

SASKATCHEWAN JUSTICE: DIVERSION PROGRAM POLICY – 1996

1. PURPOSE:

Diversion programs provide an alternative to the traditional court process for adults facing criminal charges.

Programs offer offenders opportunities to effect reparation to victims and community within a structured, publicly accountable program which is sensitive to cultural diversity.

2. AUTHORITY:

2.1 Saskatchewan Justice provides operating standards for approved diversion programs consistent with Section 717 of the *Criminal Code*.

2.2 Referrals are made pre-charge or post-charge upon review by a crown prosecutor.

3. ELIGIBILITY CRITERIA:

Victim participation is encouraged but not a pre-requisite for program eligibility, except in mediation. Victim participation is voluntary.

3.1 Offender:

- adult
- sufficient evidence exists to support a criminal charge
- prosecution is not barred at law
- acknowledgement of responsibility for behaviour
- diverted not more than twice in the last three years
- no failed diversion in the last six months
- no substantial record of similar offences or recent charges

3.2 Offences to be excluded:

- incident involved the use of or threatened use of a weapon
- violence against the person cases (adult or child)₁ (where crown elects to proceed by way of indictment)
- child sexual abuse cases
- sexual assault cases (where crown elects to proceed by way of indictment)
- perjury
- driving while disqualified
- all Criminal Code driving offences where alcohol was a contributing factor
- any federal offence other than Criminal Code *
- all family violence cases

*The availability of alternative measures respecting these offences determined by the federal Department of Justice