

Integrated Adult Restorative Justice Pilot Project Orientation for Police Officers (IARJPP)

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Pilot Project Objective

1. The Integrated Adult Restorative Justice Pilot Project offers to eligible accused persons, victims and the criminal justice system an opportunity to address and resolve the harm caused by the offence in an effective and responsible manner.
2. The Integrated Adult Restorative Justice Pilot Project provides an option, which is visible, accountable, and accessible to accused persons, victims and the community while repairing, to the extent possible, the harm caused by the offence.
3. The Integrated Adult Restorative Justice Pilot Project will align the 1996 Adult Diversion Program with the Nova Scotia Restorative Justice Program in two pilot communities: the Cape Breton Regional Municipality and the Colchester/East Hants Region. For the period of pilot testing, referrals of eligible adults will be made pre-charge by police and post-charge by Crown Attorneys.

Operational Principles

- 2.1 The Integrated Adult Restorative Justice Pilot Project is approved by the Attorney General for the Province of Nova Scotia, pursuant to s. 717 of the *Criminal Code* (Canada) and is administered by the Department of Justice.
- 2.2 The Integrated Adult Restorative Justice Pilot Project provides to those accused persons who are eligible, the opportunity to participate in a program of alternative measures, using Restorative Justice principles, to be undertaken prior to the initiation of any formal Court proceedings.
- 2.3 Participation in the Integrated Adult Restorative Justice Pilot Project will result in a Restorative Justice Agreement based on consensus between those parties involved in the Restorative Justice process which, once successfully completed, will terminate any further criminal proceedings in relation to the particular matter.

Nova Scotia Restorative Justice Program

Refer to Hyper Link Below

Program Description

<http://www.gov.ns.ca/just/RJ/description.asp>

Programs and Services

<http://www.gov.ns.ca/just/RJ/program.asp>

Frequently asked Questions

<http://www.gov.ns.ca/just/RJ/faq.asp>

Restorative Justice Protocols

<http://www.gov.ns.ca/just/RJ/documents/Restorative%20Justice%20Protocol%20Eng%20Web.pdf>



Comparison

Adult Diversion

- ❖ Offenders who meet specific requirements
- ❖ Post-charge entry point
- ❖ Restricted to one referral in a two year period
- ❖ No violent offences can be referred
- ❖ Referrals were processed through Crown

