

Program Manual

Alternative Measures and Extrajudicial Sanctions

October 2025

Table of Contents

- 1.0 Introduction**4
- 2.0 Restorative Justice**4
 - 2.2 Restorative Justice Processes Occur at Any Stage of the Justice System.5
- 3.0 Alternative Measures and Extrajudicial Sanctions Programs**6
- 4.0 Referrals**7
 - 4.1 Referral7
 - 4.2 Assessing the Suitability of the Referral7
 - 4.3 Transfer of Files8
 - 4.4 Conflict of Interest Files8
- 5.0 Managing a file**9
 - 5.1 Contacting the Accused9
 - 5.2 Notifying a Youth’s Parents or Guardians about EJS..... 10
 - 5.3 Victim Involvement 10
 - 5.4 Determining Appropriate Intervention 12
 - 5.6 Preparing and Organizing a Meeting 13
 - 5.7 Facilitating the Meeting 14
 - 5.8 Specialized Referrals 14
 - 5.9 Monitoring/Follow up of the Agreement. 14
 - 5.10 Time Frames for Completing Agreements 15
 - 5.11 Reporting Back..... 15
- 6.0 Record Keeping/Administration** 17
 - 6.1 Contact Notes 17
 - 6.2 Forms..... 18
 - 6.3 CRM Database..... 18
 - 6.4 Finalizing Record Keeping..... 18
 - 6.5 Data Entry..... 18
 - 6.6 File Disposal..... 19
- 7.0 Privacy** 19
 - 7.1 Participants Privacy 19
 - 7.2 Confidentiality 19
 - 7.3 Document Privacy..... 19
 - 7.4 Victim’s Right to Information 19

7.5 Access to Information by a Non-Custodial Parent	19
8.0 Glossary.....	21
Appendix A – AM/EJS FORMS	24
Appendix B– Alternative Measures/Extrajudicial Sanctions Community Service Orders.....	44
Appendix C – AM/EJS Referrals Flowchart	46

1.0 Introduction

This manual describes procedures for Alternative Measures (AM) and Extrajudicial Sanctions (EJS) supported by the Saskatchewan Ministry of Justice and Attorney General (JAG), Community Safety and Well-Being Branch (CSWB). AM and EJS programs are status blind and culturally sensitive where appropriate.

Services may be provided by staff of Community Based Agencies, Tribal Councils or by independent contracted mediators. For the purposes of this manual, anyone providing services will be referred to as a facilitator.

1.1 Intent of the AM and EJS Program Manual

Congratulations! You have successfully completed Victim Offender Mediation (VOM) training and are now a trained facilitator for the Government of Saskatchewan's AM and EJS programs. The intent of the AM and EJS Manual is to:

1. Guide AM and EJS facilitators in fulfilling responsibilities of the Alternative Measures and Extrajudicial Sanctions programs;
2. Describe the role facilitators have in delivering the AM and EJS programs; and,
3. Act as a reference upon completion of VOM training.

This manual has been designed to provide straightforward answers to common questions and to standardize processes for facilitators across the province. While there may be some regional variation about processes, all you need to do your work is in this manual. If you find a topic is missing or unclear, do not hesitate to reach out to your Community Program Manager (PM).

PMs work for JAG in the CSWB Branch. They work in different areas of the province and support facilitators in specific agencies and regional areas. If you are unsure who your PM is, or if they are unavailable, call CSWB at 306-798-0873 or email restorativejustice@gov.sk.ca for assistance.

2.0 Restorative Justice

2.1 What is Restorative Justice?

AM and EJS programs draw on the values, principles and processes of restorative justice. For the purpose of this manual, restorative justice defined as:

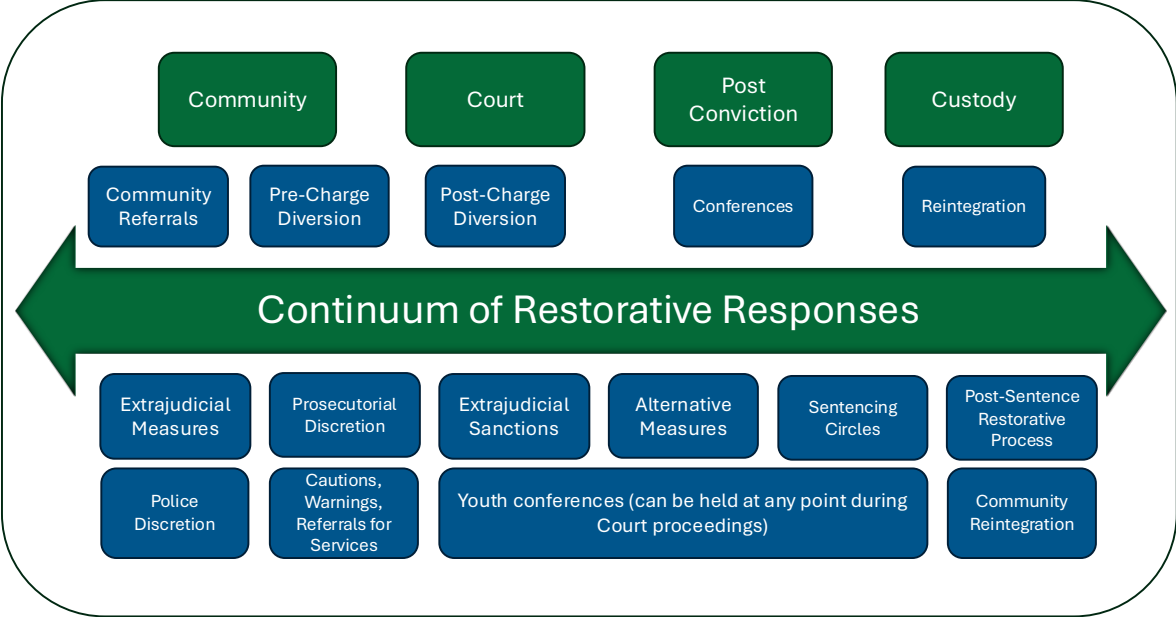
“Restorative justice can be defined as an approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for their actions, by providing an opportunity for those directly affected by crime – victims, offenders, and communities – to identify and address their needs in the aftermath of a crime.”

Restorative justice supports healing, reintegration, the prevention of future harm, and where possible, reparation.

Restorative justice practices and processes vary depending on specific circumstances and issues and are customizable to address each community’s unique circumstances. In general, some restorative principles include:

- Crime causes harms to victims and communities.
- Crime is a violation of people and relationships and is based on the principles of respect, compassion, and inclusivity.
- Victims, accused persons, communities, and governments all have roles to play in responding to crime.
- The victim is central to the process of defining the harm and how it might be repaired.
- Restorative justice offers victims who choose to participate an opportunity to express their views and needs and have their questions answered leading to healing and closure.
- Restorative justice helps offenders face those who have been affected by their behaviour, understand the impact of their actions, and take steps to address the harm they caused.
- Restorative justice empowers communities to play a role in responding to crime in a way that is meaningful to them. Communities are actively involved in holding offenders accountable, supporting victims, and providing opportunities for offenders to make amends.

2.2 Restorative Justice Processes Occur at Any Stage of the Justice System.



Community: AM and EJS programs can receive referrals involving non-criminal conflicts such as conflict in schools or disputes between neighbours. These referrals are encouraged and accepted from workplaces, schools, neighbourhoods, municipalities, First Nations, and other sources. Participation in these processes is voluntary and not a part of any Court or police process.

Pre-Charge: Before a matter is sent to Court, law enforcement may refer criminal cases if the matter is appropriate under legislation. Often these are referred to as pre-charge diversion.

Post-Charge: Once a charge has been laid, Crown Prosecutors can refer matters to AM and EJS programs. This is often called post-charge diversion. While others in the justice system (Aboriginal Court workers, defence lawyers, victims) can suggest a matter might be appropriate for AM or EJS, ultimately the discretion lies with the Crown, and referrals must be made by the Crown at Court. For more information, refer to the Crown Prosecution Policy (2022) and the AM EJS Policy Booklet (2024).

