



PRE - CHARGE DIVERSION

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TORONTO YOUTH EQUITY STRATEGY - TYES: PRE - CHARGE DIVERSION

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Note to Readers:

The young people whose images are included in this report are actively involved in their communities as artists, leaders and facilitators. Many thanks to the youth whose images are in this report, and the photographers including Anthony Gebrehiwot and Simone Hamilton.


The Ex-Criminal

by Randell Adjei

Cold, dark nights
where I was no where to be found
leaving my loving mother worried
asking herself, how?
In 2003, I was a thief for Halloween
Stealing, causing a commotion and creating a scene
throwing rocks at the innocent
laughing back at those times I reminisce
that night,
I made a big mistake
see, the cops pulled up and I could've ran away
but I chose not to
that choice left me in a cell overnight singing the blues
left in there for hours
until my father picked me up
sitting in the passenger seat, left us both feeling distraught
when we got home,
we fought "verbally"
and this all happened at the age of 12
I wasn't even 13
on another cold, brisk November night
I had left myself in fright
see, earlier me and my boys caused mischief that night

assaulting another youth
I remember kicking him in the face with my boot
I got home later on to hear the police wanted me???
Oh shoot!
See I knew what I did
but no way was I going back to the pen
so they wanted to see me the very next day
so after school, I took my precious time getting on the sub-
way
I walked through those doors as nervous as a thief
there were thoughts going through my head
and times I couldn't breathe
until I was arrested
something I had never foreseen
see the officer sat me in a cell
and for the next 12 hours
I went through hell
I cried, I tried to get some help
but just then I realized

there was no one left

A man with short dark hair is speaking into a microphone. He has his hands raised, palms facing forward. He is wearing a dark t-shirt with a white laurel wreath and the text "LIVE WITH WHAT YOU GOT" and "100" visible. The background is a light, hazy grey.

and within that cell
I lost myself
I was stuck in that cold and lonely cell
until later on the next day
I was transported downtown
in the early morning
I had my picture and my fingerprints taken
and before my eyes
my life was soaring
I stayed handcuffed until four in the morning
it was hard to overcome the fear
I felt my life and self-esteem
dripping through my tears
I made a few peers
but found out for them
it was the means to an end
some were in there for 2,3 years
some even 10
I was so surprised
I remember closing my eyes
only to wake up to a puddle
of my very own cries
so after that I tried and tried and tried (x2)
but I still never realized

that my life was a prize
as long as the spirit lives inside
it doesn't matter how big its size
so I write to you today
to tell you about my experience
to free my mind
from inner irritant
if I could change my life
there would be no replacement
I had court dates like everyday
and although they were brief
it was one step closer
to removing my mother's grief
so she prayed and prayed and prayed (x3)
until her son was free
walking and grimacing
on both arthritic knees
after this experience
I widened my eyes
and was filled with sorrow
just trying and trying and trying (x2)
and doing and doing and doing (x2)
to live a better tomorrow.

INTRODUCTION

“We should have way more programs available to suit the kid not suit ourselves. Find the right thing for them to be involved in. If the kid wants to learn mechanics or whatever. Do a real program. Provide food. Something for them to look forward to. Any activity that can allow someone to excel and where they have a sense of belonging. What did they walk away with – a job opportunity? Friendships? Ask them at the end how they feel. It can’t just be that you punish the kid.”

- Toronto Police Service Officer

The City’s Toronto Youth Equity Strategy (TYES) was created as a framework to “ensure all youth can equally pursue their hopes, dreams and aspirations free of barriers based on race, gender, economic status and geography, and that all youth have the opportunity to meaningfully contribute to Toronto’s strength, vitality and governance”. The strategy “is based on the idea that those youth who are most vulnerable to involvement in serious violence and crime do not have equitable access to the comprehensive supports they need to change their lives for the better.”¹

One of the specific actions in TYES is that:

“Social Development, Finance and Administration, in partnership with the Toronto Police Service, will investigate the resources needed to deliver, and then implement a City-wide pre-charge diversion program to provide supportive interventions and programming as an alternative to criminal charges. Supportive interventions and programming assist young persons in accepting responsibility and addressing the impact of their actions on themselves, their family, their victims, and the community.”

The goals of the recommendation are to:

- Reduce the number of youth entering and re-entering the criminal justice system

- Increase the effectiveness of pre-charge diversion through designing a program that learns from previous research to make an impactful reduction to the numbers of youth entering the criminal justice system
- Increase the resiliency of youth through a pre-charge diversion program that works within an anti-oppression framework
- Leverage City of Toronto resources to increase positive interactions with youth
- Increase the number of positive ‘sparks’ in a young person’s life – through turning what may have been a negative ‘spark’ (being arrested, entering the criminal justice system), into a positive ‘spark’ – accessing mentorship and referral to youth programs.²

Other stakeholders have previously suggested that a review of pre-charge diversion programs be undertaken. The Ministry of Children Youth Services’ Toronto EJM Framework Local Task Group review recommended a “Review of Diversion programs and services, noting identified gaps, barriers and potential for enhancements, to achieve better coordination and consistency, while attempting to address capacity issues and overall quality of service within current funding and framework limitations at any given time.”³

