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**2020 Vision -
Justice into the
21st Century**

**A Review of the
Criminal Justice
System - P.E.I.**

**Final Report and
Proposals**

HV
9309
.P7
D632
1995

October 1995

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The Review of the Criminal Justice System in P.E.I. in 1995 was undertaken by the P.E.I. Health and Community Services Agency, Provincial Affairs and Attorney General, Solicitor General Canada (Atlantic Region), and Correctional Service of Canada (Atlantic Region), with participation from Justice Canada.

The review process had three stages:

- Stage 1: Discussion papers about the administration of criminal justice in Prince Edward Island including background information and current issues.
- Stage 2: Consultations on the discussion paper with senior administrators and program staff.
- Stage 3: Final report and proposals responding to the discussion papers, consultations and public survey.

As part of the review, a public opinion survey obtained information about attitudes and perceptions of Island residents regarding crime problems and the criminal justice system.

Documentation available from the review and public survey process includes:

Final Report and Proposals

A 40 page report summarizing the context and challenges of criminal justice and proposals toward an effective criminal justice system.

Background Report - Criminal Justice in P.E.I. 1995

A 24 page report covering crime trends, major justice issues, history of criminal justice, and programs of the criminal justice system and their utilization.

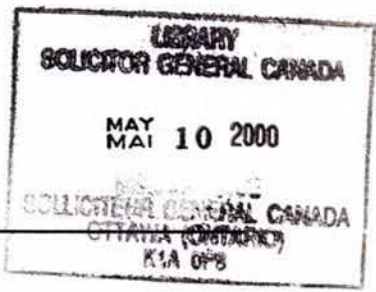
Current Issues - a Discussion Paper about the Criminal Justice System in P.E.I.

A 7 page discussion paper highlighting major issues - external, criminal justice, policy, organizational, and public participation

Criminal Justice Survey 1995 - a Prince Edward Island Study of Public Opinion Related to Criminal Justice

A 23 page summary describing the methods and results of the study including characteristics of study population, involvement with the criminal justice system, perceptions and concerns, knowledge and attitudes.

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Acknowledgements

The Criminal Justice/Corrections Review Steering Committee involved staff of federal and provincial departments or agencies with responsibilities for criminal justice and corrections. Committee members guided the review by participating in planning meetings and consultations, and reviewing draft reports. The Committee Chair, Phil Arbing, Criminal Justice/Corrections Consultant with the Health and Community Services Agency supervised the project.

Information for the *Background Report and Current Issues Discussion Paper* came through the participation of program managers and service providers in telephone interviews. Many of these people attended consultation meetings in Summerside or Charlottetown to further refine the issues and propose ideas for strategies and activities. A further consultation with deputy ministers and senior managers posed further exploration and ideas. These animated discussions led to the final report and proposals.

Two hundred and sixty-seven people participated in a public survey conducted by Brenda Bradford which contributed attitudes and perceptions of Islanders to the review. This survey was the first of its kind undertaken in P.E.I. and provides information that can be used in the future to assess changes in public perception and attitudes.

While many people contributed to the report, responsibility for interpretation is solely with the writer.

Julie Devon Dodd
Charlottetown P.E.I.
October 1995

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2020 Vision - Justice into the 21st Century

*" I beseech your Majesty, let me have Justice,
and I will then trust the law. "*

Elizabeth Hoby Russell, spoken to King James I (1603)

Final Report and Proposals

In 1995 as governments reorganize to reduce costs and to provide effective services, people are concerned about crime, justice and equality. The role of the justice system has never been more important, nor has it been more complex.

Justice is a broad term meaning truth, fairness and equality. Our democratic society is based on justice and the representation of citizens in decision making. Within the broad term of justice are definable areas: social justice, criminal justice, civil justice. History describes the separation of church and state, the traditional defenders of justice, and with the split came divisions in justice.

Social justice has traditionally been championed by the more spiritual institutions of society, whereas criminal and civil justice are more secular. Social justice addresses issues of humanity within the country and around the globe; criminal justice deals specifically with what the state has determined unlawful; and civil justice intervenes at the request of parties to settle disputes.

Many factors in society influence the criminal justice system. For example, the economy, complex social and health issues, decreasing public confidence, perception of increasing violence, and electronic technology.

Within the criminal justice system many interests compete for declining resources - for example, public calls for stiffer sentences and tougher parole eligibility for violent offenders, social development models of crime prevention and rehabilitation, and promotion of alternatives to the legal system for resolving disputes. Other current issues include, high rates of custody and probation for young offenders in P.E.I.; overlap in federal and provincial adult offender management programs; and changes to federal legislation which impact on provincial programs.

Government reorganization at the federal and provincial levels means new policy and organizational issues addressing the justice system within the reorganized provincial and federal governments. Fiscal changes resulting from the impact of Canada's Social Transfer, the block funding arrangement for health, education and welfare; and from changes in

funding for programs such as Young Offenders, Legal Aid and policing also influence policy and organizational direction.

Public participation is essential for justice in a democratic society. Current issues include decreasing public confidence in the justice system, the impact of an uninformed or misinformed public, and the public's role in crime prevention and rehabilitation.

Background

In January 1995 a Steering Committee of staff from federal and provincial justice organizations (See Appendix A. for the names and addresses of committee members) began exploring questions about the justice system in light of government reorganization, public perception, and justice statistics.

A Review of the Criminal Justice System in P.E.I. in 1995 was undertaken by the P.E.I. Health and Community Services Agency, Provincial Affairs and Attorney General, Solicitor General Canada (Atlantic Region), and Correctional Service of Canada (Atlantic Region), with participation from Justice Canada. The review was a follow-up to the *Criminal Justice - Environmental Scanning Report* (P.E.I. 1993).

Background to the review acknowledges work over the past decade at both the federal and provincial levels in areas of: community safety and crime prevention, impaired driving including repeat impaired drivers, family violence, sexual assault, and information technology.

The purpose of the review was to provide the foundation for further discussions/ decisions about the administration of criminal justice in Prince Edward Island.

Objectives of the review were to:

1. provide an opportunity for considering the most effective and efficient use of resources for addressing crime and community safety
2. provide senior administrators with an overview of criminal justice system program issues and costs
3. identify areas of collaboration of justice, social services and health
4. identify overlapping federal/provincial/municipal domains
5. include the ideas of staff of community and government organizations, and
6. consider ideas for addressing citizen input to the review and for ongoing public involvement.

The review process had three stages:

Stage 1:

Discussion papers about the administration of criminal justice in Prince Edward Island including background information and current issues.

Stage 2:

Consultations on the discussion papers (three meetings - one with senior administrators of federal and provincial programs; meetings in Charlottetown and Summerside with government and community service delivery staff; and individual consultation).

Stage 3:

Final report and proposals responding to the discussion paper, consultations and public survey.

As part of the review, a public opinion survey obtained information about attitudes and perceptions of Island residents regarding crime problems and the criminal justice system.

Documentation available from the review and public survey process includes:

Background Report - Criminal Justice in P.E.I. 1995

- a 24 page report covering crime trends, major justice issues, history of criminal justice, and programs of the criminal justice system and their utilization

Current Issues - a Discussion Paper about the Criminal Justice System in P.E.I. 1995

- a 7-page discussion paper highlighting major issues - external, criminal justice, policy, organizational, and public participation

Criminal Justice Survey 1995 - a Prince Edward Island Study of Public Opinion Related to Criminal Justice

- a 23 page summary describing the methods and results of the study including Characteristics of Study Population, Involvement with the Criminal Justice System, Perceptions and Concerns, Knowledge and Attitudes.

