BRIDGING JUSTICES:

A Critical Exploration of Moratoriums on Restorative and Transformative Justice for Sexual Harm in Ontario

LEAF FAEJ
WOMEN'S LEGAL EDUCATION & ACTION FUND
FONDS D'ACTION ET D'ÉDUCATION JURIDIQUE POUR LES FEMMES

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TRENT UNIVERSITY

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Community Justice Initiatives (CJI): CJI is a not-for-profit organization based in Kitchener-Waterloo, Ontario. CJI facilitates restorative justice for a wide array of conflicts and harms. The Revive program specifically supports restorative processes for sexual harm. CJI is one of the few organizations in Canada that provides restorative justice facilitation for sexual harm and supports both survivors and people who have caused sexual harm.

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Women's Legal Education and Action Fund (LEAF): LEAF is a national charitable organization that works towards ensuring the law guarantees substantive equality for all women, girls, trans, and non-binary people. LEAF has played a significant role in advancing the law of sexual assault in Canada through a feminist and equality lens. LEAF has been involved in nearly every significant change to the law of sexual assault in its 40 years of existence, including intervening in almost all precedent-setting Supreme Court of Canada cases to ensure that the Court gives full protection to complainants' rights to equality, privacy, and dignity.

SUGGESTED CITATION

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EXECUTIVE SUMMARY

This project builds on LEAF's 2023 report *Avenues to Justice: Restorative and Transformative Justice for Sexual Harm*. One of the key findings from Avenues to Justice was the need to revisit Crown policy that limit access to s.717 of Canada's Criminal Code for sexual offences. The present research consults gender-based violence (GBV) experts and frontline staff about their perspectives on Crown policies and the potential to expand access to non-criminal legal options such as restorative and/or transformative justice (RJ/TJ) for sexual harm in Ontario.

The research included several methods to solicit perspectives from the GBV sector, including a survey, interviews, and focus groups, as well as a community gathering to report our findings to key stakeholders and solicit their feedback. We found that there is strong support for revisiting current Crown policies and expanding options to respond to sexual harm outside of the criminal legal system, such as RJ/TJ.

While distinct approaches to justice, RJ and TJ can both be defined as non-adversarial approaches to justice, healing, and accountability. RJ/TJ has deep roots in many communities globally. There are, for example, many Indigenous (Friedland, 2020), Africentric (Yanful, 2025), and Mennonite (MCC, 2020) approaches to redressing harm that are rooted in relational and restorative philosophies. Call to Action 50 of the Truth and Reconciliation Commission of Canada (2015) concerns Indigenous law revitalization for First Nations, Métis, and Inuit communities, some of whom rely on restorative approaches to justice. Enhancing access to RJ/TJ in collaboration with Indigenous nations and community organizations has promising potential to advance this Call to Action. A recent report by the Canadian Association of Black Lawyers similarly recommended expanding access to RJ/TJ options that allow for community-led approaches to justice (Yanful, 2025).

GENERAL SUPPORT TO REVISE CROWN POLICY

Overall, the research participants expressed strong support for either the complete removal or significant revision of current Crown policy that prohibits diversion under s.717 for sexual offences. Many participants noted that that the objectives of RJ/TJ are aligned with the expressed needs of survivors, even if they may not use the language of RJ/TJ, than current legal processes.

While there was general support for increasing access to RJ/TJ for sexual harm, several conditions were routinely identified to ensure its safe and effective use:

- The Crown only diverts cases when the survivor has initiated an RJ/TJ option;
- Processes are survivor-initiated and survivor-centred, including ensuring that processes are culturally relevant;
- RJ/TJ for sexual harm must be facilitated by someone with appropriate training and expertise in GBV; and
- Specialized training and education about RJ/TJ for sexual harm is available and is tailored to a range of audiences including GBV sector staff, lawyers, and survivors.

The findings of this study demonstrate support among the GBV sector for the expansion of RJ/TJ for sexual harm. In conclusion, we recommend that the Crown policy be revised following ongoing consultation with community partners, and that funding be provided for four pilot sites enabling Crown referral for sexual offences.

GLOSSARY

Harm: in RJ/TJ contexts, harm is understood not solely as a legal violation, but as a rupture in trust, safety, and/or dignity. It often manifests through emotional, relational, cultural, or community-level impacts. Central to restorative and transformative practices is the recognition that harm requires repair, not punishment. In this report and its research, 'harm' is used expansively to describe both the direct impacts of violence on survivors and the ongoing, systemic harm perpetuated by the criminal legal system which frequently fails to meet survivors' needs and may compound their experiences of trauma (Johnstone & Van Ness, 2007).

Person who caused harm: this term is preferred because "offender" or "accused" are rooted in criminal law and are associated with negative stereotypes. Using the language of "person who caused harm" acknowledges that people are complex and should not be reduced to a singular identity. We also acknowledge that many people who cause sexual harm are also people who have experienced sexual harm.

Restorative Justice (RJ): the United Nations defines "restorative processes" as "any process in which the victim and the offender, and where appropriate, any other individuals or community members affected by a crime, participate together in the resolution of matters arising from the crime, generally with the help of a facilitator" (United Nations Economic and Social Council, 2002).

Sexual Offences: a wide array of sex-based offences in the *Criminal Code* including sexual offences such as sexual assault, sexual assault causing bodily harm, sexual interference, sexual exploitation, invitation to sexual touching, and incest.

Survivor-Centred: an approach that prioritizes the safety, agency, and self-determination of the person who has experienced harm. In RJ/TJ processes, survivor-centred practices allow survivors to define what justice means for them, to express their needs without pressure, and to engage in the process at their own pace and level of comfort. This approach resists one-size-fits-all models and emphasizes the importance of listening to and validating survivor experiences (CARE-GBV, 2021; Rentschler et al., 2022).

Transformative Justice (TJ): an alternative justice process intended to repair harm and prevent further or repeated injury by changing the structures and norms of a community (Kim, 2021). TJ views individual harms as indicative of wider social problems rooted in systemic oppression. Developed largely by Black and racialized communities as a way of dealing with conflict without involving the state and the violence it often enacts on these communities, TJ processes typically occur outside of state control (Kim, 2021; Piepzna-Samarasinha, 2019; Mingus, 2019).

INTRODUCTION

In 2023, the *Toronto Star* published a series of articles about three women who made separate reports of sexual assault to the police but preferred to pursue a restorative route over the criminal legal system. The three women were initially denied the diversion of their cases under s.717 of the *Criminal Code* (Alternative Measures) based on Ontario Crown Policy D4 which prohibits sexual offences from diversion (Gallant, 2023a, 2023b, 2023c). Eventually, because of their advocacy, these three women were able to participate in RJ processes.

In the last several years, there has been growing interest among those working in the gender-based violence (GBV) sector for restorative and transformative justice (RJ/TJ) options to redress sexual harm. In line with this, in 2023 LEAF released the research report *Avenues to Justice: Restorative and Transformative Justice for Sexual Harm*, which sought to identify the legal and social barriers to restorative and transformative justice in Canada (Burnett & Gray). The report found that Crown policies prohibiting diversion were a significant policy barrier.

It appears that support for increased access to non-carceral and non-adversarial options to redress sexual violence is also growing more broadly across Canada.

