A STUDY OF VICTIM SATISFACTION
WITH ALTERNATIVE MEASURES
IN PRINCE EDWARD ISLAND

PREPARED FOR
VICTIM SERVICES
OFFICE OF ATTORNEY GENERAL
PRINCE EDWARD ISLAND

BY EQUINOX CONSULTING INC.

December 2002
A STUDY OF VICTIM SATISFACTION
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Prepared for:

Victim Services
Office of Attorney General
Prince Edward Island

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December 2002

The views expressed in this report are solely those of the author and do not necessarily reflect the views or policies of the Advisory Committee, the Department of Justice Canada or the PEI Office of the Attorney General.
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APPENDIX A: CHARACTERISTICS OF RESEARCH PARTICIPANTS
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Introduction

This report provides information regarding victim satisfaction with Alternative Measures, as well as information related to its delivery. The following research strategies were used to collect data for this study: file review of Probation Services administrative files; survey of victims whose case proceeded by Alternative Measures; police survey; survey of victims whose case proceeded by formal legal proceedings; and interviews with probation officers, Crown Attorneys, Victim Services Personnel, staff of the Community Justice Resource Centre, and Provincial Court Judges.

This report is intended to provide information about victim satisfaction with Alternative Measures, the delivery of Alternative Measures and its effectiveness in addressing the needs of victims of crime. This report also examines perceptions of victims and other key informants regarding whether Alternative Measures practice adheres to the Provincial Policy and Procedures and the Principles of the Victims of Crime Act.

Summary of Findings

Delivery of Alternative Measures

Between January 1, 1999 and December 31, 2001, a total of 556 cases were processed by Alternative Measures. Approximately 94% of cases were recommended to Alternative Measures by a police officer, while 3% were recommended by a Crown attorney. Approximately 59% of the offenders were referred to Alternative Measures at the pre-charge stage of proceedings and 28% at post-charge. Slightly less than two-thirds of the cases were handled by a municipal police department, while one-third were handled by the RCMP.

Slightly more than two-thirds (69%) of offences were property crimes, while 17% were crimes against the person. Of the first offences cited in the files, 44% were theft, 14% mischief, 13% common assault, 5% drug possession, and 4% disturbing the peace. Almost half (47%) of the offences were punishable by hybrid conviction, 41% by summary conviction, and 11% by indictable conviction. The most frequent criteria for referral to Alternative Measures included no prior record (35% of cases), admittance of responsibility (31%), remorse (25%), and cooperativeness (14%).

Of the offenders in the 556 Alternative Measures files, more than half (57%) were youth, while 43% were adults. Two thirds (67%) of the offenders were male, while 32% were female. Slightly more than half (51%) of the offenders lived in a rural area of the province, while 47% lived in an urban area. Two-thirds (67%) of the offenders did not have a prior criminal record or previous criminal activity, while 5% did. Forty-two files cited two victims, for a total of 598 victims. Of victims, 41% were individual victims, 37% were large businesses, 7% were institutions, and 6% were small businesses.

The most frequent terms or conditions of the Alternative Measures Agreements were to
write a letter of apology to the victim(s), complete community service work, keep the peace and be of good behaviour, make restitution to the victim(s) of offence, and be under supervision and report to youth worker. More than three-quarters (77%) of the Agreements were successfully completed, 6% were partially completed, while 8% were not completed.

Of the total files reviewed, 45 files (8%) involved family violence, with 22 (4% of all files reviewed) involving spousal abuse. Approximately half (51%) of the offences in the family violence files were common assault, 16% were mischief, and four (9%) were other Administration of Justice crimes. Approximately three-quarters (76%) of the offenders were adult offenders, while 24% were young offenders. Almost three quarters (73%) of Alternative Measures Agreements in the 45 cases involving family violence cases were successfully completed, including 64% of those involving spousal abuse.

**Alternative Measures Policy and Procedures**

The results of the study indicate at least three-quarters of victims, including victims of a crime against the person or a break and enter into a residence, are contacted by police after the incident. Less than half (44%) of the victims surveyed, however, recalled being advised of the referral to Alternative Measures and less than half (46%) recalled being asked their feelings or views about the referral.

The results of both the file review and victim survey suggest that victims are seldom asked by police about participating in a facilitated meeting with the offender. And few victims recalled being informed by police of the Victim Services Program: 14% of all victims surveyed and 35% of victims of a crime against the person recalled being informed of Victim Services.

Information on police contact with Victim Services in files involving domestic violence was missing in more than half (56%) of the 43 files. Where the information was provided, less than a third (30%) of the files indicated police contact with Victim Services after the incident.

Contact and consultation with the victim(s) about the Alternative Measures Agreement being considered is at the discretion of the probation officer. The results of the victim survey found that approximately half (51%) of the victims recalled being contacted by the probation officer after the incident and 16% recalled being asked their views about Alternative Measures.

The Policy and Procedures states that involvement of the victim in an interview with the offender and the probation officer is at the discretion of the probation officer. Fifty (10%) of the files indicated that the victim was invited by the probation officer to an interview or meeting with the offender. Of the 50 victims who were invited to a meeting, 32 (64%) were individual victims and 18 (36%) were corporate victims. However, the results of the file review indicate inconsistencies among probation officers with respect to inviting victims to meetings. Of the 50 cases where the victim was invited to meet with the offender, 36 (72%) were managed by the Probation Offices in
Souris and Montague.

Although the Policy and Procedures states that victims are to be provided with copies of both the Alternative Measures Agreement and the Termination Summary, the results of the victim survey found that the victims rarely remembered receiving copies. Approximately 22% of victims recalled receiving a copy of the Alternative Measures Agreement and 4%, a copy of the Termination Summary. And while 37% of victims recalled being informed of the terms of the Alternative Measures Agreement, only 11% recalled being informed of the results of the use of Alternative Measures.

The results of both the victim survey and file review indicate that very few (1%) of the Alternative Measures files reviewed were assigned to a community justice forum facilitator. However, the survey of police officers and interviews with probation officers and Crown attorneys suggest that community justice forums are regularly conducted in the province, although they do not always adhere to the Provincial Policy and Procedures and are therefore not included in Probation Services administrative files.

**Principles of the Victims of Crime Act**

The victims who were interviewed for the study were highly satisfied with their treatment by both police and probation. However, victims of a crime against the person were less likely to be satisfied with their treatment by police than were victims of a property or other type of crime.

With respect to victim satisfaction regarding consideration of their views and concerns, slightly more than two thirds (69%) were satisfied with police and more than a quarter (27%) were satisfied with probation. With respect to being informed of the progress of the case, slightly more than a third (35%) of victims were satisfied with police and less than a fifth (18%) with probation. With respect to being informed of the offender’s status, more than a third (37%) of victims said they were advised of the conditions of the Alternative Measures Agreement  and 11% said they were advised whether the conditions were met.

Approximately half of the victims surveyed were satisfied with both the promptness and fairness of compensation for their financial loss. More than three quarters (77%) of victims surveyed had at least some of their stolen property returned and approximately 60% were satisfied with how long this took.

The majority of victims interviewed for the study were satisfied with protection from intimidation, retaliation and harassment. However, victims of a crime against the person were less likely to be satisfied with protection than were respondents who were victims of a property or other type of crime.

The results of the victim survey suggests that victims seldom prepare a Victim Impact Statement in Alternative Measures cases. Although slightly more than a quarter (26%) of victims reported being informed of Victim Services at the time of the incident, 15%
reported contact, and 7% reported completing a Victim Impact Statement. The results of the victim survey suggest that victims are rarely informed of services after the incident in Alternative Measures cases.

Victim Satisfaction with Alternative Measures

More than half (56%) of victims surveyed were satisfied with the Alternative Measures process. At least twice as many victims were satisfied as were dissatisfied with how the case had been handled by both police (51% satisfied; 22% dissatisfied) and probation (24% satisfied; 12% dissatisfied).

Fewer victims were satisfied, however, with being kept informed of the progress of the case by police (35% satisfied; 36% dissatisfied) and by probation (18% satisfied; 18% dissatisfied).

What victims liked best about the Alternative Measures process was the efficient and respectful handling of the case by police, the promptness and efficiency of Alternative Measures, and the effective case management by probation. What victims liked least about the process was not being (more) informed or involved.

The majority (58%) of victims whose cases went by way of Alternative Measures were satisfied with the outcome. However, compared to victims of a property or other type of crime, victims of a crime against the person were less satisfied with the outcome (26% versus 70%).

A majority (61%) of victims surveyed considered the penalty appropriate for the offence, half (52%) felt the offender had taken responsibility for the offence, and slightly less than half (46%) viewed the penalty as sufficient to deter further offences by the offender. Compared to victims of a property or other type of crime, victims of a crime against the person were less likely to say the offender had taken responsibility for the offence (30% versus 59%).

Almost three-quarters (70%) of the victims felt that justice had been served in their case. Compared to male victims, female victims were more likely to say justice had been served (83% versus 55%).

The majority of victims (63%) preferred Alternative Measures over other legal processes, while 24% preferred formal legal proceedings. Compared to male victims, female victims were more likely to prefer Alternative Measures (77% versus 53%).
Needs of Victims of Crime

Slightly more than two-thirds (69%) of the victims interviewed for the study said the crime had affected them, their family or their employees. They explained that, as a result of the crime, they felt more nervous and less trusting. Victims of a crime against the person were more affected by the crime than were victims of a property crime. And female victims were more affected by the crime than were male victims.

When asked what they needed as a result of the crime, victims said they needed to be compensated for the damage or loss and to feel more safe and secure. Approximately half of the victims surveyed (49%) found Alternative Measures helpful in meeting their needs. Compared to male victims, female victims were more likely to find Alternative Measures helpful in meeting their needs (63% versus 35%).

Perceptions of Effectiveness of Alternative Measures

With respect to training in Alternative Measures, slightly less than half (46%) of police officers surveyed had received training, of whom almost all (97%) were satisfied with its usefulness. Slightly more than three quarters of police officers (65%) were interested in further training in Alternative Measures. Sixteen (94%) of probation officers had received training in Alternative Measures, of whom 77% were satisfied with its usefulness. A majority (65%) of probation officers were interested in further training in Alternative Measures.

When key informants were asked to rate the effectiveness of Alternative Measures as a means of delivering justice, 81% of police, 88% of probation officers and seven (88%) of the Crown attorneys rated it effective. And 88% of probation officers and seven (88%) of the Crown attorneys rated Alternative Measures effective in deterring further offences.

There was a high level of consensus among key informants regarding the most and least appropriate cases for referral to Alternative Measures. With respect to the most appropriate cases, informants agreed that minor offences, such as theft and mischief, first offences, and cases involving youth were most appropriate. With respect to the least appropriate cases, informants agreed that cases involving domestic violence and especially spousal abuse, assault, and sexual assault, as well as any other cases involving an imbalance of power between the victim and offender were inappropriate.

With respect to victim involvement in the Alternative Measures process, the majority of probation officers indicated they usually contacted individual victims. Fully 80% said they had forwarded a copy of the Agreements to victims, although only two (12%) said they had forwarded a copy of the Termination Summary. Explanations for not involving individual victims more in the process included that a letter to the victim was usually sufficient, and in some cases, meetings between the victim and offender were not appropriate. Probation officers said they were less likely to involve corporate victims in the process due to their lack of interest or lack of time to participate in the process. The Crown Attorneys agreed that victims should be advised and consulted in Alternative
Measures, but they should not control the process. Victim Services personnel commented on the lack of victim involvement in the process and the lack of consistency among probation officers in involving the victim.

With respect to the effectiveness of community justice forums, only one of the 68 victims surveyed reported participating in one. The victim was highly satisfied with its conduct and outcome. Less than half (43%) of police officers surveyed said they had participated in a community justice forum and all who had participated were satisfied with both the process and outcome. More than half (53%) of probation officers had participated in a forum. Fully 65% of the probation officers surveyed were satisfied with the effectiveness of forums. Six Crown Attorneys had positive comments about forums, while two had negative comments. The key informants agreed that positive factors regarding community justice forums included the involvement of the victims and the potential impact on the offenders. Negative factors included the resources required to organize a forum, as well as the lack of information about forums.

Key informants agreed that the main strengths of Alternative Measures were as follows: avoided a criminal record for the accused; provided offenders with a second chance; impacted more the offender; lessened burden on court; provided opportunity to include the input of victims; and offered the potential for rehabilitation on the part of the offender.

Key informants agreed that the main challenges of Alternative Measures were as follows: overuse in inappropriate and more serious cases; lack of adequate resources for monitoring cases; inadequate time frame for effectively managing the more serious cases; lack of feedback on cases to police officers, Crown attorneys, and Victim Services personnel; the lack of victim involvement in the process; and the lack of public knowledge about Alternative Measures.

The majority of victims suggested improving Alternative Measures by including victims more in the process and informing them of the process and outcome. The most frequent suggestions by the other key informants were as follows: expand Probation Services to more effectively manage cases; restrict Alternative Measures to less serious cases, as was originally intended; improve communication among Crown attorneys, probation officers, and Victim Services personnel; provide additional training in Alternative Measures; develop a system to record and track cases across the province; educate the public and representatives of the legal system about Alternative Measures; include victims more in the process; review the Policy and Procedures and either follow or change it; expand the use of community justice forums and consider hiring a paid provincial coordinator.
Recommendations

Based on the study findings and conclusions (Section 8.1 of this report), the Advisory Committee developed the following recommendations for the Alternative Measures Program:

- Improve communication and provision of information among police officers, probation officers and Crown attorneys, as well as Victim Services personnel in cases where they are involved. Ensure that the police officer and the Crown attorney, as well as Victim Services personnel (i.e., in cases where they are involved) receive a copy of the Alternative Measures Agreement and the Termination Summary.

- Improve reporting procedures in files and ensure consistent record keeping on the part of both police officers and probation officers. Ensure that all police departments and detachments in the province use standard forms and that all police officers consistently record the required information on the forms. Develop standardized check-lists for probation officers to assist in monitoring case management. Ensure probation officers record why Agreements are either partially completed or not completed. Ensure that all files and forms are dated and date stamped upon receipt by Police, Probation and the Crown.

- Explore the development of a computer tracking system for Alternative Measures cases that would include information on the history of the offender and the outcome of the case.

- Ensure the Alternative Measures Policy and Procedures are consistently adhered to with respect to police officers contacting victim(s), advising victim of possibility of referral to Alternative Measures program, determining the feeling or views of the victim about having the offender referred, seeking interest from the victim in participating in facilitated meeting with the offender, and informing victims of the Victim Services Program. Ensure that police officers advise all victims of domestic violence of the Victim Services Program.

- Ensure the Policy and Procedures are consistently followed with respect to probation officers advising victim(s) of the terms of the Agreement and the results of the use of Alternative Measures, and distributing copies of the Agreement and Termination Summary to victims.

- Review and clarify the Policy and Procedures with respect to probation officers contacting victims for their contribution to the Agreement being considered and involving the victim in an interview with the offender.
Consider expanding Probation Services to ensure that Alternative Measures cases are more effectively managed and monitored.

Review, clarify and update the Alternative Measures Policy and Procedures, especially with respect to the following: informing all victims of domestic violence, sexual assault and other crimes against the person about Victim Services; and limiting the inclusion of more serious offences in Alternative Measures, i.e., domestic violence, sexual assault and other serious crimes against the person, as well as cases involving an imbalance of power between the victim and offender.

Offer training and workshops on Alternative Measures to police officers, probation officers, Victim Services personnel, and other relevant representatives of the justice system. One focus of the training should be on consistent application of Alternative Measures and practice.

Consider providing public education on Alternative Measures and community justice forums.

Consider expanding the use of community justice forums in Alternative Measures cases where the victim and offender agree. Explore the possibility of additional resources, such as a provincial coordinator for community justice forums.

Examine ways to resolve the community justice forum issue with the RCMP with respect to the adhering to the Provincial Policy and Procedures.
ACKNOWLEDGEMENTS

We gratefully thank the members of the Advisory Committee, whose efforts contributed to the success of this study. The Advisory Committee guided the study and provided ongoing support and encouragement. They assisted in the development of the research framework and reviewed the research instruments and methods, as well as the reports. Committee members also assisted in developing the recommendations from the study. Thanks are due to Ellie Reddin, Provincial Manager, Victim Services; Barrie L. Grandy Q.C. Director of Prosecutions; Alan Paquet, Provincial Manager, Community Services; Corporal Albert Kern, Court Officer, Charlottetown City Police; Teri Hall, Probation Officer; and Phil Arbing, Provincial Advisor, Justice and Corrections.

We are also indebted to Melody Gay of Victim Services for her commitment and hard work as Project Researcher on temporary assignment. Ms Gay reviewed the 556 Probation Services files and entered the data from the file review, interviewed the 86 victims whose case had proceeded by Alternative Measures and entered the data from the survey, assisted with the selection of victims whose case proceeded by formal legal proceedings, and helped with the pretest of instruments and literature review. She also reviewed the reports and attended all meetings of the Advisory Committee. Ms Gay contributed her knowledge and expertise in both the legal system and her work with victims in assisting in the design and conduct of the study.

We thank Wendy Eisen, Equinox Consulting Inc. for entering data from the police survey, survey of victims whose case proceeded by formal legal proceedings, and interviews with other key informants.

We also acknowledge the participation and cooperation of the provincial Police Departments and Detachments and their members, PEI Probation Services and staff, the Crown Attorneys, PEI Victim Services and personnel, staff of the Community Justice Resource Centre, and the Provincial Court Judges. The interviews provided detailed information about the delivery of Alternative Measures in the province.

Finally, we gratefully acknowledge the participation of victims of crime who completed the surveys. Their answers to the questions provided a better understanding of the impact of crime on victims, victim involvement in Alternative Measures, and the effectiveness of the Alternative Measures Program from the victims’ perspective.

This study was sponsored by PEI Victim Services. It was supported by a grant from the Justice Canada and the PEI Office of the Attorney General.
1.0 INTRODUCTION

1.1 Background to Alternative Measures in Prince Edward Island

The aim of diversion is to divert people accused of less serious crimes out of the justice system. The Canadian justice system currently uses two forms of diversion: police discretion, which is utilized primarily by police departments and does not involve the court system; and Alternative Measures, which are usually reviewed/approved by the Crown.

Alternative Measures involves the individual accepting responsibility for the offence; consequences follow to ensure accountability. Alternative Measures are formalized programs by which offenders who would otherwise proceed to court are dealt with through non-judicial, community-based alternatives, including community service, personal service or financial compensation to a victim, no contact conditions, apologies, or educational sessions.

In Prince Edward Island, Alternative Measures may be offered at the pre-charge stage or the post-charge stage. The delivery of Alternative Measures is through Probation Services. When called to investigate an incident, police may recommend a referral to Alternative Measures. The Crown Attorney reviews the case and determines whether there is sufficient evidence to support a charge. The Crown then decides whether an Alternative Measures program is appropriate and if so, the Crown makes the referral to Probation Services.

Prince Edward Island has had an Alternative Measures Program for Young Offenders since 1984, which was authorized pursuant to Section 4, Young Offenders Act (Canada). On September 3, 1996, the Attorney General for the Province of Prince Edward Island authorized, pursuant to Section 717(1)(a) of the Criminal Code of Canada, an Alternative Measures Program for Adult Offenders. In April 1998, the Alternative Measures policy was revised to strengthen the belief in restorative justice, that is to assist where possible to restore harmony to those affected by crime. The Prince Edward Island Policy and Procedures for Adult and Young Offenders applies to both adult and young offenders. As stated in the Policy and Procedures, “It is fundamental that in considering the appropriateness of Alternative Measures that due regard is given to the needs of the victim(s), person(s) alleged to have committed the offence and the interests of society.”

The goal of the Alternative Measures Program is to reduce the harm done by crime and reduce involvement in the criminal justice system. The objectives are to:

- Restore harmony where possible to those affected by crime.

- Promote responsibility and accountability of offenders for their actions.

- Lessen degree of involvement in the lives of offenders by the criminal justice system.

- Protect society through offender accountability and responsibility for the harm
done.

• Enhance the involvement of the community, including the victim(s) in resolving the effects of crime.

The Alternative Measures Program operates using the following guidelines:
• Alternative Measures Program is not to replace traditional police discretion or to circumvent the use of formal legal proceedings.

• Although referrals may be made at the post-charge stage of proceedings by the Crown Attorney, the program is generally available to eligible offenders at the pre-charge stage of proceedings.

• When a victim(s) is willing to participate in a facilitated meeting with the offender, Alternative Measures may be conducted by participation in a Community Justice Forum.

• In exceptional cases it may be necessary to lay a charge(s) to maintain jurisdiction to ensure the statute of limitations in the case of summary offences is satisfied.

• Alternative Measures will be initiated only with the approval of the Crown Attorney.

• Where an Alternative Measures Agreement includes a referral or requirement to participate in a program, i.e., educational, group or similar activity, there may be a charge.

1.2 Purpose of the Study

Although the victim’s participation in the Alternative Measures process is desirable, information was not available on the extent of the victim’s participation in the process. In addition, information was not available on the victim’s satisfaction with the Alternative Measures process or its outcome. Therefore, the purpose of the study is to assess the extent of victims’ participation in, and satisfaction with Alternative Measures. The specific objectives that were adopted for this study are as follows:

• To examine the delivery of Alternative Measures.

• To assess whether Alternative Measures practice adheres to the Alternative Measures Policy and Procedures from the perspective of the victim.

• To assess whether Alternative Measures practice adheres to the Principles of the Victims of Crime Act.

• To determine the level of victim satisfaction with Alternative Measures.

• To examine the effectiveness of Alternative Measures in addressing the needs of
In addition, the study accomplished the following: obtained baseline data prior to the expected proclamation of the new *Youth Criminal Justice Act*; obtained baseline data prior to a proposed ongoing monitoring of victims’ experiences and satisfaction with criminal justice processes, including both formal legal proceedings and Alternative Measures; and developed and tested a questionnaire and database that can be adapted for use in the proposed monitoring process.

1.3 Methodology

The research was guided by an Advisory Committee that included representation from Justice Canada, PEI Victim Services, PEI Office of the Attorney General, PEI Police, PEI Crown Attorneys, and PEI Probation Services. In consultation with the Advisory Committee, a research framework was developed for data collection and analysis. The Advisory Committee reviewed all research protocols, instruments, and draft reports of findings. The Committee also developed conclusions and recommendations for the final report.

Information for the study was collected from a review of 556 files and interviews with, or surveys of 217 key informants. The chi-square test of association was used in all appropriate analyses to assess statistically significant relationships. Only statistically significant findings are discussed in the text, unless otherwise noted.

File Review: Probation Services Administrative Data

The file review included all Probation Services administrative files that went by way of Alternative Measures over a three-year period. The selection criteria were that the offence occurred between January 1, 1999 and December 31, 2001 and that the file concluded on or before December 31, 2001. A file review form guided the collection of information from the files and a database captured the information. A total of 556 Probation Services files were reviewed for the study. The file review was conducted by a representative of Victim Services on temporary assignment as Project Researcher.

Interviews with Victims: Alternative Measures

A questionnaire was constructed to be administered to victims of crime whose case proceeded by Alternative Measures. For the victim to be included in the study, the offence had to occur between January 1, 1999 and December 31, 2001. The questionnaires were administered by a representative of Victim Services.
Of the 361 victims in total, 144 were randomly selected for the survey. Of these, 86 participated in an interview, while 58 did not participate for one of the following reasons: unable to contact after 10 attempts (21 victims); telephone was disconnected/wrong number (21); manager was no longer with the corporation (6); victim did not return calls (4); victim could not recall the case in question (3); victim had moved and could not be traced (2); victim terminated interview prior to completion (1). Of the victims who were successfully contacted for an interview, none refused to participate. The 86 interviews were conducted during April and May, 2002. Appendix A presents summary information on the survey respondents.

During the period January 1, 1999 and December 31, 2001, there were 556 Alternative Measures cases in total and 361 different victims. Of the 556 cases, 220 (40%) involved an individual victim and 284 (51%) involved a corporate victim (i.e., large business, small business or institution), while 46 involved a victimless crime. Therefore, the sample of 86 victims represents 24% of all victims: the sample of 58 individual victims represents 26% of the 220 individual victims; and the sample of 28 corporate victims represents 20% of the 141 corporate victims.

Interviews with Victims: Formal Legal Proceedings

A comparison group of 25 victims whose case proceeded by formal legal proceedings during 2001 were interviewed by telephone. The sample provided comparative data regarding their participation in and satisfaction with formal legal proceedings, as well as the extent of adherence by criminal justice personnel to the principles in the Victims of Crime Act and the preamble to Bill C-79.

The comparison group participants were recruited into the study through Victim Services and all were clients of Victim Services. The sampling procedure was stratified to ensure the comparison group was similar to the sample of victims with respect to the type of offence. Although none of the selected victims refused to participate in an interview, one person terminated the interview prior to completion. Appendix A presents summary information on the survey respondents.

Survey of Police Officers

During April 2002, survey questionnaires were distributed to all Police Departments and Detachments in Prince Edward Island. The questionnaires were to be forwarded to all front-line and court officers. To ensure confidentiality, a self-addressed envelope was attached to the questionnaire for direct shipment to the researchers.

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1 Although there were a total of 284 cases that involved a corporate victim, 143 of these victims were involved in more than one case (range = 3 - 69 cases). The total number of corporate victims was 141. The victims who were involved in multiple cases were questioned about the most recent case.
A total of 68 police officers completed and returned a questionnaire prior to the cut-off date, which represents 43% of the 157 front-line and court officers in the province. Appendix A presents summary information on the survey respondents with respect to their training in, and experience with Alternative Measures.

**Interviews with Probation Officers**

The 17 Probation Officers in the province with experience with Alternative Measures were interviewed by telephone during June 2002. Appendix A presents summary information on the respondents with respect to their training in, and experience with Alternative Measures.

**Interviews with Crown Attorneys**

During June 2002, the eight Crown Attorneys in the province participated in a face-to-face interview.

**Other Key Informants**

Information for the study was also collected through a focus group with six Victim Services Personnel, interviews with three Provincial Court Judges, and a questionnaire that was completed by four staff members of the Community Justice Resource Centre.

1.4 **Research Questions**

The following main research questions were addressed:

- How is Alternative Measures delivered in Prince Edward Island?
- Does Alternative Measures practice adhere to the Policy and Procedures with respect to victims?
- Does Alternative Measures practice adhere to the Principles of the *Victims of Crime Act*?
- To what extent are victims satisfied with the process and outcome of Alternative Measures?
- Does Alternative Measures address the needs of victims with respect to the crime?
- Do key informants consider Alternative Measures to be an effective means of delivering justice?
1.5 Limitations of the Study

The purpose of the study was to examine victim satisfaction with Alternative Measures, as well as its practice, particularly with respect to adherence to the Policy and Procedures and *The Victims of Crime Act*.

Although every effort was made to collect detailed data on all Alternative Measures files over the three-year time frame, one limitation of the file review was the lack of standardized information in the files. Police departments and detachments across the province varied both in the type of forms used for data collection and in the extent to which information about each case was recorded on the respective forms. Missing data was sometimes problematic with respect to analysis and interpretation of the file review information, and therefore should be viewed with caution. For example, while only 14% of the total 508 relevant files indicated police consultation with victims about the referral to Alternative Measures, fully 94% of the 78 files that provided the information indicated police consultation with victims. Therefore, in Section 3 of this report, frequencies are reported both on the total number of files and on the number of files that provided the information.

A second limitation of the file review was the lack of standardized date stamping on the files as they proceeded through the legal system. Therefore, the analysis of practice could not include identification of possible delays in processing files.

A third limitation of the present study that should be recognized is the difficulty for victims to recall the more specific details of an incident, especially a traumatic incident in the past. Therefore, the victims’ overall impressions of and satisfaction with the process and outcome of the case may be more accurate than their recollections of specific details. For example, although all of the 25 comparison group participants were clients of Victim Services, only 20 (80%) recalled having contact with Victim Services after the incident.

A fourth and related limitation relates to situations where the victims remembered being contacted after the incident, but could not recall whether the contact was through Probation Services, Victim Services or the police. Thus, caution should be used when making statements about the extent of victim involvement in the Alternative Measures process.

A final limitation relates to the comparability of the information from the 25 victims whose cases had proceeded by formal legal proceedings. As clients of Victim Services, these victims may have had more information and consultation about the case than victims who were not clients of Victim Services. Therefore, the possibility of some degree of bias on the part of these victims with respect to their perceptions of contact and consultation should be acknowledged.
1.6 Organization of the Report

This report is intended to provide the Advisory Committee and its member agencies with detailed information about the victims’ and other key informants’ perceptions of Alternative Measures and its adherence to both the Policy and Procedures and the Victims of Crime Act, as well as detailed information on Alternative Measures practice in Prince Edward Island.

