



***Integrated Adult Restorative Justice Pilot  
Project 2011***

**Presentation to the International  
Restorative Practices Conference  
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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

# *Integrated Adult Restorative Justice Pilot*

## *Project 2011*

### **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

# *Integrated Adult Restorative Justice Pilot Project 2011*

## **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)

# *Integrated Adult Restorative Justice Pilot*

## *Project 2011*

### **Partners**

**Mi'kmaw Legal Support Network (MLSN)** – All Aboriginal/1<sup>st</sup> 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

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## **Authorization – Key Changes**

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



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## **Authorization – Key Changes, cont'd**

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

# *Integrated Adult Restorative Justice Pilot*

## *Project 2011*

### **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

***Integrated Adult Restorative Justice Pilot  
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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

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## **Development Process, cont'd**

- 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

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## *Project 2011*

### **Current Statistics**

Referral Data: February 22-June 3, 2011

	CBRM	C/EH
Total #	82	53
Pre-Charge	32	31
Post-Charge	50	22
# - RJ Agencies	33	10
# - MLSN	13	6
# - Community Corrections	36	37

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## **Current Statistics, cont'd**

### Referral Data, cont'd

	CBRM	C/EH
Male	42	24
Female	40	29
Age	18-59	18-70

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### Most frequent offence types:

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

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## **ICJS – Program Delivery, cont’d**

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

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## **MLSN – Differences from RJ Agencies**

### **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

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**MLSN – Circles**

- 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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