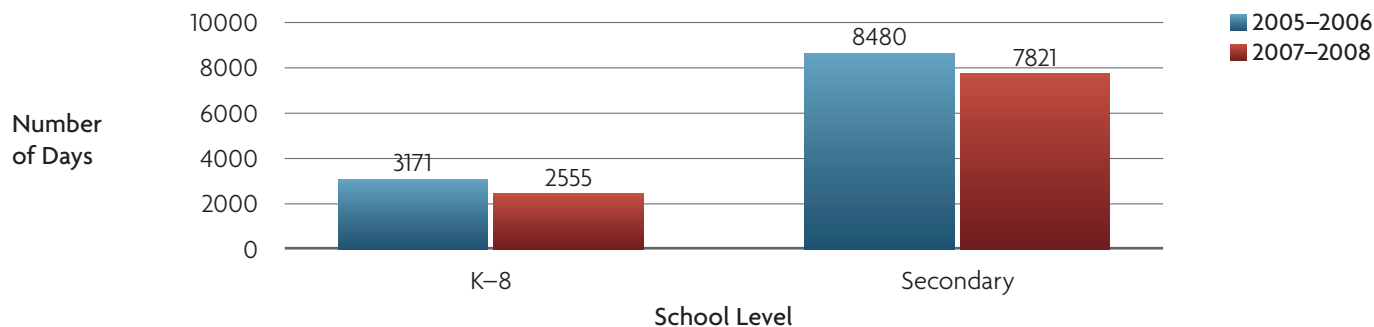
School Administrators' Perception of Overall Effectiveness of Restorative Circles in Addressing Harm and Repairing the Situation (One Year Data 2006–2007)



Student Suspensions by School Level in 2 School Years



Total Suspension Days by School Level in 2 School Years



Source: Bruce Schenk, director of IIRP Canada, "Restorative Practice and Our Schools: A Visionary Journey," a report to the Kawartha Pine Ridge District School Board, August 2008

Keewatin-Patricia District School Board

100 First Ave. W., Kenora, Ontario, Canada PN9 3Z7

From 2004 to 2009, the Keewatin-Patricia District Public School Board has transformed the “no tolerance” disciplinary approach to a restorative practices approach. As a result, suspensions have declined significantly every year.

Using a non-punitive series of strategies, where administrators and teachers engage and support students, suspensions have fallen from 1,850 involving 892 students in 2003–2004 to 501 involving 330 students last year. Based on the accumulated data to date this year, they estimate the number of suspensions will fall below 500 this year for the first time this decade.

The restorative practices direction was taken after a local trustee-led initiative in 2004, which questioned the effectiveness of suspensions to correct student behavior.

“We were ahead of our time,” reflected Al Wray, the Safe and Supportive Schools coordinator. “Our findings were that with repeat offenders — unless you dealt with the root causes — you weren’t going to change things.”

“We’re finding that by supporting students who are participating in inappropriate behavior, we’re reducing the number of suspensions,” Wray said. “We’re finding a lot of that support involves the families. They’re thanking us for that support because it’s making the students successful at home as well as at school.”

To implement the program in classrooms, the board has allotted \$150,000 to training and materials to create a culture of restorative practices, entrenching the language and philosophy of the practice into the curriculum. Evergreen Public School will be one of two pilot schools to lead the board in its implementation.

Wray described a situation where youth had tagged the Kenora Skate Park with graffiti. The school held a meeting with them and other young people who had built the park to explain how their actions had damaged a source of community pride. Wray said the offending youth had never considered how their actions affected others. Instead of a suspension, the students wrote apologies, paid financial restitution and performed community service hours. Asked Wray, “What would suspension have done?”

Source: Jon Thompson, “Student Suspensions Decline After New Disciplinary Program Introduced,” *Lake of the Woods Enterprise*, Ontario, Canada, www.lotwenterprise.com/ArticleDisplay.aspx?e=1433362, February 2009

