

# The Nova Scotia Restorative Justice Program Protocols



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# Nova Scotia Restorative Justice Program Protocols

## Introduction

The Nova Scotia Restorative Justice Program (NSJRP) Protocols are a multi-part document governing referrals within the Nova Scotia Restorative Justice Program. The Definitions and General Protocol provide an overview that applies to all protocols. There are separate protocols guiding use of the NSRJP by police, crowns, courts, corrections, victim serving agencies and the administrative role of the regional restorative justice teams. Taken together, these protocols provide an integrated framework to guide the implementation and operation of the Nova Scotia Restorative Justice Program encompassing referral of young persons and adults. The document is also designed to provide guidance for individual program referral agents and partners through individually tailored protocol sections.

# Definitions

“Criminal Code” means the Criminal Code, RSC 1985, c C-46;

“customary law program” means the Mi’kmaq Customary Law Program offered by the Mi’kmaq Legal Support Network;

“Justice Partners” means justice system stakeholders from government and community that are parties to the Nova Scotia Restorative Justice Program Memorandum of Understanding and have roles and responsibilities related to the implementation and operation of the Nova Scotia Restorative Justice Program;

“Regional Restorative Justice Team” or “Regional RJ Team” means the collaborative team responsible for the administration and management of referrals to the Nova Scotia Restorative Justice Program;

“Regional RJ Team Leads” or “Lead Team” means the designated leads from the regional community-based restorative justice agency and Community Corrections responsible for leadership, administration and oversight of a regional restorative justice team;

“NSRJP” means the Nova Scotia Restorative Justice Program;

“person in conflict with the law” or “young person” means an offender under the Criminal Code, or a young person under the YCJA and YJA;

“restorative justice agency” means a community-based partner that enters into a service provider agreement with the Province to support the Nova Scotia Restorative Justice Program;

“Victim Serving Agencies” means an agency or program within an agency with a primary mandate to serve the needs of those who are victims of (have been harmed by) a criminal offence, including, for example: Provincial Department of Justice Victim Services Unit, police-based victim services and senior safety officers;

“YCJA” means the Youth Criminal Justice Act, SC 2002, c 1;

“YJA” means the Nova Scotia Youth Justice Act, SNS 2001, c 38.

# 1.0 General Protocol

## 1.1 Introduction

The Nova Scotia Restorative Justice Program is grounded in a shared commitment to collaboration by Justice Partners from government and community in support of restorative justice in Nova Scotia. These Justice Partners have a common commitment and responsibility to the public interest to ensure the administration of criminal justice is accessible, meaningful, effective and efficient. Justice Partners maintain restorative justice is central to achieving this goal and are committed to collaboration in support of the Nova Scotia Restorative Justice Program (NSRJP) in accordance with the Memorandum of Understanding (MOU) signed by the Justice Partners and the following program protocols as well as applicable operating procedures and policies.

The NSRJP is established and supported by the Attorney General for Nova Scotia. Further, the NSRJP is authorized by the Attorney General for use by the police and the Crown as a program of alternative measures for adults under the Criminal Code (Canada) and as a program of extrajudicial sanctions for young persons under the Youth Criminal Justice Act (Canada) and the Youth Justice Act. As reflected in the MOU, Justice Partners are committed to pursue and support coordinated implementation of the NSRJP throughout the justice system.

Justice Partners understand restorative justice as an approach to justice focused on securing just relations among individuals, groups, communities and institutions in society.

Justice Partners are equally committed to supporting and facilitating access to Customary Law Processes for Indigenous young persons and adults in Nova Scotia. It is intended that restorative justice should complement and support the commitment to honour customary law and Indigenous justice.

The NSRJP protocols are consistent with the legal authority for the NSRJP and set out the philosophical and operational framework by which discretion is exercised to refer to NSRJP, including eligibility for referral, referral options (including reasons guiding use and referral to restorative justice), procedures for referral to Regional RJ Teams, and the operations of the Regional RJ Teams.

These protocols apply to all ongoing and future referrals to the NSRJP until such time as the protocols are amended or replaced.