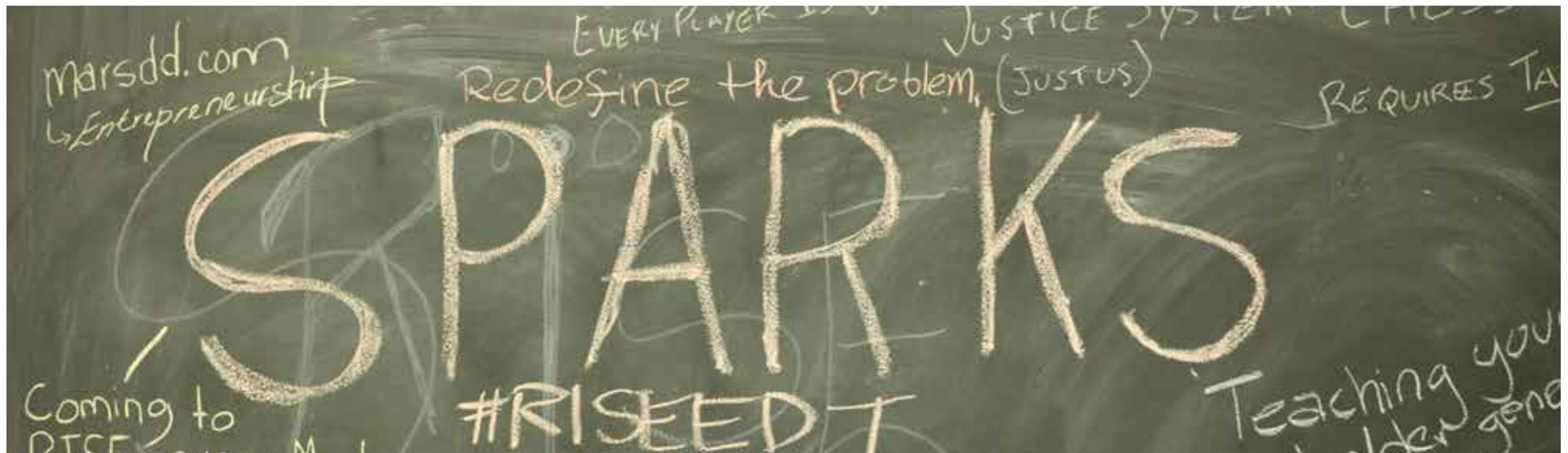
BACKGROUND

One of the main goals of the 2003 Youth Criminal Justice Act (YCJA) was to reduce the use of youth court through extrajudicial measures (EJM). Rather than charging youth for minor offences that were taking up a lot of court time, young people could instead be required to complete extrajudicial measures. EJM should be used as a way of holding youth responsible for their actions quicker and more effectively. EJM include 'extrajudicial sanctions' which require the young person to "accept responsibility for the act that forms the basis of the offence, and to comply with the terms of conditions of the sanction".

Many organizations started implementing pre-charge diversion programs to administer EJM. There is research at least as far back as 1977 that documents issues related to these programs including net widening, issues with coordination among partners, and questioning the effectiveness of EJM in achieving the goals of the program.

Since the introduction of the Act, the number of youth charged has decreased. Between 2009 and 2013, Statistics Canada reports a reduction in the number of youth charged from 10,167 to 6,239⁵. The question is, then, how do we ensure that we refer these small numbers of youth who would otherwise be court-bound, and how do we do it effectively to achieve the goals of pre-charge diversion?

Pre-charge diversion programs are not centrally coordinated in Toronto. Some police divisions are connected to pre-charge diversion programs, however the majority are not. Several different organizations are delivering programs, and several more are interested. The City wants to know how to make it fair and equitable to all youth in Toronto to have access to opportunities that will reduce criminalization, as well as support them in accessing youth programs that can provide mentorship and other opportunities to reduce future offending.



ABOUT THIS RESEARCH

The research involved five key sources of information:

Literature Review, including research on pre-charge diversion and the recommendations that have already been made, the risk and protective factors for crime, as well as the evidence base for what works in delivering effective interventions and increasing resilience. Given that current pre-charge diversion programs are delivering an intervention, one of the key documents referenced is an extensive review of the criteria of what makes prevention programs effective. These criteria are found throughout the report, and are listed in Appendix B. Also given the City's interest in increasing resilience, the research evidence on resilience was reviewed, including a report on what is known to work in fostering resilience in vulnerable youth, by Canada's leading researchers, practitioners and policy-makers⁶.

Interviews with 41 people including youth with lived experience of the criminal justice system, youth workers, youth leaders, police officers, criminologists, researchers and agency staff of two pre-charge diversion programs.

Youth Research Assistants were hired (both with lived experience of the jus-

tice system) to ensure that the research was informed by youth, to assist with reviewing the literature, providing input, and plan and facilitate events.

Community Events/Focus Groups With Youth: In collaboration with RISE (Reaching Intelligent Souls Everywhere), a youth-led group based in Scarborough, we held an event with 120 youth titled 'Sparks' where youth talked about positive and negative sparks in their lives. A follow up community discussion with youth was held on April 25th to have a more focused discussion about the kinds of programs and opportunities that young people, some of whom have been through diversion, believe will support them in staying on the right path.

Community Stakeholder Meeting: Agencies that are delivering, interested in delivering, or otherwise involved in diversion programs attended a community meeting on May 20th to discuss the recommendations.

This report outlines the ten key issues that were identified through this research and recommendations to address them, including a suggested pilot model.



SUMMARY OF ISSUES AND RECOMMENDATIONS

“The people who get into trouble are the people who don’t have dreams. They’re living day by day. They don’t think about what tomorrow holds. They’re like ‘I need to do this right now cuz I’m hungry.’”

- Young person with lived experience of the criminal justice system

ISSUE 1:	The need for data to guide program implementation
RECOMMENDATION 1:	Collect data to understand the scope of the problem
ISSUE 2:	The need for clear, attainable and measurable goals
RECOMMENDATION 2:	Revise the goals for a TYES pre-charge diversion pilot model
ISSUE 3:	The need for clarity of stakeholders and their roles
RECOMMENDATION 3:	Work with all stakeholders to define roles and develop a standardized, coordinated process
ISSUE 4:	Police buy-in
RECOMMENDATION 4:	Work in partnership with police and youth to create and deliver enhanced police training
ISSUE 5:	The need for standardized guidelines for who gets referred
RECOMMENDATION 5:	Work with stakeholders to create guidelines for who gets referred
ISSUE 6:	The need for a review of guidelines for extrajudicial measures (EJM)
RECOMMENDATION 6:	Work in collaboration with stakeholders to review and revise guidelines for EJM
ISSUE 7:	The content and structure of current pre-charge diversion programs
RECOMMENDATION 7:	Restructure program content and structure/implementation to provide the protective factors and increase resilience
ISSUE 8:	Lack of evaluation of current pre-charge diversion programs
RECOMMENDATION 8:	Monitor and evaluate
ISSUE 9:	Lack of evidence of youth justice committees in achieving restorative justice
RECOMMENDATION 9:	Re-structure youth justice committees
ISSUE 10:	Providing pre-charge diversion for 18-24 year olds
RECOMMENDATION 10:	Delay pilot of pre-charge diversion for 18-24 year olds

PEOPLE AND INSTITUTIONS CONSULTED

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City of Toronto

Toronto Police Service, DPSU
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Social Development, Finance & Admin, Community Crisis Response Program
Toronto Police Service, Head Quarters
Toronto Police Service, Customer Service Unit
Social Development, Finance & Admin, Community Development Unit

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"Sparks" Town Hall discussion on Pre-Charge Diversion, facilitated in partnership with RISE Edutainment, February 2015



1. Gather Data
2. Revise Goals

ISSUE 1

The Need for Data to Guide the Program Implementation

Given that the numbers of youth being charged in Toronto has declined since the introduction of the YCJA, it is important to know the current data on the numbers of youth being charged, and the types of charges. This will identify how many youth would be eligible for diversion in order to understand the scope of the issue. This data will also help to ascertain the staffing and other resources required in each community in order to target the intervention and deliver an effective program.