Criminal Justice Environmental Scanning Prince Edward Island Summary Report (1993) is also available.

Toward a Renewal of the National System of Justice (1994) a 4-page statement agreed to by federal and provincial Ministers of Justice and Attorneys General is included in Appendix B.

Many reports and surveys prepared in P.E.I. or including P.E.I. as part of a national report provide further background. (See Appendix C for a list of some recent reports.)

This final report summarizes the:

- current context of the criminal justice system, including principles, legislation, and organizational structures,
- challenges for the future in developing an effective criminal justice system within an integrated, holistic, multidisciplinary approach, and
- selected proposals toward an effective justice system into the 21st century.

The Context

In 1995 in Prince Edward Island, people are troubled about crime and the justice system:

- 65% of 267 adult residents surveyed think property and violent crimes are increasing
- residents believe the factors contributing most to increases in property or violent crime are the economy and youth
- residents rate most justice services below average, especially programs for managing adult and young offenders; police services were rated highest
- 75% of residents surveyed want more information about the justice system, and 83% do not think the public is consulted enough in development of justice policies.¹

Staff of federal and provincial justice services are addressing critical issues:

- overlap in delivery of services between the federal and provincial governments
- changes to the two-year rule for federal or provincial custody
- high rates of custody and probation for young offenders

¹Bradford, Brenda *Criminal Justice Survey 1995 - a Prince Edward Island Study of Public Opinion Related to Criminal Justice* (1995)

- in P.E.I. compared with other provinces
- public concern for greater control of high-risk offender.

Ideas for resolving issues are being considered and/or demonstrated by the province:

- strategies to reduce impaired driving in the province, including the repeat impaired driver project
- strategies for creating safer communities through crime prevention based on a community development model
- evaluating alternative measures for young offenders and considering alternatives for some adult offenders
- alternative dispute resolution options, such as mediation in family cases
- higher level of inter-government cooperation in the delivery of programs and services, including Memoranda of Understanding between Correctional Services Canada and the Health and Community Services System
- improved use of technology and support - between existing systems, in the court systems, and within and between police departments in P.E.I..

People in government and community organizations are concerned with the increasing complexity of social and health issues:

- many women and children who stay at Anderson House experience complicated and long-term problems because of abuse in the family
- some children on school playgrounds routinely use violence to deal with problems
- many adults have low literacy, limited job skills or learning disabilities
- access to and availability of services reduced because of fiscal restraint
- mental health conditions of some accused and offenders increasing the complexity of issues.

Current Guiding Principles

Change is inevitable. Technology, economics and travel are contributing to the speed of change in Prince Edward Island. Television and other electronic communications deliver news from around the world the instant following its occurrence.

Vision is the foundation of orderly change. Leadership for justice into the 21st century must include a vision of a society based on justice, inclusion, and security.

Federal and provincial Ministers of Justice and Attorneys General have agreed to a statement *Toward a Renewal of the National System of Justice* (Appendix B for full text) that includes development of the justice system in light of a comprehensive and contemporary vision. Guiding directions in the document include:

- fostering trust
- being open to all
- taking an integrated holistic, multisectoral and multidisciplinary approach
- taking a preventive more than a corrective approach
- exploring alternative ways of resolving conflicts
- redefining the roles and responsibilities of citizens and the government

- offering a client-oriented and user-friendly approach
- undertaking a thorough and continuous review of justice system mechanisms.

A federal-provincial-territorial Working Group has been developing a framework for renewal focusing on a "Multidisciplinary Approach to Justice Issues". Other federal-provincial-territorial working groups are dealing with young offenders, and crime prevention.

Government reorganization in Prince Edward Island in 1993 addressed consolidation of departments and agencies, focus on policy discussion and efficient operation. The overall goal of government reorganization is the development of Islanders' desire, opportunities, skills and capabilities for social and economic self-reliance and self-determination. As part of consolidation of departments, the Department of Justice was split with most divisions moving to Provincial Affairs and Attorney General and the Correctional Services Division to the Department of Health and Social Services.

As part of the Health and Community Services System, adult and youth corrections is part of the provincial

health reform process. While the principles guiding health reform (See Appendix D.) do not use the term "justice", they share many common principles. Justice and corrections has not traditionally been seen as a partner in "health"; however, with the new structure, justice and corrections become essential partners in individual, family and community health.

The renewal of the national system of justice, reorganization of the provincial government, and reform of provincial health and community services share common principles:

- integrated, holistic, multisectoral, multidisciplinary approach involving government, non-government/community partners
- recognition of individual and community needs
- focus on prevention
- affordability.

Other principles suggest a system that is:

- client-oriented and user friendly
- fosters trust, and
- uses and promotes conflict resolution alternatives.

The former Community and Correctional Services Division of the P.E.I. Department of Justice operated

on principles developed in 1991 that are consistent with those of renewal.

Prince Edward Island has a solid foundation, supported by national intentions, to implement planned change in the development of:

- an integrated system of justice, compatible with
- a comprehensive health model, that includes
- public participation.

Legislation and Policies

The criminal justice system is a complex system involving several independent, yet interdependent, federal and provincial agencies and departments.

Legislation provides the framework for the operation of the system. At the federal level, justice responsibilities are divided between the Ministry of Solicitor General and Department of Justice. Solicitor General is responsible for federal policing (R.C.M.P.), corrections and conditional release, including parole; Department of Justice is responsible for criminal law (including *Criminal Code of Canada, Food and Drug Act, and Narcotic Control Act*) criminal justice policy, administration of justice at the federal level, and criminal

prosecution not assigned to the provinces.

Legislation provides uniformity across Canada. All criminal justice organizations and agencies carry out their tasks under the *Criminal Code of Canada*, and the *Young Offenders Act*. Amendments to both pieces of legislation dealing with offender management are nearing completion and will affect provincial programs for adults and youth. The Correctional Service of Canada and National Parole Board operate under the *Corrections and Conditional Release Act (Canada)*.

Provinces are responsible for administering the criminal justice system through police, courts, corrections for adults sentenced to less than two years or to a community sanction, and for young offenders. Provincial correctional services and the Correctional Service of Canada have negotiated *Memoranda of Understanding* in overlapping offender management areas.

The *Constitution Act* defines other areas that fall within the exclusive jurisdiction of provincial governments including municipal institutions, health, education, highways and liquor control.

Organizational Structures

The criminal justice system has two major structures -

- a procedural structure which is the process for managing cases through the system, including investigating crime and charging offenders, deciding guilt and sentencing offenders, and managing offenders (See Appendix E.) and
- a bureaucratic structure which assigns administrative responsibility and relationships for the justice process (See Appendix F.)

The procedural structure of the law is a set of rules and procedures to be followed when a crime has been committed and the process of investigating, apprehending and charging an accused begins. The police and Crown attorneys are responsible for ensuring that the evidence presented before the court follows procedures. The court system itself is an adversarial system that allows the judge to hear both sides of the argument about guilt of the accused. The court process and the decision on guilt and sentencing are all guided by rules and procedures. Also, when people are held in custody or released on bail, or conditional release, specific procedures are in place.

The organization structure assigns responsibilities and relationships to different parts of the criminal justice system to ensure the fair and lawful operation of the system.

The federal government departments or agencies responsible for criminal justice are Solicitor General Canada and the Department of Justice. Federal agencies under the authority of the Solicitor General Canada are: Royal Canadian Mounted Police, Canadian Security Intelligence Service, Correctional Service of Canada, and the National Parole Board. The Department of Justice is responsible for laws and law reform, the Federal and Supreme courts including prosecution of offences not assigned to the province, and public legal information/ education and alternative dispute resolution.