The remainder of this report is organized into seven sections. Section 2 provides a description of the results of the review of Probation Services files. It presents information on Alternative Measures practice in the province, including the eligibility criteria used, and conditions and outcomes of the Agreements.

A description of the findings regarding the perceptions of victims of the extent to which Alternative Measures practice adheres to the Policy and Procedures is presented in Section 3 and to the Victims of Crime Act in Section 4.

Section 5 discusses the findings from the victim survey with respect to victims’ satisfaction with Alternative Measures process and outcomes.

A description of the findings regarding the perceptions of victims and other key informants about the extent to which Alternative Measures meets the needs of victims of crime is discussed in Section 6.

Section 7 provides perceptions of victims and other key informants regarding the effectiveness of Alternative Measures, and Section 8 presents the summary of findings, conclusions and recommendations from the study.
2.0 DELIVERY OF ALTERNATIVE MEASURES

How is Alternative Measures delivered in Prince Edward Island?

2.1 Research Questions

How many cases are processed by Alternative Measures?
What is the entry point for referral to Alternative Measures?
What are the offences in Alternative Measures cases?
What is the eligibility criteria for referral to Alternative Measures?
What are the characteristics of offenders in Alternative Measures cases?
What are the characteristics of victims in Alternative Measures cases?
What are the conditions of Alternative Measures Agreements?
What are the outcomes of Alternative Measures Agreements?
How many cases involving family violence are processed by Alternative Measures?

2.2 Number of Cases Processed by Alternative Measures

The results of the file review found that, between January 1, 1999 and December 31, 2001, a total of 556 concluded cases were processed by Alternative Measures. Of the first offence cited in the 556 files, 213 (38%) occurred in 1999, 200 (36%) in 2000, and 143 (26%) in 2001. A total of 524 cases (94%) were recommended to Alternative Measures by a police officer and 16 (3%) by a Crown attorney (information was missing in 16 [3%] of the files). A total of 352 cases (63%) were handled by a municipal police department and 181 (33%) by the RCMP.

- Charlottetown City Police ........................................... 179 (32%)
- Summerside Police Services ......................................... 163 (29%)
- Charlottetown RCMP ................................................. 59 (11%)
- Souris RCMP .......................................................... 53 (10%)
- Montague RCMP ....................................................... 46 (8%)
- East Prince RCMP ...................................................... 23 (4%)
- West Prince RCMP ...................................................... 9 (2%)
- Borden Carleton Police ................................................ 5 (1%)
- Kensington Police ..................................................... 5 (1%)
- Out of province police ............................................... 4 (1%)
- Unknown ...................................................................... 10 (2%)

The proportion of cases handled each year was fairly consistent for Charlottetown City Police, Borden Carleton Police, Souris RCMP and West Prince RCMP, while the

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One inclusion criteria for the file review was that the case was concluded on or before December 31, 2001; therefore, a number of files were not included in the review because the offence occurred during the latter part of 2001 and the case was not concluded by December 31, 2001.
percentage of cases increased over time for Charlottetown RCMP and Montague RCMP, and decreased for Summerside Police Services and East Prince RCMP.

The 556 Alternative Measures cases were managed by the following probation offices:
- Charlottetown ............................................ 237 (43%)
- Summerside ............................................. 191 (34%)
- Montague ................................................ 66 (12%)
- Souris ................................................... 43 (8%)
- West Prince .............................................. 19 (3%)

The proportion of cases each year increased for the probation offices in Charlottetown and Montague, and decreased in West Prince and Souris.

2.3 Entry Point for Referral to Alternative Measures

What is the entry point for referral to Alternative Measures?

Of the 556 offenders in the cases, 326 (59%) were referred to Alternative Measures at the pre-charge stage of proceedings and 154 (28%) at post-charge (Table 2.1). The percentage of cases referred each year at post-charge increased from 26% in 1999 to 30% in 2001.

Table 2.1 Entry Point for Alternative Measures Cases by Year of Offence

<table>
<thead>
<tr>
<th>Entry Point</th>
<th>Total 1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Pre-charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>326</td>
<td>58.6</td>
<td>129</td>
<td>60.6</td>
</tr>
<tr>
<td>Post-charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>154</td>
<td>27.7</td>
<td>55</td>
<td>25.8</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>13.7</td>
<td>29</td>
<td>13.6</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>213</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 2.2 presents the number and percentage of offenders referred at the pre-charge and post-charge stage of proceedings by offence conviction type, i.e., punishable by summary conviction, indictable conviction, or hybrid (punishable by either summary or indictable conviction). As shown in the table:
- 70% of offenders who committed a hybrid offence were referred at pre-charge, compared to 50% of offenders who committed a summary offence and 43% of offenders who committed an indictable offence.
- 38% of offenders who committed an indictable offence and 36% who committed a summary offence were referred at post-charge, compared to 18% of offenders who committed a hybrid offence.

Table 2.2 Entry Point by Type of Offence Conviction

<table>
<thead>
<tr>
<th>Entry Point</th>
<th>Total 1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Pre-charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>237</td>
<td>70%</td>
<td>129</td>
<td>53.1</td>
</tr>
<tr>
<td>Post-charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>38%</td>
<td>55</td>
<td>25.8</td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>36%</td>
<td>29</td>
<td>13.6</td>
</tr>
<tr>
<td>Total</td>
<td>326</td>
<td>213</td>
<td>100.0</td>
</tr>
</tbody>
</table>
2.4 Offences in Alternative Measures Cases

What are the offences in Alternative Measures cases?

Of the 556 Alternative Measures files reviewed, 533 (96%) involved a single offence, while 23 (4%) involved multiple offences. Table 2.3 presents the first offence cited in the file by type of conviction. As shown, in 383 files (69%) the first offence cited was a crime against property; in 94 (17%), a crime against the person; in 31 (6%), other Criminal Code offence; in 28 (5%), other Federal Statute offence; and in one, a Criminal Code traffic offence. Of the first offence cited in the 556 files, 44% were theft, 14% mischief, 13% common assault, 5% drug possession, 4% disturbing the peace.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Total</th>
<th>Summary</th>
<th>Indictable</th>
<th>Hybrid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Crimes Against the Person</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common assault</td>
<td>71</td>
<td>12.8</td>
<td>66</td>
<td>28.8</td>
</tr>
<tr>
<td>Utter threats</td>
<td>6</td>
<td>1.1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other sexual offences</td>
<td>5</td>
<td>0.9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>4</td>
<td>0.7</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Major assault</td>
<td>2</td>
<td>0.4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>1</td>
<td>0.2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other crimes against the person</td>
<td>5</td>
<td>0.9</td>
<td>3</td>
<td>1.3</td>
</tr>
<tr>
<td>Sub-total</td>
<td>94</td>
<td>17.0</td>
<td>70</td>
<td>30.5</td>
</tr>
</tbody>
</table>

Table 2.3 First Offence Cited in File by Type of Conviction
<table>
<thead>
<tr>
<th>Offence</th>
<th>Total</th>
<th>Summary</th>
<th>Indictable</th>
<th>Hybrid</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Crimes Against Property</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td>243</td>
<td>43.7</td>
<td>86</td>
<td>37.6</td>
</tr>
<tr>
<td>Mischief</td>
<td>78</td>
<td>14.0</td>
<td>26</td>
<td>11.4</td>
</tr>
<tr>
<td>Break and enter</td>
<td>17</td>
<td>3.1</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Possess stolen property</td>
<td>16</td>
<td>2.9</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Theft of motor vehicle</td>
<td>12</td>
<td>2.2</td>
<td>12</td>
<td>5.2</td>
</tr>
<tr>
<td>Fraud</td>
<td>9</td>
<td>1.6</td>
<td>2</td>
<td>0.9</td>
</tr>
<tr>
<td>Other property crimes</td>
<td>8</td>
<td>1.4</td>
<td>6</td>
<td>2.6</td>
</tr>
<tr>
<td>Sub-total</td>
<td>383</td>
<td>68.9</td>
<td>132</td>
<td>57.7</td>
</tr>
<tr>
<td>Administration of Justice</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Administration of Justice</td>
<td>13</td>
<td>2.3</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Fail to comply with order</td>
<td>5</td>
<td>0.9</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>18</td>
<td>3.2</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>Other Criminal Code</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disturbing the peace</td>
<td>23</td>
<td>4.1</td>
<td>23</td>
<td>10.0</td>
</tr>
<tr>
<td>Weapons</td>
<td>8</td>
<td>1.4</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>31</td>
<td>5.5</td>
<td>23</td>
<td>10.0</td>
</tr>
<tr>
<td>Criminal Code Traffic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating while impaired (pills)</td>
<td>1</td>
<td>0.2</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Federal Statute</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Possession</td>
<td>26</td>
<td>4.7</td>
<td>3</td>
<td>1.3</td>
</tr>
<tr>
<td>Drug trafficking</td>
<td>1</td>
<td>0.2</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Excise Act (moonshine)</td>
<td>1</td>
<td>0.2</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Missing/not in file</td>
<td>1</td>
<td>0.2</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>29</td>
<td>5.3</td>
<td>3</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>100.0</td>
<td>229</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Of the first offence cited in the 556 files, 229 (41%) were offences punishable by summary conviction; 63 (11%), by indictable conviction; and 262 (47%) by hybrid conviction, i.e., punishable by either summary or indictable conviction.

- Of the 229 offences punishable by summary conviction, 38% were theft; 29%, common assault; 11%, mischief; 10%, disturbing the peace.

- Of the 63 offences punishable by indictable conviction, 37% were drug possession; 14%, possession of stolen property; 10% mischief; 8%, failure to comply with order; 8%, theft.

- Of the 262 offences punishable by hybrid conviction, 58% were theft; 18%, mischief; 5%, break and enter; 5%, other Administration of Justice.

The proportion of cases involving a crime against the person decreased from 19% in 2000 to 13% in 2001, while those involving a crime classified under Administration of Justice increased from 2% in 2000 to 6% in 2001 (Table 2.4).

### Table 2.4 Offence Classification by Year of Offence

<table>
<thead>
<tr>
<th>Offence Classification</th>
<th>Total</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Crimes against the person</td>
<td>94</td>
<td>17%</td>
<td>38</td>
<td>18%</td>
</tr>
<tr>
<td>Crimes against property</td>
<td>383</td>
<td>69%</td>
<td>145</td>
<td>68%</td>
</tr>
<tr>
<td>Administration of Justice Crime</td>
<td>18</td>
<td>3%</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Other Criminal Code Crime</td>
<td>31</td>
<td>6%</td>
<td>15</td>
<td>7%</td>
</tr>
<tr>
<td>CC Traffic Crime</td>
<td>1</td>
<td>1%</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Other Federal Statute Crime</td>
<td>28</td>
<td>5%</td>
<td>8</td>
<td>4%</td>
</tr>
<tr>
<td>Unknown</td>
<td>1</td>
<td>1%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>100%</td>
<td>213</td>
<td>100%</td>
</tr>
</tbody>
</table>

Of the 556 first offences cited in the files, 229 (41%) were punishable by summary conviction, 63 (11%) by indictable conviction, and 262 (47%) by hybrid conviction (Table 2.5). The proportion of offences punishable by indictable conviction increased from 9% in 1999 to 16% in 2001, while the percentage of offences punishable by hybrid conviction decreased from 50% in 1999 to 43% in 2001.

### Table 2.5 Type of Offence Conviction by Year of Offence
<table>
<thead>
<tr>
<th>Offence Conviction Type</th>
<th>Total</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Summary</td>
<td>229</td>
<td>41%</td>
<td>86</td>
<td>40%</td>
</tr>
<tr>
<td>Indictable</td>
<td>63</td>
<td>11%</td>
<td>20</td>
<td>9%</td>
</tr>
<tr>
<td>Hybrid</td>
<td>262</td>
<td>47%</td>
<td>107</td>
<td>50%</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>0.4%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>100%</td>
<td>213</td>
<td>100%</td>
</tr>
</tbody>
</table>

In two (0.4%) of the files the offender was placed on a Section 810 Order (Peace Bond or Recognizance Order).

Multiple Offences

Twenty-three (4%) of the files cited multiple offences: 20 files cited two offences and three files cited three offences. Of the 23 files citing two offences, seven of the second offences were punishable by summary conviction, seven by indictable conviction, and nine by hybrid conviction. The second offences in the 23 files were as follows: theft in eight cases (5 indictable and 3 summary); assault in three cases (2 summary and 1 hybrid); two cases each of utter threats, mischief, other property crimes, accessory after the fact; and one case each of break and enter, possession of stolen property, drug possession, and parties to offences. Of the three files citing three offences, two of the offences were theft (1 hybrid and 1 indictable) and one was mischief (indictable).

Involvement of Alcohol and Drugs

A total of 103 files indicated whether alcohol was involved in the case. Of these, 25 (24%) did cite alcohol involvement, while 78 (76%) did not. The percentage of cases citing alcohol involvement varied over time: 32% in 1999; 14% in 2000; and 23% in 2001. Compared to cases with female offenders, a higher percentage of cases with male offenders cited alcohol involvement (30% versus 12%).

A total of 93 files indicated whether drugs were involved. Of these, 14 (15%) did cite drug involvement, while 79 (85%) did not. The percentage of cases citing drug involvement varied over time: 14% in 1999; 11% in 2000; and 27% in 2001. Eleven per cent (11%) of cases with adult offenders and 21% with young offenders cited drug involvement. Eight per cent (8%) of cases with an offence punishable by summary conviction cited drug involvement, compared to 20% of indictable and 23% of hybrid.
2.5 Eligibility Criteria

What is the eligibility criteria for referral to Alternative Measures?

Of the 556 files reviewed, 303 provided information on the eligibility criteria for referral to Alternative Measures. As shown in Table 2.6, the most frequently-cited criteria included no prior record (35% of cases), admittance of responsibility (31%), remorse (25%), and cooperativeness (14%).

Table 2.6 Eligibility Criteria for Referral to Alternative Measures

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No prior record</td>
<td>196</td>
<td>35.3</td>
</tr>
<tr>
<td>Admittance of responsibility</td>
<td>172</td>
<td>30.9</td>
</tr>
<tr>
<td>Remorse/attitude</td>
<td>136</td>
<td>24.5</td>
</tr>
<tr>
<td>Cooperativeness demonstrated during arrest/investigation</td>
<td>77</td>
<td>13.8</td>
</tr>
<tr>
<td>Willingness to participate/abide by conditions</td>
<td>45</td>
<td>8.1</td>
</tr>
<tr>
<td>Nature of the offence</td>
<td>26</td>
<td>4.7</td>
</tr>
<tr>
<td>Wishes of the victim</td>
<td>9</td>
<td>1.6</td>
</tr>
<tr>
<td>Victim’s wishes regarding charging</td>
<td>7</td>
<td>1.3</td>
</tr>
<tr>
<td>Other</td>
<td>152</td>
<td>27.3</td>
</tr>
<tr>
<td>Missing</td>
<td>253</td>
<td>45.5</td>
</tr>
</tbody>
</table>

2.6 Characteristics of Offenders in Alternative Measures Cases

What are the characteristics of offenders in Alternative Measures cases?

Gender

Of the 556 offenders in the Alternative Measures files, 373 (67%) were male and 179 (32%) were female (information on gender was missing in four files). The proportion of male and female offenders remained consistent each year during 1999-2001.

Compared to female offenders, a higher percentage of male offenders committed other Criminal Code offences (7% versus 2%) and other Federal Statute crimes (7% versus 0.6%). There were no significant differences by gender among the other classifications of offences: 16% of male offenders and 18% of female offenders committed a crime against the person; and 66% of male offenders and 76% of female offenders committed a property crime.
Compared to female offenders, a higher percentage of male offenders committed offences that were punishable by indictable conviction (15% versus 5%). And compared to male offenders, a higher percentage of female offenders committed offences that were punishable by hybrid conviction (57% versus 43%).

Age

Of the offenders in the 556 cases, 278 (50%) were ages 12 to 17; 143 (26%) were ages 18 to 24; 89 (16%) were ages 25 to 44; 33 (6%) were ages 45 to 64; and four (1%) were over age 64 (information was missing in nine files).

Area of Residence

Of the offenders in the 566 cases, 285 (51%) lived in a rural area of the province, while 260 (47%) lived in an urban area. Of the 556 offenders, 136 (35%) lived in Charlottetown, 124 (22%) in Summerside, 110 (20%) in rural Kings County, 98 (18%) in rural Queens County, 77 (14%) in rural Prince County, and eight (2%) in another province (information was missing in three files).

Education and Employment

A total of 332 files provided information on the education level of the offender, which was as follows: 41% of adults and 99% of youth did not have a high school diploma; 38% of adults and 1% of youth did have a high school diploma; 22% of adults and 1% of youth had attended a community college or university (Table 2.7).

<table>
<thead>
<tr>
<th>Education Level of Offender</th>
<th>Total Offenders</th>
<th>Adult Offenders</th>
<th>Young Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Less than high school</td>
<td>130</td>
<td>39.2</td>
<td>14</td>
</tr>
<tr>
<td>Some high school</td>
<td>123</td>
<td>37.0</td>
<td>38</td>
</tr>
<tr>
<td>High school diploma</td>
<td>49</td>
<td>14.8</td>
<td>48</td>
</tr>
<tr>
<td>Some community college</td>
<td>18</td>
<td>5.2</td>
<td>16</td>
</tr>
<tr>
<td>Some university</td>
<td>12</td>
<td>3.6</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>332</td>
<td>100.0</td>
<td>128</td>
</tr>
<tr>
<td>Missing/not in file</td>
<td>224</td>
<td>100.0</td>
<td>111</td>
</tr>
</tbody>
</table>

A total of 297 files provided information on the offender’s employment status, which was as follows: 46% of adults and 4% of youth were employed; 13% of adults and 93% of youth were attending school; and 13% of adults and 1% of youth were attending university or college (Table 2.8).
Table 2.8 Employment Status of Offenders by Offender Status

<table>
<thead>
<tr>
<th>Employment status of offender</th>
<th>Total Offenders</th>
<th>Adult Offenders</th>
<th>Young Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Working/employed*</td>
<td>60</td>
<td>20.2</td>
<td>52</td>
</tr>
<tr>
<td>Unemployed</td>
<td>4</td>
<td>1.3</td>
<td>3</td>
</tr>
<tr>
<td>School student</td>
<td>186</td>
<td>62.6</td>
<td>14</td>
</tr>
<tr>
<td>College/university student</td>
<td>13</td>
<td>5.4</td>
<td>15</td>
</tr>
<tr>
<td>Other**</td>
<td>31</td>
<td>10.4</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>297</td>
<td>100.0</td>
<td>112</td>
</tr>
<tr>
<td>Missing/not in file</td>
<td>259</td>
<td>100.0</td>
<td>127</td>
</tr>
</tbody>
</table>

*Eight of the 60 employed offenders were seasonally employed.

**Of the 31 offenders with ‘other’ employment status, 27 were receiving employment insurance benefits, two were retired, one was receiving Workmen’s Compensation, and one was a homemaker.

**Status of Offender**

Of the offenders in the 556 files reviewed, 239 (43%) were classified as adult offenders, while 317 (57%) were classified as young offenders. The percentage of cases involving a young offender decreased from 62% in 1999 to 46% in 2001, while the percentage of cases involving an adult offender increased from 38% in 1999 to 55% in 2001.

Compared to crimes committed by young offenders, a larger percentage of adult offenders committed a crime against the person (20% versus 15%), while a smaller percentage of adult offenders committed a property crime (62% versus 75%).

Of the 239 offences committed by an adult, 43% were theft, 18% common assault, 10% mischief, and 5% disturbing the peace. Of the 317 offences committed by a youth, 44% were theft, 17% mischief, 9% common assault, and 4% drug possession.

**Prior Criminal Record**

Of the 556 offenders in the files, 26 (5%) did have a prior criminal record or previous criminal activity, while 397 (67%) did not. Information was missing in 159 files (29%).

Of the 26 offenders with a prior criminal record or previous criminal activity, 23 (89%) were classified as adults and three (12%) as youth. Nineteen (73%) of the offenders with a prior criminal record were male and seven (27%) were female. Nine (35%) of the offenders lived in Charlottetown, seven (27%) in Summerside, five (19%) in rural Prince County, four (15%) in rural Queens County, and one in rural Kings County.

Of the 26 offenders with a prior criminal record, 24 (92%) were referred to Alternative
Measures by a police officer and two (8%) by a Crown attorney. Ten (39%) of the offenders were referred at the pre-charge stage of proceedings and 12 (46%) at post-charge (information was missing in four files).

Of the 26 offences in cases where the offender had a prior criminal record, 11 (42%) were committed in 1999; eight (31%), in 2000; and seven (27%), in 2001. Of the first offence cited in the 26 files, 12 (46%) were theft, six (23%) were common assault, two (8%) were mischief, and one each was drug possession, disturbing the peace, break and enter, possession of stolen property, drug trafficking and other Administration of Justice crime. One of the files cited a second offence of possession of stolen property. Of the 27 offences in total, 17 (63%) were a property crime; six (22%), a crime against the person; two (7%), other Federal Statute crime; one (4%), other Criminal Code crime; and one (4%), Administration of Justice crime. And of the 27 offences, 15 (56%) were offences punishable by summary conviction, 11 (41%) by hybrid, and one (4%) by indictable.

Twenty (77%) of the 26 files indicated the Alternative Measures Agreement was successfully completed; one (4%), partially completed; and three (11%), not completed (information was missing in one file).

2.7 Characteristics of Victims in Alternative Measures Cases

What are the characteristics of victims in Alternative Measures cases?

Of the 556 cases reviewed, 468 (84%) cited one victim3 and 42 (8%) cited two victims, while 46 (8%) involved a victimless crime. Of the 598 victims in total, 245 (41%) were individual victims; 223 (37%), large businesses (6 employees or more); 42 (7%), institutions; and 35 (6%), small businesses (5 employees or less).

Of the 245 individual victims, 125 (51%) were male and 118 (48%) were female (information on gender was missing in two files). The proportion of male victims increased from 50% in 1999 to 61% in 2001, while that of female victims decreased from 50% in 1999 to 39% in 2001. Compared to male victims, a larger percentage of females were victims of a crime against the person (54% versus 31%), while a smaller percentage of females were victims of a property crime (41% versus 61%).

Table 2.9 presents the number and percentage of victims by type. As shown, the proportion of large business victims increased from 37% in 1999 to 43% in 2001, while the percentages of individual victims, small businesses and institutions each decreased somewhat.

Table 2.9 Type of Victim by Year of Offence

3 Six files indicated there was a victim in the case, but information on the victim’s identity, gender, and victim type was missing.
A total of 407 files cited the relationship of the victim to the offender, while 46 involved a victimless crime (information was missing in 103 files). As shown in Table 2.10, slightly more than half (52%) of the victims in Alternative Measures cases had no relationship or connection to the offender (63% of victims of a property crime; 44% of victims of another type of crime; 6% of victims of a crime against the person).

Table 2.10 Relationship of Victim to Offender by Offence Classification

<table>
<thead>
<tr>
<th>Relationship of Victim to Offender</th>
<th>Total Victims</th>
<th>Crime Against the Person</th>
<th>Property Crime</th>
<th>Other Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>No relationship</td>
<td>263</td>
<td>51.6</td>
<td>6</td>
<td>6.4</td>
</tr>
<tr>
<td>Other relationship*</td>
<td>52</td>
<td>10.2</td>
<td>23</td>
<td>24.5</td>
</tr>
<tr>
<td>Employment-related</td>
<td>21</td>
<td>4.1</td>
<td>2</td>
<td>2.1</td>
</tr>
<tr>
<td>Parent/step-parent</td>
<td>19</td>
<td>3.7</td>
<td>5</td>
<td>5.3</td>
</tr>
<tr>
<td>Married/ex-married</td>
<td>15</td>
<td>2.9</td>
<td>9</td>
<td>9.6</td>
</tr>
<tr>
<td>Other relative**</td>
<td>15</td>
<td>2.9</td>
<td>9</td>
<td>9.6</td>
</tr>
<tr>
<td>Acquaintance/neighbour</td>
<td>13</td>
<td>2.5</td>
<td>9</td>
<td>9.6</td>
</tr>
<tr>
<td>Common-law/ex</td>
<td>5</td>
<td>1.0</td>
<td>4</td>
<td>4.3</td>
</tr>
<tr>
<td>Boyfriend/girlfriend</td>
<td>4</td>
<td>0.8</td>
<td>3</td>
<td>3.2</td>
</tr>
<tr>
<td>Missing</td>
<td>103</td>
<td>20.2</td>
<td>24</td>
<td>25.5</td>
</tr>
<tr>
<td>Total</td>
<td>510</td>
<td>100.0</td>
<td>94</td>
<td>100.0</td>
</tr>
<tr>
<td>Victimless crime</td>
<td>46</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Other relationship of victim to offender included the following: relationship through school (21 victims); client/customer (9); resident or employee of group home (2); boyfriend/girlfriend of
ex-partner (2); friend of employee (1); babysitting relationship (1); tenant (1); friend (1).

** Other relative (i.e., victim to offender) included: sibling (4); child/stepchild (3); grandparent (2); brother-in-law (1); uncle (1); nephew (1); cousin (1); not specified (2).

When the relationship of victim to offender is compared by type of victim:

- Of the 160 individual victims, 30% had no relationship with the offender, while 16% were parent or step parent, 9% were acquaintance or neighbour, and 19% were another type of relationship.

- Of the 31 small businesses that were victimized, 74% had no relationship with the offender, while 23% had an employment relationship, and 3% were parent or step-parent of the offender.

- Of the 202 large businesses that were victimized, 90% had no relationship with the offender, while 5% had an employment relationship, and 5% had some other relationship.

- Of the 41 institutions that were victimized, 59% had no relationship with the offender, while 39% had some other relationship.

Approximately 59% of female victims and 48% of male victims did not have a relationship with the offender.

