


Chapter:	<b>Restorative Justice</b>	Classification:	<b>Public Document</b>
Subject:	<b>Nova Scotia Restorative Justice Program</b>		
For:	<b>Community Corrections</b>	 Authorized by Executive Director	

## 1. Policy

- 1.1 Correctional Services will, in accordance with Section 717 of the *Criminal Code* (CC), provide to those who are eligible, the opportunity to participate in the Nova Scotia Restorative Justice Program (NSRJP).


## 2. Authorization

- 2.1 The NSRJP has been authorized by the Attorney General of Nova Scotia as an integrated program for persons in conflict with the law in accordance with Section 717 of the *Criminal Code of Canada* and Section 10 of the *Youth Criminal Justice Act*.

## 3. Principles

- 3.1 The NSRJP is a restorative approach to justice guided by the following principles
- 3.1.1 relationally focused: attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
  - 3.1.2 comprehensive and holistic: considers histories, contexts and causes of harm and its impacts
  - 3.1.3 inclusive and participatory: culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
  - 3.1.4 responsive: Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
  - 3.1.5 focused on promoting individual and collective accountability & responsibility
  - 3.1.6 collaborative and non-adversarial: among parties to the process and system and community partners
  - 3.1.7 forward focused: educative (not punitive), problem-solving, preventative and proactive

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**4. NSRJP Regional and Lead Teams**

4.1 NSRJP Regional Teams will be established where Restorative Justice (RJ) agencies exist in the following locations

- 4.1.1 Yarmouth
- 4.1.2 Bridgewater
- 4.1.3 Halifax
- 4.1.4 Kentville
- 4.1.5 Truro
- 4.1.6 New Glasgow
- 4.1.7 Amherst
- 4.1.8 Port Hawkesbury
- 4.1.9 Sydney

4.2 NSRJP Lead Teams will be comprised of designated

- 4.2.1 senior probation officers from Community Corrections
- 4.2.2 RJ agency Executive Director/Director

4.3 NSRJP Regional Teams will be comprised of

- 4.3.1 the lead team
- 4.3.2 RJ probation officers
- 4.3.3 RJ caseworkers


4.4 The RJ Lead Team for each region will meet weekly (additionally as required) to

- 4.4.1 review and assess new referrals
- 4.4.2 assign for case preparation
- 4.4.3 provide support/consultation to the RJ probation officers and case workers

4.5 The NSRJP Regional Teams will meet monthly to

- 4.5.1 review current case load
- 4.5.2 ensure strategic process support is available to enhance expertise and capacity
- 4.5.3 ensure all members are supporting the stages of the restorative process, including case preparation, sessions, and follow up

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## 5. Goals and Objectives

- 5.1 Respond to needs of individuals and communities affected by crime: with attention to the needs of victims and those harmed by crime (individuals and communities).
- 5.2 Harm reduction: reduce cycle of harm and injustice, prevent further harms to vulnerable individuals and communities and reduce over-representation of marginalized individuals in the justice system.
- 5.3 Support individual and collective taking of responsibility for harm and public safety.
- 5.4 Increase access to justice: more effective, timely, inclusive, equitable justice system.
- 5.5 Provide responsive justice: human-centered justice processes that consider root causes and seek meaningful outcomes and responses.
- 5.6 Increase public confidence and accountability in the administration of justice.
- 5.7 Build and support healthy, safe and strong communities.

## 6. Eligibility Criteria

- 6.1 All matters are eligible for referral by police, Public Prosecution Service, courts, Correctional Services and victim serving agencies, except
  - 6.1.1 where a provincial hold or moratorium is in place; or
  - 6.1.2 referral is otherwise barred by law
- 6.2 In considering referrals, referral agents shall ensure the following criteria for eligibility are met, the
  - 6.2.1 person referred fully and freely consents to participate
  - 6.2.2 person has, before consenting to participate, been advised of the right to be represented by counsel and given a reasonable opportunity to consult with counsel
  - 6.2.3 person accepts responsibility for the act or omission that forms

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the basis of the offence that the person is alleged to have committed

