

A1: Saskatchewan Justice Alternative Measures Policy (2004)

Saskatchewan Justice Alternative Measures Policy (2004)

SCHEDULE A

1. Purpose:

Alternative measures provide an alternative to the traditional court process for adults charged with offences set out in the *Criminal Code*.

These programs offer adults who are accused of committing a *Criminal Code* offence an opportunity to make reparation to victims and community within a structured, publicly accountable program that is sensitive to cultural diversity.

2. Authority:

2.1 Consistent with section 717 of the *Criminal Code*, Saskatchewan Justice provides operating standards for the approval of alternative measures programs.

2.2 Referrals are made pre-charge and post-charge upon review by a Crown prosecutor.

3. Eligibility Criteria:

Victim participation is encouraged, but not a prerequisite for program eligibility except in mediation. Victim participation is voluntary.

3.1 Offender:

- Adult;
- Sufficient evidence exists to support the charge;
- The adult is referred to the program by a Crown prosecutor, having assessed the circumstances to ensure that the referral is not barred by law or policy;
- The offender acknowledges responsibility for the behaviour;
- Diverted not more than twice in the last three years;
- No failed diversion in the last six months;
- No substantial record of similar offences or recent charges.

3.2 Offences to be excluded:

- Incident involving the use of or threatened use of a weapon;
- Violence against the person cases (adult or child), where the Crown elects to proceed by way of indictment;
- Child sexual abuse cases;
- Sexual assault cases, where the Crown elects to proceed by way of indictment;
- Perjury;
- Driving while disqualified;
- All *Criminal Code* driving offences where alcohol was a contributing factor;

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- Any federal offences other than *Criminal Code*;
- Family violence cases.

*The availability of alternative measures respecting these offences is determined by the federal Department of Justice.

4. Exclusionary Criteria:

- 4.1 The offender refuses to participate.
- 4.2 Offence or offender is excluded according to the eligibility criteria.
- 4.3 The Crown prosecutor does not think that the offender or offence is suitable for the program.
- 4.4 The agency administering the program does not think the offender or the offence is suitable.

5. Program Options and Activities:

(Where available and accessible in a reasonable period of time):

- Restitution/compensation in cash or in kind;
- Personal service work for the victim;
- Community service work;
- Mediation (see attached policy);
- Donation to a charity;
- Referral to a specialized program (such as life skills, crime prevention, Stoplift);
- Referral for counseling or treatment (such as drug/alcohol, health, mental health, or social service agencies);
- Participation in Aboriginal cultural activities;
- Other reasonable agreements;
- Some combination of the above.

A2: Saskatchewan Corrections and Public Safety Youth Extrajudicial Sanctions Policy (2004)

Saskatchewan Corrections and Public Safety Youth Extrajudicial Sanctions Policy (2004)

1. Purpose:

Extrajudicial sanctions provide an alternative to the traditional court process for young persons facing charges for offences set out in the *Criminal Code*.

These programs offer youth who are accused of committing a *Criminal Code* offence an opportunity to make reparation to victims and community within a structured, publicly accountable program that is sensitive to cultural diversity.

2. Authority:

1.1 Saskatchewan Justice approves youth extrajudicial sanctions programs.

1.2 Saskatchewan Corrections and Public Safety provides operating and monitoring standards for approved youth extrajudicial sanctions programs.

1.3 Referrals are pre-charge or post-charge upon review by a Crown prosecutor.

3. Eligibility Criteria:

Victim participation is encouraged, but not a prerequisite for program eligibility except in mediation. Victim participation is voluntary. With the approval of the victim, a surrogate may be used when appropriate.

3.1 Offender:

- Young person as defined by the *Youth Criminal Justice Act*;
- Sufficient evidence exists to support the charge;
- Prosecution is not barred at law;
- Young person is referred to the program by a Crown prosecutor, having assessed the circumstances to ensure that the referral is not barred by law or policy;
- Young person acknowledges responsibility for the behavior;
- Young person chooses to participate, having been advised of the right to counsel and having been given a reasonable opportunity to consult with counsel.

