

# Small Business Based Referrals to the Community Justice Centre

Community Justice Centre of the Comox Valley  
Suite E – 450 Eighth Street, Courtenay, B.C. V9N 1N5  
Feel free to call for more information: (250) 334-8101 (M-F, 9 AM – 12 noon)

1. If you apprehend an individual with clear evidence that they have shoplifted merchandise from your shop, you may choose to offer them a referral to the Community Justice Centre for resolution. Be sure to discuss with them the choice of the opportunity to refer them to the Community Justice Centre rather than having the RCMP attend and take them into their care. Please make sure you advise them that their participation is entirely voluntary, and, if they are 18 yrs or under, their parents will be contacted and must also agree to the referral. If the matter proceeds successfully through the CJC, there will be no criminal record resulting from the incident.
  
2. For acceptance of the file by the Centre, the individuals (and their supporters) agree to the referral and must:
  - ◇ Acknowledge they caused a harm (not a criminal code violation)
  - ◇ Express remorse or regret or sorrow for the harm caused
  - ◇ Desire to repair the harm and make things right, repair the relationship
  
3. The store owner or staff person doing the referral must:
  - ◇ fully complete the referral form
  - ◇ call the RCMP (250) 334-1321 for a file # (this causes a search of records to ensure that if the individual has prior history of contact with the RCMP we are aware of it as part of the acceptance decision)
  - ◇ ensure that parents of minors (those 18 years old and under) understand and have agreed to the referral
  - ◇ ensure that the store has named a representative to participate in the Resolution Conference or checked the box requesting that the CJC appoint a trained small business representative to attend the conference if the store cannot participate themselves
  - ◇ provide sufficient information for the Justice Centre to evaluate the case
  - ◇ attend a pre-conference at the Justice Centre if they have not participated previously in a resolution conference (30 – 45 minutes to explain the process, answer questions about roles, etc.)
  
4. Key understandings:

- ◇ we are not a court so we don't make findings of guilt or innocence, we don't take testimony or cross-examine, and we don't impose a sentence – the parties come to an agreement about what needs to be done to make things right – this can include restitution of cash, repair of property, an apology, a special project, engagement in socially productive activity, etc. and may also include an anonymous published apology and/or some service to the community to repair the harm caused to the broader community by the behaviour)
- ◇ participation is entirely voluntary – non-participation, or non-completion of an agreement, results in the file being returned to the RCMP for whatever action they deem appropriate, but also recording that it was not completed.
- ◇ the entire process is fully confidential – no volunteer of the Centre will ever discuss the matter with any other person and will not “recognize” the individual on the street in case it causes embarrassment to the respondent or their family.
- ◇ Centre volunteers will not be subpoenaed to give evidence in court if the case is transferred there so that honesty is always operative in the resolution conference
- ◇ the resolution conference is facilitated by a professionally trained mediator or facilitator, includes two Centre volunteers serving as community panel members to represent the harm caused to the community, and a case co-ordinator who “hosts” the resolution conference and provides administrative support to the process
- ◇ A successful file is closed, no criminal record results, and our files are destroyed one year later (except for the referral form and the resolution agreement)