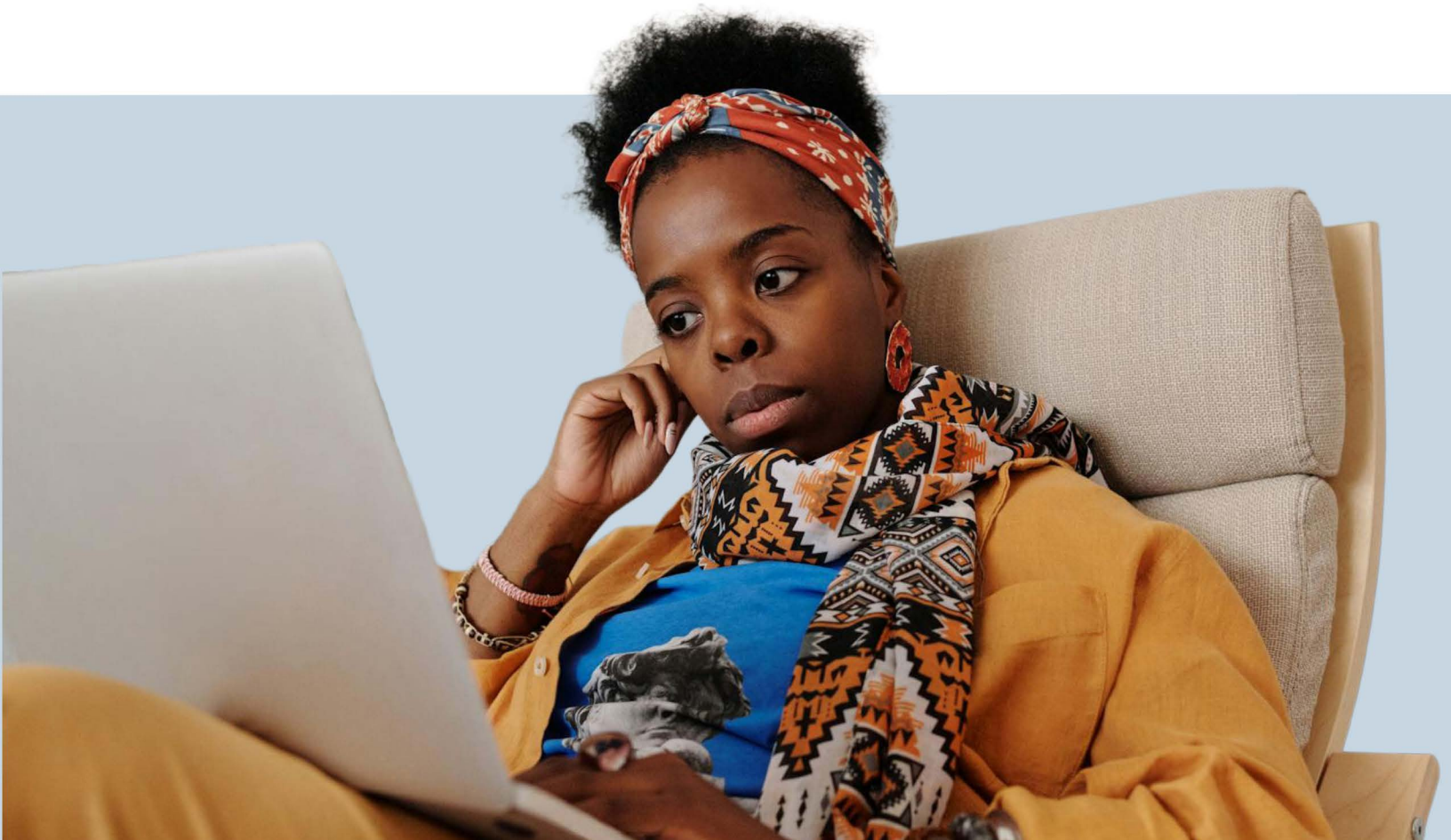
It appears that support for increased access to non-carceral and non-adversarial options to redress sexual violence is also growing more broadly across Canada. For example, a 2025 Independent Systemic Review of the legal system's response to gender-based and sexual violence in British Columbia concluded with a recommendation that the BC Ministry of Attorney General create a working group to explore restorative justice options for sexual harm and GBV (Stanton, 2025). Moreover, Canada's Department of Justice (2023b) identifies that policy which prohibits diversion in these cases presents an ongoing issue that must be addressed. In 2025, a coalition of survivors, Survivors 4 Justice Reform, wrote an open letter asking the Attorney General for policy revisions to allow broader access to alternatives to the criminal legal system for pursuing justice (Weingarten & MacMillan, 2025). Many sexual assault centres, women's shelters, and advocates across Ontario, including the Ontario Coalition of Rape Crisis Centres, signed this letter. The recent acquittal of five hockey players in the widely discussed Hockey Canada case has also instigated broader discussions about the potential of restorative justice to be a viable alternative to current criminal legal responses to sexual harm (Llewellyn, 2025; McFarlane & Stone, 2025; Owens & Mattoo, 2025)

Improving access to restorative justice also aligns with Call to Action 50 of the Truth and Reconciliation Commission of Canada (TRCC) for Indigenous law revitalization. Many Indigenous legal traditions are rooted in restorative practices and the restoration of relationships. The National Inquiry into Missing and Murdered Indigenous Women and Girls final report (2019) also included two calls specific to restorative justice at provincial and territorial levels (Call to Justice 5.1.1 and 17.27). A 2025 report by First Nations Information Governance Centre echoed the importance of making options to pursue justice outside of the criminal legal system available to First Nations women, girls, and 2SLGBTQIA+ people. Indigenous survivors of sexual violence report experiencing re-victimization by not being believed by police (Murphy-Oikonen, 2022). Statistics Canada reports Indigenous people experience sexual assault three times more than their non-Indigenous counterparts (Conroy & Cotter, 2018). It is imperative that Indigenous nations are empowered to use their own legal traditions to respond to harm within their respective nations (Napolean & Friedland, 2018).

The *Bridging Justices* research project aimed to gather and report perspectives and attitudes among people who work or volunteer in Ontario's GBV sector about current Crown policy limiting diversion under s.717, and about RJ/TJ options for sexual harm. The research findings provided guidance to create policy recommendations for advancing restorative justice options for sexual harm in Ontario. Participants were also asked about what they considered to be best practices if the province were to expand availability of RJ/TJ options for sexual harm, and for GBV more broadly.

KEY TAKEAWAYS

- **There is growing interest among survivors, service providers, and advocates for justice options outside the criminal legal system for sexual harm offered in addition to those available within the criminal legal system.**
- **Ontario Crown Policy D4 prohibits the Crown from diverting sexual offences under s.717 of the *Criminal Code*, even when that is the desire of the individual survivor.**



RESTORATIVE AND TRANSFORMATIVE JUSTICE

The United Nations Economic and Social Council (ECOSOC) defines "restorative processes" as "any process in which the victim and the offender, and where appropriate, any other individuals or community members affected by a crime, participate together in the resolution of matters arising from the crime, generally with the help of a facilitator" (ECOSOC, 2002). Rather than positioning the involved parties in opposition to each other, they can instead pursue a range of avenues to redress the harm, including but not limited to restorative conferencing, healing circles, consulting community justice committees, victim-offender mediation, restitution, or pod systems of accountability (Burnett & Gray, 2023; Mingus, 2020; ECOSOC, 2002). Some non-governmental RJ/TJ programs operate in collaboration with the state through referrals from the courts and police or via diversion by Crown attorneys under s.717, while others are community-based and operate entirely outside of the state criminal legal apparatus (Burnett & Gray, 2023).

RJ/TJ in North America is rooted in Black, Indigenous, queer, sex worker, and Mennonite communities (Christe, 2006; Domínguez Ruiz et al., 2022; Kim, 2021; Piepzna-Samarasinha, 2019; Thom, 2019). RJ and TJ are distinct concepts with their own history and practices. They do, however, have many similarities; for example, both are rooted in non-adversarial, non-carceral, and recovery-oriented responses to harm. Since this report is examining options to pursue justice as a diversion within the Canadian legal system, RJ is the primary focus of this report as it is more compatible with working within the criminal legal system. As TJ, or elements of it, are also potentially relevant and were referenced by the research participants and literature consulted, it is included here alongside RJ as part of an alternative 'system' or practice of justice.

