



# Out of the Silos: Implementing Solutions Together

## JUSTICE SUMMIT – ACTION PLAN

March 2019

Over the last year, the Department of Justice and Public Safety has organized five Justice Summits across the Province. The theme for these Summits was “Out of the Silos: Implementing Solutions Together”. These forums provided a space where various stakeholders could participate in an open dialogue and express their thoughts on how they believed the criminal justice system is currently operating in each region, and how perceived challenges can be overcome through collaboration. These forums have helped inform strategies on improving the criminal justice system in Newfoundland and Labrador.

The Justice Summits took place between March 2017 and September 2018 in St. John’s, Happy Valley-Goose Bay, Gander, Corner Brook, and Marystow. Participants included judiciary and administrators from the Supreme Court of Canada, the Supreme Court of Newfoundland and Labrador, the Court of Appeal, and the Provincial Court of Newfoundland and Labrador, as well as representatives from Indigenous groups, Corrections Services Canada, Corrections and Community Safety, RNC, RCMP, Provincial and Federal Crown, Office of the High Sheriff, members of the legal community, community organizations, and others.

Participants engaged in facilitated small table discussions and were asked to identify the top issues that they believed needed to be addressed in the criminal justice system for each region. Participants then voted on the top three identified issues to discuss for the remainder of the day. Several themes emerged throughout the Justice Summits respecting what participants and stakeholders perceived to be challenges and possible solutions in the criminal justice system.

There were five issues that participants identified as challenges at each Justice Summit.

- 1. Lack of alternative processes;**
- 2. Transportation and geography issues;**
- 3. Court related delays;**
- 4. Lack of mental health and addictions services; and,**
- 5. Issues regarding staffing.**

It is important to note that these challenges and solutions were put forth by the participants of the Justice Summits and may not be reflective of all opinions or agreed upon by all those in attendance.

The challenges and solutions identified by stakeholders have been collected and analyzed and have informed the development of the department’s strategic priorities outlined in this strategic plan. Our commitment is to continue achieving goals and objectives driven by information gathered from the Justice Summits; the priorities outlined in the department’s strategic plan; and commitments outlined in The Way Forward.

Since the first summit in 2017, the department has made strides in addressing the issues and challenges put forth by stakeholders, as outlined in detail later in this action plan. The department will continue to focus its efforts on addressing the issues identified.

This action plan outlines two broad strategic priorities to address the identified challenges and implement the identified solutions where practicable.



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1. Specialized responses and alternatives to the traditional justice process; and
2. Better access to the criminal justice system, legal services, and improvements to the administration of justice.

In accordance with these two strategic priorities, this action plan outlines relevant objectives that have been completed since the first summit as well as objectives that will continue to guide this work.

### **Issue One: Specialized responses and alternatives to the traditional justice process**

The Department of Justice and Public Safety is committed to exploring specialized responses to historical and emerging justice-related issues. From the first Justice Summit held in March 2017, it was identified that alternative and specialized responses are essential in improving the justice process, preventing recidivism and reducing the burden on the traditional criminal justice system. The use of alternative and specialized responses allow us to address the underlying issues many offenders face that lead to criminal activity. This is done through therapeutic court models and alternative interventions throughout the justice process.

The department will continue its use of therapeutic court models, including Drug Treatment Court and Family Violence Intervention Court, to manage offenders in a more supportive and effective manner. Ultimately, this will produce better outcomes and lower recidivism rates. Further, the department will explore adult diversion and restorative justice programs and the viability of expanding specialized and alternative responses to other regions of the province.