3.2 Offences to be excluded:

- Incidents involving the use of or threatened use of a weapon;
- Violence against the person cases (adult or child) where the Crown elects to proceed by way of indictment, including offences such as murder, attempted murder, or sexual assault;
- Child sexual abuse cases;
- Perjury;
- Driving while disqualified;
- All *Criminal Code* driving offences where alcohol or drugs were a contributing factor;

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- Any federal offence other than *Criminal Code**;
- All family violence cases.

*The availability of youth extrajudicial sanctions respecting these offences is determined by the federal Department of Justice.

4. Exclusionary Criteria:

- 4.1 Youth refuses to participate;
- 4.2 Offence is excluded or the offender is excluded as a result of significant failure to complete previous extrajudicial sanctions, or the existence of other significant charges that call into question the appropriateness of extrajudicial sanctions;
- 4.3 Referral agent (police, Crown prosecutor) does not think that the offender or offence is suitable for the program;
- 4.4 Agency administering the program does not think the offender or the offence is suitable;
- 4.5 A youth extrajudicial sanctions program is not available for the area.

5. Program Options and Activities:

(Where available and accessible in a reasonable period of time):

- Restitution/compensation in cash or in kind;
- Personal service work for the victim;
- Community service work;
- Mediation (see attached policy);
- Family group conferences/community accountability conferences (see attached policy);
- Donation to a charity;
- Referral to a specialized program (such as life skills, crime prevention, Stoplift);
- Referral for counseling or treatment (such as drug/alcohol, health, mental health, or social services agencies);
- Participation in Aboriginal cultural activities;
- Other reasonable agreements;
- Some combination of the above.

Program options may be delivered, with approval, by a range of service providers including citizen volunteers operating under the auspices of a community justice committee, community-based organizations or persons in private practice.

A3: Saskatchewan Ministry of Justice Adult Alternative Measures Policy (2011)

**Section 3-1: Saskatchewan Ministry of Justice
Adult Alternative Measures Policy (2011)**

1. Purpose

Alternative measures programs provide adults who are accused of committing a *Criminal Code* offence an opportunity to make reparation to victims and their community. In addition to being structured and publicly accountable, these programs are sensitive to cultural diversity where appropriate.

Alternative measures programs also draw on the values, principles and processes of restorative justice. For the purpose of this policy, restorative justice is: "An approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by crime – victim(s), offender and community – to identify and address their needs in the aftermath of a crime." It supports healing, reintegration, the prevention of future harm, and reparation, if possible.

2. Authority

- 2.1** In accordance with section 717 of the *Criminal Code*, the Attorney General for Saskatchewan authorizes the implementation of alternative measures programs in Saskatchewan through a Ministerial Order.

3. The Referral to Alternative Measures

- 3.1** A referral to an alternative measures program can be made by the police prior to a formal charge being laid or by a Crown prosecutor after a charge is laid. If the police officer wishes to refer a matter to alternative measures, prior approval for the referral must be given by a Crown prosecutor.
- 3.2** In either case, the eligibility criteria must be met and the offence must not be expressly excluded by the criteria set out in this policy.

4. Eligibility Criteria

Statutory Conditions

For referral to an alternative measures program:

- (1) Either during or following contact with the police, the offender must accept responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed;

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- (2) The prosecution of the offence is not in any way barred by law; and
- (3) There must, in the opinion of the Crown, be sufficient evidence to proceed with the prosecution of the offence.

Policy Conditions

In general the offender:

- (1) Must not have been diverted more than twice in the last two years;
- (2) Must not have failed diversion in the previous six months; and
- (3) Must not have a substantial criminal record for similar offences or similar recent convictions.

While referrals must be approved by the Crown prosecutor, suggestions about potential referrals can come from a variety of sources, including police, the staff of alternative measures and community justice agencies, Courtworkers, probation officers, defence attorneys, and other individuals.

Victim participation is encouraged, but not a prerequisite for program eligibility except in victim-offender mediation, community justice forums, community justice conferences or family group conferences. Victim participation is voluntary.

5. Exclusionary Criteria

- 5.1** The offender refuses to participate.
- 5.2** The offence or the offender is excluded by one or more of the eligibility criteria.
- 5.3** The Crown, in its discretion, does not think that the offender or offence is suitable for the alternative measures program.
- 5.4** The agency administering the program does not think the offender or the offence is suitable for the alternative measures program.
- 5.5** The following offences are not eligible for alternative measures:
 - (1) Offences involving the use of or threatened use of a weapon where the Crown proceeds by Indictment.
 - (2) Any offence involving the use of or threatened use of bladed weapons, firearms, or any restricted or prohibited weapons.