Keewatin-Patricia District School Board Characteristics

5,446 Student Enrollment

16 ELEMENTARY SCHOOLS

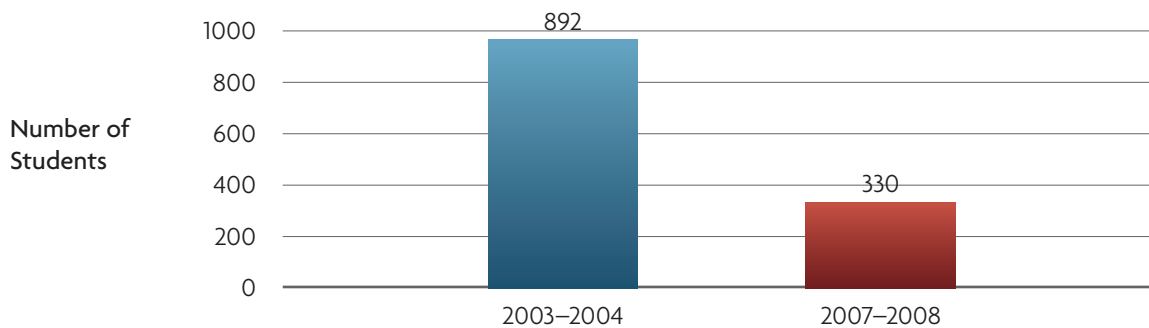
5 HIGH SCHOOLS

- › 32.2% First Nation
- › 7.9% Metis
- › 0.1% Inuit
- › 59.8% Other

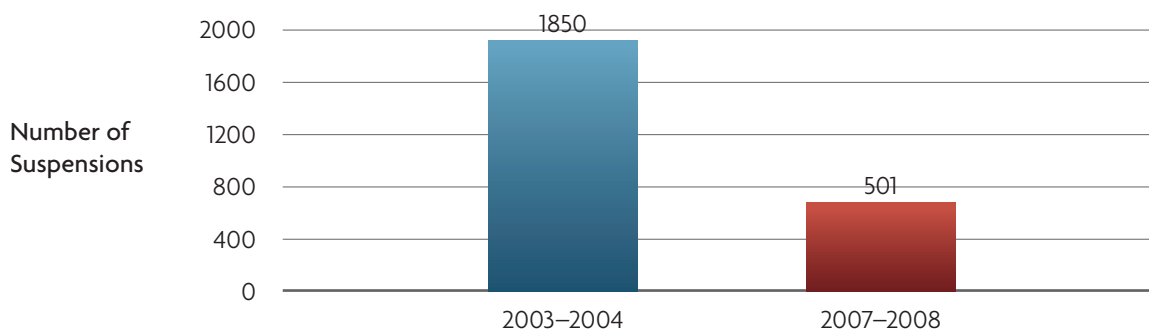
Source: Keewatin Patricia District School Board: Annual Director's Report, www.kpdsb.on.ca/boardInformation/boardReport.asp, February 2009

Keewatin-Patricia District School Board Data

Number of Students Suspended in 2 School Years



Number of Suspensions in 2 School Years



Source: Lake of the Woods Enterprise, Ontario, Canada, www.lotwenterprise.com/ArticleDisplay.aspx?e=1433362, February 2009

Bessels Leigh School

Abingdon, Oxfordshire, England, UK OX13 5QB

Bessels Leigh School is a residential school for boys with emotional and behavioral difficulties, ages 11 to 16. Established in 1964, Bessels Leigh School formerly served mostly pupils at the milder end of the behavioral spectrum. The school's previous philosophy — traditional, structured and authoritarian — generally served both staff and students well. But the school's client group began to change around 1994, due to the national political agenda, local government finances and a move to place the majority of youth in mainstream education.

The school's former disciplinary system failed to meet the new challenges and actually contributed to the increasing problems. Some of the newer, more difficult clientele challenged the use of detentions to punish behavioral infractions. Staff was determined to carry out the punishments, and physical confrontations ensued. The sense of community eroded. Staff-pupil relationships changed to an "us and them" situation, and vandalism and antisocial behavior increased dramatically. Staff suffered rising levels of stress, and staff absenteeism and turnover increased.

In 2005 the staff of the school and the residential unit received the IIRP's Introduction to Restorative Practices training. Subsequently both staffs received training in restorative circles. The boys, with the staff's help, established "norms" — rules for running circles and for acceptable and safe behavior. Circles are now embedded in the school culture. The boys have made the circle process their own.

The school began holding classroom circles each morning in addition to the residential-based evening circles. The staff also holds circles for themselves at least every two weeks. The domestic and secretarial staffs were also trained in restorative practices, as some were being very abrasive with the boys. These staff members now join the other staff in their regular circle meetings.

Besides reintroducing a sense of community, restorative practices has greatly reduced property damage. There used to be a serious problem with boys breaking windows; one week over £1,000 was spent on windows. It had become the norm — get angry, break a window. Restorative practices virtually put an end to this.

"Restorative practices has had a very real, positive impact on our school. The change is clear to the staff and to the boys. Restorative practices has empowered staff to take control of situations, raise issues, question behavior and examine their relationships with the boys and with each other."

