

Alternative Measures Program

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Program Objectives

The Alternative Measures Program is a pre-charge option with no formal charges being laid, but evidence to proceed with charges required. It offers eligible accused persons, victims, the community, and the criminal justice system the opportunity to address and resolve, in an efficient and responsible manner, the accused's criminal behaviour outside formal court intervention.

The program aims to repair harm done to the victim and the Community holding the accused accountable for his/her actions.

The Alternative Measures Program provides a Community option that is visible, accountable, and accessible to accused persons, victims, and the community.

The Alternative Measures Program aims to:

- i. Protect society through the deterrence of offenders from further criminal conduct.
- ii. Increase offender accountability and responsibility for their illegal actions.
- iii. Enhance Community involvement in the criminal justice system.
- iv. Promote the involvement of victims in the process.

Guiding Principles

The Alternative Measures Program is an approved program for both adult and young offenders authorized by the Attorney General of the Province of New Brunswick in accordance with Section 717 of the *Criminal Code* for adult offenders and Section 4 of the *Young Offenders Act* for young offenders.

The Alternative Measures Program is based on a restorative justice and/or accountability approach where offenders must take responsibility for their actions providing an opportunity for offenders to recognize harm done to victims and the Community allowing for reparation through victim/offender reconciliation, restitution, and Community service.

Participation in the Alternative Measures Program will result in a formal agreement based on consensus between the parties involved in the alternative measures process, and if successfully completed will terminate any further criminal proceedings in relation to the particular matter. If there is non-compliance with the agreement the matter will proceed through the formal Court process.

Pre-Charge Screening Authorization

Pre-charge screening will occur by a senior police officer within the force who was not involved with the investigation of the offence.

The senior police officer must be designated as an agent of the Attorney General for the purpose of section 717(1)(f) of the *Criminal Code* and Section 4 of the *Young Offenders Act*

Eligible for Consideration for Alternative Measures

A schedule of offences has been designated as appropriate for consideration for the New Brunswick Alternative Measures Program and is attached as appendix 1. Limitations have been set for a number of offences where the Crown Prosecutor must be consulted and give approval to the designated Attorney General's Agent in order for the program to be considered. In exceptional cases where all screening criteria are not strictly met but the accused is considered a good candidate for the program, the designated Attorney General's Agent will consult and obtain approval from the local Crown Prosecutor for referral to the Alternative Measures Program.

In the case of summary conviction offences, alternative measures must be initiated and should be completed within the six month limitation period from the date of the commission of the offence. In the case of non-compliance during the six month limitation period, the matter will be forwarded to the designated Attorney General Agent for court processing.

In the case of hybrid offences, all reasonable efforts will be made to complete the Alternative Measures within six months from the date of commission of the offence. Hybrid offences where the six month time limit has expired before the program has been initiated shall be discussed with the Crown Prosecutor for determination of whether the matter will proceed under this program by way of indictable offence. In the case of non-compliance the matter will be forwarded to the designated Attorney General Agent for court processing.

Offenders Eligible for Participation in the Alternative Measures Program

- Offenders have no other pending charges.
- Offenders are not currently under sentence and have not been under sentence within the last two years.
- Offenders are fully aware of the program and freely consent to participate.
- Offenders have been advised of rights to representation and consultation with legal counsel prior to participation in the program.
- Offenders' attitudes towards offences express remorse at time of investigation.
- Victims' views of the offence and the offender being dealt with in alternative measures are to be considered but do not preclude participation in the program.
- A young offender record will not preclude eligibility as an adult except for consideration of public interest.

Program Audit/ Quality Control Functions

For the purposes of ensuring integrity in the program and the screening process, an audit team, consisting of the Regional Crown Prosecutor, the Regional Director, Community and Correctional Services, and the Chief of Police or District Commander of the RMP will be established in each region. The team will be chaired by the Regional Crown Prosecutor.

The audit team will:

- Conduct two program audits a year in each police force or as otherwise directed by the Attorney General.

- Audit a sample of program case files to ensure:
 - Screening criteria have been met
 - Safeguards are in place to prevent coercion or perception of police abuse of power
 - Operational policies and procedures are being adhered to.

Alternative Measures Records/Disclosure

Police and Community Corrections will keep records in accordance with Section 717.2(1), and 717.3(1) of the *Criminal Code*.

Records are subject to disclosure to other government agencies engaged in the administration of alternative measures or for research and statistical purposes and shall be made available for review by the audit team.

Disclosure of information to the accused will be the information contained on the prosecutor's information sheet and will be disclosed by the Alternative Measures Coordinator upon initial contact with the accused. The accused may also request information from the police and should be directed to the designated Attorney General's Agent within the police force.