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Adult Alternative Measures Policy (2011)**

- (3) Offences involving violence against any person where the Crown proceeds by Indictment.
- (4) Offences involving sexual violence against children or the sexual exploitation of children (including sexual assault, sexual interference, luring, child pornography and procurement).
- (5) Offences involving spousal/partner violence.

For the purpose of this policy, spousal/partner violence is defined as:

“acts or threats of physical or sexual assault or criminal harassment committed against one person by another person with whom they presently or previously have had an intimate relationship, regardless of whether they are legally married or living together at the time of the assault or threat.”

- (6) Offences involving a sexual assault where the Crown proceeds by Indictment.
- (7) Perjury.
- (8) *Criminal Code* driving offences in which drugs or alcohol are a contributing factor or in which the offender was driving while disqualified.
- (9) Federal offences other than *Criminal Code* offences. (The availability of alternative measures regarding these offences is determined by the federal Department of Justice.)

6. Crown Discretion

Crown prosecutors have discretion about whether to refer cases to alternative measures programs. Crown prosecutors are encouraged to refer appropriate cases except where the offence is expressly excluded from eligibility. In the exercise of this discretion, some of the factors to be considered by the Crown include:

- The seriousness or triviality of the alleged offence;
- Significant mitigating or aggravating circumstances;
- The age, intelligence, and physical or mental health or infirmity of the persons involved;
- The accused person's circumstances and needs;
- The victim's attitude and interests;

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- The availability and appropriateness of alternatives to conventional prosecution;
- The prosecution's likely effect on public order and morale or on public confidence in the administration of justice;
- The prevalence of the alleged offence in the community, whether the alleged offence is of considerable public concern, and the need for general and specific deterrence;
- Whether the consequences of a prosecution or conviction would be disproportionately harsh or oppressive;
- Whether it would otherwise be in the public interest to refer the matter to alternative measures.

7. Processes for Resolving Cases

Upon receiving the referral, mediators draw upon their training, experience, knowledge about the referral, and the views of the individuals involved to determine the appropriate type of process. When appropriate, the process may be adapted to suit the circumstances of the case and the individuals.

Some of the processes that are commonly used to resolve alternative measures referrals include:

- Victim-offender mediation (see section 9);
- Community justice forum (see section 9);
- Community justice conference (see section 9);
- Family group conference (see section 9);
- Accountability conference (this is a process in which the accused person meets with a facilitator to discuss the causes and consequences of their behavior and how to address the harm caused);
- Referral to a specialized program such as life skills, crime prevention, restitution or Stoplift;
- Referral for counseling or treatment programs (such as drug/alcohol, health, mental health, or programs offered by social service agencies);
- Participation in Aboriginal cultural activities; or
- Other processes that are reasonable in light of the needs and interests of the persons involved and the availability of programs or resources within the agency administering the program and the community.

**Section 3-1: Saskatchewan Ministry of Justice
Adult Alternative Measures Policy (2011)**

8. Case Outcomes

Alternative measures programs can enable the persons involved to develop creative solutions that meet their needs and address the harm caused by the offence within the framework of the law. While there are many possible outcomes of alternative measures referrals, some common ones include:

- An apology;
- Restitution or compensation in cash or kind;
- Donation to a charity;
- Personal service work for the victim;
- Community service work;
- Participation in a specialized program such as counseling sessions;
- Participation in public education activities, such as writing essays or making presentations in schools;
- Other agreements that are reasonable in light of the needs and interests of the persons involved, the seriousness of the offence, and the circumstances of the case; or
- Some combination of the above.

9. Victim-offender Mediation, Community Justice Forums, Community Justice Conferences and Family Group Conferences

In addition to meeting the alternative measures program guidelines, agencies that offer victim-offender mediation, community justice forums, community justice conferences or family group conferences must demonstrate the following:

9.1 Purpose and Definitions

Mediators have discretion about whether victim-offender mediation, community justice forums, family group conferences or community justice conferences would be suitable.

