

RESTORATIVE JUSTICE PROGRAM: GUIDELINES TO CROWN ATTORNEYS RESPECTING REFERRALS AT THE CROWN ENTRY POINT

1. DEFINITIONS AND AUTHORIZATION

The Nova Scotia Restorative Justice Program, as set out in the document *Restorative Justice: A Program for Nova Scotia*, Department of Justice, June 1998, has been authorized by the Attorney General for Nova Scotia pursuant to section 717 of the *Criminal Code* and section 4 of the *Young Offenders Act*.

The full Restorative Justice document is attached to this Directive. In that document, the term "Entry Point" is defined at page 8, "Minimum Requirements" and "Discretionary Factors" at page 14, and "Levels of Offences" at page 16. Crown Attorneys should be familiar with the provincial Pre-charge and Post-charge Restorative Justice Protocols issued by the Attorney General for the implementation of the Program.

Only Level 1 and Level 2 offences may be referred to the Restorative Justice Program by the police or the Crown. During Phase 1 and Phase 2 of the Restorative Justice Program only young offenders will be eligible for referral. Adults will be eligible for referral in Phase 3 and Phase 4 of the Program.

2. POLICE RESPONSIBILITIES

There is a presumption that every Level 1 or Level 2 offence which cannot be adequately dealt with by either an informal warning or formal caution by the police will be referred by the police directly to a Community Agency if the circumstances meet the Minimum Requirements and Discretionary Factors. These referrals will be made without a charge being laid and without any involvement of the Crown.

In every case in which a young offender has committed a Level 1 or Level 2 offence, the police will be required to complete a checklist of Minimum Requirements and Discretionary Factors. If the police consider a referral to be appropriate, they will send the checklist with the referral portion completed and other supporting documents directly to the Community Agency. If the police consider it an inappropriate case to refer, they will still complete the checklist stating thereon their reason(s) for not making the referral, lay a charge, and send it with the usual Crown package for prosecution.

3. CROWN RESPONSIBILITIES

a. Police Uncertainty

The Crown normally should not receive a prosecution package on a Level 1 or Level 2 offence accompanied by a recommendation from the police that the Crown refer the case to the Restorative Justice Program. If the police considered it an appropriate case for referral they should have referred it. The charge may be withdrawn and the file returned

to the police to make the referral. Where the Crown deems it appropriate he/she may refer the matter directly to a Community Agency.

b. Crown Review

The role of the Crown in the referral process is to have a second look at the appropriateness of a case for referral. In most cases where the police have decided against a referral, it will be obvious from a perusal of the checklist that their decision is the appropriate one. Sometimes, however, the Crown may simply disagree with the decision to not make a referral, and a referral may be made directly by the Crown.

There can be a change in circumstances, such as an offender who only accepts responsibility for the offence after the police have laid a charge, and the discretion to refer is with the Crown. Crown Attorneys must also be mindful that some referrals may not have been made at the Police Entry Point because the police officer misunderstood the referral criteria or simply did not believe in restorative justice. The Crown Attorney must exercise his or her independent judgement and refer the case if he or she feels a referral is appropriate, having considered the Minimum Requirements and Discretionary Factors.

c. Consultation with Police

In any case where a Crown Attorney is considering making a referral which the police had decided against, the Crown Attorney must consult with the police so that each will understand the thinking of each other. If, after reviewing the case with the police, the Crown Attorney decides that the case is an appropriate one for referral, he or she may or may not withdraw the charge, refer the case directly to a Community Agency and advise the police accordingly.

d. Post-referral Prosecution

A case which has been referred to a Community Agency at the Crown Entry Point may return to the Crown office for a number of reasons:

- i. In cases where the Community Agency, based on new information regarding the Minimum Requirements and Discretionary Factors, deems a referral to be inappropriate for the Restorative Justice Program, it may issue a notice of reconsideration to the Crown;
- ii. In cases where the participants at a restorative justice forum are unable to reach a consensus regarding a restorative justice agreement for the offender, the Community Agency may refer the case back to the Crown; and
- iii. In cases where the offender fails to satisfactorily comply with the terms of the restorative justice agreement, the Community Agency shall ensure that formal notice to that effect be sent to the Crown.

In the event that a case is returned to the Crown office, prosecution is by no means automatic, and should happen only if a Crown Attorney determines that it is in the public

interest. The usual issues regarding whether to prosecute should be considered. The scope of a restorative justice agreement is wider than that of the remedies provided in the formal justice system. People should not be prosecuted as a result of a breach of a restorative justice agreement if the term breached was not one which could have been imposed by disposition or sentence in the formal system. In the event of a partial completion of the restorative justice agreement, particular reference should be made to section 717 of the *Criminal Code* and section 4 of the *Young Offenders Act*. Note that section 721 *et seq.* of the *Criminal Code* and section 14(2)(c)(iv) of the *Young Offenders Act* provide that the Court may be made aware of the default.

“Our goal is to have a justice process that holds offenders accountable in a more meaningful way, repairs the harm caused by the offence, reintegrates the offender, and achieves a sense of healing for the victim and the community.”

A PROGRAM FOR NOVA SCOTIA

Restorative Justice

June 1998

Department of Justice

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I am pleased to introduce this framework for the establishment of a restorative justice program for Nova Scotia.

We are committed to improving our justice system. We want Nova Scotians to feel confident in a system that aspires to put community safety first. To improve communities we need to involve communities, and that is the starting point for restorative justice.

Our goal is to have a justice process that holds offenders accountable in a more meaningful way, repairs the harm caused by the offence, reintegrates the offender, and achieves a sense of healing for the victim and the community.

The vision of many is reflected in this document. Judges, Crown attorneys, defence lawyers, police officers, corrections staff, academics, and representatives from victims' services and community agencies contributed to the creation of this document. Their insights were invaluable in laying the foundation for this Initiative.

I look forward to the implementation of this exciting Initiative and to the development of new partnerships in communities throughout this Province.

Sincerely,

Dr. Jim Smith, MLA
Minister of Justice



In recent years public confidence in the Canadian justice system has been steadily declining.* There is a feeling that offenders are not held accountable for their actions, and that victims and communities have no say in the justice system.

In 1994-95 the criminal justice system cost Canadians almost 10 billion dollars.¹ This figure includes the cost of policing, corrections, probation services, legal aid and the courts. A perception exists that the Canadian justice system is soft on crime, but this may be a naive point of view. Our courts incarcerate adult offenders at one of the highest rates of any western country.² Moreover, our record for incarcerating youth is even higher when compared with other countries.³ Another common misconception is that crime rates are rising steeply, when in fact they have been declining in recent years.⁴

So what is the real source of our dissatisfaction? To say that our system is not tough enough may be missing the point. Increasingly, the effectiveness of tougher punitive measures is coming into question. More subtle concerns that have gone largely unaddressed for generations may be at the root of the lack of confidence in our justice system. These concerns include our failure to listen to the real needs of victims and our unwillingness to respond in concrete ways to their needs.

This lack of confidence may also come from the inability of our existing system to more effectively reduce the propensity of offenders to reoffend. Many longstanding observers of the justice system contend that, after great public expense, a large percentage of offenders are exiting our correctional institutions with a more anti-social and potentially more dangerous orientation than when they entered the facilities.

The reason for public dissatisfaction may not even be this specific. It may simply be that too many people live day to day in fear of crime.