EXAMPLES OF RESTORATIVE AND TRANSFORMATIVE JUSTICE INCLUDE:

Facilitated Dialogues: a survivor-initiated process led by a trained facilitator who works independently with the survivor, the person who caused harm, and potentially other involved parties such as community members and supporters. The minimum threshold for participation for the person who caused harm is that they must recognize that harm. The facilitator assists the parties in working together towards reparation. This may, but does not always, include a facilitated face-to-face meeting between the survivor and person who caused harm. This is the approach that CJI uses in their Revive program.

Pod Systems of Accountability: small groups are formed to create 'pods' of support for both the person harmed and the person who caused harm. The support groups help the parties individually heal and work towards repair (Mingus, 2016).

Surrogacy Dialogues: when the person who caused harm is unknown, unable, or unwilling to participate in a RJ/TJ process, a surrogate may stand in for that person in a facilitated dialogue with the survivor to work towards healing. This surrogate may have caused similar harm to a different survivor. Similarly, a person who caused harm may engage in a facilitated dialogue with a surrogate survivor to work towards repairing their own behavioural patterns. CJI offers surrogacy dialogues as one option in their Revive program.

Circle Sentencing: available to people who are being sentenced for a criminal offence and operates within Canadian common law. The circle often involves Elders and Knowledge Keepers (Cunliffe & Cameron, 2007; Goldbach, 2011; Goldbach, 2016).

Healing Circles: bring the relevant parties together. Many Indigenous legal traditions incorporate some form of healing circle. They are typically led by Elders or Knowledge Keepers. Healing circles can sometimes be done in conjunction with circle sentencing (Stevenson, 1999).

RJ/TJ can take a wide array of forms. Although these forms and their elements may differ considerably from one another, RJ/TJ processes are designed to meet the individual needs of the parties involved, and sometimes even those of the broader community. Since RJ/TJ is dependent on the needs of the individuals, there is no singular approach that will work in every situation.

Among *Bridging Justices* survey respondents:

- **26% report having supported a survivor in an RJ/TJ process;**
- **30% have discussed RJ/TJ as an option with a survivor;**
- **Only 5% would know where to refer a survivor who wanted to pursue RJ/TJ; and**
- **43% said they would refer survivors to RJ/TJ options for sexual harm if they were readily available within their communities.**

There are many misconceptions about RJ/TJ for redressing sexual harm. One is that people who have caused sexual harm are unlikely to take responsibility for the harm they have caused. While this does occur, it is not always the case. CJI has worked with many people who have caused harm for decades who have taken accountability. The threshold for participation in the CJI Revive program is that the person who caused harm must acknowledge that they caused harm, and that their capacity for accountability can grow through ongoing discussions with a trained facilitator. The facilitator will make this assessment after speaking to the person who caused harm.

Another common misconception is that the survivor and the person who caused harm must meet face-to-face to discuss the specifics of what happened. While this may occur, it is not required. If a meeting between the parties is to occur, both the survivor and the person who caused harm work with an independent facilitator in preparation. Sometimes the survivor chooses alternative routes of communication with the person who harmed them, such as writing letters, text messaging, or video call. The survivor may also decide they no longer wish to meet with the person who caused harm, but that does not mean the process was unsuccessful. Some organizations, including CJI, also offer surrogate RJ processes when one of the involved parties is unavailable or unwilling to participate.

THE FAILURES OF THE CRIMINAL LEGAL SYSTEM TO RESPOND TO SEXUAL HARM

Despite decades of legal reforms aiming to improve sexual assault laws in Canada, the criminal legal system has long failed to meet the justice needs of survivors (Burnett, 2022; Busby, 1997, 1999; Craig, 2018; DuBois, 2012; Johnson, 2017; Lindberg et al., 2012; Odette, 2012).

> ***Survivors, advocates, and scholars have voiced significant concerns about the criminal legal system as an appropriate avenue to redress sexual violence and prevent future harm.***

Survivors of sexual violence, especially those who experience racism, homophobia, transphobia, or ableism, or who face precarity due to immigration status, housing instability, substance use, or involvement in sex work, often experience victim-blaming and even criminalization when reporting to police (*INCITE!*, 2006/2016; Sudbury, 2005). Decades of research has demonstrated that survivors of sexual violence often experience secondary victimization by the criminal legal system due to their treatment when disclosing or making a formal report of sexual harm, including disbelief or dismissal of their experience (Campbell et al., 2001; Campbell & Raja, 1999; Campbell et al., 1999). Research has demonstrated secondary victimization has a profoundly negative impact on psychological and physical wellbeing (Campbell et al., 1999).

Trends in Reported Sexual Assault in Canada's Criminal Legal System

- **90% of survivors in sexual assaults reported to police in 2022 were women and girls;**
- **36% of sexual assaults reported to police between 2015 and 2019 resulted in criminal charges: 61% of these continued to court, of which 48% resulted in a verdict of guilty;**
- **Most sexual assaults are committed by a survivor's friend/acquaintance or intimate partner; and**
- **The median age of survivors who reported to police is 21 for women/girls and 17 for men/boys.**

(Source: Conroy, 2024)

KEY TAKEAWAYS

- **RJ/TJ appears in various forms and does not always require the survivor to meet face-to-face with the person who caused harm.**
- **RJ/TJ is a non-adversarial, non-carceral, and recovery-oriented approach to justice and accountability.**
- **RJ can operate within or outside of the legal system.**
- **Despite legal reforms over the last 30 years, many survivors continue to report secondary victimization due to their treatment when reporting to police and/or testifying in a criminal trial.**

RESEARCH METHODS

Data collection was carried out in 2024–2025. Research participants were recruited by e-mailing relevant organizations, advertising on social media, and snowball sampling. All the participants self-identified as working or volunteering in Ontario's GBV sector.

Participants perform a wide range of roles including, but not limited to:

Research participants were employed or volunteered in diverse settings including post-secondary institutions, grassroots collectives, sexual assault centres, healthcare, advocacy organizations, domestic violence shelters, and law offices. The participants represented diverse socio-demographics, populations served, geography, education, and professional experience.

The findings presented are informed by qualitative data collected using several different methods, namely:

- Semi-structured interviews (n=35);
- Online survey (n=155);
- In-person focus groups (n=26); and
- Community gathering (n=~40) (online and in-person).

A community gathering was held on May 28, 2025 in Toronto to present preliminary research findings and gather feedback on the projects recommendations from people with experience working in the GBV sector. Participants attended in-person or online. Tanya Gerber, a graphic recorder, attended to create graphic representations of the gathering. The images created at the gathering are included in the report.

GRAPHIC RECORDING FROM THE COMMUNITY GATHERING

LIVE GRAPHIC RECORDING Tanya Gerber | Drawing Change

KEY FINDINGS

Part I: Perspectives on RJ/TJ for Sexual Harm

GENERAL SUPPORT FOR RJ/TJ WITHIN ONTARIO'S GBV SECTOR

Overall, participants were in strong support of making RJ/TJ options more available in cases of GBV. Many emphasized that offering alternative options could restore survivor autonomy and dignity, while also improving community safety through non-adversarial accountability. **When asked directly, 86% of survey respondents said they "strongly" or "somewhat" support expanding RJ/TJ options for GBV.** Similarly, 78% said they would refer others to RJ/TJ options if they were available in the community and offered by trained practitioners.