Provincial youth and adult offender management programs, along with crime prevention and community development are now part of the Health and Community Services System which operates under the *Health and Community Services Act*. Police, courts, Crown attorneys, legal aid and victim services are the responsibility of Provincial Affairs and Attorney General.

The court system is also an organizational structure including the Federal Court of Canada (civil matters), the Supreme Court of Canada (the final court of appeal for civil or criminal disputes), the Supreme Court of P.E.I. Appeal Division (appeals from lower courts), Supreme Court of P.E.I. Trial Division (Estates, Family, Small Claims and General Sections), Provincial Court (criminal matters and provincial statutes), and Youth Court (young offenders).

The Health and Community Services system has an organizational structure for policy development, planning and implementation, and service delivery (See Appendix F.) including community-based decision-making about local priorities and resource allocation.

The Health Policy Council advises the Minister of Health and Social Services on matters of policy related to the broad health goals of the province; the Health and Community Services Agency develops province-wide operational procedures and program supports; and the Regional Authorities (West Prince, East Prince, Queens, Southern Kings and Eastern Kings) determine priorities within their regions and deliver programs and services to the communities. (See Appendix G.)

The Health and Community Services system is developing a Comprehensive Health Model as a tool for guiding change. The model uses a broad definition of health (physical, mental, emotional and spiritual) and includes intervention components (promotion, prevention, cure, rehabilitation, and support) as well as a decision-making path. (See Appendix H.)

The Comprehensive Health Model recognizes that health services are only one factor in determining the health of an individual, family, or community and that income, social status, support networks, education, employment and working conditions, physical environments, and healthy child development are important factors. The Comprehensive Health Model promotes the integration of other sectors such as business, justice and education in creating an environment that supports health.

Challenges for the Future

"While an ethic of justice proceeds from the premise of equality - that everyone should be treated the same - an ethic of care rests on the premise of nonviolence - that no one should be hurt." (Carol Gilligan 1982)

The pieces of a renewed system of criminal justice are available, some with centuries of tradition; others in the early stages of development. Leadership is required to arrange the pieces in a philosophical and operational framework that addresses a vision of justice into the 21st century and is consistent with fundamental principles of justice, *Charter of Rights*, national justice principles and local government reform principles.

A strategy is needed that confronts the challenges

- an integrated
- comprehensive, and
- participatory approach, that is
- affordable.

Integrated

An integrated approach to the system of justice insures consistency and accountability throughout the processes of:

- preventing and investigating crime
- deciding guilt and sentencing offenders, and
- managing offenders.

An integrated approach will involve the federal and provincial

governments in strategies to reduce overlap in administration, management and delivery of services.

✓ Can one management structure deliver programs to all adult offenders in Prince Edward Island?

An integrated approach will involve the Department of Health and Social Services and Provincial Affairs and Attorney General and relevant federal departments and agencies in strategies that ensure consistency among the different programs of the justice system.

✓ Can a strategic plan be developed with common goals for a system of justice within the province for the independent, yet interdependent components?

An integrated approach will address complex social and mental health issues.

✓ Who will provide leadership to identify and confront root causes that contribute to the chain of individual and social disorder?

An integrated approach will involve complimentary and compatible data bases for systems of information, communication, and analysis. Related systems currently include - Integrated Justice Information

System, Island Health Information System, Correctional Service of Canada - Offender Management System, Canadian Police Information Centre, and Canadian Centre for Justice Statistics.

One example of system linkage is the Correctional Service of Canada - Offender Management System and P.E.I. Offender Management Systems . See Deltaware Systems Inc. *CSC-OMS/PEI-OMS Linkage Study (1995)*

✓ What integrated system of client and statistical record keeping meet the needs of the different program areas?

Comprehensive

A comprehensive approach acknowledges and involves all aspects of health and community services and the broad determinants of health in justice promotion, prevention and rehabilitation.

In Prince Edward Island government services not traditionally associated with health are part of the Health and Community Services System. Service providers from correctional services, housing, social services, and health face the challenge of working together to improve the health of the population. Comprehensive health care is designed to meet the needs of the whole person at all stages of the

life cycle; not only as an individual but as part of a family and a community.

A comprehensive approach will involve a holistic view of individuals in contact with the justice system - victims/witnesses, accused/offenders/public/consumers - to provide a client-oriented, user-friendly system that fosters trust.

✓ *Can justice areas operate on the continuum of services of the Comprehensive Health Model - promotion, prevention, rehabilitation, cure, support?*

A comprehensive approach will involve collaboration with public, non-profit and private services in addressing the needs of the individual.

✓ *Can common language (e.g. problem definition) and approaches (e.g. assessment) be developed to support collaboration amongst education, health, social service, justice and other service providers?*

Participatory

A participatory approach involves individuals, families and communities in decisions affecting their lives.

A participatory approach will involve a client-centred system with information and decision-making as close to

those affected by decisions as possible.

✓ *Can a system-wide case-management approach be developed including individual rights and accountability?*

A participatory approach will involve local, regional and Island communities in developing solutions to problems of crime and rehabilitation of offenders.

✓ *Can a community involvement framework be established to address crime and justice issues? (Strategies for Safer Communities has begun to address this issue.)*

✓ *Can an effective public education program be prepared to inform and inspire people about the criminal justice system and the importance of their involvement?*

Affordable

An affordable justice system is one where the resources are used where they have the greatest impact. The system functions within a set of goals which set the direction toward and boundaries within which resources are used. Interventions are assessed on their ability to achieve outcomes directed toward system goals. The system is therefore accountable.

An affordable justice system will have a vital, long-range planning framework that evaluates the effectiveness of programs to intervene successfully in working toward system goals.

✓ Can evaluation methods be developed to assess the impact and cost effectiveness of all aspects of the justice system?

An affordable justice system will allocate resources to address long-term safety promotion and crime prevention goals, and not only respond to adversity.

✓ Can resource allocation be balanced across a spectrum of approaches that impact on creating safer communities?

Proposals Toward an Effective Criminal Justice System

A long-range planning framework for the criminal justice system in P.E.I. will provide the foundation for an integrated, comprehensive, participatory and affordable approach. Components of the system are operating without clarity of vision, principles, and goals. The planning framework must be compatible with the principles and goals of the national system of justice, and the principles and goals of provincial government reform.

Long-Range Plan

Principles, goal, objectives and activities are proposed. A full planning framework can be developed once senior-level decisions are made. The planning framework should include a monitoring and evaluation process including success indicators and methods for monitoring.

Principles

A criminal justice system:

- ▶ based on fairness and accessibility
- ▶ with respect for individual and collective rights
- ▶ with respect for the independent, yet interdependent, components of the system

- ▶ committed to developing understanding and trust with the broader community.

Proposed Goal

Goal

Increase safety and the feeling of safety by developing an integrated system of justice compatible with a comprehensive health model, involving public participation.

Objective 3

Promote prevention of crime, conflict solving, and the responsibility of the individual to the larger community.

Objective 4

Reduce institutionalization of adult and young offenders.

Objectives

Objective 1

Develop an efficient and effective integrated system of justice among the federal/provincial/ municipal governments.

Objective 5

Implement a long-range plan (including funding) in cooperation with the federal government

Objective 2

Work as part of a comprehensive public system with the community that enables the public to play an important role in the delivery of justice and the shaping of its institutions.