Restoring public confidence, reducing recidivism, and increasing public and victim satisfaction will take enormous effort over many years. It will require a rethinking and perhaps a retooling of not only our justice system, but of our educational, health and social services systems. It will require a comprehensive, multi-disciplinary, multi-departmental, and even multi-governmental strategy to prevent crime. It will require smarter, more effective ways of making our communities safer.

The time has come to give our justice system a deeper social justice and social science context.* A promising road toward improvement is both old and new. Amidst the ancient traditions (notably aboriginal) of a surprisingly large number of cultures is a way of thinking about conflict and crime that has been captured by the modern phrase "restorative justice".

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* A July 1997 Angus Reid poll found that 47% of the public surveyed expressed a lack of confidence in the courts; 54% expressed a lack of confidence in the prison system; 72% in the *Young Offenders Act*; and 72% in the parole system.

* We must, however, be vigilant in avoiding wholesale changes that sacrifice valuable principles of the existing justice system that have developed over many generations. The current system effectively guarantees the protection of individual rights. It recognizes the importance of conducting a fair hearing and making objectively supportable decisions. Most importantly it makes the protection of communities its primary goal.

Restorative Justice: What is it?

Defining restorative justice can be elusive because it is a philosophical framework or a way of thinking about crime and conflict, rather than a distinct model or system of law. It goes beyond how we think about crime and conflict to how we think about ourselves collectively as a society. Furthermore, restorative justice comes in many different forms depending on the traditions and preferences of the communities that adopt restorative alternatives. Components of restorative justice that may exist in one community may not exist in others. There are, however, broad parameters or principles within which almost all restorative justice initiatives fit. The best way of highlighting these principles is by contrasting them with the existing court-driven adversarial system.⁵

Adversarial System	Restorative Justice
<ul style="list-style-type: none"> • crime is defined as a violation of rules, and a harm to the state • victim is inhibited from speaking about his/her real losses and needs • offender, victim and community remain passive and have little responsibility for a resolution • community's role is limited • restitution is rare • controlled and operated by the state and professionals who seem remote • offender is blamed, stigmatized and punished • repentance and forgiveness are rarely considered • assumes win-loss outcome 	<ul style="list-style-type: none"> • crime is seen as a harm done to victims and communities • victim is central to the process of defining the harm and how it might be repaired • offender, victim and community are active and participate in the resolution resulting from the restorative forum • community is actively involved in holding offenders accountable, supporting victims, and ensuring opportunities for offenders to make amends • restitution is normal • overseen by the state, but usually driven by communities • the long-term protection of the public mandates a focus on the methods of problem solving that include the reintegration of the offender into the community, and the preservation of his/her dignity • repentance and forgiveness are encouraged • makes possible win-win outcome

"Defining restorative justice can be elusive because it is a philosophical framework or a way of thinking about crime and conflict, rather than a distinct model or system of law. It goes beyond how we think about crime and conflict to how we think about ourselves collectively as a society."

In the current criminal justice system, victims frequently feel frustrated and left out of their own cases, except perhaps for being witnesses. Restorative justice recognizes that victims have many needs. They need an opportunity to speak about their feelings and to have the power restored to them that has been taken away by the experience of the offence; they need recognition of the pain and suffering they have endured; and they also need to understand the offender's motivation for committing a crime. Restorative justice recognizes these needs, and allows for victim involvement in determining how those needs can best be met.

Restorative justice also provides community members with an opportunity to voice their feelings and concerns; show disapproval of the offender's behaviour without branding them an outcast; and be actively involved in a process which holds offenders accountable and repairs the harm caused to the victim and the community.⁶

In the conventional criminal justice system, offenders usually focus on avoiding punishment. The general fixation on punishment as the principal tool for correcting behaviour drives offender responsibility underground. If the only option available for offenders is a potentially harmful period of incarceration, nonacceptance of responsibility will be the standard response. It is socially more valuable to have offenders acknowledge the harm their actions have caused and right their wrong. Restorative justice requires offenders to take responsibility for their conduct, and then take action to repair the harm their offence has caused to the victim and the community.

Restorative programs place a high value on a face-to-face meeting between the victim, offender and community.* During the course of that meeting, each party is given an opportunity to tell the story of the crime from their own perspective, and talk about their concerns and feelings. The meeting helps the parties develop an understanding of the crime, of the other parties, and of the steps needed to make amends. The meeting concludes with an agreement outlining how the offender will make reparation. Reparation can include monetary payment, service to the victim, community service or any other outcome agreed upon in the process. Terms of the agreement can be personalized to take into consideration the individual circumstances of the offender.

In the application of restorative justice, it will be necessary to assess each case based on its merits and the circumstances of the victim and the offender.⁷ Restorative justice is only available when offenders are prepared to accept responsibility for their actions. Furthermore, for the more serious offences, an offender may still be required to go to jail after participating in a restorative justice forum.

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* That meeting can take one of many forms, depending on the circumstances of the case, and the point in the system at which the meeting takes place. These could include for example, victim-offender conferences, family group conferences and sentencing circles. See "Restorative Justice Models", *Infra* at p.11.

Crime Prevention

Restorative justice goes beyond the detection and conviction of offenders, and focuses on the deterrence of recidivism; reparation of the harm caused to the victim; and integration of the offender back into the community. The impact of a victim's voice on an offender can be compelling. Restorative justice enhances a community's sense of safety by identifying circumstances in the community which contributed to the offence, and determining what can be done to avoid a similar situation in the future.⁸ Strengthening the ability of individuals and communities to take greater responsibility; reconnecting people to positive environments; rebuilding a sense of community; and redressing the underlying causes of crime also result from restorative approaches and contribute to crime prevention.⁹

Existing Criminal Justice System

One of the greatest strengths of the current system is that it promotes the carriage of justice in an objective, open and public way. Protection of individual rights, certainty of results, consistency of applications and fairness of treatment are issues that receive primary attention in the current system. Every effort must be made to retain the importance of these principles in any restorative justice initiative, and to strike a balance between increased public participation and the ongoing need for procedural checks and balances.

"The impact of a victim's voice on an offender can be compelling."

The Start of Action in Nova Scotia

Over the past decade the shortcomings of the justice system have led many to consider turning to the idea of restorative justice.* Initiatives with restorative justice principles have been emerging in communities throughout Canada, including Nova Scotia.

The Nova Scotia Department of Justice is committed to improving the delivery of justice. Its leadership in the development of this Restorative Justice Initiative is part of its continuing commitment to meaningful improvements. In the summer of 1997 a multi-disciplinary Steering Committee¹⁰ was struck by the Department to develop a system-wide Restorative Justice Initiative for Nova Scotia.

In September 1997 the Steering Committee hosted a one-day symposium on the future of restorative justice in this Province. It was attended by key individuals from all components of the criminal justice system, including the Minister of Justice, key Justice officials, Chief Justices/Judges of each level of court (or his/her representative), the Executive Director of Legal Aid, the Director of Public Prosecutions, chiefs of various key police services, Victims' Services staff, and community representatives. This group enthusiastically endorsed the idea of moving forward with restorative justice ideas.

Goals and Objectives of the Initiative

Primary Goals:

1. Reduce Recidivism

Recidivism rates are too high. It has been shown that face-to-face meetings with victims can have a profound effect on the future behaviour of offenders. The nature of the restorative process provides an opportunity to focus on the underlying causes of the criminal behaviour and the constructive reintegration of the offender into the community.

2. Increase Victim Satisfaction

The victim's voice is rarely heard in the formal justice system. By having a forum in which they can discuss the impact of the offence, and assist in the identification of the reparative measures to be taken, victims will derive greater satisfaction.

