

# Exploring Criminal Justice in Nova Scotia\*

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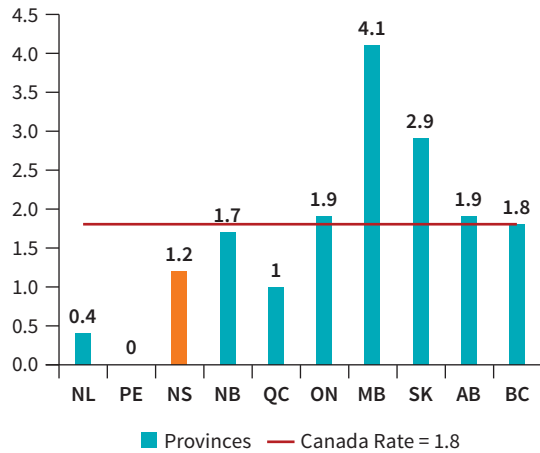
This supplement to *Exploring Criminal Justice in Canada* provides additional content about crime and the responses of the police, courts, and corrections that is specific to Nova Scotia, including issues related to urban and rural crime, perceptions of the police and justice system, and managing the crime-related challenges that are distinctive to the province. In addition, examples are provided of miscarriages of justice, examples of restorative justice programs in the province, changes in the seriousness of crime between 2014 and 2018, and the potential impact of the COVID-19 pandemic on the justice system. Altogether, these cases, events, and information specific to Nova Scotia enable readers to better understand the provincial context that can't be covered in a textbook that focuses on the entire nation.

## NOVA SCOTIA: CRIME AT A GLANCE

Of the 10 provinces, Nova Scotia usually falls below the national average in terms of the Crime Severity Index (CSI), which is an indicator of the volume and seriousness of crime. In 2018 the CSI for the province was 65.2, which was less than the national average (75) and about one-half as high as the Saskatchewan CSI (139.2) (Moreau, 2019). Like the rest of Canada, the rates of violent and property crime offences per 100,000 residents reported to the police in Nova Scotia are lower today than rates in the 1970s. Information from the General Social Survey (GSS), however, shows that Nova Scotia residents reported levels of violent victimization (including physical and sexual assaults and robbery) that were higher than the rate for the entire nation (94 acts per 1,000 population for Nova Scotia and 76 for the entire nation) (Perreault, 2015). We are awaiting the results of the 2019 GSS—which should be published by 2021—to see whether there has been a change in that trend.

While *Exploring Criminal Justice* described the interprovincial differences in the CSI, the following figures show differences in the rates of homicide in the provinces as well as levels of crime in the largest cities in Atlantic Canada (information for Sydney in 2018 is not available). Figure 1 shows the homicide rate per 100,000 residents for 2018; the rate of 1.2 is less than the national average of 1.8 per 100,000 residents. Between 2010 and 2018 the province averaged 15.2 murders per year. That average, however, will change after the April 2020 mass murder when a gunman dressed as a Royal Canadian Mounted Police (RCMP) constable murdered 22 people before being killed by the police. As a result, we have to be fairly careful not to read too much into a one-year change as this crime will influence the homicide statistics for the entire province for the foreseeable future. From a more positive perspective, Figure 2 shows that there were no homicides in four cities, and the high rate for Fredericton for 2018 reflects an incident where one person murdered two police officers and two civilians; another example of one

\*The ten provincial summaries follow a common template and although the examples presented in this supplement differ from the other nine, some of the content is very similar or will have identical text.



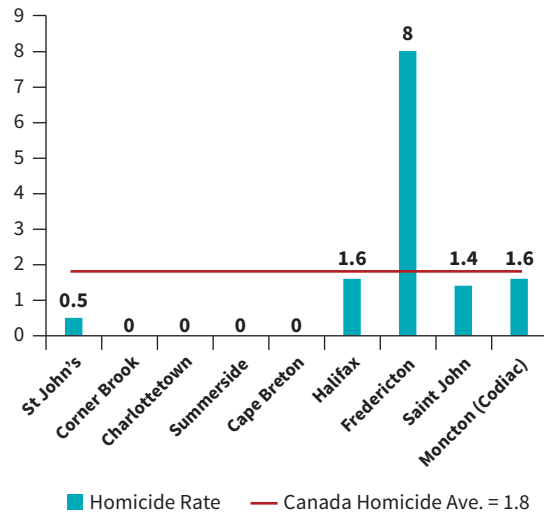
**FIGURE 1** Provincial Homicide Rates (per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table: 35-10-0177-01

crime increasing the murder statistics for the entire province.

The National Inquiry into Missing and Murdered Indigenous Women and Girls initiated in 2016 has brought renewed attention to the issue of violence towards women. According to the Chief Public Health Officer of Canada (2016) more than 200 men and women are victimized every day and a woman is killed by a family member every four days in Canada. With respect to family violence, risks of victimization increase for women, Indigenous women, people with disabilities, and those who identify as lesbian, gay, bisexual, trans, or questioning (Chief Public Health Officer of Canada, 2016, p. 6). Self-report surveys such as the GSS show that few cases of family violence are ever reported to the police. Burczycka (2016, p. 3) analyzed the 2014 GSS results and reported that “4 per cent of Canadians in the provinces with a current or former spouse or common-law partner reported having been physically or sexually abused by their spouse during the preceding 5 years.” Figure 3 shows that Nova Scotia also has rates of intimate partner violence (IPV), which are assaults committed by current or former spouses or intimate partners, that are close to the national average.

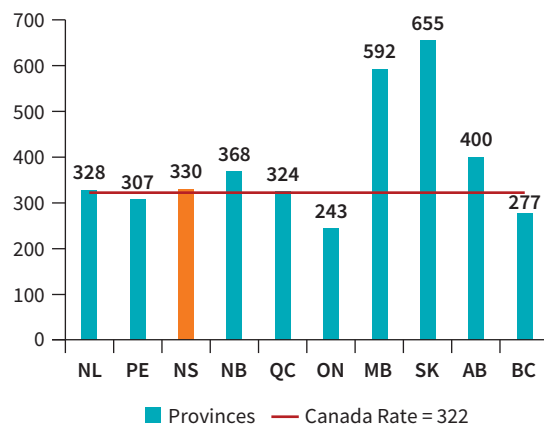
Moreau (2019, p. 47) reports the rate of sexual assaults reported to the police in Nova Scotia is



**FIGURE 2** Homicide Rates (per 100,000 residents), Largest Cities in Atlantic Canada, 2018

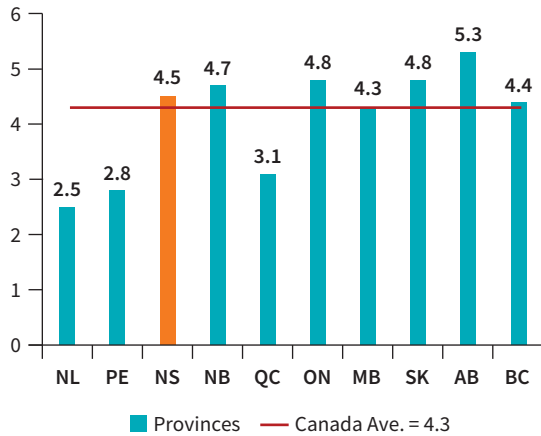
Source: Adapted from Statistics Canada (2020b) Table 35-10-0178-01

higher than the national average (113 per 100,000 NS residents compared with 78 offences per 100,000 Canadian residents). As noted in *Exploring Criminal Justice*, sexual offences are among the least reported crimes. Perreault (2015, p. 3) analyzed the results of the 2014 GSS and estimated as few as 5 per cent of all sexual offences are ever reported to the police and only a fraction of those cases result in convictions. As a result, we do not



**FIGURE 3** Victims of Police-Reported Intimate Partner Violence, 2018

Source: Adapted from Burczycka (2019)

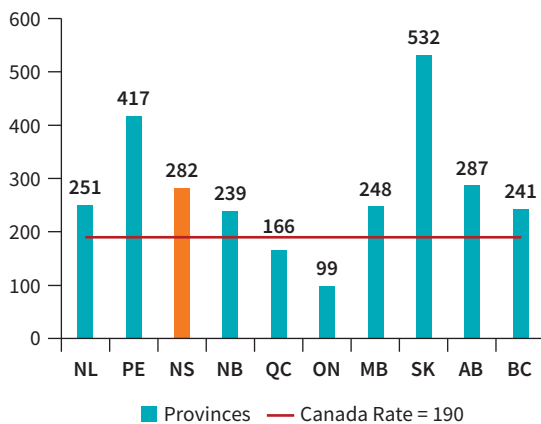


**FIGURE 4** Total Violent Victimization, Women Survey Respondents, 2018

Source: Adapted from Cotter and Savage (2019)

know the true number of these offences. Figure 4 shows the results of a Canadian Centre for Justice Statistics survey, conducted in 2018, that shows the violent victimization of women, and 4.5 per cent of NS respondents said they had been physically or sexually victimized in the previous year, which was close to the national average of 4.3 per cent (Cotter & Savage, 2019).

