

Youth Criminal Justice Act



Extrajudicial Measures (Sec. 6 YCJA)



Extrajudicial Measures

Measures that can be used by police to deal with Young Persons without using the formal 'youth justice court system'.

EJ Sanctions = Crown



Principles of EJM's S. 4 YCJA

Principles of EJM's S. 4 YCJA

- a) Are often the most appropriate and effective way to address youth crime

Principles of EJM's S. 4 YCJA

- a) Are often the most appropriate and effective way to address youth crime
- b) Allow for effective and timely interventions

Principles of EJM's S. 4 YCJA

- a) Are often the most appropriate and effective way to address youth crime
- b) Allow for effective and timely interventions
- c) Focus on correcting the offending behavior

Principles of EJM's S. 4 YCJA

- a) Are often the most appropriate and effective way to address youth crime
- b) Allow for effective and timely interventions
- c) Focus on correcting the offending behavior
- d) Are presumed to be adequate to hold a YP accountable for his or her offending behavior if the YP has committed a non-violent offence and has not previously been found guilty of an offence

If EJM is deemed to be adequate,
and if the use of EJM is
consistent with the principles set
out in the YCJA, nothing
precludes their use in respect of
a young person who:

If EJM is deemed to be adequate,
and if the use of EJM is
consistent with the principles set
out in the YCJA, nothing
precludes their use in respect of
a young person who:

- a) Has previously been dealt with by the use
of EJM.

If EJM is deemed to be adequate,
and if the use of EJM is
consistent with the principles set
out in the YCJA, nothing
precludes their use in respect of
a young person who:

- a) Has previously been dealt with by the use of EJM.
- b) Has previously been found guilty of an offence.

Objectives of EJM's S. 5 YCJA

Objectives of EJMs S. 5 YCJA

- a) Provide an effective and timely response to offending behavior

Objectives of EJMs S. 5 YCJA

- a) Provide an effective and timely response to offending behavior
- b) Encourage YP to acknowledge and repair the harm caused to the victim and the community

Objectives of EJMs S. 5 YCJA

- a) Provide an effective and timely response to offending behavior
- b) Encourage YP to acknowledge and repair the harm caused to the victim and the community
- c) Encourage families of young persons and the community to become involved in the design and implementation of those measures

Objectives of EJMs S. 5 YCJA

- a) Provide an effective and timely response to offending behavior
- b) Encourage YP to acknowledge and repair the harm caused to the victim and the community
- c) Encourage families of young persons and the community to become involved in the design and implementation of those measures
- d) Provide an opportunity for victims to participate in decisions related to the measures selected and to receive reparation

Objectives of EJMs S. 5 YCJA

- a) Provide an effective and timely response to offending behavior
- b) Encourage YP to acknowledge and repair the harm caused to the victim and the community
- c) Encourage families of young persons and the community to become involved in the design and implementation of those measures
- d) Provide an opportunity for victims to participate in decisions related to the measures selected and to receive reparation
- e) Respect the rights and freedoms of YP and be proportionate to the seriousness of the





Punishment is Proportionate to Crime

EJM Options

Section 6 YCJA Directs Police Officers
“Before laying a charge” or forwarding to
Crown the police officer SHALL consider
whether it would be sufficient to



EJM Options

Section 6 YCJA Directs Police Officers
“Before laying a charge” or forwarding to
Crown the police officer SHALL consider
whether it would be sufficient to

b) Take no further action



EJM Options

Section 6 YCJA Directs Police Officers
“Before laying a charge” or forwarding to
Crown the police officer SHALL consider
whether it would be sufficient to

- b) Take no further action
- c) Warn the YP (young person)



EJM Options

Section 6 YCJA Directs Police Officers
“Before laying a charge” or forwarding to
Crown the police officer SHALL consider
whether it would be sufficient to

- b) Take no further action
- c) Warn the YP (young person)
- d) Refer the YP to a program that may assist
the YP not to commit offences



The Referral Option

a) Requires the YP's consent

Examples:

The Referral Option

a) Requires the YP's consent

Examples:

b) Police-based diversion program (Y.I.P
etc.)

The Referral Option

a) Requires the YP's consent

Examples:

b) Police-based diversion program (Y.I.P etc.)

c) Community accountability program (ie. R.J.)