Post-conviction: Restorative processes can be engaged after conviction through conferences. There are several types of conferences. Two common types are those used to determine appropriate community conditions, and sentencing circles/conferences. Possible restorative outcomes could include restitution to the victim, reparation to the community, responsibility being accepted by the offender, reconciliation between the victim, offender and community members wherever possible, reintegration of the offender into the community and prevention of recidivism.

Custody: Generally, your work as an AM or EJS provider will not occur in this space. However, it is important to be aware that there are services available after an accused is found guilty of an offence at Court. There are ongoing opportunities for restorative processes at any point in a person's experience in the justice system. Some programs are offered in institutions as part of reintegration programming or recovery programs.

3.0 Alternative Measures and Extrajudicial Sanctions Programs

AM and EJS programs provide individuals who are accused of committing a *Criminal Code of Canada* offence or other matters set out in provincial policies an opportunity to make reparation to victims and the community. AM programs involve people over the age of 18 while EJS programs are available to youth between 12-17 years of age.

These programs provide opportunities for the accused, victims, and communities affected by a crime to communicate about the causes and impacts of that crime, and to address their related needs. The process provides an opportunity for empowerment for the victim and gives the accused a chance to repair the harm caused and be held accountable for their actions. In addition to being structured and publicly accountable, these programs are sensitive to cultural diversity where appropriate.

This approach aligns with the provincial government's effort to modernize restorative justice and to support a Saskatchewan First approach. It allows individuals to be held accountable for their actions in a timely manner while helping find diversions and pathways out of the justice system. AM and EJS aim to:

- Increase the accused's accountability and responsibility for criminal actions and ensuring reparations are made where possible
- Promote the involvement of victims in the process
- Protect society by deterring further criminal behaviour
- Enhance the community's participation in resolving the incident
- Involve the community in addressing the crime and the victim's and offender's needs
- Protect the interests of society and free up police resources for other community emergencies and needs.

4.0 Referrals

Matters come to Alternative Measures and Extrajudicial Sanctions three different ways:

- As a pre-charge referral from **police/law enforcement** (before a formal charge is laid),
- As post-charge referral from **courts** (after a formal charge is laid).
- **Community** members can also make referral for non-criminal matters (community referrals).

4.1 Referral

The case is **referred** to a qualified agency or agent responsible for delivering AM and EJS in the area. The agency or agent may be a Tribal Council, a community-based program, or a qualified, contracted service provider.

The referral should include a copy of the referral form, a summary of information about the offence, any victim/witness statements and a victim impact statement if one has been filed. If information is missing, the agency should contact the Crown prosecutor or referring police and request the information.

Mechanisms for communication may vary from region to region. Program Managers can help you communicate with Crown Prosecutions and police locally. (This can be faxes, email, phone, or in person at Court).

4.2 Assessing the Suitability of the Referral

The facilitator contacts the accused to begin **screening** the case to determine if it is appropriate based on the accused's acceptance of responsibility, willingness to participate and the circumstances of the referring incident.

The facilitator draws upon their training, experience, knowledge about the case, and the views of the individuals to decide whether to accept the referral. This decision will be based on factors such as:

- The information in the case file.
- Information provided by the victim and the accused about what happened during the offence, the impact of the offence, and the harm done.
- The degree to which the accused is willing to take responsibility and address the harm caused.
- The victim's concerns and willingness to participate.
- The needs of the victim and the accused.

The facilitator might decide that the case:

- Is appropriate, in which case they continue working through the steps listed below.
- Is not appropriate for AM or EJS. In this situation, the facilitator should inform the Crown Prosecutor and/or the police that the agency refuses to accept the file and why it has been refused (see **form B-7**). Sometimes, agencies include suggestions about potential re-referrals and if the case could be successful in different circumstances. They also may suggest re-referral is not appropriate.

- Should be referred to another agency or service. This could be based on location of the participants (generally, AM files follow the victim, EJS files follow the accused) or due to conflict of interest for the facilitator. PMs can help with arrangements for conflict files.

4.3 Transfer of Files

There may be situations where the victim or accused live in another region in Saskatchewan. AM files are transferred to the AM program that is closest to where the victim resides (if they choose to participate). EJS files are transferred to the EJS agency that is nearest to where the accused resides. Every effort should be made to include the victim in these situations. If it is not possible for the victim to participate in person, they may be able to participate on the phone/video conference, through a surrogate, or through a victim impact statement.

When considering transferring a file, it is wise to consider what is logical and will best support a successful outcome. If you are unsure whether transfer is appropriate, speak with your PM. Once you have determined the transfer is appropriate

- Reach out to the receiving agency to inform them of the transfer. PMs can help locate facilitators in regions if you are unsure who to contact. Ensure you confirm how the agency would like the participant to contact them.
- Notify the participant(s) of the transfer, instruct them to contact the receiving agency/facilitator, and provide contact information to do so.
- Share the file with the receiving agency on Customer Relationship Management Database (CRM).
 1. Open the case referral.
 2. Select “Share” in the top right corner, click “Manage Access”, and add the appropriate user(s) using the search bar. Check off any permissions required for the added user(s), then hit “Share”.
 3. Follow step 2 again on the charge screen for each of the charges (there may be several).
 4. Follow step 2 again on the victim screen for each victim under each charge.
 5. Save and close the case referral.
 6. Confirm the receiving agency has access to all parts of the file on CRM.

Occasionally, files come to AM or EJS from outside of Saskatchewan. These generally come from the PM. If they come to you directly, please let your PM know. They can provide support around communication with the home province Court and accessing disclosure.

4.4 Conflict of Interest Files

Occasionally, a file may be a conflict of interest for a facilitator. A conflict of interest is a situation where the facilitator has a personal, professional, or financial interest that could compromise impartiality, influence decisions, or create the appearance of bias. Agencies who have transfer agreements with the ministry are required to have conflict of interest policies. This is a normal expectation in non-profit organizations and an example of good governance.

When there is conflict of interest, or the potential appearance of a conflict of interest, another facilitator will be assigned to the file. For those working in larger agencies, potential conflicts can be discussed with your supervisor to determine if there is a conflict and if so, whether the file can

be managed internally by another facilitator, or if the file should be sent to another agency or contract facilitator.

For contract facilitators, your PM can help determine if there is a real or perceived conflict and will support reassignment of files where appropriate.

Examples of conflict of interest could include:

- Matters involving friends or family members
- Referrals involving damage to a facilitator's property, school or place they frequent.
- Any other situation where the facilitator could struggle to be impartial, or where the public may perceive them to not be impartial.

5.0 Managing a file

5.1 Contacting the Accused

In general, the first contact will be made by phone call or letter, or if agencies attend court, in person. Often, more than one attempt is required to contact the accused. There are several ways to connect with the accused including telephone calls, email, or letters. If there is no contact information on the file, the facilitator should contact the referring police or Crown prosecutor to request it.

The initial contact is an opportunity to briefly hear the accused person's perspective about the incident and determine whether they are open to participating. During the initial contact, the facilitator provides some information about AM or EJS and asks to meet the accused in person to discuss the process in more detail.

If the facilitator is unable to contact the accused person with a single letter or phone call, it may be necessary to follow up with further letters or calls. If the facilitator is unable to contact the accused person after repeated attempts, the file should be sent back to the Crown Prosecutor or police officer who made the referral. A record documenting attempts to contact the accused needs be kept. This will form part of the case notes in the completed file.

If the accused agrees to meet with the facilitator, the facilitator arranges a place and time to do so. For facilitators who work at AM or EJS agencies, the agency office could be the most common location. However, alternative locations may be required, particularly if working in rural/remote areas. In those cases, contact your PM for support in locating meeting space. For contract facilitators, the costs of room rentals can be submitted for reimbursement as outlined in your contract.

At the first meeting, the accused and the mediator will have the opportunity to discuss:

- what happened during the offence from the accused person's perspective
- what kinds of harms resulted
- whether the accused person accepts responsibility and consents to participate in AM or EJS or denies responsibility and wishes to have the matter dealt with in court.