Secondary Goals:

1. Strengthen Communities
2. Increase Public Confidence in the Justice System

* After conducting hearings across Canada on possible reform to the youth justice system, the Report on *Renewing Youth Justice* by the House of Commons Standing Committee on Justice and Legal Affairs (1997) called for a more restorative approach to youth justice. It recommended that the youth justice system be reformed to accommodate alternatives such as police cautioning, family group conferencing and circle sentencing (at p. 55). The Federal Government's response to the Report (May 1998) supported the use of these alternatives to youth court proceedings, stating that they hold great promise as appropriate, effective and efficient responses to youth crime.

The existing formal justice agencies have assumed primary responsibility for crime prevention and crime control. As a result, communities have become increasingly alienated from the justice system. A restorative approach invites the participation of communities in achieving reconciliation between offenders and those harmed through the commission of an offence. Greater participation by communities and victims, and evidence of a more effective justice process will enhance public confidence.

The Role of Community

Perhaps the strongest recommendation coming out of the September symposium was that the role of Government in this Initiative should be that of facilitator, or overseer. Government should not become the de facto deliverer of restorative justice programs. Individual communities should be empowered to shape these programs and to deliver the service of restorative justice.

Undoubtedly, financial support from Government will be required to implement individual restorative justice programs and to oversee the Initiative. Although Government has a leadership role to play in areas such as establishing a legal framework for the programs, enabling community-based programs, initiating interest, setting standards, and monitoring progress, Government cannot create and run restorative justice programs in every community. The overwhelming consensus is that community ownership is essential to a successful restorative justice program. This does not mean a downloading of Government responsibilities onto communities without resources. The goal is a genuine partnership and collaboration, not Government avoidance of its responsibility with respect to justice services.

Fortunately, in Nova Scotia there are many active volunteer organizations committed to the delivery of service in the justice system. Notable amongst them are the seven alternative measures societies throughout the Province. These organizations provide an alternative to court for young people in trouble with the law for the first time. A recent review of the Alternative Measures Program in Nova Scotia¹¹ resulted in recommendations which support the development of a more restorative approach to justice:

Develop a model of mediation which is specific to alternative measures in Nova Scotia and which is focused on community/victim-offender reconciliation and other principles of restorative justice.¹²

Develop a philosophy on victim involvement in the justice process, [and] ensure more effective delivery of victim support services for participation in the alternative measures hearing...¹³

“Government should not become the de facto deliverer of restorative justice programs...The overwhelming consensus is that community ownership is essential to a successful restorative justice program. This does not mean a downloading of Government responsibilities onto communities without resources. The goal is a genuine partnership and collaboration, not Government avoidance of its responsibility with respect to justice services.”

Develop more effective concepts and models of community service and victim/offender reconciliation (i.e., personal service to the victim) that will recognize the critical importance of these measures in providing opportunities for restitution and reconciliation.¹⁴

Consultation with system stakeholders and the community must continue to be emphasized throughout the Initiative. As a first step, broad consultation with stakeholders in the criminal justice system provided the Department with an opportunity to begin the education process, and encourage input from many different sectors of the system. Similarly, engaging the community in the early stages of the Initiative allowed for the development of a new partnership between the formal justice system and community agencies. Perhaps the most important benefit at this stage of the Initiative is that it allows community agencies to focus on what restorative model would be appropriate for their particular community. Restorative justice will not work if there is a perception that Government officials are deciding what is best for communities.

Four Entry Points to the System

The Steering Committee recognized early on that for a Restorative Justice Initiative to be truly effective, it needed to be flexible enough to meet the specific needs of many different offenders, victims and communities. Despite restorative alternatives being most prevalent at pre-charge and post-charge/pre-conviction entry points, it was recognized that there is nothing to preclude the use of restorative programs at post-conviction and post-sentence entry points as well. The Steering Committee therefore supports a more systemic approach to restorative justice, one which provides for the referral of cases at all entry points in the system.¹⁵ These four entry points can be summarized in the following way:

1. Police Entry Point (pre-charge)
 - referral by police officers
 - referral of Level 1 and Level 2 offences (see “Included and Excluded Offences”, *Infra*, at p.16)
2. Crown Entry Point (post-charge/pre-conviction)
 - referral by Crown attorneys
 - referral of Level 1 and Level 2 offences
3. Court Entry Point (post-conviction/pre-sentence)
 - referral by Judges
 - referral of Level 1, Level 2 and Level 3 offences
4. Corrections Entry Point (post-sentence)
 - referral by Correctional Services/Victims’ Services staff
 - referral of Level 1, Level 2, Level 3 and Level 4 offences

Continuum of Options

These four entry points make possible a continuum of options. The important notion to keep in mind is that for more serious cases, the matters would pass to an entry point that is more formal and which is subject to greater public scrutiny. For example, serious robbery charges would not be referred to restorative justice at the police (pre-charge) entry point.

The referring body (police, Crown attorney, judge, Correctional Services/Victims’ Services staff) will conduct an assessment of the case using the overall guidelines for program participation.¹⁶ If a referral is made, an assessment will then be conducted to determine which restorative model is appropriate for that case.¹⁷

“Despite restorative alternatives being most prevalent at pre-charge and post-charge/pre-conviction entry points, it was recognized that there is nothing to preclude the use of restorative programs at post-conviction and post-sentence entry points as well.”

Understanding the directions a case may take can perhaps be best understood with reference to the diagram at Appendix D.¹⁸ Beginning with the first entry point, the police have a variety of options. They may choose to provide an informal warning or a formal caution to the offender for the least serious offences. The next option would be to refer the matter directly to alternative measures or to a restorative justice process. All of this would happen without the laying of a charge. If a police officer lays a charge, he/she may still believe a restorative option is preferable, and may therefore recommend such an option to the Crown attorney.

After a charge has been laid, a Crown attorney, upon reviewing the guidelines, may also refer a case to a community agency for assessment, or proceed with prosecution of the case.

For the most serious cases, a conviction may need to be entered in formal court. The judge, on his/her own motion, or on the recommendation of the Crown attorney or defence counsel, may make a referral to a community agency. The matter would be adjourned to provide the agency an opportunity to perform an assessment, and for a restorative justice forum, such as a sentencing circle, to be held. The judge may also decide to adjourn sentencing until the offender has had time to complete the terms set forth in the agreement arising out of the forum.

The use of restorative options is also possible after an offender has been sentenced. A restorative option at this point in the system could be used as a tool to achieve healing for the victim, offender and community during the time the sentence is being served, or to assist in the reintegration of the offender into the community after the sentence has been served. Cases at this entry point would be referred by Correctional Services/Victims' Services staff to a community agency for assessment.

Informal Warnings and Formal Cautions

Dealing appropriately with "low end" offences and first time offenders continues to be a priority under the Restorative Justice Initiative. Police officers have always exercised their discretion in the form of informal warnings. Warnings are an effective way of diverting less serious offenders quickly and simply.

For an officer to give a warning, there must be enough evidence to lay a charge, and the offender must accept responsibility for his actions. Informal warnings typically are delivered by the investigating officer, as soon as possible after the incident has occurred. In the case of young offenders, the officer may also contact the youth's parent/guardian in person or by telephone.

The next step is the formal caution. The notion of a formal cautioning program was discussed not only with the police subcommittee, but also with a focus group of police

officers who assisted in the development of a protocol. The consensus was that a formal caution would be appropriate for less serious offences, or perhaps for minor repeat offenders. Appropriate cases would be provincial statute offences; minor property offences; disorderly conduct offences; assaults not resulting in bodily harm; and mischief.