The most recent data available about the numbers of youth being served through existing pre-charge diversion programs included 20 active cases in one site, and two in another. This is important data to bear in mind when planning a program.

ISSUE 2

The Need for Clear, Attainable and Measurable Goals

Research as far back as 1977 highlighted the issue of the need to clarify the goals of pre-charge diversion programs: *"It was emphasized that the goals and objectives of diversion in Canada must be clarified, for the literature shows that there have arisen a multiplicity of stated goals."* The overall objective of the use of EJM is to reduce the use of the youth court. This is the primary goal of pre-charge diversion, however agencies also stated that their goal is to reduce re-offending. This goal is likely too ambitious for a program like pre-charge diversion. It is also difficult to measure whether or not a reduction in reoffending has been achieved. Agencies need access to police data in order to truly determine whether or not their program has achieved its goals. However, police data is limited to identifying only those who were subsequently caught re-offending. Finally, we would need police data for at least one year (ideally longer) after a youth finishes a program to truly assess the program's impact on recidivism.

RECOMMENDATION 1

Collect Data to Understand the Scope of the Issue

The developmental phase of the pilot project should involve data acquisition and analysis. In order to analyze the potential number of youth who would currently be eligible for pre-charge diversion, it is important to access data on youth who have been charged (including type of offence, gender and race), starting with the division where the pilot project will be implemented. Any other data that is available to help guide programming and required resources would be beneficial.

RECOMMENDATION 2

Revise the Goals for a TYES Pre-Charge Diversion Pilot Model

The goal of a city-wide pilot model should be in line with the Act; to reduce use of youth court, and to provide interventions that focus on ‘correcting offending behaviour’ and that ‘promote the young person’s rehabilitation.’ How do you effectively correct offending behaviour and promote rehabilitation? There is a lot to consider when designing and implementing an effective intervention. These factors are explained in this report.

Agencies that are delivering pre-charge diversion programs should be supported in identifying clear, attainable, and measurable goals of their programs.

“Successful programs have goals that are clear, attainable and broadly agreed upon by diverse stakeholders affiliated with the program... Many audiences can be pleased with a program without it necessarily indicating that the program has been effective in the manner intended. Successful programs identify clearly defined and agreed upon goals that in turn guide assessment of program effectiveness.”⁸



3. Clarity of Stakeholders

ISSUE 3

The Need for Clarity of Stakeholders and Their Roles

There are currently several provincial and municipal stakeholders involved in various ways in pre-charge diversion programs in Toronto. Institutional stakeholders include the Toronto Police Service, the Ministry of the Attorney General, The Ministry of Children and Youth Services, and the Ministry of Community Safety and Correctional Services. These stakeholders appear to work in isolation, and further clarity on each of their roles is important to create a more consistent and collaborative approach.

In terms of community stakeholders that are delivering pre-charge diversion, several organizations indicated that they are delivering programming (see Appendix A). Some programs are informal, while others are in partnership with specific police divisions. All of the agencies implementing programs work independently of each other. This list may not even include all pre-charge diversion programs in the city; there is no known official list of programs that deliver EJM in Toronto, or police divisions that have informal or informal programs. There is a need for more clarity and transparency on what is happening in the city with pre-charge diversion that needs to be communicated to stakeholders and residents in the city.

RECOMMENDATION 3

Work With All Stakeholders to Define Roles and Develop a Standardized, Coordinated Process

Given the multiple stakeholders, the delivery of pre-charge diversion should be guided by the recent work on ‘collective impact’. *“Unlike most collaborations, collective impact initiatives involve a centralized infrastructure, a dedicated staff, and a structured process that leads to a common agenda, shared measurement, continuous communication, and mutually reinforcing activities among all participants.”*⁹

All of the stakeholders need to work together to determine each of their roles, and work collaboratively to deliver a coordinated and transparent program. If an enhanced model of pre-charge diversion is piloted by the City, each of these aspects of collective impact will need to be addressed. Stakeholders will need to meet regularly to discuss progress, outcomes, challenges and successes.



ISSUE 4

Police Buy-In

The research has identified police buy-in as a barrier to effective diversion. In an article written by members of the Toronto Police Service in reference to the Youth Referral Program, the authors note: “... perhaps the biggest obstacle in establishing a successful police pre-charge alternative justice program is an internal issue – officer trust. It is unrealistic to expect that most front line officers would prefer to hand over arrested young persons to a community agency or resource instead of sending them to court, unless a comfort level has been established regarding;

- The case transition process from police to community;
- Victim input;
- The delivery of consequences for offending youth;
- A reasonable chance for the offending behaviour to be corrected (and therefore future offending prevented);
- Apparent police time savings occur with the case as an extrajudicial measure versus a traditional court case.”¹⁰

Previous research on pre-charge diversion programming in Toronto had the same conclusion: “Changing the decision-making habits of literally thousands of police officers simply by giving them another choice on how to handle young people was not sufficient to get many police officers to divert very many cases from the youth court.”¹¹”

RECOMMENDATION 4

The City Should Work in Partnership with the Police and Youth to Create and Deliver Enhanced Police Training

Pre-charge diversion needs to be seen as something that is done in collaboration with the police, rather than to them. It needs to be top down but also bottom up. The police need to be involved in creating and delivering the training, as well as have input on programming. The training needs to include information about the programs, what youth will do as part of the programs, how it will help to correct offending behaviour, and guidelines for referring youth.