### **Goal 1: The Department of Justice and Public Safety will have implemented specialized initiatives to address justice and public safety issues.**



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### Completed Objectives

| Indicators:                | Results:  |
|----------------------------|---|
| Drug Treatment Court (DTC) | <p>The DTC Feasibility Study was completed and released in May 2017. The full study is available at: <a href="https://www.justice.gov.nl.ca/just/publications/drug_treatment_court_rpt.pdf">https://www.justice.gov.nl.ca/just/publications/drug_treatment_court_rpt.pdf</a>.</p> <p>The Advisory Committee concluded that a pilot Drug Treatment Court (DTC) is feasible for St. John's, with support from Justice Canada under the Drug Treatment Court Funding Program. The Advisory Committee made 24 recommendations regarding the implementation of a DTC pilot, informed by available research, stakeholder input, and the experiences of other jurisdictions. Based on these recommendations a pilot DTC was announced in May 2017. With funding support from the Federal Government, the pilot DTC was established in St. John's and began accepting its first applications in November 2018. Initiatives such as this also deliver on commitments in The Way Forward to deliver better services and better outcomes for residents.</p> <p>The DTC is intended to offer an alternative to traditional criminal justice responses by addressing the underlying problems that contribute to crime. DTC is for offenders with serious drug addictions who commit non-violent offences that are drug motivated. The court brings together treatment services and the criminal justice system to deal more effectively with offenders with drug addiction issues. The court aims to reduce the number of crimes committed by offenders who are attempting to support their addictions through criminal activity. This specialized therapeutic court offers court-monitored treatment, random and frequent drug testing, incentives and sanctions, clinical case management and social services support.</p> |



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| <b>Completed Objectives</b>  |   |
|------------------------------|---|
| <b>Indicators:</b>           | <b>Results:</b>   |
| Mobile Crisis Response Teams | <p>In March 2018, Mobile Crisis Response Teams were established on the Northeast Avalon and in Labrador West. These units, which use the Memphis Model, include a mental health care professional and a plain clothes officer working and travelling together in an unmarked car to respond to people in crisis. This collaborative approach - with Health and Community Services, Justice and Public Safety, and the Royal Newfoundland Constabulary (RNC) – is intended to allow those responding to crisis calls to be more equipped and sensitive to the challenges faced by those in crisis, allowing them to respond more effectively to these types of calls.</p> <p>In St. John's, two mobile response teams work daily and provide services seven days a week. These units are supported by Patrol Services who receive 40 hours of Crisis Intervention Training (CIT). In Labrador, Patrol Services receive 40 hours of CIT and work hand in hand with clinicians from health care when calls for service warrant it.</p> |



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| <b>Future Objectives</b>      |  |
|-------------------------------|--|
| <b>Indicators:</b>            | <b>Results:</b>  |
| Adult Diversion Pilot Program | <p>The Department of Justice and Public Safety is implementing an adult diversion pilot program for a one-year period covering areas serviced by the Provincial Court in Stephenville and Corner Brook.</p> <p>The program would be a post-charge alternative to the traditional court process for individuals 18 years and older who commit certain offences. It would offer opportunities for counselling, restitution for financial harm, community service, an apology, or would allow for voluntary victim and offender mediation. The program seeks to:</p> <ul style="list-style-type: none"><li>• provide victims with the opportunity to actively participate in a process directed toward achieving a successful resolution to the incident;</li><li>• develop initiatives which promote responsible, pro-social behavior on the part of the alleged adult offender and which are also consistent with the protection of society;</li><li>• reduce the possibility of the offender repeating their criminal behavior;</li><li>• provide options for improving efficiency and effectiveness in the handling of cases brought to the province's criminal justice system; and</li><li>• offer an option to the criminal justice system that is visible, accountable and accessible to offenders, victims and the community.</li></ul> |



