

Instructions – please read before completing this form	SECTION 1
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Municipal Diversion is a voluntary compliance program that enables a person charged with a municipal offence the opportunity to avoid prosecution by completing certain requirements. Successful completion will result in the applicable charges being withdrawn. Failure to satisfy the terms of the program will result in the matter proceeding to prosecution.

There is no penalty for not participating in Municipal Diversion or failing to complete a compliance program. You may at any time discontinue the program and proceed with the prosecution. Information provided during the program will not be used against you should the prosecution proceed. Please see the Municipal Diversion information sheet for more information.

You are encouraged to seek independent legal advice concerning your charges and participation in this voluntary program.

Contact Information	SECTION 2
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Name _____

Address _____

Phone _____ Email _____

Charge Information	SECTION 3
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Date of Offence(s) _____

Location of Offence(s) _____

Charges – Please list the section number and By-Law referenced in each count

Are you applying for Diversion for all offences charged? Yes No

If no, please specify which charges you are applying for:

Legal - Municipal Diversion Application Form		Legal Dept.
Declaration		SECTION 4
<p>I acknowledge responsibility for the above charges and wish to participate in Municipal Diversion. I agree to the Prosecutor contacting me to discuss the terms and requirements of the compliance program if I am eligible. I understand the Court will be notified of my participation in Diversion, and I will contact the Prosecutor immediately if I no longer wish to participate.</p>		
Signature _____		Date _____
Privacy Notice		SECTION 5
<p>Collection of personal information via this form is authorized under the Access to Information and Protection of Privacy Act, 2015 and is need for the purpose of administering the Municipal Diversion Program. Questions about the collection and use of the information may be directed to the City Solicitor, Legal Department via email: legal@stjohns.ca or via telephone: 709-576-8558.</p>		
Please send completed form to:	Legal Department P.O. Box 908, 10 New Gower Street St. John's, NL A1C 5M2	For further information: Phone: 709-576-8109 Email: legal@stjohns.ca
Or via email to:	legal@stjohns.ca	

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Municipal Diversion is a post-charge compliance program that enables someone charged with a municipal offence the opportunity to avoid prosecution by completing certain requirements. Successful completion of the program leads to charges being withdrawn, with no fines or court orders issued. Failure to satisfy the terms of the program will result in the matter proceeding to prosecution.

The City's Municipal Diversion Initiative is based on restorative justice principles and the public interest. It is a formalizing of prosecutorial discretion, making use of alternative mechanisms of resolution outside of prosecution.

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Municipal Diversion realizes the strain that prosecution puts on the Courts, City resources, and the individual. It also recognizes that access to justice issues are prevalent in Canada, and especially so in smaller, municipal matters. By participating in a compliance program as opposed to a prosecution, Diversion helps avoid the stress, delays, and challenges inherent in the traditional court process.

Municipal Diversion is mutually beneficial – providing both the City and the individual with an effective and efficient means to deal with bylaw violations. It seeks to reduce recidivism by removing penalties and focusing instead on education and relationships.

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Currently, Diversion is only available for municipal property offences. There must be sufficient evidence to support the charge, and it must not be of a largescale or serious nature. The Prosecutor is guided by public interest considerations in determining whether Diversion is appropriate in each case.

Additionally, to be eligible for Diversion the person charged must be willing to meaningfully participate in the compliance program. This means acknowledging responsibility for their actions and committing to working together with the City to come to a resolution.

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Municipal Diversion programs are tailored to each individual case. A combination of measures may be used depending on the circumstances and needs of the parties. While the nature and scope of the compliance program varies, all programs are centered around 3 essential pillars:

1. **Education** – Municipal Diversion is another opportunity to educate and address any questions the individual may have about the City's by-laws and supporting legislation. Reviewing the City's requirements, and rationale behind these requirements, helps promote a better understanding of why the person was charged. This knowledge can empower the individual to achieve compliance objectives.
2. **Relationship Building** – Municipal Diversion aims to build

relationships between the City and the individual. It recognizes that such relationships are key to compliance and deterrence. Staff engage in meaningful dialogue with the individual to help build trust, repair any communication breakdowns, and emphasize mutual respect.

3. **Public Interest** – like prosecutions, Municipal Diversion is grounded in the public interest. Every step of the process is guided by considerations of the public interest. This means taking into account not only the parties' circumstances and needs, but those of any affected third parties and the broader community. Both the City and the individual must work together to achieve the objectives of the law in a fair and equitable manner.

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Those interested in participating in Municipal Diversion must first fill out the Municipal Diversion Application Form. The Prosecutor will review the matter to determine eligibility. If eligible, the Prosecutor will communicate with the individual and Inspection Services staff to determine the terms of the program. Once all terms are agreed upon, a Municipal Diversion Agreement will be signed by the individual and the Prosecutor. The Court will be notified of the intention to proceed with Diversion, and judicial oversight will be provided as appropriate.

Upon successful completion of the program, the charges will be withdrawn. If the terms cannot be agreed upon, are not successfully completed, or the

individual decides to no longer engage in the program, the matter will proceed through the usual prosecution process. Information provided by the individual during the program will not be used against them should the prosecution proceed. There is no penalty for not participating in Municipal Diversion, or failing to complete a compliance program.