

**ADULT ALTERNATIVE MEASURES
MEMORANDUM OF UNDERSTANDING
BETWEEN:**

**CORRECTIONS BRANCH
MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
AND
CRIMINAL JUSTICE BRANCH
ATTORNEY GENERAL**

Purpose

This Memorandum of Understanding applies to the Corrections Branch and the Criminal Justice Branch. It guides the operation of alternative measures for adults.

This Memorandum replaces the Adult Alternative Measures Memorandum of Understanding (dated, December 2, 1997) and the Agreement and Guidelines for the Involvement of the Corrections Branch in Alternative Measures for Sexual Offenders, (dated December 2, 1997)

Alternative Measures Independent of the Corrections Branch

This MOU does not preclude the Criminal Justice Branch from proceeding with alternative measures without the involvement of the Corrections Branch.

Crown Counsel Referrals for Screening

1. The decision to refer an accused person for alternative measures screening is made in accordance with Criminal Justice Policy.
2. Crown Counsel will send referrals to the local Community Corrections office or to a Corrections Branch approved First Nations Alternative Measures Contractor.
3. The referral includes the Alternative Measures Form, the Report to Crown Counsel, and any CPIC or CRN record. The date of pending court appearance and the limitation date for the offence should be noted on the form.
4. Crown Counsel will attach a note explaining the rationale for any referral for alternative measures screening where the case involves; assault within the family or a relationship, sexual offence, child abuse offence, hate/propaganda/bias offence, or Category 2 or 1 offence.

Community Corrections Screening

1. The local Community Corrections office will be responsible for establishing contact with the Crown Counsel offices in their area and setting up an efficient process of referral and communication.
2. Community Corrections and Corrections Branch approved First Nations Alternative Measures Contractors will conduct intake, screening and case management in accordance with Corrections Branch Policy.

Crown Counsel Approval Process

1. Approval by Crown Counsel is required prior to the person commencing the terms of their alternative measures plan.
2. Crown Counsel will review the Alternative Measures Form, note their decision and return the signed form within 5 working days of receipt. If Crown Counsel disagrees with any of the terms of the recommended plan, this will be discussed to determine if other terms can be agreed upon.

Commencement of Alternative Measures

The alternative measures client will be contacted within 5 working days of receiving the final approval from Crown Counsel in order to confirm the terms of the alternative plan, and to then commence the plan.

Extensions

If an extension beyond two months is required for a client to complete the terms of an alternative measures plan, Crown Counsel may grant the client an additional four month extension. This decision must be made within the 6 month limitation period calculated from the date of the offence. Extensions beyond 6 months require the approval of Regional Crown Counsel, and the Community Corrections Regional Manager or the Corrections Branch approved First Nations Contractor.

Non-Compliance with Alternative Measures Plan

Community Corrections or the Corrections Branch approved First Nations Contractor will monitor a client's compliance with the terms of their alternative measures plan. In the event that a client does not comply, or only partially complies, the relevant circumstances will be recorded on the Alternative Measures Form. The form will be forwarded to Crown Counsel immediately following expiration of the time period for compliance, or, as appropriate, earlier.

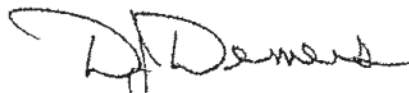
Process to Resolve Disagreements

In the event there is a disagreement respecting a particular referral between Crown Counsel and Corrections Branch, efforts should be made to resolve the matter between the parties (Corrections Branch Local Manager and the local Administrative Crown Counsel). If the case still cannot be resolved, a final decision will be made between the Regional Crown Counsel, or designate, and the Community Corrections Regional Manager.

Crown Counsel retains the unfettered right to refer any case for Alternative Measures screening. Community Corrections will accept and process all referrals as per Corrections Branch policy.



Authorized by:
Assistant Deputy Attorney General
Criminal Justice Branch
Date: Oct 21/02



Assistant Deputy Minister
Corrections Branch
Date: 22 Oct 02