Leadership

The justice system is the cornerstone of a democratic society, and revitalizing the justice system is ultimately the responsibility of all citizens. Leadership for renewal of the justice system will come from

those with vision beyond precise legislated boundaries. Leadership from senior administrators responsible for the justice system, from the judiciary, and from people outside the justice system is desirable. The role of leadership is to guide the process of renewal:

- to inspire and support staff of the system and the general public
- to acknowledge strengths or flaws in the system
- to lead change and calculate options and responses, and
- to initiate creative approaches beyond the conventional.

Proposed Activity 1.

Leadership

A leadership team be established to guide the justice system in P.E.I. in principled planning toward an integrated system of justice compatible with a comprehensive model involving public participation.

The leadership team will review this report and related documents, proposed components of a long-range plan, and proposals and decide on a planning framework that includes success indicators and evaluation methods. (See Appendix I.)

Participation

Public confidence in the justice system is declining and understanding of the justice system by people who do not work directly within the system is limited. Information and understanding lead to choice about participation. Effective participation by the public, by colleagues in other disciplines and by clients of the justice system needs to be enhanced.

Proposed Activity 2.

Justice Summit

A provincial Justice Summit be convened by the leadership team to increase participation in justice issues; to identify additional issues, clarify and prioritize issues; and to involve representatives of all groups affected by the justice system. (Proposed goal, objectives and activities are outlined in Appendix J.)

Common Values, Language and Approaches

An integrated and comprehensive approach requires cooperation among service providers and involvement of client participants. The segregation of professions and the agency-centred approach have contributed to lack of common

values, language and methods for assessing and addressing individual and community needs. The professional as "expert" has contributed considerable discipline-specific knowledge, but it has also contributed to removing the "client" from the centre of the decision-making process.

Those clients of the justice system who are convicted of crimes, legitimately lose some of their autonomy in decision-making. However prior to and post sentencing, and perhaps even at sentencing, most can participate more in decisions.

The Child Sexual Abuse Rural Intervention Project, demonstrated the benefits of shared values; a commitment to plain, understandable language; and common approaches such as assessment methods to contribute to an integrated, comprehensive and participatory system.

Proposed Activity 3.

Demonstrate Coordinated, Plain-Language Approach

Initiate a system and community-wide pilot project in one region that demonstrates the impact of shared values, common language and methods on a client-centred

approach that increases justice-system client accountability. (See Pilot Project - Coordinated Plain-Language Approach (Youth), Appendix J.)

Integrated Management Structure

Within the province the majority of service providers, including adult and youth corrections, operate within an integrated and coordinated management structure. Considerable overlap exists between federal and provincial governments in the areas of adult offender management and prosecutions.

One administrative and management structure for adult corrections could be cost-effective and eliminate areas of duplication, while expanding and contributing to consistency in program delivery.

Proposed Activity 4.

Assess Feasibility of Integrated Management Structure for Adult Corrections

Mandate a group of representatives of federal and provincial corrections to consider options for an integrated management structure for adult corrections in Prince Edward Island, and recommend the most feasible option. (See Terms of Reference - Appendix K.)

Integrated Prosecutions Structure

The provincial government is responsible for prosecutions under the *Criminal Code of Canada*, and the federal government is responsible for prosecutions under *Narcotics Control Act* and *Food and Drug Act*.

Sometimes a police investigation of a single incident results in one accused being prosecuted in two separate trials by different levels of prosecutor.

Proposed Activity 5.

Initiate Discussions with the Federal Government to Eliminate Overlap in Prosecutions

Provincial Attorney General to initiate discussions with federal counterpart to consider options for single prosecution approach when offenders are charged under *Narcotic Control* or *Food and Drug Acts* for example.

Resources for Prevention

The link between social development and criminal behaviour is one aspect of the determinants of health. Key factors include income, social support networks, literacy and education, employment, safe physical environments, coping skills, childhood development and health services.

While prevention has many facets, long-term prevention requires a commitment to improving factors that contribute to criminal behaviour. Some broad initiatives are underway in the province, such as regional coalitions addressing the needs of children 0 to 6, and programs for adult literacy. It is important that interventions be targeted for and evaluated by reducing criminal behaviour.

Proposed Activity 6.

Target Prevention at Factors that Contribute to Criminal Behaviour

Ensure that program goals, objectives, targets and success indicators include justice related areas when programs are being developed to address priorities identified by community needs assessments and related research, .

Appropriate Dispute Resolution Options

Involvement of the criminal justice system (or family law or civil law) has high economic, social, and psychological costs. People often feel anxious and hostile and opportunities for cooperative and productive relationships are lost.

People in Prince Edward Island need more options for resolving conflicts. Options range from improved communication skills for self-management of disputes, through mediation, negotiation, arbitration and litigation.

The federal Department of Justice sponsored the Canadian Forum on Dispute Resolution in February 1995 to chart the course for the field of dispute resolution in Canada. The report of the forum will be available in the fall of 1995.

In Prince Edward Island Mediation P.E.I., and the Conflict Resolution Network are active in promoting appropriate dispute resolution options.

Proposed Activity 7.

Develop Options for Dispute Resolution

Initiate in cooperation with Mediation P.E.I. and the Conflict Resolution Network, a Prince Edward Island forum to advance alternative dispute resolution options within government, community and family systems. The outcomes of increase dispute resolution options could be: increased involvement of parties in resolving the conflict, increased satisfaction with resolution outcomes, and decreased demands on the

formal justice system. (See Dispute Resolution Forum Outline - Appendix L.)

Public Education/Information Strategy

The general public is not well informed about the criminal justice system, and rates the provision of many justice services as poor. At the same time, the public understands the importance of their role in preventing crime, and wants more involvement in the criminal justice system.

Proposed Activity 8.

Develop a public education/information strategy

A public information/education strategy should provide the public with accurate information about Canada's criminal justice system, and inspire their participation in crime prevention and rehabilitation. (See Appendix M. - Public Legal Education/Information Strategy)

Risk Assessment and Case Management

System accountability and risk management are components of assessment and case management practices. Most risk management

involves assessing and managing risk to the individual client, and sometimes, the potential for accidental risk to others. In the criminal law area intentional harm to others, in loss or damage of property, and sometimes in serious injury or death, increases the need for system accountability in risk assessment and management.

The placement of offender management within the Health and Community Services System not only integrates offender management with other parts of the system, but potentially increases community involvement in offender rehabilitation.

Community involvement in offender rehabilitation will be the result of increased public confidence in the justice system's ability to prevent and manage serious risk, and increased understanding of the public's role in crime prevention through social development.

Proposed Activity 9

Develop a Model of High-Risk Offender Assessment and Management

While the number of offenders who present a serious risk to the public is small in Prince Edward Island, the implications for safety of citizens, and

decreasing public confidence in the criminal justice system is great.

Assign responsibility for developing assessment and management protocol and services for high-risk offenders. This proposal includes both federal and provincial corrections and can be coordinated with Proposal 4, Integrated Management Structure. Educate the public about the protocol and services, and the public's role and responsibilities. (See Appendix O.)

Proposed Activity 10

Develop a Model of Offender Assessment and Risk Management that Appropriately Involves the Community

In conjunction with proposal 9, establish a work-group of federal, provincial, municipal and community members to recommend a model of offender assessment and risk management within a community development model. The work-group would address improved risk assessment and case-management planning and appropriate involvement of the community. Once a model has been identified, follow-up with a pilot project in one region for provincial implementation once demonstrated and refined. (See Appendix P.)

Conclusions

Trends in criminal justice point toward alternative methods of social control, less expensive and more effective programs, and programs more closely aligned with the community.

The vision of national and provincial justice leaders for a renewed justice system focuses on trust, openness, integration, alternatives and community involvement.

Prince Edward Island is in a unique position with its size and location, reorganized government structure and reformed health and community services system to implement strategies compatible with both trends and vision.