Experience in the use of cautions has demonstrated that it has a major impact in decreasing the number of cases proceeding through the formal justice system.*

A study conducted in 1993 [in England] found that of those between the ages of 10 and 16 who had either been cautioned or convicted, 90% of males under 14 were cautioned; 97% of females under 14 were cautioned; 69% of males aged 14 to 16 were cautioned; and 87% of females aged 14 to 16 were cautioned.¹⁹

The decision to caution is made by the police in accordance with established procedures. A formal caution can be administered if there is enough evidence to lay a charge, the offender accepts responsibility for the offence, and the offender gives informed consent to being formally cautioned.

A caution is recorded by a letter mailed to the offender from the supervising officer. Depending on the circumstances of the case, a caution may also require the offender to attend at the police station for a more formal administration of the caution by a supervising officer, or to attend an educational program specific to the offence committed. The victim will be informed of the decision to caution, and be given an opportunity to express their feelings about the use of a caution. Lack of agreement by the victim however, does not preclude the use of a caution. During the actual caution the officer will explain the consequences of the caution, the seriousness of the situation, and the impact the offender's behaviour has had on the victim and the community.

Youth and Adult Diversion Programs

Police and Crown attorneys already have the option of referring offenders to diversion programs in Nova Scotia. A post-charge Adult Diversion Program currently exists pursuant to s. 717 of the *Criminal Code*. If the offender meets the eligibility criteria set out in that section, and the offender and the offence meet the criteria set out in the provincial guidelines, the Crown attorney may, usually in consultation with the investigating officer, refer the offender to the Adult Diversion Program. The Program is administered by probation officers, who, in interviewing the offender, reach a formal adult diversion agreement.

For youth, a pre-charge/post-charge Diversion Program exists under the rubric of Alternative Measures, pursuant to s. 4 of the *Young Offenders Act*. Youth are referred by

* The Report on *Renewing Youth Justice* by the House of Commons Standing Committee on Justice and Legal Affairs referenced research findings which demonstrated that police cautioning was an effective alternative to formal charging and prosecution (at p. 46).

police officers and Crown attorneys to a community-based alternative measures society which conducts a mediation session run by volunteers. The mediation session is held with the offender, his/her parents, two volunteer mediators, a police officer and in some cases, the victim, and his/her support people. As is the case with the Adult Diversion Program, the provincial policy guidelines exclude certain types of offences, and offenders who have participated in the Program in the past two years.

Restorative Justice Models

A restorative option can take one of many forms, depending on the circumstances of the case, and the point in the system in which the restorative option is invoked. In general, the models all focus on offender accountability, victim healing, offender reintegration and repairing the harm caused by the offence. The actual model used may be different for different communities, since community agencies will modify the generic models to meet the unique complexities of the community in which they serve.

Victim-Offender Conference

The victim-offender conference is a forum which provides an opportunity for victims and offenders to meet face-to-face in the presence of a trained facilitator. “The parties have an opportunity to talk about the crime, to express their feelings and concerns, to get answers to their questions, and to negotiate a resolution.”²⁰

Family Group Conference

A family group conference is a model similar to a victim-offender conference in that it involves a face-to-face meeting between the victim and offender. A family group conference however, engages a larger group of participants which includes the support people for both the victim and the offender, relevant professionals, the facilitator, and the investigating officer.

*The family group conferencing model is a clearly restorative justice based intervention with many very similar outcomes as victim-offender mediation, but with the added benefit of having all those affected by the crime present with the potential for greater community support for both the victim and offender. It is based upon the concept of “reintegrative shaming” developed by Australian criminologist John Braithwaite (1989). This concept focuses on the importance of denouncing or shaming the criminal behaviour while affirming, supporting and helping to reintegrate the offender back into the community.*²¹

“In general, restorative justice models all focus on offender accountability, victim healing, offender reintegration and repairing the harm caused by the offence.”

Sentencing Circle

In addition to the models described above, another model is available at the court entry point: the sentencing circle. The circle involves the same participants as a family group conference, as well as the presiding judge, Crown attorney, and defence counsel. As with the other models, each participant is given an equal opportunity to participate, and to work together to arrive at a plan for the offender which will not only repair the harm caused by the offence, but also address the personal reasons which led to the commission of the offence. The circle goes beyond developing a sentence for the offender, and engages the support of all participants to assist the offender in fulfilling the terms of the plan.

Guidelines for the Framework

The Youth and Adult Diversion Programs have provided a useful alternative to the formal justice system, and have laid a solid foundation for the development of a Restorative Justice Program. However, these programs are not truly restorative in that they do not involve the victim and community on a consistent basis.

Out of the work of the four subcommittees (see endnote 15) emerged a strong consensus that the existing provincial guidelines for these Programs were too restrictive in that they exclude for example, more serious offences, and offenders with any criminal histories. Similarly, in the Alternative Measures Review,²² a number of recommendations called for the involvement of a broader range of youth involved in a broader range of offences. This could only be done if it is consistent with protecting society from criminal behaviour. The recommendations are as follows:

The eligibility criteria dealing with multiple offences, personal injury or indictable offences should be eliminated and discretion employed by the Crown, based on the specific circumstances of the offence and the characteristics of the offender to be determinative of suitability for referral.²³

Eliminate the “once only in two year” policy²⁴ and allow the circumstances of the offence and the characteristics of the offender to be determinative in subsequent referral decisions. This process should incorporate the categories of offences as outlined in the earlier recommendation on presumptive referrals. It should also be accompanied by a clear procedure involving increasingly substantive measures for subsequent offences in a clearly defined boundary of behaviour beyond which the youth will revert to the conventional court process.²⁵

By targeting only low-end offences, the subcommittees generally felt that three problems appeared. First, for common offences such as shoplifting, victim participation would continue to be low.²⁶

Second, the experience of restorative justice often seems to be more meaningful for offenders, victims, and communities when it involves more serious offences and the loss to the victim is more profound.

Third, by targeting only offenders with little or no criminal history, we are eliminating the possibility of using restorative justice as a crime prevention strategy for reducing recidivism amongst offenders about whom the public is most concerned.

At the same time, the public and criminal justice workers properly expect a level of predictability and certainty in guidelines and results. Acquiring and keeping public confidence is essential to the long-term viability of restorative justice. This will build over time. Protection of the public remains the primary goal of the criminal justice system, and this Initiative must remain consistent with this goal. The selection of cases for referral must be carefully handled or the Initiative risks criticism that could irrevocably damage its reputation. Since the philosophy of restorative justice is new to most people, winning credibility and the confidence of the community must remain a top priority. This will only happen if the public knows that the risk of failure in each case referred to restorative justice is no greater than it would have been in the conventional system.

The public will have greater confidence in a system that has a reasonably high level of predictable outcomes. Concerns may be raised, perhaps legitimately, that without guidelines, the use of discretion may vary too much from one end of the Province to the other. Furthermore, police officers, Crown attorneys, judges, defence lawyers, and community agencies who are involved in the system will be more likely to embrace the Initiative if the guidelines and the mechanisms that begin the process seem accessible and understandable.

"The experience of restorative justice often seems to be more meaningful for offenders, victims, and communities when it involves more serious offences and the loss to the victim is more profound."

"Protection of the public remains the primary goal of the criminal justice system, and this Initiative must remain consistent with this goal. Securing the confidence of the community must remain a top priority. This will only happen if the public knows that the risk of failure in each case referred to restorative justice is no greater than it would have been in the conventional system."