## 1.2 Authorization

The NSRJP is supported and approved by the Attorney General for Nova Scotia as an integrated program for adults and young persons in conflict with the law. The program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in these protocols and pursuant to their authority and discretion available at law and as consistent with their roles and responsibilities. In addition, for purposes of the police and crown protocols, the NSRJP is authorized as a program of alternative measures for adults under section 717 of the Criminal Code, RSC 1985, c C-46, and as a program of extrajudicial sanctions for young persons under section 10 of the Youth Criminal Justice Act, SC 2002, c 1 and Section 10 of the Youth Justice Act, SNS 2001, c 38 (**Program Authorization**).

In the case of young persons, subsection 10(2) of the YCJA provides that an extrajudicial sanction may be used only if:

- (a) it is part of a program of sanctions that may be authorized by the Attorney General or authorized by a person, or a member of a class of persons, designated by the lieutenant governor in council of the province;
- (b) the person who is considering whether to use the extrajudicial sanction is satisfied that it would be appropriate, having regard to the needs of the young person and the interests of society;
- (c) the young person, having been informed of the extrajudicial sanction, fully and freely consents to be subject to it;
- (d) the young person has, before consenting to be subject to the extrajudicial sanction, been advised of his or her right to be represented by counsel and been given a reasonable opportunity to consult with counsel;
- (e) the young person accepts responsibility for the act or omission that forms the basis of the offence that he or she is alleged to have committed;
- (f) there is, in the opinion of the Attorney General, sufficient evidence to proceed with the prosecution of the offence; and
- (g) the prosecution of the offence is not in any way barred at law.

Additionally, subsection 10(2) of Nova Scotia's YJA provides that an extrajudicial sanction may be used only if:

- (a) it is part of a program of sanctions that is authorized by the Minister or authorized by a person, or a member of a class of persons, designated by the Governor in Council of the province;
- (b) the person who is considering whether to use the extrajudicial sanction is satisfied that it would be appropriate, having regard to the needs of the young person and the interests of society;
- (c) the young person, having been informed of the extrajudicial sanction, fully and freely consents to be subject to it;
- (d) the young person has, before consenting to be subject to the extrajudicial sanction, been advised of the young person's right to be represented by counsel and been given a reasonable opportunity to consult with counsel;
- (e) the young person accepts responsibility for the act or omission that forms the basis of the offence that the young person is alleged to have committed;
- (f) there is, in the opinion of the Minister, sufficient evidence to proceed with the prosecution of the offence; and
- (g) the prosecution of the offence is not in any way barred at law.



In the case of adults, subsection 717(1) of the Criminal Code provides that alternative measures may be used to deal with a person alleged to have committed an offence only if it is not inconsistent with the protection of society and the following conditions are met:

- (a) the measures are part of a program of alternative measures authorized by the Attorney General or the Attorney General's delegate or authorized by a person, or a person within a class of persons, designated by the lieutenant governor in council of a province;
- (b) the person who is considering whether to use the measures is satisfied that they would be appropriate, having regard to the needs of the person alleged to have committed the offence and the interests of society and of the victim;
- (c) the person, having been informed of the alternative measures, fully and freely consents to participate therein;
- (d) the person has, before consenting to participate in the alternative measures, been advised of the right to be represented by counsel;
- (e) the person accepts responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed;
- (f) there is, in the opinion of the Attorney General or the Attorney General's agent, sufficient evidence to proceed with the prosecution of the offence; and
- (g) the prosecution of the offence is not in any way barred at law.

In support of the legal authorization for the NSRJP, Justice Partners have undertaken to use and advance use of a restorative approach in the criminal justice system and in the community. All partners have signed a **Memorandum of Understanding** representing their commitments to collaborate in support of restorative justice in Nova Scotia and in coordinated implementation of the NSRJP.

### 1.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners

- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 1.4 Eligibility

### 1.4.1 Indigenous Persons

If a person in conflict with the law identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaw Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 1.4.2 Eligibility

All matters are eligible for referral by police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral, except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In considering referrals, referral agents shall ensure the following criteria for eligibility are met:

- a) the person referred fully and freely consents to participate
- b) the 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
- c) the person accepts responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed

- d) there is, in the opinion of the Attorney General or the Attorney General's agent, sufficient evidence to proceed with the prosecution of the offence and
- e) the prosecution of the offence is not in any way barred at law

In furtherance of the overall principles, goals and objectives outlined in section 1.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process
- Reduction of harm for direct parties (trauma informed)
- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, Justice Partners may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and other Justice Partners as appropriate, to consider potential for referral

Certain offences are presumed eligible for referral only post-guilty plea/finding. 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 set out in section 1.3. Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

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

## 1.5 Referral Procedures

### 1.5.1 Preparing a Referral

Referrals to NSRJP must be communicated to the Regional RJ Team Leads in a timely manner. The Regional RJ Team Leads are responsible for considering the referral and making the final determination on whether the referral is appropriate in accordance with the protocol.