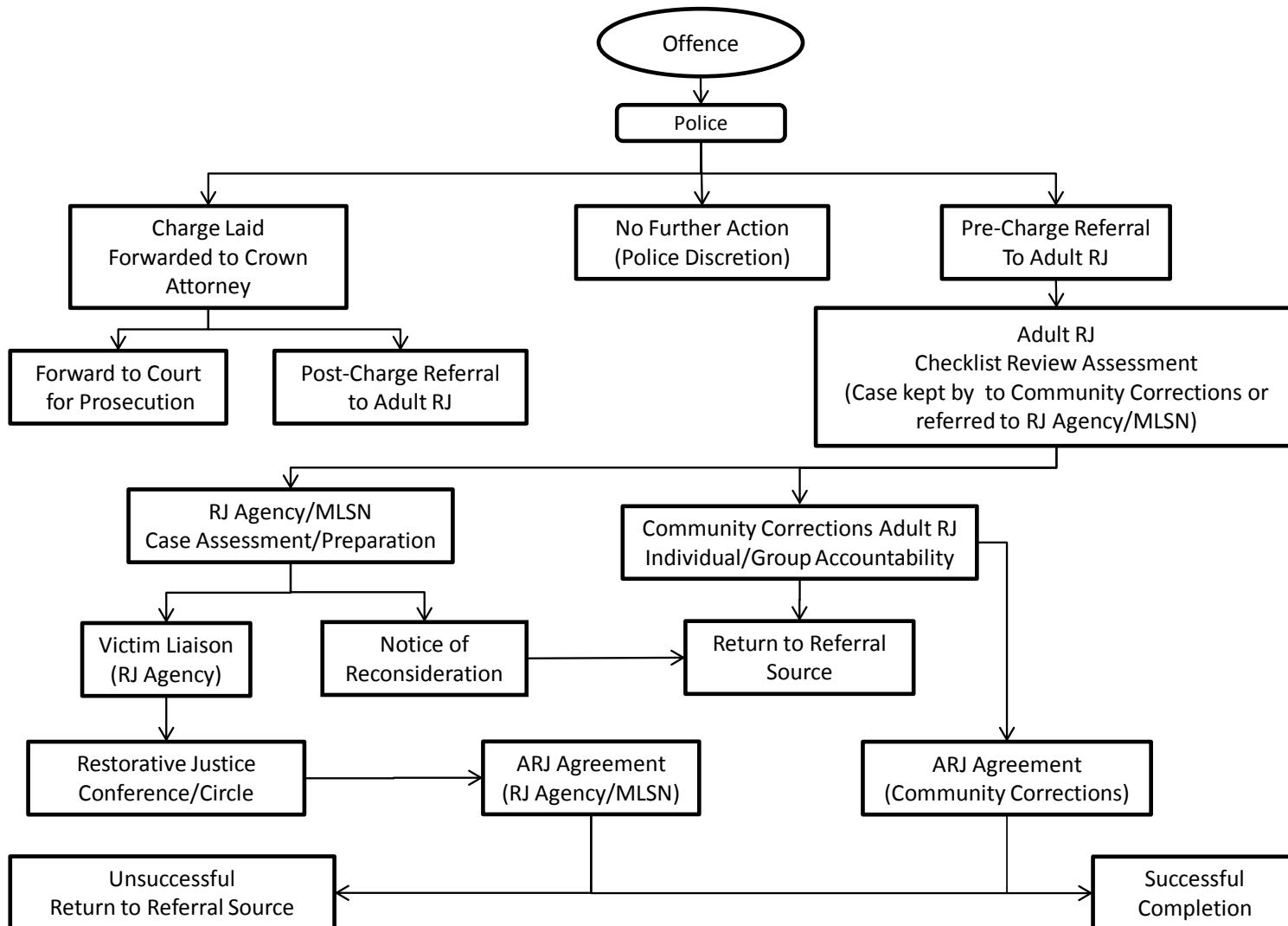
Adult RJ

- ❖ Offenders who meet specific requirements
- ❖ Pre and Post-charge entry point
- ❖ No restriction in regards to number of referrals
- ❖ Violent offences can be referred
- ❖ Pre-charge referrals are handled through Corrections

LEVELS OF OFFENCES

LEVELS	YOUTH	ADULT
<p>LEVEL 1 OFFENCES:</p> <p>These are the only offences for which a formal caution is an option (pre-charge).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Provincial Statute offences (<i>Liquor Control Act and Protection of Property Act offences only</i>) <input type="checkbox"/> Minor property offences (i.e. shoplifting) <input type="checkbox"/> Disorderly conduct offences (i.e. loitering, vagrancy) <input type="checkbox"/> Minor assaults not resulting in bodily injury <input type="checkbox"/> Mischief 	<ul style="list-style-type: none"> <input type="checkbox"/> Federal Statute offences only <input type="checkbox"/> Minor property offences (i.e. shoplifting) <input type="checkbox"/> Disorderly conduct offences (i.e. loitering, vagrancy) <input type="checkbox"/> Minor assaults not resulting in bodily injury <input type="checkbox"/> Mischief
<p>LEVEL 2 OFFENCES:</p> <p>These offences can be referred at all four entry points (pre-charge; post-charge/pre-conviction; post-conviction/pre-sentence; and post-sentence).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> This is the largest group of offences. They constitute all Level 1 offences, and all <i>Criminal Code offences that are not Level 3 or Level 4 offences</i>. <input type="checkbox"/> Examples: break and entering; possession; trespass; assaults; property-related offences; fraud/forgery under \$20,000; and theft-related offences where the value is under \$20,000. 	<ul style="list-style-type: none"> <input type="checkbox"/> This is the largest group of offences. They constitute all Level 1 offences, and all <i>Criminal Code offences that are not Level 3 or Level 4 offences</i>. <input type="checkbox"/> Examples: break and entering; possession; trespass; assaults; property-related offences; fraud/forgery under \$20,000; and theft-related offences where the value is under \$20,000.
<p>LEVEL 3 OFFENCES:</p> <p>These offences can be referred only at the court (post-conviction/pre-sentence) and corrections (post-sentence) entry points.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fraud and theft-related offences over \$20,000 <input type="checkbox"/> Robbery <input type="checkbox"/> Sexual offences (proceeded with as a summary offence)** <input type="checkbox"/> Aggravated assault <input type="checkbox"/> Kidnapping, abduction and confinement <input type="checkbox"/> Criminal negligence/dangerous driving causing death <input type="checkbox"/> Manslaughter <input type="checkbox"/> Spousal/Partner violence offences** <input type="checkbox"/> Criminal Harassment <input type="checkbox"/> Impaired driving and related offences 	<ul style="list-style-type: none"> <input type="checkbox"/> Not currently part of IARJPP
<p>LEVEL 4 OFFENCES:</p> <p>These offences can be referred only at the corrections (post-sentence) entry point.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Sexual offences (indictment)** <input type="checkbox"/> Murder 	<ul style="list-style-type: none"> <input type="checkbox"/> Not currently part of IARJPP

Nova Scotia Adult Restorative Justice – Process Model



Revised: December 6, 2012

4. 2

Referrals to the IARJPP will not be accepted for the following offences

- ❖ sexual offences;
- ❖ intimate partner violence offences;
- ❖ perjury;
- ❖ *Criminal Code (Canada) driving offences;*
- ❖ all Provincial Statute offences;
- ❖ fraud and theft-related offences over \$20,000;
- ❖ robbery;
- ❖ aggravated assault;
- ❖ criminal harassment;
- ❖ kidnapping, abduction and confinement;
- ❖ manslaughter; or
- ❖ murder.

