Integrated Adult Restorative Justice Pilot Project 2011

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Integrated Adult Restorative Justice Pilot Project 2011

Background
Partners
Authorization – Key Changes
Benefits
Stakeholder Feedback
Program Goal
Costing Implications
Development Process (May 2010 – January 2011)
Implementation (February 22, 2011)
Current Statistics
Future Plan
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Background

Adult Diversion Program (1995):
- Post-charge only
- 18 years +
- Restricted to relatively minor offences
- No repeat referrals within two (2) years
- No referral while currently under community supervision
- Administered by adult probation officers
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Background, cont’d

Nova Scotia Restorative Justice Program (2000):
- Youth aged 12 - 17
- Case management by 8 community-based Restorative Justice Agencies, along with MLSN, under contract to Department of Justice
- Extensively trained to deal with victims, mediation, and conferencing
- 4 Entry Points: Pre-Charge (police), Post-Charge (prosecution), Post-Conviction (court) and Post-Sentence (corrections)
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Partners

Mi’kmaw Legal Support Network (MLSN) – All Aboriginal/1st Nations Offender referrals

Restorative Justice Agencies (RJ Agencies) – Referrals where there is an identified victim and/or there is an opportunity for a restorative approach

Community Corrections (Probation) – Cases where there is no identified victim, i.e., corporate theft or where there is no benefit to be gained from a restorative approach
Increased flexibility in OFFENDER eligibility criteria:

- Pre- and Post-charge referrals now accepted
- Probation or custodial sentence exclusion now eliminated
- Eligibility is guided by intake assessment and previous program (Adult Diversion or NSRJP) participation success
Increased flexibility in OFFENCE eligibility criteria:

- Restriction of serious violence against a person has been removed

- Use of threatened use of a weapon offences can now be considered
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Benefits

- Engages community-based support for victims of adult crimes

- Alleviates volume pressures at court

- Increases community-based support services to wider group of victims of crime
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Benefits, cont’d

- Enhances public safety through widening system-community partnerships

- Expands use of RJ approaches within the Criminal Justice System

- Builds public confidence
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Stakeholder Feedback

- Align Adult Diversion Program and NSRJP

- Add pre-charge referral access for police

- Do not add a formal caution option

- More flexible eligibility model which is based on the circumstances surrounding the offence
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Program Goal

An integrated model which offers Restorative Justice approaches for adult offenders.

A “shared skills” model:

- Probation Officers receive, review and provide risk assessment expertise on all referrals
- RJ Agencies and MLSN provide overall case management based on mediation/victim involved training and experience
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Costing Implications

Pilot Implementation:

- Adult RJ offers a cost effective method of program expansion
- It is anticipated costs for the pilot project will be managed within existing resources (budget years 2010-2012)
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Costing Implications, cont’d

Post-Pilot Roll Out:

- Potential for increased costs post pilot roll out

- Expenditures and efficiencies will be identified through the evaluation component of the Pilot
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Development Process

Initial Steps:
- Established draft “Program Authorization” to ascertain pilot feasibility
- Identified pilot sites (2)
- Established Stakeholders Groups (Police, Public Prosecutors (Federal and Provincial Crown Attorneys), Community Corrections, RJ Agencies, MLSN, NS Legal Aid (Defence), and Victim Services
- Solicited input from Stakeholder Groups
- Update Adult Diversion authorization to enable pre-charge referrals by police and expand eligibility criteria
- Developed/Confirmed referral process:
  - forms and
  - policy and procedures
- Provided orientation/training sessions to all Stakeholder Groups
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Implementation

- Ministerial approval February 22, 2011

- Referral intake followed
### Integrated Adult Restorative Justice Pilot Project 2011

#### Current Statistics

Referral Data: February 22-June 3, 2011

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<td>Pre-Charge</td>
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<tr>
<td>Post-Charge</td>
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<td># - RJ Agencies</td>
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<td># - MLSN</td>
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<td># - Community Corrections</td>
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**Current Statistics, cont’d**

Referral Data, cont’d

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<tr>
<th></th>
<th>CBRM</th>
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<td>24</td>
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<tr>
<td>Female</td>
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<tr>
<td>Age</td>
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Most frequent offence types:

- Theft Under $5,000
- Drug Possession
- Uttering Threats
- Property Damage/Mischief
- Assaults
- Fraud
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Future Plan

Expansion province-wide dependent upon evaluation outcome and recommendations.
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Island Community Justice Society (ICJS)

Agency Background
Why ICJS?
Adjustment to Adult RJ
Program Delivery
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ICJS – Agency Background

- Initiated in 1986 as Island Alternative Measures Society

- Name changed in 1999 to reflect new program (NSRJ)

- Community-based, non-profit agency under contract to the Nova Scotia Department of Justice

- 1 of 8 across NS, along with MLSN, to deliver the NSRJ program
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Why ICJS?

- Experienced Restorative Justice Caseworkers

- Existing network with government and community based service providers

- Strong working relationship with Corrections and other justice partners

- Human Resources – capacity
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ICJS – Adjustment to Adult RJ

- Previous RJ experience restricted to young persons aged 12-17

- Helping services also geared to youth programming

- Office environment not set up for adult offenders
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ICJS – Program Delivery

Same four goals as NSRJ for youth:

– Reduce recidivism
– Increase victim satisfaction
– Strengthen communities
– Increase public confidence in the justice system

Three Equal Levels Strategy:

– Intake
– Session
– Post-session
Early feedback:

- Strong support from local police and crown
- Excellent interaction with Corrections in regard to joint screening/review of files
- Caseworkers noticing higher accountability from adult offenders
- Caseworkers noticing some reluctance from victims who seem to “expect more” from adults
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Mi’kmaw Legal Support Network (MLSN)

Similarities to RJ Agencies
Difference from RJ Agencies
Circles
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MLSN – Similarities to RJ Agencies

- Referrals from the formal justice system – 2 entry points

- Comprehensive pre-service process to determine suitability and prepare parties for participation in Restorative Justice

- Bring client/supporters, victim/supporters, and community together to explore the criminal incident with the help of trained facilitators
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MLSN – Similarities to RJ Agencies, cont’d

- Focus is on the harm done and how the person can be held accountable in a way that's meaningful to the victim and community while addressing underlying issues that contributed to the behaviour

- Support for all parties to promote victim satisfaction not re-victimization and to encourage offenders to take responsibility, to honour their agreements, and to move forward in a positive way
The Mi'kmaq Customary Law Program (MCLP)
A traditional approach of bringing justice to the offender, victim and community that:

- Seeks to develop and nurture a meaningful, culturally relevant delivery of culture specific justice to Mi'kmaw/Aboriginal people

- Seeks to empower Mi'kmaw/Aboriginal communities by placing ownership and responsibility for service delivery to Mi'kmaw staff and volunteers
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MLSN – Differences from RJ Agencies, cont’d

- Uses traditional Talking Circles to bring the parties together

- Uses community Elders within the Circle process

- Facilitates process with the use of a talking piece

- Based on the teachings of the Elders
Each Circle is unique to the circumstances of the offence, the offender, the victim and the community.

However, the process followed is the same.

This allows for each of the Circles to maintain its accountability to the parties while honouring the uniqueness of the case.
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MLSN – Circles, cont’d

The Circle Process:
- Opening the Circle
- The Storytelling
- Agreement Building
- Closure

Follow up of Agreement:
- Contact with the client once every 2 weeks
- Contact placement supervisors and community persons involved in the agreement
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MLSN – Referral Closure

- Upon completion, a letter is sent to the offender, victim and referral source

- File is closed in Restorative Justice Information System (RJIS)
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