Referrals to the NSRJP will be forwarded to the appropriate Regional RJ Team Leads with a **Referral Form** from the referral source. Referral agents are to use this form to communicate relevant information, including public interest considerations and relevant information regarding the offender, victim and community involved in a case. Referral forms must include attachment(s) as specified on the referral form.

### *1.5.2 Case Communications*

Provisions for communication between a referral agent and the Regional RJ Team Leads are specified as needed in the individual referral protocols that follow. All referral sources may consult the Leads of the Regional RJ Teams for information to inform a decision to refer and regarding current cases referred to the Regional RJ Team. Except in cases referred by the Court or pursuant to a sentencing order, referral agents shall not **dictate or set conditions or pre-conditions on the restorative justice process**.

## 2.0 Police Protocol

### 2.1 Introduction

This protocol outlines police authority and responsibility to consider referrals to the Nova Scotia Restorative Justice Program.

There are separate protocols guiding use of the NSRJP by crowns, courts, corrections, victim serving agencies and the Regional RJ Teams. There are **Definitions** and a **General Protocol** that apply to all protocols.

### 2.2 Authorization

The NSRJP was approved by the Attorney General for Nova Scotia as an integrated program for adults and young persons in conflict with the law. The program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in these protocols and pursuant to their authority and discretion available at law and as consistent with their roles and responsibilities.

In addition, the NSRJP is authorized as a program of alternative measures to be used by police for adults under section 717 of the Criminal Code, RSC 1985, c C-46, and as a program of extrajudicial sanctions for young persons under section 10 of the Youth Criminal Justice Act, SC 2002, c 1 and Section 10 of the Youth Justice Act, SNS 2001, c 38 (**Program Authorization**).

A referral by police to the NSRJP, once accepted by the RJ Regional Team, commences a restorative process that constitutes alternative measures for adults and extrajudicial sanctions for young persons, overseen and facilitated by the applicable restorative justice regional team. The program employs a principle-based approach to process case work, design and facilitation focused on understanding and addressing harms and impacts to support future just relations among individuals, groups, communities and institutions involved. Processes will generally result in an agreed upon restorative plan developed in collaboration with participants. The outcomes are not pre-determined but developed through the process and tailored to the specific circumstances and needs of the parties involved.

For clarity, the NSRJP is not intended to replace a Police Cautioning Program approved by the Attorney General for Nova Scotia pursuant to section 7 of the YCJA and section 7 of the YJA. Police cautions are encouraged and should be considered, as appropriate, before considering a referral to the NSRJP.

Justice Partners have undertaken shared commitments to use, support and advance a restorative approach in the criminal justice system and in the community. All partners have signed a **Memorandum of Understanding** committing to collaborate in support of restorative justice in Nova Scotia and to coordinated implementation of the NSRJP.

## 2.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 2.4 Eligibility

### 2.4.1 Indigenous Persons

If a person in conflict with the law identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaw Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 2.4.2 Eligibility

All matters are eligible for referral by police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral, except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In considering referrals, referral agents shall ensure the following criteria for eligibility are met:

- a) the person referred fully and freely consents to participate;
- b) the person has, before consenting to participate, been advised of the right to be represented by counsel;
- c) the person accepts responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed;
- d) there is, in the opinion of the Attorney General or the Attorney General's agent; sufficient evidence to proceed with the prosecution of the offence; and
- e) the prosecution of the offence is not in any way barred at law.

In furtherance of the overall principles, goals and objectives outlined in section 2.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process
- Reduction of harm for direct parties (trauma informed)
- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, Justice Partners may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and other Justice Partners as appropriate, to consider potential for referral.

Certain offences are presumed eligible for referral only post-guilty plea/finding. 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 set out in section 2.3. Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

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

## 2.5 Referral Procedures

### 2.5.1 Preparing a Referral

Referrals to NSRJP must be communicated to the Regional RJ Team Leads in a timely manner. The Regional RJ Team Leads are responsible for considering the referral and making the final determination on whether the referral is appropriate in accordance with the protocol.