Minimum Requirements

Minimum requirements²⁷ for any referral to the Restorative Justice Initiative are:

1. the referral is not inconsistent with the protection of society;
2. the referral is considered appropriate having regard to the interests of the victim, the offender, and the community;
3. the offender accepts responsibility for his actions;
4. the offender has been informed of, and consents freely and fully, to participation in the program;
5. the offender is advised of his right to counsel without delay and is given a reasonable opportunity to retain and instruct counsel;
6. there is sufficient evidence to proceed; and
7. prosecution of the offence is not barred by law.

Failure to meet these minimum requirements will result in the case being dealt with in the conventional justice system.

Discretionary Factors

Discretionary factors to be considered by the referring body before any referral is made are:

1. the cooperation of the offender;
2. the willingness of the victim to participate in the process;*
3. the desire and need on the part of the community to achieve a restorative result;
4. the motive behind the commission of the offence;
5. the seriousness of the offence and the level of participation of the offender in the offence, including the level of planning and deliberation prior to the offence;
6. the relationship of the victim and offender prior to the incident, and the possible continued relationship between them in the future;
7. the offender's apparent ability to learn from a restorative experience, and follow through with an agreement;
8. the potential for an agreement that would be meaningful to the victim (i.e., restitution, actual repairs);
9. the harm done to the victim;
10. whether the offender has been referred to a similar program in recent years;
11. whether any government or prosecutorial policy conflicts with a restorative justice referral; and
12. such other reasonable factors about the offence, offender, victim, and community which may be deemed to be exceptional and worthy of consideration.

* It was recognized that voluntary participation of the victim in a restorative forum is one of the most important goals of the Initiative. It was not believed however that the victim should have a veto per se as to whether a case should be referred to a restorative justice program. In some cases it may be decided that a restorative forum is warranted despite the victim's refusal to participate. In such cases, it is incumbent upon the community agency which facilitates the meeting, to explain to the victim why it is warranted in the case despite their refusal to participate. It should be noted that participation by the victim may take one of many forms, including the use of surrogate victims.

Other Considerations

If, at any point during a restorative forum, the offender or the community agency feels that the forum should not continue, the process may be terminated by that party, and the offender may be returned to the formal justice system.²⁸

Compliance with the agreement will be monitored by the community agency to which the case is referred. Upon noncompliance, the offender may be referred back to the formal court system.²⁹

No admission, confession or statement by the offender made in the course of restorative justice discussions will be admissible in evidence against that person in later proceedings.

Range of Possible Outcomes

The range of possible outcomes resulting from a restorative forum is broad. They may include for example: community service work; restitution; personal service to the victim; specialized education programs, such as life skills; referral for counselling/treatment; letter of apology; essay; or any other outcome agreed upon in the process.

Included and Excluded Offences

Restorative justice will not be made available for all offences at all of the four entry points. A debate about whether restorative justice is appropriate for spousal/partner violence offences and sexual offences is ongoing in many parts of Canada. The main concern of those who oppose the inclusion of these offences relates to a possible power imbalance between the victim and offender in a restorative forum. Until the Province takes a formal position regarding the possible benefit of restorative justice in spousal/partner violence situations, offences of this nature will only be considered at the court (post-conviction/pre-sentence) and corrections (post-sentence) entry points.

Included and Excluded Offences

LEVEL 1 OFFENCES

These are the only offences for which a formal caution is an option.

- Provincial Statute offences
- Minor property offences
- Disorderly conduct offences (i.e. loitering, vagrancy)
- Assaults not resulting in bodily harm
- Mischief

LEVEL 2 OFFENCES

These offences can be referred at all four entry points.

- This is the largest group of offences. They constitute all *Criminal Code* offences that are not Level 3 or Level 4 offences.

LEVEL 3 OFFENCES

These offences can be referred only at the court (post-conviction/pre-sentence) and corrections (post-sentence) entry points.

- Fraud and theft-related offences over \$20,000
- Robbery
- Sexual offences (proceeded with as a summary offence)
- Aggravated assault
- Kidnapping, abduction and confinement
- Criminal negligence/dangerous driving causing death
- Manslaughter
- Spousal/Partner violence offences
- Impaired driving and related offences

LEVEL 4 OFFENCES

These offences can be referred only at the corrections (post-sentence) entry point.

- Sexual offences (indictment)
- Murder

Service Delivery Options

Community Agencies

At all four entry points, the referring body (police, Crown attorney, judge, Correctional Services/Victims' Services staff) has the option of referring a case to a community agency.³⁰ Upon referral, agency staff will contact all the parties involved in the case, including the offender, their support people, the victim, and their support people. The staff person will work with the victim and offender to provide the support they need to participate in the restorative forum. Information about the available options will be provided to the parties, and an assessment will be made as to which model is most appropriate to meet their needs. The agency will organize the meeting, prepare all participants, and facilitate the meeting. Agency staff will follow up with the offender and victim, and may refer the offender back to the conventional system if he/she does not comply with the agreement arising out of the restorative forum.

Nova Scotia is presently served by seven alternative measures societies. These societies have an impressive base of volunteers, and have credibility in their respective communities. They have provided a strong voice of leadership in community justice issues in the past, and have expressed an interest in handling more serious offences, and in working more with victims. These agencies have also worked in partnership with the Department of Justice for many years, and are therefore well suited to deliver service in this Initiative.

In some geographic areas, it may be appropriate to utilize other community agencies, or to encourage and support the community in the development of a community justice committee.³¹

Police Services

Restorative justice has been identified as a national and provincial priority of the RCMP. RCMP officers and community representatives in each detachment area across the Province have been trained to facilitate a family group conferencing model known as a community justice forum. The investigating officer has the option of referring a matter pre-charge to one of the trained facilitators in a given detachment area. The facilitator will contact all the parties involved in the case, prepare them for their participation in the community justice forum, and facilitate the forum. The officer or a community representative from the forum will follow-up with the offender and the victim. The officer may refer the offender back to the conventional system if he does not comply with the agreement arising out of the community justice forum.

"Restorative justice has been identified as a national and provincial priority of the RCMP. RCMP officers and community representatives in each detachment area across the Province have been trained to facilitate a family group conferencing model known as a community justice forum. The investigating officer has the option of referring a matter pre-charge to one of the trained facilitators in a given detachment area."

In the early development of this Initiative, the Department of Justice established a timely collaboration with the RCMP. A full-time provincial Restorative Justice Coordinator has been appointed for the RCMP, and is working closely with the Department's Restorative Justice Coordinator and the Steering Committee.

Municipal police services in Nova Scotia have also shown an interest in participating in the Restorative Justice Initiative. It is expected that most of their participation will occur in their capacity as a referring body to the community agencies. If however, some services in some municipalities choose to take on the responsibility of delivering the Program, this may be done in consultation with the Department of Justice.

Phase 1

The long-term goal of the Initiative is to provide an opportunity for all offenders province-wide to participate in a restorative justice process. Implementation of the Initiative will be multi-phased. Phase 1 will target youth between the ages of 12 and 17 in the Halifax Regional Municipality, the Cape Breton Regional Municipality, and the more rural areas of the Annapolis Valley and Cumberland County.³²

There were many reasons for addressing youth only in Phase 1 of the Initiative. The public is demanding that the justice system respond more effectively to the problems of youth crime. Diversion from the conventional system will provide a means for connecting youth to the interventions they need, and provide them with an opportunity to take responsibility for, and to participate in, decision making which will have a significant impact on their lives.³³ Further, the alternative measures societies are currently dealing with youth, and therefore have the expertise to deal with this clientele.