### 2.8 Conditions of Alternative Measures Agreements

**What are the conditions of Alternative Measures Agreements?**

As shown in Table 2.11, the most frequent conditions or terms of the Alternative Measures Agreements were as follows: write a letter of apology to the victim(s) (69% of cases); complete community service work (67%); keep the peace and be of good behaviour (35%); make restitution to the victim(s) of offence (22%); and be under supervision and report to youth worker (21%).
<table>
<thead>
<tr>
<th>Term or Condition</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Write a letter of apology to the victim(s)</td>
<td>383</td>
<td>68.9</td>
</tr>
<tr>
<td>Complete community service work (1)</td>
<td>370</td>
<td>66.5</td>
</tr>
<tr>
<td>Keep the peace and be of good behaviour</td>
<td>194</td>
<td>34.9</td>
</tr>
<tr>
<td>Make restitution to the victim(s) of offence (2)</td>
<td>122</td>
<td>21.9</td>
</tr>
<tr>
<td>Be under the supervision and report to youth worker as and when directed</td>
<td>116</td>
<td>20.9</td>
</tr>
<tr>
<td>Take treatment program or counselling (3)</td>
<td>101</td>
<td>18.2</td>
</tr>
<tr>
<td>Be under the supervision and report to a probation officer as directed to do so</td>
<td>81</td>
<td>14.6</td>
</tr>
<tr>
<td>Refrain from contacting victim(s) as specified by probation officer/youth worker</td>
<td>67</td>
<td>12.1</td>
</tr>
<tr>
<td>Write an essay</td>
<td>61</td>
<td>11.0</td>
</tr>
<tr>
<td>Make a donation to a charitable organization (4)</td>
<td>39</td>
<td>7.0</td>
</tr>
<tr>
<td>Participate in a group program (3)</td>
<td>38</td>
<td>6.8</td>
</tr>
<tr>
<td>Abide by rules and regulations as set out by parents or a youth worker</td>
<td>35</td>
<td>6.3</td>
</tr>
<tr>
<td>Comply with other conditions (5)</td>
<td>33</td>
<td>5.9</td>
</tr>
<tr>
<td>Follow residency regulations, curfew, etc.</td>
<td>15</td>
<td>2.7</td>
</tr>
<tr>
<td>Abide by the rules &amp; regulations of school and not be absent</td>
<td>14</td>
<td>2.5</td>
</tr>
<tr>
<td>Stay away from locations</td>
<td>13</td>
<td>2.3</td>
</tr>
<tr>
<td>Non-association</td>
<td>13</td>
<td>2.3</td>
</tr>
<tr>
<td>Make personal apology to victim(s)</td>
<td>6</td>
<td>1.1</td>
</tr>
<tr>
<td>Participate in victim/offender mediation as directed by youth worker/probation officer</td>
<td>5</td>
<td>0.9</td>
</tr>
<tr>
<td>Refrain from carrying firearms</td>
<td>4</td>
<td>0.7</td>
</tr>
<tr>
<td>Refrain absolutely from consumption of alcohol any time taking medication</td>
<td>4</td>
<td>0.7</td>
</tr>
<tr>
<td>Take firearm safety course</td>
<td>3</td>
<td>0.5</td>
</tr>
<tr>
<td>Pay fines within 3 months</td>
<td>3</td>
<td>0.5</td>
</tr>
<tr>
<td>Refrain absolutely from any contact with female persons under age 16</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>Remain from city of Summerside unless accompanied by parent(s)</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>Refrain from contact with individuals</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>Take medication as prescribed by your physician</td>
<td>1</td>
<td>0.2</td>
</tr>
<tr>
<td>Do not operate motor vehicle</td>
<td>1</td>
<td>0.2</td>
</tr>
<tr>
<td>Missing/Not indicated in File</td>
<td>28</td>
<td>5.0</td>
</tr>
<tr>
<td>Not applicable/Community Justice Forum</td>
<td>2</td>
<td>0.4</td>
</tr>
</tbody>
</table>

(1) In 370 cases, the offenders were directed to complete the following hours of
community service work:

- 1 – 10 hours ............................................. 108 cases
- 11 – 20 hours ................................................. 207
- 21 – 30 hours .................................................. 43
- 31 – 40 hours ................................................... 3
- 41 – 50 hours ................................................... 3
- 51 – 60 hours ................................................... 2
- 100 hours ...................................................... 2
- 202 hours ...................................................... 1
- Unknown/Not specified in file ........................................... 1

(2) In 122 cases, the offenders were directed to make the following restitution to the victim(s) of the offence:

- $1 – $50 ................................................. 27 cases
- $51 – $100 .................................................... 14
- $101 – $500 ................................................... 44
- $501 – $1000 ................................................... 7
- $1001 – $2000 .................................................. 5
- $2000+ ........................................................ 1
- Unknown/Not specified in file ...................................... 24

(3) In 139 cases, the offenders were directed to take a treatment program, counselling or group program: 125 offenders were directed to take one program and 14 were directed to take more than one program. The programs included:

- Addictions/drug program/alcohol program ......................... 47 cases
- Anger Management ............................................. 28
- Mental Health/counselling .......................................... 24
- Randall Fletcher’s Program ......................................... 11
- Turning Point ...................................................... 6
- Guidance Counsellor .............................................. 3
- Gambling Counselling/program .................................... 2
- Family Ties ...................................................... 1
- Physician ........................................................ 1
- Marriage Counsellor ............................................ 1
- Positive Parenting From Two Homes Program ..................... 1
- Colonel Grey Wish Program .................................... 1
- Family Counselling Program .................................... 1
- Mediation ......................................................... 1
- Self-esteem Course ............................................... 1
- Active Parenting Course ......................................... 1
- Unknown/Not specified in file ...................................... 26
(4) In 39 cases, the offenders were directed to make the following donations to a charitable organization:

- $1 – $25 ................................................. 10 cases
- $26 – $50 ..................................................... 12 cases
- $51 – $75 ...................................................... 2 cases
- $76 – $100 ..................................................... 9 cases
- Unknown/Not specified in file ............................................. 6 cases

(5) In 33 cases, the offenders were directed to comply with the following other conditions:

- Apologize to family/parents ............................................. 3 cases
- Participate in mediation if victim is agreeable .......................... 2 cases
- Maintain gainful employment ............................................. 2 cases
- Continue to attend Alcoholics Anonymous .......................... 1 case
- Leave firearms with police during Alternative Measures Agreement ......... 1 case
- Participate in personal service ............................................. 1 case
- Abide by expectations at home .......................................... 1 case
- In lieu of restitution, perform 100 hours of community service work .......... 1 case
- Provide written receipt for money paid to victim ......................... 1 case
- Unknown/not specified in file ............................................. 20 cases

2.9 Outcome of Alternative Measures Agreements

What are the outcome of Alternative Measures Agreements?

Of the 556 Alternative Measures Agreements in the files, 77% were successfully completed, 6% were partially completed, while 8% were not completed (information was missing in 9% of files). As shown in Table 2.12, there was little difference in the outcome by offence classification: 79% of cases involving crimes against the person, 76% of property crimes, and 81% of other crimes were successfully completed.

Table 2.12 Outcome of Alternative Measures Agreements by Offence Classification

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Total Cases</th>
<th>Cases Involving a Crime Against the Person</th>
<th>Cases Involving a Property Crime</th>
<th>Cases Involving Other Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Successfully Completed</td>
<td>430</td>
<td>77.3</td>
<td>74</td>
<td>78.7</td>
</tr>
<tr>
<td>Partially Completed</td>
<td>32</td>
<td>5.8</td>
<td>3</td>
<td>3.2</td>
</tr>
<tr>
<td>Not completed</td>
<td>43</td>
<td>7.7</td>
<td>9</td>
<td>9.6</td>
</tr>
<tr>
<td>Missing</td>
<td>51</td>
<td>9.2</td>
<td>8</td>
<td>8.5</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>100.0</td>
<td>94</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 2.13 presents the outcomes of the Alternative Measures Agreements by year. As
shown, the proportion of successfully completed Agreements varied somewhat over time. The table also shows that record-keeping with respect to recording outcomes improved over time. Approximately 84% of files in 1999 recorded the outcome, compared to 94% in 2000, and 96% in 2001.

Table 2.13  Outcome of Alternative Measures Agreements by Year

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Total Cases</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Successfully Completed</td>
<td>430</td>
<td>77.3</td>
<td>157</td>
<td>73.7</td>
</tr>
<tr>
<td>Partially Completed</td>
<td>32</td>
<td>5.8</td>
<td>12</td>
<td>5.6</td>
</tr>
<tr>
<td>Not completed</td>
<td>43</td>
<td>7.7</td>
<td>11</td>
<td>5.2</td>
</tr>
<tr>
<td>Missing/unknown</td>
<td>51</td>
<td>9.2</td>
<td>33</td>
<td>15.5</td>
</tr>
<tr>
<td>Total</td>
<td>556</td>
<td>100.0</td>
<td>213</td>
<td>100.0</td>
</tr>
</tbody>
</table>

There was little difference in outcomes by gender or status of the offender; 78% of male offenders and 75% of female offenders successfully completed the Agreement. And 85% of both adult and young offenders successfully completed the Agreement.

Similarly there was little difference in outcome by alcohol involvement: 82% of Agreements in cases without alcohol involvement and 80% with alcohol involvement were successfully completed. However, there was a difference in outcome by drug involvement: 82% of Agreements in cases without drug involvement and 57% with drug involvement were successfully completed.

2.10  Family Violence Cases Processed by Alternative Measures

A total of 45 files (8%) cited family violence, while 507 (92%) did not (information was missing in four files). Of the offences in the 45 cases, 20 (44%) occurred in 1999, 17 (38%) in 2000, and 8 (18%) in 2001. Thirty-nine (89%) of the offenders in the 45 family violence files were referred to Alternative Measures by a police officer and five (11%), by a Crown attorney (information was missing in one file).

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4 One inclusion criteria for the file review was that the case was concluded on or before December 31, 2001; therefore, a number of cases were not included in the review where the offence occurred during the latter part of 2001 and the case was not concluded by that date.
Twenty-two (49%) of the family violence files involved spousal abuse, which represents 4% of all files reviewed. Of the 22 offenders in the spousal abuse cases, 20 (91%) were referred by a police officer and one (9%) by a Crown attorney (information was missing in one file).

Seventeen (38%) of the 45 family violence files were handled by Summerside Police Services, 10 (22%) by Charlottetown RCMP, six (13%) by Charlottetown City Police, six (13%) by Montague RCMP, three (7%) by East Prince RCMP, and one (2%) each by Borden Carleton Police, Souris RCMP, and West Prince RCMP. Of the 22 spousal abuse cases, 10 (45%) were handled by Summerside Police Services, six (27%) by Charlottetown RCMP, three (14%) by East Prince RCMP, two (9%) by Montague RCMP and one (9%) by Borden Carleton Police.

Twenty (44%) of the 45 family violence files were managed by the Summerside Probation Office, 16 (36%) by Charlottetown, seven (16%) by Montague, and one each (2%) by West Prince and Souris. Fourteen of the 22 spousal abuse cases were managed by the Summerside Probation Office, six by Charlottetown, two by Montague.

Of the 45 offenders in the family violence cases, 15 (33%) were referred to Alternative Measures at the pre-charge stage of proceedings and 23 (51%) at post-charge (information was missing in seven [16%] of the files). Fourteen (64%) of the offenders in the 22 spousal abuse cases were referred at the post-charge stage of proceedings and five (23%) at pre-charge (information was missing in three files).

**The Offences**

Of the first offence cited in the 45 family violence files, 23 (51%) were common assault, seven (16%) mischief, and four (9%), Administration of Justice crime. Forty-one (91%) of the family violence cases involved one offence and four (9%) involved two offences. Two of the second offences were common assault (summary conviction), one was utter threats (hybrid conviction), and one was other property crime (summary conviction).

The offences in the 22 spousal abuse cases were common assault (13 cases), other Administration of Justice crime (3), weapons (2), utter threats (2), mischief (1) and disturbing the peace (1). Two of the spousal abuse cases involved a second offence, i.e., utter threats (punishable by hybrid conviction) and other property crime (punishable by summary conviction).

Of the first offence cited in the 45 family violence files, 29 (64%) were punishable by summary conviction, one (2%) by indictable conviction, and 15 (33%) by hybrid conviction. Thirteen of the 22 first offences cited in the spousal abuse cases were punishable by summary conviction, eight by hybrid, and one by indictable.

Of the first offence cited in the 45 family violence files, 28 (62%) were a crime against the person; nine (20%), a property crime; four (9%), an Administration of Justice crime; and four (9%), other Criminal Code crime.
Fifteen of the first offences cited in the 22 spousal abuse cases were crimes against the person; three, Administration of Justice crimes; three, other Criminal Code crimes; and one, a property crime.

Eleven of the 45 family violence files indicated whether alcohol was involved: of these, two cited alcohol involvement. Ten of the family violence files indicated whether drugs were involved; none of these cited drug involvement.

Sixteen (36%) of the 45 family violence files provided information on the eligibility criteria for referral to Alternative Measures. As shown in Table 2.14, the most frequent eligibility criteria for referral to Alternative Measures included no prior record and cooperativeness.

<table>
<thead>
<tr>
<th>Eligibility Criteria</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No prior record</td>
<td>10</td>
<td>22.2</td>
</tr>
<tr>
<td>Cooperativeness demonstrated during arrest/investigation</td>
<td>7</td>
<td>15.6</td>
</tr>
<tr>
<td>Nature of the offence</td>
<td>4</td>
<td>8.9</td>
</tr>
<tr>
<td>Admittance of responsibility</td>
<td>4</td>
<td>8.9</td>
</tr>
<tr>
<td>Remorse/attitude</td>
<td>3</td>
<td>6.7</td>
</tr>
<tr>
<td>Wishes of the victim</td>
<td>3</td>
<td>6.7</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>22.2</td>
</tr>
<tr>
<td>Missing</td>
<td>29</td>
<td>64.4</td>
</tr>
</tbody>
</table>

Characteristics of Offenders

Of the 45 offenders in the files citing family violence, 33 (73%) were male and 12 (27%) were female. Sixteen (73%) of the offenders in the 22 spousal abuse cases were male and six (27%) were female.

Nine (20%) of the offenders in the 45 family violence cases were under age 18; nine (20%), ages 18 to 24; 19 (42%), ages 25 to 44; seven (16%), ages 45 to 64; and one (2%), over age 64. Six of the offenders in the 22 spousal abuse cases were ages 18 to 24; 14, ages 25 to 44; one, between the ages of 45 and 64; and one, over 64.

Thirteen (29%) of the offenders in the 45 family violence cases lived in Summerside, nine (20%) in rural Kings County, eight (18%) in Charlottetown, eight (18%) in rural Prince County, and seven (16%) in rural Queens County. The residences of the 22 offenders in the spousal abuse cases were as follows: Summerside (7); rural Prince County (7); rural Queens County (4); rural Kings County (3); Charlottetown (1).

Of the offenders in the 45 family violence cases, three (7%) did have a prior criminal
In two of the 45 files citing family violence, police officers were victimized while responding to the incident, and were therefore classified as an institution. In one case the offender was charged with mischief and in the other with obstructing a police officer.

Twenty of the spousal abuse cases involved one victim and two, two victims. Of the 24 victims in total, 23 were individual victims (16 female victims and 7 male victims) and

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5 In two of the 45 files citing family violence, police officers were victimized while responding to the incident, and were therefore classified as an institution. In one case the offender was charged with mischief and in the other with obstructing a police officer.
Conditions and Outcome of Alternative Measures Agreements

As shown in Table 2.16, the most frequent conditions of the Alternative Measures Agreements in the family violence cases were as follows: take a treatment program or counselling (51% of cases); keep the peace and be of good behaviour (44%); write a letter of apology to the victim (38% of cases); and be under the supervision and report to a probation officer (38%).

Table 2.16 Family Violence: Conditions of Alternative Measures Agreement

<table>
<thead>
<tr>
<th>Term or Condition</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Take treatment program or counselling</td>
<td>23</td>
<td>51.1</td>
</tr>
<tr>
<td>Keep the peace and be of good behaviour</td>
<td>20</td>
<td>44.4</td>
</tr>
<tr>
<td>Write a letter of apology to the victim(s)</td>
<td>17</td>
<td>37.8</td>
</tr>
<tr>
<td>Be under the supervision and report to a probation officer as and when reasonably directed to do so</td>
<td>17</td>
<td>37.8</td>
</tr>
<tr>
<td>Refrain from contacting victim(s) as specified by probation officer or youth worker</td>
<td>15</td>
<td>33.3</td>
</tr>
<tr>
<td>Participate in a group program</td>
<td>12</td>
<td>26.7</td>
</tr>
<tr>
<td>Complete community service work</td>
<td>9</td>
<td>20.0</td>
</tr>
<tr>
<td>Make restitution to the victim(s) of offence</td>
<td>6</td>
<td>13.3</td>
</tr>
<tr>
<td>Comply with other conditions</td>
<td>6</td>
<td>13.3</td>
</tr>
<tr>
<td>Follow residency regulations, curfew, etc.</td>
<td>4</td>
<td>8.9</td>
</tr>
<tr>
<td>Refrain from carrying firearms</td>
<td>4</td>
<td>8.9</td>
</tr>
<tr>
<td>Be under the supervision and report to youth worker as and when directed</td>
<td>3</td>
<td>6.7</td>
</tr>
<tr>
<td>Make a donation to a charitable organization</td>
<td>2</td>
<td>4.4</td>
</tr>
<tr>
<td>Refrain absolutely from consumption of alcohol any time taking medication prescribed by a physician</td>
<td>2</td>
<td>4.4</td>
</tr>
<tr>
<td>Abide by rules and regulations as set out by parents or a youth worker</td>
<td>1</td>
<td>2.2</td>
</tr>
<tr>
<td>Non-association</td>
<td>1</td>
<td>2.2</td>
</tr>
<tr>
<td>Take firearm safety course</td>
<td>1</td>
<td>2.2</td>
</tr>
</tbody>
</table>
Of the Alternative Measures Agreements in the 45 files citing family violence, 33 (73%) were successfully completed, three (7%) were partially completed, and three (7%) were not completed (information was missing in six [14%] of the files). Of the 22 spousal abuse cases, 14 (64%) were successfully completed, while three (14%) were not completed (information was missing in five [23%] of the files).

2.11 Summary of Findings

Between January 1, 1999 and December 31, 2001, a total of 556 cases were processed by Alternative Measures. Approximately 94% of cases were recommended to Alternative Measures by a police officer, while 3% were recommended by a Crown attorney. Approximately 59% of the offenders were referred to Alternative Measures at the pre-charge stage of proceedings and 154 (28%) at post-charge. Slightly less than two-thirds of the cases were handled by a municipal police department, while one-third (33%) were handled by the RCMP.

Slightly more than two-thirds (69%) of the offences were property crimes, while 17% were crimes against the person. Of the first offence cited in the files, 44% were theft, 14% mischief, 13% common assault, 5% drug possession, and 4% disturbing the peace. Almost half (47%) of the offences were punishable by hybrid conviction, 41% by summary conviction, and 11% by indictable conviction. The most frequently-cited criteria for referral to Alternative Measures were: no prior record (35% of cases), admittance of responsibility (31%), remorse (25%), and cooperativeness (14%).

Of the offenders in the 556 Alternative Measures files, more than half (57%) were youth, while 43% were adults. Two thirds (67%) of the offenders were male, while 32% were female. Slightly more than half (51%) of the offenders lived in a rural area of the province, while 47% lived in an urban area. Two-thirds (67%) of the offenders did not have a prior criminal record or previous criminal activity, while 5% did (information was missing in 29% of the files). Of the total victims, 41% were individuals; 37%, large businesses; 7%, institutions; and 6%, small businesses.

The most frequent terms or conditions of the Alternative Measures Agreements were to write a letter of apology to the victim(s), complete community service work, keep the peace and be of good behaviour, make restitution to the victim(s) of offence, and be under supervision and report to youth worker. More than three-quarters (77%) of the Agreements were successfully completed, six per cent were partially completed, while eight per cent were not completed.

A total of 45 files (8%) cited family violence, of which 22 (4% of all files reviewed) involved spousal abuse. Approximately half (51%) of the offences in the family violence files were common assault, 16% were mischief, and four (9%) were other Administration of Justice crimes. Approximately three-quarters (76%) of the offenders were adult offenders, while 24% were young offenders. The majority (73%) of Alternative Measures Agreements in the family violence cases were successfully completed, as were 64% in the spousal abuse cases.
3.0 ALTERNATIVE MEASURES POLICY AND PROCEDURES

*Does Alternative Measures practice adhere to the Policy and Procedures with respect to victims?*

3.1 Research Questions

*Do police officers contact the victims in Alternative Measures cases? Do police officers contact the victims of a crime against the person and a break and enter into a residence?*

*Do police officers advise victims of the possibility of referral to Alternative Measures?*

*Do police officers determine the feelings or views of victims about having the offender referred to the Alternative Measures Program?*

*Do police officers inform victims of the Victim Services Program? If a matter involving domestic violence is being considered for Alternative Measures, do police officers contact Victim Services prior to the Alternative Measures referral being made?*

*If appropriate, do probation officers contact the victims of the offence? Where applicable, do probation officers contact the victims for their contribution to the Alternative Measures Agreement being considered?*

*Do probation officers distribute to the victims a signed copy of the Agreement and a copy of the Termination Summary, where the Agreement is successfully completed?*

*Do probation officers advise victims of the terms of the Agreement and the results of the use of Alternative Measures?*

*Do police officers seek interest from the victim in participating in a facilitated meeting with the offender? If appropriate, do probation officers involve the victim in an interview with the offender?*

*How many cases are assigned to a Community Justice Forum facilitator?*

*How do cases processed by standard alternative measures compare with those processed by formal legal proceedings with respect to victim involvement?*

To address each of these questions, victim survey respondents were asked a number of related questions. This section summarizes the results of the questions, as well as relevant information from the file review.

3.2 Police Contact with Victims

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6 Throughout this section, when examining relationships between variables, only findings that are statistically significant at or beyond the p<.05 level are discussed unless otherwise noted.
Do police officers contact the victims in Alternative Measures cases?
Do police officers contact the victims of a crime against the person and a break and enter into a residence?

File Review

Of the 508 files\(^7\) in total, 373 (73%) indicated the police officer had contacted the victim(s), while 42 (8%) indicated the officer had not (information was missing in 93 files) (Table 3.1). \{In total, 415 (82%) of the files provided information on contact: of these, 373 (90%) indicated the police officer had contacted the victim(s).\}

Of the 94 files that involved a crime against the person, 72 (77%) indicated police contact with the victim(s), while three (3%) indicated no contact (information was missing in 19 [20\%] of the files). \{In total, 75 (80\%) of the files that involved a crime against the person provided information on contact; of these, 72 (96\%) indicated the police officer had contacted the victim(s).\}

Table 3.1  File Review: Police Contact with Victims by Classification of Offence

<table>
<thead>
<tr>
<th>Police contact with victim</th>
<th>Total Victims</th>
<th>VICTIM BY CLASSIFICATION OF OFFENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Contact</td>
<td>373</td>
<td>73.4</td>
</tr>
<tr>
<td>No contact</td>
<td>42</td>
<td>8.3</td>
</tr>
<tr>
<td>Missing</td>
<td>93</td>
<td>18.3</td>
</tr>
<tr>
<td>Total</td>
<td>508</td>
<td>100</td>
</tr>
</tbody>
</table>

Of the 18 cases that involved a break and enter, 15 (88\%) indicated police contact with the victim(s), while one (6\%) indicated no contact (information was missing in two files). Of the 12 break and enter cases involving an individual victim, nine (75\%) indicated police contact with victim(s), while one (8\%) indicated no contact (information was missing in two [17\%] of the files).

\(^7\)Note: Of the 556 files reviewed, 46 involved a victimless crime and two involved an offence against a police officer.
Family Violence

Because the victim was a police officer in two of the 45 files involving family violence, 43 files were relevant to police contact and consultation with the victim(s). Of the 43 files, 29 (67%) indicated the victim was contacted by police, while three (7%) indicated the victim was not contacted (information was missing in 11 [26%] of the files). (In total, 32 (74%) of the files involving family violence provided information on contact: of these, 29 (91%) indicated the police officer had contacted the victim(s).)

Survey of Victims: Alternative Measures

Of the 81 victims surveyed, 53 (65%) reported being contacted by police after the incident, while 19 (24%) reported not being contacted and eight (10%) were uncertain (Table 3.2). Almost three-quarters (74%) of individual victims reported police contact, compared to half of the small businesses and almost a third of the large businesses.

Table 3.2 Victim Survey: Reported Contact With Police by Type of Victim

<table>
<thead>
<tr>
<th>Contact by police</th>
<th>Total No. (%)</th>
<th>Individual No. (%)</th>
<th>Small Business No. (%)</th>
<th>Large Business No. (%)</th>
<th>Institution No. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact</td>
<td>53 (65%)</td>
<td>43 (74%)</td>
<td>4 (50%)</td>
<td>3 (30%)</td>
<td>3 (75%)</td>
</tr>
<tr>
<td>No contact</td>
<td>19 (24%)</td>
<td>13 (22%)</td>
<td>2 (25%)</td>
<td>3 (30%)</td>
<td>1 (25%)</td>
</tr>
<tr>
<td>Uncertain</td>
<td>8 (10%)</td>
<td>2 (3%)</td>
<td>2 (25%)</td>
<td>4 (40%)</td>
<td>0</td>
</tr>
<tr>
<td>Missing</td>
<td>1 (1%)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>81 (100%)</td>
<td>58 (100%)</td>
<td>8 (100%)</td>
<td>11 (100%)</td>
<td>4 (100%)</td>
</tr>
</tbody>
</table>

Of the 23 victims of a crime against the person, 18 (78%) reported police contact. Of the 58 victims of other types of crime, 35 (60%) reported police contact. The survey included interviews with four victims of break and enter: two individual victims, one large business, and one institution. Both of the individual victims reported contact, as did the institutional victim (information was missing on the large business victim).

It should be noted that, although all of the cases had been processed by Alternative Measures, 62 (72%) of respondents reported hearing of Alternative Measures. Of the 58 individual victims, 41 (71%) had heard of Alternative Measures; of the eight small businesses, six (75%) had; of the 15 large businesses, 11 (73%) had; and of the five institutions, four (80%) had heard.

Family Violence

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8 Of the 86 victims surveyed, five represented large businesses and institutions that had been involved in numerous cases; therefore, they were not asked specific questions about any one case.
Of the nine victims of family violence interviewed for the study, eight (89%) reported being contacted by police after the incident, while one female victim of spousal assault reported not being contacted.

3.3 Perceptions of Police Advisement of Referral to Alternative Measures

Survey of Victims: Alternative Measures

As shown in Table 3.3, less than half (44%) of victims surveyed said they were advised by police of the referral to Alternative Measures, while 31 (38%) said they were not advised and 14 (17%) were uncertain. Of the 58 individual victims, 47% said they were advised, compared to 38% of small businesses and 36% of large businesses.

<table>
<thead>
<tr>
<th>Victim advised of referral to Alternative Measures</th>
<th>Total No. (%)</th>
<th>Individual No.(%)</th>
<th>Small Business No. (%)</th>
<th>Large Business No. (%)</th>
<th>Institution No. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>36 (44%)</td>
<td>27 (47%)</td>
<td>3 (38%)</td>
<td>4 (36%)</td>
<td>2 (50%)</td>
</tr>
<tr>
<td>No</td>
<td>31 (38%)</td>
<td>23 (40%)</td>
<td>3 (38%)</td>
<td>3 (27%)</td>
<td>2 (50%)</td>
</tr>
<tr>
<td>Uncertain</td>
<td>14 (17%)</td>
<td>8 (14%)</td>
<td>2 (25%)</td>
<td>4 (36%)</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>81 (100%)</td>
<td>58(100%)</td>
<td>8 (100%)</td>
<td>11(100%)</td>
<td>4 (100%)</td>
</tr>
</tbody>
</table>

Of the 23 victims of a crime against the person, 13 (57%) said they were advised by police of the referral. Of the 58 victims of other types of crime, 23 (40%) said they were advised. Of the nine respondents who were victims of family violence, five said they were advised of the referral, three said they were not, and one victim was uncertain.

3.4 Police Consultation With Victims

File Review

Of the 508 relevant files, 73 (14%) indicated the police officer had consulted with the victim(s) about the referral to Alternative Measures, while five (1%) indicated the officer had not (information was missing in 435 files). {In total, 78 (15%) of the files provided information: of these, 73 (94%) indicated the police had consulted with the victim(s).} Of the 508 files, 344 (68%) indicated the victim(s) had agreed with the referral, 13 (3%) indicated the victim(s) had not (information was missing in 151 [30%] of the files). {In
total, 357 (70%) of the files provided information: of these, 344 (96%) indicated the victim(s) had agreed with the referral to the Alternative Measures Program.

Thirteen files indicated the victims had not agreed with the referral to Alternative Measures, of whom six were individual victims and seven were corporate victims, i.e., large businesses (4), small businesses (2), and an institution (1). Nine of these files involved a property crime, i.e., theft (4), mischief (4), possession of stolen property (1); while four involved a crime against the person, i.e., common assault. Seven of the offenders in the 13 cases were referred to Alternative Measures at pre-charge, while five were referred at post-charge (information was missing in one file).

Family Violence

Of the 43 files involving family violence, 24 (56%) indicated the victim had agreed with the referral, while two (5%) indicated the victim had not agreed (information was missing in 17 [40%] of the files). (In total, 26 (60%) of the files involving family violence provided information on victim agreement: of these, 24 (92%) indicated the victim(s) had agreed with the referral to the Alternative Measures Program.)

Survey of Victims: Alternative Measures

Of the 81 victims surveyed, 37 (46%) said they were asked how they felt about the referral to Alternative Measures by the police officer, 31 (38%) said they were not asked, and 13 (16%) were uncertain (Table 3.4). Of the 58 individual victims, 43% said they were asked, compared to 38% of small businesses and 55% of large businesses.

Of the 23 victims of a crime against the person, 11 (48%) said they were asked how they felt about the referral by the police officer. Of the 58 victims of other types of crime, 26 (45%) said they were asked. Of the nine victims of family violence, four victims said they were asked how they felt about the referral to Alternative Measures, four said they were not asked, and one victim was uncertain.