Referrals to the NSRJP will be forwarded to the appropriate Regional RJ Team Leads with a **Referral Form** from the referral source. Referral agents are to use this form to communicate relevant information, including public interest considerations and relevant information regarding the offender, victim and community involved in a case. Referral forms must include attachment(s) as specified on the referral form.

### 2.5.2 Case Communications

Police may consult the Lead Team of the Regional RJ Teams for information to inform a decision to refer and regarding current cases referred to the Regional RJ Team. Communications with the Regional RJ Team are intended to assist with decision-making regarding referrals and shall **not dictate or set conditions or pre-conditions on the restorative justice process**.



## 3.0 Crown Protocol

### 3.1 Introduction

This protocol outlines Crown authority and responsibility to consider referral to the Nova Scotia Restorative Justice Program.

There are separate protocols guiding use of the NSRJP by police, courts, corrections, victim serving agencies and the Regional RJ Teams. There are **Definitions** and **General Protocol** that apply to all protocols.

### 3.2 Authorization

The NSRJP was approved by the Attorney General for Nova Scotia as an integrated program for adults and young persons in conflict with the law. The program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in these protocols and pursuant to their authority and discretion available at law and as consistent with their roles and responsibilities.

In addition, the NSRJP is authorized as a program of alternative measures for use by the Crown for adults under section 717 of the Criminal Code, RSC 1985, c C-46, and as a program of extrajudicial sanctions for young persons under section 10 of the Youth Criminal Justice Act, SC 2002, c 1 and Section 10 of the Youth Justice Act, SNS 2001, c 38 (**Program Authorization**).

A referral by Crown to the NSRJP, once accepted by the RJ Regional Team, commences a restorative process that constitutes alternative measures for adults and extrajudicial sanctions for young persons, overseen and facilitated by the applicable restorative justice regional team. The program employs a principle-based approach to process case work, design and facilitation focused on understanding and addressing harms and impacts to support future just relations among individuals, groups, communities and institutions involved. Processes will generally result in an agreed upon restorative plan developed in collaboration with participants. The outcomes are not pre-determined but developed through the process and tailored to the specific circumstances and needs of the parties involved.

Justice Partners have undertaken shared commitments to use, support and advance a restorative approach in the criminal justice system and in the community. All partners have signed a **Memorandum of Understanding** committing to collaborate in support of restorative justice in Nova Scotia and to coordinated implementation of the NSRJP.

### 3.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 3.4. Eligibility

### 3.4.1 Indigenous Persons

If a person in conflict with the law identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaq Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 3.4.2 Eligibility

All matters are eligible for referral by police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral, except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In considering referrals, referral agents shall ensure the following criteria for eligibility are met:

- a) the person referred fully and freely consents to participate
- b) the person has, before consenting to participate, been advised of the right to be represented by counsel
- c) the person accepts responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed
- d) there is, in the opinion of the Attorney General or the Attorney General's agent, sufficient evidence to proceed with the prosecution of the offence and
- e) the prosecution of the offence is not in any way barred at law

In furtherance of the overall principles, goals and objectives outlined in section 3.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process
- Reduction of harm for direct parties (trauma informed)
- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, Justice Partners may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and other Justice Partners as appropriate, to consider potential for referral.

Certain offences are presumed eligible for referral only post-guilty plea/finding. 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 set out in section 3.3. Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

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

## 3.5 Referral Procedures

### 3.5.1 Preparing a Referral

Referrals to NSRJP must be communicated to the Regional RJ Team Leads in a timely manner. The Regional RJ Team Leads are responsible for considering the referral and making the final determination on whether the referral is appropriate in accordance with the protocol.

Referrals to the NSRJP will be forwarded to the appropriate Regional RJ Team Leads with a **Referral Form** from the referral source. Referral agents are to use this form to communicate relevant information, including public interest considerations and relevant information regarding the offender, victim and community involved in a case. Referral forms must include attachment(s) as specified on the referral form.

### 3.5.2 Case Communications

Crown may consult the Lead Team of the Regional RJ Teams for information to inform a decision to refer and regarding current cases referred to the Regional RJ Team. Communications with the Regional RJ Team are intended to assist with decision-making regarding referrals and shall **not dictate or set conditions or pre-conditions on the restorative justice process**.