Leadership to create a long-range planning framework for the criminal justice system in P.E.I., in cooperation with the federal government, will provide the foundation to act on a comprehensive, integrated and participatory system of justice.

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Toward a Renewal of the National System of Justice **Appendix B**

INTRODUCTION

Traditionally, the mission of our system of justice has been to achieve a safe, just and peaceful society in accordance with democratic principles, the supremacy of the rule of law and respect for rights and freedoms. If it is to continue to fulfil this mission in the future, the justice system should be re-examined and developed in light of a comprehensive and contemporary vision. The justice system of the future should:

- promote fairness, equality and accessibility for all, and be responsive and flexible enough to meet the varied needs of communities and individuals;
- promote prevention of crime, conflict solving, and the responsibility of the individual to the larger community;
- work in partnership with other social services and the community, and enable the public to play an important role in the delivery of justice and the shaping of its institutions; and
- be client-oriented, user-friendly, and efficient.

The justice system should not be considered in isolation, but as part of a continuum of systems and services that underpin our society, including the economic system, the health system, the education system, the income distribution system, and the social services system. The justice system is influenced by these systems and in turn influences them.

The justice system apportions rights, obligations and powers in society, controls behaviour, and provides a way to resolve disputes peacefully. It makes use of specific "tools" such as legislation, courts, and law enforcement agencies. More and more, however, we are becoming aware of the inherent limits of these tools and the fact that they can in themselves generate new problems.

The justice system reflects both fundamental social values and those institutions, rules and mechanisms that have been developed to respond to the needs of a specific society at a certain point in time. It should accordingly evolve to reflect the changing needs of society.

The future will bring rapid change in many areas, and there is every indication that the next decade or so could be crucial years of transition. Most of the systems and organisations in our society are presently undergoing major restructuring to adjust to changing demographics, economics and values. The system of justice is not immune from these forces, and should itself prepare for significant changes.

These changes may be dealt with "reactively", that is by responding to changes in the environment as they occur. On the other hand, they could be planned in accord with an agreed vision. Planned change requires taking stock of the current situation, understanding the forces for change and mapping out a preferred future.

PRESSURES FOR CHANGE

A remarkable variety of forces - social, economic, and technological, to name a few - are acting on our society, creating pressures for change. Among those factors that will be of special concern for the justice system of the future are the following.

- The changing ethnic mix of Canadian society and demographic patterns such as the aging of the population, increased urbanisation and the rising number of one-parent families, will lead to a much more diverse society. There will be more emphasis on cultural, ethnic, regional and community individuality. As a result, social consensus will be increasingly hard to find. The law and the justice system will have an important role to play in binding society together while at the same time adjusting to and reflecting the plurality of beliefs, values, cultures and lifestyles.
- The general public and interest groups have increasingly been turning in recent years to the justice system where they would previously have looked for political or community solutions. This trend shows every sign of continuing, and will put more and more pressure on the courts. Unless some shift occurs, the justice system will be expected to provide answers to situations it was not designed to deal with.
- The advent of the "information society" will generate high public expectations for fast and efficient service in general. It will also bring demands for flexible, diversified, responsive and user-friendly justice services that are adapted to the varied needs of individuals and communities.

- More informed, better educated, and consequently more critical individuals and communities will insist on more transparency and accountability from the justice system. They will expect to have a voice in justice institutions and to be involved in justice processes that affect their lives.
- In the short to medium term at least, social and financial inequalities in Canada may become more pronounced. Access to justice would then become a critical issue.
- Finally, the need to stabilize public spending will force the justice system to fundamentally reassess how it operates.

HOW THE JUSTICE SYSTEM SHOULD RESPOND

The justice system faces many challenges as it responds to these pressures for change. It must find ways to integrate core values with the need for efficiency and productivity; to achieve efficiency and productivity while keeping a human face; and to balance individual needs with those of the community.

Various people working in the social and legal fields have reflected recently on the evolution of the system of justice¹, and some consensus seems to be emerging on the directions it should take. The Canadian justice system of the future must:

- foster trust by providing a system in which Canadians can recognize themselves in their diversity;
- be open to all with the flexibility to shape itself to respond to the varied circumstances and needs of communities and individuals - including persons with disabilities, aboriginal peoples, ethnic minorities, women, young people, and the elderly - while consistently maintaining core values and goals;
- take an integrated holistic, multisectoral and multidisciplinary approach involving all governmental and non-governmental partners;

¹ For example, at the 1991 Quebec Sommet de la Justice and the 1993 National Symposium on Community Safety and Crime Prevention.

- take a preventive more than a corrective approach to justice, by encouraging justice professionals to see their business as one of prevention, and supporting the resolution of conflicts in a manner that is effective and economical and fosters social harmony;
- shift from a predominant focus on the adversarial process to explore alternative ways of resolving conflicts;
- redefine the roles and responsibilities of citizens and the government so citizens and communities can play a major role in the delivery of justice. Distinctions have to be made between those areas which should be the responsibility of government, those which should be shared with the communities, and those for which the communities should be responsible and the government provide support;
- offer a client-oriented and user-friendly approach, providing at a reasonable cost a range of high-quality, fast, effective services that reflect current information technology and are for the most part directly accessible to the public;
- foster trust in the justice system by better communication of the goals and functions of the system, its achievements, limits and challenges; and
- undertake a thorough and continuous review of the justice system mechanisms in order to replace those that are obsolete, or unnecessarily costly. More attention needs to be paid to actual results, to determine whether these mechanisms are serving the ends they were intended to serve, or whether they are in fact causing further problems.

List of Recent Reports and Surveys**Appendix C**

Angus Reid Group Ltd. *PEI RCMP Service Delivery Study*. Ottawa, June 1995

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Vol. 12 No. 23 Legal Aid in Canada: 1990-91. December 1992

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Vol. 14, No. 3 Canadian Crime Statistics, 1992. January 1994

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Canadian Centre for Justice Statistics. *Corrections Key Indicator Report for Adults
and Youth Offenders*. Statistics Canada, Ottawa. January 1995

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Correctional Service of Canada (Atlantic) & Community and Correctional Services (P.E.I.) *Memorandum of Understanding - Second Progress Report*. 1994 and *Third Progress Report*. 1995

Deltaware Systems Inc. *CSC-OMS/PEI-OMS Linkage Study* Charlottetown April 1995

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Health and Community Services Agency. *Comprehensive Health: a Conceptual Model for Prince Edward Island (draft)*. Charlottetown. December 1994