Figure 5 shows the rates of impaired driving offences for the provinces, and despite having a low CSI, Nova Scotia has rates of impaired driving that is slightly higher than the national average.

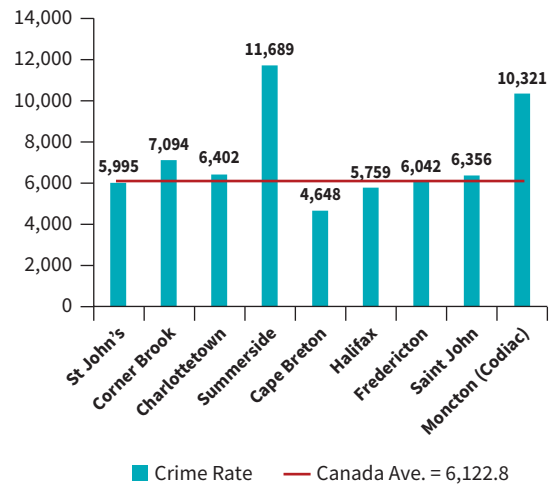


**FIGURE 5** Provincial Impaired Driving Rate (per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table 35-10-0177-01

A review of this figure shows that impaired driving offences in all four Atlantic Canada provinces are higher than the national average: What factors would explain this pattern? One possible explanation is the higher proportion of people living in the rural areas of these provinces. Compared with urban areas, Perreault (2019, pp. 20-1) found that rates of impaired driving in rural Canada are about two and a half times higher, impaired driving causing bodily injury offences are three times greater, and impaired driving causing death is seven times higher. There are a number of possible reasons for those results, including higher rates of vehicle ownership in rural Canada and a lack of public transportation in these places.

Figure 6 shows the total crime rates for the largest cities in Atlantic Canada for 2018 and this shows some variation in the amount of crime occurring in these places, although all were relatively close to the Nova Scotia average of 5,641 per 100,000 residents in Cape Breton and Halifax, however, are much lower than in Moncton or Summerside. One question that criminologists like to ask is why crime differs so much between these places. Is it, for example, due to the actual number of crimes, or are people in Moncton more likely to report



**FIGURE 6** Total Crime Rate (per 100,000 residents), Largest Cities in Atlantic Canada, 2018

Source: Statistics Canada (2020b), Table 35-10178-01

their victimization to the police than Halifax residents?

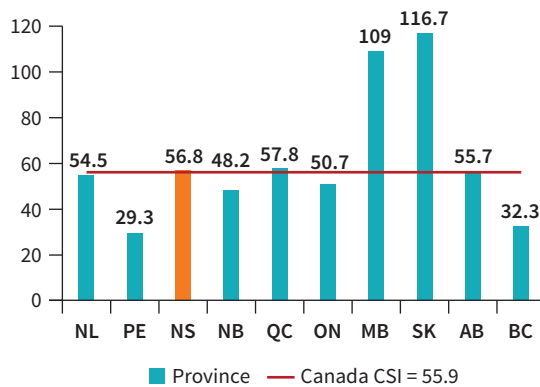
Youth contribute to crime rates and their involvement in crime tends to be similar to adult crime rates. As a result, in places where adult crime is high, youth crimes tend to follow the same pattern. Moreau (2019, p. 65) reports the overall youth CSI for the provinces and Figure 7 presents that information. The volume and seriousness of crime (the CSI) for Nova Scotia youth is about the same as the national average, but one-half as much compared to Manitoba or Saskatchewan. Youth crime throughout the nation has been dropping and this has lowered the number of youth appearing before the courts, and the number of youth placed in custody has dropped dramatically in the past two decades. The issue of youth crime is addressed in the section on Nova Scotia's justice system.

We tend to think of rural areas as having relatively low rates of crime and violence, but as noted in Chapter 2 of *Exploring Criminal Justice*, some rural places have higher levels of property and violent crime than any city. According to Statistics Canada (2019), about 394,000 Nova Scotia residents (43 per cent of the population) live in the countryside, which is more than twice the national average as 19 per cent of Canada's rural population. Table 2.2 in *Exploring Criminal Justice* (p. 55) reports the results of research carried

out by Perreault (2019) that shows that both the overall and violent crime rates are higher in the rural areas than in Nova Scotia's cities. That result is consistent with the results of the entire nation. Perreault (2019, p. 33) also found that the crime severity index dropped in all four Atlantic Canada provinces between 2009 and 2017, but the drop in rural crime in Nova Scotia was only 2 per cent, whereas the drop for the entire nation was 7 per cent. Like other crime statistics, however, those averages will mask the fact that some rural Nova Scotia communities have high crime rates while other places are peaceful.

### Critical Thinking Questions

1. Provide some reasons why the youth CSI in Manitoba or Saskatchewan is more than two times higher than those in Nova Scotia?
2. What factors explain why Cape Breton and Halifax have lower crime rates than other large cities in Atlantic Canada?
3. What factors would contribute to Nova Scotia having higher rates of intimate partner violence or violence toward women than in British Columbia or Ontario?



**FIGURE 7** Youth Crime Severity Index by Province, 2018

Source: Adapted from Statistics Canada (2020c) Table 35-10-0003-01

### A STORM IS COMING: COVID-19 AND CANADA'S CRIMINAL JUSTICE SYSTEM

Three months into the pandemic—in mid-May 2020—the media isn't reporting significant national-level increases in the volume or seriousness of crime, but the types of crimes being committed are changing due to the number of people who are self-isolating, out-of-work, low on spending money, and suffering from stress and uncertainty. Some criminologists say that it is irresponsible to make predictions about the impact of a one-time crisis on crime as there are few prior examples and too many unknowns. We do predict, however, that the crime-related impacts of the pandemic will differ throughout the nation.

Some cities and provinces may be more resistant to the ill-effects of the economic downturn while parts of the country that were already suffering—such as Alberta or Newfoundland and Labrador—may be doubly disadvantaged.

The number of people turning to alcohol and drugs, committing suicide, and engaging in crime often increases in tough economic times. Police officials are reporting that the number of residential break and enters have decreased while commercial break-ins increased, as have domestic violence incidents and street robberies (Fitzpatrick, 2020; Howell, 2020). Hate crimes directed toward East Asians are also said to have increased since the start of the pandemic (Hager, 2020).

We might not consider how some social and legal changes affect criminal activities. Wells (2020) reports that closing the borders reduced the supply of illicit drugs coming into the country and prices increased; causing some users to turn to more lethal drugs. People involved in the sex trade can no longer sell their services due to the fear of transmitting the virus. Workers in some long-term care facilities in eastern Canada allegedly abandoned their clients and some elderly people died alone in these places. Furthermore, because schools have closed, it may be harder to detect cases of child abuse because teachers are no longer reporting these crimes. Last, although there are fewer cars on the road people are driving faster and the number of dangerous driving offences have increased in some provinces. We will not have a full accounting of the impact of COVID-19 pandemic until the 2020 police-reported crime statistics are released in the summer of 2021.

All three parts of the justice system are adapting to the pandemic, and the following briefly describes some initial impacts on the police, courts, and corrections:

**Police:** Luscombe and McClelland (2020) found that some police services have enforced social distance bylaws more aggressively than others, and many people receiving tickets for violating these bylaws are already socially marginalized. It is proving difficult

for some police services to strike a balance between ensuring public safety—including the health risks for officers and the people who get stopped, searched, and/or arrested—and resisting the expansion of police powers. Anecdotal accounts suggest that some police services directed their officers to ignore low-level crimes given the risks of contracting the COVID-19 virus in the interactions between suspects and officers.

**Courts:** Most courts closed because of social distancing and virtual and/or video hearings became more commonly used. Bail hearings were prioritized, although judges were reluctant to detain accused persons in jail given the risks of contracting or transmitting the virus. There was a growing backlog of cases that need to be heard sometime in the future and Powell (2020) predicts that jury trials will not resume until 2021. There is likely to be a backlog of family matters and civil cases that further tie up the courts given the number of lawsuits that will be launched due to broken contracts.

**Corrections:** The virus swept through correctional facilities and inmate deaths were reported throughout the country. In order to reduce the risks of spreading COVID-19, about one-quarter of provincial inmates in Ontario were released from custody; the other nine provinces took a similar approach (and released about a similar proportion of inmates). The federal and provincial prisoners who remain in custody say that tensions in these facilities have increased as the people living behind bars feel powerless to avoid the virus, and family visits—which reduce tensions—have been cut to avoid importing the virus into these facilities. As a result, family members have expressed fear that their loved ones might die behind bars without their support.

We know that the criminal justice system will weather the unpredictable future, but question the long-term impacts of the pandemic. By the time you read this summary, some of the issues we raised will have been resolved, but the long-term

impact of the COVID-19 virus on the economy and jobs will shape the types of crimes that are occurring, and the operations of the police, courts, and corrections for years to come. A report from the Fraser Institute about Nova Scotia's future says that the COVID-19 will increase provincial debt and force cuts in health care, education and tax relief (Fuss & Whalen, 2020). As governments respond to manage a greater demand for services, their operating budgets will be cut because of the economic downturn. Prior research has shown that recessions often result in less funding for the police, courts, and corrections at the same time that crime increases and the people involved in the criminal justice system have a greater set of unmet needs.