## 4.0 Court Protocol

### 4.1 Introduction

Restorative Justice is a discretionary tool available to the Judiciary post-guilty plea/finding of guilt. It can be used to hold persons accountable, to address or repair harms caused and to restore relationships. The Judiciary may, in their authority and discretion, make referrals to the NSRJP to incorporate restorative justice processes into proceedings and assist in sentencing options. This protocol outlines how the Judiciary may, within their discretion, choose to use the NSRJP.

There are separate protocols guiding use of the NSRJP by police, crowns, corrections, victim serving agencies and the Regional RJ Team. There are **Definitions** and a **General Protocol** that apply to all protocols.

### 4.2 Authorization

The NSRJP was established by the Attorney General for Nova Scotia as an integrated program for adults and young persons in conflict with the law. The program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in these protocols and pursuant to authority and discretion available at law and as consistent with their roles and responsibilities.

Court referrals to the NSRJP are not part of a program of alternative measures for adults authorized by the Attorney General under Section 717 of the Criminal Code, RSC 1985, c C-46, or a program of extrajudicial sanctions for young persons approved by the Attorney General under Section 10 of the Youth Criminal Justice Act, SC 2002, c 1 and Section 10 of the Youth Justice Act, SNS 2001, c 38. A judge's discretion to incorporate restorative justice arises from their authority over court proceedings and sentencing including, for adults, under subsections 723(2) and (3), Section 726.1 and clause 718(e) of the Criminal Code and, for youth, under Section 19 of the YJCA and Section 16 of the YJA. The Judiciary may refer to or incorporate restorative justice processes as part of proceedings to inform sentencing and/or to acquire necessary information to discharge their sentencing responsibilities. The Judiciary may refer to restorative justice following a guilty plea/finding. These referrals do not result in the dismissal of a charge upon successful completion of a restorative process. As contemplated in this protocol a judge may refer to the NSRJP to inform sentencing decisions. Options for sentencing following a restorative justice process remain with the Judiciary to be determined within their authority and discretion. Referral to the NSRJP may also be incorporated into a sentence where appropriate.

## 4.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 4.4. Eligibility

### 4.4.1 Indigenous Persons

If a person in conflict with the law identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaq Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 4.4.2 Eligibility

All matters are eligible for referral by the police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In furtherance of the overall principles, goals and objectives outlined in section 4.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process
- Reduction of harm for direct parties (trauma informed)
- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, the Judiciary may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and Justice Partners as appropriate, to consider potential for referral.

A judge may refer any matter to the NSRJP post-guilty plea/finding of guilt.

Certain offences are presumed eligible for referral only post-guilty plea/finding. 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 set out in section 3.3. However, due to this presumption, a matter may not have been referred at an earlier stage.

Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

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

#### 4.4.3 Options for Referral

The Judiciary may, in their discretion, use the principles of restorative justice throughout proceedings. Offences covered by a provisional hold or moratorium cannot be accepted by the Regional RJ Teams for service by RJ Agencies. Options for using restorative justice include but are not limited to:

- Hearing from victims or community members during a court process
  - Judges may wish to incorporate an NSRJP process into court proceedings by requesting that victims, supports or other community members attend to provide more information on the circumstances of the offence, the impacts and harms caused, the needs generated, and the relationships impacted
- Restorative pre-sentence reports
  - Judges may ask for a restorative pre-sentence report that includes details of cultural and contextual circumstances surrounding the offence, the offender, the victim and/or the community
- Restorative sentencing recommendations
  - Judges may ask for sentencing recommendations that contemplate NSRJP processes
- Case conferencing
  - Judges may call a case conference (with or without the judge in attendance) to bring the accused, the victim, community members and all of their supports into a room to discuss the matter and generate broad information for the judge to consider
- Restorative approach to administrative breaches
  - The NSRJP may be an option for offenders who are brought back to court on an administrative breach



- Before a sentencing order
  - Judges may have an individual participate in an interim NSRJP process while awaiting sentencing, to ensure ongoing accountability to the community
- As part of a sentencing order
  - Judges may include referral to the NSRJP in a sentencing order to help address the harm caused by the offence
- Creating a plan following short custodial sentence
  - Judges may refer an offender to NSRJP to assist the offender in crafting a reintegration plan
- As part of a community-based sentence
  - Judges may require that an offender complete a NSRJP process as part of a community-based sentence, and ask that the NSRJP provide oversight of the components of a community-based sentence

## 4.5 Referral Procedures

### 4.5.1 Preparing a Referral

Referrals to NSRJP must be communicated to the applicable Regional RJ Team Lead Team in a timely manner. The Regional RJ Team Lead Team is responsible for considering the referral and making the final determination on whether the referral is appropriate in accordance with the protocol.