In addition to the existence of these societies in the communities chosen for Phase 1,³⁴ the choice also ensures an urban/rural split, and that Cape Breton is included in the Initiative. Cape Breton is also home to the Mi'kmaq Young Offender Project, an established program which operates healing circles for aboriginal youth.

It is recognized that the current resources allocated to the alternative measures societies would not permit them to adequately provide service in the manner proposed in this Initiative. Enhancing the resources of these societies and increasing the use of formal cautions is expected to alleviate this problem, and facilitate the implementation of restorative justice in the Phase 1 areas.

Working Groups, comprising key stakeholders from the respective communities, (such as police officers, Crown attorneys, defence lawyers, judges, Correctional Services staff, community agencies' staff, and Victims' Services staff) will assist in the implementation of Phase 1.³⁵

Education/Training/Communication

Those who work in the criminal justice system - police, Crown attorneys, defence lawyers, judges, Correctional Services staff, Victims' Services staff - have been acclimated to the conventional system. A process of education is necessary to introduce these workers to the concepts of restorative justice, and to orient them to working more with, and within, communities. Without adequate education of the justice system stakeholders, and training of the community agencies, the endorsement necessary for the viability of restorative justice in this Province will not exist.

One of the first steps in educating the stakeholders will be a one-day symposium in each of the Phase 1 communities. The day will provide the participants with an oppor-

"Working Groups, comprising key stakeholders from the respective communities, will assist in the Initiative."

"A process of education is necessary to introduce justice workers to the concepts of restorative justice, and to orient them to working more with, and within, communities."

tunity to learn about the concepts of restorative justice and the plans for this Initiative. These symposiums will be followed by small group discussions with stakeholder groups to discuss issues specific to their community.

In addition to the education and training of stakeholders, bringing the message of restorative justice to the general public will form part of a comprehensive communication plan.

Evaluation

An effective monitoring and evaluation system must be established to measure the success of the Initiative in achieving its goals. Outcomes to be monitored will include measures of recidivism, victim satisfaction and cost-effectiveness. It will also be essential to consider the secondary impacts of restorative approaches - strengthening the ability of individuals and communities to take greater responsibility; reconnecting people to positive environments; rebuilding a sense of community; and redressing the underlying causes of crime - all of which will contribute to crime prevention.³⁶

Ongoing assessment of implementation issues will provide the necessary feedback to permit the Initiative to respond to operational concerns which may be identified during program initiation. Any unintended negative impacts (i.e. exclusion of any identifiable group from program participation) will be determined and remedial action taken.

Experience of other jurisdictions has shown that implementation of restorative justice programs can reduce the costs of processing criminal cases.* An important evaluation component of the Initiative will involve an assessment of whether restorative justice programs lead to direct and indirect financial savings. The financial cost of delivering the existing system is rising yearly. An evaluation of the broader financial issues associated with restorative justice is essential for the continued growth of the Initiative.

Indirect savings will also result from restorative justice programs if the primary goal of reducing recidivism is achieved. The savings will be enjoyed generally by a population of potential victims who are not victimized, and the insurance companies that represent them.

As Government and community agencies expand their participation in restorative justice initiatives, these experiences will generate information which can be used to enhance program effectiveness. Given that Nova Scotia has adopted a unique, system-wide restorative approach, our contribution to the knowledge base will be of particular value to other jurisdictions. It is therefore important to establish a rigorous evaluation process.

* The restorative justice program in New Zealand reduced the Youth Court case-load from 10,000-13,000 cases per year before the program was introduced in 1989, to 2,587 cases in 1990. Committals of young people to correctional institutions was reduced by 50% following the introduction of the program.

Time Frame

Immediate tasks will involve educating stakeholders; training community agencies; developing communication and evaluation plans; and supporting the efforts of the working groups in developing the Initiative in their respective communities. Service delivery for Phase 1 is anticipated to begin in early 1999.

The Department of Justice takes the problem of crime seriously. It is believed that holding offenders accountable, and giving victims and communities a voice in the response to crime, will result in a decrease in recidivism rates, and an increase in victim satisfaction. The community-based nature of restorative justice will not only strengthen the structure of communities, but it will also enhance the sense of safety felt by those living in the community.

Restorative justice offers exciting potential for justice agencies and communities to work together in partnership to address the concerns we have all expressed regarding the criminal justice system. It is believed that the success of this partnership depends upon a system-wide approach, one which makes possible a wide range of alternatives, at all entry points in the system.

Understandings of Justice³⁷

Retributive Lens

- Crime is an act against the state, a violation of law, an abstract idea
- Blame-fixing central; emphasizes differences
- Response focused on offender's past behaviour
- Emphasis on adversarial relationship
- Imposition of pain to punish and deter/prevent
- Crime is an individual act with individual responsibility
- State monopolizes the response to wrongdoing
- Victim is peripheral to the process
- Victim's "truth" secondary
- Victim's suffering is ignored
- Action from state to offender; offender passive
- Offender has no responsibility for resolution
- Outcomes encourage offender irresponsibility
- Rituals of personal denunciation and exclusion
- Offender is denounced; offender is defined by deficits

Restorative Lens

- Crime is an act against another person and the community
- Problem-solving central; searches for commonalities
- Response focused on harmful consequences of offender's behaviour; emphasis on future
- Emphasis on dialogue and reconciliation
- Restitution as a means of restoring both parties; goal of reconciliation/restoration
- Crime has both individual and social dimensions of responsibility
- Victim, offender, and community roles recognized
- Victim is central to the process of resolving a crime
- Victim given chance to "tell his/her truth"
- Victim's suffering is lamented and acknowledged
- Offender given a role in the solution
- Offender has responsibility in the resolution
- Encourages offender to accept responsibility
- Rituals of lament and reordering
- Harmful act denounced; offender is defined by capacity to make reparation

Retributive Lens	Restorative Lens
<ul style="list-style-type: none"> • Offender's ties to the community weakened • Offender seen in fragments, offence being definitional • Sense of balance through retribution • Balance righted by lowering offender • Justice tested by intent and process • Victim-offender relationships ignored • Process alienates • Response based on offender's past behaviour • Repentance and forgiveness discouraged • Dependence upon proxy professionals • Competitive, individualistic values encouraged • The offence is defined in technical and legal terms • Assumes win-lose outcomes • Restitution rare • Offender accountability defined as taking punishment • The "debt" is owed to society 	<ul style="list-style-type: none"> • Offender's integration into the community increased • Offender viewed holistically • Sense of balance through restitution • Balance righted by raising both victim and offender • Justice tested by its "fruits" • Victim-offender relationship central • Process aims at reconciliation • Response based on consequences of offender's behaviour • Repentance and forgiveness encouraged • Direct involvement by participants • Mutuality and cooperation encouraged • The offender is understood in full context: moral, social, economic, political • Makes possible win-win outcomes • Restitution normal • Accountability defined as assuming responsibility and taking action to repair harm • Debt is owed to the victim and the community