The purpose of these processes is to provide an opportunity for those involved in the incident to discuss what happened, how it affected them, what they need as a result of the incident, and what can be done to address the harm caused.

Victim-offender mediation is a type of process in which the victim and the accused person meet with a trained facilitator.

Section 3-1: Saskatchewan Ministry of Justice Adult Alternative Measures Policy (2011)

A *community justice forum* is a type of process in which the victim(s), the accused person(s), and other community members who are relevant to the case meet with a trained facilitator. The facilitator uses a script during the meeting.

A *community justice conference* is a type of process that can occur with adult accused persons. The victim(s) and the accused person(s) meet with a trained facilitator and additional professionals and community members who are relevant to the case.

A *family group conference* is a type of process that can occur when the accused is a young person. The victim(s) and the accused person(s) meet with a trained facilitator and additional professionals and community members who are relevant to the case.

In regards to community justice forums, community justice conferences and family group conferences, other relevant community members could include friends and family members of the victim or the accused, Elders, pastors, community justice committee members, and others who can provide support to the victim and the accused or who were affected by or involved in the incident.

9.2 Training

Mediators must have a combination of theoretical and practical training specific to criminal justice mediation as required by Dispute Resolution Office, Ministry of Justice.

9.3 Victim Participation

Victim participation is a prerequisite for eligibility in victim-offender mediation, community justice forums, community justice conferences or family group conferences.

Victim participation is strictly voluntary. Refusal by the victim to participate or to allow for a surrogate excludes victim-offender mediation, community justice forums, community justice conferences or family group conferences as an option for the accused.

Special consideration is given in favor of cases where there is an ongoing relationship between the victim and the accused, recognizing there is an enhanced likelihood for a positive outcome and reduction of future incidents.

A4: Saskatchewan Ministry of Justice Young Offender – Extrajudicial Sanctions Policy
(2011)

Section 3-2: Saskatchewan Ministry of Justice Young Offender – Extrajudicial Sanctions Policy (2011)

1. Purpose

Extrajudicial sanctions provide an alternative to the traditional court process for young persons facing charges for offences set out in the *Criminal Code*.

These programs offer youth who are accused of committing a *Criminal Code* offence an opportunity to make reparation to victims and their community. In addition to being structured and publicly accountable, these programs are sensitive to cultural diversity where appropriate.

Extrajudicial sanctions programs are supported by the principles of the *Youth Criminal Justice Act* respecting extrajudicial measures, which state:

- Extrajudicial measures are often the most appropriate and effective way to address youth crime; and
- Extrajudicial measures allow for effective and timely interventions focused on correcting offending behavior.

Extrajudicial sanctions programs also draw on the values, principles and processes of restorative justice. For the purpose of this policy, restorative justice is: "An approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by crime – victim(s), offender and community – to identify and address their needs in the aftermath of a crime." It supports healing, reintegration, the prevention of future harm, and reparation, if possible.

2. Authority

- 2.1 In accordance with section 10 of the *Youth Criminal Justice Act* the Attorney General for Saskatchewan authorizes the implementation of extrajudicial sanctions programs in Saskatchewan through a Ministerial Order.
- 2.2 Extrajudicial sanctions programs shall be consistent with the Saskatchewan Youth Services Model-Reducing Reliance on the Youth Justice System.

**Section 3-2: Saskatchewan Ministry of Justice Young Offender –
Extrajudicial Sanctions Policy (2011)**

3. The Referral to Extrajudicial Sanctions

- 3.1** A referral to an extrajudicial sanctions program can be made by the police prior to a formal charge being laid or by a Crown prosecutor after a charge is laid. If the police officer wishes to refer a matter to extrajudicial sanctions, prior approval for the referral must be given by a Crown prosecutor.
- 3.2** In either case, the eligibility criteria must be met and the offence must not be expressly excluded by the criteria set out in this policy.

4. Eligibility Criteria

Statutory Conditions

For referral to an extrajudicial sanctions program:

- (1) Either during or following contact with the police, the young person must accept responsibility for the act or omission that forms the basis of the offence that the young person is alleged to have committed;
- (2) The young person chooses to participate, having been advised of the right to counsel and having been given a reasonable opportunity to consult with counsel;
- (3) The prosecution of the offence is not in any way barred by law; and
- (4) There must, in the opinion of the Crown, be sufficient evidence to proceed with the prosecution of the offence.

