

Community Accountability Program GUIDELINES

Ministry's Framework for Restorative Justice

These guidelines will form the basis of the conferencing rules that are established as part of Section 19(3) of the Youth Criminal Justice Act (YCJA).

Prior to accepting any diversion referral to CAP:

- All victims approached to participate in a community accountability program are apprised of support services available to their communities.
- All participants fully understand the process.
- The requirements and limits of confidentiality are fully explained to all participants.
- All parties choose to participate in the *conferencing* process voluntarily and are not under and threat or coercion to do so by any party.
- A letter of informed consent is obtained from all parties participating in the process.

That before any person enters into a diversion agreement:

- The nature of the alleged offence is explained and the offender voluntarily accepts responsibility for the incident.
- Alleged offenders (and parents or legal guardians) are fully apprised of their right to legal counsel and their right to have the matter heard in the courts.
- The alleged offender is fully aware of their responsibility to comply with any agreement reached through the process. Note: In cases referred by police, the offender cannot be prosecuted for non-compliance with an agreement.
- All agreements are entered into voluntarily and with the consent of all parties.

That a CAP operates in such a manner that:

- All persons - offenders and victims - are treated with respect and dignity at all times.
- Involvement in the process is safe and does not endanger the participant.
- All program volunteers have criminal records checks.
- All volunteers are adequately trained to participate in the program.
- A complaints process is established and accessible to all participants.
- Appropriate record keeping is undertaken and case file management is maintained.
- Confidentiality of participants is maintained.