Sometimes, an accused person will choose to have their charge(s) returned to Court. If this is the case, the facilitator can have them sign form **B-2** and will close the file after sending it to the Crown Prosecutor.

If the accused person accepts responsibility and is interested in participating, then the facilitator informs the accused that:

- They have the right to speak to legal counsel regarding this decision.
- Participating in AM or EJS is strictly voluntary, and the accused has the right to withdraw at any time. However, if they withdraw, then the charge(s) will be returned to the Crown Prosecutor, who will decide how to proceed (such as pursuing the case in court).
- The accused is responsible for attending AM or EJS meetings, participating in developing an agreement and fulfilling the conditions of the agreement.
- If the accused successfully completes AM or EJS then the matter will be ended in terms of criminal court.
- If the accused person participated in AM or EJS, this will be recorded on CPIC (the police database where criminal record information is held) until the matter is completed at Court.

If the accused agrees to be involved in AM or EJS, the facilitator has the accused sign a form (**B-2**) indicating that they formally consent to participate.

Additionally, the facilitator:

- Describes the AM or EJS process in more detail.
- Explains that they will contact the victim to see if the victim is interested in participating (and that AM and EJS can still occur without victim participation).
- Explores the extent to which the accused person is willing and able to address the harm caused.
- Answers any questions the accused person has.

5.2 Notifying a Youth's Parents or Guardians about EJS

For youth participating in EJS, the person who administers the program is required under the *Youth Criminal Justice Act* (YCJA), section 11, to inform the youth's parent or guardian of the sanction. Facilitators should document this notification in the case notes.

Courts/referral sources should provide contact information for parent(s) or guardian(s).

If you are unable to notify the parent, reach out to the PM in your region for direction.

5.3 Victim Involvement

Contacting the Victim

Every effort should be made to contact the victim to invite them to participate in the AM or EJS process. Engaging the victim is a priority and attempts to contact them must be thorough and documented. If the referral arrives without contact information, the information may be available from referring police or Crown Prosecutor.

Initial contact with the victim should be made by letter (electronic or physical). This letter should outline what AM or EJS is, potential processes that could occur, options for participating (in person,

video conference, surrogate, with support) and invite the victim to participate. After sending the letter, facilitators should wait to contact the victim by telephone, allowing time for them to consider the letter.

It is important to make many attempts to reach the victim to invite them to participate in the process. This can include the standard efforts above or can include more creative means. In smaller centres, police may be willing to attend a residence or speak with a victim on your behalf. Other collateral contacts may also be available, depending on circumstances.

Police Based Victim Services are available across Saskatchewan supporting victims of criminal offences. These agencies are co-located with police, and support victims of crime. Sometimes their work overlaps with AM or EJS. Victims may be receiving support from these agencies while files are being managed in AM or EJS.

While Victim's Services Agencies are unable to share victim contact information without prior consent, they may take a message from the facilitator and pass it on to a victim to support connection to the AM or EJS process. Victims Service Agencies are partners of CSWB and support victims in communities across Saskatchewan. To help prevent re-traumatization, it may be beneficial to involve a victim support worker during initial outreach and throughout the AM or EJS process. Their involvement can help ensure a victim feels safe, supported and empowered to make informed decisions about participation.

Victim participation

The victim's participation, although voluntary, it is highly encouraged and important in AM and EJS. It is important to provide an opportunity for victims to be involved in the criminal justice process and have input on how the case is addressed. As victims may be unfamiliar with these approaches and concerned about what their involvement means, every effort should be made to invite them to participate, help them feel welcome and comfortable, and address their needs as much as possible.

Victims have many options for being involved, such as participating in person, sending someone to speak on their behalf (a "victim representative"), providing verbal or written input to the facilitator about their views, or being represented by a surrogate in programs that have arrangements for surrogate victims. They may also choose to bring a support person with them.

The referral may still proceed if the victim is unable or unwilling to participate in some way, but whether the victim chooses to participate impacts the kind of process that can occur.

If the victim agrees to meet with the facilitator, the facilitator arranges a place and time to discuss matters such as:

- What happened during the crime from the victim's perspective.
- What kinds of harms resulted from the crime.
- Whether the victim is willing to participate in AM or EJS in some way. The victim's input is important, but their participation is strictly voluntary. Victims should be supported in participating in a way that works for them.
- The victim might choose to send a representative to speak on their behalf (and surrogates can represent victims if the victim is unable or unwilling to participate).

If a victim is unable/unwilling to participate in person a virtual option should be considered. There are also other ways the victim might choose to participate, such as providing written or verbal input to the facilitator about their views regarding the impact of the crime and how it could be resolved.

Additionally, the facilitator should thank the victim and provide contact information in case the victim has further questions or changes their mind about wanting to participate. Regardless of participation, the victim can determine if they would like to be notified of the outcome of the intervention. If they would like notification, they can identify their preferred method (e.g., letter, telephone call, email other).

If the victim consents to participate in AM or EJS, the facilitator:

- Has the victim sign a formal agreement to participate (form **B-3**).
- Describes the process in more detail.
- Explains that they will contact the victim with information about the time, place and location of the facilitated meeting.
- Answers any questions the victim may have.

If the victim is unable or unwilling to participate in the process, the facilitator should document it by asking the victim to sign form **B-3** and add it to the file notes. It is important to have the forms signed and filled out where possible, but the victim should not be pressured to sign this document if they do not wish to do so. If the victim is unable or unwilling to sign the document, the facilitator should document this in the case notes.

5.4 Determining Appropriate Intervention

Upon accepting the referral, facilitators draw upon their training, experience, knowledge about the referral (including information from the file provided by the police or Crown Prosecutor), and the views of the individuals involved to determine the appropriate intervention process. When appropriate, the process should be adapted to suit the circumstances of the case and the individuals.

The purpose of these processes is to provide an opportunity for those involved to discuss what happened, how it affected them, what they need as a result of the crime, and what can be done to address the harm caused and aim to end the negative pattern or cycle of criminal behaviour.

5.5 Processes:

Victim Offender Mediation, in which the victim and the accused person meet with a trained facilitator. Sometimes there are other participants, including support people, Elders, police and community representatives. Most mediations come to an agreement to address harm caused by offending behaviours through mechanisms such as compensation, restitution, counselling, and community service.

Conference is a term that can be used in a variety of setting and contexts. Conferences are a form of community dialogue that focuses on the harm done to the community and the community's responsibility for supporting and holding its members accountable. Trained facilitators bring together a variety of stakeholders, and can include community members, victims, offenders, and family supporters and are structured so that each person is offered a chance to speak and be heard. Common models of conferences include **healing circles** that are focused on healing the

community and bringing the conflict to a close; **community conferences** that are focused on addressing community issues; and **sentencing circles** that are focused on sentence recommendations. While the procedures and participants vary slightly, the participants have an opportunity to speak and be heard respectfully while exploring ways to repair harm. Through open communication and consensus building, Conferences aim to promote accountability, healing, and reconciliation within the community.

Victim offender mediation and Conferences cannot be used if victims choose not to participate and are not represented by a surrogate.

As discussed in the 2024 provincial AM and EJS policies, referrals may also be handled by:

- Holding an **accountability conference/hearing** this is a process in which the offender meets with a facilitator and community members to discuss the causes and consequences of their behaviour and how to address the harm caused.
- Referral to a **specialized/diversion program** such as life skills, anger management, crime prevention, restitution or group programming relating to theft prevention/intervention.
- Referral **for counselling or treatment programs** such as drug/alcohol, health, mental health, or programs offered by social service agencies.
- Participation in **cultural activities** as appropriate for the accused person.
- Completion of **Community Service Hours (AM and EJS CSO)** (see Appendix B) with an Agent or Agency approved by the Ministry of Justice; or
- Other processes that are reasonable considering the needs and interests of the persons involved and the availability of programs or resources within the agency administering the program and the community.

5.6 Preparing and Organizing a Meeting

Ideally, AM and EJS meetings should occur in a location that is convenient for both the victim and the accused. Sometimes renting space may be required, and the ministry will reimburse this expense for contracted mediators. Often municipal buildings, non-profit organizations, and churches (if appropriate) will rent or donate space to facilitate AM and EJS processes.