Referrals to the NSRJP will be forwarded to the appropriate Regional RJ Team with a **Referral Form** from the referral source. The Referral Form will communicate relevant information, including public interest considerations and relevant information regarding the offender, victim and community involved in a case.

### 4.5.2 Case Communications

As detailed in the Restorative Justice Program **Court Referral Communication Flow Chart** communications with respect to court referrals shall flow between the Lead Team and the court clerk unless otherwise required by the Court.

## 5.0 Correctional Services Protocol

### 5.1 Introduction

This protocol outlines Corrections' authority and responsibility to consider referral to the Nova Scotia Restorative Justice Program.

There are separate protocols guiding use of the NSRJP by police, crowns, courts, victim servicing agencies and the Regional RJ Team. There are **Definitions** and a **General protocol** that apply to all protocols.

### 5.2 Authorization

The NSRJP was approved by the Attorney General for Nova Scotia as an integrated program for adults and young persons in conflict with the law. The program may be used by Justice Partners and the Judiciary at their respective stages of the criminal justice process as contemplated in these protocols and pursuant to their authority and discretion available at law and as consistent with their roles and responsibilities.

Post-guilty plea/finding referrals to the NSRJP are not part of the program of alternative measures for adults authorized by the Attorney General under Section 717 of the Criminal Code, RSC 1985, c C-46, or the program of extrajudicial sanctions for young persons approved by the Attorney General under Section 10 of the Youth Criminal Justice Act, SC 2002, c 1 and Section 10 of the Youth Justice Act, SNS 2001, c 38.

Justice Partners have undertaken shared commitments to use, support and advance use of restorative justice in the criminal justice system and in the community. All partners have signed a **Memorandum of Understanding** committing to collaborate in support of restorative justice in Nova Scotia and to coordinated implementation of the NSRJP.

### 5.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**

- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 5.4. Eligibility

### 5.4.1 Indigenous Persons

If a person in conflict with the law identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaq Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 5.4.2 Eligibility

All matters are eligible for referral by police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral victim serving agencies. Corrections shall consider all matters for referral, except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In furtherance of the overall principles, goals and objectives outlined in section 5.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process

- Reduction of harm for direct parties (trauma informed)
- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, Justice Partners may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and other Justice Partners as appropriate, to consider potential for referral.

Certain offences are presumed eligible for referral only post-guilty plea/finding. This presumption may be rebutted, and a matter referred earlier in the criminal justice process conviction, where a referral is consistent with the overall principles, goals and objectives of the NSRJP set out in section 5.3. Those offences presumed eligible for referral only post-guilty plea/finding are as follows:

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

### 5.4.3 Options for Referral

Corrections shall consider referral to the NSRJP for all situations where it might be appropriate at the post-sentencing stage. Corrections may also use the NSRJP to support a restorative approach in fulfilling their roles and responsibilities as ordered by the Court or otherwise required in legislation or policy.

Options for using restorative justice include but are not limited to:

- Restorative approach to preparing a pre-sentence report for the Court (may support but not replace Gladue reports)
- In response to administrative breaches
- Pre-breach to offer guidance and motivation to the person in conflict with the law

- Within correctional facilities to support rehabilitation or reparation (including processes involving offenders, victims and community members)
- In response to institutional offences, conflicts or behaviour issues
- To support, review or enhance a support plan related to probation order
- To explore conditions of supervision, and whether an application could be made to the court to change the conditions
- To support reintegration as part of a community supervision order
- To support reintegration post custodial sentence, with a view to restoring relationships where harm has been done, as part of a community corrections sentence, or part of the correctional release plan
- To enable an offender to be placed on conditions requiring attendance with program/counselling to update the victim or community on progress and accountability

## 5.5 Referral Procedures

### 5.5.1 Preparing a Referral

Referrals to NSRJJP must be communicated to the Regional RJ Team Leads in a timely manner. The Regional RJ Team Leads are responsible for considering the referral and making the final determination on whether the referral is appropriate in accordance with the protocol.