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| <b>Future Objectives</b>  |  |
|---|--|
| <b>Indicators:</b>  | <b>Results:</b>  |
| Exploring the Possibility of Expanding Existing Alternative Practices | <p>Our government strongly believes in restorative justice practices and recognizes the need to find innovative ways to address issues in the criminal justice process. The Department of Justice and Public safety is actively participating in Federal/Provincial/Territorial work that is ongoing with respect to restorative justice. The department is also participating in the work led by the Nova Scotia Department of Justice, with funding support from the Federal Government, on a national framework to support acceleration of the use of restorative justice in the criminal justice system.</p> <p>Currently, there are several existing courts in the province that have adopted restorative justice principles, including the two Family Violence Intervention Courts, the Mental Health Court, and the new pilot Drug Treatment Court. In Conne River and in Labrador, the system has implemented the use of sentencing circles.</p> <p>The department is committed to continuing to explore additional initiatives which embody restorative justice ideologies and practices, this includes;</p> <ul style="list-style-type: none"><li>• Exploring the expansion of the Drug Treatment Court and Family Violence Intervention Court to other regions of the province; and</li><li>• Expanding the Mobile Crisis Unit Response Team to Corner Brook.</li></ul> |
| Electronic Monitoring and Bail Supervision                            | <p>The department is committed to continue to explore creative and innovative ways to reduce and prevent incarceration by increasing the use of alternative practices within our current system.</p> <p>The department is currently exploring the implementation of electronic monitoring and bail supervision to potentially help alleviate the overburdened correctional system. These programs would provide an alternative practice that can be used instead of incarceration, allowing those charged or convicted of an offence to serve their time in the community under supervision. This would allow those involved in these programs to maintain their connection their community and their supports.</p>  |



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### **Issue Two: Better access to the criminal justice system, legal services, and improvements to the administration of justice.**

The Department of Justice and Public Safety is committed to enhancing access to services and supports for those involved in the criminal justice system, including greater access to legal services, increased supports for victims and survivors, and access to supports for those incarcerated. Further, the department is focused on enhancing and improving the administration of justice through achieving greater efficiencies in various aspects of the justice system.

Since 2017, the department has followed through on its commitments to improving the administration of justice by increasing access to legal services and improving access to legal education for Indigenous persons. Additionally, the department is focused on providing the supports and services necessary to those involved in the criminal justice system, as well as victims of crime. We will continue to review and assess ways to create efficiencies in the administration of justice, and provide greater access to the criminal justice system.

### **Goal 1: The Department of Justice and Public Safety will focus efforts on providing better access to the criminal justice system, while improving the administration of justice.**



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| <b>Completed Objectives</b>                                    |  |
|--|--|
| <b>Indicators:</b>   | <b>Results:</b>  |
| Transition of Health Services at Adult Correctional Facilities | <p>Currently, health care within adult custody is the responsibility of the Department of Justice and Public Safety. In October 2018, the department announced that health care within adult correctional facilities will transition over and be the responsibility of the regional health authority through the Department of Health and Community Services. Both departments have been working closely regarding implementation, which is expected to occur within the next year. This change will see more comprehensive health services offered to inmates that are consistent with those found in the community.</p> <p>Since the announcement of the transition, Eastern Health has placed a second addictions position at Her Majesty's Penitentiary and the regional health authorities have begun offering the DoorWays Program single session therapy services at all correctional facilities.</p> <p>Additionally, in collaboration with Stella's Circle and the Newfoundland and Labrador Correctional Center for Women, a form of Dialectic Behavioural Therapy is now being offered to offenders at the institution. The program also offers training sessions for correctional staff to familiarize themselves with this form of therapy. This initiative falls in line with our commitment to offer greater mental health supports to offenders.</p> |
| Crown Attorney Positions                                       | <p>Since the Jordan decision, the department has been working diligently to streamline court practices and change the way trials are managed. In this time, three new prosecutorial positions have been added in the province which helped to deploy resources where necessary to reduce court delays.</p> <p>In July 2018, a Crown Attorney position was filled in Wabush to specifically help alleviate travel costs and improve the overall legal services provided in the Labrador area.</p>   |