The City should create an advisory group of stakeholders to address the recommendations outlined in this report. This time-limited advisory committee would include sub-groups for each of the tasks related to developing and delivering an enhanced pilot model of pre-charge diversion. The work of the advisory groups would be overseen and facilitated by the community agency that is implementing the pilot model, in collaboration with the City and the research team. For this specific recommendation, the group would include police officers, the police college, and youth in creating and delivering the training. The training should include:

- A) Options police have when interacting with youth (warning, referral, pre-charge diversion and charging)
- B) Awareness of programs and services that serve youth to increase confidence in police referring youth, rather than mandating pre-charge diversion or charging youth
- C) Guidance on interacting with youth who are most at risk of involvement in crime, including raising awareness about young peoples' experiences that lead to becoming involved in fights, bullying, theft etc.

Information should be provided on a regular and ongoing basis, via trainings, videos, and newsletters. Trainings should also include discussion on the appropriate types of referrals for pre-charge diversion, as discussed next.

ISSUE 5

The Need for Standardized Guidelines for Who Gets Referred

Currently there are no standardized guidelines for the types of cases that should be referred to pre-charge diversion. Although the Act states that it is up to the police officer's discretion, advising officers to 'consider' diversion can mean different things to different officers. A city-wide model would require guidelines to ensure that there are standards in terms of who is diverted. Otherwise there is the potential for too much variation to implement an equitable city-wide model, especially when we know that some youth are disproportionately affected by law enforcement. These guidelines would not be prescriptive but rather would assist police in exercising their discretion.

In creating these guidelines it is important to remember that most adolescents engage in minor crime and naturally grow out of it. Most youth will transition out of involvement with criminal activity, and the less that is done to intervene (particularly through the criminal justice system), the better. Earlier research identified that *"Fears have been expressed that... diversion is another indicator of society's overreaction to normal problems of adolescence"*¹². We hope that police officers will understand this and consider that youth don't deserve to be punished for behaviour that the majority of the population has engaged in (but were not caught). It has been reported that *"Most police officers continue to see informal action (and pre-charge diversion) as 'giving the kid a break', rather than as a legitimate law-enforcement response to a violation of the law"*.¹³ The guidelines need to ensure that we are not criminalizing youth for normal adolescent behaviour. The evaluation of the Youth Referral Program found that the majority of youth who offended did not have subsequent police contact.¹⁴

Many youth who end up in court eventually have the charges withdrawn. Data from Statistics Canada shows that in 2011/12, 42% of cases in youth court in Ontario were stayed or withdrawn¹⁵. The purpose of pre-charge diversion is to make sure that the cases that are referred are those that would not have otherwise been likely to be withdrawn. Given the concerns about net widening, which has been extensively documented in Canada and internationally, this is a crucial aspect of any equitable EJM program.

A similar recommendation was made as a result of the evaluation of Toronto's Youth Referral Program, in relation to policies for the use of youth court: *"We would urge the Government of Ontario to implement the full range of extrajudicial measures, including crown cautions and pre-charge extrajudicial sanctions. The general idea, however, would be that there would be an overall policy on the use of youth court and there would be a smaller number of people charged with the responsibility of implementing the policy and overall accountability for the results. The first step might be to create a more explicit policy on the use of youth court. Then, if the ultimate (police) decision about whether or not a youth should be sent to court were centralized, a smaller number of people would be clearly responsible for ensuring that the youth courts were used in a manner consistent with the YCJA."*¹⁶

RECOMMENDATION 5

The City Should Work with Stakeholders to Create Standardized Guidelines for Who Gets Referred

Guidelines for referrals to pre-charge diversion will reduce the likelihood that youth who would not be court-bound do not get caught up in the system. Although there are differences of opinion about net-widening, practices and policies need to be in place to ensure that only youth who would otherwise go to court are sent to pre-charge diversion. The guidelines should include information on:

- What are appropriate cases for informal warning?
- What are appropriate cases for unconditional discharge?
- What are appropriate cases for charging?
- What are appropriate cases for pre-charge?

There is also the issue of needing to ensure that information about a youth's participation in pre-charge diversion will not affect future opportunities, including volunteering or employment. Guidelines for what appears on criminal record checks need to be explicit and enforced.

“Kids make mistakes. Will the punishment really help the outcome? Use the system for what it's intended for – criminals - not a mistake. There's a difference. No child is born bad. They might do some bad things but they're not a bad kid.”
-Toronto Police Service Officer

“People make mistakes when they're younger. They don't realize they're going to live past 19.”
- Young person with lived experience

ISSUE 6

The Need for a Review of Guidelines for Extra Judicial Measures

The research team did not have access to the existing guidelines for EJM. Despite these guidelines, there appear to be differences in the types of sanctions that are being assigned to youth. In order for a city-wide program to be equitable, the measures that a young person in Scarborough receives need to be comparable to those that a young person from Rexdale would receive.

The guidelines need to be clear, easy to implement, and agreed upon by all stakeholders. Successful programs “are structured and packaged so as to be transferable and translatable. The degree to which a program is amenable to translation and transfer depends upon features ranging from the quality of its training programs and manuals to its potential to be adapted to local culture ... the integrity and fidelity of a program require that principles, goals and practices are clear and strong.”¹⁷

The Ministry of Children and Youth Services’ 2010 review of extrajudicial measures also suggested “That greater consistency is achieved as it relates to access across all three courts in Toronto in relation to diversion approaches, sanctions assigned and available options to ensure equity of service across the City”¹⁸.

The previous evaluation of the Youth Referral Program suggested a review of the sanctions that youth receive. “... we would urge those responsible for programs such as this one to think a bit more carefully about the meaningfulness and the appropriateness or effectiveness of many of the sanctions that are imposed on youths. Many of the youths were assigned sanctions that appeared to us to be based on a theory that engaging in these required activities would be therapeutic. We know of no convincing evidence that would suggest that many of the sanctions (e.g. apologies to large corporations who had been victims of small thefts; essays, journals or posters) which appear to be rehabilitative in their orientation actually accomplished anything in the long term.”¹⁹

“While youth are sent to them primarily for “rehabilitative” purposes, it is not clear whether those types of programs have any beneficial effect. If those programs are used more for punishment purposes – that is, if the only purpose in them is to spend a bit of the youth’s time in the same way that community service is meant to be a way of spending the offender’s time – then there may be less objection to using them as long as youths understand that this is their purpose. It is when they are seen not only as punishment but as “rehabilitative” programs that concerns could legitimately arise. We would think that the responsibility should be on those imposing such rehabilitative sanctions to have good evidence that they do something more than simply punish the youth”²⁰.”