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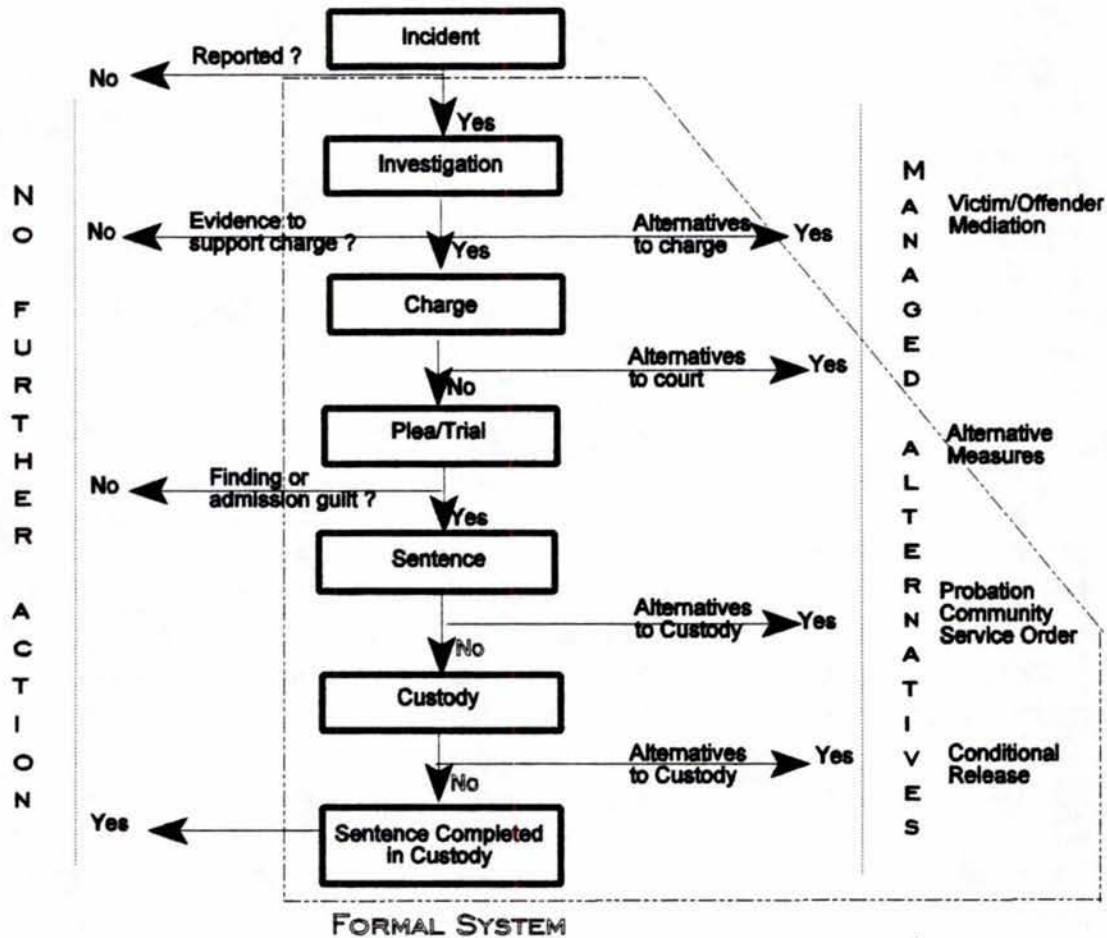
Provincial Health Reform Principles:**Appendix D**

Provincial health reform includes adult and youth corrections as part of the Health and Community Services System. Principles of health reform guide policy and program development.

- Health is defined as the extent to which an individual or group is able, on the one hand, to realize aspirations and satisfy needs, and on the other hand, to change or cope with the environment
- People are the focus of the health system and they must be active participants in the planning and delivery of health services
- The philosophy of the system must be one that is based on the promotion of health for individuals, groups and communities
- Health is determined by many factors including the social and economic environment, adequacy of nutrition, genetic make-up, environmental conditions of water, air and food, stress, self-esteem and the individual's ability to cope
- Health services should be provided by a partnership of all members of the health team
- Health policy should be established by a partnership of government, health providers and the public
- The model of health care delivery must include the principles of primary health care as follows: equitable distribution of health services, public participation in planning and delivery, emphasis on prevention and promotion, use of appropriate technology, integration of health development with social and economic development
- The principles of the *Canada Health Act* must be maintained: public administration, comprehensiveness, universality, portability, accessibility.
- The delivery of health services should occur by communities working together regionally and provincially, identifying their health needs and allocating resources to the priority areas of need
- The health system must be one that is affordable and sustainable by the province of P.E.I.

Criminal Justice Process

Appendix E

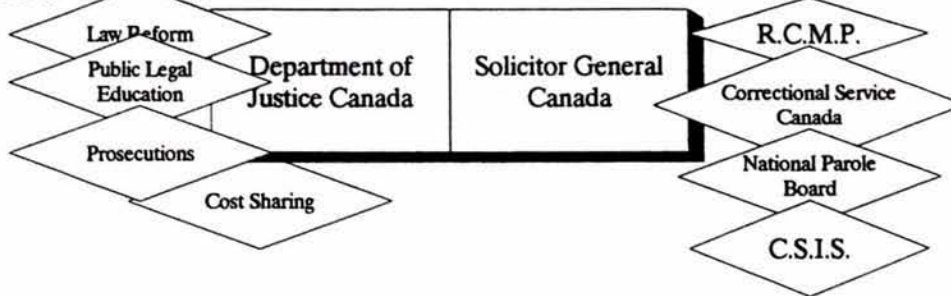


For a comprehensive chart see - *A Canadian Criminal Justice System Overview - Understanding the Canadian Criminal Justice System - Process Chart and Handbook*. Statistics Canada March 1993

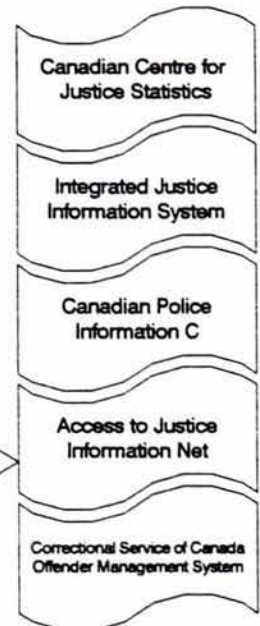
Criminal Justice Organizations - Responsibilities and Relationships

Appendix F

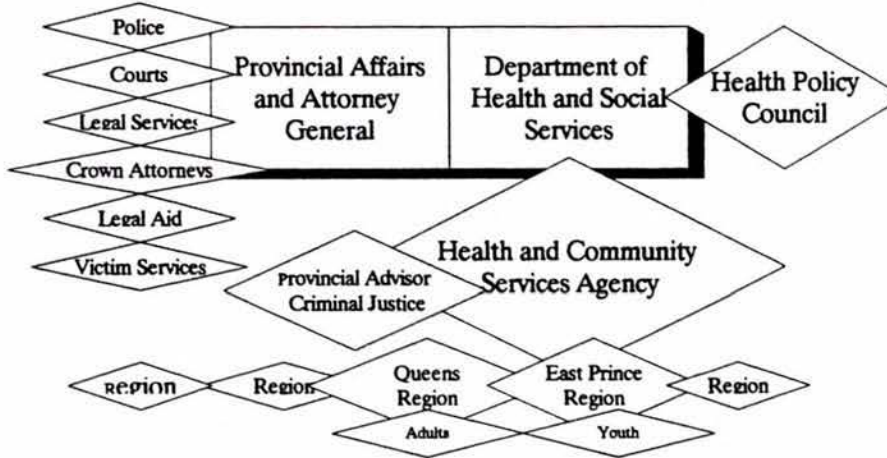
Federal



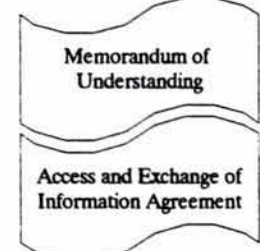
Communication/ Information Systems



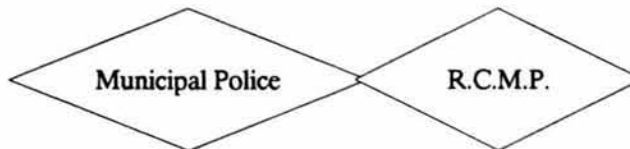
Provincial



Agreements (Examples)



Municipal (Examples)



Committees (Examples)



Community (Examples)