- 4.3 In all cases where the offence is committed in the IARJPP pilot sites, regardless of where the offender resides, these cases are to be processed in the IARJPP pilot sites in accordance with IARJPP Policy and Procedures.
- 4.4 In cases where the offender resides in a pilot site area but the offence is committed outside that area, these cases are to be processed in the area where the offence was committed in accordance with the existing Adult Diversion Policy and Procedures.

Section 5 (Policy & Procedures)

Referrals by Police (Pre-charge) & Crown Attorney (Post-charge)

5.1

Pre-charge cases are to be referred directly to the local Community Corrections Office (pilot site) from the police. The police will review the facts of the case and the eligibility criteria prior to completing an IARJPP Checklist (referral form) recommending the case for the IARJPP.

5.2

Post-charge cases are to be referred directly to the local Community Corrections Office (pilot site) from the crown attorneys. The crown attorneys will review the facts of the case and the eligibility criteria prior to completing a IARJPP Checklist (referral form) recommending the case for the IARJPP.

5.3

If, after completing the IARJPP Checklist, a referral to the IARJPP is considered appropriate, the referring agent shall

- ensure that the offender person is aware of their right to legal counsel, and
- send the IARJPP Checklist to Community Corrections (Probation)



Referral Process & Case Management Instruction Sheet

1. Complete an IARJPP Checklist (Please pay special attention to Ethnic Origin as all cases of Aboriginal offenders or those of Aboriginal origin will be handled by MLSN).
2. Forward the Checklist to the local Community Corrections (Probation) Office in the IARJPP sites. (CBRM and Colchester East Hants are the pilot sites.)
3. The Community Corrections IARJPP probation officer(s) will review the IARJPP Checklist and will contact the referral agent if there is further information or clarification required.
4. Once the referral is determined to be eligible for IARJPP, the IARJPP probation officer will, in consultation with the IARJPP restorative justice agency, and where it is anticipated a restorative justice approach/practice would be beneficial, refer those cases directly to the IARJPP restorative justice agency.

5. Where it has been determined that an accountability session is the most appropriate course of action (except for Aboriginal offenders or those of Aboriginal origin), the IARJPP probation officer will retain the IARJPP referral and manage it.
6. Update information on the status of the case will be provided to the referral agent (police or crown attorney, as appropriate) by the IARJPP restorative justice agency or the IARJPP probation officer managing the case.
7. A copy of the IARJPP Agreement will be forwarded to the referral agent (police or crown attorney) for their information and records.
8. Upon completion (success or failure) of the IARJPP referral, the referral agent (police or crown attorney) will be notified by the IARJPP restorative justice agency or IARJPP probation officer, along with a copy of any relevant correspondence related to the outcome of the case.

After receiving the referral from Probation you can expect the following:

- ❖ Acknowledgement letter that referral was received
- ❖ Notice of session date, time, location
- ❖ Copy of the agreement
- ❖ Interim report 4 months from offence date
- ❖ Notice of any agreement amendments
- ❖ Phone/mail contact 6 months from offence date if there are any compliance flags
- ❖ Completion letters

Summary

- ❖ Integrated model operational in two pilot sites Colchester East Hants, and Cape Breton
- ❖ Shared skills model with Correctional Services
- ❖ Recommend for police officers to attend forums (Officers help relay the impact of the offence)
- ❖ Make sure all information is correct on checklist, especially ethnic origin
- ❖ Check List to be completed for every charge
- ❖ Refer at Pre Charge (include incident report) forward directly to Truro probation office
- ❖ Level 1 & 2 offences - Federal Statute Only
- ❖ Agency will send a 4 month interim report
- ❖ Clients can be referred more than once
- ❖ Notice of Reconsideration (Officer have 30 days to respond)
- ❖ Pre Charge Referral- you cannot put on conditions. (Should not refer at Pre Charge if you want conditions in place).
- ❖ If an officer feels there should be conditions, then lay the information
- ❖ “No Contact” with victim may have to be amended on the undertaking to allow for a restorative justice process)

IARJPP Checklist

- Electronic Checklist is on the Police data base

Contact Us:

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