## THE 2014–18 CRIME INCREASE

One of the key themes in Chapter 2 of *Exploring Criminal Justice in Canada* was that police-reported crime was at the lowest point in decades. Moreau (2019, p. 33) says that there were 11 years of decline between 2004 and 2014, but from 2014 to 2018 the CSI increased every year for the entire nation. Most of the national-level increase was due to a greater number of cases of sexual assault (level 1), drug offences (and specifically methamphetamine, ecstasy, heroin, and opioids such as fentanyl), shoplifting and fraud. But there are also differences within the provinces. As noted above

**TABLE 1** Changing Crime Severity Index (CSI) in Canada, 2017–18

	<b>% Change</b>	<b>Violations Driving the Change in CSI</b>
Canada	+2	Increase in fraud, sexual assault (level 1), shoplifting and theft over \$5,000 (Decrease in B&E and robbery)
Newfoundland and Labrador	+4	Increase in weapons violations and fraud (Decrease in B&E)
Prince Edward Island	+17	Increase in B&E, sexual assault (level 1), and theft of \$5,000 or under.
Nova Scotia	-2	Decrease in homicide, child pornography, and B&E (Increase in sexual assault – level 1, and fraud)
New Brunswick	+4	Fraud (Decrease in B&E)
Quebec	-2	Decrease in B&E
Ontario	+6	Increase in fraud, B&E, homicide and sexual assault (level 1)
Manitoba	+6	Increase in robbery, fraud, shoplifting of \$5,000 and under, and B&E
Saskatchewan	-3	Decrease in administration of justice statistics and sexual violations against children (Increase in fraud and B&E)
Alberta	0	Increase in fraud (Decrease in homicide)
British Columbia	0	Increase in fraud, theft over \$5,000 and sexual assault (level 1) (Decrease in homicide)
Yukon	-7	Decrease in homicide (Increase in assault (level 2) and mischief)
Northwest Territories	+5	Increase in homicide, mischief, administration of justice violations and fraud (Decrease in cocaine related offences and sexual assault (levels 1 and 2))
Nunavut	+6	Increase in mischief, homicide, attempted murder, administration of justice violations and aggravated sexual assault (level 3) (Decrease in B&E).

Source: Adapted from Moreau (2019)

there was a 23 per cent decrease in the total CSI in Nova Scotia between 2008 and 2018, and the violent CSI decreased by 1 per cent between 2017 and 2018 (Moreau, 2019, p. 51). The 23 per cent drop in the total CSI for Nova Scotia was higher than the 17 per cent decrease for the entire nation from 2008 to 2018. Table 1 shows that each province and territory experiences some annual change and the specific violations driving the one-year changes in provincial CSI. Most criminologists would agree that we shouldn't be too alarmed by a one-year increase or decrease in the overall crime rate as there are often yearly fluctuations. The four-year increase for the entire nation, however, is surprising and we wonder whether this trend will continue?

## PORT SECURITY: CHALLENGES FOR NOVA SCOTIA

About 80 per cent of the worldwide trade in goods arrives by ships that dock at 4,000 marine ports. According to the World Port Source (2020) there are 239 ports in Canada, although most shipments pass through the 18 largest ports in cities such as Halifax, Montreal, and Vancouver. The Port of Halifax, established in the early 1700s, is the largest in the province, and almost 550,000 shipping containers passed through the port, along with 179 cruise ships that held 325,000 passengers in 2019 (Port of Halifax, 2020), although rules intended to reduce COVID-19 will reduce the number of those ships carrying passengers for the next few years. Halifax is also the East coast home of the Royal Canadian Navy.

Ports have always been hot spots of crime given the movement of goods and people, and the possibility of smuggling, theft, and corruption. The members of ships' crews on shore leave and visitors from cruise ships have also contributed to local crime, although most of their offences tend to be minor and related to alcohol use. Today, however, one of the foremost problems is the involvement of organized crime in marine ports.

The Standing Senate Committee on National Security and Defence (2007) observed that "it is no secret that Canada's ports are riddled with organized crime, and nobody seems to be doing much about it" (p. 2) and that "security forces at seaports and airports are under-staffed and ill-prepared to deal with organized crime and terrorism" (p. 18). Public Safety Canada (2018, p.1) say that organized crime groups have two uses for ports:

- Profit-oriented crimes that generate revenue such as importation of illegal drugs, counterfeit goods (e.g., tobacco and pharmaceutical products, clothing), illegal immigrants, and cargo theft; and
- Crimes to support their profits, including corruption of industry insiders, security, and law enforcement personnel.

It is very difficult to detect illegal goods being imported into the country because of the millions of shipping containers passing through these ports, and this volume "reduces the likelihood of contraband being inspected, detected, and seized" (Public Safety Canada, 2018, p. 1).

A number of law enforcement agencies investigate ordinary crimes, such as theft occurring in the ports, as well as organized crime, fraud, and white-collar offences. The RCMP is responsible for monitoring the Halifax, Montreal, Hamilton, and Vancouver ports through its National Port Enforcement Teams. The RCMP also partners with the Halifax Regional Police Services, who place officers in the port, the Canada Border Services Agency and Coast Guard, the Department of National Defence, and Transport Canada. Smaller seaports, such as the Port of Sydney, do not share those higher levels of enforcement, and they often rely on private security such as Commissioners. Presidia Security Consulting (2011, p. 22) reports "the Port of Halifax and smaller ports in New Brunswick have also been used for smuggling by the Montreal mafia and the Nova Scotia and Quebec chapters of the Hells Angels." It is difficult for the police in less populated communities to respond to these threats, and enhancing security

is costly for smaller ports located in rural areas, and especially when the risks of crime are seen as low. Writing about smuggling outside of Halifax, Presidia Security Consulting (2011, p. 25) notes that “neither the RCMP nor the Coast Guard have adequate resources to sufficiently patrol the coast. An RCMP spokesperson observes that “the whole province has a problem with criminal activity on the water” (Woolvett, 2016).

In order to reduce the influence of persons involved with organized crime in the nation’s transportation industries “all 193,000 workers with access to restricted areas at Canada’s sensitive airports and seaports are being quietly run through a police database each and every day—a new system called ‘perpetual vetting’—in a push to extinguish ‘the inside threat’ of criminal infiltration” (Humphreys, 2016). In addition, there are additional enhanced background screenings for employees working in restricted zones in ports (Boland, 2020). Despite those efforts, the smuggling of persons and illegal goods into the country will continue given the potential profits. This is due to inadequate funding for security at ports, a lack of police, inadequate screening of containers, and a lack of Canadian intelligence officers at foreign ports (Standing Senate Committee on National Security and Defence, 2007). As the goods, money, and people flowing through ports increase, so does the involvement of organized crime

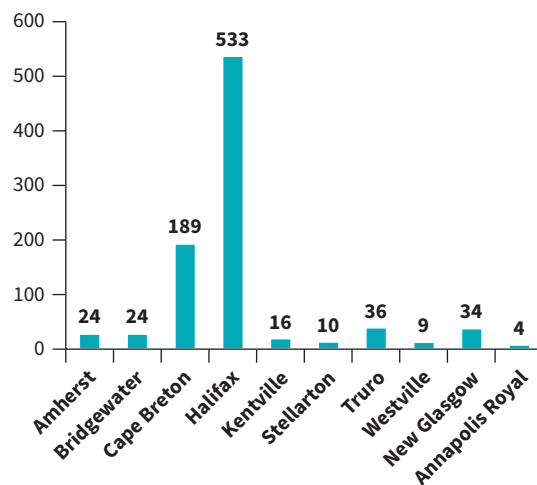
## NOVA SCOTIA’S JUSTICE SYSTEM AT A GLANCE

### The Police in Nova Scotia

The previous pages described how Nova Scotia’s crime rates are quite close to the national average. On 1 July 2018, 1,860 police officers, or 1.94 officers for every 1,000 residents, were employed in the province, which is slightly higher than the national average of 1.85 officers (Conor, Robson, & Marcellus, 2019, p. 24). Like most provinces, larger cities such as Halifax have their own police services, as do some smaller municipalities, and the remainder of the province, including rural areas,

is policed by the RCMP “H” division. The RCMP employs about 1,500 officers and civilian employees in their headquarters are in Dartmouth and another 52 detachments throughout the province (RCMP, 2019a). On 1 July 2018, the RCMP deployed a total of 981 officers, and the remaining 879 officers worked for the ten municipal police services shown in Figure 8. In addition to providing rural and small-town policing, the RCMP contracts with cities to provide policing services in towns and cities from Antigonish to Yarmouth. The RCMP (2016, p. 9) also carries out “policing in 12 First Nation communities: Indian Brook, Millbrook, Acadia, Annapolis, Bear River, Paq’tnkek, Potlotek, Eskasoni, Pictou Landing, Wagnatcook, Waycobah, and Glooscap.”

