

## **PROGRAM AUTHORIZATION**

### **Nova Scotia Restorative Justice Program**

The Nova Scotia Restorative Justice Program (“NSRJP” or “Program”) is established by the Attorney General and Minister of Justice for Nova Scotia as an integrated program for adults and young persons in conflict with the law.

Under the NSRJP, referrals are governed by a set of Protocols. The Protocols may be amended from time to time as recommended by the Program Governance and Management Committee and approved by the Attorney General, or designate.

The Program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in the Protocols and pursuant to their authority and discretion available at law and as consistent with their roles and responsibilities.

In addition, for purposes of police and Crown referrals, the Program is authorized as a program of alternative measures for adults pursuant to Section 717 of the *Criminal Code*, RSC 1985, c. C-46 and as a program of extrajudicial sanctions for young persons pursuant to Section 10 of the *Youth Criminal Justice Act*, SC 2002, c. 1 and Section 10 of the *Youth Justice Act*, SNS 2001, c. 38. The Protocols of the Program shall constitute guidelines pursuant to Section 6(a) of the *Public Prosecution Act*, SNS 1990, c. 21.

Police officers shall be agents of the Attorney General under Section 717(1)(f) of the *Criminal Code* and Section 10(2)(f) of the *Youth Criminal Justice Act* and Section 10(2)(f) of the *Youth Justice Act* for the purpose of assessing whether there is sufficient evidence to proceed with the prosecution of the offence when considering a referral.

For purposes of clarity, referrals by the Judiciary are not part of the program of alternative measures or extrajudicial sanctions authorized by the Attorney General. A judge’s discretion to incorporate restorative justice arises from their authority over court proceedings and sentencing contained within applicable legislation including, but not limited to, for adults, under Subsections 723(2) and (3), Section 726.1 and clause 718(e) of the *Criminal Code* and, for young persons, under Sections 19, 38, 41 and 42 of the *YJCA* and Sections 5, 16 and 19 of the *YJA*. A judge may, as they consider appropriate, refer to the NSRJP or incorporate restorative justice processes in a proceeding to inform sentencing and/or to acquire necessary information to discharge their sentencing responsibilities.

All previous Program Authorizations related to the Nova Scotia Restorative Justice Program are hereby rescinded.

**Dated this 16th day of October, 2018.**  
**Mark Furey**  
**Attorney General and Minister of Justice**  
**Province of Nova Scotia**