

	Abbotsford Police Department Policy and Procedure	
	Operations	Investigation
	II.D.220	Restorative Justice Program

PREAMBLE

The Government of British Columbia encourages the use of alternate measures such as Restorative Justice when dealing with non-violent first time offenders. The *Youth Criminal Justice Act* (YCJA) requires that police consider using extrajudicial measures, such as diversion to Restorative Justice, rather than sending young offenders into the criminal justice system.

The Abbotsford Police Department appreciates the importance of reconciliation between those of Indigenous ancestry and the larger community. Where appropriate and available, Indigenous offenders may participate in culturally-sensitive alternative justice programs offered through Indigenous agencies.

DEFINITIONS

- (1) **Restorative Justice** –measures taken as an alternative to criminal prosecution which seek to repair the damaged relationship between the victim, the community and the offender, while providing the offender the opportunity to take responsibility for their actions, learn from the situation, and to change their behaviour.

POLICY

- (2) Where appropriate to the circumstances, the Abbotsford Police Department (AbbyPD) will consider referring eligible offenders to Restorative Justice programs as an alternative to criminal prosecution.

ELIGIBILITY CRITERIA/REQUIREMENTS

- (3) Both youth and adult offenders may be referred to a Restorative Justice Program.
- (4) Where an offender has a criminal record that is dated or not related to the current violation, a public interest assessment may be conducted to determine whether participation in Restorative Justice may be suitable.
- (5) Only offenders who have accepted responsibility for their crime will be referred to a Restorative Justice program. Accordingly, prior to referral to the program, the offender (or the offender’s parent/guardian, if the offender is a minor) must be made aware:
 - (a) of their right to legal advice/counsel;
 - (b) that they have the right to take the matter to court; and
 - (c) if they do not fulfill the requirements of the program, they will be referred back to the Abbotsford Police Department to determine the appropriate course of action, which may result in charges being forwarded to Crown counsel.

- (6) Both the victim and the offender must consent to the referral to Restorative Justice and be willing to participate in the process. In the case of a young offender, consent to participate in the program must also be obtained from the youth's parent/guardian.
- (7) Referrals for summary or hybrid offences (except intimate partner violence-related offences, sex-related offences, and any offences involving children) may be considered.
- (8) Exceptions to these criteria may be considered by an NCO, depending on the circumstances of the offence.

Paragraphs (2) through (8) constitute policy approved by the Police Board on October 26, 2022.