RECOMMENDATION 6

The City Should Work with Stakeholders to Review and Revise Guidelines for Extra Judicial Measures

It would be beneficial for stakeholders to work together to review and revise the existing guidelines for extrajudicial measures, and to build them into a theory of change that identifies how the measures will help to achieve the program's goals. For example, community service needs to be better defined in terms of what the potential outcomes and learning opportunities of the work would be. It needs to be a learning opportunity, and/or an opportunity to gain mentorship, and to support positive youth development in line with the TYES framework. Part of the developmental phase would involve working with the community where the intervention would be piloted to establish partnerships with agencies that can provide community service opportunities. The City should create an advisory group that includes stakeholders (including youth with lived experience), who will work in collaboration to review and revise guidelines for measures.

EJM/Sanctions Versus Referrals

The guidelines should include information about the types of activities that are appropriate as measures/sanctions (e.g. accountability for their actions, community service, workshops) and referrals (e.g. counseling for mental health or addictions issues, relevant grassroots/youth-led/youth-driven community based organizations). In terms of the types of extrajudicial measures, given the goals of correcting offending behaviour and working towards rehabilitation, they need to be based on what we know works to prevent and reduce crime, as outlined in the next issue and recommendation.

ISSUE 7

The Content and Structure of Current Pre-Charge Diversion Programs

So much is known about the root causes of crime. In order to address youth crime, and spend public money wisely, we need to do what is known to work to address these causes. Extensive research has shown that successful programs are *“based upon sound scientific theory and research in their content, structure, and implementation. A primary reason that certain programs fail is their lack of connection and adherence to a sound theoretical and research base. There is now extensive theory and research in the sciences and social sciences that can and must guide the content, structure, and implementation of prevention and promotion efforts. Basing the content of prevention and promotion efforts on sound theory requires careful examination of research on risk and protective factors and on their links with developmental trajectories.”*²¹

What Causes Crime?

What we know is that many of the youth involved in the criminal justice system grow up in poor neighbourhoods, often in single parent families, with few inclusive or engaging services to address their social, mental, spiritual and physical health needs. They witness violence, they experience racism, and they are negatively portrayed in the media. They are born into all of these circumstances. We know that youth who are involved in crime are more likely to have had a number of adverse childhood experiences. We know from extensive research in neuroscience that all of these experiences can have a negative impact on a young person’s development. Many youth who grow up in these circumstances have strengths and resilience that support them in pursuing positive futures.

We cannot underestimate the impact of growing up in a low-income household. *“Poverty does not directly cause violent crime, but poverty without hope, poverty in isolation, poverty with hunger and poor living conditions, poverty with racism and poverty with numerous daily reminders of social exclusion can lead to the immediate risk factors for violence.”*²²

*“If a person is growing up in the hood, they have been underprivileged their whole life, been treated like sh*** their whole life. A 9-5 job won’t give them the lifestyle they want. They need a career that is best suited for them, not working at Zellers – no one wants to be average because you’ve been below average your whole life.”*

- Young person with lived experience

7. Content & Structure



What Prevents Crime?

There is a wealth of information available about what works in reducing crime. Interventions that focus on providing the protective factors, rather than focusing on trying to fix negative behaviours, are more effective. *“Successful primary prevention and promotion programs consider existing strengths, competence, wellness, and protective factors as well as risks and difficulties of individuals and systems. Successful programs have discovered the importance of adopting a strengths perspective and building on those strengths... even when risks and weaknesses seem most apparent.”*²³

*“The more resilience factors or development strengths young people have, the more likely they are to make healthier choices and avoid risk-taking behaviours.”*²⁴

The following pages outline the risk and protective factors, drawn from the Review of the Roots of Youth Violence Report, the National Crime Prevention Centre, The World Health Organization, and the International Centre for the Prevention of Crime, that could be reasonably addressed by pre-charge diversion programs; that is, there are many organizations that are doing this work already. The following pages also include the outcomes for positive youth development, drawn from the Ministry of Children and Youth Services Stepping Up Framework²⁵, as well as the research on resilience.



RISK FACTOR 1

Lack of Economic Opportunity

“Crime occurs when there are dense clusters of low-skilled young men.”

- John Roman

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth have opportunities for meaningful employment experiences
- Youth have the skills and resources needed to develop a successful career or business
- Youth access diverse training and apprenticeship opportunities

*“The City needs to invest in youth, especially marginalized youth. My friend’s brother was running with a pretty bad crowd, then he got a job with the city. That gave him an additional income and instead of doing a lot of sh**, he would go to work and come back, and it kept him out of trouble.”*

- Youth Advisor



RISK FACTOR 2

Lack of Positive Role Models

“The most affordable intervention is to provide adult mentors to youth aged 6-18 who live in single-parent families below the poverty line.”²⁶

POSITIVE SPARKS / PROTECTIVE FACTORS



- Youth have at least one consistent, caring adult in their lives

“The relationship has helped me progress and become a better person. I didn’t have any positive role models. By showing me, by being my role model, it has helped me with my personal life. It happened organically. Mark had done a workshop at The Spot and he talked about RISE. The first time I came to RISE I realized there was this amazing place that I didn’t know existed – these environments don’t happen a lot. I performed and Mark saw my potential. I could see that he saw something in me that grabbed his attention. If someone believes in you, you can create change.” - RISE Participant

- Youth form and maintain healthy, close relationships

“My involvement with R.I.S.E Edutainment first began when I took upon an administration internship in the summer of 2012 under the mentorship of Randell Adjei, its founder. As I reflect on almost two years of community service to this extraordinary organization, I am truly astonished by how much it has grown to better service the needs of Scarborough and neighbouring communities. Because of R.I.S.E, I have created strong, firm relationships with people who were at first merely strangers. One important person who I have had the pleasure of getting to know is Aziza Ibrahim. I’ve only known Aziza for about a year but, I feel that I can say that she is much more than a friend to me; she is a sister and a mentor. When I reflect upon the impact of R.I.S.E on my life in terms of monetary aid, opportunities, and most importantly friendships, I do not know how else to better repay this organization but by contributing my best abilities to its growth and by providing a safe, inviting place for people to form lasting relationships like that of mine with Aziza.” - Melissa Ayisi