One interview participant noted that their organization's clients seek alternatives outside of the criminal legal system but often lack the language to identify and describe RJ/TJ:

> ***The people I have worked with are searching for alternatives [...] I haven't heard language of like, "Oh, I want transformative justice" in those words. But what I'm hearing, is searching for something that's not [the criminal legal system].***
>
> **– INTERVIEW PARTICIPANT**

Diversion under s.717 may especially benefit survivors who are marginalized due to the discriminatory stereotypes that are often explicitly or implicitly exploited in criminal sexual assault trials:

> ***I feel restorative and transformative justice opens up a lot of different avenues for particularly marginalized, racialized folks, to have these spaces and have these alternative methods [...] I don't want to say healing, because, like, it could be healing for some and not for others, but just opportunities to have conversations.***
>
> **– INTERVIEW PARTICIPANT**

Participants also felt that s.717 could benefit the person who caused harm and potentially prevent future harm. RJ could also foster stronger and healthier communities more broadly:

> ***There is a greater level of accountability required from perpetrators through a RJ/TJ approach than our current criminal legal system. This increases the well-being of victims, decreases recidivism, and contributes to stronger and healthier communities.***
>
> **– SURVEY RESPONDENT**

However, it is imperative that survivors are presented RJ/TJ as a potential option but are not pressured to take this route:

> ***I would 100% be in support of [RJ/TJ] [...] with the caveat that, again, I would never want to see someone be forced into a restorative system process if that was not something they desired. But I also think that we need to trust that survivors are the experts of their own lives. And the notion that systems know what's best has been a problem.***
>
> **– INTERVIEW PARTICIPANT**

Some of the support for RJ/TJ options for sexual harm is a result of the low conviction rates within the criminal legal system for sexual offences. One of the participants explained:

> ***If you're still only getting 3% conviction rate, sexual assault is committed with impunity. And so why are we not considering a completely different response, other than criminal court? And I know that there are many, many feminists who would absolutely disagree with me about that, but I don't, I don't agree that criminal court is the right place.***
>
> **– INTERVIEW PARTICIPANT**

In addition to low conviction rates, participants also emphasized the reality that the criminal legal process often re-traumatized survivors. One participant shared:

> ***The evidence is clear about the rates of conviction. And the experience of a criminal process in terms of feeling like you are being further traumatized, re-traumatized. You know, there are survivors over the years that have said to me, "this was worse than the experience of assault for me, because I was degraded by the defence process."***
>
> **– INTERVIEW PARTICIPANT**

Many participants expressed that they saw their clientele reporting to police or considering reporting to police simply because survivors are often unaware that there are options outside of the criminal legal system. One lawyer explained:

> ***I saw women who knew they didn't want to go to the police, but thought they were supposed to. Thought it was kind of what you had to do, or what a good person would do. Overwhelmingly — I would say more than 90, probably more than 95% — the women to whom I gave legal advice wanted two things: they wanted their assailant to admit what he had done and to acknowledge it had caused harm. And they wanted him not to do it to anybody else. And you don't get either of those things through the criminal process. I mean, victims get nothing through the criminal process.***
>
> **– INTERVIEW PARTICIPANT**

The participants' support for RJ/TJ was bolstered by the ongoing failure of the criminal legal system to meaningfully prevent and respond to sexual violence.

Many participants noted the need for trained practitioners who could facilitate RJ for GBV cases. While the specifics of the required training must be explored in future consultations or research projects, some themes were apparent. There were diverse perspectives regarding what training for RJ facilitators for GBV and sexual harm should look like. There was a general desire for such training to reflect evidence-based practice. Participants also highlighted the necessity of culturally diverse and respectful practice, and of programs being flexible enough to adapt to the individual needs of survivors.

The findings of *Bridging Justice* demonstrate that there is strong support among those working in Ontario's GBV sector for RJ/TJ options for sexual offences. However, this support for expanding RJ/TJ options for sexual harm comes with important conditions to ensure the safety of participants.

KEY TAKEAWAYS

- **Overall, participants were strongly supportive of increasing availability of RJ/TJ options for sexual harm.**
- **Participants expressed support for RJ/TJ on the condition that the process be facilitated by a trained facilitator. The specifics of this training require further research and consultation, but the need for culturally relevant and safe practice and program flexibility were commonly identified.**
- **GBV sector staff are increasingly wary of the criminal legal system and the potential for secondary victimization. Despite legal reforms intended to improve the process experience for survivors, the criminal legal system often re-traumatizes survivors and causes additional harm.**
- **While survivors may not explicitly state that they would prefer RJ/TJ, the justice objectives that they describe – including recognition of harm, accountability from the person who caused harm, and prevention of future harm – are better aligned with RJ/TJ in comparison to the criminal legal system.**

PERSPECTIVES ON CROWN POLICY D4

Overall, most participants expressed support for either eliminating the moratorium on s.717 for sexual-based offences in Ontario entirely, or at least revising the current policy.

Remarkably, **89% of survey respondents report that they either strongly or somewhat agree that all survivors should have RJ/TJ options made available to them.** Examples of survey responses to this matter include:

> ***Survivors should have the right to pursue what justice looks like for them. And we know that the current system fails the vast majority, if not, like nearly all survivors. And that's not an exaggeration. Like that's just clear facts. We know that the system does not serve survivors at all. The fact that this has been cut off for them, that they can't pursue this other option, really isn't fair.***
>
> **– SURVEY RESPONDENT**

> ***For [survivors] to be able to request [RJ/TJ], that means they've gotten to that stage[...] I feel that [the moratorium] should be amended, and [justice] should be based on what the survivors want. If they want [RJ/TJ], I feel they should be given the opportunity to be able to make that peace and then move on with life.***
>
> **– SURVEY RESPONDENT**

> ***When we're dealing with trauma or victims of sexual harm, the first thing you want to do is empower them with a sense of agency. So why is the Crown creating this blanket policy, as opposed to empowering survivors with a sense of autonomy and agency at a time when they've lost that, because that's what happens, right? [The policy] is the furthest thing from being trauma informed. For me, it's the opposite of being trauma informed. Because if you're trauma informed, and then you're asking questions. You're curious about what they need. So why is there not a conversation with the survivors of saying, "Look, these are the options." What would you like to do? Because that right away will empower a victim in feeling a sense of agency and feeling a sense of control in the situation where they feel like already they have zero control.***
>
> **– SURVEY RESPONDENT**

Despite strong support, participants identified the need for nuance: **nearly half of survey respondents (47%) also agreed or strongly agreed that some sexual offences should be ineligible for RJ/TJ.**

While many interview and focus group participants recognized that the original intent of s.717 was to protect survivors from further harm, they felt that a blanket policy is no longer appropriate. **Only 27% of the survey respondents supported current Crown policies that prohibit the use of RJ/TJ in sexual-based offenses.**

A further **61% of respondents expressed concern that the Crown would use s.717 to lighten their caseloads, particularly in cases where the survivor did not meet the expectations of being the 'ideal victim.'** Perceived barriers to fair use of diversion include factors related to the survivor's social location or the circumstances of the sexual assault, such as the involvement of, or their participation in, substance use or sex work. As such, **clear guidance is needed to ensure that Crown's use of s.717 follows the interests of survivors.**

One participant highlighted the need to ensure that the survivor drives the decision to employ s.717:

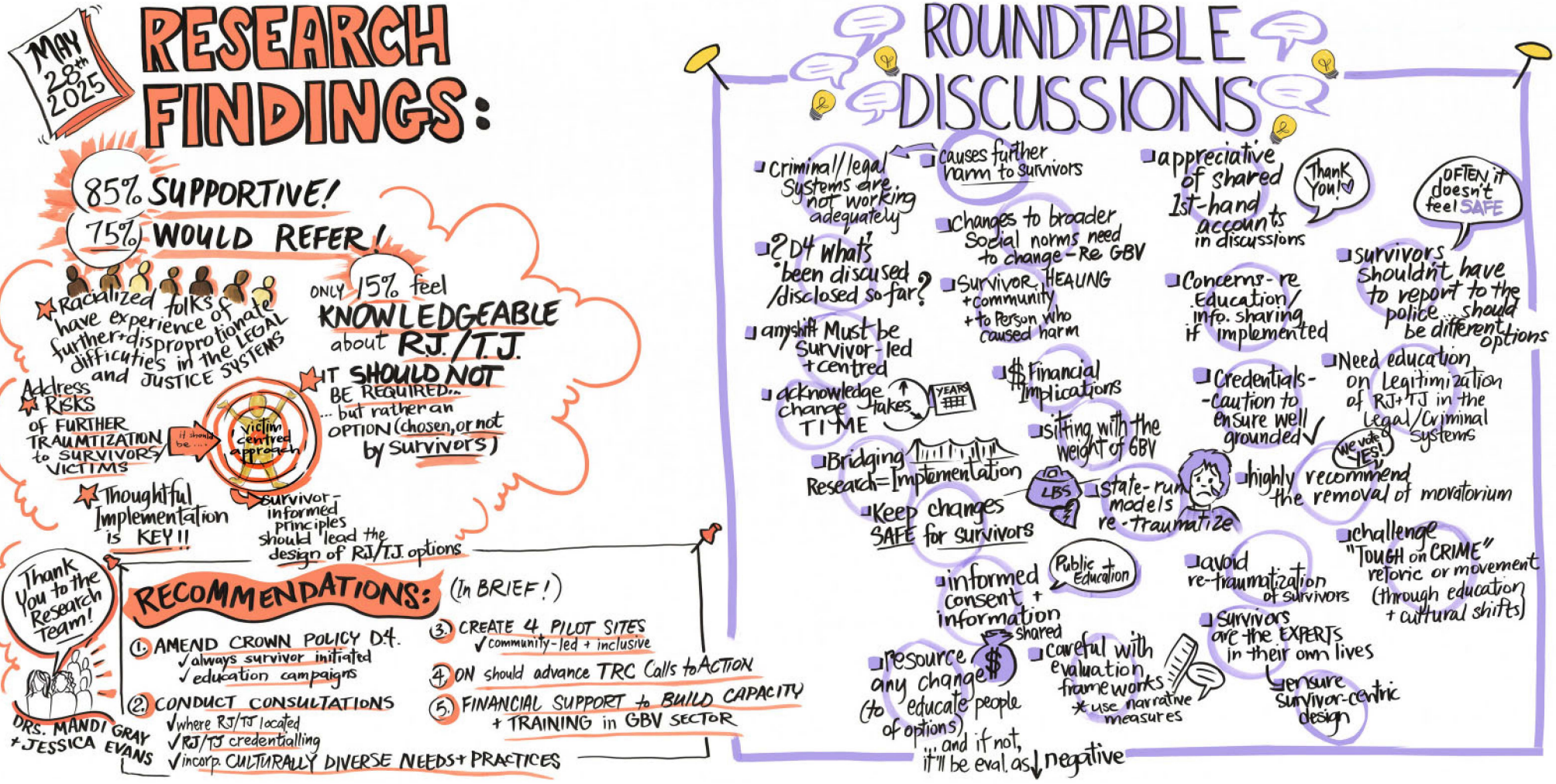
> ***How are we going to ensure that the Crowns are not diverting cases that they just don't feel like prosecuting? Or you know, [if] it is, again, "Oh, this is just a bit harder, because you're disabled, you're racialized," you know? Who are we diverting?***
>
> **– INTERVIEW PARTICIPANT**

This participant raises an important concern that the Crown may attempt to divert cases where it may be difficult to secure a conviction due to the survivor's social location, for example, as a racialized or disabled person. Other researchers have raised similar concerns that members of marginalized groups, such as Indigenous women, may be expected to participate in RJ/TJ even when that is not their desired route (Murdocca, 2013).

KEY TAKEAWAYS

- **Overall, the GBV sector in Ontario supports the elimination or significant revision of Crown Policy D4.**
- **There are concerns that complainants who do not fit the 'ideal victim' stereotype may be pressured by the Crown or defence counsel to RJ. This could be addressed through ensuring that the application of s.717 is survivor-initiated, and is only pursued with the survivor's full and informed consent.**

GRAPHIC RECORDING FROM THE COMMUNITY GATHERING



LIVE GRAPHIC RECORDING
Tanya Gerber | Drawing Change

Part II: Ensuring Safety in RJ/TJ for Sexual Harm

Participants made numerous suggestions about how to ensure the safety of survivors who wish to pursue RJ/TJ for sexual harm. While physical safety is important, for our purposes, safety also refers to psychological and cultural safety.

Bridging Justices identifies four ways to ensure RJ/TJ is a psychologically, physically, and culturally safe option for survivors of sexual harm. The process must be survivor-led, trauma informed, culturally safe and relevant, and ensure that the criminal legal system remains an option that can be pursued if the RJ/TJ process is unsuccessful.

SURVIVOR-LED PROCESSES

Participants were adamant that any diversion under s.717 must be survivor-led. Most respondents (88%) felt that offering official alternatives to police reporting of sexual harm would empower survivors. They noted that it is critical for the survivor to be included in and centred by decision-making throughout the RJ process.

It is also vital that RJ process objectives are defined by the survivor. It must be the survivor who defines what accountability and repair look like for them. For example, this could be a written acknowledgement or face-to-face apology by the person who caused harm, steps to redress past harm and/or prevent future harm, or restitution such as paying for costs associated with the survivor's experience of sexual harm such as therapy or other medical needs.

As noted above, most survey respondents (75%) were concerned that criminal lawyers would push for s.717 diversion for their clients even if that is not what the survivor wants.

As expressed by one respondent:

> ***"I would 100% be in support of [the lifting of the moratorium], for all the reasons that I've already shared. With the caveat that, again, I would never want to see someone be forced into a restorative system process if that was not something they desired. But I also think that we need to trust that survivors are the experts of their own lives. And the notion that systems know what's best has been a problem.***
>
> **– SURVEY RESPONDENT**

Respondents were clear that if RJ is implemented in a manner that does not take seriously the needs of survivors, it could result in secondary victimization. Most importantly, if the policy is to be removed or amended, it is critical that any RJ options are survivor-led and initiated. It is critical that the possibility of inappropriate diversion is addressed, and safeguards are put in place to ensure that survivors do not feel pressured to participate in an unwanted RJ process.

ENHANCING TRAINING AND EDUCATION

Ensuring physically, psychologically, and culturally safer RJ/TJ processes for sexual harm can be achieved through improving access to training and education about RJ/TJ. Participants identified different approaches to education for different populations and provided preliminary insights into the training that facilitators of RJ/TJ for sexual harm would need. Examples of different groups for whom educational programs and/or initiatives would be catered include those already working within the GBV sector, RJ/TJ facilitators, legal system actors such as police, lawyers, judges, survivors, and the broader public.