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### Completed Objectives

| Indicators:                         | Results:  |
|-------------------------------------|---|
| Indigenous Law Students             | <p>In June 2018, the Department of Justice and Public Safety announced that the Government of Newfoundland and Labrador had partnered with Indigenous governments and organizations and the University of Saskatchewan to help send Indigenous students from this province to law school. The University of Saskatchewan has committed to save two seats annually in the College of Law program for Indigenous students from Newfoundland and Labrador. The Government of Newfoundland and Labrador will allocate and fund two articling positions with the Department of Justice and Public Safety for those students upon graduation. Indigenous governments and organizations are asked to encourage applicants to apply to law school and fund/identify funding opportunities for educational expenses.</p> <p>The trilateral partnership will improve access to legal education; help create new employment opportunities for members of Indigenous communities; and improve access to legal services for Indigenous communities.</p>  |
| Sexual Violence Legal Support Pilot | <p>In April 2017, through federal funding, a pilot program to help survivors of sexual assault was announced. The Sexual Violence Legal Support Pilot Program provides up to four hours of free independent legal advice for survivors to help them make informed legal decisions. The objective of the program is to increase access to justice, provide greater supports to survivors of sexual violence, and empower survivors through legal advice and information to better understand the legal options available and the justice process.</p> <p>In January 2018, the Department of Justice and Public Safety announced its partnership with the Public Legal Information Association of NL (PLIAN) and the NL Sexual Assault Crisis and Prevention Centre (NLSACPC) for delivery of this program. Pre-implementation work began in January 2018, with direct service delivery to clients commencing in June of 2018. In its first six months of operation, the program has served over 50 clients and PLIAN and NLSACPC have recruited 20 lawyers throughout the province.</p> <p>Trained staff assess and work with an individual's particular needs and experiences, provide general legal information, supportive referrals, and trauma-informed responses to help people who have experienced sexual violence navigate barriers both within and outside the legal system.</p> |



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| <b>Ongoing and Future Objectives</b>      |   |
|---|---|
| <b>Indicators:</b>                        | <b>Results:</b>   |
| Cultural Sensitivity Training             | <p>As part of The Way Forward and in collaboration with other departments, we have provided Cultural Sensitivity Training to our Crown Attorneys, RNC, Victim Services, correctional staff, and Sheriff's Officers. This training included multiple cultural diversity and Indigenous cultural awareness training sessions by multiple community organizations, beginning in 2016.</p> <p>We are continuing our efforts to provide cultural competency training to all staff in the department. More specifically, we are ensuring that all staff across the department are given the opportunity to participate in various cultural awareness training sessions delivered by government or community organizations. For instance, all new recruits for the provinces correctional facilities are receiving Indigenous Cultural Awareness Training as part of their training process.</p> |
| Electronic Disclosures                    | <p>The department has begun using electronic disclosures in Labrador. Court related delays resulting from disclosures have been expressed as a concern across regions through the Justice Summits held throughout the province. The use of electronic disclosures allows for an expedited process for defense counsel to receive disclosure allowing for first appearances to occur sooner. The department will continue to evaluate and oversee the use of electronic disclosures for the potential to expand this initiative across the province.</p> <p>The practice of electronic disclosures is currently being explored by police agencies, and is currently being used for major crimes.</p>   |
| Adult Literacy in Correctional Facilities | <p>The Department of Justice and Public Safety, in partnership with the Department of Advanced Education, Skills and Labour, will look to review the adult literacy program offered in Adult Custody. Our commitment is to explore opportunities to enhance literacy to persons in custody, which are both accessible and flexible. This is in line with the commitments outlined in The Way Forward.</p> <p>Programming in the institution must be open, flexible, and comparable to community programming so those released from custody may continue the literacy programming post incarceration.</p>  |



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### Next Steps

The overall objective for the five Justice Summits was to build on efforts towards criminal justice reform by collaborating with stakeholders and key community members, including representatives from the judiciary, police, mental health advocates, other government departments, Indigenous organizations, community organizations, and the legal profession. From this collaboration we were able to reflect on the challenges experienced by those involved in the justice process and find ways to deliver services more efficiently and with better outcomes. The commitments in this action plan are informed by a diverse group of participants, and will continue to help inform policy development in addition to facilitating future dialogue and collaboration within the justice system.

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