—John Boulton, principal, Bessels Leigh School

Source: John Boulton & Laura Mirsky, "Restorative Practices as a Tool for Organizational Change: The Bessels Leigh School," *Restorative Practices eForum*, February 23, 2006, www.realjustice.org/library/besselsleigh.html

Bessels Leigh School Characteristics

Age Range: 11–16

Full Boarding Pupils: 37 boys

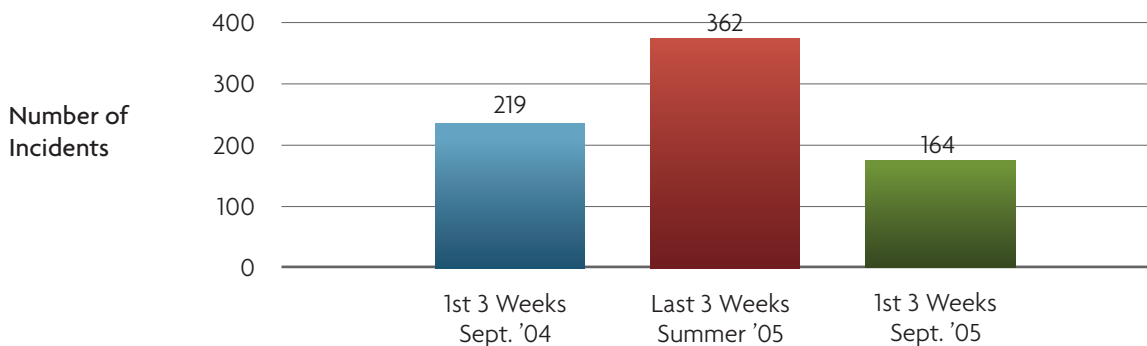
Grades 8–12

- › 35 Full-Time and 5 Part-Time Staff
- › 37 Special Needs Students
 - Dyslexia/Specific Learning Difficulties
 - Social, Emotional and Behavioral Difficulties
 - Moderate Learning Difficulties
 - Asperger's Syndrome

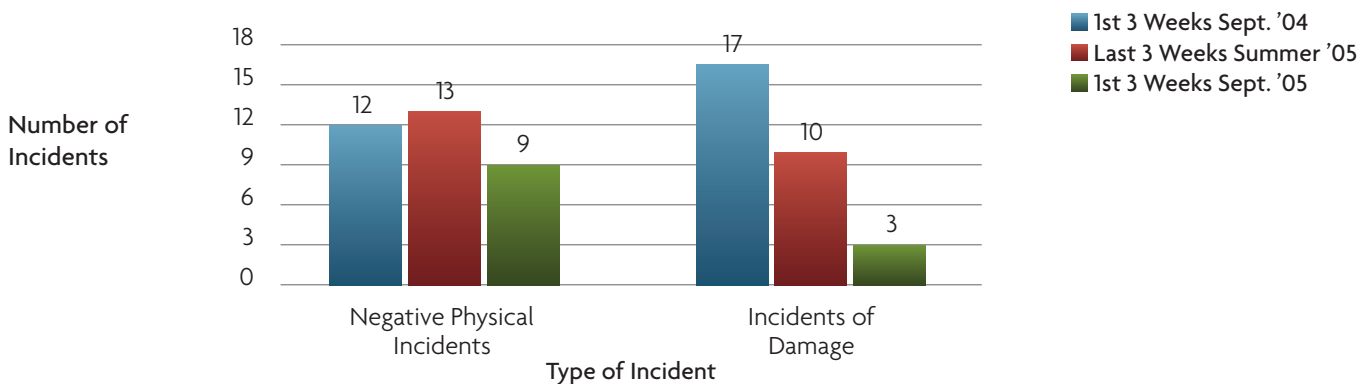
Source: Bessels Leigh School, www.isbi.com/isbi-viewschool/3137-Bessels_Leigh_School.html, February 2009

Bessels Leigh School Data

Negative Student Incidents in 3 Time Periods



Reported Student Incidents by Type in 3 Time Periods



Source: John Boulton & Laura Mirsky, "Restorative Practices as a Tool for Organizational Change: The Bessels Leigh School," *Restorative Practices eForum*, February 23, 2006, www.realjustice.org/library/besselsleigh.html

City of Hull

Hull, England, UK

Hull, UK, led by the Hull Centre for Restorative Practices (HCRP) and the International Institute for Restorative Practices (IIRP), is endeavoring to become a “restorative city.” The goal is for everyone who works with children and youth in Hull, one of England’s most economically and socially deprived cities, to employ restorative practices. Nigel Richardson, Hull’s director of Children and Young People’s Services, is leading the initiative. Participants are committed to implementing an explicit means of managing relationships and building social connection and responsibility while providing a means to repair harm when relationships break down.