Table 3.4 Reported Consultation About Referral to Alternative Measures

<table>
<thead>
<tr>
<th>Victim was asked about referral</th>
<th>Total No. (%)</th>
<th>Individual No. (%)</th>
<th>Small Business No. (%)</th>
<th>Large Business No. (%)</th>
<th>Institution No. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>37 (46%)</td>
<td>25 (43%)</td>
<td>3 (38%)</td>
<td>6 (55%)</td>
<td>3 (75%)</td>
</tr>
<tr>
<td>No</td>
<td>31 (38%)</td>
<td>23 (40%)</td>
<td>5 (63%)</td>
<td>2 (18%)</td>
<td>1 (25%)</td>
</tr>
<tr>
<td>Uncertain</td>
<td>13 (16%)</td>
<td>10 (17%)</td>
<td>0</td>
<td>3 (27%)</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>81 (100%)</td>
<td>58 (100%)</td>
<td>8 (100%)</td>
<td>11 (100%)</td>
<td>4 (100%)</td>
</tr>
</tbody>
</table>
3.5 Involvement of Victim Services

**Do police officers inform victims of the Victim Services Program?**

**If a matter involving domestic violence is being considered for Alternative Measures, do police officers contact Victim Services prior to the Alternative Measures referral being made?**

**File Review**

The files did not provide information on whether police officer(s) had informed victims of the Victim Services Program. However, some of the files did provide information on whether the police officer had contacted Victim Services, as well as Victim Services contact with the victims. Of the 508 relevant files, 50 (10%) indicated the police had contacted Victim Services, while 141 (26%) indicated the police had not (information was missing in 317 [62%] of the files).  {In total, 191 (38%) of the files provided information on police contact: of these, 50 (26%) indicated the police officer had contacted Victim Services.}

The police had contacted Victim Services in 25% of cases involving a crime against the person and in 7% of cases involving a property crime. Of the 43 files involving family violence, 11 (26%) indicated police contact with Victim Services, while seven (17%) indicated no contact (information was missing in 25 [57%] of the files).  {In total, 18 (42%) of the family violence files provided information: of these, 11 (61%) indicated police contact with Victim Services.}

Of the 508 relevant files, 70 (14%) indicated Victim Services had contacted the victim(s), while 130 (26%) indicated Victim Services had not (information was missing in 308 [61%] of the files).  {In total, 200 (39%) of the files provided information on contact: of these, 70 (35%) indicated Victim Services had contacted the victim(s).}

Victim Services contacted the victim(s) in 30% of cases involving a crime against the person and in 11% of cases involving a property crime. And of the 43 relevant files involving family violence, 13 (31%) indicated Victim Services contact with the victim, while six (14%) indicated no contact (information was missing in 24 [55%] of the files).  {In total, 19 (44%) of the files involving family violence provided information: of these, 13 (68%) indicated Victim Services had contacted the victim(s).}

**Survey of Victims: Alternative Measures**

Of the 81 victims surveyed, 11 (14%) said they were informed of Victim Services at the time of the incident by a police officer and 10 (12%) by another source (i.e., probation officer, Turning Point Program, social worker, adult protection worker, friend); while 50 (62%) of the victims said they were not informed, and 10 (12%) were uncertain. Of the 23 victims of a crime against the person, eight (35%) said they were informed of Victim Services. Of the 58 victims of other types of crime, 13 (22%) said they were informed.
Family Violence

Of the nine respondents who were victims of family violence, six said they were informed of Victim Services, two said they were not informed, and one respondent was uncertain. Sources of information included a police officer and a probation officer.

3.6 Probation Contact and Consultation with Victims

If appropriate, do probation officers contact the victims of the offence? Where applicable, do probation officers contact the victims for their contribution to the Alternative Measures Agreement being considered?

File Review

Although the file review did not provide information on whether the probation officer contacted the victim(s), 11 (2%) of the files provided information on whether the probation officer consulted the victim(s) about the Alternative Measures Agreement. Seven files (1%) indicated the probation officer had consulted the victim(s), while four files indicated the officer had not. Three of the seven cases where the probation officer consulted with the victim involved family violence.

Survey of Victims: Alternative Measures

Of the 81 victims surveyed, 41 (51%) said they were contacted by the probation officer (21% by telephone, 11% by letter, 19% by both). Of the 58 individual victims, 55% reported contact, compared to 38% of small businesses and 27% of large businesses (Table 3.5). Of the 23 victims of a crime against the person, 11 (48%) reported contact by probation. Of the 58 victims of other types of crime, 30 (52%) reported contact.

<table>
<thead>
<tr>
<th>Contact with Probation Officer</th>
<th>Total No. (%)</th>
<th>Individual No. (%)</th>
<th>Small Business No. (%)</th>
<th>Large Business No. (%)</th>
<th>Institution No. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact by telephone</td>
<td>17 (21%)</td>
<td>10 (17%)</td>
<td>3 (38%)</td>
<td>2 (18%)</td>
<td>2 (50%)</td>
</tr>
<tr>
<td>Contact by letter</td>
<td>9 (11%)</td>
<td>7 (12%)</td>
<td>0</td>
<td>1 (9%)</td>
<td>1 (25%)</td>
</tr>
<tr>
<td>Contact by telephone and letter</td>
<td>15 (19%)</td>
<td>15 (26%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No contact</td>
<td>35 (43%)</td>
<td>22 (38%)</td>
<td>5 (63%)</td>
<td>7 (64%)</td>
<td>1 (25%)</td>
</tr>
<tr>
<td>Uncertain</td>
<td>5 (6%)</td>
<td>4 (7%)</td>
<td>0</td>
<td>1 (9%)</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>81 (100%)</td>
<td>58 (100%)</td>
<td>8 (100%)</td>
<td>11 (100%)</td>
<td>4 (100%)</td>
</tr>
</tbody>
</table>
Of the 81 victims surveyed, 13 (16%) said they were asked their views about the Alternative Measures Agreement by the probation officer, while 22 (27%) said they were not asked, and six (7%) were uncertain (40 did not respond due to either reporting no contact with probation or being uncertain about contact). Of the 23 victims of a crime against the person, five (22%) said they were asked their views by the probation officer; of the 58 victims of other types of crime, eight (14%) said they were asked.

Family Violence

Four (44%) of the nine victims of family violence said they were contacted by a probation officer (three by telephone and one by telephone and letter), while three said they were not contacted and two were uncertain. Only one of the victims who was contacted, however, recalled being asked his or her views about Alternative Measures.

3.7 Distribution of Documents to Victims

**Do probation officers distribute a signed copy of the Alternative Measures Agreement and a copy of the Termination Summary to the victims, where the Agreement is successfully completed?**

File Review

The file review provided little information on the distribution of documents to victims. Only three files indicated whether information had been provided to the victim. In two cases a copy of the Alternative Measures Agreement was sent to the victim and in one case a copy of the Termination Summary was.

Survey of Victims: Alternative Measures

Of the 81 victims surveyed, 18 (22%) said they had received a copy of the Alternative Measures Agreement, while 49 (61%) said they had not, and 14 (17%) were uncertain.

Seventeen (29%) of the 58 individual victims and one (9%) of the 11 large businesses said they had received a copy of the Agreement, while none of the small businesses or institutions had.

Of the 23 victims of a crime against the person, eight (35%) reported receiving a copy of the Agreement. Of the 58 victims of a property or other crime, 10 (17%) reported receiving a copy.

Three (4%) of the victims said they had received a copy of the Termination Summary, while 65 (81%) said they had not, and 12 (15%) were uncertain (one person did not respond). The three victims who reported receiving a copy were all individual victims of property crimes.
Family Violence

With respect to the nine cases involving family violence, five (56%) of the respondents in the cases said they had received a copy of the Alternative Measures Agreement, three (33%) said they had not, and one respondent was uncertain. None of the respondents recalled receiving a copy of the Termination Summary.

3.8 Probation Advisement of Terms and Outcome of Alternative Measures

Do probation officers advise victim(s) of the terms of the Agreement and the results of the use of Alternative Measures.

Survey of Victims: Alternative Measures

Of the 81 victims surveyed, 30 (37%) said they were advised of the terms or conditions of the Alternative Measures Agreement, while eight (10%) said they were not, three (4%) were uncertain, and 40 (49%) did not respond9.

Twenty-three (40%) of the individual victims and seven (30%) of the corporate victims said they were advised of the terms. Of the 23 respondents who were victims of a crime against the person, 11 (48%) said they were advised. Of the 58 respondents who were victims of a property or other crime, 19 (33%) said they were advised.

Of the 81 respondents, nine (11%) said they were advised whether the terms of the Agreement were met, while 24 (30%) said they were not advised, eight (10%) were uncertain (40 victims did not respond). Of the nine respondents who were advised, seven were individual victims and two were corporate victims. And of the nine, one (1%) was a victim of a crime against the person and eight (10%) were victims of a property or other type of crime.

Family Violence

With respect to the nine cases involving family violence, four of the respondents in these cases said they were advised of the terms of the Alternative Measures Agreement, and two said they were told whether the terms were met (five did not respond).

9 As described in Section 3.6, 35 (43%) of the victims reported no contact with a Probation Officer and five were uncertain as to contact.
3.9 Victim Involvement in Meetings with Offender

**Do police officers seek interest from victims in participating in a facilitated meeting with the offender? If appropriate, do probation officers involve victims in an interview with the offender?**

**File Review**

Of the 508 relevant files, one file noted that police officer(s) had invited the victim to meet with the offender, although information was not provided on whether the victim had attended the meeting.

Fifty files (10%) noted that the probation officer had invited the victim to meet with the offender; while 11 files (2%) noted that the probation officer had not (information was missing in 447 files). Of the 50 victims invited to a meeting, 32 (64%) were individual victims and 18 (36%) were corporate victims. {A total of 61 (12%) of the files provided information on meetings: of these, 50 (82%) indicated the probation officer had invited the victim to meet with the offender (64% of victims of a crime against the person and 87% of victims of a property crime).}

Of the 50 victims who were invited to meet with the offender, 19 (38%) were invited by a probation officer in the Souris Probation Office, 17 (34%), in Montague; seven (14%), in Summerside; and seven (14%), in Charlottetown.

In 15 (3%) of the files, it was noted that the victim had attended a meeting with the offender and the probation officer, while 25 (5%) indicated the victim had not attended (information was missing in 468 files). {In total, 40 (8%) of the files provided information on meetings: of these, 15 (38%) indicated the victim had attended the meeting with the offender and the probation officer (25% of victims of a crime against the person and 41% of victims of a property crime).}

**Family Violence**

Six (13%) of the victims in the 43 cases involving family violence were invited by the probation officer to attend a meeting, while two (4%) were not invited (information was missing in 35 files). Two of the files indicated the victim(s) had attended the meeting.

**Survey of Victims: Alternative Measures**

Of the 81 victims surveyed, four (5%) said they were invited to participate in a meeting with the offender: three were invited by a probation officer and one was invited to a community justice forum by a police officer. The four respondents said they had attended the meetings. Two of the respondents said they had met once with the offenders and two had met twice. Of the six meetings in total, five were facilitated by a probation officer and one by the community justice forum facilitator.
The offences were assault in two of the cases, property damage in one case and theft in one case. Each of the four respondents were female. The relationship of victim to offender was that of parent in two cases and wife in one case, while the victim had no relationship or connection with the offender in one case.

All four of the respondents were satisfied with how the meeting had been conducted (three were very satisfied and one was satisfied), and all were satisfied with the outcome of the meeting (two were very satisfied and two were satisfied). One respondent commented on the meeting as follows: “It was good – the Probation Officer and Victims Services were very professional – held it together when things got difficult. They met us on an individual need – the human element as compared to policy.”

Of the 77 respondents who did not participate in a meeting with the offender, 26 (32%) said they would have wanted the opportunity, while 46 (56%) would not, and five (6%) were uncertain. Of the 23 respondents who were victims of a crime against the person, four (17%) wanted to meet with the offender. Of the 58 respondents who were victims of a property crime, 22 (38%) wanted to meet with the offender. The most frequently cited reasons for wanting to meet with the offender were to explain the victim’s perspective and to help the offender understand the impact on the victim. The most frequently cited reasons for not wanting to meet with the offender were that the victim preferred no contact, felt uncomfortable, saw no need or benefit to meeting, or feared retaliation on the part of the offender.

**Family Violence**

Three of the four cases where the respondent had participated in a meeting with the offender involved family violence: two cases of assault (one spousal assault) and one case of property damage. All three of these respondents were satisfied with how the meetings were conducted (two were very satisfied and one was satisfied), and all were satisfied with the outcome of the meetings (one was very satisfied and two were satisfied).

### 3.10 Community Justice Forums

| How many cases are assigned to a Community Justice Forum facilitator? |

**File Review**

The file review provided little information on community justice forums. Of the 508 relevant files, five (1%) indicated the victim had been invited to attend a forum and one indicated the victim had attended the forum.
Survey of Victims: Alternative Measures

Of the 81 victims surveyed, one (1%) reported being invited by a police officer to participate in a community justice forum. The offence in the case was theft, and the victim did not have any relationship or connection with the offender.

3.11 Comparison of Alternative Measures and Formal Legal Proceedings

How do Alternative Measures cases compare with those processed by formal legal proceedings with respect to victim involvement?

The results of the survey of 25 victims whose cases went by way of formal legal proceedings are as follows:

- 25 (100%) of the respondents reported contact by police after the incident. (In addition, 17 [68%] said someone else from justice had also contacted them.\(^\text{10}\).)
- 10 (40%) of the respondents said police had asked their views or concerns about the case, 14 (56%) said they had not asked, and one (4%) was uncertain.
- Of the 14 respondents who were not asked their views or concerns about the case, nine (64%) said they would have wanted to be asked.
- 15 (60%) of the respondents said the police officer(s) informed them of Victim Services.
- One respondent (4%) was asked about participating in a meeting with the offender.
- Of the 24 victims who were not asked about participating in a meeting with the offender, nine (38%) said they would have wanted an opportunity to meet with the offender, while 13 (52%) would not, and two were uncertain.

\(^\text{10}\) In fact, all of the victims were clients of Victim Services.
### Table 3.6 Comparison of victim involvement by criminal justice process

<table>
<thead>
<tr>
<th>Victim Involvement</th>
<th>Number and Percentage of Victims</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Case Processed by Alternative Measures</td>
<td>Case Processed by Formal Legal Proceedings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Police contacted victim after the incident</td>
<td>53</td>
<td>19</td>
<td>25</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>65%</td>
<td>24%</td>
<td>100%</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>Police asked victim’s views about the case</td>
<td>37</td>
<td>31</td>
<td>10</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>46%</td>
<td>38%</td>
<td>40%</td>
<td>56%</td>
<td></td>
</tr>
<tr>
<td>Police informed victim of Victim Services</td>
<td>11</td>
<td>60</td>
<td>15</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14%</td>
<td>74%</td>
<td>60%</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>Victim was invited by police to participate in meeting with offender</td>
<td>1</td>
<td>80</td>
<td>1</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1%</td>
<td>99%</td>
<td>4%</td>
<td>96%</td>
<td></td>
</tr>
<tr>
<td>Victim wanted opportunity to meet with offender</td>
<td>26</td>
<td>46</td>
<td>9</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>32%</td>
<td>56%</td>
<td>38%</td>
<td>52%</td>
<td></td>
</tr>
</tbody>
</table>

#### 3.12 Summary of Findings

The results of the study indicate at least three-quarters of victims, including victims of a crime against the person or a break and enter into a residence, are contacted by police after the incident. Less than half (44%) of the victims surveyed, however, recalled being advised of the referral to Alternative Measures and less than half (46%) recalled being asked their feelings or views about the referral.

The results of both the file review and victim survey suggest that victims are almost never asked about participating in a facilitated meeting with the offender. And few victims recall being informed by police of the Victim Services Program: 14% of all victims surveyed and 35% of victims of a crime against the person recalled being informed of Victim Services.

Information on police contact with Victim Services in files involving domestic violence was missing in more than half (56%) of the 43 relevant files. Where the information was provided, less than a third (30%) of the files indicated police contact with Victim Services after the incident.

As stated in the Policy and Procedures, contact and consultation with the victim(s) about the Alternative Measures Agreement being considered is at the discretion of the probation officer. The results of the victim survey found that approximately half (51%) of the victims recalled being contacted by the probation officer after the incident, and 16% recalled being asked their views about Alternative Measures.
The Policy and Procedures also states that involvement of the victim(s) in an interview with the offender and the probation officer is at the discretion of the probation officer. The results of the file review found that victims were invited to meet with the offender in 10% of cases, while the results of the victim survey found that victims were invited to meet with the offender in 5% of cases.

Although the Policy and Procedures states that victims are to be provided with copies of both the Alternative Measures Agreement and the Termination Summary, the results of the victim survey found that victims rarely recalled receiving copies of either. Approximately 22% of victims surveyed recalled receiving a copy of the Alternative Measures Agreement and 4%, a copy of the Termination Summary. And while 37% of victims reported being informed of the terms of the Alternative Measures Agreement, only 11% reported being informed of the results of the use of Alternative Measures.

The results of the victim survey and file review suggest that very few Alternative Measures cases were assigned to a community justice forum facilitator. However, information from police officers, probation officers and Crown attorneys suggest that community justice forums were held in the province, although the forums do not always follow the Provincial Policy and Procedures, and are therefore not included in Probation Services administrative files.
4.0 PRINCIPLES OF THE VICTIMS OF CRIME ACT

Does Alternative Measures practice adhere to the Principles of the Victims of Crime Act?

4.1 Research Questions

Are victims treated with courtesy and compassion and with respect for their dignity and privacy?

Do victims receive prompt and fair financial redress for the harm they have suffered?

Are victims informed of services including social, medical, legal and mental health assistance?

Are victims informed of the progress of the case and the ultimate disposition of the proceedings?

Do victims have their views and concerns considered?

Are victims and their families protected from intimidation, retaliation, and harassment?

Do victims have their stolen property returned to them as soon as possible after recovery by law enforcement authorities?

Do victims have the opportunity to prepare a Victim Impact Statement and have it considered?

Are victims informed about the offender’s status?

How do Alternative Measures cases compare with those processed by formal legal proceedings with respect to adhering to the Principles of the Victims of Crime Act?

To address each of these questions, respondents of the survey of victims were asked a number of related questions. This section summarizes the results of the questions\(^\text{11}\), as well as relevant information from the file review and interviews with probation officers.

\(^{11}\) Throughout this section of the report, when examining relationships between variables, only findings that are statistically significant at or beyond the \(p<.05\) level are discussed, unless otherwise noted.
4.2 Perceptions Regarding Treatment

Survey of Victims: Alternative Measures

To address this issue, respondents were asked several questions related to their level of satisfaction with the treatment they had received from both police officers and probation officers. Tables 4.1 and 4.2 present the responses to these questions. It should be noted that the majority of survey respondents did not have personal contact with a probation officer; therefore, the percentages are calculated on the number of respondents to each question.

The majority of respondents were satisfied with their treatment by both police and probation. As shown in Table 4.1, 80% of respondents were satisfied with being treated with courtesy by police officers, 69% with compassion, 78% with respect for their dignity, and 83% with respect for their privacy.

The relationship between respondents’ opinion of their treatment and type of offence was investigated. The results indicated that respondents who were victims of a crime against the person were significantly less likely to be satisfied with their treatment by police on each item (i.e., courtesy, compassion, respect for dignity, respect for privacy) than were respondents who were victims of property and other types of crime (p < .05).

As shown in Table 4.2, 79% of respondents were satisfied with being treated with courtesy by probation officers, 71% with compassion, 83% with respect for their dignity, and 88% with respect for their privacy. No significant differences were observed with respect to the type of crime.

Family Violence

With respect to the nine respondents who were victims of family violence:

- Six respondents were very satisfied, one was dissatisfied, and two were very dissatisfied with being treated with courtesy and compassion by the police.

- Six respondents were very satisfied, one was satisfied, one was dissatisfied, and two were very dissatisfied with being treated with dignity by the police.

- Four respondents were very satisfied; two, satisfied; one, dissatisfied; and one, very dissatisfied with being treated with respect for their dignity by the police.

- One respondent was very satisfied and two were satisfied with being treated with courtesy, compassion, respect for their dignity and respect for their privacy by the probation officers (six victims did not respond).

Table 4.1 Victims’ Satisfaction with Treatment by Police Officers
<table>
<thead>
<tr>
<th>Rating by Victims</th>
<th>Treatment by Police Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treated with courtesy</td>
</tr>
<tr>
<td></td>
<td>No.</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>43</td>
</tr>
<tr>
<td>Satisfied</td>
<td>19</td>
</tr>
<tr>
<td>Dissatisfied</td>
<td>6</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>9</td>
</tr>
<tr>
<td>Uncertain</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>78</td>
</tr>
<tr>
<td>Missing</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 4.2   Victims’ Satisfaction with Treatment by Probation Officers

<table>
<thead>
<tr>
<th>Rating by Victims</th>
<th>Treatment by Probation Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Treated with courtesy</td>
</tr>
<tr>
<td></td>
<td>No.</td>
</tr>
<tr>
<td>Very satisfied</td>
<td>13</td>
</tr>
<tr>
<td>Satisfied</td>
<td>13</td>
</tr>
<tr>
<td>Dissatisfied</td>
<td>3</td>
</tr>
<tr>
<td>Very dissatisfied</td>
<td>1</td>
</tr>
<tr>
<td>Uncertain</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>33</td>
</tr>
<tr>
<td>Missing</td>
<td>48</td>
</tr>
</tbody>
</table>
4.3 Perceptions Regarding Redress for Harm Suffered

Do victims receive prompt and fair financial redress for the harm they have suffered?

Survey of Victims: Alternative Measures

Respondents were asked two questions regarding their level of satisfaction with compensation for financial loss. Of the respondents, 45% were satisfied with the promptness of compensation for financial loss and 52% were satisfied with its fairness. Of the 47 respondents who rated their satisfaction with promptness of compensation for financial loss, 13 (28%) were very satisfied; eight (17%), satisfied; 14 (30%), dissatisfied; 11 (23%), very dissatisfied; one (2%), uncertain. Of the 48 respondents who rated their satisfaction with fairness, 14 (29%) were very satisfied; 11 (23%), satisfied; eight (17%), dissatisfied; 12 (25%), very dissatisfied; three (6%), uncertain.

4.4 Perceptions Regarding Information on Services

Are victims informed of services including social, medical, legal and mental health assistance?

Survey of Victims: Alternative Measures

Respondents were asked whether they were informed of services after the incident. Five (6%) of the respondents, of whom all were victims of a crime against the person, said they were informed of services. Two victims each said they were informed of one service, one victim of two services, and two victims of three services. The services included counselling services (4 respondents), medical services (2), the PEI Department of Health and Social Services (2), and legal services (2). Sources of information about services included the police (2), Victim Services staff (2), staff of Transition House Association (2), staff of Turning Point (2), and probation (2).

4.5 Perceptions Regarding Information on Case

Are victims informed of the progress of the case and the ultimate disposition of the proceedings?

Survey of Victims: Alternative Measures

Respondents were asked two questions concerning their level of satisfaction with being informed of the progress of the case. With respect to police, 35% of respondents were satisfied with being informed of the progress of the case, while 36% were dissatisfied (27% did not respond). With respect to probation, 18% were satisfied with being informed, while 18% were dissatisfied (64% did not respond).
Of the 81 victims surveyed, 13 (16%) were very satisfied with being informed of the progress of the case by police; 15 (19%), satisfied; 16 (20%), dissatisfied; 13 (16%), very dissatisfied; 2 (3%), uncertain (22 did not respond). The relationship between respondents’ satisfaction and type of offence was investigated. The results indicated that respondents who were victims of a crime against the person (13% were satisfied) were significantly less likely to be satisfied than were respondents who were victims of property and other types of crime (43% were satisfied) \(p < .05\).

Of the 81 victims surveyed, 2 (3%) were very satisfied with being informed of the progress of the case by probation; 12 (15%), satisfied; 10 (12%), dissatisfied; 5 (6%), very dissatisfied (52 (64%) did not respond).

Typical comments of respondents included the following:

“Once the Police had the accused and evidence they needed – I have no idea what happened after that, other than a letter of apology. It would have been nice to know the action they decided upon.”

“The way we were not informed – we had to call the [police] about what was going on. No one informed us of anything. It is a big farce. What alternative measures is supposed to do is a good thing, but if victims have no idea of alternative measures, how do you know it worked?”

As noted in Section 3.8, nine (11%) of survey respondents said they were advised whether the terms of the Alternative Measures Agreement were met, while 24 (30%) said they were not advised, and eight (10%) were uncertain (40 victims did not respond).

4.6 Perceptions Regarding Consideration of Views and Concerns

Survey respondents were asked two questions regarding their level of satisfaction with consideration of their views and concerns. With respect to consideration of their views and concerns, 69% of respondents were satisfied and 24% were dissatisfied with police (5% did not respond); and 27% were satisfied and 9% were dissatisfied with probation (3% were uncertain and 62% did not respond).

The relationship between respondents’ satisfaction and the type of offence was investigated. The results indicated that respondents who were victims of a crime against the person were significantly less likely to be satisfied with consideration of their views and wishes by police than were respondents who were victims of property and other types of crime \(p<.001\). A significant difference was not obtained between satisfaction with probation and the type of offence.

Family Violence
Of the nine respondents who were victims of family violence, five were satisfied and four were dissatisfied with how police had considered their views and concerns.

4.7 Perceptions Regarding Protection

**Are victims and their families protected from intimidation, retaliation, and harassment?**

Survey of Victims: Alternative Measures

Forty-six victims rated their level of satisfaction with being protected from intimidation, retaliation and harassment. Of these, 63% were satisfied, while 35% were dissatisfied and 2% were uncertain.

The relationship between respondents’ satisfaction with protection and type of offence was investigated. The results indicated that respondents who were victims of a crime against the person were significantly less likely to be satisfied with protection than were respondents who were victims of property or other type of crime (p<.05).

Family Violence

Of the nine respondents who were victims of family violence, four were satisfied with being protected and five were dissatisfied.

4.8 Return of Stolen Property

**Do victims have their stolen property returned to them as soon as possible after recovery by law enforcement authorities?**

File Review

The results of the file review found that, of 281 files that involved stolen property, 116 (41%) indicated property had been returned to the victims, while 16 (6%) indicated it had not been returned (information was missing in 149 files). {In total, 132 (47%) of the files provided information: of these, 116 (88%) indicated the stolen property had been returned.}

Survey of Victims: Alternative Measures

When asked whether stolen property had been returned, 35 of the victims surveyed responded. Of these, 25 (77%) said it had been returned: 18 (51%) said all or most of the property had been returned and nine (26%) said some had, while eight (23%) said none had.

Of the 35 victims reporting stolen property, 21 (60%) were satisfied with how long it took for stolen property to be returned: 14 (40%) were very satisfied; seven (20%), satisfied; one (3%), dissatisfied; four (11%), very dissatisfied (9 did not respond).
4.9 Preparation of Victim Impact Statements

Do victims have the opportunity to prepare a Victim Impact Statement and have it considered?

File Review

The results of the file review found that, of the 508 relevant files, 66 (13%) indicated that the victim had been informed of Victim Impact Statements, while three (1%) indicated the victim had not been informed (information was missing in 440 files). Of the 66 victims informed about Statements, 16 were victims of a crime against the person and 50 were victims of a property crime.

Six (1%) of the files indicated the victim had completed a Victim Impact Statement, while 22 (4%) indicated the victim had not (information was missing in 481 files). Of the six victims completing a Statement, four were victims of a crime against the person and two were victims of a property crime.

Survey ofVictims: Alternative Measures

As noted in Section 2.4 of this report, 21 (26%) of the respondents said they were informed of Victim Services at the time of the incident (35% of victims of a crime against the person and 22% of victims of other types of crime), while 50 (62%) said they were not informed and 10 (12%) were uncertain. When asked who informed them of Victim Services, 11 (14%) of the victims cited a police officer, one (1%) a probation officer, and eight (10%) another source, including a friend, Turning Point, a social worker, and an adult protection worker.

Twelve (15%) of the respondents said they had contact with Victim Services after the incident (22% of victims of a crime against the person and 12% of victims of other types of crime), while 62 (77%) said they had no contact and seven (9%) were uncertain. Three of the nine respondents who were victims of family violence said they had contact with Victim Services after the incident.

Six (7%) of the respondents (three victims of a crime against the person and three victims of other types of crime) said they had completed a Victim Impact Statement, while six said they had not, and one respondent was uncertain. Two of the nine respondents who were victims of family violence said they had completed a Statement.
Interviews with Probation Officers

Of the 17 probation officers interviewed, three (18%) reported referring victims to Victim Services all or most of the time, while one (6%) rarely referred and 12 (71%) never referred (one person did not respond).

