



**CRIMINAL JUSTICE IN NOVA SCOTIA –
BEYOND ‘ONE SIZE FITS ALL’**

**Nova Scotia Criminal Justice Association
Friday June 9, 2017
Scotiabank Theatre, Saint Mary’s University
8:30am – 4:00pm**

Session Objectives

To provide a forum for participants to gain a greater understanding of:

- the rationale for creating specialized justice processes as an alternative to the traditional justice system;
- the ways in which these alternatives have been implemented in Nova Scotia;
- the strengths and weaknesses of the approaches; and
- the challenges and opportunities for improving their effectiveness

8:00am-8:30am	Registration	
8:30am-8:45am	Welcome and opening remarks	Dr. Robert Summerby-Murray , President Saint Mary’s University Fred Honsberger , President, Nova Scotia Criminal Justice Association
8:45am-9:30am	Keynote address <i>Provincial Court Innovation in the Criminal Justice System</i>	The Honourable Pamela S. Williams Chief Judge of the Provincial and Family Courts
9:30am-9:45am	Break	
9:45am-11:00am	Domestic Violence Courts	Dr. Verona Singer , Halifax Regional Police Victim Services Dr. Diane Crocker , Saint Mary’s University Tod Augusta-Scott , Bridges Institute
11:00am-12:15pm	Culturally appropriate responses for Aboriginal persons	The Honourable Laurel J. Halfpenny-McQuarrie Judge of the Provincial Court Cheryl Fritz , Court Services, Mi’kmaw Legal Support Network Darryl Tracy , court worker, Mi’kmaw Legal Support Network
12:15pm-1:00pm	Lunch	
1:00pm-2:15pm	Cultural assessments for African Nova Scotian offenders	Lana MacLean , social justice advocate Brandon Rolle , Nova Scotia Legal Aid Maria Dugas , Dalhousie Law School
2:15pm-2:30pm	Break	
2:30pm-3:30pm	Mental Health Courts	Kelly Rowlett , NS Legal Aid, Defence Counsel, Mental Health Court, Dartmouth

3:30pm-4:00pm Future Directions – Specialized Courts and Processes in Nova Scotia

SESSION DESCRIPTION

KEYNOTE ADDRESS – *Provincial Court Innovation in the Criminal Justice System*

The Honourable Pamela S. Williams is the Chief Judge of the Provincial and Family Courts.

Chief Judge Williams was appointed a judge of the Provincial and Family Courts of Nova Scotia in September 2003. She has presided over adult and youth criminal proceedings and occasional family court matters. Between October 2006 and August 2010, she was the primary Youth Court Judge in the Metro Youth Justice Court. Since then she has been the dedicated judge for the Nova Scotia Mental Health Court. She also presides in adult criminal court. She served as Associate Chief Judge of the Provincial and Family Court from April 26, 2011 until February 26, 2013, when she was appointed Chief Judge of the Provincial and Family Court for the Province of Nova Scotia. Prior to her appointment, she was a staff lawyer with Nova Scotia Legal Aid for nearly 20 years. During that time, she represented adults and youth in the areas of family law and criminal law. She was also a legal advocate for the mentally ill who appeared before the Criminal Code Review Board.

DOMESTIC VIOLENCE COURTS

The panel will discuss the recent evaluation of the domestic violence court in Sydney with a view to exploring the possibilities of incorporating restorative justice principles into a community-based response to intimate partner violence. The community-based response draws on the traditional legal system when necessary to provide responsive regulation.

Dr. Verona Singer is the Coordinator of Victim Services for the Halifax Regional Police Service. She has been a part-time professor of Victimology at Saint Mary's University for many years. Dr. Singer is currently Past President of the Canadian Criminal Justice Association. Her research includes the high risk case coordination protocol, gendered violence in HRM and restorative practices in gendered violence.

Dr. Diane Crocker holds a Ph.D. in Sociology from York University. She is currently a Professor in the Department of Sociology and Criminology at Saint Mary's University teaching courses in Criminology and is the Associate Dean, Student Affairs, Faculty of Graduate Studies and Research. Her research areas include restorative justice, rape culture, violence against women, criminal harassment and the use of law to address social problems, particularly those that disproportionately affect women. She co-authored an evaluation of the domestic violence court in Sydney.

Tod Augusta-Scott, MSW is known internationally for his work with domestic violence, restorative justice and narrative therapy. Since 1994, he has been the coordinator of Bridges. He has taught in the Social Work Department, Dalhousie University. He works with the Canadian Armed Forces. His most recent projects include publishing *Innovations in Interventions to Address Intimate Partner Violence* (Routledge, 2017) and participating in the documentary film *A Better Man*.