Referrals to the NSRJJP will be forwarded to the appropriate Regional RJ Team Leads with a **Referral Form** from the referral source. Referral agents are to use this form to communicate relevant information, including public interest considerations and relevant information regarding the offender, victim and community involved in a case. Referral forms must include attachment(s) as specified on the referral form.

### 5.5.2 Case Communications

Prior to a referral the referring agent may consult the Lead Team of the Regional RJ Teams for information to inform a decision to refer and regarding current cases referred to the Regional RJ Team. Communications with the Regional RJ Team are intended to assist with decision-making regarding referrals and are **not to dictate or set conditions or pre-conditions on the restorative justice process beyond those required by law consistent with a sentencing order.**

## 6.0 Victim Serving Agencies Protocol

### 6.1 Introduction

This protocol outlines the potential for victim serving agencies to refer or collaborate with the Nova Scotia Restorative Justice Program in cases where a restorative justice process could assist or support a victim.

There are separate protocols guiding use of the NSRJP by police, crowns, courts, corrections and the Regional RJ Team. There are **Definitions** and a **General Protocol** that apply to all protocols.

### 6.2 Authorization

Referral can be considered in cases where no individual has been charged in relation to the offence or where an accused is not willing or able to participate in restorative justice. In such cases the restorative justice processes would be oriented to respond to the needs of victims for information, support, reparation or community response. A victim serving agency may consult with the Restorative Justice Regional Team through the Lead Team to determine whether a process is possible or appropriate considering the circumstances and available resources.

Victims may also make request through a victim serving agency or another justice system partner for a restorative justice referral to be considered involving an accused or offender at any stage of the criminal justice process. Such referrals will be contingent upon the willingness of the individual accused or offender involved and a referral by the appropriate justice system partner or the Judiciary.

Justice Partners have undertaken shared commitments to use, support and advance use of restorative justice in the criminal justice system and in the community. All partners have signed a **Memorandum of Understanding** committing to collaborate in support of restorative justice in Nova Scotia and to coordinated implementation of the NSRJP.

### 6.3 Principles, Goals and Objectives

Justice Partners are committed to a restorative approach to justice grounded in the following principles, which guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**

- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

## 6.4. Eligibility

### 6.4.1 Indigenous Persons

If a person identifies as an Indigenous person, consideration must first be given to referral to the Mi'kmaq Legal Support Network (MLSN) to assess whether the matter is appropriate for resolution under Customary Law according to policy and procedure. If not, then the matter may be considered for referral to the NSRJP in accordance with these program protocols.

### 6.4.2 Eligibility

All matters are eligible for referral by police, crown, courts, corrections and victim serving agencies. Police, crown and corrections shall consider all matters for referral except where:

- **A provincial hold or moratorium is in place;** or
- Referral is otherwise barred by law.

In furtherance of the overall principles, goals and objectives outlined in section 6.3, referral agents shall also consider the following factors as weighing in favour of referral:

- Opportunity for more culturally appropriate, meaningful and effective justice process
- Reduction of harm for direct parties (trauma informed)

- Potential for victim participation
- Enhanced opportunity for access to justice for affected communities – increased confidence in the administration of justice
- Opportunity to understand and consider root causes or systemic issues connected to the parties or offence
- Reduce over-representation in justice system for individuals from vulnerable and marginalized communities/groups
- Access to better supports and wrap around responses to parties needs

In considering whether a referral to the NSRJP is appropriate, Justice Partners may, at any time:

- Consult the Regional RJ Team for information, or
- Request a case conference be convened with the Regional RJ Team Leads, or a designated representative and other Justice Partners as appropriate, to consider potential for referral.

### 6.4.3 Options for Referral

Options for using restorative justice to assist in meeting victims' needs include, but are not limited to:

- Restorative justice process including the offender
  - To allow the victim to communicate with the offender and community members who have responsibilities for the harm(s) experienced in order to share their needs and receive support and response.
- Circle of support or healing circle for the victim (not including offender)
  - The victim has an opportunity to meet with community members and other supports. Community and support persons can listen to the victim's experience, assist with needs, and identify available support resources. Such a process should address victim reintegration into the community when they experience isolation in relation to the offence.
- Community support group to discuss systemic factors that contributed to the harm
  - Victim may meet with community members to discuss how systemic issues contributed to their harm and harm to the broader community. Attention would be paid to the needs generated by the harm, and the relationships impacted by the harm.