Every effort should be made to ensure the victim is able to participate with as little inconvenience as possible. Flexibility in scheduling, choosing appropriate locations and including video or audio-conferencing options should be considered. The option of using technology is available for occasions when the victim is uncomfortable in the same room as the accused or if there are safety concerns. The use of technology can also assist with other logistical challenges such as travel, childcare or other factors which can make meeting in person challenging.

Preparing victims and accused persons to participate in the facilitated meeting is critical for success. The facilitator may have to meet with participants independently several times before the intervention to ensure they understand their role and how the process will work, hear their concerns or expectations, and to explain the importance of confidentiality. It may also be necessary to refer the victim or the accused to counselling, treatment programs or other services before they participate in a facilitated meeting.

Depending on the type of process that will be used and the views of the victim and the accused, the facilitator may also need to arrange for support persons, community members, police officers or

other people to attend the facilitated meeting. In this situation, the facilitator meets with each participant individually to explain their role in the process, discuss the importance of confidentiality and answer their questions. The facilitator may use these meetings to determine the appropriateness of support persons. The facilitator reserves the right to reject the participation of a support person if it is determined that support person will negatively impact the process.

5.7 Facilitating the Meeting

The facilitator has the participants sign an agreement to mediate form (**B-4**) and facilitates the meeting. The exact steps depend on the type of process and the needs of the individuals involved, but in general the facilitator assists the participants to discuss the harm caused by the offence, how each person was affected and how the accused can make amends to the victim and the community.

The meeting may result in an agreement that describes what the offender will do to promote healing, restoration and accountability. Form **B-5** provides an example of a form that can be used to document the agreement. The agreement is a binding contract that outlines the terms and conditions the offender must fulfill. The agreement should contain specific conditions, including the date by which they must be completed. Conditions should be clear and specific enough to be classified as “complete”, “partially complete” or “incomplete”, keeping in mind that it is easier to measure things the offenders have done than things they have not done.

5.8 Specialized Referrals

Sometimes agreements reached will require referrals to specialized programs. Often these are counselling (substance use, mental health, or other) and will require a referral form for the agency. You can contact agencies directly for these forms. They may also require a release of information signed by the accused. See Appendix A (6) for a sample release of information document.

5.9 Monitoring/Follow up of the Agreement.

The facilitator is responsible for monitoring the agreement on an ongoing basis to determine whether it is completed within the time frame agreed to by the parties. Facilitators will need to be mindful of any upcoming court dates or deadlines set by referring police or Crown Prosecutor, outlined in the timelines below. Timely access to justice improves accountability for the accused’s behaviour to both victims and communities. Regular communication with victims, including the outcome of the agreement can support improved experience for victims.

Monitoring and following up on the agreement includes:

- Checking in with the victim and the offender to determine whether they have any unresolved questions or concerns.
- Referring the offender to specialized treatment programs if necessary.
- Checking whether the accused completes the terms of the agreement within the specified time frame and discussing this with the participants if necessary (see below).
- Completing forms and documents.
- Notifying the police, the Crown prosecutor and the victim about the status of the agreement and the details of the agreement.
- Monitoring restitution payments.

- Whenever possible, it is best to have the accused person make restitution or donations directly where possible (if it is an agency or professional organization receiving the funds).
- At times, the facilitator may collect the funds on behalf of the victim. When this occurs accurate documentation, records of incoming and outgoing transfers must be kept, and payments must be made by the facilitator in a timely manner.
- When an agreement includes restitution to cover the cost of repairing damaged property it is good practice to obtain 2-3 quotes to ensure the amount of restitution is appropriate and fair.

5.10 Time Frames for Completing Agreements

Timely resolution of all cases should be a priority. Understanding individual circumstances vary and some terms may take time to complete, guidelines are:

Community Referrals: There is no formally legislated timeline for completion of community referrals, and it is encouraged to complete these in a timely manner. A general guideline would be three months to complete the process and three more for the agreement.

Pre-charge: Legislation states that a charge must be laid within twelve months of an incident occurring unless the prosecutor and the defendant agree otherwise. Therefore, the conditions of the agreement must be completed well before the twelve-month date of the time the incident was reported to the police. This is necessary so that the police do not lose jurisdiction over the matter and are still able to lay charges and compel the accused to appear in court if the accused does not participate in the AM or EJS process or complete the terms of the agreement.

Post-charge Referrals: Crown Prosecutors normally request a first adjournment of three months to allow the AM or EJS process to occur and for the accused to complete the terms of the agreement. One week before the end of that adjournment, an update should be provided to Crown. That update should include anticipated completion timelines and status of the referral to make an informed decision about subsequent adjournments.

Most cases will be completed within three months to one year, depending on factors such as whether the accused must pay a significant amount of restitution.

5.11 Reporting Back

The facilitator must keep track of the dates by which cases are due to be completed, ensure paperwork is submitted within the required time frame, and avoid last minute notifications. If the agreement will require several months to complete, it is good practice to provide the police or Crown Prosecutor with updates about the status of the case.

While the preferred process for notifying the police and Crown Prosecutor about the status of the case varies in each regional office, it is important to provide this information well before the date by which the referral must be completed, this allows Crown and Police to determine next steps, particularly relating to reactivating charges in pre-charge matters.

This communication should be in writing on form **B-7**. Many prosecutors now prefer to receive the form by email. Speak with your supervisor or Program Manager if you need support in communication or contact information.

The facilitator must submit the Notification to Crown Prosecutors and Police form (**B-7**) regarding the status of the case within the following timelines:

- For **pre-charge** referrals, the facilitator should report the status of the case to the police at least **three weeks** before the required time period.
- For **post-charge** referrals, the facilitator should report the status of the case to the Crown Prosecutor at least **one week** before the date of the court adjournment.

Case status:

There are three possible outcomes of an AM or EJS referral: Complete, Partially Complete, or Incomplete.

Complete:

Once the accused complies with the agreement and successfully completes the agreed upon terms of reparation, the facilitator informs the police and the Crown Prosecutor by filling in form **B-7**. The facilitator must provide written information about the terms of the agreement and what the offender did to fulfill the agreement. For example, if the person was referred for counselling, the report must indicate what agency provided the counselling and how many sessions of counselling occurred.

If charges were laid (post-charge referral), the Crown Prosecutor withdraws the charge(s), and the case is dismissed.

For pre-charge referrals, no charges are laid on the matter if AM or EJS is successfully completed.

Incomplete:

Cases that are not completed successfully whether due to the accused's unwillingness to proceed with the AM or EJS process or their failure to complete the agreed upon terms of reparation as instructed.

The facilitator should refer the case back to the Crown Prosecutor if the offender:

- Shows an unwillingness to complete the terms and conditions of the agreement
- Denies, at any time, their responsibility or involvement in the alleged offence
- Expresses the desire to have the case dealt with by the court

In these situations, the Crown prosecutor will determine how to proceed (such as pursuing the matter in court).

The facilitator should also ensure that the referring police officer is aware of the status of the case.

Partially complete:

If an accused person is sincerely unable to complete the agreement as written, or if they begin and progress slows or stops, the file is considered partially complete.

This may occur due to unforeseen circumstances (such as the loss of employment) where the accused is unable to complete the agreement as planned or within the required time frame. In these situations, facilitators should consult with the victim (if the victim is involved) to see if they are willing to amend the conditions of the agreement. If the victim and any other relevant participants agree, they need to sign and date the amended agreement. Once the accused completes the amended agreement, the facilitator fills in the notification form (**B-7**) and submits it to the police or Crown Prosecutor, along with information about the conditions of the agreement and what the accused did to fulfill it. If the victim and/or accused are unwilling to amend the agreement, notification to the Crown should indicate this.

If the accused stops meeting the obligations of the agreement, the facilitator should attempt to contact the accused to determine whether they are still committed to fulfilling the obligations. If they will not be continuing, the facilitator should notify the police and Crown Prosecutor in writing. This notification should include the reasons for the situation and make a recommendation regarding whether the accused should be allowed to make alternative arrangements for completion. The facilitator can discuss these matters with your supervisor or PM if you are not confident making a recommendation.