Steering Committee Members

Danny Graham, Chair (Defence Bar)
Gordon Gillis (Deputy Minister of Justice)
Kit Waters (Director, Policy, Planning & Research)
Judy Fowler (Restorative Justice Coordinator)
Fred Honsberger (Executive Directive, Correctional Services)
Gary Dupuis (Director, Community Corrections)
Michele McKinnon (Director, Communications)
Dennis Kelly (Director, Operations, Policing Services)
Joanne Marriott-Thorne (Director, Victims' Services)
Chief Superintendent Steve Duncan (RCMP)
Constable Pat MacNeil (RCMP Restorative Justice Coordinator)
Mona Lynch (Nova Scotia Legal Aid)
Martin Herschorn (Acting Director, Public Prosecution Service)
Bruce Archibald (Dalhousie University Law School)
Andy Montgomery (Alternative Measures Review)
Gordon Michael (Director, Community Collaboration & Partnerships,
Halifax Regional Municipality)
Pat Gorham (Director, Island Alternative Measures Society)
Lisa Cole (Coordinator, Cumberland Community Alternatives Society)
Yvonne Hanson (Executive Director, Youth Alternative Society)
Viola Robinson (Board of Commissioners, Mi'kmaq Justice Institute)

Subcommittee Members

Police Entry Point

Kit Waters, Chair (Director, Policy, Planning & Research)
 Chief Superintendent Steve Duncan (RCMP)
 Constable Pat MacNeil (RCMP Restorative Justice Coordinator)
 Mona Lynch (Nova Scotia Legal Aid)
 Danny Graham (Defence Bar)
 Bruce Archibald (Dalhousie University Law School)
 Dennis Kelly (Director, Operations, Policing Services)
 Sergeant John Keylor (Halifax Regional Police Service)
 Jerry Pitzul (Director, Public Prosecution Service)
 Jane Mills (Crown Attorney)
 Darrell Carmichael (Crown Attorney)
 Maureen Amos (Regional Manager, Victims' Services)
 Judy Fowler (Restorative Justice Coordinator)
 Constable Richard McDonald (Halifax Regional Police Service)
 Don Clairmont (Dalhousie University)

Crown Entry Point

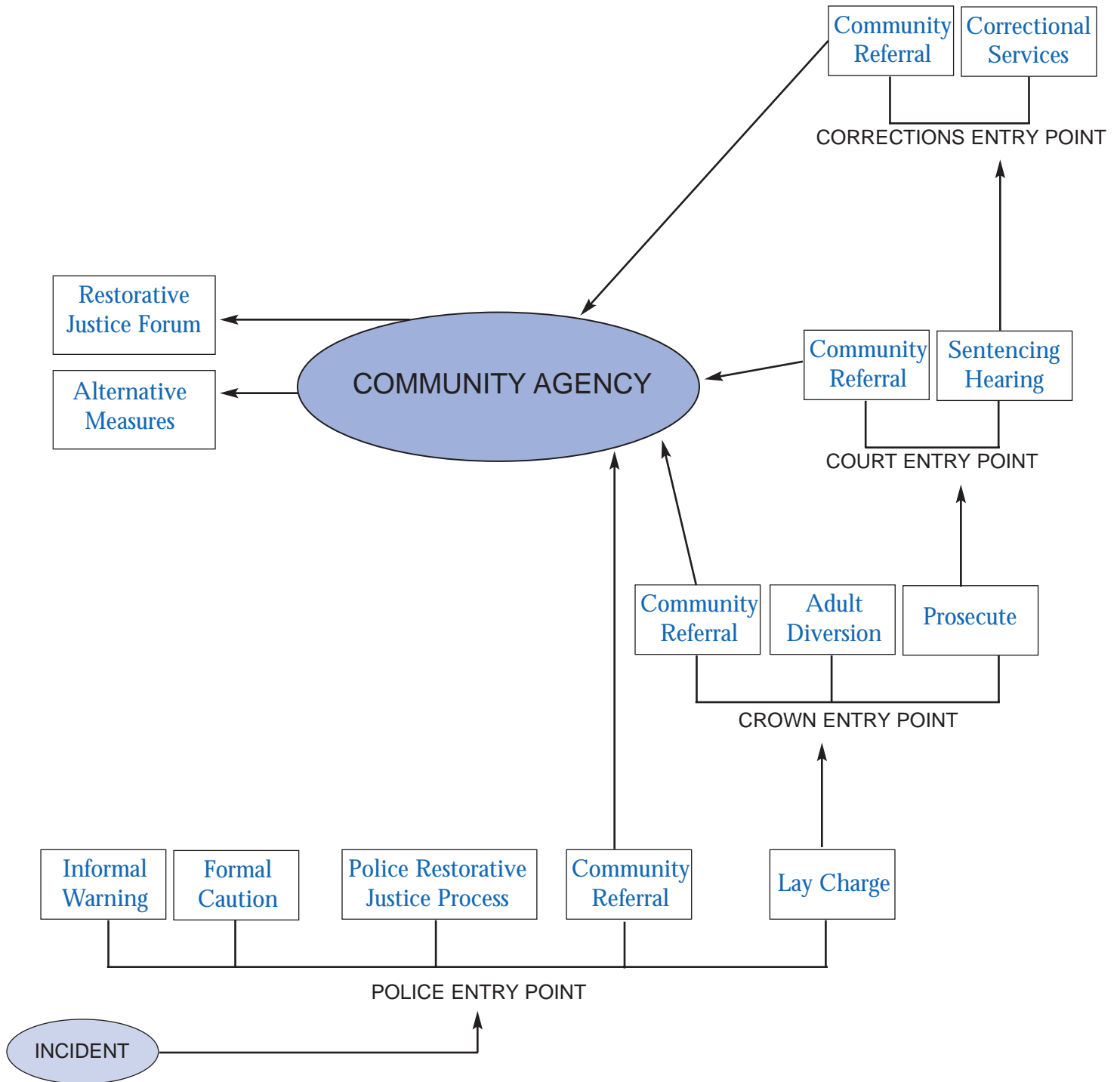
Bruce Archibald, Chair
 Jerry Pitzul
 Jane Mills
 Darrell Carmichael
 Judge Barbara Beach (Provincial Court)
 Mona Lynch
 Judy Fowler
 Danny Graham
 Gary Dupuis (Director, Community Corrections)
 Joanne Marriott-Thorne (Director, Victims' Services)
 Chief Superintendent Steve Duncan
 Constable Pat MacNeil
 Janis Aitken (Senior Probation Officer)
 Yvonne Manzer (Executive Director, Youth Alternative Society)
 Dennis Kelly

