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Face-to-face meeting helps killer, victim's family move on; Teen who dropped boulder off overpass now working and in university

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Illustrations: Colour Photo: Dan Riedlhuber, The Journal / Bruce Stanley places a bouquet of flowers on the spot on a Whitemud overpass where two drunken teens dropped a boulder in 2002, killing his father.

Photo: Greg Southam, The Journal, file / The sons of Robert Stanley, from left to right, Byron, Bruce and Rick, talk to reporters after the December 2006 sentencing of one of two teens who killed the Stanleys' father by dropping a boulder off an overpass. Photo: Greg Southam, The Journal, file / Two teenage boys dropped this boulder off a Whitemud Drive pedestrian overpass onto the windshield of a school bus driven by 75-year-old Robert Stanley on May 31, 2002.

EDMONTON - Bruce and David share a bond born of guilt, redemption and moral obligation.

David killed Bruce's father, Robert Stanley, in 2002, as one of two teens who dropped a boulder off an overpass onto the bus driver below.

While in Bruce Stanley's eyes, that makes him a killer, it doesn't necessarily make him a career criminal.

"He wasn't a criminal before this happened, and if we had asked for incarceration, it would have turned him into a criminal, there's no doubt in my mind," Bruce Stanley said.

"The Stanley family did not want any part in developing a criminal -- and that's not what my dad would have wanted, either."

David, whose real name is protected under the Youth Criminal Justice Act, is 21 years old now, attends university, holds down a full-time job and seems well on his way to achieving a measure of professional success.

David pleaded guilty to manslaughter in Robert Stanley's death. He faced the Stanley family in a form of restorative justice known as community conferencing, in which offenders and victims meet face to face.

At the time, the Stanley family publicly urged leniency for the teen, saying he should avoid jail. Ultimately, David did not serve jail time, but was sentenced to house arrest, probation and community service.

While more extensively used in schools, community conferencing is steadily gaining ground within the justice system -- particularly as it pertains to youth -- for its cost effectiveness and its reparative nature, to victims and to the community at large.

A year ago, the Edmonton police department, the Solicitor General's Ministry and the Crown prosecutors' office -- in co-operation with the Alberta Conflict Transformation Society -- launched a pilot project aimed at increasing the profile of the process.

Over the next two years, those who want to avail

themselves of community conferencing and who meet the criteria will be offered the service free of charge. It normally costs \$1,000.

Referrals can come from judges, lawyers, probation officers, police and social workers. All cases are considered, whether they involve youth or adults.

While the Stanley case pre-dated the pilot project, it was certainly among the most publicized of those tackled by people associated with restorative justice.

It was also among the most powerful.

Twenty-seven people were present at the session, including members from both families, lawyers for the prosecution and defence and the three detectives who headed the investigation.

Sue Hopgood, the director of the Alberta Conflict Transformation Society, acted as the facilitator.

The conference lasted seven wrenching hours, reaching back to an evening years before, when David, then 15, entered into a pact of secrecy with friends.

That night, several teens were celebrating their Grade 9 graduation by drinking.

When they headed to a Whitemud Drive pedestrian overpass on the evening of May 31, 2002, it was with a single purpose -- to cause trouble.

The plan was to drop rocks or bricks onto vehicles.

When they got there, some of the youths backed out. Others cut through the fence lining the overpass and dropped paving stones.

David and another boy, however, who between them had consumed a 26-ounce bottle of liquor, went in search of something bigger and heavier.

They found a 14-kilogram decorative boulder in a nearby yard, rolled it onto the overpass, then onto traffic below.

It smashed through the windshield of a school bus, killing the driver, 75-year-old Robert Stanley.

It also forever changed dozens of people's lives.

While the teens honoured their deadly pact for more than three years, at least one person broke their silence when an innocent youth ended up being charged.

In the ensuing years, Bruce Stanley and his three brothers had had plenty of time to think about the horrible way in which their father died, and what they wanted to happen to the person, or people, responsible.

Dark thoughts of vengeance were never far from their minds.

When Bruce Stanley laid eyes on the innocent youth first accused of the crime, the burly ex-trucker was flanked by detectives, whether by coincidence or design. He was never sure.

In the end, he stared at the youth for several minutes, then wheeled around and strode out of the police station.

When he later heard that the charges against the youth had been dropped, he said, "I got mad all over again."

There was barely time. Just as quickly, it seemed, there were new charges against two others, and days later the Stanley family filed into an Edmonton courtroom to witness the pair's first court appearance.

Afterwards, they were unanimous in their impressions.

"(David) looked like he wanted to say sorry to the whole world, you could tell just by the way he was carrying himself," recalled Stanley. "He looked so innocent, like a real nice, sharp kid who would do no wrong. We literally felt his remorse.

"The other one never really did give us that impression. He had that smart-alecky 'I don't care' teenager stance."

(The second teen received a sentence similar to David's, even though the Stanley family had hoped for a harsher sentence, saying the teen initially chose to go to trial and only pleaded guilty after David had been sentenced.)

When Hopgood approached the family with the option of participating in a community conference with David, they agreed.

Defence lawyer Rick Stoppel, meanwhile, issued this warning to his young client: "I told him this will be the hardest thing you ever do," Stoppel said. "Halfway through this you may just say give me my three years and let me go to jail."

Therein lies the biggest argument in favour of restorative justice, said Stoppel, and the reason why research indicates the rate of recidivism for young offenders who go through the restorative justice

system is lower than for those who don't.

Studies in Canada are still in progress, but in Australia, where the process is more widely used, there was a 40-per-cent reduction in recidivism, according to 1998 figures released by Transformative Justice Australia.

Stoppel said the common knock against restorative justice comes from critics who suggests offenders are "getting off light," which he disputes.

"It's one thing to look a judge in the face and get the speech that everybody else gets," he said. "It's another thing altogether to face down the people whose lives you've harmed.

"That's what restorative justice is all about."

Stoppel, a lawyer for 25 years, has done strictly youth court work for the past 4 1/2 through the Youth Criminal Defence Office, a program run by Legal Aid Alberta.

He said since the Youth Criminal Justice Act was introduced five years ago, youth crime has actually decreased. According to Statistics Canada, overall youth crime in 2006 was six per cent lower than a decade earlier and 25 per cent below the peak in 1991.

"The key philosophy behind the act is that the way to protect the public is not to lock kids up or saddle them with busywork (community service) or fines they can't pay, but to identify and address the key factors that caused their offending behaviour," Stoppel said.

"If you do that, then you're protecting the public and that's all anybody wants in the long run."

He said restorative justice is particularly useful when it comes to prosecuting people under the age of 18 because they are treated fundamentally differently under the Canadian justice system. The understanding is that they are relatively young, and thus capable of change.

"When you're 15 years old, you have a 15-year-old brain," Stoppel said.

Victims who go through restorative justice are "consistently satisfied" with the process, said Stoppel, and believe they've made a difference in bringing about long-term change.

"The Stanley case is a great example of that," he said.

For Bruce Stanley and his family, giving David a second chance was their way of honouring a man they deeply loved and respected, and miss greatly.

"What (David) did, the act itself, is unforgivable," said Stanley, "but who he ultimately becomes is a forgiving factor.

"If in five years he continues to be a model citizen, we'll know we went in the right direction.

"But I told him: 'If you ever screw up, I'll be the one to take you to jail.' "

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