Furthermore, legislation provides that the court may withdraw the charge if it is satisfied on the balance of probabilities that the accused partially complied with the terms of the AM or EJS agreement.

6.0 Record Keeping/Administration

Facilitators are required to keep accurate records of each referral in accordance with legislation, provincial policy and local procedures. While processes may vary, all AM and EJS facilitators must ensure that client records are accurately maintained.

It is important to ensure that information about the case and the individuals is correct. Accurate data enables comprehensive and valuable reporting about the agency's services and the use of AM and EJS in Saskatchewan. Requirements about data entry and evaluation are part of the contract between the agency or facilitator and JAG.

6.1 Contact Notes

Clear, concise notes are made by the facilitator at all stages of managing a file. From initial contact with the participants through completion, all steps must be documented by the facilitator. Notes can be made directly in the CRM database managed by CSWB. Many facilitators choose instead to make notes outside the CRM and upload them afterwards. These can be handwritten or typed. Both are acceptable, providing the notes are entered into the CRM.

Accurate records (including date/time and some details) must be kept of:

- Attempts to contact any participant – telephone calls, letters sent, emails sent.
- Contact with any participant – telephone conversations, email exchanges, text message exchanges – and summary of the contact.

- Meeting notes summarizing what occurred at in person meetings. This can include discussion topics, sticking points, interests. These are objective facts, not subjective opinions or feelings.
- Any agreements, future plans and timeline to revisit (where appropriate).
- Communication with stakeholders must be documented. This includes emails to Crown or Police, referrals to programming, or any other collateral contacts made by the facilitator.

Facilitator notes and any completed forms make up the file. The file is subject to *Freedom of Information and Privacy* (FOIP) legislation. This means there are certain documents that must be maintained by facilitators, and they may be accessible to the accused people at a later date, through an access request.

These documents must all be uploaded to the CRM database at file closure, if not sooner.

6.2 Forms

Any completed forms must be uploaded to the CRM as the form part of the AM or EJS file.

Regardless of whether a victim or offender choose to participate, **all required forms must be filled out** in AM and EJS cases. A victim or offender may refuse to sign a form, but the caseworker should attempt to ensure that forms are completed as fully as possible and signed by the relevant person. If forms are unsigned, case notes explaining why are required. Examples of the forms are included in the Appendix.

6.3 CRM Database

The CRM database is managed by CSWB. All case files for individuals who have been through AM or EJS in Saskatchewan are entered on the CRM.

Before a file can be opened in CRM, certain information is required. These datapoints are all identified in the CRM intake form (see Appendix).

A video has been made to guide you through the process of using the database.

Find it here: <https://www.youtube.com/playlist?list=PL4jCeUWlrLuTRtsdZ9HMVGNu4VOtlE4sa>

6.4 Finalizing Record Keeping

Every effort should have been made at all points to ensure that all relevant information was collected and documented. All appropriate forms are to be signed and sent on to police, Crown Prosecutor or referring agency as appropriate. If any data or forms are missing, the facilitator must finish those steps. Additionally, service providers who facilitate cases on a fee-for-service basis will need to send an invoice to the appropriate ministry to receive payment.

If you need support with FFS billing, please refer to your contract for forms or contact your PM.

6.5 Data Entry

CRM data is required from all files. Matching the intake form and closure document in the appendix, all fields must be complete in CRM.

6.6 File Disposal

Once the facilitator has confirmed all documents have been uploaded to the CRM, paper copies may be destroyed. The disposal of AM and EJS documents must occur in a way that protects the confidentiality of the information. Records should not be placed in a garbage bin or recycling bin. Shredding is the best way to dispose of confidential documents.

7.0 Privacy

7.1 Participants Privacy

To respect the privacy of the individuals involved in AM and EJS, it is critical to ensure that information about the case is not shared with anyone unless there is a lawful and appropriate reason to do so. The ministry, contracted agencies and fee for service mediators must all respect the provisions of the *Criminal Code*, the *YCJA* and *The Freedom of Information and Protection of Privacy Act* (FOIP).

7.2 Confidentiality

Information about AM and EJS processes should not be shared outside the process. General information can be shared with participants, victims, whether they chose to participate in the process, and if an agreement has been reached and/or completed, Crown Prosecutors and Judges. All other inquiries can be directed to your PM or supervisor.

7.3 Document Privacy

The facilitator is responsible for ensuring that all relevant documents are safely stored. While the file is open, any documents must be securely stored in a locked cabinet. During meetings or mediations, it may be important to have some documents with the facilitator. While these can be helpful to the facilitator, they must remain confidential to the parties and should be in a folder or a briefcase and not open and accessible. Agency staff should follow agency policies and procedures relating to document security.

Any documents received from police or Crown Prosecutor must be kept secure. Any documents generated by the facilitator become part of the file (contact notes, forms, letters, referrals). Upon completion of the file, all these documents must be uploaded to the CRM database.

7.4 Victim's Right to Information

In EJS, it is legislated in the *YCJA* that the facilitator must provide information about the case to an involved victim, if requested by the victim. While not a legal requirement, it is standard practice and expected in AM files as well. If you receive a request and are unsure at all, reach out to your supervisor or Program Manager.

7.5 Access to Information by a Non-Custodial Parent

In accordance with section 16 (5) of *The Divorce Act* and section 9 (2) of *The Children's Law Act*, a non-custodial parent of a young person who requests information about the case will be given the

same information as the custodial parent as long as the non-custodial parent is not barred by court order from having information about the young person. The facilitator should consult the youth and custodial parent regarding the situation and discuss the relevant legislation with them to reduce the potential for family disputes. Information about the request must be documented in the young person's file. If you receive a request and are unsure reach out to your supervisor or Program Manager.

If you are interested in learning more about the legislation, all the acts are available online at:

Criminal Code: <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

YCJA: <https://laws-lois.justice.gc.ca/eng/acts/Y-1.5/>

Divorce Act: <https://laws-lois.justice.gc.ca/eng/acts/d-3.4/>

FOIP: <https://oipc.sk.ca/legislation-main/foip/>

Criminal Code sections:

- Criminal Code, R.S.C. 1985, c. C-46 (717(2)) authorizes providers to keep AM records.
- Criminal Code, R.S.C. 1985, c. C-46 (717(4)(1)) CC provides that AM records must be made available to judges, peace officers, members of government departments and people deemed by a judge to have a vital interest in the record.
- Criminal Code, R.S.C. 1985, c. C-46 (717(4)(2)) CC allows the person who receives the information to subsequently disclose it, but not in a way that would identify the person who was involved in AM.

Youth Criminal Justice Act (YCJA) sections:

- YCJA, SC 2002, c.1 s.116(2)(a) authorizes records of EJM (including EJS).
- YCJA, SC 2002, c.1 s.119(1) identifies who may be entitled to access information about a young person's record.
- YCJA, SC 2002, c.1 s.128 outlines confidentiality even after an EJS process is completed.

**Broadly, matters related to AM and EJS referrals should not be discussed with anyone who is not involved in the process. There may be lawful times when a request for information is made. Should this happen to you, reach out to your Program Manager or supervisor for further direction.*

When in doubt- reach out!

8.0 Glossary

Community-based agencies have many different names for the kinds of processes used in AM and EJS cases. This manual uses the terms in the Ministry of Justice Adult AM Policy and Youth EJS Policy.

Accountability hearing: A process in AM or EJS in which the accused meets with a facilitator and where possible community members to discuss the causes and consequences of their behavior and how to address the harm caused. This process is primarily used to hold a participant accountable in an incident where there is no direct victim (such as causing a disturbance or possession of a controlled drug or substance), or when the victim refuses to participate directly or indirectly through a surrogate or a representative. Sometimes also called an “accountability conference.”

Accused person: A person who has allegedly committed a crime, sometimes referred to as “offender”.

Agency: Any community-based organization designated or authorized under contract with the Ministry of Justice and Attorney General to provide and deliver an AM or EJS program.