Twelve of the probation officers explained why they did not refer victims to Victim Services more often. Eight respondents said the Crown Brief usually indicated that the victim had been referred to Victim Services by a police officer. Five respondents said a referral was often not appropriate either for the type of offence (i.e., minor or victimless) or for the type of victim (i.e., corporate). One respondent explained that, in one case the client was too young and was already seeing a counsellor.

When asked what types of cases they typically referred to Victim Services, three of the respondents cited cases involving spousal abuse or assault.

Six respondents (36%) said Victim Impact Statements were considered (three said most of the time and three said some of the time), while nine (53%) said the statements were never considered (one person was uncertain and one did not respond).

Seven of the respondents explained why Victim Impact Statements were not considered more often. Four respondents said the statements were not included in the file or Crown Brief. One of these respondents further explained that they did not have access to the statement unless there had been a guilty plea in Court. One respondent said the statements were not necessary because the probation officer had already communicated directly with the victim. Another respondent said there were no statements in the file because victims seldom followed up on the referral to Victim Services.

Of the 17 probation officers interviewed, 10 (59%) said Victim Impact Statements would be useful in Alternative Measures cases, while three (18%) said the statements would not be useful and two (12%) were uncertain (2 officers did not respond).

4.10 Perceptions Regarding Advisement of Offender Status

Survey of Victims: Alternative Measures

As noted in Section 3.8 of this report, 30 (37%) of the respondents said they were advised of the conditions of the Alternative Measures Agreement (48% of victims of a crime against the person and 33% of victims of other crimes), and nine (11%) said they were advised whether the terms of the Agreement were met.
4.11 Comparison of Alternative Measures and Formal Legal Proceedings

Survey of Victims: Formal Legal Proceedings

The results of the survey of 25 victims whose cases went by way of formal legal proceedings are as follows (Table 3.3):

- 23 (92%) of the respondents were satisfied with being treated with courtesy by the police officer(s): 19 (76%) were very satisfied; four (16%), somewhat satisfied; and two (8%), very dissatisfied.

- 23 (92%) of the respondents were satisfied with being treated with compassion by the police officer(s): 15 (64%) were very satisfied; eight (32%), somewhat satisfied; one (4%), dissatisfied; and one (4%), very dissatisfied.

- 23 (92%) of the respondents were satisfied with being treated with dignity by the police officer(s): 16 (64%) were very satisfied; seven (28%), somewhat satisfied; one (4%), dissatisfied; and one (4%), very dissatisfied.

- 24 (96%) of the respondents were satisfied with having their privacy respected by the police officer(s): 20 (80%) were very satisfied; four (16%), somewhat satisfied; and one (4%), dissatisfied.

- Of the 20 respondents who reported financial loss associated with the incident, four (21%) were satisfied and 14 (74%) were dissatisfied with being promptly compensated; and three (17%) were satisfied and 14 (78%) were dissatisfied with being fairly compensated.

- Six (24%) of the respondents said they had been referred to one or more services. Four of the victims said they had been referred to counselling services (four by Victim Services and one by police) and one had been referred to medical services by police.

- 17 (68%) of the respondents said they were informed of the progress of the case, while eight (32%) said they were not informed. Of the eight respondents who were not informed, six (75%) said they would have wanted to know the progress of the case.

- 16 (64%) of the respondents were satisfied with being informed of the progress of the case: 12 (48%) were very satisfied; four (16%), satisfied; three (12%), dissatisfied; and five (20%), very dissatisfied.

- 22 (88%) of the respondents said they were informed of the outcome of the case,
while three (12%) said they were not informed. Of the three who were not informed, all said they would have wanted to know the outcome.

- 10 (40%) of the respondents said they had been asked their views or concerns about the case by a police officer, while 14 (56%) said they had not been asked, and one (4%) was uncertain.

- 19 (76%) of the respondents were satisfied with how their views, wishes and concerns were considered by the police officer(s): 12 (48%) were very satisfied; seven (28%), satisfied; four (16%), dissatisfied; and two (8%), uncertain.

- two (8%) of the victims said they felt intimidated or harassed by the offender after the incident. Of these, one victim was satisfied with being protected from intimidation, retaliation and harassment and one was very dissatisfied.

- Of the 17 respondents (68%) who had property stolen, nine (53%) said the stolen property had been returned. Of the nine respondents whose property was returned, six (67%) were satisfied and three (33%) dissatisfied with how long it took.

- 17 (68%) of the respondents said they were informed of Victim Services at the time of the incident (one respondent was uncertain), of whom 15 (60%) were informed by police.

- 20 (80%) of the respondents reported contact with Victim Services\(^\text{12}\) and 15 (60%) reported having completed a Victim Impact Statement. Of the 15 respondents, seven (28%) said the Statement had been considered.

- 22 (88%) of the respondents said they were informed of the outcome of the case, while three (12%) said they were not informed. Of the three respondents who were not informed, all said they would have wanted to know the outcome.

\(^{12}\) In fact, all of the respondents were clients of Victim Services.
Table 4.3 Comparison of victim satisfaction by criminal justice process

<table>
<thead>
<tr>
<th>Victim Satisfaction</th>
<th>Number and Percentage of Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Case Processed by Alternative Measures</td>
</tr>
<tr>
<td></td>
<td>Satisfied</td>
</tr>
<tr>
<td>Treated with courtesy by police</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>80%</td>
</tr>
<tr>
<td>Treated with compassion by police</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>69%</td>
</tr>
<tr>
<td>Treated with respect for their dignity by police</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>78%</td>
</tr>
<tr>
<td>Treated with respect for their privacy by police</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>83%</td>
</tr>
<tr>
<td>Promptness of compensation for financial loss</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>45%</td>
</tr>
<tr>
<td>Fairness of compensation for financial loss</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>52%</td>
</tr>
<tr>
<td>Informed of progress of case by police</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>35%</td>
</tr>
<tr>
<td>Views and concerns were considered by police</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>69%</td>
</tr>
<tr>
<td>Protection from intimidation, retaliation and harassment</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>63%</td>
</tr>
<tr>
<td>How long it took to have stolen property returned</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>60%</td>
</tr>
</tbody>
</table>
4.12 Summary of Findings

The results of the research suggest that the Principles of the Victims of Crime Act are being followed in the majority of cases with respect to the following: victims are treated with courtesy and compassion and with respect for their dignity and privacy; victims receive prompt and fair financial redress for the harm they have suffered; victims have their views and concerns considered by the police; victims and their families are protected from intimidation, retaliation, and harassment; and victims have their stolen property returned to them as soon as possible. However, the Principles are not being followed in the majority of cases with respect to the following: victims are informed of services; victims are informed of the progress of the case and the ultimate disposition of the proceedings; victims have the opportunity to prepare a Victim Impact Statement and have it considered; and victims are informed of the offender’s status.

The results found that victims who were interviewed for the study were highly satisfied with their treatment by both police and probation. However, victims of a crime against the person were less likely to be satisfied with their treatment by police than were victims of property and other types of crime.

With respect to being informed of the progress of the case, slightly more than a third (35%) of victims were satisfied with police and less than a fifth (18%) with probation. And only one in 10 victims were told whether the terms of the Alternative Measures Agreement was met.

With respect to victim satisfaction with having their views and concerns considered, slightly more than two thirds (69%) were satisfied with police and more than a quarter (27%) were satisfied with probation. With respect to being informed of the offender’s status, more than a third (37%) of victims said they were advised of the conditions of the Alternative Measures Agreement, and 11% said they were advised whether the terms of the Agreement were met.

More than three quarters (77%) of victims surveyed had at least a portion of their stolen property returned and approximately 60% were satisfied with how long this took. Approximately half of the victims surveyed were satisfied with both the promptness and fairness of compensation for financial loss.

The majority of victims interviewed for the study were satisfied with protection from intimidation, retaliation and harassment. However, victims of a crime against the person were less likely to be satisfied with protection than were victims of a property or other type of crime.

The results of the victim survey suggest that victims are rarely informed of services in Alternative Measures cases. The results also found that victims seldom prepare a Victim Impact Statement. And although slightly more than a quarter of victims surveyed (26%) reported being informed of Victim Services at the time of the incident, only 15% had contact and 7% said they had completed a Victim Impact Statement.
5.0 VICTIM SATISFACTION WITH ALTERNATIVE MEASURES

To what extent are victims satisfied with the process and outcome of Alternative Measures?

5.1 Research Questions

Are victims satisfied with the process of Alternative Measures?

Are victims satisfied with the outcome of Alternative Measures?

Do victims prefer Alternative Measures or formal legal proceedings?

How do Alternative Measures cases compare with those processed by formal legal proceedings with respect to victim satisfaction?

To address each of these questions, respondents of the victim survey were asked a number of related questions. This section summarizes the results of the questions in terms of basic prevalence rates, as well as their relationship to selected variables.

5.2 Victim Satisfaction with Process of Alternative Measures

Survey of Victims: Alternative Measures

Respondents were asked several questions concerning their level of satisfaction with the Alternative Measures process. These questions included how satisfied they were with the process in general and with the handling of their case by both police and probation. In addition, they were asked what they liked and disliked about the handling of the case in general, by police and by probation.

Alternative Measures Process

More than half of respondents (56%) were satisfied with the process of Alternative Measures, while 44% were dissatisfied. Of the 86 respondents, 16 (19%) were very satisfied with the process; 32 (37%), satisfied; 11 (12%), dissatisfied; 19 (22%), very dissatisfied; 6 (7%), uncertain (2 did not respond). No significant differences were observed with respect to the type of offence. Of the nine victims of family violence, four (44%) were satisfied with how the case was handled (two very satisfied and two satisfied), while five (56%) were dissatisfied (three dissatisfied and two very dissatisfied).

13 Throughout this section, when examining relationships between variables, only findings that are statistically significant at or beyond the p<.05 level are discussed, unless otherwise noted.
When respondents were asked what they liked about how their case was handled, 63 cited the following:

- Case handling by police (i.e., police were professional, excellent, compassionate, took victim seriously, kept victim informed) ........................................ 22 respondents
- Efficient/prompt handling of case .......................................................... 10
- Case management by probation ............................................................... 9
- Appropriate/effective handling of case through Alternative Measures ........ 9
- Recovery of stolen property/money ............................................................ 6
- Lack of criminal record for offender ......................................................... 5
- Offender’s apology to victim ....................................................................... 5
- Offender’s realization of impact of offence on victim .................................. 5
- Action taken on case .................................................................................. 4
- Involvement of Victim Services .................................................................... 4
- Charges laid .................................................................................................. 2
- Opportunity to meet with the offender ......................................................... 2
- Discreet handling of case ............................................................................. 2

In addition, one respondent each liked that the offender had completed community service work, that the offender had left the victim alone, and that the victim and victim’s family had been referred to counselling.

When respondents were asked what they disliked about how their case was handled, six respondents said there was nothing they disliked, and 68 cited the following:

- Lack of information/involvement/input of victim ....................................... 30 respondents
- Lack of reparations/follow through by offender .......................................... 8
- Inappropriate response for seriousness of offence .................................... 6
- Delay in processing case ............................................................................ 5
- Lack of awareness/information about Alternative Measures ...................... 4
- Ineffectiveness of Alternative Measures .................................................... 4
- Insufficient penalty .................................................................................... 4
- Everything .................................................................................................. 3
- Lack of information about identity of offender(s) ....................................... 2

In addition, one respondent each disliked the following: lack of follow up on conditions; lack of counselling for offender; lack of opportunity to meet with the offender; insincere apology from the offender; the need for the victim to be assertive in getting information about the case; feeling disregarded by police; and the requirement to collect stolen property at Probation Services. One respondent complained of being forbidden to attend a meeting between the child victim, police and social workers, and another respondent complained about the accused being given a choice. One respondent who was a victim of family violence complained about the lack of support for victims. A representative of a large business disliked the lack of “absolute criteria before Alternative Measures is given.” One respondent who had participated in a community justice forum complained about the lack of information about the forum, and suggested that information packages be distributed to participants in advance of the forum.

Police Handling of Case
More than twice as many respondents (51%) were satisfied as were dissatisfied (22%) with police handling of the case. Of the 81 respondents, 18 (22%) were very satisfied; 23 (28%), satisfied; nine (11%), dissatisfied; and nine (11%), very dissatisfied (22 did not respond).

The relationship between respondents' opinion of police handling of the case and the type of offence was investigated. The results indicated that respondents who were victims of a crime against the person were significantly less likely to be satisfied than were respondents who were victims of a property or other type of crime (p value = .04).

When survey participants were asked for comments regarding police handling of the case, 53 responded, of whom 28 (53%) had positive comments, five (9%) had neutral or mixed comments, and 20 (38%) had negative comments.

Positive comments with respect to police handling of the case were as follows: the case was handled effectively (17 respondents); the police kept the victim informed (5); the police were responsive toward the victim (3); stolen property was recovered (3); the police respected the victim's input (2); the police followed up on the case (1); the case was handled discreetly (1). One victim said, “I thought they were very considerate. They kept me informed. The Constable was terrific at keeping me up to date and even afterwards asked if I was satisfied with the outcome.”

Mixed or neutral comments about police handling of the case included: the police did not maintain communication with the victim after initial contact (3 respondents); the police failed to act on the victim's recommendations (1); the conditions were too lenient (1).

Negative comments regarding police handling of the case were as follows: the police failed to investigate thoroughly (8 respondents); the victim was not contacted or kept informed (6); the processing of the case was delayed (4); Alternative Measures was not appropriate for the seriousness of the offence (3); the police officer(s) did not appear to care about the victim (1). One respondent said, “They don’t involve victims and if they do involve them, they don’t listen to what they say. Would I go through this process again? Probably not! A total waste of my time, effort and energy.”

Probation Handling of Case

Twice as many respondents (24%) were satisfied with probation handling of the case as were dissatisfied (12%). Of the 81 respondents, three (4%) were very satisfied; 16 (20%), satisfied; six (7%), dissatisfied; and four (5%), very dissatisfied (52 [64%] did not respond). When respondents were asked for comments about probation handling of the case, 29 responded, of whom 11 (28%) had positive comments, two (7%) had mixed or neutral comments, and 16 (55%) had negative comments.

Positive comments about probation handling of the case included: case was handled effectively or appropriately (7 respondents); victim had received a letter of apology from the offender (4); victim was kept informed (4); probation officer was pleasant (1).
respondent, who was a representative of a large business, said, “Probation always sends me a letter with the conditions and a written letter of apology from the offender.” Another respondent said, “The Probation Officer...contacted me immediately and gave me the date he/she was meeting with [offender].”

Mixed comments about probation handling of the case were as follows: no concerns about this case, but had concerns with other cases (1 respondent); satisfied with handling of case, but dissatisfied with not knowing whether the offender had completed the conditions (1).

Negative comments about probation handling of the case included: the victim was not contacted or kept informed (4 respondents); the victim was not informed of the outcome (4); the victim did not receive restitution (3); the victim did not receive a letter of apology (2); the case was not handled well (1); the process was delayed (1); Alternative Measures was inappropriate for the seriousness of offence (1); the conditions were insufficient for the seriousness of the offence (1). “I never wanted the matter to go to Alternative Measures”, one respondent explained, “I was told by police they didn’t want to charge one [offender] because he was from a good family. The probation officer decided on the punishment – to write a letter and give me back $100. I was furious because I thought the punishment should have been greater.”

5.3 Victim Satisfaction with Outcome of Alternative Measures

Are victims satisfied with the outcome of Alternative Measures?

Survey of Victims: Alternative Measures

Respondents were asked a number of questions concerning their level of satisfaction with the outcome of Alternative Measures. These questions included how satisfied they were with the outcome in general, the appropriateness of the penalty, and the sufficiency of the penalty in deterring further crime. In addition, they were asked their opinion of whether the offender had taken responsibility for the offence and whether justice had been served in their case.

Perceptions of Outcome of Alternative Measures

Almost twice as many respondents were satisfied with the outcome of Alternative Measures (58%) as were dissatisfied (34%). Of the 86 victims interviewed for the study, 18 (21%) were very satisfied with the outcome; 32 (37%), satisfied; 15 (17%), dissatisfied; 15 (17%), very dissatisfied; six (7%), uncertain.
One respondent said, “I think Alternative Measures is a good program. I believe the young offender was a student. Sometimes people do stupid things. A criminal record could have hurt in getting a job in the future. This is the best way to go. Everyone came out satisfied, I think.”

The relationship between respondents’ opinion of the outcome and a number of variables was investigated. The results indicate that, compared to victims of property and other type of crime, victims of a crime against the person were significantly less satisfied with the outcome (26% versus 70%) (p value = .001).

Respondents’ satisfaction with the outcome also varied significantly by year of offence: 78% of victims of offences occurring in 2001 were satisfied, compared to 41% in 1999, and 46% in 2000 (p value = .01).

Of the nine victims of family violence, four (44%) were satisfied with the outcome (three very satisfied and one satisfied), while five (56%) were dissatisfied (three dissatisfied and two very dissatisfied).

**Perceptions of Appropriateness of Penalty**

The majority of respondents (61%) indicated the penalty was appropriate for the offence. Of the 81 respondents, 15 (17%) rated the penalty appropriate to a great extent; 38 (44%), to some extent; 28 (33%), not appropriate; while five (6%) were uncertain. One victim commented on why the penalty was appropriate, “He was made to pay damages. He was just a kid, impaired – drinking under age. Basically, I wanted to give him a break.”

When respondents were asked why they considered the penalty inappropriate for the offence, 28 responded as follows: penalty was insufficient for offence/offender should have been charged (16 respondents); offender had committed previous offences (7); victim was not informed of the outcome (5); offender had continued to re-offend (2); offender was not compliant with restitution (1); offender was not remorseful (1).

Of the nine victims of family violence, four (44%) rated the penalty as appropriate for the offence (two to a great extent and two to some extent), while five (56%) rated the penalty as not appropriate.

**Perceptions of Sufficiency of Penalty to Deter Further Offences**

Slightly less than half (46%) of the respondents indicated the penalty was sufficient to deter further offences by the offender: 13 (15%) rated the penalty as sufficient to a great extent; 27 (31%), to some extent; 32 (37%), not sufficient; while 14 (16%) were uncertain. One respondent who said the penalty was sufficient explained as follows: “There hasn’t been a repeat of the offence. [Offender] was in here since and seemed more respectful. I was impressed with the apology letter I received. It seemed to be sincere and the responsible thing to do.”
Respondents were asked why they felt the penalty was insufficient to deter further offences, and 32 responded as follows: penalty was too lenient (11); offender had committed subsequent offences (9); offender had committed prior offences (4); offender had disregarded the stay away condition (1); offender had blamed the victim (1); offender had lied to the police officer (1).

Of the nine respondents who were victims of family violence, three (33%) rated the penalty as sufficient (to a great extent) to deter further offences, while six (67%) rated the penalty as not sufficient.

Perceptions of Offender Taking Responsibility for Offence

Slightly more than half (52%) of the 86 respondents said the offender had taken responsibility for the offence: 16 (19%) said to a great extent; 28 (33%), to some extent; 26 (30%), had not taken responsibility; 16 (19%), uncertain.

The relationship between respondents' opinion and the type of offence was investigated. The results indicated that, compared to victims of property and other types of crime, victims of a crime against the person were significantly less likely to say the offender had taken responsibility (30% versus 59%) (p value = .04).

Respondents were asked why they felt the offender had not taken responsibility for the offence and 26 responded. Seven respondents said the offender was not remorseful. Six respondents complained that the offender had not fulfilled the conditions and six that the offender had not accepted responsibility. Two respondents said the offender had a “bad attitude”, and two respondents said the offender had written a meaningless apology letter. One respondent each said that nothing had been resolved, that the offender had continued to threaten the victim, or that the offender had re-offended.

Of the nine victims of family violence, five (56%) said the offender had taken responsibility (three to a great extent and two to some extent, while four (44%) said the offender had not.

Perceptions of Whether Justice Was Served

When the respondents were asked whether justice had been served in their case, the majority (70%) said they felt it had. Of the 81 respondents, 20 (25%) said justice had been served to a great extent; 37 (46%), to some extent; 20 (25%), not served; four (5%), uncertain.

The relationship between respondents' opinion of the whether justice was served and a number of variables was investigated. No significant difference was obtained for type or year of the offence. With respect to gender, the results indicated that female respondents (83%) were significantly more likely to say justice had been served in their case than were male respondents (55%) (p value = .02).
Four respondents explained why justice had been served to some extent. One respondent each said that the offender had not taken responsibility for incident, that the victim was unaware of the amount of money stolen, that the penalty was an insufficient deterrent, and that the conditions were not fully completed.

Twenty respondents explained why they felt justice had not been served in their case. Six respondents said the punishment was insufficient for the offence. Two respondents each explained that the victim had to pay for the offence, the offender continued to re-offend, or the victim was not informed of the outcome. One victim each said the offender did not admit to the crime, the duration of Alternative Measures was too short to be effective, the wrong person was accused, the conditions of the agreement were not completed, the police had not responded, and the victim felt re-victimized by the police.

Of the nine victims of family violence, six (66%) said justice had been served in their case (two to a great extent and four to some extent), while three (33%) said it had not.

5.4 Preferred Legal Process

<table>
<thead>
<tr>
<th>Do victims prefer Alternative Measures or formal legal proceedings?</th>
</tr>
</thead>
</table>

Survey of Victims: Alternative Measures

Respondents were asked whether they preferred their case had been handled by Alternative Measures, formal legal proceedings, or some other process, as well as the reason for their preference. Of the 86 victims interviewed for the study, 54 (63%) said they preferred Alternative Measures, 21 (24%) formal legal proceedings, and 10 (12%) another process. As shown in Table 5.1, more than a third (38%) of small businesses preferred Alternative Measures, compared to 100% of institutions, 64% of individuals, and 60% of large businesses.

Table 5.1 Preferred process of handling case by type of victim

<table>
<thead>
<tr>
<th>Preferred process of handling case</th>
<th>Total No. %</th>
<th>Individual No. %</th>
<th>Small Business No. %</th>
<th>Large Business No. %</th>
<th>Institution No. %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Measures</td>
<td>54 63%</td>
<td>37 64%</td>
<td>3 38%</td>
<td>9 60%</td>
<td>5 100%</td>
</tr>
<tr>
<td>Court or formal legal proceedings</td>
<td>21 24%</td>
<td>15 26%</td>
<td>3 38%</td>
<td>3 20%</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>10 12%</td>
<td>6 10%</td>
<td>2 25%</td>
<td>2 13%</td>
<td>0</td>
</tr>
<tr>
<td>Missing</td>
<td>1 1%</td>
<td>0</td>
<td>0</td>
<td>1 7%</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>86 100%</td>
<td>58 100%</td>
<td>8 100%</td>
<td>14 100%</td>
<td>5 100%</td>
</tr>
</tbody>
</table>

The relationship between respondents’ preference and a number of variables was
investigated. No significant differences were obtained for type of crime or year of the offence. With respect to gender, the results indicated that female respondents were significantly more likely to prefer Alternative Measures (77%) than were male respondents (53%) (p value = .04).

Respondents who preferred Alternative measures were asked why, and 53 responded as follows:

- Alternative Measures was more appropriate for offence .............. 20 respondents
- Alternative Measures gave young offenders a break/second chance ........ 12
- Alternative Measures made offenders accountable/deterred ............... 9
- Alternative Measures saved Court time and money .......................... 6
- Victim avoided going to Court .................................................... 4
- Offender avoided criminal record ................................................. 4
- Alternative Measures provided supports for offender ....................... 2
- Alternative Measures ensured case had lower profile ...................... 1
- Victim had been compensated ................................................... 1
- Alternative Measures was more efficient ......................................... 1

One respondent explained: “I believe people need to be held accountable and he was. It wasn’t really serious. There is no need to crucify and ruin the rest of their lives. A lot of cases are first offenders. It does teach them a lesson without a large black mark on their life.”

Eighteen respondents explained their preference for formal legal proceedings as follows:

- Offender would be held more accountable ....................................... 6 respondents
- Court would be more effective than Alternative Measures .................. 5
- Offence would be taken more seriously ........................................... 3
- Public would be aware of offender and offence ................................. 3
- Penalty would be more severe .......................................................... 2
- Justice would be served ................................................................. 2
- Judge would be involved .............................................................. 2
- Victim would know outcome of case ................................................. 1
- Offender had committed previous offences ...................................... 1
- Alternative Measures was not appropriate for seriousness of damage ...... 1

Eight victims explained their preference for having their case handled by another method. Two victims preferred no action, other than having the details of the offence on file. Two victims preferred a method that would ensure remorse or accountability of the offender. One victim preferred placing the offender under a doctor’s care, and another victim explained that the method would depend on the offender’s age, the offence, and whether it was a first offence.

Of the nine victims of family violence, five (56%) preferred Alternative Measures, three (33%) preferred formal legal proceedings, and one (11%) another method.

5.5 Comparison of Alternative Measures and Formal Legal Proceedings
How do Alternative Measures cases compare with those processed by formal legal proceedings with respect to victim satisfaction?

Survey of Victims: Formal Legal Proceedings

The results of the survey of 25 victims whose cases were processed by way of formal legal proceedings are as follows:

- 36% of the respondents were satisfied and 60% dissatisfied with the process of handling the case: five (20%), very satisfied; four (16%), satisfied; six (24%), dissatisfied; nine (36%), very dissatisfied; and one (4%), uncertain.

- 36% of the respondents were satisfied and 60% dissatisfied with the outcome of the case: five (20%), very satisfied; four (16%), satisfied; six (24%), dissatisfied; nine (36%), very dissatisfied; and one (4%), uncertain.

- 40% of the respondents considered the penalty appropriate for the offence: three (12%), to a great extent; seven (28%), to some extent; seven (28%), inappropriate; eight (32%), uncertain.

- 24% of the respondents considered the penalty sufficient to deter further offences: two (8%), to a great extent; four (16%), to some extent; 12 (48%), not sufficient; seven (28%), uncertain.

- 28% of the respondents said the offender had taken responsibility for the offence: three (12%), to a great extent; four (16%) to some extent; while 15 (60%) said the offender had not taken responsibility; and five (20%) were uncertain.

- 44% of the respondents said justice had been served in their case: three (12%), to a great extent; eight (32%), to some extent; 11 (44%), not served; three (12%), uncertain.

- 14 (56%) of the respondents said they had heard of Alternative Measures, while 10 (40%) said they had not, and one (4%) was uncertain. After Alternative Measures was explained to them, nine (36%) of the respondents said they preferred that their case had been handled by formal legal proceedings; eight (32%) by Alternative Measures; and three (12%) by another method (five were uncertain).
Compared to respondents whose cases were processed by formal legal proceedings, a larger percentage of respondents whose cases were processed by Alternative Measures were satisfied with both the process and outcome (Table 5.2).

Table 5.2 Comparison of satisfaction with process and outcome by legal process

<table>
<thead>
<tr>
<th>Victim Satisfaction</th>
<th>Number and Percentage of Victims</th>
<th>Case Processed by Alternative Measures</th>
<th>Case Processed by Formal Legal Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Satisfied</td>
<td>Dissatisfied</td>
<td>Satisfied</td>
</tr>
<tr>
<td>Victim satisfaction with process</td>
<td>48</td>
<td>30</td>
<td>9</td>
</tr>
<tr>
<td>(57%)</td>
<td>(36%)</td>
<td></td>
<td>(36%)</td>
</tr>
<tr>
<td>Victim satisfaction with outcome</td>
<td>50</td>
<td>30</td>
<td>9</td>
</tr>
<tr>
<td>(58%)</td>
<td>(34%)</td>
<td></td>
<td>(36%)</td>
</tr>
</tbody>
</table>

Compared to respondents whose cases were processed by formal legal proceedings, a larger percentage of respondents whose cases were processed by Alternative Measures agreed that the penalty was appropriate and would effectively deter further offences, that the offender had taken responsibility for the offence, and that justice was served in their case.