More than four-fifths of the municipal officers in Nova Scotia worked for the Halifax (n = 533) or Cape Breton Regional Police (n = 189); the remaining police services range in size from the Annapolis Royal Police Service with 4 officers to the 36 officers employed by the Truro Police Service. Smaller police services throughout the nation have been disbanding and the towns or cities then contract with larger police services such as the RCMP to provide policing. In November 2012 the mayor of a city with a 15-officer police service



**FIGURE 8** Officers in Nova Scotia’s Municipal Police Services, 2018

Source: Adapted from Statistics Canada (2020d) Table 35-10-0077-01



said that “I truly think that small-town municipal police forces are an endangered species” (Mills, 2012), and that police service disbanded and were replaced by the Ontario Provincial Police in 2013. Thomson, Clairmont, and Clairmont (2003) wrote a history of rural and small-town policing in Nova Scotia that is available as an e-book at <http://www.acadiau.ca/~thomson/policingvalley/title&contents.htm>. Readers interested in the history of crime and policing in Halifax from 1918 to 1935 are encouraged to read Boudreau’s (2012) book entitled *City of Order*.

Table 2 shows the provincial police strength and the 2018 CSI and violent CSI for the provinces and territories. Although the number of police officers for every 1,000 provincial residents is similar across the nation, crime rates and the responses they take to control crime vary. For

example, Nova Scotia was tied with four other provinces for having the highest number of officers but the CSI in Nova Scotia had the third lowest overall CSI in the nation, and above average levels of violent crime. Those numbers suggest that officers in Nova Scotia may have lower workloads than officers in other provinces. As noted in *Exploring Criminal Justice*, however, there is no clear relationship between crime and the number of police that a community employs: wealthier cities, as well as cities with their own police services, tend to have a greater number of officers per 1,000 residents.

### Police Training in Nova Scotia

There are two pathways for new municipal police officers in Nova Scotia. Halifax, for example, requires an individual to pass physical, psychological, and background tests prior to attending academy training to become a police officer. Once they have passed these initial requirements they attend the 38-week full-time Halifax Regional Police (HRP) police science program that prepares graduates for careers working with that agency. The application process is outlined on the HRP website, and individuals selected to attend the academy are required to pay \$10,000 in tuition (HRP, 2020).

Officers seeking employment in other municipal police services in New Brunswick, Nova Scotia, or Prince Edward Island (PEI) can first attend the Atlantic Police Academy at Holland College near Summerside PEI and must complete that training prior to applying for police officer jobs. Their training program starts every January and each year about 75 to 80 cadets start the 34-week program. There is a fairly long list of minimum requirements for taking this program, including being 19 years of age or older and being a Grade 12 graduate, although many cadets have some post-secondary education. In addition, all applicants must pass vision and physical health tests, a review of their criminal history, and a full background check (including a polygraph or “lie detector” examination), and all candidates must complete psychological testing (Holland College,

**TABLE 2** Police Officers and Crime Severity Index (CSI) in Canada, 2018

	Police Officers per 1,000 Residents (2018)	Total CSI (2018)	Violent CSI (2018)
Newfoundland and Labrador	1.7	65.9	70.2
Prince Edward Island	1.4	53.7	48.1
Nova Scotia	1.9	65.2	78.2
New Brunswick	1.6	71.8	76.1
Quebec	1.9	56.6	71.8
Ontario	1.8	60.0	73.4
Manitoba	1.9	125.8	169.8
Saskatchewan	1.9	139.2	138.1
Alberta	1.7	112.1	97.1
British Columbia	1.9	87.7	73.4
Yukon	3.3	170.3	208.7
Northwest Territories	4.2	324.4	421.6
Nunavut	3.5	319.9	550.5

Sources: Adapted from Conor, Robson, and Marcellus (2019); Moreau (2019)

2020a). The total costs for the cadet program for the 2019-20 academic year are \$30,034, which includes tuition and uniforms, books, and living expenses (accommodation and meals). According to Holland College (2020b), cadets are required to pass the courses listed in Table 3.

Graduates of the Atlantic Police Academy are qualified to be a police officer although they must still apply to work with a police service, and there are a list of medical requirements, background checks, as well as drug, polygraph, and psychological screenings; although those requirements will vary depending on the department's requirements. Once hired, officers may be required to attend some additional orientation training, and all newly appointed constables serve a 12 month or longer probationary period. During this time, officers are often paired with a field training officer

who provides instruction on how to apply their classroom training "to the streets."

Once officers have successfully passed their probationary period they will participate in ongoing training, paid by their employers, for the remainder of their careers. Many officers aspire to promotions through the ranks (e.g., from constable to corporal) and they may take leadership courses offered by their employer, or attend post-secondary coursework. In addition, while all officers spend their first few years on patrol, many will be employed in special assignments throughout their careers, such as major crime investigation, canine unit, emergency response, or public relations, and they will require specialized training to act in these roles.

Most police officers in Nova Scotia work for the RCMP and all of them are trained at the "Depot" in Regina, which was established in 1885. RCMP training lasts for 26 weeks and cadets have little exposure to the community prior to their graduation. Once recruits graduate from the academy, they are required to complete a six-month Field Coaching Program, where they receive on-the-job training from experienced field training officers, who are called field coaches. Table 4 summarizes the specific training areas.

### Nova Scotia's Courts

Like the other nine provinces, Nova Scotia has three levels of courts, and most people who are arrested make their first appearances in one of Nova

**TABLE 3** Police Training: Holland College

Course	Hours of Training
Crisis intervention and de-escalation	15
Criminal law	90
Principles of traffic services	45
Social psychology: Police applied sciences	90
Criminal investigations	90
Police vehicle operations and speed measurement devices	60
Workplace communications	30
Occupational health and safety for police	24
Professional patrol tactics	45
Police control tactics	60
Judgmental scenario training	30
Police firearms proficiency and tactical training	80
Active threat response	24
Police physical abilities development	45
On-the-job training/workplace experience	300
Ethics and professionalism	9
<b>Total</b>	<b>1,037</b>

Source: Adapted from Holland College (2020b).

**TABLE 4** RCMP Recruit Training

Topic	Hours
Applied police sciences	432
Firearms	104
Police defensive techniques	94
Police driving	67
Operational conditioning	45
Drill and department	37
Other	41
<b>Total</b>	<b>820</b>

Source: Adapted from RCMP (2019b).

Scotia's 12 provincial courts. These courts are located in larger communities and there are satellite locations in smaller towns such as Eskasoni, Ingonish, and Shelburne that might only hear cases once or twice a month. Judges in the provincial courts hear most criminal matters, and Nova Scotia Courts (2020) point out that:

Almost all persons charged with an offence, whether federal, provincial or municipal, must appear in Provincial Court, and most charges are tried there. More than 95 per cent of the proceedings which commence in Provincial Court remain there to completion.

In addition to hearing adult criminal cases, Provincial Court judges also hear youth justice cases. Nova Scotia has a somewhat distinctive court system as there are separate courts for family matters, small claims courts that deal with matters of less than \$25,000, and probate courts that handle cases related to estates.

Judges in the Supreme Court sit in 18 locations throughout the province and preside over all trials (by judges, and judges and juries), and hear the most serious criminal matters, such as homicide offences. In addition to hearing criminal matters, the Supreme Court has a Family Division, which only hears cases in Cape Breton and Halifax. The Supreme Court also administers the *Bankruptcy Act* and *Divorce Act* and also hears appeals related to summary offences such as theft or impaired driving (Nova Scotia Courts, 2020).

The Court of Appeal is the highest level of court in Nova Scotia and only sits in Halifax. Most matters before the Court are heard by three judges, although in exceptional cases five judges can rule on a case. These appellate courts hear matters related to appeals of criminal convictions by the Crown or by offenders, who can also appeal the severity of a youth or adult's sentence. According to Nova Scotia Courts (2020):

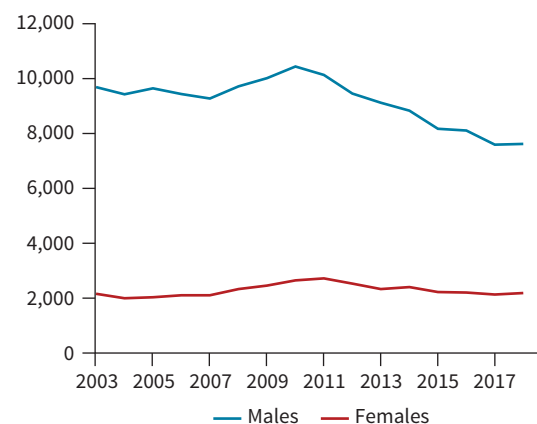
The Court has the authority to dismiss the appeal, thereby confirming the decision of

the lower court or tribunal; to allow the appeal and order a new trial or hearing; or to allow the appeal but change the order of the lower court or tribunal.

The Court of Appeal also hears matters related to civil cases. According to Nova Scotia Courts (2020, n. p.), "through its judgements, the Court of Appeal clarifies and develops the law in the Province of Nova Scotia." A review of court statistics shows that the Court of Appeals issued about 75 decisions per year from 2017 to 2019.