6.2.4 prosecution of the offence is not in any way barred at law

6.3 Certain offences are presumed eligible for referral only post-guilty plea/finding of guilt. This presumption may be rebutted, and a matter referred earlier in the criminal justice process, where a referral is consistent with the overall principles, goals and objectives of the NSRJP. Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

- 6.3.1 Cases involving death (murder, manslaughter, criminal negligence causing death, impaired driving causing death)
- 6.3.2 Offences involving abuse of a minor child (under 18 years old) or another vulnerable person, by a person in a position of trust
- 6.3.3 Child pornography (adult)
- 6.3.4 Firearms offences
- 6.3.5 Impaired driving (adult)
- 6.3.6 Serious crimes against the administration of justice (perjury or intimidation of a justice system participant)


## 7. Referral Processing

- 7.1 Referrals to the NSRJP will be processed by the NSRJP Lead Team Community Corrections administrative assistant in the following manner
  - 7.1.1 forward referral to NSRJP Lead Team
  - 7.1.2 input and upload case information and documents to the Restorative Justice Information System (RJIS)
  - 7.1.3 add case to the weekly NSRJP Lead Team meeting agenda

## 8. Lead Team

- 8.1 Upon reviewing the RJ referral, the Lead Team will
  - 8.1.1 determine if the case should be referred to MLSN
  - 8.1.2 confirm case meets eligibility criteria
  - 8.1.3 consult with referral source if eligibility in question
  - 8.1.4 consult with Coordinator of the NSRJP (See: [Nova Scotia Restorative Justice Program Protocols - Government of Nova Scotia, Canada](#)) if necessary

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- 8.1.5 assign eligible case to RJ probation officer and case worker
- 8.2 If the RJ Lead Team deems the case to be ineligible, the designated team member will
  - 8.2.1 return the referral to the referral source with an explanation why the referral has not been accepted
  - 8.2.2 close the case in RJIS
- 8.3 If the RJ Lead Team deems the case to be eligible for the NSRJP, the designated team member will
  - 8.3.1 assign the case to the RJ probation officer and case worker
  - 8.3.2 note assignment in RJIS
  - 8.3.3 place the case on the agenda of future meeting for review
  - 8.3.4 notify referral source case has been accepted to the NSRJP

## **9. RJ Case Management**

- 9.1 Where a case is accepted by the RJ Lead Team, the designated RJ Team member will contact the individual referred and victim to determine willingness to participate in the RJ process.
- 9.2 If unable to contact the individual or victim, the RJ Team member will make additional attempts to establish contact, e.g., contact the individual's lawyer, victim services, and/or the referral source.
- 9.3 If contact cannot be established with the individual referred, the matter will be returned to the RJ Lead Team, with information outlining the attempts made to make contact.
- 9.4 Where the RJ Lead Team determines sufficient measures were taken to contact the individual, the referral will be returned to the referral source.
- 9.5 Where the individual chooses not to participate in the NSRJP, the designated RJ Team member will
  - 9.5.1 return the referral to the RJ Lead Team
  - 9.5.2 notify the referral source and the victim, in writing, that the matter is being returned

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- 9.6 Following confirmation, the individual wishes to participate in the NSRJP, the designated RJ Team member will meet individually with parties involved.
- 9.7 After meeting with the parties involved, the designated RJ Team member will design and conduct an RJ session(s) with the parties in accordance with the NSRJP Practice Guide.
- 9.8 If, following the RJ Session or by alternative means, the RJ Team determines an RJ Plan cannot be developed, the designated team member will return referral to the RJ Lead Team for review.
- 9.9 Where the RJ Lead Team determines the RJ process cannot proceed, the RJ Lead Team will
  - 9.9.1 return the referral to the referral source
  - 9.9.2 notify the victim
    - 9.9.2.1 by telephone or in person
    - 9.9.2.2 with follow up letter
  - 9.9.3 document efforts to complete RJ process in RJIS
  - 9.9.4 close case

## 10. RJ Plan

- 10.1 The RJ Plan will be developed in accordance with the NSRJP Practice Guide.
- 10.2 The designated RJ Team member will
  - 10.2.1 provide a copy of the RJ Plan to those who participated in the RJ Plan development
  - 10.2.2 upload copy of RJ Plan to RJIS
- 10.3 Where during the RJ process, the individual referred, victim, or other affected parties request the RJ Plan be extended or modified, the RJ Team
  - 10.3.1 will review the request
  - 10.3.2 consult affected parties in accordance with the agreed upon communication plan
  - 10.3.3 may consult with RJ Lead Team

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10.3.4 may convene a follow-up RJ session(s)

10.4 Where the RJ Plan has been either extended or modified, the designated RJ Team member will distribute the modified RJ Plan in accordance with the communication plan.