Table 5.3 Comparison of victim opinion of outcome by legal process

<table>
<thead>
<tr>
<th>Opinion of Victim</th>
<th>Number and Percentage of Victims</th>
<th>Case Processed by Alternative Measures</th>
<th>Case Processed by Formal Legal Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Penalty was appropriate for offence</td>
<td>53</td>
<td>28</td>
<td>9</td>
</tr>
<tr>
<td>(61%)</td>
<td>(33%)</td>
<td>(36%)</td>
<td>(60%)</td>
</tr>
<tr>
<td>Penalty was sufficient to deter further offences by offender</td>
<td>40</td>
<td>32</td>
<td>6</td>
</tr>
<tr>
<td>(46%)</td>
<td>(37%)</td>
<td>(24%)</td>
<td>(48%)</td>
</tr>
<tr>
<td>Offender took responsibility for offence</td>
<td>44</td>
<td>26</td>
<td>7</td>
</tr>
<tr>
<td>(52%)</td>
<td>(30%)</td>
<td>(28%)</td>
<td>(60%)</td>
</tr>
<tr>
<td>Justice was served in the case</td>
<td>57</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>(70%)</td>
<td>(25%)</td>
<td>(44%)</td>
<td>(44%)</td>
</tr>
</tbody>
</table>
5.6 Summary of Findings

More than half (56%) of victims whose cases went by way of Alternative Measures were satisfied with the Alternative Measures process. At least twice as many victims were satisfied as were dissatisfied with how the case had been handled by both police and probation. With respect to police handling of the case, 51% of victims were satisfied and 22% were dissatisfied. However, compared to victims of a property or other type of crime, victims of a crime against the person were less satisfied with police handling of the case. With respect to probation handling of the case, 24% of victims were satisfied and 12% were dissatisfied.

Fewer victims were satisfied, however, with being kept informed of the progress of the case: 35% of victims were satisfied and 36% were dissatisfied with being informed by police; and 18% of victims were satisfied and 18% were dissatisfied with being informed by probation.

What victims liked best about the Alternative Measures process was the efficient and respectful handling of the case by police, the promptness and efficiency of Alternative Measures, and the effective case management by probation. What victims liked least was not being more informed or involved.

The majority of victims whose cases were processed by Alternative Measures (58%) were satisfied with the outcome of the case. However, victims of a crime against the person were less satisfied with the outcome than were victims of other types of crime. Although the majority of victims surveyed (61%) considered the penalty appropriate for the offence and approximately half (52%) said that the offender had taken responsibility for the offence, less than half (46%) viewed the penalty as sufficient to deter further offences by the offender. Victims of a crime against the person were less likely than victims of other types of crime to say that the offender had taken responsibility for the offence.

Almost three-quarters (70%) of the victims surveyed said that justice had been served in their case. Female victims were more likely than male victims to say that justice had been served.

The majority of victims (63%) preferred that their case had been handled by Alternative Measures, while 24% preferred formal legal proceedings. Female victims were more likely than male victims to prefer Alternative Measures.

Compared to victims whose cases were processed by formal legal proceedings, a larger percentage of victims whose cases were processed by Alternative Measures were satisfied with both the process and outcome of the case, considered the penalty both more appropriate for the offence and more effective in deterring further offences, believed the offender had taken responsibility to a greater extent, and considered that justice had been served in their case. These differences, however, are not statistically significant, which may be due to the small size of the comparison sample.

6.0 NEEDS OF VICTIMS OF CRIME
Does Alternative Measures address the needs of victims with respect to crime?

6.1 Research Questions

How does crime affect victims?

What do victims need with respect to the crime?

Do victims consider Alternative Measures effective in addressing their needs with respect to the crime?

How do Alternative Measures cases compare with those processed by formal legal proceedings with respect to addressing the needs of victims?

To address each of these questions, respondents of the victim survey were asked a number of related questions. This section summarizes the results of these questions, as well as relevant information from the survey of police officers and interviews with probation officers.

6.2 Perceptions Regarding Affect of Crime on Victims

Survey of Victims: Alternative Measures

More than two-thirds of respondents (69%) said the crime had affected themselves, their families or their employees, with 37%, to a great extent (Table 6.1).

The relationship between respondents' reports of being affected by the crime and a number of variables was investigated. Victims of a crime against the person were significantly more likely to report being affected by the crime (96%) than were victims of a crime against property or other type of crime (59%) (p value = .0002). In addition, female respondents were significantly more likely to report being affected by the crime (89%) than were male respondents (54%) (p = .002).

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14 Throughout this section of the report, when examining relationships between variables, only findings that are statistically significant at or beyond the p<.05 level are discussed, unless otherwise noted.
Table 6.1 Perceptions regarding affect of crime by type of crime

<table>
<thead>
<tr>
<th>Extent that crime had affected Victims</th>
<th>Total victims No.</th>
<th>Victims of a crime against the person No.</th>
<th>Victims of other type of crime No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affected to a great extent</td>
<td>30 37%</td>
<td>16 70%</td>
<td>14 25%</td>
</tr>
<tr>
<td>Affected to some extent</td>
<td>26 32%</td>
<td>6 26%</td>
<td>20 35%</td>
</tr>
<tr>
<td>Not affected</td>
<td>25 31%</td>
<td>1 4%</td>
<td>24 41%</td>
</tr>
<tr>
<td>Total</td>
<td>81 100%</td>
<td>23 100%</td>
<td>57 100%</td>
</tr>
</tbody>
</table>

Thirty respondents explained how the crime had affected them to a great extent, as follows:
- Felt more fearful/nervous/less trusting ............................................. 11 respondents
- Felt lifestyle or family life was disrupted ........................................ 7
- Felt stressed or depressed ........................................................................ 6
- Felt forced to change lifestyle or behaviour ......................................... 4
- Suffered financial loss ............................................................................. 4
- Lost sense of trust in relationships ....................................................... 4
- Felt angry ...................................................................................................... 2
- Observed worsened behaviour of child victim ......................................... 2
- Sustained physical injury ............................................................................ 2
- Felt regret for not fighting back ............................................................ 1

Twenty-six respondents described how the crime had affected them to some extent:
- Felt upset/nervous/less trusting/more cautious ......................................... 16 respondents
- Increased security measures or precautions ............................................. 5
- Suffered financial or property loss .......................................................... 5
- Sustained physical injury ............................................................................ 2

In addition, one respondent each explained that the incident had inconvenienced them, had affected their relationship, had caused them to feel let down by the justice system, and had affected their business. One respondent, however, explained how the incident resulted in a positive view of the legal system: “It made me more aware of how the system is working. It is nice to know there is a system in place that would help my grandsons if they got into trouble.”

Of the nine victims of family violence, eight (89%) said they were affected by the crime, with seven, greatly affected.
6.3 Perceptions Regarding the Needs of Victims

**What do victims need with respect to the crime?**

**Survey of Victims: Alternative Measures**

When asked to identify their needs with respect to the crime, 75 respondents identified the following:

- Being compensated for damage/loss ...................... 40 respondents
- Feeling (more) safe and secure .............................................. 12
- Securing transportation after incident ................................. 7
- Receiving compensation for physical injuries ................................ 6
- Getting relief from continued damage/harassment .................. 4
- Receiving counselling ............................................ 4
- Receiving justice .......................................................... 3
- Getting relief from abuse/family violence ............................. 3
- Knowing the reason for the offence .................................. 3
- Having an opportunity to be heard by or meet with offender ............... 2
- Knowing the offender was accountable ................................ 1
- Getting life back on track .......................................... 1
- Knowing the offender received help .................................. 1

6.4 Perceptions of Effectiveness of Alternative Measures in Addressing the Needs of Victims

**Do victims consider Alternative Measures effective in addressing their needs with respect to the crime?**

**Survey of Victims: Alternative Measures**

Respondents were asked whether Alternative Measures was helpful in addressing their needs with respect to the crime. Almost half (49%) of the respondents indicated that Alternative Measures was helpful: 15 (19%) indicated it was helpful to a great extent; 25 (31%), to some extent; 31 (38%), not helpful; seven (9%), uncertain; while three (4%) did not respond.

Compared to male victims, a larger percentage of female victims said Alternative Measures was helpful in meeting their needs (63% versus 35%) (p value = .02).

Thirty respondents explained why Alternative Measures was not helpful in meeting their needs, as follows:

- Victim was unaware/uninformed of Alternative Measures .................. 8 respondents
- Penalty was insufficient for offence ........................................ 6
- Alternative Measures did nothing for victim ............................... 6
- Needs of the victim were not considered ................................... 3
- Victim was able to meet his or her own needs ............................... 2
• Situation was not handled well ................................................................. 1
• Offender did not comply with conditions of the Agreement ..................... 1
• Victim did not meet with the offender ..................................................... 1

One victim said, “They shouldn’t have gotten off – this was an assault. Writing a letter doesn’t make everything okay! It was a slap on the wrist – especially when they are known for their repetitive behaviour.”

Of the nine victims of family violence, three said Alternative Measures was helpful in meeting their needs, while six said it was not helpful.

Survey of Police Officers

Respondents were asked whether Alternative Measures was effective in addressing the needs of victims of crime, as well as why it was not entirely effective. Four-fifths (80%) of respondents said Alternative Measures was effective in addressing the needs of victims: nine (13%) said it was very effective; 44 (65%), somewhat effective; 11 (16%), ineffective. Two respondents said Alternative Measures was both effective and ineffective – depending on the circumstances of the case. One respondent explained: “The loss and or effect on the victim as a result of the offence is individualistic. To one person Alternative Measures may appear fair yet to another the punishment isn’t befitting the offence or not always of equal parity of other cases.”

The nine respondents who rated Alternative Measures as very effective explained why. Two respondents said the victims avoided appearing in court. One respondent each explained that victims saw that the offender was held responsible, victims got more satisfaction, consideration of victims was more prominent, and the program was very effective for remorseful perpetrators.

Forty-four respondents explained why they considered Alternative Measures somewhat effective in meeting the needs of victims, as follows:
• Victims have input in process/express concerns/have a say ....................... 14
• Victims have opportunity for satisfaction and closure ............................ 5
• Victims avoid court system/testifying in court ........................................ 5
• Victims see that restitution was paid/justice was served/crime was punished . 5
• Victims have opportunity to meet with accused and explain the impact ...... 4
• Alternative Measures is appropriate for shoplifting and theft .................. 2
• Problem should be rectified if candidate meets criteria and is sincere in efforts 1
• First offenders are provided with opportunity to change .......................... 1
• Most victims accept a sincere show of remorse ...................................... 1
• Conditions may be added that would not be considered by court ............. 1
• Probation Services administer restitution and maintain control of offender .... 1
• Alternative Measures is an agreed decision by all parties ....................... 1
One respondent explained: “In today’s system of justice, Alternative Measures is a practical alternative to the court system on PEI. We should be processing more Alternative Measures cases, but it seems that restorative services need more resources of manpower to process these cases.”

Eleven respondents rated Alternative Measures as ineffective in meeting the needs of victims. Four respondents complained about the lack of participation and input on the part of victims, and three spoke of the lack of restitution for victims. One respondent each said that the offender never has to face the victim, that victims sometimes feel that they are helping the accused, and that the process makes the accused responsible to victim, rather than to the court or police. A number of respondents, however, said the effectiveness of Alternative Measures depended on how it was used or handled and whether the victims were informed and included in the process.

Interviews with Probation Officers

Respondents were asked whether Alternative Measures was effective in addressing the needs of victims of crime, as well as why it was not entirely effective. The majority of respondents agreed that Alternative Measures was effective in addressing needs of victims: 82% rated it effective for individual victims (with 35% rating very effective) and 58% rated it effective for corporate victims (with 29% rating very effective).

Five respondents explained why they considered Alternative Measures not entirely effective in addressing the needs of individual victims. Victims were not involved enough in the process, two respondents said, and to be effective the input of victims was required. One respondent said the time frame was insufficient for offenders to meet all of the conditions, for example, to find employment and pay financial restitution to the victim. Another respondent explained that victims had false expectations of consequences when the offender failed to comply with conditions, especially in cases involving crimes against the person. And one respondent complained, “Victims may not be aware of what Alternative Measures is or the process, so they don’t feel justice was served.”

Five probation officers explained why they considered Alternative Measures not entirely effective in addressing the needs of corporate victims. Three respondents said that corporate victims do not appear to want involvement, especially large businesses that had been victimized many times. One respondent said that larger corporations sometimes sued or fined the offenders. Another respondent said that a personal apology or letter or apology was not effective with large businesses.

Interviews with Crown Attorneys

Respondents were asked to rate the effectiveness of Alternative Measures generally in addressing the needs of individual victims. Four respondents rated Alternative Measures effective (with two very effective and two somewhat effective), and two respondents rated it ineffective (two respondents were uncertain).
Respondents were asked to rate the effectiveness of Alternative Measures generally in addressing the needs of corporate victims. Three respondents rated Alternative Measures effective (with one very effective and two somewhat effective), while five were uncertain.

6.5 Comparison of Alternative Measures and Formal Legal Proceedings

Survey of Victims: Formal Legal Proceedings

The results of the survey of 25 victims whose cases went by way of formal legal proceedings are as follows:

- 80% of the respondents said the incident had affected themselves, their family or their employees: seven (28%), to a great extent; 13 (52%) to some extent; and five (20%), had no affect.
- 20% of the respondents said the legal process was helpful in meeting their needs: four (16%), helpful to a great extent; one (4%) helpful to some extent; 17 (68%), not helpful (three victims did not respond).

Compared to victims whose cases were processed by formal legal proceedings, a smaller percentage of victims whose cases were processed by Alternative Measures reported being affected by the crime (69% versus 80%), while a larger percentage found the legal process helpful in meeting their needs (49% versus 24%). It should be noted, however, that these differences are not statistically significant (Table 6.2).

Table 6.2 Comparison of victims’ ratings by legal process

<table>
<thead>
<tr>
<th>Opinion of Victim</th>
<th>Number and Percentage of Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Case was processed by Alternative Measures</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Incident affected the victim, the victim's family or employees</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>69%</td>
</tr>
<tr>
<td>Legal process was helpful in meeting the victims’ needs</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>49%</td>
</tr>
</tbody>
</table>
6.6 Summary of Findings

Slightly more than two-thirds (69%) of the victims interviewed for the study said the crime had affected them, their family or their employees. They explained that, as a result of the crime they felt more nervous and less trusting. Victims of a crime against the person were more affected by the crime than were victims of a property or other crime. And female victims were more affected by the crime than were male victims.

When asked what they needed as a result of the crime, victims said they needed to be compensated for the damage or loss and to feel more safe and secure. Approximately half of the victims surveyed (49%) found Alternative Measures helpful in meeting their needs. Compared to male victims, female victims were more likely to find Alternative Measures helpful in meeting their needs.

Of the 68 police officers surveyed, four-fifths considered Alternative Measures effective in addressing the needs of victims. They explained that victims had more input in the process, had more opportunity for closure, knew that restitution was paid, and avoided testifying in court. The respondents who considered Alternative Measures ineffective explained that victims lacked participation and input in the process and did not receive restitution.

When the 17 probation officers interviewed for the study were asked whether Alternative Measures was effective in addressing the needs of victims, slightly more than four-fifths rated it effective for individual victims and almost three-fifths rated it effective for corporate victims.

When the eight Crown attorneys interviewed for the study were asked whether Alternative Measures was effective in addressing the needs of victims, four (50%) rated it effective for individual victims and three (38%) rated it effective for corporate victims.

Although the results are not statistically significant due to the small size of the sample, compared to victims whose cases were processed by formal legal proceedings, a smaller percentage of victims whose cases were processed by Alternative Measures said that they were affected by the crime and that the legal process was helpful in meeting their needs.
7.0 PERCEPTIONS OF EFFECTIVENESS OF ALTERNATIVE MEASURES

Do key informants consider the Alternative Measures Program to be an effective means of delivering justice?

7.1 Research Questions

What training was provided in Alternative Measures? Do key informants consider the training effective?

Do key informants consider Alternative Measures to be an effective means of delivering justice?

What cases do key informants consider to be most and least appropriate for referral to Alternative Measures?

What are key informants’ perceptions of victim involvement in Alternative Measures cases?

What are key informants’ perceptions of community justice forums?

What do key informants consider as the strengths of Alternative Measures?

What do key informants consider as the challenges of Alternative Measures?

What suggestions do key informants have for improving Alternative Measures?

7.2 Perceptions of Training in Alternative Measures

Survey of Police Officers

Of the 68 police officers surveyed for the study, 31 (46%) reported receiving training in Alternative Measures. Fourteen respondents (21%) received one training session; five (7%), two sessions; and one (2%), six sessions. Nineteen (28%) of the respondents had training prior to 1999, while 18 (26%) had training during the period 1999-2001.
Of the 31 respondents with training in Alternative Measures, 30 (97%) were satisfied with its usefulness: eight (26%) were very satisfied and 22 (71%) were satisfied (one officer did not respond). Eight respondents explained why the training was not entirely satisfactory. Three respondents said the training was not comprehensive enough, and two respondents complained that the training was not recent enough to be relevant. One respondent each said that the adult program was not included, that the focus of the training was on community justice forums, that the training was in another province, and that as a cadet at the time with no policing experience, “it was hard to visualize or learn Alternative Measures usefulness.”

Slightly more than three-quarters (76%) of the respondents indicated interest in (additional) training in Alternative Measures: 14 (21%) were very interested; 39 (57%), somewhat interested; and 15 (22%), not interested.

Forty-six respondents identified the following topics or content of interest:
- Everything/basics/general knowledge/refresher .......................... 14 respondents (21%)
- Alternative Measures qualifications/criteria .......................... 5 (7%)
- Community justice forums ........................................ 5 (7%)
- Probation and probation terms ........................................ 3 (4%)
- Adult Alternative Measures Program .................................. 2 (3%)
- Policies and procedures followed ..................................... 2 (3%)
- Recidivism rates ...................................................... 2 (3%)
- Recent changes/up-to-date information ................................. 2 (3%)
- Youth justice/new youth justice legislation ............................. 2 (3%)

In addition, one respondent each expressed interest in training in the following: the differences between Alternative Measures and community justice forums; file preparation; services offered to clients; expectations of police with respect to follow-up; benefits of Alternative Measures; policies of various agencies; program supervision and controls in place to ensure accountability; requirements of offenders when on Alternative Measures; how Alternative Measures works; and how police can be more beneficial to the program.

When asked what training methods they preferred, 42 respondents cited the following:
- Classroom/lecture/seminar/presentation ................................. 17 respondents
- Half or full-day workshop or seminar .................................... 8
- In-house training ................................................................... 4
- Written materials ................................................................... 2
- Hands-on scenarios and simulations ....................................... 2
- Power point presentation ....................................................... 1
- Round table discussion that included Probation Officers, Crown attorneys and Police officers ........................................ 1
- One-on-one training instruction by a worker in the field ............... 1
Interviews with Probation Officers

Sixteen (94%) of the 17 probation officers interviewed for the study reported receiving training in Alternative Measures. Their training included the following: all-day workshop in June 2002 (13 respondents); ongoing or in-service training (5); Policy and Procedures Manual (5); community justice forums (2); workshop on young offenders (1); mediation; conflict resolution (1); legislation (1). Four of the respondents said the June 2002 workshop was the only training they had received in Alternative Measures.

Of the 13 respondents who rated the training, 10 (77%) were satisfied with its usefulness in preparing for Alternative Measures cases, with two (16%) very satisfied and eight (62%) satisfied; while three (23%) were dissatisfied, with two (15%) dissatisfied and one (8%) very dissatisfied.

Eleven (65%) of the respondents were interested in (additional) training in Alternative Measures (six were very interested and five interested), while six (35%) were not interested (one was disinterested and five were very disinterested).

The respondents identified a variety of training topics or content of interest, which included: restorative justice; community justice forums; Alternative Measures versus community justice forums; Alternative Measures Policy and Procedures; mediation; victim involvement in Alternative Measures; time frames with respect to Alternative Measures cases; consistency of conditions on Alternative Measures Agreements; Alternative Measures and the new youth justice legislation; types of cases that are processed by Alternative Measures; how decisions are made about Alternative Measures; higher-risk cases, i.e., assault and sexual assault, etc. One respondent suggested offering an extension of the June 2002 workshop, with a focus on operational issues. Another respondent suggested including police officers, Crown attorneys and other key players in a training workshop.

Preferred methods of training included workshops (9 respondents), written materials (6), lecture or presentation (5), as well as role-plays and practice (3), hands-on training (2), group discussion of issues (1), and ongoing discussion (1).

Focus Group with Victim Services Personnel

Victim Services personnel said they had not participated in training in Alternative Measures, other than reviewing the Alternative Measures Policy and Procedures and information sheets. The respondents agreed that training would be helpful. “Especially in explaining to the victim,” one person commented, “A more realistic explanation of what the victim could expect. We tend to explain what we read in the Policy and what is on the information sheets, but that is not what is in reality, so I think we make the situation worse – by raising the expectations of the victim.”
7.3 Perceptions Regarding Effectiveness of Alternative Measures

**Do key informants consider Alternative Measures to be an effective means of delivering justice?**

**Survey of Police Officers**

The majority (81%) of police officers who responded to the survey were satisfied with Alternative Measures as a means of delivering justice. Of the 68 respondents, 11 (16%) were very satisfied; 44 (65%), satisfied; nine (13%), dissatisfied; and one (2%), very dissatisfied (three did not respond).

When respondents were asked whether the use of Alternative Measures should be increased, 30 (44%) said it should, while 31 (46%) said it should not (seven officers did not respond).

**Interviews with Probation Officers**

Most (88%) of the probation officers interviewed for the study rated Alternative Measures as effective generally in delivering justice. Of the 17 respondents, eight (47%) rated Alternative Measures very effective; seven (41%), somewhat effective; while two (12%) were uncertain.

Most (88%) of the respondents rated Alternative Measures as effective in deterring further offences by the offender: six (35%) rated Alternative Measures very effective; nine (53%), effective; while two (12%) were uncertain. Nine respondents explained why Alternative Measures was not entirely effective in deterring further offences. Four respondents said the effectiveness depended on the offence and the offender, especially with respect to social factors. These respondents agreed that it may deter in cases involving first time, low-end offences. One respondent said, “Sometimes you do see [offenders] back. It’s not that Alternative Measures doesn’t work, but it’s the situational factors in the clients’ lives. It works well with isolated domestic cases – makes the offender aware that they have to make some changes.”

Two respondents explained that, in some cases, the offender may not take Alternative Measures seriously. Two respondents said Alternative Measures was not effective in inappropriate cases, i.e., repeat offenders, sex offenders, or offenders with a history of violent behaviour. One respondent commented that community justice forums were more effective than standard Alternative Measures in deterring further offences.

When respondents were asked whether the use of Alternative Measures should be increased, 11 (65%) said it should, while three (18%) said it should not, and three (18%) were uncertain.
**Interviews with Crown Attorneys**

Of the eight Crown Attorneys interviewed for the study, seven (88%) rated Alternative Measures as effective generally in delivering justice: three respondents rated it very effective and four somewhat effective, while one rated it very ineffective.

When asked to rate the effectiveness of Alternative Measures generally in deterring further offences by the offender, seven (88%) respondents rated Alternative Measures effective (three rated it very effective and four rated it somewhat effective), while one rated it very ineffective.

**7.4 Perceptions Regarding Appropriate Cases for Alternative Measures**

| What cases do key informants consider to be most and least appropriate for referral to Alternative Measures? |

**Interviews with Probation Officers**

The 17 Probation Officers interviewed for the study were asked what cases were most and least appropriate for referral to Alternative Measures. With respect to the most appropriate cases, one respondent said there was no limit, while 16 respondents cited one or more types of cases. Ten respondents cited minor or low-end crimes, and seven cited first-time offences. Five respondents each cited shoplifting, theft, and property crimes. Four respondents cited school or group fights – but not those involving bullying. Three respondents cited mischief. Two respondents each cited cases involving youth, non-violent cases, break and enter and cases where the offender accepts responsibility. And one respondent each identified first-time drug offences, vandalism, fraud, cases where the victim wanted involvement, and cases without issues of power and control.

“Cases where the offender is remorseful and readily takes responsibility,” one probation officer explained, “and not as advised as the best deal by a lawyer. Low-scale offences or cases with offenders who just made a poor decision.”

With respect to the least appropriate cases for referral to Alternative Measures, 16 respondents cited one or more types of cases. Thirteen respondents identified sexual assaults, and 12 identified cases involving domestic violence or spousal abuse. Four respondents cited serious assaults, three cited common assaults, and three cited any cases involving violence. Two respondents each cited cases involving break and enter, high-end property crimes, and bullying. One respondent said that any case involving a crime against the person was not appropriate. Another respondent explained as follows: “Domestics and cases involving bullying are not appropriate. All mediation must be driven by the victim. Cases with potential re-victimization are not ever suitable for Alternative Measures.”
Interviews with Crown Attorneys

The eight Crown attorneys interviewed for the study identified the most and least appropriate cases for referral to Alternative Measures. With respect to the most appropriate cases, the respondents cited cases where the accused was remorseful and accepted responsibility, as well as cases involving a first offence, an offence committed by a youth, and minor offences, such as minor theft, shoplifting, property damage, causing a disturbance, and harassing telephone calls.

With respect to the least appropriate cases, the respondents identified cases where the accused had a prior criminal record or where the offence was planned or premeditated. Other inappropriate cases that were identified by the respondents included sexual assault, spousal assault, moderate to serious assault, any offence involving violence or bodily harm, major theft, home invasion, robbery, and violation of a court order. A number of respondents, however, said that each case was unique and factual situations should be examined. “Even domestics may be appropriate for Alternative Measures,” one respondent explained, “if highly out of character or if the accused is seriously remorseful and will take programs. And even minor cases may be highly inappropriate due to lack of respect or the attitude of the accused.”

When asked what types of cases were typically returned to police due to being inappropriate for referral to Alternative Measures, the respondents cited spousal abuse, child abuse, and serious assaults or violent offences, in addition to cases where the accused had prior involvement with crime or a bad attitude.

Focus Group with Victim Services Personnel

During the focus group interview, Victim Services personnel identified the most appropriate cases for referral to Alternative Measures as shoplifting, some property crimes, and victimless crimes, in addition to those involving first-time offenders, some young offenders, and those with no relationship between the victim and offender.

With respect to the least appropriate cases for Alternative Measures, respondents cited sexual abuse and spousal assault, although the respondents said there were rare cases where it was appropriate. Other inappropriate cases included bullying among youth, cases where offender did not accept responsibility for the crime, and assault cases where the victim disagreed with the referral to Alternative Measures.

Staff of Community Justice Resource Centre

Staff of the Community Justice Resource Centre said that cases involving domestic violence, physical assaults, and sexual offences were inappropriate for referral to Alternative Measures.
7.5 Perceptions of Victim Involvement in Alternative Measures

What are key informants’ perceptions of victim involvement in Alternative Measures cases?

Interviews with Probation Officers

Probation officers were asked how individual victims had been involved in the Alternative Measures process, and the 15 officers with case management experience within 12 months prior to the interview responded. Most or some of the time, 11 (74%) of the respondents said they had contacted the individual victim by letter, and 14 (94%), by telephone; while 12 (80%) had forwarded a copy of the Agreement, and two (13%), a copy of the Termination Summary; and seven (47%) had invited the victim to meet with the offender.

The 15 respondents explained why individual victims had not been more involved in the Alternative Measures process. Seven respondents said that meetings between the victim and offender were not appropriate in cases involving spousal assault, assault or sexual assault. Six respondents explained that victims seldom wanted to meet with the offender. Four respondents said that a letter to the victim was sufficient because it explained the conditions of the Agreement. One respondent each explained as follows: probation officers were not trained in victim/offender mediation; probation officers lacked time to coordinate meetings between victims and offenders; victims wanted information and restitution, not further involvement; victims did not know what they wanted; the probation officer was not aware that meetings between victims and offenders were policy or even an option. One respondent said that in some cases, the victim had attended a meeting with the offender and considered it negative due to the lack of repentance or hope for change on the part of the offender. Each case depended on the issues, another respondent explained, and it was often preferable to contact Victim Services, rather than the victim.

Eight respondents had case management experience with corporate victims within the 12 months prior to the interview. Most or some of the time, six (75%) of these respondents said they had contacted the corporate victim by letter, and three (38%), by telephone; while three (38%) had forwarded a copy of the Agreement, and one (13%), a copy of the Termination Summary; and one (13%) had invited the victim to meet with the offender.

Seven respondents explained why corporate victims were not more involved in the Alternative Measures process, as follows: corporate victims usually preferred no involvement/declined to meet with offender/were not interested (5 respondents); small business victims lacked time to be more involved (1); probation officers lacked expertise in victim-offender mediation (1); the time frame for managing cases was limited (1); victims had already been involved in process through police (1); and the victim’s input was usually already in the file (1).
Interviews with Crown Attorneys

The eight Crown attorneys interviewed for the study were asked how victims were usually included in the Alternative Measures process. Respondents said that either they checked the file notes to find out if police had involved the victim or they contacted Victim Services. When respondents were asked whether victims should be more involved in the process, three said they should, two said they should not, and three were uncertain. Four respondents said that victims should be informed and consulted and should provide input, but should not dictate or control the process. One respondent described victim involvement through Victim Services as, “a wonderful resource for victims for information on Alternative Measures.”