SCHOOLS

First Hull pilot school: Before restorative practices, Collingwood Primary School was given Ofsted’s (Britain’s Office for Standards in Education) lowest ranking: “Needing Special Measures.” Within two years of implementing restorative practices, it achieved Ofsted’s highest ranking: “Outstanding.” From spring 2007 to July 2008, Collingwood’s exclusions (expulsions) decreased 98 percent and punctuality improved 87 percent. Second Hull pilot school: Restorative practices brought about enormous changes at Endeavour High School. The recent Ofsted report described Endeavour as a school where “respect and safety are the norm and problems get sorted out.” Restorative practices has produced positive results at nine schools (the two above plus seven “Phase 2” schools) in Riverside, Hull’s most economically deprived neighborhood.

THE FAMILIES PROJECT

Head teachers (principals) work to identify and support children experiencing the greatest difficulties in behavior, attendance and achievement. Circles are held with these children, their family members and key staff for everyone to discuss how they feel about the problems and what to do. Involving family members has proved beneficial to everyone.

POLICE

In December 2008, Hull police agreed to use restorative processes for first-time minor offenses before any judicial process is invoked. Inspector Iain Dixon said that all 170 Hull police officers have received a one-day introduction to restorative practices training and 65 have been trained to facilitate restorative conferences (which bring together victims, offenders and their supporters to repair the harm of wrongdoing or crime). Restorative practices is mostly being used in neighborhood conflicts thus far.

CHILDREN AND YOUNG PEOPLE’S SERVICES

Restorative practices is proving highly successful in Hull’s Children and Young People’s Services Safeguarding and Development (CYPSSD) area, which includes fostering, adoption, residential and field work. Silvia Madrid, looked-after children partnership and development officer, said that all Hull CYPSSD practitioners, including those who work with disabled children, are being trained in restorative practices. The practices have greatly reduced children’s criminal records and police involvement in Hull children’s homes. Circles are also used for children’s home staff issues.

City of Hull Characteristics

2001 Census: Hull's Population — 253,400

2001 Census: 9th Most Deprived of 354 English Districts

2003 National Survey: 27% of city's households have incomes under 10,000 pounds.

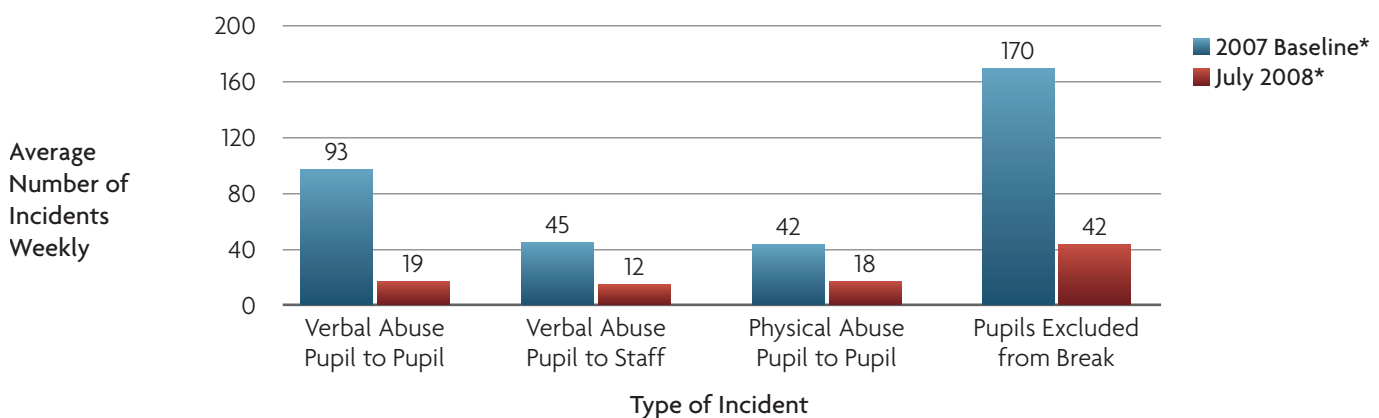
2005 Unemployment claimant rate 5.4%

› over twice as high as the national average (2.2%)