Policy Conditions

In general the young person:

- (1) Must not have a significant history of failing to complete previous extrajudicial sanctions, or other significant outstanding charges that call into question the appropriateness of extrajudicial sanctions; and
- (2) Must not have a substantial criminal record for similar offences or similar recent convictions.

While referrals must be approved by the Crown prosecutor, suggestions about potential referrals can come from a variety of sources, including police, the staff of alternative measures/extrajudicial sanctions or community justice agencies, Courtworkers, probation officers, defence attorneys, and other individuals.

**Section 3-2: Saskatchewan Ministry of Justice Young Offender –
Extrajudicial Sanctions Policy (2011)**

Victim participation is encouraged, but not a prerequisite for program eligibility except in victim-offender mediation, community justice forums, community justice conferences or family group conferences. Victim participation is voluntary.

5. Exclusionary Criteria

- 5.1 The young person is excluded by one or more of the eligibility criteria.
- 5.2 The Crown, in its discretion, does not think that the young person or offence is suitable for the extrajudicial sanctions program.
- 5.3 The agency administering the program does not think the young person or the offence is suitable for the extrajudicial sanctions program.
- 5.4 The following offences are not eligible for extrajudicial sanctions:
 - (1) Offences involving the use of or threatened use of a weapon where the Crown proceeds by Indictment.
 - (2) Any offence involving the use of or threatened use of bladed weapons, firearms, or any restricted or prohibited weapons.
 - (3) Offences involving violence against any person where the Crown proceeds by Indictment.
 - (4) Offences involving sexual violence against children or the sexual exploitation of children (including sexual assault, sexual interference, luring, child pornography and procurement).
 - (5) Offences involving spousal/partner violence

For the purpose of this policy, spousal/partner violence is defined as:

“acts or threats of physical or sexual assault or criminal harassment committed against one person by another person with whom they presently or previously have had an intimate relationship, regardless of whether they are legally married or living together at the time of the assault or threat.”

- (6) Offences involving a sexual assault where the Crown proceeds by Indictment.

**Section 3-2: Saskatchewan Ministry of Justice Young Offender –
Extrajudicial Sanctions Policy (2011)**

(7) Perjury.

(8) *Criminal Code* driving offences in which drugs or alcohol are a contributing factor or in which the offender was driving while disqualified.

(9) Federal offences other than *Criminal Code* offences. (The availability of extrajudicial sanctions regarding these offences is determined by the federal Department of Justice.)

6. Crown Discretion

Crown prosecutors have discretion about whether to refer cases to extrajudicial sanctions programs. Crown prosecutors are encouraged to refer appropriate cases except where the offence is expressly excluded from eligibility. In the exercise of this discretion, some of the factors to be considered by the Crown include:

- The seriousness or triviality of the alleged offence;
- Significant mitigating or aggravating circumstances;
- The age, intelligence, and physical or mental health or infirmity of the persons involved;
- The accused person's circumstances and needs;
- The victim's attitude and interests;
- The availability and appropriateness of alternatives to conventional prosecution;
- The prosecution's likely effect on public order and morale or on public confidence in the administration of justice;
- The prevalence of the alleged offence in the community and whether the alleged offence is of considerable public concern;
- Whether the consequences of a prosecution or conviction would be disproportionately harsh or oppressive;
- Whether it would otherwise be in the public interest to refer the matter to extrajudicial sanctions.

7. Processes for Resolving Cases

Upon receiving the referral, mediators draw upon their training, experience, knowledge about the referral, and the views of the individuals involved to determine the appropriate type of process. When appropriate, the process may be adapted to suit the circumstances of the case and the individuals.