GBV SECTOR

While many of the participants were aware of RJ/TJ, many shared that their understanding of RJ/TJ remained theoretical and abstract, especially with respect to its use to redress sexual harm. **Of survey participants, 61% somewhat agreed that they were knowledgeable about RJ/TJ and only 15% strongly agreed that they were knowledgeable.**

Participants in all phases of the research, regardless of their level of knowledge about RJ/TJ, were interested in accessing more practical and hands on learning opportunities to engage in RJ/TJ. Participants were most interested in learning directly from those with experience facilitating RJ/TJ for sexual harm and survivors who have participated in RJ/TJ processes. One interview participant expressed the need for training from those with professional experience, and also adequate funding for this training to be continuously updated as best practice evolves:

> ***Experts, activists, survivors, people on the front line — experts, meaning like people [who] have used it, not some like 12 time PhD who's talking about it from a theoretical or ideological perspective [...] but hearing people who are practicing it, right? So putting the money into that, and then also making sure that you're funding, like there's continued funding for this, and making it a priority, right? Like, and understanding that this is an evolving field that changes all the time and so being open to what those changes would look like.***
>
> **– INTERVIEW PARTICIPANT**

Increasing access among GBV sector staff to training and education about RJ/TJ may also help alleviate concerns and dispel misconceptions about RJ/TJ. As one survey respondent reflected:

> ***I think it would take a lot of education and buy-in for service providers and workers to feel comfortable in delivering that type (RJ) of programming or really understanding the value.***
>
> **– SURVEY RESPONDENT**

Overall, there is a strong desire for improved access to training and education about RJ/TJ for sexual harm. Participants were interested in hearing directly from those with experience facilitating RJ/TJ processes for sexual harm to provide practical, real-world insights into what facilitators and survivors may expect from RJ/TJ options to redress sexual harm.

FACILITATORS

Trained practitioners should bring together skills and lived experience of working with survivors of sexual violence to limit harm and ensure the process is survivor-centred. Facilitators of RJ/TJ for sexual harm must be trauma-informed in their practice and have a feminist understanding of power dynamics in cases of sexual harm. They should be skilled in conflict and relationship dynamics, ground their perspectives in anti-oppressive and culturally safe approaches, and have some experience in RJ/TJ processes.

> ***I worry about the power dynamics that led to the violence in the first place just playing out in another place [i.e., the RJ process] if it's not managed well, and I don't know if our criminal legal system will manage it well, and that always scares me [...] if that's what a client wants, if that's what a survivor wants, then I think, "Yay, let's do it," but it has to be just done so well.***
>
> **– INTERVIEW PARTICIPANT**

As this interview participant suggests, RJ cannot replicate the shortcomings of the criminal legal system. Facilitators of RJ for sexual harm must be appropriately trained in the specifics of sexual harm, its power dynamics, and trauma to prevent secondary victimization.

There was some disagreement among participants about whether facilitators should be credentialed and who should decide what training is appropriate specifically for RJ for sexual harm. This requires further consultation and exploration in future research.

LEGAL SYSTEM ACTORS

If the Crown policy is amended, there will be a need for improved education and training for Crowns, criminal defence lawyers, and judges about RJ/TJ that is specific to sexual harm and approaches it from an intersectional feminist perspective. Participants stressed the importance of training of the criminal bar about RJ/TJ:

> ***There has to be education of Crowns, defence counsel would be great too – absolutely judges. […] It shouldn't happen until those infrastructure pieces are in place, because it happens all the time: Government makes the change on paper, but they don't put all of the supports in place that are critical.***
>
> **– SURVEY RESPONDENT**

> ***Training for Crowns. Yeah, for sure. So that [Crowns] can determine where charges are likely to engage in conviction, or where charges might do harm, or where you have a victim coming forward. And you know, who's very much like, "I don't want this, this is going to hurt me more, this is going to hurt my family, this is going to hurt."***
>
> **– INTERVIEW PARTICIPANT**

It will be essential for Crowns to receive training about s.717 that is specific to sexual offences. This training should also incorporate an assessment of what cases are appropriate to divert using a survivor-centred approach. This assessment could be developed in future research initiatives.

PUBLIC EDUCATION

There is a need to provide general education to the public about non-carceral justice options such as RJ/TJ. A 2024 Government of Canada report states that 55% of Canadians were unfamiliar with restorative justice (Evans, 2024). Many participants reported a lack of familiarity with RJ/TJ which could be addressed through targeted campaigns and knowledge mobilization efforts. Increasing knowledge about RJ/TJ among the public and the GBV sector could assist with ensuring survivors are familiar that other options exist and to dispel myths about RJ/TJ:

> ***"…we're going to have to do real work around educating folks, and changing the narratives related to sexual violence and accountability and community care and, like accountability and change, real change […] what that looks like."***
>
> **– INTERVIEW PARTICIPANT**

CULTURAL SAFETY AND RELEVANCE

Any RJ/TJ options offered must be culturally safe and relevant to the participants. Every RJ/TJ process must be specifically tailored to the unique needs of the participants and, where relevant, broader community. This can be supported through partnering with local communities to include their active participation in program development and implementation, and by ensuring that trained RJ/TJ facilitators are from the community they serve. Cultural safety and relevance could be enhanced by incorporating spiritual practices, language, cultural traditions, teachings, and members of the community such as Elders, Knowledge Keepers, and spiritual leaders. One participant noted the critical importance of cultural safety and not replicating the colonial underpinnings of the criminal legal system in RJ processes:

> ***[Ensure] culturally-relevant programming options are available [...] the current legal system is so white-centric, and so colonial, and so making sure that there are support services that are addressing everybody's cultural needs, that are completely informed that there are going to be unique needs, and that they're going to be different wants and desires based on somebody's background, is also so vital.***
>
> **– INTERVIEW PARTICIPANT**

Another participant reiterated this position, pointing out the need to consider the systemic and cultural factors that create a victimization-criminalization continuum:

> ***[...] safety actually means, something different for every individual; and what might feel for someone who has lived a life of privilege where maybe accessing the criminal justice system or the police, it does actually feel really safe for them or maybe that is not the experience of someone else, who maybe has actually been criminalized and demonized by this system, or the system was actually created specifically to incarcerate like Indigenous folks, to displace Indigenous folks, and Black folks as well, and other people of colour, and immigrants, and refugees [...].***
>
> **– INTERVIEW PARTICIPANT**

For RJ to be an effective alternative to criminal legal responses to sexual harm, it is necessary that RJ practices are actively informed by, and rooted in, the cultural specificity of the parties involved.

CRIMINAL LEGAL PROCEEDINGS REMAIN AN OPTION

Participants stressed that their support of RJ/TJ did not mean that such options should fully replace the criminal legal system. Survivors should also be empowered to pursue criminal legal system processes if that is their preferred route to justice. It is important to stress that support for expanding options to RJ/TJ does not mean that survivors who prefer to make a formal report are dissuaded from doing so or pressured to pursue RJ/TJ options instead. According to one survey respondent:

> ***If a survivor wants to pursue a criminal charge, it's not like we're saying we're decriminalizing sexual violence, but that's information that survivors need to get right at the beginning, whether they wander into a sexual assault center or a hospital-based center, whether they call the police. I wish that everybody in the community would know this stuff too, so that even if she's just talking to her best friend, she can, you know, find out what her different options are. And that it's not her job to protect the next woman or to make sure that this person pays the price, right? Her job is to heal. And any systems need to be able to offer a variety of approaches, because we all heal in different ways.***
>
> **– SURVEY RESPONDENT**

Respondents were clear that empowering survivors to choose what justice means to them is essential in moving forward. They saw lifting the moratorium as adding to the range of choices available to survivors.

