



Community Legal Information Association of Prince Edward Island, Inc.

Alternative Measures Information for Victims of Adult and Youth Crime

Prince Edward Island has an Alternative Measures Program which is used to divert people from the criminal court system while still holding them accountable for what they have done. The program consists of out-of-court options for youth from age 12 to their 18th birthday, and for adults 18 and older.

Why do we use alternative measures?

Out-of-court measures are used to:

- enhance the involvement of victims, family and the community in the criminal justice process;
- reduce the harm done by the crime;
- protect victims;
- hold the offender accountable for what he or she has done.

Is a record kept of an offender's participation in the Alternative Measures Program?

When an adult participates in the program, or a youth participates in an extrajudicial sanction (out-of-court option) as part of the Alternative Measures Program, a record of the person's involvement is available to justice officials for two years from the date the individual consented to enter into the Alternative Measures agreement.

Who is eligible for the program?

In order to be eligible for the program, adults and young people must accept responsibility for the crime and be willing to participate in the program.

When discussing participating in the Alternative Measures Program, nothing that is said by an offender, in accepting responsibility for the offence(s), can be used in any court.

Can all crimes be diverted to the Alternative Measures Program?

Alternative Measures is not available for impaired driving or other drug or alcohol related offences listed in the *Criminal Code*. Generally, spousal and sexual abuse cases will not be referred to the program, however an exception may be made.

If a case of spousal abuse is being considered for the program, a referral will be made to Victim Services and the victim's wishes/needs will be considered before the decision is made. Initially, a criminal charge(s) may be laid, but this is not required.

Can a person be referred to the Alternative Measures Program more than once?

A person can be referred to the program more than once, but that is not the usual practice. A criminal record does not prevent an individual from entering the program.

Who can refer a person to the program?

A Crown Attorney makes the referral to the program. This occurs either:

- when police know who committed the offence and believe that a referral should be made prior to a charge being laid; or,
- after the police have laid a charge and the person has appeared in court. In court, the Crown can ask that the case be adjourned to allow the offender to participate in the Alternative Measures Program. If the individual "substantially completes" the program, the charge will be stayed or withdrawn by the Crown Attorney. If there has not been substantial completion the charge will be dealt with by the court in the normal way.

What factors are considered before making a referral?

The following factors are considered when deciding whether a recommendation to the Alternative Measures Program should be made:

- the seriousness of the offence;
- the circumstances of the offence;
- outstanding charges and prior involvement in the justice system;

- the attitude of the offender;
- the wishes of the victim;
- the impact of the offence on the victim(s), family of the victim(s), family of the offender and affected community members;
- the public interest.

Victims of youth crime:

The ***Youth Criminal Justice Act*** says that victims have rights and that victims may want to be part of the process used to deal with an offence. The ***Act*** states:

- victims are to be given information about the proceedings;
- victims are to be given the opportunity to participate in the process and be heard;
- victims are to be treated with courtesy, compassion and with respect for their dignity and privacy;
- victims can access youth court records in certain circumstances;
- victims are encouraged to participate in community responses to the offence;
- victims have the right to be informed about any extrajudicial sanction (out-of-court option) used to deal with the offence. In PEI, Alternative Measures is the most common extrajudicial sanction;
- victims have the right to know the identity of the young person who committed the offence when the young person is dealt with by way of an extrajudicial sanction (out-of-court option).
- Publication of any information that might identify child or youth victims or witnesses is not allowed, except in very limited circumstances.

What role can the victim play in Alternative Measures?

Victims can be involved by:

- discussing the effects of the offence with police and Victim Services and whether out-of-court measures could be an appropriate response to the offence;
- asking for information about the incident, the offender's identity, and the consequences of the offence;
- participating in community responses to the offence, such as a victim-offender mediation;
- preparing a Victim Impact Statement if the offence goes to court (a statement to tell the judge how the offence affected you);
- accepting services from the offender as compensation for the harm done by the offence.

Do I have to be part of the process?

You do not have to participate. You will be offered the opportunity to:

- discuss whether Alternative Measures is an appropriate referral for the offence;
- provide input to the probation officer or youth justice worker who supervises the Alternative Measures agreement;
- be kept informed of the participant's progress;
- be told about the outcome of the program.

What happens if I don't agree with a referral to Alternative Measures?

The Crown Attorney decides whether an offender is referred to Alternative Measures Program. Your views will be taken into consideration, but the offender may still be referred to the program.

What help is available for victims of crime?

Victim Services helps victims of crime throughout their involvement with the criminal justice system. If you have been a victim of crime, police will refer you to Victim Services, and a worker will call you. You can also call Victim Services to make an appointment for yourself at any time.

Victim Services provides:

- information about the police investigation and how the offence is being handled;
- short-term counselling to help with the effects of the offence;
- referrals to other services a victim may need;
- help preparing a Victim Impact Statement to be read if the incident goes to court;
- help to prepare for court, and a worker to go to court with a victim if he or she wants support;
- assistance with out-of-court procedures;
- information about ways a victim might be able to recover financial losses resulting from the crime, or possibly receive compensation for costs associated with personal injury crimes.

Website: www.gov.pe.ca/jps/victimservices

Queens and Kings Counties: 902-368-4582

Prince County: 902-888-8218

The **Aboriginal Justice Program** works to allow Aboriginal people to self-administer justice within a traditional justice system based on community values.

The Aboriginal Justice Program provides information on options and services available to all Aboriginal people involved with the Alternative Measures Program. The program focuses on the process of helping offenders, victims, and communities get to the root of the issues that led to the crime(s) being committed.

The aim of the program is to provide community based alternatives that deal with crime in ways that respect the victim and the community and that also support the offender to succeed. Participants in the program focus on creating a plan that is achievable. The process also ensures that proper resources are in place for each condition to be completed.

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