

MEMORANDUM OF UNDERSTANDING

BETWEEN:

JUSTICE PARTNERS

(“the Parties”)

THE NOVA SCOTIA RESTORATIVE JUSTICE PROGRAM

1. PURPOSE:

- 1.1 This Memorandum of Understanding (MOU) represents a commitment by the Parties to collaborate in support of restorative justice in Nova Scotia and a coordinated implementation of the Nova Scotia Restorative Justice Program. It is a statement of intent and commitment among the Parties.

2. PREAMBLE:

- 2.1 The Parties are committed to promoting justice and safety in Nova Scotia communities. They share a common commitment and responsibility to the public interest in ensuring the administration of criminal justice is accessible, meaningful, effective and efficient. The Parties maintain that restorative justice is important to achieving this shared commitment. The Parties understand restorative justice as an approach to justice that attends to interconnection and relationship and is focused on securing just relations among individuals, groups, communities and institutions in society.
- 2.2 The parties are equally committed to supporting and facilitating access to customary law for Indigenous young people and adults in Nova Scotia. It is the parties’ intention that their commitment to restorative justice should complement and support the commitment to honour customary law and Indigenous justice.

3. DEFINED TERMS:

- 3.1 The following definitions apply to this MOU:

- (a) “Justice Partners” means justice system stakeholders from government and community that are parties to this MOU and have roles and responsibilities related

to the implementation and operation of the Nova Scotia Restorative Justice Program;

- (b) “Nova Scotia Restorative Justice Program” or “NSRJP” means the integrated program for adults and young persons in conflict with the law as established by the Attorney General and Minister of Justice of Nova Scotia and implemented according to the authority and discretion available at law to each Justice Partner and the Judiciary and as consistent with their roles and responsibilities. For purposes of police and Crown referrals, the NSRJP is authorized as a program of alternative measures for adults pursuant to Section 717 of the *Criminal Code* (Canada) and as a program of extrajudicial sanctions for young persons pursuant to Section 7 of the *Youth Criminal Justice Act* (Canada) and Section 10 of the *Youth Justice Act*.
- (c) “Program Governance and Management Committee” means the committee comprised of representatives from Justice Partners and other stakeholders, who meet regularly and as required, to provide oversight and guidance in support of the development and operation of NSRJP;
- (d) “Protocols” means the protocols developed as part of the NSRJP and approved by the Attorney General and Minister of Justice of Nova Scotia.

4. Restorative Justice Principles:

4.1 The parties are committed to a restorative approach to justice that is grounded in the following principles. Restorative justice is:

- **Relationally focused:** attention to interconnection, seeking to understand and promote just relations between individuals, groups and communities
- **Comprehensive and holistic:** takes into account histories, contexts and causes of harm and its impacts
- **Inclusive and participatory:** culturally grounded and trauma informed, attentive to the needs of parties and the safety and well-being of participants.
- **Responsive:** Contextual, flexible practice, accessible, efficient and effective processes, informed by data and knowledge
- **Focused on promoting individual and collective accountability & responsibility**
- **Collaborative and non-adversarial:** among parties to the process and system and community partners.
- **Forward-focused:** educative (not punitive), problem-solving, preventative and proactive.

4.2 These principles will guide the development, governance and implementation of NSRJP and the work of the parties in support of NSRJP.

5. *Goals and objectives of the NSRJP:*

5.1 The Parties adopt the following shared goals and objectives of the NSRJP:

- **Respond to needs of individuals and communities affected by crime:** with particular attention to the needs of victims and those harmed by crime (individuals and communities)
- **Harm reduction:** Reduce cycle of harm and injustice, prevent further harms to vulnerable individuals and communities and reducing over-representation of marginalized individuals in justice system
- **Support individual and collective taking of responsibility for harm and public safety**
- **Increase access to justice:** more effective, timely, inclusive, equitable justice system
- **Provide responsive justice:** human-centered justice processes that consider root causes and seek meaningful outcomes and responses
- **Increase public confidence and accountability in the administration of justice**
- **Build and support healthy, safe and strong communities**

5.2 The Parties acknowledge their individual and collective responsibility to ensure the achievement of these goals and objectives. The Parties commit to fulfil their roles and responsibilities as outlined in this MOU and in the NSRJP, including the Protocols.

6. COMMITMENTS OF THE PARTIES:

6.1 The Parties commit to working together to advance the implementation of a restorative approach to justice in Nova Scotia, founded on core principles that inform and guide this work in the NSRJP. The Parties commit to promote and support restorative justice in Nova Scotia through:

- Exercising their respective authorities to actively participate in the NSRJP by developing internal operational guidance and policy, as necessary, in accordance with the roles and responsibilities outlined in the Protocols.

- Sharing accountability and responsibility for the success of the NSRJP.
- Contributing to the collaborative and shared governance of the NSRJP through the Program Governance and Management Committee.
- Ensuring participation in and support for ongoing NSRJP related education and professional development for staff, members and constituents to enhance understanding, implementation and operation of the NSRJP.

7. ENFORCEABILITY:

7.1 This MOU is not a legally enforceable contract nor is it a justiciable document. None of the principles, general objectives or activities stated herein oblige the Parties to act in a manner inconsistent with relevant legislation, policies or authorities.

8. AMENDMENT:

8.1 The Parties may, by mutual written consent, amend this MOU at any time.

8.2 Additional parties may be added to this MOU by mutual written consent of the original parties.

8.3 The Parties commit to review and, if required, amend or renew this MOU through the Program Governance and Management Committee every 3-5 years.

9. TERMINATION:

9.1 Any party may terminate their participation in this MOU by giving 30 days' notice to the other parties.

9.2 This MOU continues in effect for those parties who have not given notice of termination.

10. EFFECTIVE DATE AND COUNTERPARTS:

10.1 This MOU takes effect upon signing by at least two signatories and takes effect for each subsequent signatory on the date signed by that signatory.

10.2 This MOU may be signed in any number of counterparts, each of which is an original and all of which taken together form one single document and shall become effective when one or more counterparts have been signed by each of the parties and delivered to a co-chair of the Program Governance and Management Committee. Signatures delivered by email in PDF format shall be effective.

SIGNED by the Justice Partners on the dates set forth below.