Section 3-2: Saskatchewan Ministry of Justice Young Offender – Extrajudicial Sanctions Policy (2011)

Some of the processes that are commonly used to resolve extrajudicial sanctions referrals include:

- Victim-offender mediation (see section 9);
- Community justice forum (see section 9);
- Community justice conference (see section 9);
- Family group conference (see section 9);
- Accountability conference (this is a process in which the accused person meets with a facilitator to discuss the causes and consequences of their behavior and how to address the harm caused);
- Referral to a specialized program such as life skills, crime prevention, restitution or Stoplift;
- Referral for counseling or treatment programs (such as drug/alcohol, health, mental health, or programs offered by social service agencies);
- Participation in Aboriginal cultural activities; or
- Other processes that are reasonable in light of the needs and interests of the persons involved and the availability of programs or resources within the agency administering the program and the community.

8. Case Outcomes

Extrajudicial sanctions programs can enable the persons involved to develop creative solutions that meet their needs and address the harm caused by the offence within the framework of the law. While there are many possible outcomes of extrajudicial sanctions referrals, some common ones include:

- An apology;
- Restitution or compensation in cash or kind;
- Donation to a charity;
- Personal service work for the victim;
- Community service work;
- Participation in a specialized program or counseling sessions;
- Participation in public education activities, such as writing essays or making presentations in schools;
- Other agreements that are reasonable in light of the needs and interests of the persons involved, the seriousness of the offence, and the circumstances of the case; or
- Some combination of the above.

Section 3-2: Saskatchewan Ministry of Justice Young Offender – Extrajudicial Sanctions Policy (2011)

9. Victim-offender Mediation, Community Justice Forums, Community Justice Conferences and Family Group Conferences

In addition to meeting the extrajudicial sanctions program guidelines, agencies that offer victim-offender mediation, community justice forums, community justice conferences and family group conferences must demonstrate the following:

9.1 Purpose and Definitions

Mediators have discretion about whether victim-offender mediation, community justice forums, family group conferences or community justice conferences would be suitable.

The purpose of these processes is to provide an opportunity for those involved in the incident to discuss what happened, how it affected them, what they need as a result of the incident, and what can be done to address the harm caused.

Victim-offender mediation is a type of process in which the victim and the accused person meet with a trained facilitator.

A community justice forum is a type of process in which the victim(s), the accused person(s), and other community members who are relevant to the case meet with a trained facilitator. The facilitator uses a script during the meeting.

A community justice conference is a type of process that can occur with adult accused persons. The victim(s) and the accused person(s) meet with a trained facilitator and additional professionals and community members who are relevant to the case.

A family group conference is a type of process that can occur when the accused is a young person. The victim(s) and the accused person(s) meet with a trained facilitator and additional professionals and community members who are relevant to the case.

In regards to community justice forums, community justice conferences and family group conferences, other relevant community members could include friends and family members of the victim or the accused, Elders, pastors, community justice committee members, and others who can provide support to the victim and the accused or who were affected by or involved in the incident.

Section 3-2: Saskatchewan Ministry of Justice Young Offender – Extrajudicial Sanctions Policy (2011)

9.2 Training

Mediators must have a combination of theoretical and practical training specific to criminal justice mediation as required by Dispute Resolution Office, Ministry of Justice.

9.3 Victim Participation

Victim participation is a prerequisite for eligibility in victim-offender mediation, community justice forums, community justice conferences or family group conferences.

Victim participation is strictly voluntary. Refusal by the victim to participate or to allow for a surrogate excludes victim-offender mediation, community justice forums, community justice conferences or family group conferences as an option for the accused.

Special consideration is given in favor of cases where there is an ongoing relationship between the victim and the accused, recognizing there is an enhanced likelihood for a positive outcome and reduction of future incidents.

A5: Questionnaire Guideline – Crown Prosecutors

**Questionnaire Guideline
Crown Prosecutors**

1. How long have you worked as a prosecutor? In Saskatchewan?
2. To what extent do you know about restorative justice/alternative measures programs in Saskatchewan?
3. Have you ever referred a file for alternative measures?

If yes,
 - a. How many files?(approximately)
 - b. What type of offences have you referred?
 - c. Were the referrals for youth or adult files?
 - d. How often do you refer files without laying charges?
 - e. What factors affect your decision to refer? What is the most important factor?
 - f. Do you generally discuss the recommendation with the victim prior to making it?
 - g. Do you ever recommend referring cases that fall outside the provincial guidelines?
4. Have you ever participated in a restorative justice/alternative measures process (e.g. sentencing circle, mediation)?

