



Taking a Systems Approach to Supporting Youth through Extrajudicial Measures

A Case Study Scenario

FACTSHEET

ABOUT EXTRAJUDICIAL MEASURES (EJM)

“Extrajudicial measures are less formal responses to crime than court proceedings that are used to deal with youth who have broken the law. They can be used instead of formal charges and formal court proceedings. Common examples include police warnings and referrals to community programs.”¹

Youth involvement with the criminal justice system often compounds rather than diminishes challenges youth experience. As a result, the Youth Criminal Justice Act of Canada aims to divert youth from the criminal justice system. Through EJM, youth are held accountable for their actions but are not formally charged and do not go through the court system. ‘Extrajudicial’ literally means ‘outside the court.’

Officers of the law have the discretionary power to decide if EJM are an appropriate response to the youth’s actions. There is a range of EJMs that range from: no action, to dismissal with a warning, to caution, to referral, to Crown caution, and to extrajudicial sanction, which is the most serious. Many EJM referral programs are offered by community-based organizations. EJM referral programs work with local law enforcement. Often, they are not coordinated, integrated, or evaluated.

¹ Centre for Public Legal Education – Alberta

TAKING A SYSTEMS APPROACH

Youth development occurs within and across multiple interrelated and intersecting contexts. The lives of all youth include many different areas and complexities that are woven together, impacting their experiences, feelings, and behaviors. By learning about each area of a youth’s life, a more thorough understanding of their experience can address the underlying causes that result in involvement with the law. A systems response appreciates and engages the multiple contexts of youth development; each system must be integrated and involved to ensure we are addressing the causes, rather than the symptoms, of disengagement and anti-social feelings and behaviors. The social determinants of health offers a systemic perspective through which to support youth involved with the justice system.

PART OF THE ‘SYSTEM’ MAY INCLUDE:

- Family Unit(s)
- School
- Police Services
- EJM Program
- Community partners

SOCIAL DETERMINANTS OF HEALTH MAY INCLUDE:

- Class system
- Social supports
- Education
- Physical environment (i.e. home and neighbourhood)
- Coping skills
- Culture
- Gender



CASE STUDY SCENARIO

Name: Shane

Age: 16

Indigenous background: Yes

Reason for referral to Extrajudicial Measures (Diversion) Program:
He was accused of theft and referred by police

MEET SHANE

Shane, 16, is an Indigenous young man who lives with his mother live in social housing. The family is on social assistance. When Shane was 8 and his sister was 2, his family moved from their First Nations community to a nearby city in Southwestern Ontario. His father left the family when he was 10 and his mother has suffered from depression since then. His younger sister was in care at the age of 4 under a voluntary agreement with the Ministry of Children and Youth. Unfortunately, his sister died in care 6 months later due to an unfortunate car accident. Shane has a history of self-harming behaviour after his father left the family and the loss of his sister. He was struggling in school and claimed to be affiliated with an Indigenous urban gang as a fringe member.

CONTEXT FOR REFERRAL

Shane and another youth went into a large electronic retail store. A staff of the store witnessed the other youth have a conversation with Shane in front of the cell phone accessories aisle and then the other youth headed out of the store alone. Shortly after he left, Shane started putting some cell phone accessories in his backpack and went to leave the store. A security stopped Shane from leaving. Unpaid cell phone accessories amounting to \$500 were found in Shane's backpack. Both Shane's mother and Police were called. The young adult who went with Shane to the electronic retail store is his "big brother" in the gang.

POLICE INTAKE

Before charging Shane with a criminal offense, the police officer waiting for Shane's mother and together they had a conversation about Shane's circumstances and life.

INDIGENOUS-FOCUSED EXTRAJUDICIAL MEASURES

After talking to Shane and his mother in the police station, the booking officer learned more about Shane's family background and life situation, the police officer decided not to press charges against Shane for his actions. During the intake interview, Shane shared that he still struggles with issues of loss over his younger sibling, the absence of his father, and displacement from this home community and culture.

The police officer offered Shane an opportunity to participate in an Indigenous-focused EJM diversion program. Shane agreed to voluntarily participate in the EJM diversion program and contacted the community-based agency accordingly.

SHANE'S SOCIAL DETERMINANTS OF HEALTH: PRE EJM PROGRAM

When it comes to Shane's situation, we know he has lost his father and sister under tragic circumstances. As a result, his social supports include his mother, but also the members of the gang he has joined. Joining this gang may reflect his desire to seek new family-type connections. We also know that Shane is dealing with some mental health challenges due to this loss he has experienced – his coping with these challenges is expressed through self-harming behaviour. Further, at a young age, Shane moved away from a First Nations community to a city in Southwestern Ontario. This move resulted in a loss of connection to his culture and sense of home. In terms of class system, Shane and his mother live on social assistance in social housing.

A SYSTEMS APPROACH TO SUPPORTING SHANE

As part of his EJM program, Shane will be reintegrating back into the school system. With his school and teachers on board, he can be encouraged to increase his education level and also create a new social network and establish new pro-social friendships outside of the gang. His family unit can also be supported through the EJM program to help minimize Shane's negative coping habits and address mental health concerns. Community and family collaboration can help to provide wrap around support and address why Shane felt he had to steal and give him pro-social alternatives to prevent future similar scenarios. Here, the process is about addressing the causes of the

crime committed instead of focusing on the crime itself. It is important that throughout the EJM process and beyond, Shane's voice is heard and that he is actively engaged in decision making – this not only helps to maximize follow through, but also sets the groundwork for his empowerment and personal agency. Additionally, it is integral to consider the role of gender, family values, and culture when supporting Shane. For example, some Indigenous communities view certain mental health issues very differently than Western culture. Further, strengthening Shane's connection to his culture may play a positive role in his turning his life around for the better. With each system working together to support Shane in the individual social determinants, his overall wellbeing is being addressed and maximized.