MENTAL HEALTH COURT

The Nova Scotia Mental Health Court (NS MHC) Program currently operates out of the Dartmouth Courthouse on Thursday afternoons. Established in 2009, it was created to reduce the 'revolving door' syndrome in the justice and health systems, by attempting to reconnect its participants (who suffer from major mental health disorders and whose crimes are closely related to their disorders) with the appropriate supports. With these supports and with judicial supervision it is hoped that NS MHC participants will have less contact in the future with the law and acute mental health services.

The Court Monitored Drug Treatment Program (CMDTP) also operates out of the Dartmouth Courthouse on Thursday afternoons under the MHC umbrella. It deals with accused persons with opioid addictions whose offending behaviour is directly related to their addiction.

Kelly Rowlett is one of two lawyers in the Mental Health Legal Services Department of NS Legal Aid and has been Defence Counsel in the NS MHC since its inception. She is also counsel for the CMDTP. Kelly has been practising for the last ten years exclusively in the area of Mental Health Law and has been involved in and consulted by a wide variety of organizations, committees and projects.

Aileen McGinty is the Crown Attorney for the MHC and CMDTP in Dartmouth. Prior to joining the Public Prosecution Service, Aileen was a defence lawyer in private practice. She has also worked in a variety of roles over the years in both health and legal settings.

CULTURALLY APPROPRIATE RESPONSES FOR ABORIGINAL PERSONS

The rationale given for the enactment of special provisions for sentencing Aboriginal offenders is that the unique circumstances and social histories of these individuals have given rise to disproportionate rates of imprisonment. This session will examine the evolution of *Gladue* reports in Nova Scotia – progress that has been made and challenges for the future. It will provide an opportunity to learn about plans to establish a new specialized court to allow residents of Wagmatcook and Waycobah First Nations to access culturally sensitive court services, including a wellness court.

Judge Laurel J. Halfpenny-MacQuarrie is a provincial court judge, based in Port Hawkesbury. Judge Halfpenny-MacQuarrie played a key role in the establishment of the new specialized court which will serve Wagmatcook and Waycobah. She has been designated as the presiding judge.

Cheryl Fritz is the Coordinator of Court Services for the Mi'kmaw Legal Support Network. In this role, she oversees the Aboriginal Courtworker Program and administers the delivery of *Gladue* Reports. She spent 13 years as Program Supervisor for the Mi'kmaw Family Healing Centre in Millbrook and 11 years as Director for the Indian Child Welfare Act Program for the North American Indian Centre of Boston. Ms. Fritz is serving her 2nd term as municipal councillor and Deputy Mayor for the Town of Truro. She is the first Mi'kmaq to be elected in this capacity.

Darryl Tracy is a court worker with the Mi'kmaw Legal Support Network.

CULTURAL ASSESSMENTS FOR AFRICAN NOVA SCOTIA OFFENDERS

It is known that Black offenders are over-represented in the Canadian criminal justice system. According to the Office of the Correctional Investigator, while Blacks represent 2.9% of the total Canadian population, they constitute 9.5% of the federal inmate population. The OCI notes that over the past 10 years the Black inmate population has increased by 69%.

Recently, in Nova Scotia, Gladue-like cultural assessments have been requested by the judiciary to assist in sentencing of African Nova Scotian offenders, although these have been limited to a handful of cases. Chief Judge Pam Williams noted that these cultural assessment reports can be used to “understand how offenders have been disadvantaged in the education system, in the employment field and in other areas of society...It isn't so much taking race into account per se, it's taking into consideration how race has led to systemic discrimination, marginalization and impoverishment of this group of individuals.”

Lana MacLean has been a practising clinical social worker for over twenty years. She has worked in the field of addictions and mental health with adolescents and adults. Lana has a small private practice in HRM. She has presented at local and national conferences in the area of cultural competency in mental health and addictions, race and trauma-informed care. In 2017 Lana was qualified by the Nova Scotia Supreme Court as an expert witness in the area of race and cultural issues as they relate to the sentencing of African Nova Scotians.

Brendan Rolle has been a staff lawyer with Nova Scotia Legal Aid since February 2013.

Maria Dugas is a Masters student at the Schulich School of Law,

REGISTRATION INFORMATION

Registration fees:

Current NSCJA members	\$35.00
Non-members (learning event registration only)	\$50.00
Non-member (fee includes NSCJA/CCJA membership)	\$95.00

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