The number of adult criminal cases heard by Nova Scotia courts has decreased by almost one-fifth (17 per cent) between 2002–3 (11,839 cases) and 2017–18 (9,801 cases). This decrease, shown in Figure 9, is similar to what is occurring in most provinces. What is interesting about these statistics is that while the number of women appearing before the courts has remained almost unchanged during that time, the number of men appearing has dropped by 21 per cent. We don't have any explanation for this difference: Is that outcome due to women's greater involvement in crime today, or does that finding mean that the police are more likely to arrest women today than in the past?

Although not shown in Figure 9, we also found that the case processing time (from the person's first appearance until the case is closed) has been



**FIGURE 9** Criminal Cases Heard in Nova Scotia Courts, 2002–3 to 2017–18

Source: Adapted from Statistics Canada (2020e) Table 35-10-0027-01

increasing. The median case processing time increased from 120 days in 2002–3 to 169 days in 2017–18, which was much higher than the national average of 121 days. Those delays may have an impact on the administration of justice in Nova Scotia given the decision of the Supreme Court of Canada in *R. v. Jordan* mandating that criminal cases be resolved within 18 months (provincial courts) or 30 months (in superior courts such as the Supreme Court). As a result of this decision, the prosecution of “thousands of criminal cases are at risk of being tossed out of the courts due to delays caused by underfunding and the increasing complexity of criminal cases” (Lupton, 2016). Russell (2019) reports that nearly 800 cases in the entire nation had been thrown out due to delays, and those cases included people accused of murder.

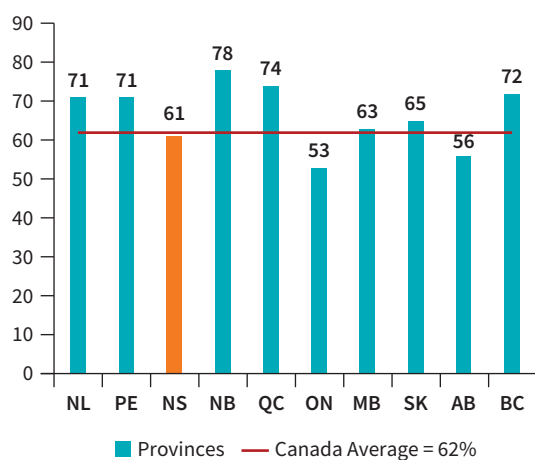
While the number of court cases heard each year has been decreasing, Nova Scotia’s prosecutors drop more charges than prosecutors in most other provinces: the province has the third highest percentage of cases that do not result in guilty verdicts. Figure 10 shows that 39 per cent of all charges in Nova Scotia were withdrawn or stayed, or the person is acquitted in 2017–18. Reevely (2016) believes that one reason for a high number of withdrawals is that police might overcharge

some suspects (there is an example on p. 266 of *Exploring Criminal Justice* where a “street person” was charged with nine offences for a single incident) and then some of those charges are later withdrawn. One negative outcome of having a large number of charges is some suspects are remanded in custody awaiting court dates and this might contribute to overcrowding. If overcharging is occurring, it shows how decisions in one part of the justice system (the police) can have an impact on the courts and corrections. The court statistics presented in Figure 10 suggest that overcharging is a problem in Nova Scotia, but not as serious as in Alberta or Ontario.

### Court Security

Court security is an important but often overlooked aspect of the justice system, and this problem was illustrated after a 16-year-old girl smuggled a knife into the Spring Garden Road courthouse in Halifax and used that weapon to attack a 22-year-old woman (CBC, 2009). There was also a disturbance at a Halifax courtroom in November 2016 when a number of people attacked a person accused of murder (Williams, 2016). In October 2019 a Halifax Regional Police officer was assaulted and taken to hospital when a man who had been sentenced to custody tried to escape (CBC, 2019, para. 1).

In the past, court security was carried out by sworn police officers, but these officers were gradually replaced with sheriffs throughout the country and there are about 100 of them working in Nova Scotia (Bradbury, 2020). Sheriffs are hired as peace officers who have limited police powers and they are responsible for ensuring security of the Provincial, Supreme, and Court of Appeal. They are also responsible for transporting prisoners from places of detention to courts and from courts to provincial or federal correctional centres, and ensuring their safety while in court. Some sheriffs also serve documents related to civil or criminal cases. Individuals who are hired as sheriffs in Nova Scotia are provided with five weeks of training, although readers interested in becoming a sheriff might also consider taking the 24-week



**FIGURE 10** Percentage Guilty Verdicts by Province, 2017–18

Source: Adapted from Statistics Canada (2020f) Table 35-10-0027-01

sheriffs and public safety officer course at Holland College in Summerside, PEI.

### Specialized Courts

In *Exploring Criminal Justice*, the issue of specialized or problem-solving courts was addressed and Nova Scotia's mental health court was featured on p. 191. These specialized courts are intended to develop the expertise of the courtroom work group in dealing with people or cases that are difficult to manage, such as those involving persons with mental illnesses or people who may benefit from a specialized intervention such as individuals convicted of domestic violence offences. In 2019 Nova Scotia's first mental health court—called the Dartmouth Wellness Court—celebrated its first decade in operation. An evaluation of the mental health court in Dartmouth shows that people who participated in the court reoffended at a slightly lower rate than individuals with mental health problems who did not participate, and, of those participants who did reoffend, it took longer before they did so (Campbell, Adams, Ennis, & Canales, 2015). Since that time the reliance on these problem-solving courts expanded to serve a greater number of people through the Mental Health Court Program, the Opioid Court Program, the Alcohol Court Program and the Judicial Monitoring Program (Nova Scotia Courts, 2020). The number of locations offering these wellness courts has also increased and they are available in Halifax, Sydney, Amherst, Kentville, Port Hawkesbury, Bridgewater and Wagmacook First Nation.

The province has also introduced two other specialized courts. The first is a domestic violence court that sits once a week in Halifax and Sydney, which is only for people who have pleaded guilty to a domestic violence offence and who live in the Halifax Regional Municipality or Sydney. Moreover, the individuals appearing before the court must be eligible for a community-based sentence and not a mandatory custody placement (Davie, 2020). The domestic violence court provides educational and treatment programs, and Nancy Komsa, a Crown prosecutor, says that:

If the accused admits guilty within one or two court appearances, they go through a 12-week intensive counselling program and then a report on their progress is given to the judge and Crown. “We can decide and tailor sentencing to meet the needs,” she said. “It makes the system more therapeutic rather than adversarial.” (cited in McMullan, 2018)

An evaluation of the court shows that this intervention was successfully implemented, most stakeholders expressed support for the court, and participants reported positive experiences, although the evaluators suggested that the range of services should be expanded before the court is fully considered a specialized court (Atlantic Evaluation Research Consultants, 2016, p. 8).

The second specialized court is a drug treatment court that was introduced in 2014 and is called the Kentville Wellness Court. This program is for persons who have been charged with an offence and their addictions are related to their criminal behaviours. According to Nova Scotia Courts (2019, p. 14) this program was created in response “to an escalating opioid crisis in the community” and is now a permanent program. Cases are generally referred to the court by Legal Aid lawyers, and “To be eligible for the Court Monitored Drug Treatment Program, participants must have a serious substance abuse issue” (Nova Scotia Courts, 2019, p. 15). Participants are involved in individual and group treatment, drug testing, and are required to attend weekly or bi-weekly appearances before the court. Altogether these courts are intended to provide a better response to people who would otherwise fall through the cracks in the justice system and continue to reoffend.

### Provincial Corrections

Table 5 shows the capacity of four adult correctional facilities operated by the Nova Scotia government. Although these facilities hold persons remanded to custody and those sentenced to serve terms of incarceration of less than two years, lengthy sentences are not the norm. A review of

**TABLE 5** Adult Correctional Centres in Nova Scotia

Facility	Capacity
Cape Breton Correctional Facility (Sydney)	96
Central Nova Scotia Correctional Facility (Dartmouth)	300
Northeast Nova Scotia Correctional Facility (Priestville)	196
Southwest Nova Scotia Correctional Facility (Yarmouth)	38

Source: Adapted from Nova Scotia Department of Justice Correctional Services (2020).

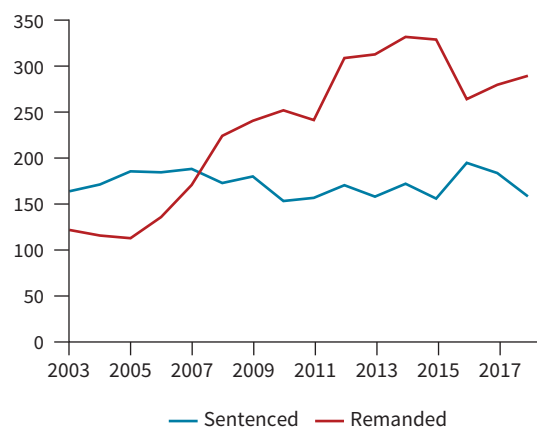
persons sentenced to provincial corrections shows that the median sentence was 84 days, which was tied with Saskatchewan as being the highest in the country. Of the 1,502 people sentenced to a term in provincial corrections in 2017–18 (and their sentence was known), 382 of them (25 per cent) had a sentence of one month or less and about another one-quarter (363 people) had sentences longer than six months (see Statistics Canada 2020g). Nova Scotia inmates serving a provincial sentence of less than two years can earn an early release called an earned remission if they obey the correctional centre rules and participate in the programs. An inmate can reduce the sentence by one-third but can also lose that reduction by breaking facility rules (Nova Scotia Department of Correctional Services, 2016b, p. 45).