If yes,
 - a. What type of process did you participate in?
 - b. Please briefly describe the experience.
5. What files do you feel are appropriate to refer?
6. What input do you think a victim should have, if any, in the decision to refer?
7. How much discretion do prosecutors have in the use of referrals for youth? For adults?
8. What impact has restorative justice/alternative measures had on:

- a. Time to process cases
 - b. Cost of processing cases
 - c. Resources of the criminal justice system
 - d. Your workload
9. What successes have you personally faced or witnessed in restorative justice/alternative measures programs?
 10. What challenges have you personally faced or witnessed in restorative justice/alternative measures programs?
 11. What impact do you think these programs have had on:
 - a. Offenders
 - b. Victims
 12. To what extent are these programs meeting the needs of:
 - a. Offenders
 - b. Victims
 13. Do you have any concerns about the operation of these programs?
 14. What, if anything, is needed to improve program delivery?
 15. Do you feel there is support within the Prosecutor's Office for using these kinds of program options?
 16. What more information or training do you feel, if any, could be useful to you?
 17. What changes, if any, should be made to the diversion guidelines?
 18. If restorative justice programming were to extend to more serious offences, what would be the structural barriers, if any, to implementation?
 19. What policies or practices, if any, in the human services and criminal justice areas would have to change?
 20. What specific restorative processes should be used, if at all, for more serious offences? (e.g. victim-offender mediation, sentencing circles)

A6: Questionnaire Guideline – Police Officers

**Questionnaire Guideline
Police Officers**

1. How long have you worked as a police officer? In Saskatchewan?
2. To what extent do you know about restorative justice/alternative measures programs in Saskatchewan?
3. Have you ever referred a file for alternative measures?
If yes,
 - a. How many files?
 - b. What type of offences have you referred?
 - c. Were the referrals for youth or adult files?
 - d. How often do you refer files without laying charges?
 - e. What factors affect your decision to refer? What is the most important factor?
 - f. Do you generally discuss the recommendation with the victim prior to making it?
 - g. Do you ever recommend referring cases that fall outside the provincial guidelines?
4. Have you ever participated in a restorative justice/alternative measures process (e.g. sentencing circle, mediation)?
If yes,
 - a. What type of process did you participate in?
 - b. Please briefly describe the experience.
5. What files do you feel are appropriate to refer?
6. What input do you think a victim should have, if any, in the decision to refer?
7. How much discretion do police have in the use of referrals for youth? For adults?
8. What impact has restorative justice/alternative measure have on:

- a. Time to process cases
- b. Cost of processing cases
- c. Resources of the criminal justice system
- d. Your workload
9. What successes have you personally faced or witnessed in restorative justice/alternative measures programs?
10. What challenges have you personally faced or witnessed in restorative justice/alternative measures programs?
11. What impact do you think these programs have had on:
 - a. Offenders
 - b. Victims
12. To what extent are these programs meeting the needs of:
 - a. Offenders
 - b. Victims
13. Do you have any concerns about the operation of these programs?
14. What, if anything, is needed to improve program delivery?
15. Do you feel there is support within the service for using these kinds of program options?
16. What more information or training do you feel, if any, could be useful to you?
17. What changes, if any, should be made to the diversion guidelines?
18. If restorative justice programming were to extend to more serious offences, what would be the structural barriers, if any, to implementation?
19. What policies or practices, if any, in the human services and criminal justice areas would have to change?
20. What specific restorative processes should be used, if at all, for more serious offences? (e.g. victim-offender mediation, sentencing circles)

A7: Questionnaire Guideline – Restorative Justice/Alternative Measures Programs

Questionnaire Guideline
Restorative Justice/Alternative Measures Programs

1. How long have you been involved with a restorative justice/alternative measures program?
2. What is your role/involvement with the program?
3. What do you think are the program's goals/priorities?
4. How has the program developed and changed, if at all, during the time that you have been involved?
5. How well has the program been meeting its objectives?
6. What is working well in the program and why?
7. What are the program's challenges or the challenges to you personally in your involvement with the program?
8. To what extent have those challenges been addressed?
9. What types of offences are referred to your program?
10. Are referrals for youth or adult files?
11. Have you ever handled a case that fell outside the provincial guidelines?
12. Have you ever participated in a restorative justice/alternative measures process (e.g. sentencing circle, mediation)?