Alternative measures (AM): A method authorized under the Criminal Code of Canada, the Ministerial Order and the Ministry of Justice Adult AM Policy (2024) to provide adults who are accused of committing a Criminal Code offence an opportunity to make reparation to victims and their community. These programs offer the victim and community members the opportunity to be involved in resolving the case, ask the offenders questions, and have the offender take responsibility for their behaviour and help repair the harm that has been done as much as possible.

Canadian Police Information Centre (CPIC): A national database that provides law enforcement agencies across Canada with information including criminal records, stolen property and missing or wanted persons.

Community Program Manager (PM): PMs work for the Ministry of Justice and Attorney General (JAG) in the Community Safety and Well-Being Branch (CSWB). They work in different areas of the province and support facilitators in specific agencies and regional areas.

Community Referral: AM and EJS programs also receive referrals involving non-criminal conflicts such as conflict in schools or disputes between neighbours. These referrals are encouraged and accepted from workplaces, schools, neighbourhoods, municipalities, First Nations, and other sources.

Community Safety and Well-Being (CSWB): A branch of the Ministry of Justice and Attorney General. CSWB delivers a range of programs and services to communities, victims and offenders across the province of Saskatchewan. Services are delivered through funding to community-based organizations, First Nations, Tribal Councils and through internal citizen facing programs.

Conservation Officers (CO's): Conservation officers are special constables with full police powers. As such, their primary role is to enforce laws and conduct investigations related to the environment and natural resources. In addition to these primary duties, conservation officers are

part of a blended policing model in Saskatchewan which sees them assisting other law enforcement agencies, making our province a safer place to live.

Criminal Code of Canada: The full title is: Criminal Code of Canada, Revised Statutes of Canada (RSC), 1985, chapter 46. The legislation, or federal statute that outlines most criminal offences and procedures in Canada. It defines crimes, the penalties that can be imposed and the rules for prosecuting criminal cases.

Crown Prosecutor: The lawyer who represents the government, who prepares a case against the accused and who has the authority to approve a referral for AM or EJS.

Conferences: A broad name for processes to resolve a conflict or issue between an offender, victim, and/or community members. Conferences usually involve the offender, the victim, a facilitator, and a wide range of individuals such as family supporters, community members, professionals, and others. There are many kinds of conferences with a variety of uses. The people who participate and the procedures used vary according to the conferences purpose and the practices of the group or agency arranging it. In general, the participants sit in the round and may use a “talking piece” held by the person who is currently speaking.

Customer Relationship Management (CRM) database: A secure and encrypted web-based database program built from the Microsoft Dynamics 365 and managed by the Ministry of Justice and Attorney General. The CRM is used to store client information, organize data, and generate reports for AM and EJS programs.

Diversion: The process of directing an individual from formal processing in court to an AM or EJS program. Once a person completes a diversion program, formal charges are withdrawn.

Extrajudicial measures (EJM): Extrajudicial measures is a broad term for early interventions that provide an alternative to formal court proceedings, such as warnings, police cautions and referrals to community programs. EJM is specific to youth.

Extrajudicial sanctions (EJS): The most formal type of extrajudicial measures, EJS is used if a young person cannot adequately be dealt with by a warning, caution, or referral. EJS provide an alternative to the formal court process for young persons who are alleged to have committed an offence. EJS programs are authorized under the Youth Criminal Justice Act, the Ministerial Order and the Saskatchewan Ministry of Justice Youth EJS Policy (2024).

Facilitator: The person employed by an agency or by contract with CSWB who is responsible for delivering AM and EJS services.

Freedom of Information and Protection of Privacy Act (FOIP): FOIP is the legislation that gives people the right to access government records and protects their personal information as held by public bodies.

Law Enforcement: A member of an agency responsible for upholding and enforcing laws. In Saskatchewan, law enforcement officers can refer matters to AM and EJS. They may be members of federal police force (RCMP), provincial law enforcement (CO's), municipal police forces or other agencies.

Ministry of Justice and Attorney General (JAG): A ministry within the Government of Saskatchewan. Among other things, the ministry is responsible for administering community-based justice programs, including AM programs for adults and EJS programs for youth, restorative justice initiatives and victim services programs.

Parent or guardian: Refers to the legal parents of a young person or another adult who is legally responsible for the young person.

Police/Royal Canadian Mounted Police (RCMP): Municipal or federal law enforcement officials who investigate offences. The police have discretion about whether to refer appropriate cases to alternative measures.

Post-charge referral: Occurs when the police lay a charge against the accused, compelling them to attend Court. Crown Prosecutors approve post-charge referrals, sending matters to AM or EJS.

Pre-charge referral: Occurs when the police refer a criminal case to AM or EJS rather than laying a charge, even though there is enough evidence to charge the accused person with an offence.

Referral: An individual who is directed to an AM or EJS program. Adult referrals must meet the criteria set out in the *Criminal Code* and the *Ministry of Justice Adult AM Policy (2024)*. Youth referrals must meet the criteria set out in the *YCJA* and the *Ministry of Justice Youth EJS Policy (2024)*.

Restorative justice: An approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for their actions, by providing an opportunity for those directly affected by crime – victims, offenders and communities – to identify and address their needs in the aftermath of a crime.

Surrogate victim: A person assigned by the agency to represent the role of the victim in an AM or EJS process. Sometimes police act as surrogate victims, sometimes others do.

Victim: A person who has been harmed by a crime. Harms may be physical, emotional or financial.

Victim offender mediation: A type of process used in AM and EJS cases in which the victim and the accused meet with a facilitator.

Victim representative: A person selected by the victim to represent them in an AM or EJS process. The victim representative is usually the victim's friend or family member.

Youth or young person: A person from age 12 up to their 18th birthday at the time of the offence.

Appendix A – AM/EJS FORMS

1. AM/EJS CRM form
2. B-2 Accused Consent to Participate
3. B-3 Victim Consent to Participate
4. B-4 Agreement to Mediate
5. B-5 Agreement after Mediation
6. B-6 Consent to Release Information
7. B-7 Notification to Crown or Police
8. Community Referral CRM Form
9. Community Referral – Participants Agree to Participate
10. Agreement after Voluntary Mediation
11. B.1 – Agreement to Refer to AM or EJS

Alternative Measures/Extrajudicial Sanctions CRM intake/closure

GENERAL

First Name: _____ Gender: Male Female Other

Last Name: _____ Date of Birth: _____
MM DD YYYY

First Language: _____ Ethnicity: _____

Email Address: _____ Phone Number: _____

Community: _____ Postal Code: _____

Mailing Address: _____ Province: _____

CASE REFERRAL

Referral Information

Intake Type: Youth Adult

Case Type: Sentencing Post-sentencing Pre-sentencing
 Post-charge Pre-charge Community Referral

Agency: _____

Referral Date: _____
MM DD YYYY

Intervention Status: In house
 Transferred to: _____

Transfer Date: _____
MM DD YYYY

Court Information

Court Location: _____

Next Court Date: _____
MM DD YYYY

File received from the Crown: _____
MM DD YYYY

Status/Tracking

Case Worker: _____

Intake Date: _____
MM DD YYYY

CHARGE

Offence Description: _____

Offence Number(s), (CCC, YCJA, CDSA, etc.) and Description(s)

Offence Type: Indictable Summary Community

Police and Detachment: _____

Court Information Number: _____

Police Incident Number: _____

VICTIM AND OUTCOMES INFORMATION

Victim Information

Victim Type: Person Business No Victim

Date of Birth (Y/N): Yes No Date of Birth: _____
MM DD YYYY

Name

First Name: _____ Last Name: _____

Business Name: _____

General

Age: _____ Gender: Male Female Other

First Language: _____ Ethnicity: _____

Tracking Information

Victim Notification

Victim Notification: Unable to contact Does not want to be notified Wants to be notified

Victim Impact Statement Provided: Yes No

Pre-Intervention Participation: By Representative By Letter/Email By Phone
 In Person Unable to contact Other
 Video Refused to provide input

Final Contact

Victim Notified of Outcome: Yes No

Final Victim Contact: By Letter By Phone By Phone and Letter
 In Person By Email Video