There is some diversity in these facilities. The Central Nova Scotia Correctional Facility is the largest in the province and houses male and female inmates. This facility is on the same grounds as the East Coast Forensic Hospital, a mental health facility with two 30-bed units, a 24-bed forensic unit, and a bungalow program with 7 beds (Nova Scotia Department of Health and Wellness, 2016). All of the other correctional facilities in Nova Scotia are for males, although they can temporarily hold women awaiting transfers or court appearances. Like correctional facilities in other provinces, these facilities have major incidents such as escapes and deaths in custody, but very few provinces actually report these incidents.

Information about such occurrences is posted on the Nova Scotia Department of Justice website (<http://novascotia.ca/just/updates.asp>).

Figure 11 shows the average number of adults incarcerated in Nova Scotia facilities increased from 285 inmates in 2002–3 to 447 in 2017–18, a 56 per cent increase. That total includes remanded and sentenced inmates, and while the number of sentenced inmates decreased slightly, the number of remanded inmates more than doubled during this period. According to Malakieh (2019, p. 17), the incarceration rate is 59 inmates for every 100,000 residents, which is lower than the national average of 83 inmates per 100,000 residents. Manitoba leads the provinces with 231 inmates for every 100,000 residents (Malakieh, 2019). In March 2020 the province announced it was going to release some inmates in order to reduce the spread of COVID-19, and Ryan (2020) reports that the number of inmates dropped by over one-third, from 452 to 251 people in a one-month period by easing bail restrictions to people who were remanded into custody and granting temporary releases to sentenced inmates.

Incarcerating people is a costly undertaking and Malakieh (2019) reports that the average daily cost to house an inmate in Nova Scotia was \$271, which was higher than the national average of \$233. These costs, however, are much less than

**FIGURE 11** Nova Scotia Remand and Sentenced Inmates, 2002–3 to 2017–18

Source: Adapted from Statistics Canada (2020h), Table 35-10-0154-01.

**TABLE 6** Incarceration Costs, Nova Scotia, and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in Nova Scotia	\$271	\$98,915
Cost to House an Inmate in a Provincial Facility (Average: All Provinces)	\$233	\$85,045
Cost to House an Inmate in a Correctional Service of Canada Prison	\$330	\$120,450

Source: Adapted from Malakieh (2019).

housing a federal inmate—which cost \$330 per day in 2017–18 (Malakieh, 2019, p. 17). Phrased another way, it costs \$98,915 for one year in a Nova Scotia facility whereas it costs \$120,450 to house an individual in a federal prison. While the public generally believes that incarceration is a good investment in public safety, it costs more to house a person in a federal prison than sending them to Harvard (tuition, room, and board costs \$101,866 CDN in the 2020–1 academic year: see Harvard University, 2020).

### Federal Corrections

Federal prisoners are serving terms of imprisonment of two years and longer and about one-quarter are “lifers” who will be under correctional supervision for the rest of their lives. There are five federal facilities in the Atlantic region. All but one of the facilities—the Nova Institution for Women in New Brunswick—have all-male populations housed in minimum, medium, or maximum security settings. Table 7 shows the rated capacity of these institutions in 2017 and their security levels. Three of these prisons are multi-level facilities, meaning that there is more than one security level, and there are several institutions on the Dorchester Penitentiary grounds that offer minimum security (Westmorland Institution) and the site is also home to a Regional Treatment Centre. The Atlantic Institution in Renous, New Brunswick, is a maximum security facility and males convicted of homicide will

**TABLE 7** Federal Penitentiaries in the Atlantic Region

Facility	Bed Capacity	Security Level
Atlantic Institution (Renous, NB)	331	Maximum
Dorchester Penitentiary (Dorchester, NB)	699	Multi-level
Nova Institution for Women (Truro, NS)	99	Multi-level
Shepody Healing Centre (Dorchester, NB)	53	Multi-level
Springhill Institution (Springhill, NS)	636	Medium

Source: Adapted from Correctional Service of Canada (2017).

automatically spend their first two years in custody in that facility.

The Correctional Service of Canada (CSC) also operates three community correctional centres (CCCs) in Atlantic Canada, and these are low security community-based facilities that house ex-prisoners released on either day parole or conditional releases. Most CCC residents are working or are attending school and/or rehabilitative programs in the community during the day and return in the evenings. These facilities are located in Saint John (Parrrtown CCC), Halifax (Carlton CCC), and St John’s (Newfoundland and Labrador CCC). The CSC also contracts with non-governmental agencies, such as the St Leonard Society, to provide low security housing for individuals who have been conditionally released or paroled to one of the community-based residential facilities shown in Table 8. Like the CCCs, most people in these facilities are working, attending school, or participating in rehabilitative programs.

### Youth Corrections

Youth aged 12 to 18 years who have been remanded or sentenced to custody are placed in youth facilities operated by provincial governments. These facilities are either secure (which are often larger high security facilities) or open custody, usually smaller community-based low security operations. The programs offered to the residents will

**TABLE 8** Community-Based Residential Facilities, Atlantic Canada

New Brunswick	Fredericton
	<ul style="list-style-type: none"> <li>Island View House</li> </ul>
	Moncton
	<ul style="list-style-type: none"> <li>Cannell House (Atlantic Human Services Inc.)</li> <li>Greenfield House (Salvation Army)</li> </ul>
	Saint John
Newfoundland and Labrador	St John's
	<ul style="list-style-type: none"> <li>Emmanuel House</li> <li>Howard House (John Howard Society)</li> <li>Carew Lodge</li> </ul>
	Stephenville
	<ul style="list-style-type: none"> <li>West Bridge House (John Howard Society)</li> </ul>
	Happy Valley-Goose Bay
Nova Scotia	Labrador Friendship Centre
	Dartmouth
	<ul style="list-style-type: none"> <li>Railton House (Salvation Army)</li> </ul>
	Halifax
	<ul style="list-style-type: none"> <li>Sir Sanford Fleming House (St Leonard's Society)</li> <li>Marguerite Centre</li> <li>Nehiley House (St Leonard's Society)</li> </ul>
Prince Edward Island	Sydney
	<ul style="list-style-type: none"> <li>Howard House Association of Cape Breton</li> <li>Elizabeth Fry CRF</li> <li>Elizabeth Fry Satellite Apartment</li> </ul>
	Truro
	<ul style="list-style-type: none"> <li>Lavers House—Dismas Society</li> </ul>
	Charlottetown
	<ul style="list-style-type: none"> <li>Lacey House</li> <li>Provincial Addiction Treatment Facility—Queens Region (detox)</li> <li>Outpatient Withdrawal Management—Queens Region (rehab)</li> <li>Talbot House</li> <li>St Eleanor's House</li> </ul>

Source: Adapted from Correctional Service of Canada (2020).

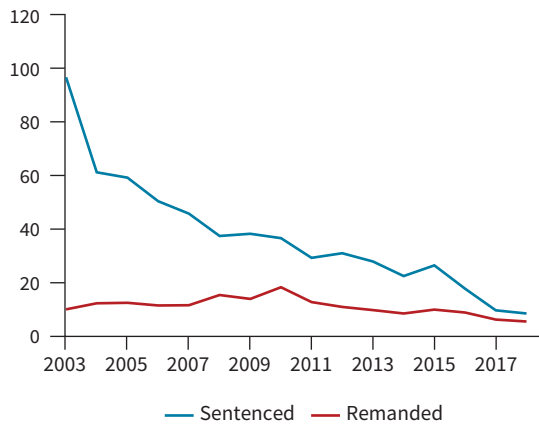
differ in that the open custody youth will be held in less restrictive conditions and may have more access to community activities, such as attending a community school or working. Youth sentenced to secure custody, by contrast, have generally pleaded guilty to more serious offences, or they have histories of escapes from custody that make them less suited for a community-based open custody program. As a result, most of the rehabilitative and educational programs for these youth will occur within the facility.