The Referral Option

a) Requires the YP's consent

Examples:

- b) Police-based diversion program (Y.I.P etc.)
- c) Community accountability program (ie. R.J.)
- d) Any agency in the community "that may assist the YP not to commit

Authority to exchange information

... provincial director, youth worker, Crown, peace officer, or any other person engaged in providing services to YP's may disclose to any professional or other person engaged in the supervision or care of a YP, any information contained in court, police or government records if it is necessary

Authority to exchange information

... provincial director, youth worker, Crown, peace officer, or any other person

engaged in providing services to YP's may disclose to any professional or

other person engaged in the supervision or care of a YP, any information contained

in court, police or government records if it is necessary

a) To ensure **compliance** (court order)

Authority to exchange information

... provincial director, youth worker, Crown, peace officer, or any other person

engaged in providing services to YP's may disclose to any professional or

other person engaged in the supervision or care of a YP, any information contained

in court, police or government records if it is necessary

a) To ensure **compliance** (court order)

b) To ensure **safety** (of anyone)

Authority to exchange information

... provincial director, youth worker, Crown, peace officer, or any other person

engaged in providing services to YP's may disclose to any professional or

other person engaged in the supervision or care of a YP, any information contained

in court, police or government records if it is necessary

a) To ensure **compliance** (court order)

b) To ensure **safety** (of anyone)

c) To facilitate **rehabilitation** of the YP

Terrace Community Justice Forum Group



Terrace Community Justice Forum Group

- a) Comprised of a coordinator, Sandy Pringle, and six trained facilitators, all volunteers



Terrace Community Justice Forum Group

- a) Comprised of a coordinator, Sandy Pringle, and six trained facilitators, all volunteers
- b) Received the RCMP Community Justice Forum training in April 2012



Terrace Community Justice Forum Group

- a) Comprised of a coordinator, Sandy Pringle, and six trained facilitators, all volunteers
- b) Received the RCMP Community Justice Forum training in April 2012
- c) Receives referrals from RCMP and community



Terrace Community Justice Forum Group

- a) Comprised of a coordinator, Sandy Pringle, and six trained facilitators, all volunteers
- b) Received the RCMP Community Justice Forum training in April 2012
- c) Receives referrals from RCMP and community
- d) 26 RCMP referrals and one non RCMP have been received to date



Terrace Community Justice Forum Group

- a) Comprised of a coordinator, Sandy Pringle, and six trained facilitators, all volunteers
- b) Received the RCMP Community Justice Forum training in April 2012
- c) Receives referrals from RCMP and community
- d) 26 RCMP referrals and one non RCMP have been received to date
- e) Other training completed: Peace Circle Training May 2012, Working with Victims of Trauma April 2013 , Community



Referral

Referral

a) Offender must first accept responsibility for their role in an offence and the harm caused

Referral

- a) Offender must first accept responsibility for their role in an offence and the harm caused
- b) Offenders and victims have to agree to participate

Referral

- a) Offender must first accept responsibility for their role in an offence and the harm caused
- b) Offenders and victims have to agree to participate
- c) Community members are often actively involved in the process as interested stakeholders and supporters

Restorative Justice Forum



Restorative Justice Forum

Is a process by which the victims, offenders, and community address the harm caused by crime. Its aim is to achieve a fair outcome agreed upon by everyone. A trained facilitator organizes and guides the process.



Benefits for Victim

Benefits for Victim

a) High level of victim satisfaction

Benefits for Victim

- a) High level of victim satisfaction
- b) Increased confidence in the justice system

Benefits for Victim

- a) High level of victim satisfaction
- b) Increased confidence in the justice system
- c) Greater rates of agreement completion from offenders

Benefits for Victim

- a) High level of victim satisfaction
- b) Increased confidence in the justice system
- c) Greater rates of agreement completion from offenders
- d) Feeling safer and more connected to their communities

Benefits for Victim

- a) High level of victim satisfaction
- b) Increased confidence in the justice system
- c) Greater rates of agreement completion from offenders
- d) Feeling safer and more connected to their communities
- e) Victims are involved in process. They may have questions for the offender, or want the offender to understand the impact that their actions have had on them, their family members, and others. Victims may want restitution, compensation, or a sincere

Benefits for the Offender

Benefits for the Offender

a) Express their perspective

Benefits for the Offender

- a) Express their perspective
- b) Opportunity to fulfill their obligations to the victim and the community in ways that are meaningful, make things right

Benefits for the Offender

- a) Express their perspective
- b) Opportunity to fulfill their obligations to the victim and the community in ways that are meaningful, make things right
- c) Compliance is very high

Benefits for the Offender

- a) Express their perspective
- b) Opportunity to fulfill their obligations to the victim and the community in ways that are meaningful, make things right
- c) Compliance is very high
- d) Increased understanding of the impact of their actions

Retention of Information

The person/agency receiving the information SHALL:

- a) Keep the information separate from any other record of the YP to whom the info relates
- b) Ensure no unauthorized person has access
 - *May share if necessary for purpose of S. 125(6)
- c) Destroy their copy of record when information is no longer required for the purpose for which it was disclosed

YCJA Amendment Bill C-10

- a) **190. Section 115 of the Act is amended by adding the following after subsection (1):
Extrajudicial measures**

- c) **(1.1) The police force shall keep a record of any extrajudicial measures that they use to deal with young persons.**