



Adult Justice Committees

Mediation in the Criminal Court





Introductions



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Purpose



To provide an opportunity for the parties involved to talk about the incident, how they have been affected, and to negotiate a resolution that addresses the harm caused.

To resolve some minor offences outside the formal court process.



Diversion from the Criminal Court Process



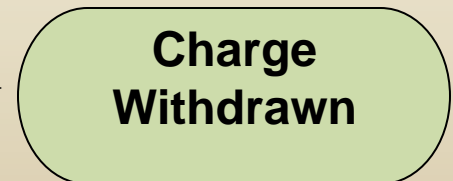
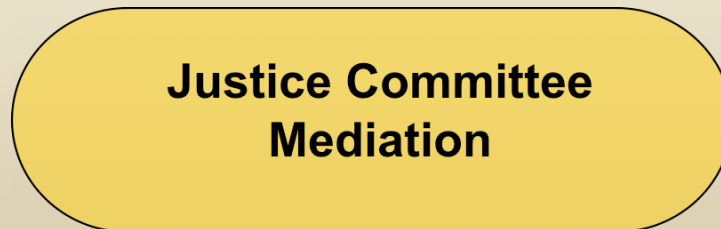
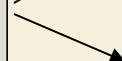
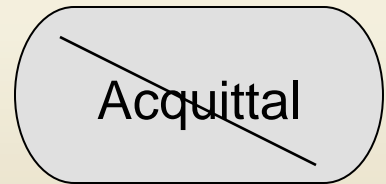
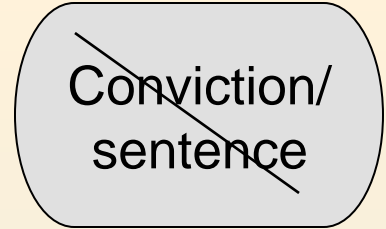
Offence



Charge



1st court appearance





Who Qualifies?



- Adults (18+) charged with less serious offences
- Limited or no prior involvement in the adult court system
- Referred by the Crown Attorney (prosecutor)
- Accepts responsibility for the offence
- Willing to meet with mediators and person harmed (victim)
- Prepared to make amends for any harm caused



Benefits for the Victim



- Meaningful involvement in the resolution
- Active participation and understanding what happened and why
- Opportunity to describe impact of the harm
- Restore a sense of control and orderliness; closure and healing



Benefits for the Accused



- Awareness of how offences caused harm to victim and others
- Full participation in a fair and reasonable resolution
- Takes ownership and responsibility
- “Makes it right” with the person harmed and repairs the harm caused
- No criminal conviction registered



Benefits to the Community



- Restorative Justice approach:
 - An opportunity to build a sense of community
 - Addresses victim needs and offender responsibility in repairing the harm
- Reduced court/police costs by fewer court appearances and no criminal trial
- Involvement of community members in an effort to put things right



The Process



1. Coordinator's assessment with accused at court
2. Coordinator's first contact with victim
3. Selection of volunteer mediators
4. Case development with accused
5. Case development with victim
6. Mediation between the parties leading to mutual agreement



Operational Considerations



- Communications about the program and gaining the support of stakeholders in the court.
- Scheduling and logistical issues
- Negotiating the expectations of participants
- Supporting victim participation



Case Considerations



- Participants have pre-existing relationships
- The incident caused harm to both parties
- Being sensitive to victim's fears or concerns re incident and confronting the accused
- Supporting participants with unresolved feelings about the incident
- Being sensitive to participant's cultural or religious backgrounds
- Considering more serious cases for the program
- Including additional support people in the mediation



Questions

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