Nova Scotia youth are held in the Nova Scotia Youth Facility in Waterville, which can hold up to 60 persons (48 male and 12 female residents); and the Cape Breton Youth Detention Facility, a facility that holds up to eight youth for periods of 72 hours or less and is located adjacent to the Cape Breton Correctional Facility. Both of these facilities can hold youth serving open or secure custody sentences. Figure 12 shows that the average number of youth held in custody decreased significantly between 2002–3 and 2017–18: from a daily average of 119 to 34 youth (a 71 per cent drop). This decreased number of incarcerated youth is consistent with what happened in other provinces. Webster, Spratt and Doob (2019) say that the drop in youth correctional populations was the result of:

- (a) restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s
- (b) political willingness to reject high youth imprisonment policies
- (c) the introduction of the *Youth Criminal Justice Act* in 2003, which made it law to reduce the use of custody

Altogether, after the introduction of the *Youth Criminal Justice Act*, the provinces took steps to hold youth accountable in the least restrictive environment and youth were supervised in the community rather than incarcerating them. Examples of increasing community-based opportunities for youth include the efforts of the Halifax Youth Attendance Centre, which provides supports for





**FIGURE 12** Average Daily Number of Youth in Custody, Nova Scotia, 2002–3 to 2017–18

Source: Adapted from Statistics Canada (2020), Table 35-10-0003-01

Halifax youth sentenced to community-based dispositions.

The Nova Scotia Office of the Ombudsman engages in advocacy for youth in care and incarcerated youth and regularly visits youth facilities to hear from them. A review of issues raised by youth from 2018–19 shows they received 201 complaints, and about one-half were related to staff, discipline, placement, access to a lawyer, health care, and policies and procedures (Office of the Ombudsman, 2019, p. 37). Many of the day-to-day problems about living in custody facilities can often be easily resolved, but it is more difficult to fix long-term problems such as overcrowding, understaffing, or providing correctional services close to a youth’s home. One of the advantages of the decreased number of youth in these facilities is that the remaining youth should be receiving better care.

## REPORT CARD ON NOVA SCOTIA’S CRIMINAL JUSTICE SYSTEM

Perrin and Audas (2018) developed a report that graded provinces and territories on their performance on public safety, support for victims, cost and resources, fairness and access to justice, and



**FIGURE 13** Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).

efficiency, and these marks for the entire nation are shown in Figure 13. Six provinces, including Nova Scotia, earned a B, British Columbia and Saskatchewan earned a C+, and Manitoba earned a C grade. With respect to the territories, while Nunavut has a grade of C+, the Northwest Territories and Yukon were given a C grade. The report card for Nova Scotia is shown in Table 9, and Perrin and Audas (2018, p. 25) gave the province high marks for low property crime rates, solving a high proportion of non-violent crimes (clearance rate), and had good support for victims and legal aid. Those researchers were critical, however, that even though police strength was high, and they had a lower workload (crimes per officer) than other provinces, the public expressed less support and confidence for the police.

## THE NOVA SCOTIA RESTORATIVE JUSTICE PROGRAM (NSRJP)

When looking at ways to improve the fairness and effectiveness of the justice system many policy-makers are paying more attention to restorative justice (RJ) interventions. As described on pages

**TABLE 9** Report Card on Nova Scotia's Justice System

Objective of Justice System	Indicators	NS Overall Grade
Public Safety	<ul style="list-style-type: none"> <li>The fundamental purpose of the justice system is to protect society by holding offenders accountable, but also by providing supports to rehabilitate them.</li> <li>Measured by: (a) crime and clearance rates; and (b) public perceptions about police enforcing the law, ensuring safety, and satisfaction with safety.</li> </ul>	B
Support for Victims	<ul style="list-style-type: none"> <li>Victims have rights related to information, protection, participation, and restitution.</li> <li>Measured by: (a) proportion of offenders given restitution orders; (b) referrals to victim's services; and (c) public perceptions about police supplying information and being approachable.</li> </ul>	B
Cost and Resources	<ul style="list-style-type: none"> <li>The justice system should be run in a cost-effective manner while meeting its core objectives.</li> <li>Measured by: (a) per capita cost of public safety; (b) per capita cost of corrections, (c) average daily inmate cost; and (d) number of police <i>per capita</i>.</li> </ul>	C+
Fairness and Access to Justice	<ul style="list-style-type: none"> <li>The justice system must guarantee the constitutional rights of accused persons and provide them with fair and impartial trials, as guaranteed by the <i>Charter</i>.</li> <li>Measured by: (a) legal aid expenditures per crime; (b) percentage of trials with a guilty outcome; (c) proportion of Aboriginal persons in custody versus their prevalence in the population; and (d) public perceptions about the police being fair.</li> </ul>	B+
Efficiency	<ul style="list-style-type: none"> <li>A well-functioning criminal justice system should ensure prompt and thorough investigations and timely prosecutions and trials.</li> <li>Measured by: (a) Criminal Code incidents per police officer; (b) accused on remand per 1,000 crimes; (c) average criminal case processing time; (d) percentage of cases stayed or withdrawn; and (e) public perceptions about the police responding promptly.</li> </ul>	C+

Source: Adapted from Perrin and Audas (2018, p. 9).

69–71 of *Exploring Criminal Justice*, RJ interventions hold an individual accountable and seek to repair the harm a victim and community experiences after crimes have occurred. The province of Nova Scotia has been a leader in the introduction of restorative justice principles in its justice system. Consistent funding support from both the federal and provincial governments contributed to the establishment and growth of the Nova Scotia Restorative Justice Program (NSRJP). The provincial government provided \$1.5 million in funding which sustained the RJ programs.

Additionally, funding from the federal government helped to complete both the internal and external assessments of the impact of RJ programs across Nova Scotia for a number of years (Archibald & Llewellyn, 2006; Clairmont & Kim, 2013). As a result, more than 40 full-time staff members were employed across the province in RJ roles. Additionally, training, travel and special program development costs were all covered with funding from the government (Clairmont, 2005).

The NSRJP has been recognised as one of the most comprehensive RJ practices in Canada

(Archibald & Llewellyn, 2006). Established in 1999, NSRJP provides RJ conferences to 12–17-year-old, justice-involved youth. One of the key reasons for the success of NSRJP is its partnership with community, courts, and law-enforcement agencies. NSRJP receives approximately 1,900 referrals per year, from police (pre-charge), the Crown (post-charge), the courts (post-conviction and pre-sentence), or corrections (post-sentence) and community (Clairmont & Waters, 2015). Between 2007 and 2018, the NSRJP has completed more than 8,800 RJ meetings. The program aims to: (1) reduce recidivism; (2) strengthen communities; and (3) increase victim satisfaction and (4) increase public confidence in the criminal justice system (Crocker, 2016). The 2014 sexual harassment complaints within Dalhousie University's Faculty of Dentistry also contributed to the growth of RJ in Nova Scotia (Llewellyn, MacIsaac, & MacKay, 2015; Nova Scotia Department of Justice, 2018).

A five-year, million-dollar grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) in 2006 had one of the most tangible impacts on the collaborative development and expansion of RJ practices in NS. It supported the development of the Nova Scotia Restorative Justice Program and contributed to the formation of the Community University Research Alliance (CURA). This alliance led to the “largest research and development” in the field of RJ practices in Canada (Funk, 2012, p. 2). Currently, nine community-based justice organizations throughout Nova Scotia provide a variety of services. RJ practices customized to address the needs of Indigenous youth and African Nova Scotians also exist in the province (Llewellyn et al., 2013).

The increased awareness of RJ in Canada emerged after sexual harassment complaints at Dalhousie University's Faculty of Dentistry were publicized in 2014, which drew attention from the national media. Several male students in the Faculty of Dentistry had posted highly offensive comments on a private Facebook account about their female student-colleagues. The Facebook posts were considered misogynistic, sexist

and homophobic (Llewellyn et al., 2015, p. 2). In December 2014, a number of the female students filed formal charges under Dalhousie's sexual harassment policy, and the university responded by initiating an RJ process on December 16, 2014. As part of this RJ process, in which 12 of the 13 male members—the ‘harm-doers’—of a ‘Gentlemen's Club’ Facebook group participated voluntarily, sharing what happened and taking responsibility for their actions. The successful resolution of this case has been recognized internationally (Llewellyn et al., 2015).

The province of Nova Scotia is also leading many other RJ initiatives particularly in the education, research, capacity building and advancing human rights. There is province-wide collaboration with the NS Department of Justice, Halifax Regional Municipality, Halifax Regional Police, and Dalhousie University. Success stories of RJ programming for youth motivated the NS government to extend RJ options to adults (Archibald & Llewellyn, 2006; Llewellyn et al., 2015). The most recent development of RJ in Nova Scotia is the Restorative Research, Innovation & Education Lab situated at Dalhousie University's Schulich School of Law. This RJ-focused research lab—the first of its kind in Canada—is funded the Donald R. Sobey Foundation (Tutton, 2020). The lab aims to offer support in a number areas including: 1) Strategic support for applying a RJ approach to diverse organizations; 2) Leading research in RJ to demonstrate its outcomes and impact; 3) Build capacity for growth and innovation; 4) Design education and training in RJ to build understanding of the approach; 5) Create a network of experts from around the world to collaborate and build knowledge; 6) Support collaboration across sectors in government, community and the research community; 7) Develop resources for public education (Dalhousie University, 2020).