Focus Group with Victim Services

Victim Services personnel said they saw very little involvement of victims in Alternative Measures cases, despite the victims’ desire to be involved. One respondent said, “Victims are told by police that they are recommending Alternative Measures and the victim may be in agreement with that in the beginning, but then there is absolutely no contact.”

The respondents said there was a lack of consistency among probation officers with respect to involving the victim or even informing victims about the Agreement. “[Victims] are really upset that nobody ever talks to them,” one respondent said, “Some victims are not aware that the Alternative Measures ever went ahead or that the Agreement was signed...They knew it was recommended...and they wanted to let the accused know that the incident did have an impact on them.” With respect to victim participation in meetings with the offenders, respondents said that probation officers may not have training in victim-offender mediation. One worker cited the following example: “There was one case where the victim was invited by the probation officer to attend a meeting with the offender. It was highly emotionally charged and I never heard whether the victim went. But I know the probation officer was worried if the [victim] did go because the officer did not have the skills to deal with the situation.”

The respondents said that victims may not know the conditions of the Agreement, or the outcome, or whether they would receive restitution for damages. And in cases where there was a relationship between the victim and accused, the victim did not know whether the accused had received help.

A number of respondents praised the Crown Attorneys for involving the victims. One respondent spoke of a case where the Crown Attorney had a face-to-face meeting with the victim to explain the Alternative Measures Program. Another respondent said, “Some Crown Attorneys will call [Victim Services Worker] and ask how I think the victims will feel. And ask me to call the victims and let them know and find out if they are on board or not. It allows us the opportunity to tell the victim that this can still go Alternative Measures whether the victim is on board or not. So the victim is not left with the impression that their ‘no’ means it is not going to happen.”
7.6 Perceptions of Community Justice Forums

**What are key informants’ perceptions of community justice forums?**

**Survey of Victims: Alternative Measures**

Of the 81 victims surveyed, one (1%) reported being invited by a police officer to participate in a community justice forum. The offence in the case was theft, and the victim did not have any relationship or connection with the offender.

The victim attended the forum and was very satisfied with how the meeting was conducted, and was satisfied with the outcome. The victim was also very satisfied with the length of time between the offence and when the forum took place.

The victim rated the penalty as highly appropriate for the offence as well as sufficient to deter further offences. The victim also said that the offender had taken responsibility for the offence, and that justice had been served to a great extent.

The victim had no reservations about meeting with the offenders and found it productive: “I think [offenders] learned their lesson. And the victim has input into the outcome. I don’t think the formal justice system would do as much. Going through the community justice forum hit them harder. The offenders were really scared going into the meeting. When they saw the affect on us, it showed them how many people they affected.”

**Survey of Police Officers**

Of the 68 police officers surveyed, 29 (43%) said they had participated in a community justice forum: five respondents had each participated in less than five forums and three respondents had each participated in five or more forums. All (100%) of the respondents who had participated in a forum were satisfied with the conduct of the forum (45% very satisfied and 55% somewhat satisfied) and 97% were satisfied with the outcome (38% very satisfied and 59% somewhat satisfied).

A number of the respondents had positive comments about community justice forums. Two respondents said that forums were more effective than regular Alternative Measures. One respondent each said that forums were excellent, were a positive step forward, and should be used more often. Another respondent said forums were effective when the accused was genuinely remorseful. Other comments were that forums allowed offenders to face the victims and learn how the incident had affected them, and to formally apologize to the victims.
A number of respondents had negative comments about community justice forums. The majority of comments related to insufficient resources (i.e., Probation Services, Police and Victim Services) to coordinate community justice forums, which the respondents considered very time consuming and labour intensive to organize. Two respondents suggested having paid coordinators: “We need a full time person to do Community Justice Forums...The volunteers do not work well and police should not be doing Community Justice Forums themselves.”

Two respondents commented on the lack of information about community justice forums. And although one respondent was concerned that community facilitators may lack qualifications to conduct forums, another said that community volunteers should take the lead. This respondent explained, “I believe community volunteers should be responsible for conducting the forums as it empowers our communities to take a more active role in the process and the system. Police should not be tasked with facilitating as they may be biased.”

Interviews with Probation Officers

Nine (53%) of the 17 probation officers said they had participated in community justice forums: five respondents had participated in one forum, two had participated in two forums, one had participated in eight forums, and one in 20.

Asked to rate the effectiveness of community justice forums, 11 respondents (65%) rated them effective, with seven (41%) rating very effective and four (24%) somewhat effective; while five (29%) were uncertain (one person did not respond).

A number of respondents had positive comments about community justice forums. Eight of the respondents said forums were effective, successful or worked well. Three respondents agreed that forums should be utilized more. Two respondents said that forums offered a victim-oriented approach to justice and that forums made more of an impact on the offenders. Two respondents commented on how pleased the victims had been with both the outcome and the apology from the offenders. And one respondent said that forums could be conducted with multiple victims. “I am a strong proponent,” one probation officer said, “The possibilities are endless. Victims walk away amazed at how much say they had in the process. It is a victim-oriented approach.”

The most frequent complaint about community justice forums was the amount of time required to organize them. Four respondents said that probation officers did not have the required time to do this. One respondent explained, “The few I know of went very well, but it takes time to organize and tap into community resources to coordinate and set up on top of ordinary probation officer caseloads of 80 or more cases.” Two respondents said that a paid coordinator was required to effectively organize forums. And one respondent commented on the need for more community involvement: “We must ensure that the facilitators are community members and not people in the legal system. I only just got the list of facilitators – 40 names – and most are in the government system.”
Interviews with Crown Attorneys

When the eight Crown attorneys who were interviewed for the study were asked about community justice forums, six had mostly positive comments, while two had negative comments. Positive comments were that community justice forums were a good idea, an excellent tool, and useful in limited circumstances. “They are useful with offences that are low enough to warrant Alternative Measures,” one person explained, “but high enough to warrant the expense of a forum.” One respondent suggested that community justice forums be part of probationary conditions.

One negative comment about community justice forums was that many forums do not follow the Alternative Measures process: “The RCMP do not include Crown Attorneys in the process as set forth in the Policy and Procedures.” Other negative comments were that forums were not properly conducted and were used by police as an excuse to avoid work. One respondent said, “Community Justice Forums in PEI … are turning a valuable Aboriginal tool into a sham and excuse to do something brand new – a mockery of what was respected and revered in the Aboriginal culture.”

Focus Group with Victim Services

The Victim Services’ personnel who participated in the focus group were largely in favour of community justice forums, although the respondents said the success of a forum depended on the victim’s receptivity and compassion for accused. Respondents agreed that forums were more likely than the formal system to help the offender take responsibility for his or her actions. One respondent explained, “It must be very difficult for the offender…it required that the offender explain her behaviour and her actions. When you go through the court system, the offender never has to say a word if they don’t want to – the lawyer does all the talking. With the forum there was more personal accountability.”

7.7 Perceived Strengths of Alternative Measures

<table>
<thead>
<tr>
<th>What do key informants consider as the strengths of Alternative Measures?</th>
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<tbody>
<tr>
<td>Delivers justice without criminal record for the offender .................. 22 respondents</td>
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<td>Provides second chance for the first-time offender .......................... 19</td>
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<td>Impacts more on offenders with respect to responsibility and accountability . 13</td>
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<td>Provides option to traditional court process ................................... 7</td>
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<tr>
<td>Streamlines process/is less work for police .................................... 4</td>
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</tbody>
</table>
Offers opportunity for meetings between the victim and offender ........... 3
Provides more terms or conditions than formal legal system .................... 3
Meets the needs of victims ........................................................................ 2

Typical comments of these respondents included the following:

“It provides an opportunity for persons to reassess the direction of their lives if behaviour or offence is not typical.”

“It frees up court time and allows youth a chance before going through court system. Has greater impact on youth and is more beneficial to victims.”

Interviews with Probation Officers

Respondents identified the following strengths of Alternative Measures:
• Diverts from Court/is less intrusive/lessens involvement with legal system . . . . 9
• Assists offenders in accepting responsibility/making amends .................. 5
• Deals with case quickly/offers short-term intervention ............................ 5
• Deals effectively with minor or first-time offences ................................. 4
• Avoids criminal record for offenders .................................................... 4
• Includes conditions that can help offenders (i.e., counselling, supervision) ... 3
• Holds offender more accountable .......................................................... 3
• Deals effectively with cases ................................................................. 3
• Links victims to the process .................................................................... 2
• Provides opportunity for victims to meet with offenders ....................... 1
• Offers less adversarial approach to justice ......................................... 1

Typical comments of these respondents included the following:

“If done right, the quickness of the process in having the offender dealt with. Also the short-term duration of the contract. And if appropriate, a face-to-face meeting is very assuring for the victim, especially when offender acknowledges the offence sincerely and apologises.”

“Alternative Measures provides an opportunity for the offender to talk about the offence. Most offenders learn from what they did. It is a humbling experience. In some situations – if the victim plays a role – the offender can see the effect.”
Interviews with Crown Attorneys

Respondents cited the following strengths of Alternative Measures:

- Diverts from Court ........................................ 8 respondents
- Offers potential for rehabilitation through programs ......................... 3
- Avoids criminal record for the accused ....................................... 3
- Has low recidivism rates ................................................. 3
- Allows Crown flexibility in processing cases ............................... 2
- Provides opportunity for more accountability on the part of the accused .... 2

In addition, one Crown Attorney each cited the following: offers opportunity for early intervention; allows Crown to use discretionary authority in dealing with the offence; is more restorative in approach; has least intervention with the accused; avoids criminal record for accused; avoids Court involvement for the victim.

Focus Group with Victim Services Personnel

Victim Services personnel identified the following strengths of Alternative Measures: acts as a deterrent for some offenders; keeps offenders and victims out of the court system; avoids criminal record for the accused; provides a better approach to justice for young offenders; assures victims that there is some accountability; and includes the input of victims when processed properly.

7.8 Perceived Challenges of Alternative Measures

Survey of Police Officers

Respondents identified the following challenges or limitations of Alternative Measures:

- Lack of adequate follow-up ........................................ 11 respondents
- Overuse or inappropriate use ............................................. 10
- Lack of feedback on outcomes to police officers ......................... 4
- Perception among public and victims of weakness as a deterrent ............... 4
- Abuse by defence lawyers .................................................. 3
- Time-consuming process .................................................... 2
- Lack of awareness among police of its effectiveness ....................... 1
- Lack of awareness among police of recidivism rates ....................... 1
- Lack of sufficient compensation for victims ............................ 1
- Lack of options with respect to community service ....................... 1
- Question of interaction with restorative justice .......................... 1
- Lack of education on Alternative Measures ............................. 1
- Insufficient staff to effectively manage cases ............................ 1
- Lack of any deterrence for offenders .................................... 1

Typical comments of these respondents included the following:
“I’m concerned that the Probation Officers may be overworked and that each case may not receive sufficient attention.”

“There’s no formal process to ensure contracts are properly adhered to. Perhaps community volunteers could assist workers with heavy workload.”

“Has been used for offences ranging from violence to drugs and the spectrum continues to widen (not what it was intended for).”

**Interviews with Probation Officers**

When asked whether they had concerns with Alternative Measures, two respondents said they had none, while 15 cited one or more concerns. Thirteen (76%) of the respondents said they were concerned with the increasing number of serious cases going by way of Alternative Measures, especially cases involving spousal assault, major assault and sexual assault. “A lot of inappropriate cases are being referred,” one officer explained. “High end cases – sexual offences and assault causing bodily harm. Also repeat offenders with extensive criminal records.” Another officer said, “For example spousal assault. Alternative Measures is being misused – and used as a consequence when there is not enough evidence to charge.”

Ten respondents (59%) said that the time frame for Alternative Measures was insufficient to effectively deal with some of the more serious cases, for example, to get the offender into counselling or other programs. One officer explained, “The Crown refers sexual offences and long-term spousal abuse cases that are not appropriate. They cannot be dealt within nine months. The offenders cannot get into the programs and treatment may take a year. I have extreme objection to all spousal abuse cases and sexual offences.”

Three respondents were concerned that many offenders, and especially young offenders, perceive Alternative Measures as probation. Two respondents complained that Alternative Measures was an alternative to Court and not to the justice system: “Police, Crown and Probation are still involved. Therefore it is not Alternative Measures. It should be alternative to more components of the system and should be in the community.”

Two respondents were concerned with the timeliness of Alternative Measures. They explained that the process was less effective when delayed. One of these officers suggested that, to be effective, low-risk cases should be dealt with within three months.
One respondent said that the views and concerns of police officers and victims were sometimes disregarded, and that cases were being referred to Alternative Measures despite their concerns with its appropriateness. Another respondent explained that resources and staff were insufficient to deal effectively with Alternative Measures cases, and that Alternative Measures cases were usually relegated to the least experienced staff. One respondent expressed concern with cases that are plea bargained in Court. Another was concerned with the three-year time limit: “If domestic violence cases and sexual assault cases go Alternative Measures and three years later there is another offence, then it looks like it is their first offence – with the three year time frame.”

**Interviews with Crown Attorneys**

Respondents identified the following challenges or limitations of Alternative Measures:

- Overuse in unsuitable cases .................................................. 3
- Lack of monitoring, enforcement and follow-up with respect to Provisions .... 3
- Lack of feedback to Crown on outcomes of the Agreement .................. 3
- Lack of record system to track the offenders .............................. 3
- Lack of public awareness and knowledge of Alternative Measures .............. 2
- Lack of public acceptance or respect for Alternative Measures .................... 2
- Inadequate time frame for cases involving spousal abuse and sexual abuse . 2
- Insufficient resources for Probation and Crown to effectively process cases . 2
- Lack of tracking for RCMP cases that do not proceed through Crown .......... 2
- Inconsistent use among police officers .................................... 2
- Lack of consultation with victims ....................................... 2
- Delays in processing cases ........................................ 2

In addition, one respondent each identified the following challenges or limitations of Alternative Measures: cases where victims were pressured to consent to Alternative Measures; two-year limitation for records; insufficient investigation by some police officers; cases that were dropped before conditions are completed due to expired time limit; lack of community service placements and lack of resources to monitor placements.

**Focus Group with Victim Services Personnel**

Victim Services personnel identified a number of challenges or limitations of Alternative Measures. Respondents agreed that one challenge was the lack of involvement of victims in the case. They said that victims were not always consulted, or if consulted, their input was not necessarily respected. And in some cases, the victim was unaware that the case had proceeded by way of Alternative Measures. The respondents also agreed that victims were not always kept informed of the progress of their case.
A second challenge was the lack of accountability on the part of the accused, which was due to cases either being lost in the system or having an insufficient time frame for successful completion of the conditions. “Sometimes there are no consequences when the time limit runs out,” one respondent said, “by the time it goes Alternative Measures, Victim Services is no longer involved. I found out too late that the accused did not comply. Probation sent it back to the Crown, and the Crown ran out of time to lay the charge, so absolutely no consequences were in place. And it was a huge amount of restitution. The victims were never even told that they were not getting the money. And the [accused] was never held accountable.”

A third challenge related to inappropriate cases that were referred to Alternative Measures, especially those involving domestic violence. In these cases, the respondents explained, the violence or abuse may be ongoing, but the victims may not have an opportunity to provide information about the history of the abuse. One respondent said, “With the domestics, when you refer them to Alternative Measures, how likely is it the first time that it happened? It is probably the first time the victim had the courage to call.” Another example of an inappropriate case involved a post-charge referral: “[Offenders] were given three appointments that they missed before it was sent back to the Crown. Why was even sent Alternative Measures when the accused missed two or three court dates before? If someone doesn’t show up for court, they probably will not follow through with Alternative Measures.”

A fourth challenge related to the lack of communication between Probation Services and Victim Services. For example, respondents said the Victim Services worker may not be informed that a case proceeding by charges was changed to Alternative Measures, or that a community justice forum was being held.

Staff of Community Justice Resource Centre

Staff of the Community Justice Resource Centre cited the main challenge of Alternative Measures as being the inclusion of domestic violence cases. They considered these cases to be very ineffective in addressing the needs of victims, especially with respect to requirements for victim safety and treatment for offenders. Respondents said that cases involving domestic violence, physical assaults and sexual offences were inappropriate for Alternative Measures, largely due to false assurances in relation to victim safety planning. In addition, the six-month time frame associated with summary conviction did not allow for an operational understanding of the underlying harm that offenders have presented toward the victims.
7.9 Suggestions for Improvements to Alternative Measures

Survey of Victims

When the 86 victims surveyed for the study were asked how the Alternative Measures process could be improved, 70 responded. Of these, 11 said they could not suggest improvements. Four respondents said that Alternative Measures had worked well in their case and seven explained that they were either unaware of Alternative Measures or the details of their case.

Fifty-nine respondents suggested improvements to the Alternative Measures process. The most frequent suggestion (i.e., by 33 respondents) was for more involvement of victims.

Respondents’ suggestions included the following:

- Keep victims informed of progress and outcome of case .......... 21 respondents
- Include input of victims ............................................. 6
- Ensure accused is held responsible .................................. 4
- Inform victims about Alternative Measures and its process ................ 4
- Handle cases promptly ................................................ 3
- Offer counselling for victims ........................................... 3
- Investigate history of offender ......................................... 3
- Improve follow-up ....................................................... 3
- Eliminate Alternative Measures .................................... 3
- Act swiftly on breaches of conditions/take offenders to court ........ 2
- Make Alternative Measures more severe .......................... 2
- Ensure victim has opportunity to meet with offender ............. 2

In addition, one respondent each suggested the following: help offenders; take impact on victim and family into consideration; use wisdom in Alternative Measures cases; classify family violence offences by level of severity; do not include family violence cases; ensure restitution is paid to victim; lengthen duration of no-contact condition in cases involving a child victim; improve monitoring of conditions by probation; ensure flexibility in Alternative Measures cases; offer more support for victims; educate the public about Alternative Measures.

Typical comments of respondents included the following:

“Keep victim informed. Handle matter in reasonable and prompt fashion. We should be informed of what the accused is going to have to do on Alternative Measures. Were the conditions met? We know some of them weren’t because we didn’t receive a letter of apology and it has been almost a year.”
“Listen to people. When I went to see the Probation Officer to pick up the letter of apology, it was only then that he/she got an understanding of what did happen.”

Survey of Police Officers

Thirty-four of the police officers surveyed for the study suggested the following improvements to Alternative Measures:

- Expand Probation staff/have a paid coordinator .............. 6 respondents
- Follow-up/monitor cases .............................................. 5
- Restrict types of offences that are eligible/adhere to original guidelines ...... 5
- Seek input of investigating officer into Agreement ..................... 3
- Provide training in Alternative Measures ................................ 3
- Review statute of limitations/ensure time lines are followed for referrals .... 2
- Speed up process of Alternative Measures ...................................... 2
- Proved education for victims and the public ................................ 2
- Ensure restitution for the victim .............................................. 2
- Ensure police officers are informed of progress and outcomes .......... 2
- Ensure Alternative Measures is not used to relieve court cases or as a bargaining tool in court ......................................................... 2

In addition, one respondent each suggested the following: provide more resources for Victim Services workers; avoid the Crown’s office, which adds another bureaucratic level; allow police access to information on offender’s prior involvement with Alternative Measures; ensure youth have repeat access to Alternative Measures; provide training and pay facilitators for community justice forums; lay charges in all Alternative Measures cases, which are stayed or withdrawn once the conditions are completed.

Typical comments of respondents included the following:

“*In today’s system of justice, Alternative Measures is a practical alternative to the court system. We could be processing more Alternative Measures cases, but it seems that Probation Services need more resources of manpower to process these cases.*”

“*More timely reports/Agreements of Alternative Measures from Probation just so we know what’s going on before it’s over with – to keep complainant up to date.*

“I think it is working well. It should stay with minor or non-violent offences (shoplifting/mischief)."
Community Justice Forums

A number of respondents suggested expanding the use of community justice forums. Although they considered forums effective, they agreed that forums were labour intensive and time consuming to set up. Therefore, they suggested hiring additional staff, simplifying the process, and having a paid coordinator.

Typical comments of respondents included the following:

“Community Justice Forums, although more time consuming for police, seem to be much more effective than regular Alternative Measures. Probation looks after Alternative Measures for police but seem overworked to handle the task.

“I believe community volunteers should be responsible for conducting the forums as it empowers our communities to take a more active role in the process and the system. Police should not be tasked with facilitating as they may be biassed.”

Survey of Probation Officers

When the probation officers were asked for suggestions for improving Alternative Measures, one respondent said it needed no improvement: “It has a good success rate – 80 to 90 per cent. You can usually figure out which offenders will repeat by their attitude and by what is happening in their home.”

Fifteen respondents suggested a number of improvements to Alternative Measures. Four respondents suggested offering additional training for probation officers on policy, conflict resolution, mediation, awareness of victim sensitivity, consistent practice with respect to the forms, contacting the victims, and referrals to Victim Services.

Three respondents suggested extending the time limit, especially for more serious cases. One respondent explained, “The Crown needs to be aware of probation officers’ limitations with respect to the time frame. It takes a long time for treatment for sexual offenders and it takes a long time to get into anger management.”

Three respondents agreed on the need for more resources, including sufficient staff and more programs for offenders. One of these respondents explained, “Probation officers are so stressed for time. Therefore, proper contact may not take place with the victim. And victim involvement is so essential to the success of the case.”

Three respondents suggested more discussion or open dialogue between the Crown and Probation Officers. “Probation officers should have some input into whether the case goes by way of Alternative Measures”, one respondent said, “for example, I felt a spousal assault case was not appropriate, but the Crown vetoed my concerns.”
Two respondents suggested relegating Alternative Measures to the community. “The government has to put money into supporting the community, community justice forums and committees,” one respondent said. “People need support to keep it alive and recruit new citizens and keep it in the consciousness of community members.”

One respondent suggested the following: “We need more victim involvement and less routine – not just sending out a letter. Try to engage victims more. We need to follow our policies more closely.”

One respondent each suggested offering more victim-offender mediation and community justice forums. Another respondent said it would be helpful to identify the delays in processing cases: “We need to track and find out the hold ups in the system – police, Crown and probation. Develop a form to track the case. We need to ensure the Agreement does not sit on someone’s desk and then the probation officer has only a month to deal with it.”

One respondent suggested improving the quality of information provided by the police, and another suggested more making more appropriate referrals to Alternative Measures.

Typical comments of these respondents included the following:
“There should be increased consistency on the use of Alternative Measures. We see offences that come through Probation Orders, but there is no clear reason why the case would not go through Alternative Measures. Some police forces don’t use Alternative Measures much.”

“We need to try to involve the victims more and invite them to take part in the process.”

Interviews with Crown Attorneys

Respondents suggested the following improvements to Alternative Measures:
- Provide Crown Attorneys with information on outcomes ........ 7 respondents
- Improve tracking of cases ............................................ 6
- Provide sufficient resources for Probation Services to effectively manage and monitor cases .............................................. 5
- Educate the public about Alternative Measures ...................... 5
- Provide the Crown with copy of Agreement and Termination Summary ...... 2
- Review conditional sentencing with respect to Alternative Measures .......... 2
- Conduct additional research, especially on recidivism rates ............... 2
- Improve availability of programs for offenders .......................... 2
- Ensure RCMP follow Policy and Procedures .......................... 2
- Ensure police conduct thorough investigations ................................. 1
- Ensure police consult with victims and respect the impact on victims ......... 1
- Increase involvement of Victim Services ..................................... 1
- Improve drafting and enforcing of conditions in Agreements ............ 1
Focus Group with Victim Services Personnel

Victim Services personnel offered the following suggestions for improvements:

- Increase involvement of victims in Alternative Measures cases.
- Ensure police inform Victim Services of referrals to Alternative Measures.
- Ensure Probation has sufficient resources to involve victims, especially in setting up meetings with the offenders.
- Ensure consistency across the province in following the Policy and Procedures.
- Either change the Policy and Procedures or exclude cases that are serious and violent.
- Improve communication among all justice personnel.
- Improve communication between probation officers and Victim Services workers, with respect to referrals to Alternative Measures, progress of the case, and the outcome of the case.
- Increase awareness among probation officers that they may make referral to Victim Services in appropriate cases.
- Ensure Crown and Victim Services receive a copy of the Termination Summary.
- Utilize time extensions in cases where they are necessary to ensure successful completion of Agreement, i.e., participation of the offender in a program.
- Offer training to probation officers on extensions.
- Increase availability of programs for offenders.
- Train additional facilitators for community justice forums.

Although the respondents agreed that cases involving domestic violence and sexual assault should be excluded from Alternative Measures, they said there may be rare cases that are suitable. One respondent explained, “Alternative Measures may be okay in some of those cases because it does bring about the resolution that the victim wants. The victim wants the accused to get treatment. And maybe getting a conviction would cause the accused to lose their job and that would be worse.”

Typical comments of these respondents included the following:

“When it works, I think it can work well. But in the end, if the accused has not really had to do anything, it almost re-victimizes and victims wonder why they ever bothered in the first place.”
“There is a need for more well-trained facilitators for any kind of restorative justice process, including community justice forums. All they had was a couple of days training from the RCMP to do forums, and they would not be well enough trained to handle any complex, serious cases. These complex serious cases should not go Alternative Measures anyway – there is not an ability to deal with the more serious cases, even if both the victim and offender want some sort of restorative process.”

“Ensure sufficient resources to make programs, such as Turning Point, Anger Management, and Randall Fletcher’s Program available for offenders within the time limit.”

7.10 Summary of Findings

With respect to training in Alternative Measures, slightly less than half (46%) of police officers surveyed had received training, of whom almost all (97%) were satisfied with its usefulness. Slightly more than three quarters of police officers (76%) were interested in further training in Alternative Measures. Sixteen of the 17 probation officers interviewed had received training in Alternative Measures, of whom more than three-quarters (77%) were satisfied with its usefulness. The majority (65%) of probation officers were interested in further training in Alternative Measures.

When key informants were asked to rate the effectiveness of Alternative Measures as a means of delivering justice, 81% of police, 88% of probation officers and seven (88%) of the Crown attorneys rated it effective. And 88% of both probation officers and Crown attorneys rated Alternative Measures effective in deterring further offences by the accused.

There was a high level of consensus among key informants regarding the most and least appropriate cases for referral to Alternative Measures. Key informants agreed that minor offences, such as theft and mischief, first offences, and cases involving youth were most appropriate for referral to Alternative Measures. Key informants agreed that cases involving domestic violence and especially spousal abuse, as well as assault, sexual assault, and other cases involving an imbalance of power between the victim and offender were least appropriate.

With respect to victim involvement in the Alternative Measures process, the majority of probation officers said they usually contacted individual victims, either by telephone or letter. Fully 80% said they had forwarded a copy of the Agreements to victims, although only two (12%) said they had forwarded a copy of the Termination Summary. They explained that they did not involve individual victims more in the process because the letter was usually sufficient or meetings between the victim and offender were not appropriate in some cases. Probation officers said they were less likely to involve corporate victims in the process due to a lack of interest or time on the part of the victims.
The Crown Attorneys said that victims should be advised and consulted in Alternative Measures, although they should not control the process. Victim Services personnel commented on the lack of victim involvement in the process and the lack of consistency among probation officers with respect to involving the victim.

With respect to the effectiveness of community justice forums, only one of the 68 victims surveyed reported participating in one. This victim was highly satisfied with both the conduct and outcome of the forum. Less than half (43%) of police officers surveyed said they had participated in a community justice forum and all who had were satisfied with both the process and outcome. More than half (53%) of probation officers had participated in a forum and the majority (65%) were satisfied with the effectiveness of forums. Six of the Crown attorneys had positive comments about forums, while two had negative comments.

Key informants agreed that community justice forums were effective due to the involvement of the victims and the potential for impact on the offenders. However, considerable resources were required to organize a forum, the key informants said. In addition, the public lacked information about community justice forums.

Key informants agreed that the main strengths of Alternative Measures included the avoidance of a criminal record for the accused, provision of a second chance for offenders, potential for greater impact on the offender, lessening of burden on courts, opportunity for input of victims, and potential for rehabilitation on the part of the offender.

Key informants agreed that the main challenges of Alternative Measures were overuse in inappropriate and more serious cases, lack of adequate resources for monitoring cases, inadequate time frame for effectively managing more serious cases, lack of feedback on cases to police officers, Crown attorneys, and Victim Services personnel, lack of victim involvement in the process, and the lack of public knowledge about Alternative Measures.