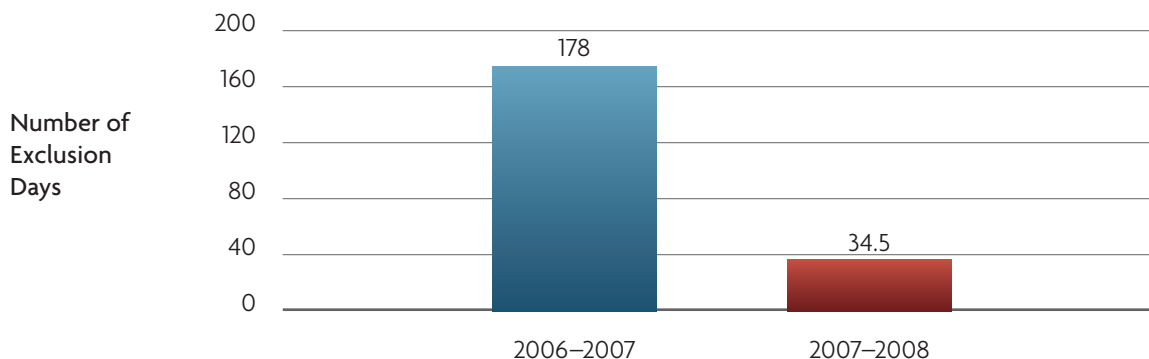
Source: Hull City Council: Home www.hullcc.gov.uk, February 2009

City of Hull Data — 7 “Phase 2” Schools

Behavioral Incidents by Type in 2 Time Periods



Fixed Term Exclusion (Suspension) Days in 2 School Years

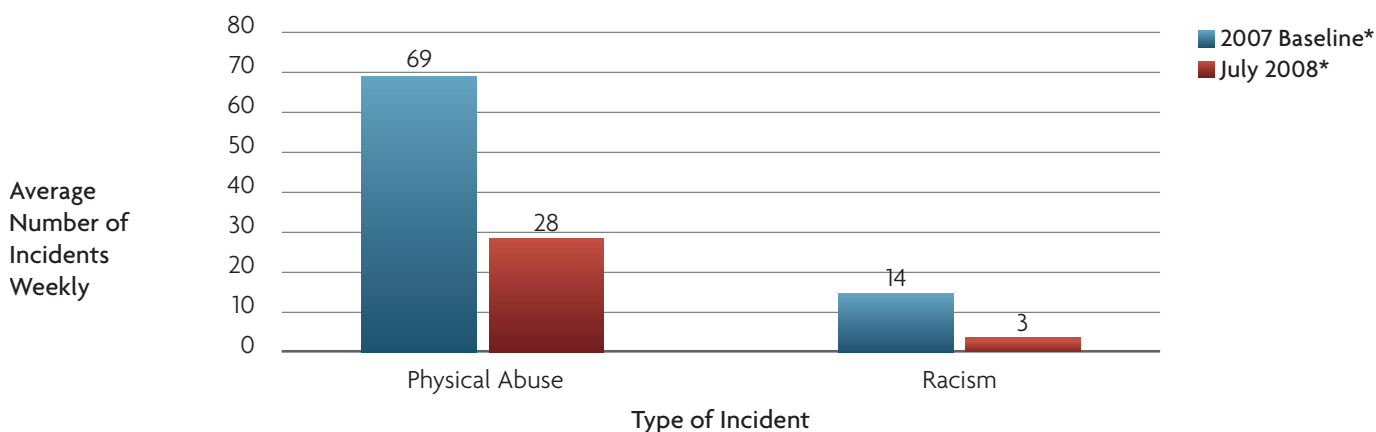


* 2007 Baseline data includes the last 4 weeks of Summer Term plus the first 2 weeks of Autumn Term 2007.
July 2008 data includes 6 weeks of Summer Term 2008.

Source: Hull Centre for Restorative Practices & International Institute for Restorative Practices—UK Office, The City of Hull: Riverside Project, September 2008

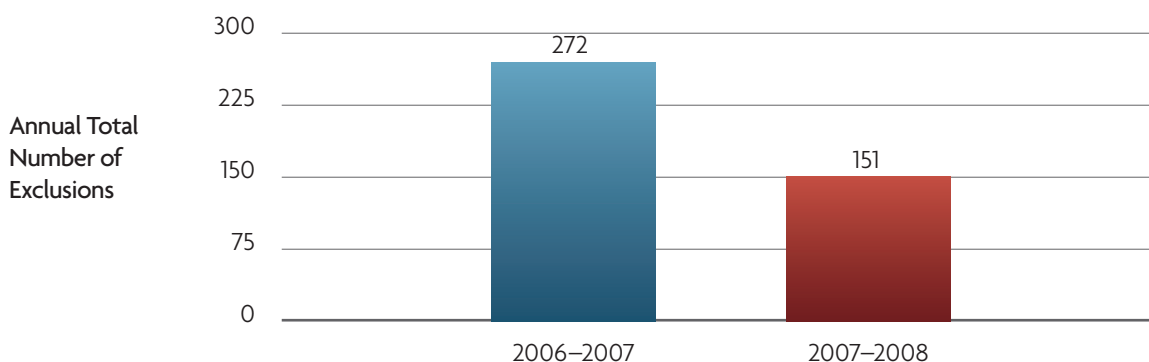
City of Hull Data — Endeavour High School