RISK FACTOR 3

Racism

“Racism strikes at the core of self-identity, eats away the heart and casts a shadow on the soul.”²⁷

“Thinking everywhere would be the same as my place of birth, minus the family, I was ecstatic to move to Toronto. Of course, the thought of embedded stigma within the system, and the constant hate towards selective populations was a complete foreign concept in my mind. I was 9 years old when I decided to wear the hijab. It was the first day I had worn it to school when one of my classmates thought I would laugh it off when he tried taking off what to him was a simple piece of cloth covering my hair. I never thought of that day much, until now, as I’m writing this. As a child, I never realized that acts of hate and ignorance could be sparked by what to me were simple visible differences. It’s now, that I know why I would always see my mother standing up for herself with confidence in the face of strangers, despite her accented

English which I used to be embarrassed by. The constant desire to want to fit in is what almost led me to take my hijab off and blend in with the rest of the teenagers when I was 12. The constant desire to not attract stares is what caused me to be on my own more often. The constant desire to be seen as friendly instead of threatening or weak is what led me to smile on days I didn’t feel like smiling, and to strangers who would often stare back with blank, concerned, or dirty looks. I still smile though, now I’m always on the go, and today, I’ve realized that it’s an honour to be able to stand out for what I believe in, without even having the need to speak it.”

- Nasim Asgari

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth experience social inclusion and value diversity
- Youth feel safe at home, at school, online and in their communities



RISK FACTOR 4

Lack of Youth Voice

“In many ways, youth and youth-led organizations are best-positioned to know what will work for other youth. The absence of their voices in many areas of immediate importance to them sends a message of limited opportunity as well as excluding the youth perspective from many decisions.”²⁸

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth play a role in informing the decisions that affect them
- Youth leverage their assets to address social issues

“Having a voice has given me the confidence to express my opinions free of judgement. Speaking my truth has taught me a lot about myself, and learning about myself has helped me speak my truth”.

- Randell Adjei, founder RISE Edutainment



RISK FACTOR 5

Community Design / Lack of Services

“A major concern of those we met was the lack of anywhere for youth to go. We found neighbourhoods characterized by unwelcoming environments and a disturbing lack of places for youth to gather, play or create. This leaves youth with the greatest need for such facilities with no positive outlet for their energy and time, now space or facilities for creative self-expression and no place that fosters contact with coaches and other positive mentors.”

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth have access to safe spaces that provide quality opportunities for play and recreation
- Youth are engaged in their communities
- Youth feel safe at home, at school, online and in their communities

“There are organizations such as RISE, Unity and Manifesto that give youth a platform to openly express themselves without a fear of being criticized or judged for the manner in which they choose to express themselves. Within these organizations there is a sense of inclusion, belonging and community. I can personally say that because of these community based organizations, I have been able to accelerate my growth and development as a person far beyond the years that I’ve been alive on this planet. There are also facilities in priority neighbourhoods such as the SPOT which provide youth with a safe environment off the streets and an opportunity to learn new outlets of expression such as photography, spoken word, hip hop and design.” - Anthony Gebrehiwot



RISK FACTOR 6

Mental/Physical/Emotional/Spiritual Health/Low Self-Esteem

The following 5 components of positive mental health are based on the Public Health Agency of Canada's definition:

- a) ability to enjoy life
- b) dealing with life's challenges
- c) emotional well-being
- d) spiritual well-being
- e) social connections and respect for culture, equity, social justice and personal dignity

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth feel mentally well

"Music became my therapy. I never spoke to people about what was going on. I always tried to be a good girl and do what's right, and I had way too many responsibilities to waste time crying or complaining. I cried through my writing. I vented about the injustices of life through the belting of notes, I shared the complexities of life through the mixing of words in my word play. Music was the source of my sanity, and although my mother tried her best to help me with it, we never had the money to sustain it."

- Dynesti Williams



RISK FACTOR 7

Issues in the Education System

“Schools can only do what schools can do with the resources they are given. Schools do not do a great job with children who come in with great disadvantages in language and affect. A tiny proportion of those coming in who are high-risk graduate as expected. That’s a public policy failure – it’s not a knock on education.”²⁹

POSITIVE SPARKS / PROTECTIVE FACTORS

- Youth have educational experiences that respond to their needs and prepare them to lead

Community-based education strategies have been developing in various parts of Toronto over the last several years. They provide alternative learning experiences to address the gaps in mainstream education including diverse content, experiential learning opportunities, wrap-around support, and credit attainment. Examples include The Remix Project, Success Beyond Limits, Amadeusz, the Watah School and Lost Lyrics. Comments from youth who have attended these programs include:

“The Watah School is what I’ve always imagined my learning experience to truly be like. It resonates with my spirit for learning.” - Paul Ohonsi

“I love the classes – the fact that we are in a PR firm learning from people who actually do the work. They are getting off work and then teaching us.” - The Remix Project Graduate

“So many parts of the community are a part of SBL, and in the program everybody comes together: youth, parents, teachers, the school, community workers, and so many other people.” - Success Beyond Limits participant



7. Content & Structure

Risk and Protective Factors

Lack of Attention to the Protective Factors in Current Programs

“The most common response in Canada to children’s burgeoning social, emotional, and behavioural problems has been the introduction of programs targeting one specific type of problem behaviour, such as bullying or drug use, or one particular skill, such as conflict resolution... Many of these programs have been developed in response to a local need, are not evidence-based, and have not been empirically evaluated³⁰ and many do not include fundamental features for effectiveness. Finally, even when evidence-based programs are offered, it is not always clear that they are implemented with fidelity. “Fidelity” means that the program model is closely followed, with no changes to the content, instruction, or length of the program. Alterations to the program model mean that the program may not be effective any more”³¹.

Programs offered through current pre-charge diversion programs like anger management, anti-shoplifting workshops and substance abuse programs do not address the root causes or risk and protective factors for crime. An evaluation of a local anger management program found no significant differences in participants’ capacity to self regulate anger; the primary outcome identified by the authors of the study³². Similar conclusions have been drawn from previous evaluations of anger management, and have suggested that it may not be more effective than other possible therapeutic interventions³³.