## 11. RJ Plan Supervision


- 11.1 The RJ Team will monitor and support the successful fulfillment of responsibilities detailed in the RJ Plan.
- 11.2 If the individual is not fulfilling their commitments detailed in the RJ Plan, the RJ Team will consult with the RJ Lead Team
- 11.3 Where the RJ Lead Team determines sufficient measures were taken to resolve the issue, the referral will
  - 11.3.1 be returned to referral source detailing efforts to fulfill the RJ Plan
  - 11.3.2 be closed in RJIS as an unsuccessful completion

## 12. RJ Referral Closure

- 12.1 Upon satisfactory completion of the RJ Plan, the designated RJ Team member will
  - 12.1.1 provide written documentation indicating the successful completion to the referral source
  - 12.1.2 notify the individual, victim and other affected parties as per the agreed upon communication plan
  - 12.1.3 upload copies of all letters and reports relation to the file to RJIS
  - 12.1.4 create a closing summary and close file in RJIS
- 12.2 Where the individual fails to satisfactorily comply with the terms of the RJ Plan or chooses not to participate, the designated RJ Team member will
  - 12.2.1 provide formal notice to that effect to the individual, victim and other related community members
  - 12.2.2 refer the case back to the referral source by providing written documentation supporting the failure to successfully complete or has chosen not to participate
  - 12.2.3 upload copies of all letters and reports relation to the file to RJIS

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12.2.4 create a closing summary and close file in RJIS

### **13. Referring cases to the NSRJP**


- 13.1 Correction Services will consider referral to the NSRJP for all situations where it might be appropriate at the post-sentencing stage in accordance with the NSRJP Protocols (link)
- 13.2 When a referral to the NSRJP is deemed appropriate Correctional Services staff will
  - 13.2.1 consult with the offender to determine willingness to participate in the NSRJP
  - 13.2.2 complete the NSRJP Correctional Services Referral form
  - 13.2.3 forward the referral form to the RJ Lead Team
  - 13.2.4 note referral in JEIN
- 13.3 When invited by the RJ Team, the assigned probation officer or designated facility staff will participate in any RJ session(s). In cases where the probation officer or designated facility staff are unable to attend, this will be communicated in writing to the RJ Team and senior probation officer or superintendent.

### **14. Correctional Services Referral Closure**

- 14.1 Where the RJ Team notifies the assigned PO or designated facility staff, in writing, that the offender has successfully completed an RJ Plan, the assigned PO or designated facility staff will
  - 14.1.1 enter the information as a RJ case note in JEIN
  - 14.1.2 upload the documentation to JEIN, and
  - 14.1.3 close the case file if no other supervision is required
- 14.2 Where the RJ Team notifies the assigned PO or designated facility staff, in writing, that the offender did not satisfactorily comply with the RJ Plan or chose not to participate, the assigned PO or designated facility staff will
  - 14.2.1 enter the information as a RJ case note in JEIN
  - 14.2.2 upload the documentation to JEIN

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- 14.2.3 consult with SPO if the referral was related to a pre-breach charge
- 14.2.4 consult with Superintendent or delegate if the referral was related to a criminal offence occurring within a correctional facility
- 14.2.5 create a closing summary and close the file in JEIN if no further action or supervision is required

## 15. Disclosure of Information

- 15.1 Section 717.4 CC permits disclosure of NSRJP records to persons listed in that section without consent.
- 15.2 Individuals may consent in writing to the sharing of information with others not listed in Section 717.4 CC.
- 15.3 In accordance with the *Canadian Victims Bill of Rights*, victims participating in the NSRJP have the right, upon request, to information regarding the
  - 15.3.1 services and programs available to them as a victim, including restorative justice programs
  - 15.3.2 location of proceedings in relation to the offence, when they will take place, their progress and outcome