The majority of victims suggested improving Alternative Measures by including victims more in the process and informing them of both the process and outcome. The most frequent suggestions by the other key informants were as follows: expand Probation Services to more effectively manage cases; restrict Alternative Measures to less serious cases; improve communication among Crown attorneys, probation officers, and Victim Services personnel; provide additional training in Alternative Measures; develop a system to record and track cases across the province; educate the public and representatives of the legal system about Alternative Measures; include victims more in the process; either follow the Policy and Procedures or change it; and expand the use of community justice forums by hiring a paid provincial coordinator.
8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 CONCLUSIONS

The conclusions presented in this section of the report includes information from the file review, victim surveys, police survey, and interviews conducted with probation officers, Crown attorneys, Victim Services’ personnel, Provincial Court Judges, and staff of the Community Justice Resource Centre. An analysis of the data collected from the various sources provides a comprehensive overview of the Alternative Measures Program in Prince Edward Island. Although the information is not always directly comparable, it does reveal a number of consistent themes.

The conclusions are organized around each of the six main research questions.

**How is Alternative Measures delivered in Prince Edward Island?**

- A total of 556 cases were processed by Alternative Measures and concluded within the three year period, 1999-2001. Almost all (94%) of the cases were referred to Alternative Measures by a police officer. Approximately three-fifths of offenders were referred to Alternative Measures at the pre-charge stage of proceedings.

- Slightly more than two-thirds (69%) of the offences in Alternative Measures cases were crimes against property. The most frequent offences in the Alternative Measures cases were theft and mischief.

- The most frequent criteria for referral to Alternative Measures included no prior record, admittance of responsibility, remorse, and cooperativeness.

- Two-thirds of the offenders in the Alternative Measures cases were male. More than half (57%) of the offenders were youth, while 43% were adults.

- Half of the victims were corporate victims and 41% were individual victims, while 9% of the cases involved a victimless crime.

- More than three-quarters (77%) of Alternative Measures Agreements in the cases were successfully completed and 6% were partially completed, while 8% were not completed.
Does Alternative Measures practice adhere to the Policy and Procedures with respect to victims?

- The results of the victim survey suggest that in the majority of cases, police officers follow the Policy and Procedures with respect to contacting the victims after the incident. However, less than half of the victims surveyed reported being advised or consulted by police regarding the referral to Alternative Measures. And only 14% of victims recalled being informed of Victim Services by a police officer.

- The results of the file review and victim survey suggest that victims are seldom invited by police to participate in a meeting with the offender. Of the 556 files reviewed, only one indicated that a police officer had invited the victim to a meeting. And only one of the 86 victims interviewed recalled being invited by a police officer to meet with the offender at a community justice forum.

- The Policy and Procedures states that victim involvement in an interview with the offender is at the discretion of the probation officer. Of the 556 files reviewed, 50 (10%) indicated that the victim was invited by the probation officer to an interview or meeting with the offender. Of the 50 victims who were invited to a meeting, 32 (64%) were individual victims and 18 (36%) were corporate victims. However, the results of the file review indicate inconsistencies among probation officers with respect to inviting victims to meetings. Of the 50 cases where the victim was invited to meet with the offender, 36 (72%) were managed by the Probation Offices in Souris and Montague.

- The Policy and Procedures states that probation contact and consultation with the victim(s) about the Alternative Measures Agreement being considered is at the discretion of the probation officer. The results of the victim survey indicate that approximately half of the victims recalled being consulted by the probation officer after the incident, although only 16% recalled being asked their views about the Agreement.

- Although the Policy and Procedures states that victims are to be provided with copies of both the Alternative Measures Agreement and the Termination Summary, the results of the victim survey found that victims seldom recalled receiving copies of either. Approximately 22% of the victims recalled receiving a copy of the Agreement and 4%, a copy of the Termination Summary.

- The results of the study found that few of the Alternative Measures cases reviewed were assigned to a community justice forum facilitator. However, information from police officers, probation officers and Crown attorneys suggest that community justice forums are held in the province, although the forums do not always follow the Provincial Policy and Procedures and are therefore not included in Probation Services administrative files.
Does Alternative Measures practice adhere to the Principles of the Victims of Crime Act?

▶ The results of the file review and victim survey suggest that the Principles of the Victims of Crime Act are being followed in the majority of cases with respect to the following: victims are treated with courtesy and compassion and with respect for their dignity and privacy; victims receive prompt and fair financial redress for the harm they have suffered; victims have their views and concerns considered by the police; victims and their families are protected from intimidation, retaliation, and harassment; and victims have their stolen property returned to them as soon as possible.

▶ Results of the research suggest that the Principles are not being followed in the majority of cases with respect to the following: victims are informed of services; victims are informed of the progress of the case and the ultimate disposition of the proceedings; victims have the opportunity to prepare a Victim Impact Statement and have it considered; and victims are informed of the offender’s status.

▶ Although the victims surveyed for the study were highly satisfied with their treatment by both police and probation, victims of a crime against the person were less likely to be satisfied with their treatment by police than were victims of property and other types of crime.

▶ Although the majority of victims surveyed were satisfied with protection from intimidation, retaliation and harassment, victims of a crime against the person were less likely to be satisfied with protection than were victims of a property or other type of crime.

To what extent are victims satisfied with the process and outcome of Alternative Measures?

▶ More than half (56%) of the victims surveyed were satisfied with the Alternative Measures process. Although half (51%) of the victims were satisfied with police handling of the case, victims of a crime against the person were less likely to be satisfied than were victims of a property or other type of crime.

▶ With respect to being kept informed of the progress of the case, slightly more than a third (35%) of victims were satisfied with police and 18% were satisfied with probation.

▶ Although more than half (58%) of the victims polled were satisfied with the outcome of Alternative Measures, victims of a crime against the person were less likely to be satisfied than were victims of a property or other type of crime.
The majority (61%) of victims considered the penalty appropriate for the offence, approximately half (52%) felt the offender had taken responsibility for the offence, and 46% viewed the penalty as sufficient to deter further offences by the accused. However, victims of a crime against the person were less likely to consider the penalty appropriate for the offence than were victims of a property or other type of crime.

Almost three-quarters (70%) of victims surveyed said that justice had been served in their case. Female victims were more likely than male victims to say that justice had been served.

The majority (63%) of victims preferred Alternative Measures over formal legal proceedings. Female victims were more likely than male victims to prefer Alternative Measures over other methods.

**Does Alternative Measures address the needs of victims with respect to the crime?**

Slightly more than two-thirds (69%) of the victims interviewed for the study said the crime had affected them, their family or their employees. They explained that, as a result of the crime they felt more nervous and less trusting. Victims of a crime against the person were more likely to be affected by the crime than were victims of a property or other type of crime.

When asked what they needed as a result of the crime, the victims said they needed to be compensated for the damage or loss and to feel more safe and secure.

Almost half (49%) of the victims surveyed said Alternative Measures had been helpful in meeting their needs. Female victims were more likely than male victims to find Alternative Measures helpful in meeting their needs.

The majority of both police officers and probation officers interviewed said that Alternative Measures was effective in addressing the needs of victims, although probation officers said it was more effective for individual victims. Of the eight Crown attorneys interviewed, four said Alternative Measures was effective in addressing the needs of individual victims and three, for corporate victims.
Do key informants consider Alternative Measures to be an effective means of delivering justice?

- Half of the police officers surveyed and most of the probation officers interviewed reported receiving training in Alternative Measures. More than three-quarters (76%) of police officers and 65% of probation officers were interested in further training in Alternative Measures.

- More than 80% of key informants interviewed considered Alternative Measures effective both in delivering justice and in deterring further offences by the accused.

- Key informants agreed that the most appropriate cases for Alternative Measures were those involving minor offences, first offences, and young offenders. They agreed that the least appropriate cases were those involving domestic violence, assault, sexual assault, and any other cases involving an imbalance of power.

- The majority of probation officers said they usually contacted individual victims in Alternative Measures cases and often forwarded a copy of the Alternative Measures Agreement to the victim, although they seldom forwarded a copy of the Termination Summary. A number of probation officers explained that many corporate victims, and especially large businesses, preferred not to be involved in the Alternative Measures process.

- The key informants who had participated in a community justice forum were highly satisfied with both the process and outcome. However, a number of key informants agreed that considerable resources were required to organize a community justice forum.

- Key informants agreed that the main strengths of Alternative Measures included the avoidance of a criminal record for the accused, provision of a second chance for the accused, potential for greater impact on the offender, lessening burden on the court system, opportunity for input of victims, and potential for rehabilitation on the part of the offender.

- Key informants agreed that the main challenges or limitations of Alternative Measures included overuse in serious and inappropriate cases, lack of adequate resources to effectively monitor and manage cases, inadequate time limit for more serious cases, lack of feedback on outcomes, lack of victim involvement, and lack of public knowledge of Alternative Measures.

- Key informants’ suggestions for improvements were to inform and include victims more in the process, expand Probation Services, restrict Alternative Measures to less serious cases, improve communication, provide additional training, track cases more effectively, educate the public, review and update the Policy and Procedures, and expand the use of community justice forums.

8.2 RECOMMENDATIONS
Based on the results of the study and foregoing conclusions, the Advisory Committee developed the following recommendations for the Alternative Measures Program:

- Improve communication and provision of information among police officers, probation officers and Crown attorneys, as well as Victim Services personnel in cases where they are involved. Ensure that the police officer and the Crown attorney, as well as Victim Services personnel (i.e., in cases where they are involved) receive a copy of the Alternative Measures Agreement and the Termination Summary.

- Improve reporting procedures in files and ensure consistent record keeping on the part of both police officers and probation officers. Ensure that all police departments and detachments in the province use standard forms and that all police officers consistently record the required information on the forms. Develop standardized check-lists for probation officers to assist in monitoring case management. Ensure probation officers record why Agreements are either partially completed or not completed. Ensure that all files and forms are dated and date stamped upon receipt by Police, Probation and the Crown.

- Explore the development of a computer tracking system for Alternative Measures cases that would include information on the history of the offender and the outcome of the case.

- Ensure the Alternative Measures Policy and Procedures are consistently adhered to with respect to police officers contacting victim(s), advising victim of possibility of referral to Alternative Measures program, determining the feeling or views of the victim about having the offender referred, seeking interest from the victim in participating in facilitated meeting with the offender, and informing victims of the Victim Services Program. Ensure that police officers advise all victims of domestic violence of the Victim Services Program.

- Ensure the Policy and Procedures are consistently followed with respect to probation officers advising victim(s) of the terms of the Agreement and the results of the use of Alternative Measures, and distributing copies of the Agreement and Termination Summary to victims.

- Review and clarify the Policy and Procedures with respect to probation officers contacting victims for their contribution to the Agreement being considered and involving the victim in an interview with the offender.
Consider expanding Probation Services to ensure that Alternative Measures cases are more effectively managed and monitored.

Review, clarify and update the Alternative Measures Policy and Procedures, especially with respect to the following: informing all victims of domestic violence, sexual assault and other crimes against the person about Victim Services; and limiting the inclusion of more serious offences in Alternative Measures, i.e., domestic violence, sexual assault and other serious crimes against the person, as well as cases involving an imbalance of power between the victim and offender.

Offer training and workshops on Alternative Measures to police officers, probation officers, Victim Services personnel, and other relevant representatives of the justice system. One focus of the training should be on consistent application of Alternative Measures and practice.

Consider providing public education on Alternative Measures and community justice forums.

Consider expanding the use of community justice forums in Alternative Measures cases where the victim and offender agree. Explore the possibility of additional resources, such as a provincial coordinator for community justice forums.

Examine ways to resolve the community justice forum issue with the RCMP with respect to the adhering to the Provincial Policy and Procedures.
APPENDIX A

CHARACTERISTICS OF RESEARCH PARTICIPANTS
A. SURVEY OF VICTIMS: ALTERNATIVE MEASURES

Eighty-six victims whose cases went by way of Alternative Measures were interviewed for the study. Five victims, who represented a large business or institution that had been victimized many times, were asked only general questions about their experience with Alternative Measures because they could not always recall the details of any particular case.

Gender, Age and Area of Residence

Of the 86 victims interviewed, 51 (59%) were male and 35 (41%) were female. Their ages ranged from 12 to 80 years: age 12-17 (7% of respondents); age 18-25 (20%); age 41-55 (65%); and age 55 and over (7%).

As shown in Table A1, more than half (57%) of the victims lived in Queens County and more than a quarter (28%) lived in Charlottetown. The majority (63%) of victims lived in a rural area, while 37% lived in either Charlottetown or Summerside.

Table A1 Area of Residence of Survey Respondents

<table>
<thead>
<tr>
<th>Area</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queens Rural</td>
<td>25</td>
<td>29.1</td>
</tr>
<tr>
<td>Charlottetown</td>
<td>24</td>
<td>27.9</td>
</tr>
<tr>
<td>Kings Rural</td>
<td>21</td>
<td>24.4</td>
</tr>
<tr>
<td>Summerside</td>
<td>8</td>
<td>9.3</td>
</tr>
<tr>
<td>Prince Rural</td>
<td>7</td>
<td>8.1</td>
</tr>
<tr>
<td>Out of province</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>86</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The Offences

Of the 86 victims interviewed, 62 (72%) were victims of crimes against property, 23 (27%) were victims of crimes against persons, and one (1%) was a victim of a weapons crime. Of the 86 victims, 29 (34%) were victims of theft, 19 (22%) of assault and 17 (20%) of mischief (Table A2).
<table>
<thead>
<tr>
<th>Offence</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Crimes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td>29</td>
<td>33.7</td>
</tr>
<tr>
<td>Mischief</td>
<td>17</td>
<td>19.8</td>
</tr>
<tr>
<td>Break &amp; Enter</td>
<td>4</td>
<td>4.7</td>
</tr>
<tr>
<td>Possession of property obtained by crime</td>
<td>4</td>
<td>4.7</td>
</tr>
<tr>
<td>Taking motor vehicle without consent</td>
<td>4</td>
<td>4.7</td>
</tr>
<tr>
<td>Forgery</td>
<td>3</td>
<td>3.5</td>
</tr>
<tr>
<td>Fraud</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>Sub-total</td>
<td>62</td>
<td>72.3</td>
</tr>
<tr>
<td><strong>Crimes Against Persons</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>19</td>
<td>22.1</td>
</tr>
<tr>
<td>Harassing telephone calls</td>
<td>2</td>
<td>2.3</td>
</tr>
<tr>
<td>Utter threats</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>Sub-total</td>
<td>23</td>
<td>26.8</td>
</tr>
<tr>
<td><strong>Other Criminal Code</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weapons</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>86</td>
<td>100</td>
</tr>
</tbody>
</table>

Of the 58 individual victims, nine (16%) were victims of family violence, which represented 9% of all victims surveyed. Of the nine victims of family violence, eight were female and one was male. And of the nine, eight were victims of assault and one was a victim of mischief.
As shown in Table A3, 26% of the offences occurred in 1999, 33% in 2000, and 41% in 2001.

Table A3  Year of Offence

<table>
<thead>
<tr>
<th>Year</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>22</td>
<td>25.6</td>
</tr>
<tr>
<td>2000</td>
<td>28</td>
<td>32.6</td>
</tr>
<tr>
<td>2001</td>
<td>35</td>
<td>40.7</td>
</tr>
<tr>
<td>2002</td>
<td>1</td>
<td>1.2</td>
</tr>
<tr>
<td>Total</td>
<td>86</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The Victims

Two-thirds (67%) victims interviewed for the study were individual victims, 27% were businesses, and 6% were institutions (Table A4).

Table A4  Type of victim by gender of victim

<table>
<thead>
<tr>
<th>Type</th>
<th>TOTAL</th>
<th>MALE</th>
<th>FEMALE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Individual</td>
<td>58</td>
<td>67.4</td>
<td>30</td>
</tr>
<tr>
<td>Small business</td>
<td>8</td>
<td>9.3</td>
<td>6</td>
</tr>
<tr>
<td>Large business</td>
<td>15</td>
<td>17.4</td>
<td>12</td>
</tr>
<tr>
<td>Institution</td>
<td>5</td>
<td>5.8</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>86</td>
<td>100.0</td>
<td>51</td>
</tr>
</tbody>
</table>

Relationship of Victim to Offender

Table A5 presents the relationship of the victim to offender by type of victim. Of the 86 victims surveyed, more than a third (36%) had no relationship or connection with the offender. Of the 58 individual victims, 14 (24%) had no connection with the offender, while 15 (26%) were related to the offender, 27 (46%) had another connection (i.e., acquaintance, neighbour or other), and two (3%) had a connection through work.
Table A5  Relationship of victim to offender by type of victim

<table>
<thead>
<tr>
<th>Relationship of victim to offender</th>
<th>Total No. (%)</th>
<th>Individual No. (%)</th>
<th>Small Business No. (%)</th>
<th>Large Business No. (%)</th>
<th>Institution No. (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married/ex-married</td>
<td>5 (6%)</td>
<td>5 (9%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Parent/step-parent</td>
<td>6 (7%)</td>
<td>6 (10%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other relative</td>
<td>4 (5%)</td>
<td>4 (7%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Acquaintance/neighbour</td>
<td>3 (4%)</td>
<td>3 (5%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Employment-related</td>
<td>10 (12%)</td>
<td>2 (3%)</td>
<td>3 (38%)</td>
<td>5 (33%)</td>
<td>0</td>
</tr>
<tr>
<td>No relationship</td>
<td>31 (36%)</td>
<td>14 (24%)</td>
<td>4 (50%)</td>
<td>10 (67%)</td>
<td>3 (60%)</td>
</tr>
<tr>
<td>Other relationship</td>
<td>27 (31%)</td>
<td>24 (41%)</td>
<td>1 (13%)</td>
<td>0</td>
<td>2 (40%)</td>
</tr>
<tr>
<td>Total</td>
<td>86 (100%)</td>
<td>58 (100%)</td>
<td>8 (100%)</td>
<td>15 (100%)</td>
<td>5 (100%)</td>
</tr>
</tbody>
</table>
B. SURVEY OF VICTIMS: FORMAL LEGAL PROCEEDINGS

Twenty-five victims whose cases went by way of formal legal proceedings during 2001 were interviewed for the study. Of the 25 victims interviewed, 15 (60%) were individual victims and two (8%) were representatives of a small business, six (24%) of a large businesses, and two (8%) of an institution.

Gender, Age and Area of Residence

Of the 25 interview respondents, 15 (60%) were male and 10 (40%) were female. Of the 15 individual victims, eight were male and seven were female. The ages of the 15 individual victims are as follows: age 12-17 (1 respondent); age 18-25 (2); age 26-40 (3); age 41-55 (7); and age 55 and over (2).

As shown in Table B1, more than half (57%) of victims surveyed lived in Queens County and more than a quarter (28%) lived in Charlottetown. While more than a third of the victims (37%) were urban dwellers (i.e., lived in Charlottetown or Summerside), the majority (63%) lived in a rural area.

Table B1 Area of Residence of Survey Respondents

<table>
<thead>
<tr>
<th>Area</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queens Rural</td>
<td>4</td>
<td>16.0</td>
</tr>
<tr>
<td>Charlottetown</td>
<td>7</td>
<td>28.0</td>
</tr>
<tr>
<td>Kings Rural</td>
<td>1</td>
<td>4.0</td>
</tr>
<tr>
<td>Summerside</td>
<td>8</td>
<td>32.0</td>
</tr>
<tr>
<td>Prince Rural</td>
<td>5</td>
<td>20.0</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The Offences

Of the 25 victims interviewed, 21 (84%) were victims of a property crime and four (21%) were victims of a crime against the person. The 25 offences in the cases were as follows: 10 (40%) theft, four (16%) mischief/property damage, three (12%) assault, three (12%) break and enter, three (12%) fraud, one (4%) possession of property by crime, and one (4%) harassment. Of the 25 victims, one (3%) was a female victim of family violence, i.e., assault.

Fourteen (56%) of the victims said they had heard of Alternative Measures, while 10 (40%) said they had not, and one (4%) was uncertain.
C. SURVEY OF POLICE OFFICERS

Questionnaires were distributed to nine police departments/detachments\textsuperscript{15} in the province during the first week in April 2002. Of the 157 front-line and court officers in the province, 68 returned a questionnaire on or before May 31, 2002 (43% response rate).

Police Department/Detachment

Of the 68 questionnaires returned, 39 (57%) were completed by an officer with the RCMP and 26 (38%) by an officer with a municipal police department (Table C1).

Table C1  Survey Respondents:  Police Department/Detachment

<table>
<thead>
<tr>
<th>Police Department/Detachment</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlottetown RCMP</td>
<td>10</td>
<td>14.7</td>
</tr>
<tr>
<td>East Prince (Summerside) RCMP</td>
<td>9</td>
<td>13.2</td>
</tr>
<tr>
<td>Montague RCMP</td>
<td>3</td>
<td>4.4</td>
</tr>
<tr>
<td>Souris RCMP</td>
<td>6</td>
<td>8.8</td>
</tr>
<tr>
<td>West Prince (Alberton) RCMP</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td>RCMP (unknown)</td>
<td>9</td>
<td>13.2</td>
</tr>
<tr>
<td>Charlottetown City Police</td>
<td>13</td>
<td>19.1</td>
</tr>
<tr>
<td>Summerside Police Services</td>
<td>11</td>
<td>16.2</td>
</tr>
<tr>
<td>Kensington Police</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td>Borden Carleton Police</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Charlottetown (unknown)</td>
<td>3</td>
<td>4.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>68</td>
<td>100.0</td>
</tr>
</tbody>
</table>

\textsuperscript{15} UPEI Security Services declined to participate in the survey because the police officers had no experience with Alternative Measures cases.
Rank and Years of Service

As shown in Table C2, the rank of almost three-quarters of respondents was that of constable.

Table C2  Rank of Respondents

<table>
<thead>
<tr>
<th>Rank</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constable</td>
<td>50</td>
<td>73.5</td>
</tr>
<tr>
<td>Corporal</td>
<td>8</td>
<td>11.8</td>
</tr>
<tr>
<td>Sergeant</td>
<td>5</td>
<td>7.4</td>
</tr>
<tr>
<td>Staff Sergeant</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td>Chief</td>
<td>1</td>
<td>1.5</td>
</tr>
<tr>
<td>Chief</td>
<td>1</td>
<td>1.5</td>
</tr>
<tr>
<td>Missing</td>
<td>1</td>
<td>1.5</td>
</tr>
<tr>
<td>Total</td>
<td>68</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table C3 presents the respondents’ years of service as a police officer. As shown, approximately one-third of the respondents had 10 years of police service or less, while two-thirds had more than 10 years of police service.

Table C3  Years of Service as Police Officer

<table>
<thead>
<tr>
<th>Years</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 5</td>
<td>14</td>
<td>20.6</td>
</tr>
<tr>
<td>6 - 10</td>
<td>8</td>
<td>11.8</td>
</tr>
<tr>
<td>11 - 20</td>
<td>15</td>
<td>22.1</td>
</tr>
<tr>
<td>21 - 30</td>
<td>24</td>
<td>35.3</td>
</tr>
<tr>
<td>30+</td>
<td>4</td>
<td>5.9</td>
</tr>
<tr>
<td>Missing</td>
<td>3</td>
<td>4.4</td>
</tr>
<tr>
<td>Total</td>
<td>68</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Experience with Alternative Measures

Of the 68 police officers surveyed, 65 (96%) said they were aware of Alternative Measures Policy and Procedures for Adult and Young Offenders: 33 (49%) were very aware; 32 (47%), somewhat aware; and three (4%), not aware.
Sixty-four (94%) of the officers said they were aware of the difference between standard Alternative Measures and community justice forums: 30 (44%) were very aware; 34 (50%), somewhat aware; and four (6%), not aware.

During the period January 1, 2001 – December 31, 2001, 54 (79%) of the officers surveyed said they had made at least one recommendation to the Crown Attorney that an offence be dealt with by way of Alternative Measures (Table C4). More than two-thirds of the officers had referred one to 10 offenders to Alternative Measures, while 10% had referred more than 10 offenders.

Table C4  Number of Offenders Referred to Alternative Measures

<table>
<thead>
<tr>
<th>Number of Offenders Referred to Alternative Measures</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>13</td>
<td>19.1</td>
</tr>
<tr>
<td>1 - 10</td>
<td>47</td>
<td>69.1</td>
</tr>
<tr>
<td>11 - 20</td>
<td>5</td>
<td>7.4</td>
</tr>
<tr>
<td>21+</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td>Missing</td>
<td>1</td>
<td>4.4</td>
</tr>
<tr>
<td>Total</td>
<td>68</td>
<td>100.0</td>
</tr>
</tbody>
</table>

When asked how often during the past 12 months they had referred offenders to Alternative Measures in cases that met the criteria, approximately half of those polled said they did so ‘most of the time’ (Table C5).

Table C5  Frequency of Referring Offenders to Alternative Measures

<table>
<thead>
<tr>
<th>Frequency</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the time</td>
<td>35</td>
<td>51.5</td>
</tr>
<tr>
<td>Some of the time</td>
<td>20</td>
<td>29.4</td>
</tr>
<tr>
<td>Rarely</td>
<td>2</td>
<td>2.9</td>
</tr>
<tr>
<td>Never</td>
<td>6</td>
<td>8.8</td>
</tr>
<tr>
<td>Missing</td>
<td>5</td>
<td>7.3</td>
</tr>
<tr>
<td>Total</td>
<td>68</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Sixteen officers explained why they had not made recommendation more often, as follows:

- Officer was unaware that the case would have met the criteria . . . 2 respondents
- Victim was not supportive or requested charges/offence was too serious . . . . 2
- Accused had a previous record ........................................ 1
- Accused had poor attitude ............................................. 1
- Parties were uncooperative ........................................ 1
- Accountability was an issue for the department .................... 1
- Officer laid criminal charges and released on Undertaking ............ 1
- File may remain open while waiting for approval ...................... 1
- Police lack feedback on outcome of Agreement ....................... 1
- Officer was unsure of criteria needed for recommendation ........... 1
- Officer was unsure of Crown’s position ................................ 1

In addition, one officer said, “It takes as much time to process as to charge. It is easier to get complainant not to lay charges at scene, i.e., shoplifting $5.00 merchandise – store does not prosecute.”
D. INTERVIEWS WITH PROBATION OFFICERS

The 17 probation officers in the province with experience in Alternative Measures were interviewed by telephone during June 2002. Of the 17 officers, two (12%) were Assistant Probation Officers, one (6%) was Level 1, 11 (65%) were Level 2, and three (18%) were Level 3.

Of the 17 probation officers interviewed for the study, four (24%) had worked as a probation officer for less than three years, while three (18%) had worked for three to five years, four (24%) for six to 10 years, and six (35%) for more than 10 years. Of the 17 probation officers interviewed, 11 (65%) were female and six (35%) were male.

Seven (41%) of the probation officers worked in the Charlottetown office, six (35%) in Summerside, one in West Prince, one in both Souris and Montague, and one in both Charlottetown and Montague.

Experience with Alternative Measures

Of the 17 probation officers interviewed, 16 (94%) reported being aware of the Alternative Measures Policy and Procedures for Adult and Young Offenders, with 11 (65%) very aware and five (29%) somewhat aware; while one respondent (6%) reported being somewhat unaware. Asked whether they were aware of the difference between standard alternative measures and community justice forums, all 17 of the probation officers surveyed said they were aware, with 12 (71%) very aware.

Of the 17 probation officers, two (12%) said they had not managed any Alternative Measures cases during the past 12 months, while nine (53%) had managed less than 11 cases, four (24%) 11 to 20 cases, and two (12%) more than 20 cases. Both of the officers who had managed more than 20 cases each were Assistant Probation Officers. All four of the officers who had managed from 11 to 20 cases each were Probation Officer Level 2.

When asked what per cent of their cases were referred back to the Crown Attorney during the last 12 months, seven probation officers (41%) said they had not referred any back, while two (12%) had referred less than 10% of cases back, three (18%) had referred 10%, and three (18%) had referred 20%.

Eight of the probation officers explained why cases had been referred back to the Crown Attorney. Four officers cited non-compliance on the part of the offender and four cited the offenders’ failure to accept responsibility. Three officers said the offender had failed to report or respond to letters. One officer each cited the following: Alternative Measures was not appropriate for the offence; time line was too short for referral to appropriate programs; offender continued to be involved in criminal activities; offender had violated the conditions; offender had disputed the facts of the case; offender chose to go to Court; statute of limitations had expired.