There is no evidence to suggest that mandating youth to attend anger management would have a positive impact, since it does not address any of the reasons that young people might be angry. Additionally, anger is not the cause of crime. *“Anger therefore needs to be construed as a potential contributing factor to crime, particularly violent crime³⁴ but one which requires that other antecedent conditions are also present for violence to occur³⁵”*. One young person reported that anger management has not helped her, and that she feels like it is punishment for her upbringing. Young people need positive, creative, safe outlets for their struggles.

“There are different ways to correct people and not punish them – that’s a band aid solution. It’s not going to solve anything.” - Youth Participant at Community Discussion

Structure: Disconnect Between Youth and Adults

One of the issues identified by young people is that there is a disconnect between youth and adults. Every young person who was interviewed reported that in order to truly engage in a program, they need to be able to relate to the staff providing the service. As one youth explained:

“They need someone who has lived like that and who has seen the other side too. Someone to tell them it’s not worth it, that the risk is not worth the reward. They need to hear it from someone from the community. A lot of the people that worked at the agency I went to weren’t connected to the youth. From the managers down – they didn’t seem like they cared. Like they were just doing it for the paycheque. Staff at these agencies are so disconnected from the youth. A lot of youth workers don’t have the skills to work with different populations. Some of the people I looked up to got jobs at Boys and Girls clubs, but as cleaners. Give people with lived experience the opportunity to work with youth. They know how to connect to the kids.”

If we want to engage marginalized youth in activities to reduce their offending behaviour, people who they can relate to socially, culturally and/or economically need to be a part of pre-charge diversion programming. The Ontario Provincial Advocate for Children and Youth has reported on the importance of having the right staff, including that they: start from a premise that all youth have strengths and the role of staff is to reinforce those strength, recognize the diversity of youth, and value the importance of youth having input into matters that involve them.³⁶

Implementation: Current Programs Provide Short-term Treatment

The length of time that is required to change attitudes or behaviours can be months or even years. *“Successful primary prevention and promotion programs attend carefully to dosage as well as boosters or follow-up to achieve and sustain desired outcomes. Dosage must be appropriate to the existing complement of risk and protective factors”³⁷*. With pre-charge diversion, the length of the current intervention is likely insufficient to make any kind of long-lasting change; it is a temporary way to try to deal with symptoms.

The evaluation of the Youth Referral Program found no difference in rates of re-offending between a group of youth who had participated in the program, and a comparable group of youth who did not. The authors note that *“it is not surprising because minor interventions in the lives of young people such as what occurred to the YRP youths have not been shown, generally, to reduce offending.”³⁸*



WHAT DO YOUNG PEOPLE SAY ABOUT THE

POSITIVE SPARKS IN THEIR LIVES?

The following quotes are from youth who attended the Sparks event that was held in collaboration with a local youth-led group, about the positive sparks in their lives:

“Realizing the importance of taking care of myself, how important it is to live authentically – finding community to help me do that.”

“When I touch people’s life with my art.”

“Music and art.”

“Poetry – helped me stay away from things I should stay away from.”

“Meeting similar minded people who showed me that my path could still be prosperous.”

“When my friends started making music – inspired me to make my own music.”

“The day that I met Randell and a bunch of others from the RISE team. They are helping me achieve my dreams.”

“My community – despite what’s put up against us we fight to exist. You all are my positive spark.”

“Having mentors – I could go on and on about mentors.”

“Encourage entrepreneurship – training people to run own businesses, follow dreams.”

“When it comes to programs that are working like RISE – it’s important to identify things that are bringing people in and are positive – learn from each other.”

“Teach them about things they are passionate about. Make them realize they have options.”

“Change the perspective of what trouble really means – a lot of times we need to correct things in the youth – not judge their actions.”



RECOMMENDATION 7

Re-Design Program Content and Structure / Implementation to Provide the Protective Factors and Increase Resilience

In line with the risk and protective factors identified in the previous pages, the key to correcting youth's offending behaviour and supporting their rehabilitation is to provide the protective factors, and not just treat the symptoms. Any type of program that is trying to achieve similar goals, whether it is prevention, diversion or probation, will be more effective by addressing the root causes of the behaviour. Programs should be re-structured to address the issues identified above, and achieve the goals of EJM, in three key ways:

1) Provide the Protective Factors/Strengths-based Approach to Increase Resilience

Instead of anger management, youth need personal development. This already exists in the community including a program called Each1 Teach1 that covers topics including healthy relationships; anti-oppression, power and privilege; stress management; trauma and healing; anger and coping; fathers and male role models; youth and the law; harm reduction and substance abuse; wellness; nutrition; entrepreneurship, identity; gender violence; and success and goal setting. These workshops are led by people from within the communities they serve. Instead of stop shoplifting workshops, youth need career guidance, meaningful employment experiences, access to skill development opportunities and resources needed to develop a successful career or business, and access to diverse training and apprenticeship opportunities.

2) Leverage Existing Resources: Referrals to Youth-led, Youth-Driven, Community Based Organizations That are Strengths-based

Among the characteristics identified in the research on effective interventions, is the need to "*attend to diverse resource needs*"³⁹. The sustainability of the program relies on being able to deliver the range of services that is required to address the risk and protective factors for crime, rather than developing programming that is delivered by agencies related to the criminal justice system. Much of what is needed is already happening in the community and there is not necessarily a need to develop programming specifically for these youth. Youth who have been referred to pre-charge diversion should be connected to organizations that are already doing the work.

Youth-led and youth-driven organizations are created by youth who have been affected by the risk factors and have created opportunities to address the issues in ways that are meaningful to them, and are not agencies that are seen by youth as part of the criminal justice system. These organizations are supported by adult allies, and the trustee organizations that oversee their work. The City and provincial government also need to invest in these organizations.



7. Content & Structure

If youth are going to be engaged in programming, it needs to be delivered outside of agencies that are seen as an extended arm of the criminal justice system, since *“becoming enmeshed in the juvenile justice system increases, rather than reduces, the young person’s commitment to deviant norms.”*⁴⁰ Indeed it will cost less to deliver a program that leverages existing resources.