The NSRJP defines restorative justice as “a response to crime that focuses on restoring the losses suffered by victims and community. It holds individuals accountable for the harm they have caused. Restorative justice is a different way of thinking about crime and our response to crime”

(Nova Scotia Department of Justice, 2013a). To achieve that objective, the program has four broad goals: reduce recidivism; increase victim satisfaction; strengthen communities; and increase public confidence in the criminal justice system (Nova Scotia Department of Justice, 2013b). The program aims to achieve several specific objectives: provide a voice and an opportunity for victims and communities to participate; repair harm; reintegrate offenders; and hold them accountable in meaningful ways (Nova Scotia Department of Justice, 2013c). Eggleton and Saint-Germaine (2018, para. 6) point out that:

Restorative justice can take many forms and varies widely from community to community, but it can include mediation programs and restitution agreements, including community service, financial compensation and service to the victim. [and] There are currently almost 500 different such programs running in communities across the country, primarily for youth offenders.

When the Government of Canada (2018b, p. 1) surveyed people about RJ, they found that about one-half (52 per cent) had some familiarity with the concept, and about a third were more familiar. Once provided with background information on RJ, respondents in this survey overwhelmingly agreed that victims, survivors and accused be aware of RJ interventions, and that 87 per cent agreed that victims should be able to meet with an offender and tell them about the impacts of the crime if they wished (Government of Canada, 2018b, p. 1). Altogether, these researchers found that the more people knew about RJ, the more likely they were to support this approach to crime control.

As noted in *Exploring Criminal Justice*, most research shows that restorative justice is an effective approach in reducing crime. Like other crime control strategies, however, no single approach will be effective with every single person, but John Braithwaite (2018)—who is one of the pioneers in the modern RJ movement—argues that RJ

responses should be the starting point in response to most offences. Readers interested in restorative justice programs in Nova Scotia are encouraged to read *The Nova Scotia restorative justice program: Assessment of current status and future directions* by Clairmont and Waters (2015) of the Atlantic Institute of Criminology at Dalhousie University. This report is available at <https://dalspace.library.dal.ca/xmlui/bitstream/handle/10222/64610/Assessment%20of%20the%20NSRJ%20Program%202015.pdf?sequence=1&isAllowed=>.

### Critical Thinking Questions

1. Although restorative justice practices have been effective at reducing crime, there seems to be some resistance to expanding these programs in some provinces: Can you think of some possible reasons for this resistance?
2. Are there any historical, legal, or social factors specific to Nova Scotia that would make restorative justice practices more popular in this province?

### WRONGFUL CONVICTIONS: TWO NOVA SCOTIA CASES, TWO CAUSES

When somebody is jailed, convicted, or punished for an offence he or she didn't commit, it shakes the public's faith in the entire justice system. Wrongful convictions date back to the start of justice systems and since 1993, 23 Canadians were found to have been wrongfully convicted through the efforts of Innocence Canada (2020). Other individuals have been released from prison, or had their convictions overturned, before Innocence Canada was formed or they relied on other lawyers for help. Ninety prisoners have asked for help from Innocence Canada because they claim to have been wrongfully convicted and two are from Nova Scotia (Innocence Canada, 2020).

While many Nova Scotia residents are familiar with the case of Donald Marshall Jr from Sydney (profiled on p. 2 of *Exploring Criminal Justice*), other individuals from Nova Scotia have been found to be wrongfully convicted but their cases are less well known. Gerald Barton, for example, was wrongfully convicted of statutory rape in 1969 after the victim and her family lied to the police to protect the identity of the person who actually impregnated the young woman (Rhodes, 2015a). Jeffrey (2015) reports Barton received a one-year probationary sentence but cites him as saying “the conviction was a shadow that hung over him his entire adult life, preventing him from applying for passports and certain jobs and from volunteering.” Thus, even though a person is not imprisoned, a criminal conviction (and especially one for a sexual offence) can result in lifelong stigma.

DNA evidence ultimately cleared Barton of involvement in the crime, and while his conviction was overturned in 2011—and his name was cleared—the Nova Scotia Court of Appeal did not grant him any compensation. Barton’s lawyer said that “It appears to be the case in Nova Scotia that you can be wrongfully convicted and not necessarily expect any compensation for that no matter what the effects are on your life and no matter how long you carry the stigma of a wrongful conviction” (Rhodes, 2015b).

While Gerald Barton’s conviction was the result of the obstruction of justice committed by the victim and her family, some convictions are the result of errors on the part of officials working within the justice system. Clayton Johnson from Shelburne, for example, was wrongfully convicted and imprisoned for the murder of his wife in 1993, and he served five years in prison before his conviction was overturned. An initial investigation into the 1989 death of Johnson’s wife revealed that she died accidentally after tripping and falling down a set of stairs at their home while Johnson was on his way to his teaching job. The police reopened the investigation twice: once in 1989–90, which confirmed the findings of the first investigation, and a second investigation that ended in 1991, where a pathologist determined

that Johnson’s wife had been struck with an object rather than dying after her fall. Given those findings Barton was arrested in April 1992. One of the reasons for the continued investigations was the fact that Johnson remarried about a year after his wife’s death and community members were gossiping that he killed his wife so he could marry the other woman.

Clayton Johnson was convicted of first-degree murder in 1993 based primarily on the evidence provided by two pathologists and the claim that Johnson and his new wife had a relationship prior to his first wife’s death, even though no evidence was ever produced that the two had such a relationship. Harland-Logan (2016) reported that “After the jury returned this verdict, the trial judge asked Clayton if he had anything to say. His response was simply, “No, other than I didn’t do it and I am innocent and that’s all I can say.” Johnson appealed the guilty verdict to the Nova Scotia Court of Appeal, but his appeal was dismissed.

Johnson sought the help of Innocence Canada and their experts, who had examined evidence that had not been seen by the Crown’s pathologists, and they concluded that the death was accidental (Harland-Logan, 2016). The lawyers at Innocence Canada also discredited some of the other evidence that was considered at trial. An application was made for the review of this case by the federal Minister of Justice, who later ordered the Nova Scotia Court of Appeal to reopen the case. Clayton Johnson was released from prison in 1998 and in 2002 his conviction was quashed; a new trial was ordered but the Crown did not proceed (Harland-Logan, 2016). He ultimately received \$2.5 million in compensation for his wrongful conviction.

The Barton and Johnson cases show us that an innocent person can be convicted of a crime he or she didn’t commit due to the obstruction of justice carried out by a victim (to protect another person) or by officials believing they are doing “the right thing” in their attempt to ensure public safety. Yet, the lives of these innocent people and their families are forever stained by a wrongful conviction and the stigma that comes along with that

conviction. Barton's lawyer says that "It seems that you can be wrongfully convicted in Nova Scotia and have no recourse, and that you can spend years fighting for compensation and justice and there's no guarantee" (Jeffrey, 2015).

The Government of Canada (2018c) reviewed the causes of wrongful convictions and their work identified steps that Nova Scotia took in order to reduce these errors. The province of Nova Scotia conducted three reviews of the justice system in order to identify and eliminate the causes of these miscarriages of justice. One step Nova Scotia officials took was to transfer the prosecution of individuals to appointed prosecutors (and away from the elected Attorney General) in order to reduce the possibility that political pressure would lead to convictions. Other steps the province has taken to reduce wrongful convictions include placing restrictions on the use of in-custody informers (persons who provide testimony in return to have their sentences lightened), being critical of some types of forensic evidence, and taking care in accepting guilty pleas (Government of Canada, 2018c). Altogether, it is in everybody's interest to eliminate wrongful convictions so that we have trust and confidence in the justice system.

### Critical Thinking Questions

1. What is the proper amount of compensation for an individual who is imprisoned and has to live with the stigma of being wrongfully convicted for the rest of his/her life?
2. How can we hold the persons who make miscarriages of justice accountable, such as the police and prosecutors involved in a case?
3. Campbell and Denov (2016) estimate that about half of one per cent of convictions in Canada are wrongful, or about 31 people in 2017–18 in Nova Scotia (6,280 guilty verdicts x .005). What are some outcomes of those miscarriages of justice? Is that number troubling to you?

### SUMMARY

The amount and seriousness of crime varies across the country and this supplement shows that Nova Scotia has rates of property and violent crime that are about average for the nation. Those provincial averages, however, mask the fact that some places in the province have very high rates of crime, and some people are at high risk of being victimized. Although the province has a fairly low homicide rate the mass murder of 22 Nova Scotians in April 2020 shows us that nobody is entirely safe. The people working within the criminal justice system are responsible for reducing crime, but these rare and horrible events are difficult to predict or prevent. We expect that throughout 2020 and 2021 we will receive more information about these murders, and we can use that information to prevent future tragedies.

Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will be different as well. As a result, the personnel working in Nova Scotia's adult and youth justice systems may respond to antisocial behaviour and crime in a slightly different manner from what occurs in neighbouring provinces or territories. A report card on the operations of the justice system developed by Perrin and Audas (2018) suggests that the province does a fairly good job, although surveys show that Nova Scotia residents have about the same amount of confidence in the justice system and courts as the national average (Cotter, 2015). While the justice system will never eliminate crime, we can attempt to prevent crimes and protect those most at risk of victimization. It is possible that one way to achieve that goal is to expand the use of restorative justice interventions, and Nova Scotia is a leader in using these methods. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada such an interesting undertaking!

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