KEY TAKEAWAYS

- **Participant support for RJ/TJ for sexual harm is dependent on alternative options being survivor initiated and centred.**
- **There is a need for improved access to education and training about RJ/TJ for sexual harm.**
- **Facilitators of RJ/TJ for sexual harm must be knowledgeable about trauma and the unique power dynamics of sexual violence from a feminist lens.**
- **Participants provided a number of suggestions to ensure the physical, cultural, and psychological safety of those who wish to pursue RJ/TJ. The processes must be survivor initiated and led, trauma informed, culturally safe, and include survivor-defined outcomes of justice.**
- **Survivors who wish to pursue a criminal legal process should always have the choice to do so and should never feel pressured to participate in an RJ process.**

PRELIMINARY POLICY RECOMMENDATIONS

Based on our data collection and analysis, and later validation by participants during our community event, we propose the following **six policy recommendations** to advance restorative and transformative justice (RJ/TJ) options for redressing sexual harm in Ontario:

1. AMEND CROWN POLICY D.4 TO ALLOW DIVERSION UNDER CRIMINAL CODE S.717 FOR SEXUAL OFFENCES

We recommend revising Crown Policy Manual Directive D.4, which currently prohibits the use of *Criminal Code* s.717 diversion for sexual offences. This revision must be undertaken in collaboration with diverse stakeholders including:

- Survivors of sexual harm;
- Restorative justice practitioners with expertise in gender-based violence (GBV);
- Feminist legal scholars and lawyers; and
- Sexual assault centres and survivor advocacy organizations.

Key condition: Diversion under s.717 for sexual harm must always be **survivor-initiated and survivor-led.**

2. PUBLIC EDUCATION ON NON-CRIMINAL LEGAL OPTIONS FOR SEXUAL HARM

The province should invest in broad educational campaigns to inform survivors, the public, and the GBV sector about **non-criminal legal and community-based options** for responding to sexual harm. This includes raising awareness of RJ/TJ as a valid and survivor-centred alternative to the criminal legal system.

3. PROVINCE-WIDE COMMUNITY CONSULTATION ON RJ/TJ IMPLEMENTATION

We recommend a comprehensive provincial consultation to explore how RJ/TJ options for sexual harm can be ethically and effectively operationalized in Ontario. This process should include:

- Determining **jurisdictional authority and oversight**;
- Debating whether and how RJ/TJ processes should be **formally credentialed**; and
- Identifying methods to **embed cultural specificity and responsiveness** in all RJ/TJ practices.

4. FUND AND LAUNCH RJ/TJ 3-YEAR PILOT SITES FOR SEXUAL HARM

Ontario should fund and support the creation of a minimum of **four pilot sites** focused on providing RJ/TJ for sexual offences that are referred via Crown. CJI will hold the contract, select the three additional pilot sites in collaboration with community partners representing diverse populations, and undertake quality control, reporting, and project evaluation responsibilities.

These pilot programs should be:

- Community-led and shaped by survivor input;
- Tailored to the needs of specific populations, including but not limited to:
    - 2SLGBTQIA+ communities
    - Indigenous peoples
    - Racialized communities
    - Sex workers
    - People with disabilities
    - Other groups experiencing intersecting forms of marginalization such as people who use substances and people facing housing precarity.

CJI is uniquely positioned because of their experience and expertise developed through offering restorative justice options for over 40 years. Moreover, CJI has over 30 years of experience providing restorative processes for sexual harm. The organization has strong connections within the Gender Based Violence and Restorative Justice sectors, and also accepts court referrals for other types of offences.

Funding will be used for facilitator training development and delivery, enhancing partnerships with community, government, and academia, service delivery, and pilot program evaluation.

PROPOSED PROCESS

Accept referrals in cases where:

- Complainant requests a restorative process.
- Crown determines that a restorative approach is appropriate given the circumstances.
- CJI deems this case to be an appropriate referral.
- RJ participants are receiving ongoing education/support from community partners.

CJI facilitator provides both parties with information about the restorative process, including the preparatory work that is required before a case can move forward. Including:

- Defendant participates in a non-violence educational program such as Revive's Persons Who Have Sexually Offended Educational Group.
- Complainant participates in IPV support (individual and/or group counselling).
- Complainant is offered 2 hours of free legal advice.

Participant referral to restorative justice process is made

- Overview of process is explained, including risks, options to terminate the process, the role of the facilitators and the opportunity to invite support people into the process.
- **Intake:** Explore participants needs, understanding of harm, safety and review risk assessment.
- **Case Development:** Build capacity for participants to share and hear understanding of past harm and plan for future contact, behaviour, and other needs.
- **Dialogue meeting (including non-face-to-face options):** This process will conclude with a conversation around what will be shared back to the court.
- **Follow up meeting:** Two individual follow up meetings after facilitated dialogue.

Report back to court is submitted

A three-year pilot project budget breakdown for the proposed project is in **Appendix D**.

5. SUPPORT INDIGENOUS SOVEREIGNTY AND LEGAL REVITALIZATION

The Province of Ontario must meaningfully implement the Truth and Reconciliation Commission of Canada's Calls to Action (2015) and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice (2019). This includes:

- Supporting Indigenous sovereignty in justice processes; and
- Investing in the revitalization of Indigenous legal orders, including community-based responses to sexual violence.

6. SUSTAINABLE PROVINCIAL FUNDING FOR RJ/TJ EDUCATION AND CAPACITY BUILDING

We call on the province to provide long-term, sustainable funding to build capacity within the GBV sector. This funding should support:

- Education and training on RJ/TJ frameworks and practices; and
- Community-based initiatives that offer survivor-centred alternatives to criminal legal processes.

FUTURE RESEARCH

This research project also revealed several areas that require further examination including:

- Training requirements for facilitators of RJ for sexual offences diverted under s.717;
- Developing a risk assessment tool to support Crowns when deciding which cases are appropriate to divert;
- RJ/TJ for intimate partner violence; and
- RJ/TJ for sexual harm for youth.

CONCLUSION

This report has explored the attitudes and perspectives of GBV sector staff and volunteers about expanding RJ/TJ options for sexual harm. We conclude that the current Crown policy in Ontario banning the use of s.717 for sexual offences should be re-evaluated in collaboration with diverse stakeholders from across the province.

Participants in our study overwhelmingly expressed strong support for the revision of the current Crown policy. The objectives and approach of RJ/TJ often align more closely with the needs of survivors in comparison to those actualized in the criminal legal system. RJ/TJ options require robust funding to ensure appropriate training for facilitators, education for diverse stakeholders including staff and volunteers in the GBV sector, lawyers, judges, and for enhancing public knowledge about RJ/TJ options for sexual harm.

It is critical to note that this report does not suggest that RJ/TJ be used instead of the criminal legal system but rather as an option available to survivors who wish to pursue it.

If the current Crown policy is to be amended or abolished, all diversion under s.717 must be survivor initiated, and survivors should never be pressured into RJ/TJ.

Survivors of sexual violence deserve options for seeking justice that align with their individual needs and desires. The need for non-adversarial, non-carceral and recovery-oriented options is especially pertinent to survivors who experience intersecting forms of marginalization based on race, disability, poverty, and the impacts of colonization, homophobia, and transphobia. **All survivors of sexual violence deserve justice.**

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APPENDIX A: INTERVIEW GUIDES

INTERVIEW GUIDE A: BRIDGING JUSTICES

Practitioners who work with people who have experienced gendered violence

- Introduction to Project
- Introduce project and the objectives of the study
- Review consent forms
- Discuss any questions that the participant may have about the consent forms

INTERVIEW QUESTIONS

1. Begin by telling me about your role and your organization.

2. How acquainted are you with restorative or transformative justice? (If knowledge level is low or no knowledge, interviewer will provide an overview of restorative and transformative justice.)

3. There appears to be increased interest in expanding the RJ/TJ options for sexual violence in Ontario. What are your thoughts about this?

4. Do you have experience supporting survivors through the criminal legal system for sexual violence?

4a) If yes – have any of the survivors who initially initiated criminal charges later decided they no longer wanted to pursue the criminal legal process? If yes, can you tell me a bit more about that and why they no longer wanted to proceed.

4b) If they had the option to pursue a restorative or transformative justice option, do you think that would have been preferred for the survivor?