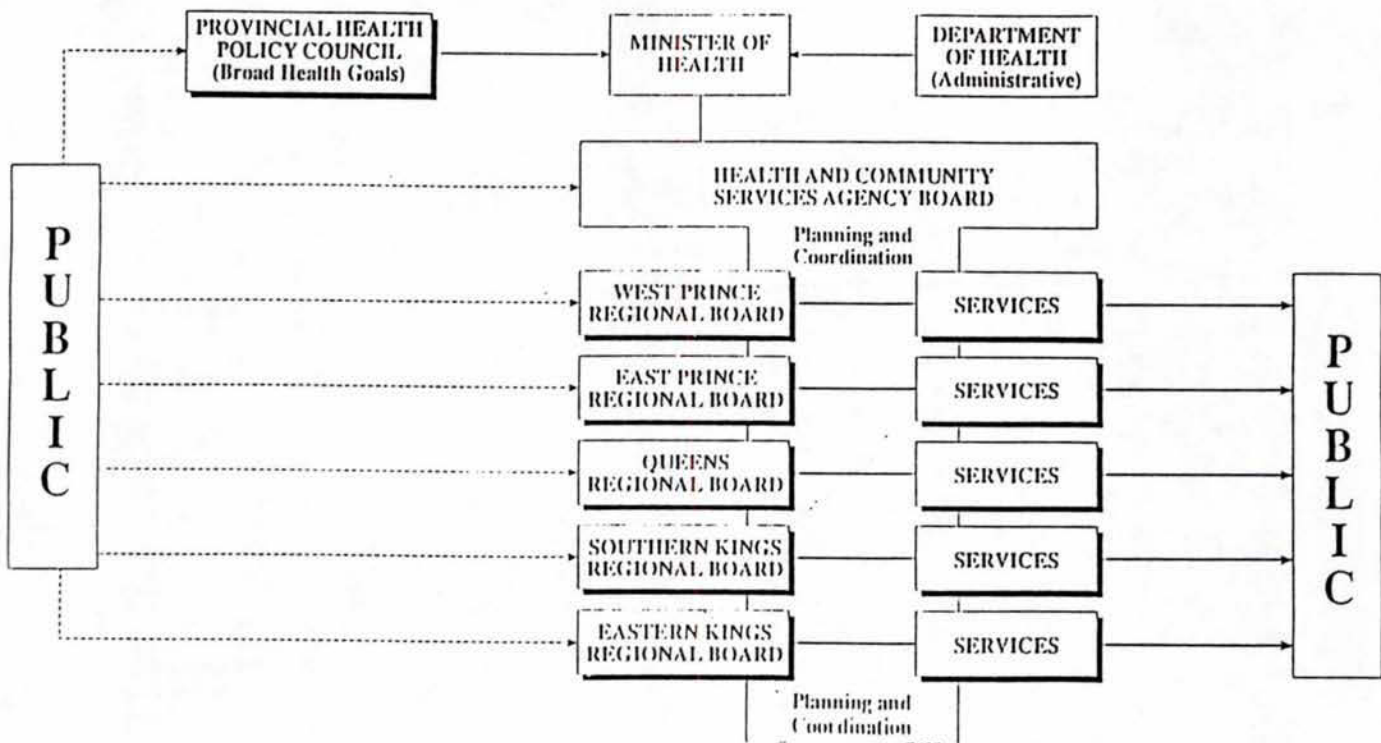


Health and Community Services System

Appendix G

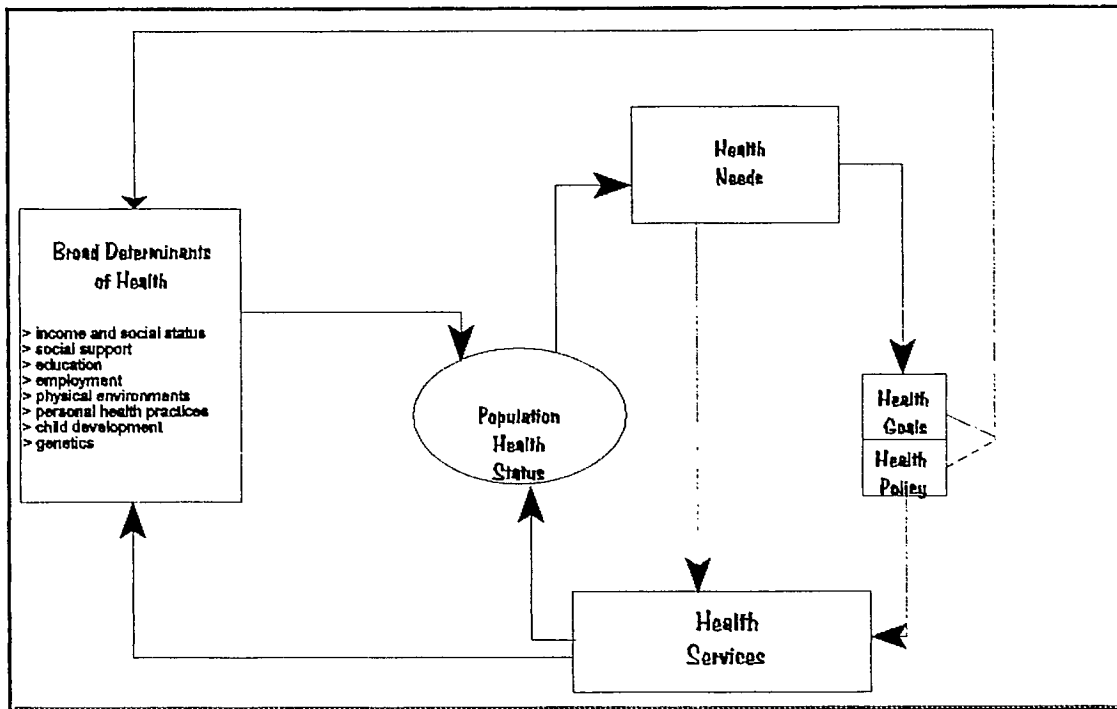
PRINCE EDWARD ISLAND HEALTH SYSTEM
(AFTER RE-ORGANIZATION)

Partnerships for Better Health



Comprehensive Health Model

Appendix H



Primary services in action:

- focus on personal coping skills, and supportive networks
- maintain maximum independence and promote development
- complement and support the development of the individual's, family's and community's own resources.

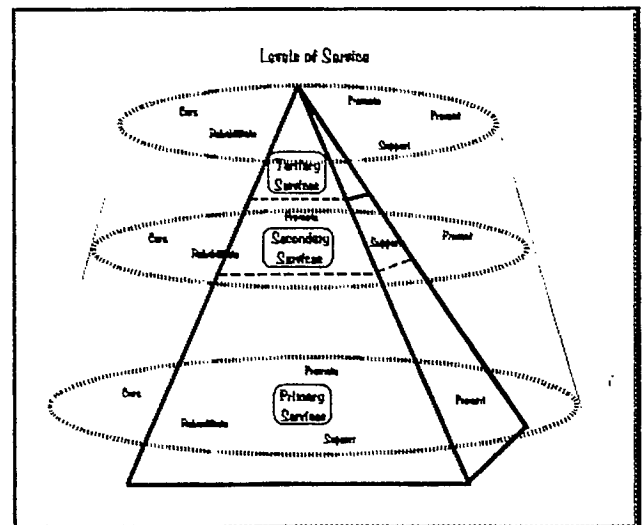
Levels of Service

Secondary Services in action:

- provide specialized knowledge or treatment
- respond when primary services are insufficient
- are not used routinely.

Tertiary Services in action:

- often take place in highly controlled environments
- respond to high-risk or life-threatening circumstances
- are usually time-limited.