Behavioral Incidents by Type in 2 Time Periods

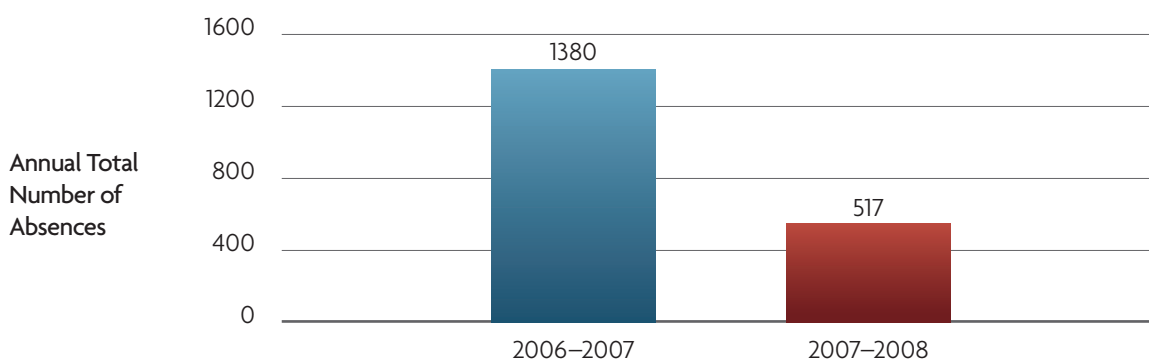


* 2007 Baseline data includes 6 weeks in Spring Term 2007. July 2008 data includes 6 weeks of Summer Term 2008.

Fixed-Term Exclusions (Suspensions) in 2 School Years



Staff Absences in 2 School Years



Source: Hull Centre for Restorative Practices & International Institute for Restorative Practices—UK Office, The City of Hull: Riverside Project, September 2008

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Reading, writing, and social skills.
Tenth graders in Helen Bowers's class at Pottstown High School in Pennsylvania convene once a week for a "restorative circle" to discuss class issues.

SCHOOL SAFETY

PHOTOS: © RONNIE ANDREN

The Talk-It-Out Solution

**How can you promote safety?
Try getting rid of the metal detectors.**

BY CARALEE ADAMS

WHAT MAKES FOR A SAFE school? Security guards patrolling the hallways? Metal detectors? Zero-tolerance policies? The answer may be none of the above: Educators are searching for new solutions to achieving harmony in the classroom and, surprisingly, they're increasingly holistic. "There aren't enough bars, metal detectors, or police to make a school safe if there is a culture of violence in a school," says Ted Wachtel, founder of the International Institute for Restorative Practices (IIRP) in Bethlehem, Pennsylvania. "You need to strike at the heart of the culture."

Trying restorative practices

One safer schools initiative making its way across the nation is the implementation of "restorative practices." Rather than meting out punishments, restorative practices employs a talk-it-out approach to foster dialogue between aggrieved students. Students are taught basic social skills to problem-solve and lower the tension in schools. One premise of the strategy is that kids feel safe when there is cooperation instead of hostility; another is that kids who feel valued and connected at school are less likely to act out. Many administrators around the country are investing in restorative practices programs to build a healthy school climate in hopes of fending off violence and improving academic performance.

Restorative practices places responsibility on the students themselves rather than relying on zero tolerance and authoritarian control from above. It uses a collaborative response to wrongdoing, which is intended to be supportive, not demeaning. While some may feel it's too "touchy-feely," Wachtel maintains that it's effective and its impact is proven.

In 1977, Wachtel and his wife, Susan, both public school teachers, founded the Community Service Foundation, a sister organization to the International Institute for Restorative Practices. Their work evolved into strategies they named restorative practices, a spin-off of the restorative justice movement. But it wasn't until 1999 that the IIRP developed its SaferSanerSchools program that tailored the restorative practices concept to a school setting.

Newtown Middle School in Newtown, Pennsylvania, is one school that adopted the restorative practices model, and it has seen drastic changes in behavior. Over a three-year period, the detention rate dropped 82 percent and suspensions are

down 59 percent. Administrators credit the approach with making the school safer by building a sense of community.

"When restorative practices were instituted, we started to have a cultural shift in the way we treated kids and adults. People began to treat each other with a lot of civility," says Richard Hollahan, principal of the affluent suburban school of seventh and eighth graders.

How it works

When a discipline problem arises, all the parties assemble in a circle. They present their sides and work to resolve the issue and restore their relationships. The emphasis is on repairing the harm, rather than punishing the offender—although accountability is part of the process too.