5. Have you ever supported a survivor in a RJ/TJ process for sexual harm?

5a) If yes: Can you tell me a bit more about what this experience was like for both you as a service provider and the outcome for the survivor.

5b) Were there any barriers in supporting the survivor in accessing RJ/TJ? (examples: legal, political, access to resources, offender unwilling to participate)

5c) If no, is RJ/TJ for sexual harm something you would be interested in supporting survivors within the future?

6. Have any of the survivors you work with expressed interest in accessing restorative or transformative justice for sexual harm?

6a) If yes, in an ideal world, what would this process look like for the survivor?

7. Ontario Crown Policy currently prohibits sexual assault cases from being diverted into what is referred to as "Alternative Measures" under s717 of the Criminal Code, which can include RJ/TJ options. The intention of this project is to make suggestions about whether this prohibition should continue. What are your initial thoughts about revising the current Crown policy that prohibits restorative and transformative justice options for sexual harm after criminal charges have been laid?

7a) If participant is unsure: Is there more information you would need about RJ/TJ to better inform your opinion? If so, what type of information would be most beneficial to you?

8. If the Province of Ontario Attorney General decided to modify or lift the moratoriums, what additional services or programming would be required to ensure the safety and well-being of the participants of RJ/TJ for sexual harm?

9. Is there anything else you would like to discuss that we haven't touched on in this interview?

10. Do you have any colleagues working in the area sexual assault or restorative/transformative justice that you think might be interested in participating in an interview? If yes, would you mind connecting us with them via email?

11. in the next iteration of this research, we will be conducting an attitudinal survey as well as focus groups (on Zoom and in person in select cities across Ontario). Is this something you may be interested in participating in or sharing with your colleagues?

*Let participants know that at the end of the project, we will have a half-day event in Toronto to release the findings of the project, and they would be welcome to attend.

INTERVIEW GUIDE B: BRIDGING JUSTICES

Practitioners who do not work directly with survivors of gendered violence

(i.e., criminal lawyers, general RJ practitioners, policy analysts, academics)

- Introduction to Project
- Introduce project and the objectives of the study
- Review consent forms
- Discuss any questions that the participant may have about the consent forms

INTERVIEW QUESTIONS

1. Begin by telling me about your role and your organization.

2. How acquainted are you with restorative or transformative justice? (If knowledge level is low or no knowledge, the interviewer will provide an overview of restorative and transformative justice.)

3. There appears to be increased interest in expanding the RJ/TJ options for sexual violence in Ontario. What are your thoughts about this?

4. For criminal lawyers: have you ever had a client interested in pursuing an RJ/TJ option for sexual harm?

5. Ontario Crown Policy currently prohibits sexual assault cases from being diverted into what is referred to as "Alternative Measures" under s717 of the Criminal Code, which can include RJ/TJ options. The intention of this project is to make suggestions about whether this prohibition should continue. What are your initial thoughts about revising the current Crown policy that prohibits restorative and transformative justice options for sexual harm after criminal charges have been laid?

5a) If the participant is unsure: Is there more information you would need about RJ/TJ to better inform your opinion? If so, what type of information would be most beneficial to you?

6. If the Province of Ontario Attorney General decided to modify or lift the moratoriums, what additional services or programming would be required to ensure the safety and well-being of all the participants of the RJ/TJ process?

7. Is there anything else you would like to discuss that we haven't touched on in this interview?

8. Do you have any colleagues working in the area sexual assault or restorative/transformative justice that you think might be interested in participating in an interview? If yes, would you mind connecting us with them via email?

*Let participants know that at the end of the project, we will have a half-day event in Toronto to release the findings of the project, and they would be welcome to attend.

APPENDIX B: AGENDA FOR THE COMMUNITY GATHERING (MAY 28, 2025)

12pm – Doors open, light snacks and refreshments (in-person)

12:25pm – Login for Virtual Attendees

12:30-1pm – Event begins – Land Acknowledgement and Opening Remarks

1pm-1:45pm – Experiences of RJ/TJ: Audrey Huntley and Nathalia Comrie

1:45-2:00pm – Introduction to the research project & methodology

2:00-2:15pm – Break

2:15-3:00 pm – Presentation of Research Findings

3:00-3:10pm – Marlee Liss – Survivor Initiatives to Address Moratoriums

3:10pm-3:45pm – Guided roundtable discussions, report back

3:45pm-4:00pm – Closing remarks

APPENDIX C: CRIMINAL CODE S.717

Criminal Code S.717: **(1)** Alternative measures may be used to deal with a person alleged to have committed an offence only if it is not inconsistent with the protection of society and the following conditions are met:

(a) the measures are part of a program of alternative measures authorized by the Attorney General or the Attorney General's delegate or authorized by a person, or a person within a class of persons, designated by the lieutenant governor in council of a province;

(b) the person who is considering whether to use the measures is satisfied that they would be appropriate, having regard to the needs of the person alleged to have committed the offence and the interests of society and of the victim;

(c) the person, having been informed of the alternative measures, fully and freely consents to participate therein;

(d) the person has, before consenting to participate in the alternative measures, been advised of the right to be represented by counsel;

(e) the person accepts responsibility for the act or omission that forms the basis of the offence that the person is alleged to have committed;

(f) there is, in the opinion of the Attorney General or the Attorney General's agent, sufficient evidence to proceed with the prosecution of the offence; and

(g) the prosecution of the offence is not in any way barred at law.

(2) Alternative measures shall not be used to deal with a person alleged to have committed an offence if the person

(a) denies participation or involvement in the commission of the offence; or

(b) expresses the wish to have any charge against the person dealt with by the court.

(3) No admission, confession or statement accepting responsibility for a given act or omission made by a person alleged to have committed an offence as a condition of the person being dealt with by alternative measures is admissible in evidence against that person in any civil or criminal proceedings.

(4) The use of alternative measures in respect of a person alleged to have committed an offence is not a bar to proceedings against the person under this Act, but, if a charge is laid against that person in respect of that offence,

(a) where the court is satisfied on a balance of probabilities that the person has totally complied with the terms and conditions of the alternative measures, the court shall dismiss the charge; and

(b) where the court is satisfied on a balance of probabilities that the person has partially complied with the terms and conditions of the alternative measures, the court may dismiss the charge if, in the opinion of the court, the prosecution of the charge would be unfair, having regard to the circumstances and that person's performance with respect to the alternative measures.

(5) Subject to subsection (4), nothing in this section shall be construed as preventing any person from laying an information, obtaining the issue or confirmation of any process, or proceeding with the prosecution of any offence, in accordance with law.

APPENDIX D: PROPOSED 3-YEAR PILOT PROJECT BUDGET

Item	Year 1	Year 2	Year 3	Details
Personnel (Facilitators)	$260000	$265200	$270504	(4) 1.0 FTE Facilitators + benefits @ 12%
Personnel (Project Management)	$33000	$33660	$34333	(1) 0.5 FTE Support 4 sites with implementation, training needs, administrative support and reporting requirements.
Staff Development	$4000	$4000	$4000	$1000/site
Cell Phone	$2880	$2880	$2880	$60/month/site
Clinical Supervision	$7200	$7200	$7200	$150/month/site
Promotional Activities	$8000	$8000	$8000	$2000/site for website updates, brochures, attending events to promote the program
Professional Service	$25000	$25000	$25000	Evaluation
Admin support	$40800	$41513	$42230	12% divided equally between sites for HR, Bookkeeping, insurance, occupancy, etc.
Program Evaluation	$26,000	$26,000	$26,000	Support cost of hiring research assistants and producing a final evaluation
Total	$406,880	$413,453	$420,147	Total Project Cost: **$1, 240.480**

LEAF FAEJ

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