- Restorative Approach to victim voice statement
  - Victim may be assisted in sharing their experience using a restorative process, allowing a victim's voice to be heard and understood by those who matter to the victim. This may form part of the preparation of victim statements to the court or be supported within the context of the court process.

## 6.5 Referral Procedures

### 6.5.1 Preparing a Referral

Prior to a referral the referring agent may consult the Lead Team of the Regional RJ Teams for information to inform a decision to refer and regarding current cases referred to the Regional RJ Team. Communications with the Regional RJ Team are intended to assist with decision-making regarding referrals and are **not to dictate or set conditions or pre-conditions on the restorative justice process beyond those required by law consistent with a sentencing order.**

Referring agencies must communicate with Regional RJ Team Leads to ensure the required information is available to the team to accurately assess and undertake the referral.

## 7.0 Regional Restorative Justice Team Protocol

### Location

Regional RJ Teams are organized according to regional catchment areas for Community-Based Restorative Justice Agencies contracted to provide NSRJP processes by the Nova Scotia Department of Justice.

### RJ Team Roles & Responsibility

The Regional RJ Team Leads are responsible to oversee the referral process to restorative justice and to ensure the necessary information and support is available to carry out implementation of restorative processes. In doing so, they must ensure referrals are consistent with the eligibility requirements set out in the applicable protocol. The Regional RJ teams process, track, review, assess, plan and determine the approach to cases referred. The teams also oversee and support process implementation at all stages of the restorative process: preparation/case work, case sessions, monitor and follow-up support to implement process plans. Team members will collaborate to ensure case management and implementation of the restorative justice program.

### Membership

Regional RJ Teams are collaborative partnerships between community-based Restorative Justice Agencies and Community Corrections. The exact membership will vary by region and according to the resources required as determined and assigned by the Lead Team. Membership will be drawn from:

- Restorative Justice Agency Executive Directors/Directors/Caseworkers
- Assigned Senior Probation Officers/ Probation Officers/ Provincial Program Officers

### Operations

Team Leads will be designated from each of Community Corrections and the relevant community-based Restorative Justice Agency ("Lead Team"). The Team Leads will work collaboratively to oversee and administer referrals and ensure case management. Team Leads will meet weekly (additionally if needed) in order to assess and assign files referred and provide oversight and support for the NSRJP.

The RJ Team Leads will communicate with Justice Partners and the Courts to support their understanding and consideration of whether a referral to the NSRJP is appropriate and to provide ongoing progress updates. Team Leads will, as needed or requested:

- Consult with Justice Partners to provide information, or
- Facilitate case conferences with relevant Justice Partners and/or the Court and other Regional RJ Team members as appropriate to consider potential for referral for particular cases.

The Regional RJ Team will be convened by the Lead Team at least once monthly (additionally as needed) to support program implementation and operations. Monthly case management meetings may also include others from Community Corrections and RJ agencies involved in implementing restorative justice processes as necessary.

Regional Restorative Justice Teams shall operate in accordance with these protocols and the program principles, goals and objectives listed below, the current Provincial Principle-Based Guide for Practice, other policy and procedures approved by the Restorative Justice Program Governance and Management Committee, and relevant provisions in agreements with the Province for service.

A referral by a Justice Partner or the Court to the NSRJP, once accepted, will commence a restorative process, overseen and facilitated by the applicable restorative justice regional team. Regional RJ Teams will take a principle-based approach based on the NSRJP program principles to case work, process design and facilitation. Restorative processes will focus on understanding and addressing harms and impacts to support future just relations among individuals, groups, communities and institutions involved. Processes will generally result in an agreed upon restorative plan developed in collaboration with participants. Outcomes are not pre-determined but developed through the process and tailored to the specific circumstances and needs of the parties involved.

## Working Principles

The Regional RJ Teams will guide their work and ensure that the implementation of restorative justice in all cases reflects the core principles of restorative justice that Justice Partners have committed will guide the development, governance and implementation of the NSRJP and the work of the Justice Partners in support of the NSRJP:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive

Justice Partners have adopted the following goals and objectives for the NSRJP:

- **Respond to needs of individuals and communities affected by crime:**  
with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **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
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**