Date the victim was Notified of Outcome: _____
MM DD YYYY

OUTCOMES

At Intervention

Victim Participation: In Person By Representative Surrogate By Letter/Email
 By Phone Video Victim Impact Statement
 Other Unable to Contact Refused to participate

Type of Intervention: Mediation Accountability Hearing
 Community Justice Forum Family Group Conference
 Healing/Talking Circle Diversion Program
 File Did Not Proceed

Final Outcome:

Accused Denied Responsibility Accused Refused to Participate
 Charge Stayed Completed as Amended
 Completed as Planned Crown Veto
 Deceased Inappropriate Referral
 Partially Completed – Community Referral Partially Completed – Crown Accepted
 Partially Completed – Crown Rejected Plan 0% Completed – Community Referral
 Plan 0% Completed – Court Referral Unable to make contact
 Unable to reach agreement

Referral Status: Charge Reactivated Incomplete Community Referral
 No further involvement

Reason for refusal:

- | | |
|--|--|
| <input type="checkbox"/> Victim feels it is not worth their time | <input type="checkbox"/> Victim has barriers to participation |
| <input type="checkbox"/> Victim do not see benefit | <input type="checkbox"/> Victim afraid of accused |
| <input type="checkbox"/> Victim believes it would be too much emotional toll | <input type="checkbox"/> Victim frustrated with Justice System |
| <input type="checkbox"/> Victim wants to or has moved on | <input type="checkbox"/> Other |

Other Refusal Reason: _____

Agreement

Agreement Reached: Yes No

Outcome Information

	At Intervention:	At Closure:
Apology at Agreement	<input type="checkbox"/> Written <input type="checkbox"/> Verbal <input type="checkbox"/> None	<input type="checkbox"/> Written <input type="checkbox"/> Verbal <input type="checkbox"/> None
Community Service Hours at Agreement	Amount:	Amount:
Donation to Charity at Agreement	Amount: \$	Amount: \$
Payment to Victim at Agreement	Amount: \$	Amount: \$
Personal Service Hours at Agreement	Hours:	Hours:
Essay /Presentation	Type:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Personal Service Task	Task:	Task:
Community Service Location		
Charity Name		
Educational Program - Other	Type:	
Other	Type:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Counselling Referred to		

WARNING TO OFFENDER

TAKE NOTICE that you may apply to have this matter referred to an appropriate alternative measures or extrajudicial sanctions program instead of being charged or prosecuted for this offence. Should you do so, any information you provide or admissions you make in the course of the program cannot be used against you in any court proceedings related to this offence. However, should you fail to successfully complete the alternative measures or extrajudicial sanctions program you may be prosecuted for this offence. If you complete the program successfully, no further action will be taken against you.

In order to be considered for alternative measures or extrajudicial sanctions you must accept responsibility for the alleged offence. The fact that you have done so cannot be used against you in court later. It is not the same as a plea of guilty.

RIGHT TO COUNSEL: You are entitled to consult counsel [and, if you are a young person, you may also consult a parent, adult, relative or appropriate adult] before applying for alternative measures or extrajudicial sanctions.

APPLICATION: I wish to have this matter referred to an alternative measures or extrajudicial sanctions program.

Yes No

Have you ever been referred to an alternative measures or extrajudicial sanctions program before?

Yes No

If yes, when and where? _____

ATTENDANCE REQUIREMENTS: I understand that in order to successfully complete the alternative measures or extrajudicial sanctions program I must contact the appropriate agency at _____

Address

in _____, Saskatchewan by the _____ of _____, 20____ and participate thereafter as required by the program coordinator.

City/Town

DD

MM

YY

ACCEPTANCE OF RESPONSIBILITY FOR OFFENCE: In order that this matter may be considered for referral to alternative measures or extrajudicial sanctions, I hereby state that I accept responsibility for the above described offence. I understand that this matter will be referred to the Crown Prosecutor for review. I will be notified if this application is rejected.

Dated this _____ of _____, 20____ at _____ in the Province of Saskatchewan.

DD

MM

YY

City/Town

Signature: _____

Participant

PROSECUTORIAL REVIEW OF APPLICATION

This application was reviewed and is:

- Approved for alternative measures or extrajudicial sanctions on a pre-charge basis.
- Approved for alternative measures or extrajudicial sanctions on a post-charge basis.
- Not approved for the following reason: _____

Dated this _____ of _____, 20____

DD

MM

YY

Authorized Signature: _____

Crown Prosecutor

B-2- Accused Consent to Participate

You have indicated your wish to participate in the Alternative Measures (AM) or Extrajudicial Sanctions (EJS) program as an alternative to the formal court process. You are hereby required to report to the AM/EJS agency or agent within 5 days of this notice (unless you have been informed that the AM/EJS agency or agent will be in contact with you).

Successful completion of the AM/EJS option will result in the (pending) charges being withdrawn.

I, _____ have read and understood the above. I understand that my participation in the AM/EJS program is voluntary and that failure to report as required or failure to successfully complete the AM/EJS requirements will result in the (pending) charges being dealt with by the formal court process.

- I agree** to participate
- I do not agree** to participate

Participant Signature:

Facilitator Signature:

Date:

MM DD YYYY

B-3 Victim Consent to Participate

With regards to the incident between:

_____ and _____
Accused Victim

CRIMINAL CODE OFFENCE:

BRIEF DESCRIPTION OF CIRCUMSTANCES:

The Alternative Measures (AM) or Extrajudicial Sanctions (EJS) program has been explained to me. I am aware that participation in any AM/EJS option is strictly voluntary and understand that if I do not wish to participate, the process will proceed without my involvement.

I AGREE to Participate:

I DO NOT AGREE to Participate:

For the Following Reasons: _____

Victim Name: _____ AM-EJS Facilitator Name: _____

Victim Signature: _____ AM-EJS Facilitator Signature: _____

Date: _____
MM DD YYYY

Date: _____
MM DD YYYY

B-4- Agreement to Mediate

DATED this _____ day of _____, 20____.

This is an Agreement Between

_____ Of _____, SK

AND

_____ Of _____, SK

To enter into Mediation

GUIDELINES FOR MEDIATION

1. **THE ROLE OF THE MEDIATOR** – It is understood that mediation is a process in which an independent mediator assists the participants to find an acceptable solution to their dispute. The mediator’s role is to help the participants make their own agreement.
2. **CONFIDENTIALITY** – The participants agree that any information obtained in mediation will not be used outside the mediation process. The mediator will not be called to testify or provide material for other proceedings.
3. **SHARING INFORMATION** – Each party agrees to fully disclose all information that may be requested by the mediator to aid in the resolution of the issues.
4. **VOLUNTARY PARTICIPATION** – Each party agrees to participate voluntarily and in good faith to try to reach a fair settlement of the dispute.
5. **LEGAL ISSUES** – The mediator will not provide legal advice. All participants are encouraged to talk to a lawyer if they have legal questions. Participants do not give up their legal rights as a result of participation in mediation. If any participant fails to live up to the mediation agreement, the case may be sent back to court or other appropriate agency.
6. **TIME FRAME** – The length of the mediation process will be determined by the participants and the mediator. Mediation will continue until an agreement is reached, or until the participants decide to end mediation.

Accused Name: _____ Accused Signature: _____

Victim Name: _____ Victim Signature: _____

Facilitator Name: _____ Facilitator Signature: _____

B-5- Formal Agreement as a Result of Alternative Measures/Extrajudicial Sanctions



Regarding the incident between:

_____ And _____
Accused Victim

It has been determined that the following actions will be taken to resolve the matter:

In Agreement:

Accused Signature: _____ Victim Signature: _____

As a condition to this agreement, it is understood and agreed that the victim will not take further criminal or civil action against the accused with respect to this crime when the AM/EJS agreement is successfully completed. Failure to complete this agreement may result in the case being referred back to the Crown prosecutor for a decision about whether to prosecute.