If yes,
 - a. What type of process did you participate in?
 - b. Please briefly describe the experience.
13. What files do you feel are appropriate for referral to your program?
14. What input do you think a victim should have, if any, in the decision to refer?
15. What impact do you believe restorative justice/alternative measure has on:
 - a. Time to process cases
 - b. Cost of processing cases

c. Resources of the criminal justice system

d. The workloads of justice professionals

16. What successes have you personally faced or witnessed in restorative justice/alternative measures programs?
17. What impact do you think these programs, or your program specifically, has had on:
 - a. Offenders
 - b. Victims
18. To what extent are these programs, or your program specifically, meeting the needs of:
 - a. Offenders
 - b. Victims
19. Do you have any concerns about the operation of these programs or your program specifically?
20. What, if anything, is needed to improve program delivery?
21. Do you feel there is support within the criminal justice community for using these kinds of program options?
22. What further information or training do you feel, if any, could be useful to you?
23. What changes, if any, should be made to the diversion guidelines?
24. If restorative justice programming were to extend to more serious offences, what would be the structural barriers, if any, to implementation?
25. What policies or practices, if any, in the human services and criminal justice areas would have to change?
26. What specific restorative processes should be used, if at all, for more serious offences? (e.g. victim-offender mediation, sentencing circles)

A8: Telephone Interview Questions - Police

Telephone Interview Questions – Police

In addition to asking respondents to elaborate on the answers provided during the written questionnaire, police respondents were asked the following:

1a. Do you have any concerns about the safety of conference participants? If yes, what are your concerns?

b. If you have safety concerns, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about the safety of participants? If yes, what concerns?

d. If you have safety concerns, what, if anything, do you feel could be done to address them?

2a. Do you feel that participants face coercion to participate in conferences or during conferences? If yes, explain how?

b. If you have coercion concerns, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about participant coercion? If yes, what are your concerns?

d. If you have coercion concerns, what if anything do you feel could be done to address them?

3a. Do you have any concerns about power imbalances between participants in conferences? If yes, what are your concerns?

b. If you have concerns about power imbalances, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about power imbalances? If yes, what concerns?

d. If you have concerns about power imbalances, what, if anything, do you feel could be done to address them?

4a. Do you think your participation (or lack of participation) in a restorative process has influenced your views on restorative justice? In what way?

b. Has it influenced your views on the type of offences that should be referred?

5. Do your personal views on restorative justice influence your decision to refer? If yes, how?

6a. Are you aware that restorative justice has been used for more serious offences in other jurisdictions?

b. If you were given information on successes/failures elsewhere, would it change your opinion?

A9: Telephone Interview Questions – Restorative Justice/Alternative Measures Programs

Telephone Interview Questions
Restorative Justice/Alternative Measures Programs

In addition to asking respondents to elaborate on the answers provided during the written questionnaire, program respondents were asked the following:

1a. Do you have any concerns about the safety of conference participants? If yes, what are your concerns?

b. If you have safety concerns, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about the safety of participants? If yes, what concerns?

d. If you have safety concerns, what, if anything, do you feel could be done to address them?

2a. Do you feel that participants face coercion to participate in conferences or during conferences? If yes, explain how?

b. If you have coercion concerns, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about participant coercion? If yes, what are your concerns?

d. If you have coercion concerns, what, if anything, do you feel could be done to address them?

3a. Do you have any concerns about power imbalances between participants in conferences? If yes, what are your concerns?

b. If you have concerns about power imbalances, what, if anything, do you feel could be done to address them?

c. If the guidelines were to extend to include more serious crime, would you have concerns about power imbalances? If yes, what concerns?

d. If you have concerns about power imbalances, what, if anything, do you feel could be done to address them?

4a. Do you think your participation in your program has influenced your views on restorative justice? If yes, how?

b. Has your participation influenced your views on the type of offences that should be referred? If yes, how?

5a. Do you think a lack of consistency of program goals/priorities across programs currently creates problems? If yes, how? If no, why not?

b. Do you think a lack of consistency could create problems if more serious offences were incorporated? If yes, how? If no, why not?