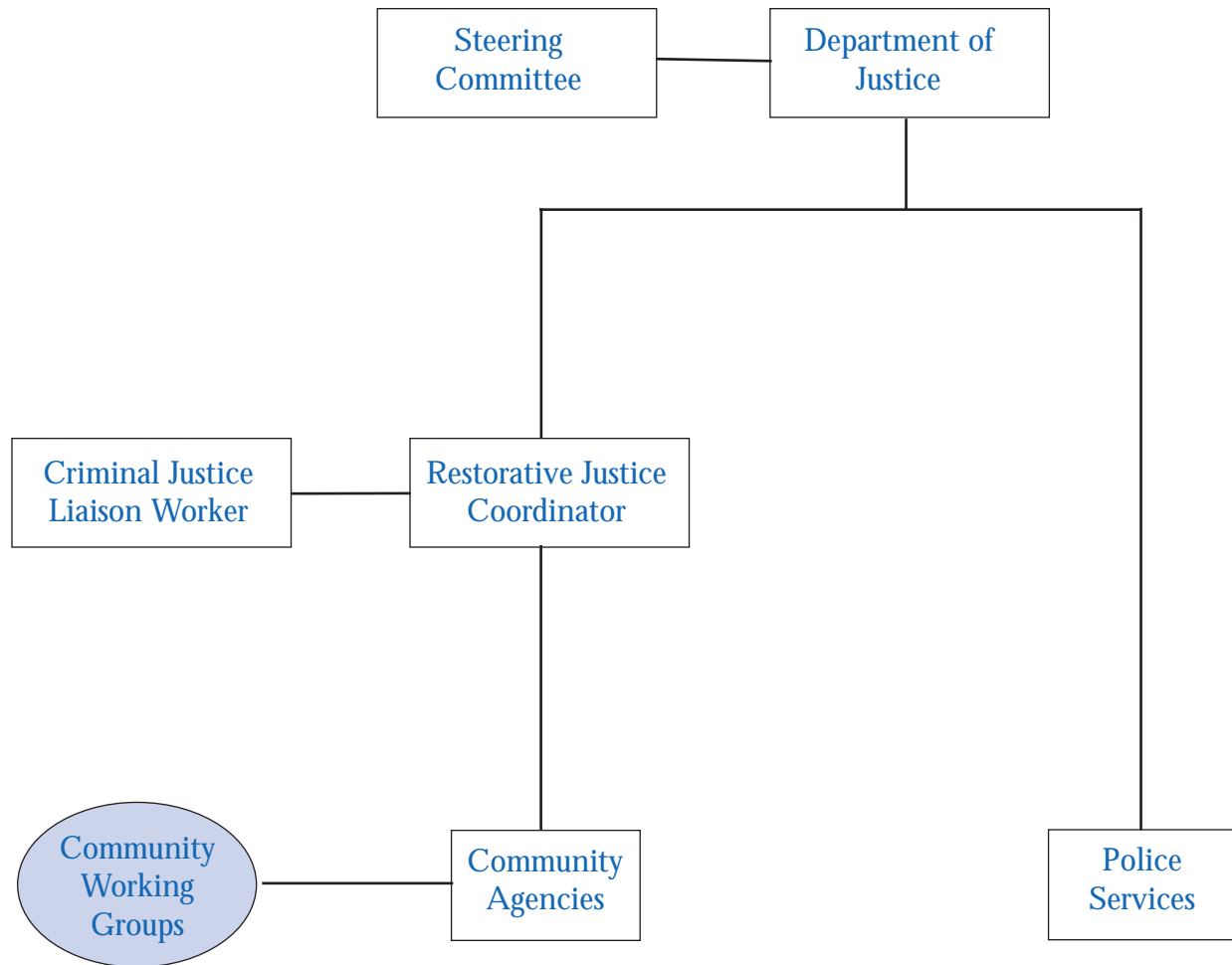
Court Entry Point

Danny Graham, Chair
 Associate Chief Justice Joseph Kennedy (Nova Scotia Supreme Court)
 Justice Thomas Cromwell (Nova Scotia Court of Appeal)
 Chief Judge Jean-Louis Batiot (Provincial Court)
 Chief Judge Robert Ferguson (Family Court)
 Judge Anne Crawford (Provincial Court)
 Judge John MacDougall (Provincial Court)
 Jerry Pitzul
 Don Clairmont
 Gary Dupuis
 Kit Waters
 Paula Marshall (Director, Mi'kmaq Young Offender Project)
 Al Pottier (Regional Administrator, Corrections)
 Joanne Marriott-Thorne
 Judy Fowler
 Stan MacDonald (Defence Bar)

Corrections Entry Point

Fred Honsberger, Chair (Executive Director, Correctional Services)
 Gary Dupuis
 Geri Downey (Correctional Service Canada)
 Lee Cohen (Defence Bar)
 Kit Waters
 Maureen Amos
 Lori Ehler (Elizabeth Fry Society)
 Phil MacNeil (Nova Scotia Legal Aid)
 Paul Gallagher (John Howard Society)
 Judy Fowler





ENDNOTES

- 1 Canadian Centre for Justice Statistics, *Justice Spending in Canada*, vol. 17, no. 3, 1994-1995.
- 2 *Satisfying Justice* (Church Council on Justice and Corrections: 1997) at p. II.
- 3 *Satisfying Justice*, at p. I.
- 4 Canadian Centre for Justice Statistics, 1997.
- 5 For a more complete list of the contrasting views of justice, refer to Appendix A.
- 6 *Satisfying Justice*, at p. XIX.
- 7 See “Guidelines for the Framework”, *Infra*, at p. 12.
- 8 Stuart, B., *Building Community Justice Partnerships: Community Peacemaking Circles* (Department of Justice Canada: 1997).
- 9 *Building Community Justice Partnerships*, at p. 13.
- 10 For a list of the Steering Committee members, see Appendix B.
- 11 Montgomery, A., *Alternative Measures in Nova Scotia: A Comprehensive Review* (Nova Scotia Department of Justice: August 1997).
- 12 *Alternative Measures in Nova Scotia*, at p. 68.
- 13 *Alternative Measures in Nova Scotia*, at p. 68.
- 14 *Alternative Measures in Nova Scotia*, at p. 87.
- 15 In assessing the viability of access to restorative justice programs at these entry points, the Steering Committee identified the need to broaden its base of expertise in examining eligibility criteria, guidelines and models. To this end, four subcommittees were formed, corresponding to the four possible entry points in the justice system. For a list of the subcommittee members see Appendix C.
- 16 See “Guidelines for the Framework”, *Infra*, at p. 12.
- 17 See “Service Delivery Options”, *Infra*, at p. 17.
- 18 Appendix D reflects a process which may be modified from community to community.
- 19 Hornick, J.P. et al., *A Reference Manual on Crime Prevention and Diversion with Youth*, (Solicitor General of Canada: 1996), at p. 52, citing unpublished Home Office statistics.
- 20 *Satisfying Justice*, at p. 39.

- 21 Umbreit, M., *Information on Research Findings Related to Uniquely Restorative Justice Interventions*, (Center for Restorative Justice & Mediation, University of Minnesota: 1996), at p. 14.
- 22 *Alternative Measures in Nova Scotia*.
- 23 *Alternative Measures in Nova Scotia*, at p. 45.
- 24 The current provincial guidelines exclude those youth who have any prior *Criminal Code* or Federal Statute conviction, or have participated in the Alternative Measures Program within the past two years.
- 25 *Alternative Measures in Nova Scotia*, at p. 58.
- 26 Again, this is echoed in *Alternative Measures in Nova Scotia*, at p. 59.
- 27 These requirements are consistent with s. 4(1) of the *Young Offenders Act* and s.717(1) of the *Criminal Code*.
- 28 There may be situations where it may be appropriate for the offender to be returned to another restorative justice forum.
- 29 *Ibid*.
- 30 Appendix D reflects a process that may be modified from community to community.
- 31 A community justice committee is composed of representatives from the sectors within a community. These committees can assist in criminal and non-criminal matters, and be involved in crime prevention efforts. (*Building Community Justice Partnerships*, at p. 40).
- 32 RCMP community justice forums will be offered to youth and adults in all areas of the Province served by the RCMP as part of Phase 1 of the Initiative.
- 33 *Building Community Justice Partnerships*, at p. 130.
- 34 Youth Alternative Society (serving Halifax Regional Municipality); Island Alternative Measures Society (serving Cape Breton Regional Municipality); Valley Youth Alternatives (serving the Annapolis Valley); and Cumberland Community Alternatives Society (serving Cumberland County).
- 35 An overview of the structure of the Initiative is provided in Appendix E.
- 36 *Building Community Justice Partnerships*, at p. 13.
- 37 Adapted from: Zehr, H., *Changing Lenses: A New Focus for Crime and Justice* (Waterloo: Herald Press, 1990).