At the core of restorative practices is the belief that people will make positive changes when those in positions of authority do things *with* them, rather than *to* them. People accept decisions more readily if they have input, Wachtel explains.

While punishment may spur a temporary change, a more lasting solution is to help kids see how their actions impact others and how they can learn to control negative impulses, maintains Wachtel. "Kids don't think of teachers as human beings. When they hear a person was frightened or hurt, they gain some empathy and they are more dramatically affected than by punishment," he continues. "We have the mistaken notion that the only way to change behavior is to inflict pain and suffering, but that doesn't work."

Get the support staff involved

When a school decides to try the restorative practices approach, IIRP suggests training all professional and support staff in a one-day introductory workshop, customizing it to the needs of the school. The goal is to build a culture where kids are less likely to do negative things because they have a relationship with teachers and staff, says Bob Costello, director of training and consulting for IIRP.

Training is recommended for everyone because support staffers often interact with students with very little supervision and not a lot of organizational power, says Costello. It's important that they buy into the concept for it to become organic in the school, he adds.

The program encourages collective responsibility in which students help create and enforce the rules. The hope is that eventually they will say to one another, "We don't act like that," says Costello.



Kids in the hall. A few classrooms used restorative practices; it is now schoolwide.



Talking it out. Bowers's restorative circle can last from ten minutes to a half hour.

Dramatic results

Restorative practices are being implemented mainly in public secondary schools, prompted by a mandate to improve school safety, says John Baille, training and consulting coordinator for IIRP.

Just a few months into using the program, West Philadelphia High School is seeing results. "We had a lot of issues of violence, fires, kids misbehaving in class, disrespect," says Russell Gallagher, assistant principal at the low-income, racially diverse urban school. "We want the kids to take ownership. We think restorative practices will do that."

Since West Philadelphia High adopted restorative practices last spring, suspensions are down 50 percent and recidivism has plummeted, says Gallagher. "You have to give students a voice," he says. Often the victim in an incident is timid. But when they are given the chance to say, "That hurt me," it empowers the student and includes accountability for the aggressor. "What restorative practices does is change the emotional atmosphere of the school," says Gallagher. "You can stop guns, but you can't stop them from bringing fists or a poor attitude. A metal detector won't detect that."

Community Service Foundation & Buxmont Academy

Eastern Pennsylvania, USA

The restorative practices approach, as covered in this booklet, was developed at Community Service Foundation and Buxmont Academy (CSF Buxmont) and adapted for use in public and other schools. CSF Buxmont operates eight alternative school/day treatment programs, 15 foster group homes and various in-home services for delinquent and at-risk youth in eastern Pennsylvania, which are also demonstration programs of the International Institute for Restorative Practices (IIRP) Graduate School. CSF Buxmont has been operating since 1977. All CSF Buxmont programs employ restorative practices, an approach that holds people accountable while actively engaging them in problem solving. Three research studies performed over seven years with 4,000 delinquent and at-risk youth discharged from CSF Buxmont's restorative milieus show offending rates being reduced by more than half.

1st Research Evaluation, 1999–2001 — Offending Reduced 58%

- › Total population measured: 919 youth, grades 7–12
- › Evaluation protocols by Temple University's Crime and Justice Research Center
- › Additional findings found program effect of enhancing pro-social attitudes and raising individuals' self-esteem

Source: Paul McCold, "Evaluation of a Restorative Milieu: CSF Buxmont School/Day Treatment Programs 1999–2001," presented at American Society of Criminology annual meeting, November 13–16, 2002, Chicago, Illinois, www.realjustice.org/library/erm.html

2nd Research Evaluation, 2001–2003 — Offending Reduced 50%

- › Total population measured: 858 youth, grades 7–12
- › A scientific replication of the original study's findings with a new population
- › A follow-up of the 1999–2001 population two years after discharge demonstrates lasting program effect

Source: Paul McCold, "Evaluation of a Restorative Milieu: Replication and Extension for 2001–2003 Discharges," presented at the American Society of Criminology annual meeting, November 16–19, 2004, Nashville, Tennessee, www.realjustice.org/library/erm2.html

3rd Research Evaluation, 2003–2006 — Offending Reduced 62%

- › Total population measured: 2,151 youth, grades 7–12
- › 3-, 6- and 12-month post-discharge offending rates reduced
- › Further confirmation of positive program effect

Source: Paul McCold & Ansik Chang, "Analysis of Students Discharged During Three School Years: 2003–2006," *Restorative Practices eForum*, May 1, 2008, www.realjustice.org/library/CSF_2007.html

About The Author

Sharon Lewis, M.S., Director of Research, IIRP Graduate School



As a former high school teacher, assistant superintendent for research and school reform in Detroit Public Schools and research director for the Council of the Great City Schools, Sharon Lewis has always had a particular interest in improving the quality of education in urban schools. Therefore she looks at restorative practices with an urban perspective, hoping to assist IIRP in the implementation and evaluation of its programs in big-city schools.