Justice System Leadership Team

Appendix I

A Justice System Leadership Team be established jointly by the Minister of Health and Social Services and the Minister of Provincial Affairs and Attorney General.

Goal: To guide the justice system in P.E.I. in principled planning toward an integrated system of justice compatible with a comprehensive health model involving public participation.

- Objectives/
Activities:**
- Review 2020 Vision - Justice into the 21st Century and supporting documentation
 - Recommend to the Minister of Health and Social Services and Attorney General, a framework for long-term principled planning - including principles, goals, objectives, and monitoring methods - toward a comprehensive and integrated system of justice in Prince Edward.
 - Identify areas with possible implication for federal/provincial and provincial/municipal action and recommend a process for addressing.
 - Develop a responsibility and accountability framework for achieving the goals and objectives of the plan, including budget implications.
 - Provide leadership and monitor the implementation of an approved plan.

Time Frame:

Nov 95▶	appoint Justice System Leadership Team
Feb 96▶	recommend framework for long-term principled planning to Minister of Health and Social Services and Attorney General
Apr 96▶	lead and monitor the implementation of an approved plan.

Justice Summit - Proposed Outline

Appendix J

Goal: To inspire leadership in the community for increasing understanding and participation of people in the criminal justice system.

- Objectives:**
- include representation from people affected by all aspects of criminal justice
 - explore the relationship of social justice, criminal justice and family justice areas
 - listen to the ideas of participants for increasing understanding and trust in the criminal justice system
 - identify leadership for continued commitment to Summit goal, and involvement in criminal justice from geographic and interest communities across the province.

- Targets/Time Frames:**
- identify up to fifty people from community-at-large, victim-witnesses, offenders, community organizations, health and community service system, government departments and justice system
 - hold Justice Summit during 1995/96.

- Activities:**
- establish small planning committee representing broad participation areas
 - develop a dynamic, interactive two-day Justice Summit
 - hold Justice Summit
 - evaluate success of Summit in reaching objectives and identify strategies for follow-up.

Pilot Project - Coordinated, Plain-Language Approach (Youth) Appendix K

- Goal:** To establish common values, language and methods for working with youth, individually and as a group, in addressing problems that lead to criminal behaviour.
- Objectives:**
- increase understanding of youth and youth culture
 - identify the many "labels" used to identify children and youth "at risk" and establish mutually agreeable plain-language terms
 - develop an assessment method that can be shared among the different intervenors and understood by youth
 - identify and recommend risk assessment and management approaches that increase youth accountability.
- Targets/Time Frames:**
- chose one community with a mix of professionals and identifiable youth group (e.g. East Prince)
 - develop the project in year one, and pilot the project in years two and three.
- Activities:**
- establish small planning committee representing professional and youth interests
 - secure resources to support work of the committee
 - conduct professional/community education and working sessions to explore common values, identify labels and establish mutually agreeable plain-language terms, and approaches to assessment and risk management
 - prepare a "handbook" of common values, language and assessment and risk management approaches
 - educate about, coordinate and evaluate the approach in the region.

Integrated Management Structure - Adult Corrections

Appendix L

Goal: To recommend an integrated management structure for adult corrections in Prince Edward Island.

Membership: Representatives of -

- Correctional Services Canada (various levels)
- Health and Community Services Agency
- Queen's Region - Adult Corrections
- Provincial Affairs and Attorney General
- Solicitor General Canada

**Objectives/
Activities:**

1. Clearly define programs, services and cases under the mandate of adult corrections for federal and provincial governments, including both custody and community programs.
2. Conduct a staffing and cost-analysis of adult corrections program delivery and management for federal and provincial governments.
3. Identify benefits and barriers to an integrated management structure.
4. Develop at least two possible options for an integrated management structure for adult corrections in Prince Edward Island, identifying the pros and cons of each.
5. Recommend an integrated management structure that effectively manages all adult corrections in the province, and eliminates duplication in administration and service delivery.

Dispute Resolution Forum - Outline

Appendix M

Goal: To advance alternative dispute resolution options within government, community, and family systems in Prince Edward Island.

- Objectives:**
- be a catalyst for promoting and developing a spectrum of dispute resolution options
 - educate participants about the spectrum of options, and their relationship to the criminal justice system
 - develop a long-term plan for promoting and developing a spectrum of dispute resolution options
 - identify dispute resolution options and long-term plan within the criminal justice system
 - increase collaboration amongst criminal justice, Health and Community Services System, Department of Education, Mediation P.E.I., and the Conflict Resolution Network
 - provincial follow-up to the Canadian Forum on Dispute Resolution (Feb.1995)

- Targets/Time**
- people with a commitment to dispute resolution options
 - hold forum during the winter/spring of 1996

- Activities:**
- establish planning workgroup from major interest organizations - Health and Community Services System, Mediation P.E.I., Conflict Resolution Network, Provincial Affairs and Attorney General, Department of Education, and federal Department of Justice and Solicitor General
 - develop a dynamic, interactive one(two)-day Forum based on objectives
 - hold Dispute Resolution Forum and evaluate success of Forum in reaching objectives and identify long-term planning.

Public Legal Education/Information Strategy

Appendix N

- Goal:** To increase public participation in the criminal justice system, especially crime prevention and offender rehabilitation, and the shaping of justice institutions.
- Objectives:**
- provide accurate information to the public about all aspects of the criminal justice system
 - encourage public participation in the renewal of the justice system
 - promote the role of the public in crime prevention and rehabilitation
 - develop a collaborative partnership of Community Legal Information Association, Health and Community Services Agency, Provincial Affairs and Attorney General and relevant federal departments and agencies
- Targets/Time Frame:**
- Island-wide strategy with specific goals developed in one and five year plans
- Activities:**
- establish small working group of representatives from C.L.I.A., Health and Community Services, Provincial Affairs and Attorney General, federal departments and agencies, and at least one representative with strong media skills
 - develop one and five year plans, with yearly evaluation and renewal
 - develop a mechanism for prompt media opportunities in relation to criminal justice system activity

High-Risk Offender Assessment and Management

Appendix O

- Goal:** To develop "high-risk" offender assessment and management protocol and methods to protect the public, the offender, and insure system accountability.
- Objectives:**
- identify and define "high-risk" offender characteristics
 - develop and implement system and community wide protocol for assessing and managing "high-risk" offenders
 - educate professionals and intervenors in "high-risk" offender assessment and case management
 - inform the public about "high-risk" offender characteristics and system protocol.
- Target/Time-Frames:**
- Island-wide protocol developed and implemented within one year
- Activities:**
- coordinate with Proposal 10 - Offender Assessment and Risk Management - Community Development Model
 - establish small work-group from adult corrections, youth corrections, mental health, police, Crown attorney's office and Health and Community Services Agency
 - agree on Objectives and work toward a protocol and methods.

**Offender Assessment and Risk Management
Community Development Model**

Appendix P

- Goal:** To recommend and demonstrate a model of offender assessment and risk management within a community development model.
- Objectives:**
- improve assessment and risk management of offenders
 - increase public confidence in offender assessment and risk management
 - increase understanding of the public's role in crime prevention through community/social development
 - address the issue of balancing individual and community rights and responsibilities
- Target/Time Frames:**
- target adult offenders in one region (e.g. Queens), develop model in year one, and demonstrate and evaluate in years two and three
- Activities:**
- establish small work-group from adult corrections (community and custody programs/federal and provincial), mental health, community (municipality) and Health and Community Services Agency
 - identify a continuum of assessment and risk management issues
 - identify a continuum of assessment and risk management resources, including community
 - develop tools and procedures for assessment and risk management
 - educate program staff and community
 - demonstrate model in one region and evaluate.