Accused Name: _____ Accused Signature: _____ Date: _____
MM DD YYYY

Victim Name: _____ Victim Signature: _____ Date: _____
MM DD YYYY

Facilitator Name: _____ Facilitator Signature: _____ Date: _____
MM DD YYYY

B-6- Consent to Release Information



I, _____ hereby
give permission to _____ of the
AM/EJS facilitator

_____ to contact:

Agency Name: _____

Contact Person: _____

Address: _____

Phone Number: _____ Email: _____

For information limited to:

Consent start date: _____
MM DD YYYY

Consent expiry date: _____
MM DD YYYY

Client Signature

Parent/Guardian Signature

This is to advise the authorizing person that the information collected on this form is used only for administrative purposes for the alternative measures/extrajudicial sanctions program. The information will remain confidential from the public, but may be privy to individuals outlined in and subject to the provisions of the *Youth Criminal Justice Act*, the *Criminal Code* of Canada, and the *Freedom of Information and Protection of Privacy Act*.

B-7- Notification to Crown/Police

Notification to Crown Prosecutor and Police from the Alternative Measures/Extrajudicial Sanctions Agency or Agent

Accused Name: _____

Offence: _____

Police File #: _____

Alternative Measures/Extrajudicial Sanctions CRM File #: _____

Alternative Measures/Extrajudicial Sanctions Facilitator: _____

1. Status of Referral:

Agency accepted referral

Agency refused referral

Reason for refusing the referral:

Unable to contact Accused

Unable to contact Victim

Accused denied responsibility

Accused refused to participate

Referral unsuitable for other reasons (Please Specify): _____

2. What AM/EJS process was used to resolve the case, if any?

Victim Offender Mediation

Conference

Referral to a specialized program

Referral for counselling or other treatment programs

Participation in cultural activities

Accountability hearing

Other (Please Specify): _____

3. If a facilitated meeting occurred, was an agreement reached?

Yes

No

4. If an agreement was reached, what were the conditions of the agreement?

- Formal apology
- Restitution/compensation in cash or kind (specify type and amount agreed to): _____
- Donation to charity (specify the charity and amount donated): _____
- _____
- Community service hours (specify number of hours): _____
- Participation in counselling or treatment program (specify program): _____
- _____
- Public education activities (specify type of activity): _____
- Referral to other service (please specify): _____
- Formal cautioning letter
- Other (please specify): _____

5. If an agreement was reached, did the accused complete the agreement?

- Agreement completed (specify date completed): ____/____/____
MM DD YYYY
- Agreement partially completed (specify expected date of completion): ____/____/____
MM DD YYYY
- Agreement not completed (specify reason for non-completion): _____
- _____
- Other (Specify): _____
- _____

COMMENTS/ADDITIONAL INFORMATION:

AM/EJS Facilitator Name: _____

AM/EJS Facilitator Signature: _____

Phone Number: _____

Date: ____/____/____
MM DD YYYY

Community Referral Form – for use with CRM

AMP/EJS Program Name: _____

Facilitator: _____

CLIENT 1 INFORMATION – In the CRM, this will be entered as the Offender Information

Client Initials (in place of name): _____

Date of Birth: _____
MM DD YYYY

Gender: Male Female Other

Community: _____ Province: _____

Ethnicity: _____

CASE REFERRAL INFORMATION:

Intake Type (Age): Youth (<18) Adult (>18)

Referral Date: _____
MM DD YYYY

Referral Source (enter details in the NOTES tab): _____

STATUS/TRACKING TAB:

Meeting / Intervention Date: _____ Closure Date: _____
MM DD YYYY MM DD YYYY

CHARGES:

Offence Date: _____
MM DD YYYY

Offence Description: Community Referral

Offence Type: Community

Conflict Summary: _____

CLIENT 2 INFORMATION: – In the CRM this will be the Victim Information

Client Initials (in place of name): _____

Date of Birth: _____
MM DD YYYY

Age: Under 12 12 to 17 18 to 24 25 to 34 35 to 44
 45 to 54 55 to 64 65+

Community: _____ Province: _____

Ethnicity: _____

Gender: Male Female Other

Community Referral Closure (to be completed for CRM data entry)

VICTIM AND OUTCOMES – GENERAL TAB

Victim Type: Person Person – Property Business Public Property No Victim

Participants relationship: No Relationship Friend/Acquaintance Child
 Parent Spouse/Partner Unknown
 Other/Family N/A – No Victim

TRACKING INFORMATION TAB

Participant 1 (CRM accused) Engagement Prior to Intervention: By Letter By Phone
 In Person Other

Participant 2 (CRM accused) Engagement At Intervention: By Letter By Phone
 In Person Other

INTERVENTION:

Type of Intervention:

Mediation Conference Program/Cultural Specific Healing/Talking Circle

Final Outcome:

Completed as Planned Completed as Amended
 Total Default (did not complete at All) Inappropriate Referral
 Unable to Reach an Agreement

NOTES:

OUTCOMES:

Agreement Reached: Yes No

	At Intervention:	At Closure:
Apology	<input type="checkbox"/> Written <input type="checkbox"/> Verbal <input type="checkbox"/> None	<input type="checkbox"/> Written <input type="checkbox"/> Verbal <input type="checkbox"/> None
Community Service Hours		Amount:
Counseling	Referral to:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Donation to Charity	Charity Name: \$	Charity Name: \$
Essay / Presentation	Type:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Educational Program	Type:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Other	Type:	Completed: <input type="checkbox"/> YES <input type="checkbox"/> NO
Payment to Victim	\$	\$
Personal Service Hours	#	#
Personal Service	Task:	Task:

Comments: _____

Facilitator: _____

Community Referral: Participants Consent to Participate

With regards to the incident between:

_____ and _____
Participant Participant

BRIEF DESCRIPTION OF CONFLICT:

The Community Referral: Mediation Program has been explained to me. I am aware that participation in this process is strictly voluntary and that my consent to participate can be withdrawn at any time. This program is intended to resolve non-criminal conflicts.

I AGREE to Participate:

I DO NOT AGREE to Participate:

For the Following Reasons: _____

Participant Name: _____

Participant Name: _____

Participant Signature: _____

Participant Signature: _____

Date: _____/_____/_____
MM DD YYYY

Date: _____/_____/_____
MM DD YYYY

AM/EJS Facilitator Name: _____

AM/EJS Facilitator Signature: _____

Date: _____/_____/_____
MM DD YYYY

B-5.1 Agreement After Voluntary Mediation



With regards to the incident between:

_____ and _____
Participant Participant

It has been determined that the following actions will be taken to resolve the matter:

In Agreement:

Participant Name: _____

Participant Name: _____

Participant Signature: _____

Participant Signature: _____

Date: _____
MM DD YYYY

Date: _____
MM DD YYYY

As a condition to this agreement, it is understood and agreed that the participants will not take further criminal or civil action with respect to this matter when the agreement is successfully completed.

AM/EJS Facilitator Name: _____

Participant Signature: _____

AM/EJS Facilitator Signature: _____

Participant Signature: _____

Date: _____
MM DD YYYY

Date: _____
MM DD YYYY

Appendix B– Alternative Measures/Extrajudicial Sanctions Community Service Orders

Community Service Order (CSO) Hours

Sometimes, CSO hours are determined to be an appropriate outcome in a referral. The Ministry of Justice Supports Fine Option/Community Service Order (FOP/CSO) programs across Saskatchewan and any hours may be completed with an Agent in the community where the accused person lives.

Goals of AM/EJS CSO

- To provide individuals with an opportunity to make amends where they do not have financial means.
- To benefit the community by completing unpaid work for non-profit organizations, charities, or other approved Work Placements.
- To encourage accountability, rehabilitation and restoration in communities.

Required Documents

The AM/EJS CSO referral form is available from your PM. It must be filled out completely and taken by hand by the participant to the FOP/CSO agent. The expected completion date is set by the AM/EJS Facilitator and should be no less than a week before the next scheduled Court date, allowing time for the FOP/CSO agent to notify the facilitator of the CSO status.

If you have questions or require CSO forms, contact your PM.

Appendix C – AM/EJS Referrals Flowchart

Alternative Measures & Extrajudicial Sanctions Referrals Flowchart