What People Are Saying About Restorative Practices

"We didn't really believe that we could get our kids to the point where they could express remorse, sympathy and respect. Now the kids have embraced restorative practices even more than the adults."

—Saliyah Cruz, principal, West Philadelphia High School, Philadelphia, Pennsylvania, USA

"Thanks to restorative practices, there's no more feeling of 'us versus them.' Staff and kids are all one team."

—Stephen Rodriguez, principal, Pottstown High School, Pottstown, Pennsylvania, USA

"When I first took over this school it was in 'Special Measures' and at risk of being shut down. Restorative practices helped it achieve 'Outstanding' status — the best it can possibly be."

—Estelle MacDonald, head teacher, Collingwood Primary School, Hull, England, UK

"Restorative practices has fostered a greater development of community, inclusion and empathy in our schools. Suspension rates have dropped significantly while student engagement has increased."

—W.R. (Rusty) Hick, superintendent of education, Kawartha Pine Ridge District School Board, Ontario, Canada

"I used to get in a lot of trouble, but teachers talk to students and help you make the right decisions here. In homeroom we sit in a circle and talk about anything that needs to be brought up."

—Eighth-grade girl, Palisades Middle School, Kintnersville, Pennsylvania, USA

ANNEXE 3



Un policier de Hamilton récompensé pour son travail auprès des jeunes



25 février 2011 8h30

Le gouvernement McGuinty rend hommage à cet agent pour ses efforts dans la lutte contre l'intimidation

L'agent Perry Mason, un agent scolaire du Service de police de Hamilton, est récompensé pour son travail auprès des adolescents en difficulté.

Ce policier chevronné, qui possède 32 années de service à son actif, est le lauréat du prix Bud Knight de cette année. Ce prix est décerné en hommage à l'engagement et au dévouement envers les jeunes, au-delà des obligations découlant du poste.

L'agent Mason consacre ses efforts à communiquer un message ferme contre l'intimidation, tant dans le cadre de ses fonctions qu'en dehors de ses heures de travail, en s'appuyant sur son expérience personnelle pour raconter son vécu et établir des liens avec les jeunes. Il possède une vaste expérience dans les problèmes liés à la jeunesse, notamment les problèmes d'intimidation et il utilise avec succès des cercles de réparation ou de guérison pour rapprocher les délinquants et leurs victimes. Depuis 2004, l'agent Mason a ainsi organisé plus de 130 cercles dans des écoles ou dans la collectivité afin de lutter contre l'intimidation et la prévenir.

Le prix Bud Knight a été créé en 1990 pour rendre hommage à la carrière de Herbert « Bud » Knight, instructeur au Collège de police de l'Ontario. Maintenant à la retraite, M. Knight a joué un rôle clé dans la création, en 1979, du Committee of Youth Officers, au sein du Collège de police de l'Ontario.

EN BREF

- Des 213 adolescents de Hamilton qui ont participé à une initiative de justice réparatrice en 2009, 91 p. cent n'ont pas récidivé.
- Les agents des liaisons communautaires collaborent avec les élèves et d'autres personnes afin de mettre sur pied des solutions novatrices aux problèmes locaux, comme les bandes de jeunes, la drogue, l'intimidation, la sécurité sur Internet et la violence familiale.

EN SAVOIR DAVANTAGE

- Committee of Youth Officers (en anglais seulement)
- prix Bud Knight (en anglais seulement)

RENSEIGNEMENTS

- Greg Flood
Direction des communications
416-325-0432
- Rebecca MacKenzie
Bureau du ministre
416 325-8282

ministère de la Sécurité communautaire et des Services correctionnels
ontario.ca/securite

« L'agent Perry Mason utilise son expertise en matière de justice réparatrice et de lutte contre l'intimidation pour rapprocher les victimes et leurs tortionnaires et renforcer ainsi la sécurité dans les écoles et dans les quartiers. Soutenir des collectivités où les familles peuvent vivre, travailler et s'instruire en toute sécurité fait partie du plan Ontario ouvert

sur le monde, adopté par notre gouvernement pour un avenir plus radieux et plus florissant. »

– Jim Bradley

ministre de la Sécurité communautaire et des Services correctionnels

« Nous célébrons la contribution formidable de l'agent Perry Mason au développement communautaire. C'est à des personnes comme l'agent Mason que le Service de police de Hamilton doit son excellence. »

– Ted McMeekin

député provincial Ancaster-Dundas-Flamborough-Westdale

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