These youth-led, youth driven and community based organizations that provide a strengths-based approach are the agencies that are enabling youth to achieve many of the MCYS Stepping Up outcomes including:

- Youth leverage their assets to address social issues
- Youth are engaged in their communities
- Youth have access to safe spaces that provide quality opportunities for play and recreation
- Youth know about and easily navigate resources in their communities
- Youth have at least one consistent, caring adult in their lives

These organizations can be a source of community service hours, internship opportunities, cultural events, skill development opportunities, and workshops. Grassroots groups also address the issue of cultural sensitivity, as many of them are led by youth from a variety of cultural backgrounds, and/or have a specific cultural focus.

Among the actions recommended in TYES is the development of a resource that includes relevant youth networks, programs and opportunities. A comprehensive list will be developed as part of the TYES action. There are hundreds of grassroots organizations that are funded by the Ontario Trillium Foundation and the Laidlaw Foundation, among others. The City should work with these organizations to promote the work of these grassroots groups, and make connections between organizations.

Referring youth to other existing resources also means that they will not necessarily only be among other youth who are in the same circumstances as they are, but rather they can be among other youth who might inspire them.

*“... If we as a society do not deal with these root causes, the cycle of violence will only be repeated as each new generation of disenfranchised youth emerges... A coordinated community development approach entails improvements to housing, transit, education and health care. It involves the development of social programs and community hubs that will engage young people and their families. Also job opportunities. However, young people need more than short-term, minimum wage jobs. They need to develop career plans that will give them hope for the future and a real stake in conformity. Without providing hope to those who live in our most destitute communities, a long-term reduction in violence will not be realized.”*⁴¹

“When I went to the HYPE program (Helping Youth Pursue Education) things started to change for me. They helped me write bursaries and grants. Youth need this stuff to be accessible. People need to know about this. No one is really promoting it. You have to ask them to find out about it. They are keeping it to themselves. Someone that I knew referred me to their community outreach program. That’s when I stopped getting in trouble. I knew I wanted to become an artist and I didn’t want to mess up my future.”

- Youth Advisor

Structure: Effective Learning Strategies

In terms of structure, *“successful prevention and promotion programs have conscientiously drawn from theory and research on sound pedagogical practices”*⁴². Young people want to learn from their peers and people who have been through similar experiences to them. One youth community leader explained that “With peer-to-peer learning there’s a sense of connection; a sense of camaraderie. You feel like ‘we’re in this together’. You’re more likely to get that from the same generation.” Youth-led and youth-driven groups provide these kind of opportunities, while also educating youth, enabling them to access mentorship, skill development opportunities, and increasing their civic engagement.

Programs that aim to provide leadership skills, without connecting youth to something to lead, are less likely to be effective in achieving the goal. *“Effective programs include components that are experientially based in real world settings for participants”*⁴³. Agencies should sign up for newsletters and email lists like ArtReach, Grassroots Youth Collaborative, and FPYN newsletters to know what’s going on in the city for youth. These newsletters contain a wide range of opportunities including workshops, cultural events, employment, training, and recreation.

Implementation: Connect to Longer Term Opportunities

If we want to change the trajectories of these young people’s lives, they need to be connected to positive opportunities that they can, and want to access on an ongoing basis, rather than for a short term. Referrals to community-based organizations that apply a strengths-based approach will achieve this. All of the youth interviewed also talked about the need to get outside of their neighbourhoods:

“If you didn’t grow up in the hood you don’t understand how powerful it is. The hood means more to youth than the country they’re from. We need to take kids out of their hood and help them learn that there’s a bigger world outside.”

3) Develop Youth-friendly Documents and Resources That are Strengths-based

A positive approach includes working with youth and community partners to design youth-friendly intake processes, resources, and documents that focus on their strengths and interests, and not just their deficits. The data that is collected needs to be purposeful, and used to track progress. Resources and documents that are distributed need to be youth-friendly, current and also use a positive approach.



ISSUE 8

Lack of Evaluation of Current Pre-Charge Diversion Projects

“Many programs that are absorbing significant public resources in the name of crime reduction have not been evaluated⁴⁴.”

Currently there is no evaluation framework for pre-charge diversion/EJM programs in Toronto that identifies the intended goals, outcomes and indicators of effectiveness. This is a longstanding gap. Moyer documented in 1977 that *“Diversion programming has not been characterized by methodologically sophisticated evaluation or systematic program monitoring.”⁴⁵* The most recent evaluation of diversion programs in Toronto that we are aware of was conducted in 2002-3. Many of the issues that were raised in the previous evaluation are still evident in today’s programming.

Extensive amounts of data are collected about each youth through the intake process, however it is not clear how these assessments are used to monitor or assess participants’ progress, or how the agencies are collecting or using data to ensure that their programs are meeting their goals. Although they have anecdotal information from the perspective of staff that their programs are effective, the impact of the work has not been assessed through third party systematic data collection and analysis in relation to the stated goals. There are elements of the programs that likely work, but what outcomes are achieved, how impactful are they, which risk and protective factors do they address, and is there anything that could be improved based on the evidence presented in this report? Some research has demonstrated that programming can actually be detrimental⁴⁶. It is important to assess the outcomes for youth and to ensure accountability of publicly funded programs.

The Ministry of Children and Youth Services’ review also recommended that *“further analysis of pre and post-diversion programming across Toronto is undertaken, with the potential for realignment of services, in order to offer efficient and effective continuum of services, and to address the changing needs within the Toronto system”⁴⁷*. Multiple sources highlight the need to incorporate evaluation and monitoring into the design of programs in order to ensure accountability and effectiveness of programs.

RECOMMENDATION 8

Monitor and Evaluate

“In order for programs to be successful, especially over a sustained period of time, they must include high quality evaluation and monitoring. This is essential for many phases of establishing and maintaining a credible, dynamic, responsive program with enduring integrity and applicability.”⁴⁸

“Collecting data and measuring results consistently across all participants ensures that efforts remain aligned and participants hold each other accountable.”⁴⁹


“The development of effective interventions in crime prevention requires innovation and adaptation, as well as careful evaluation of the outcomes... Knowledge-based and evidence-based crime prevention encompass a number of concepts, but principally entail the application of good research principles and theory, and well-constructed evaluation methods, which enable users to have some degree of confidence that an intervention has produced the results expected.”⁵⁰

If the City decides to pilot a revised model of pre-charge diversion, the program needs to be monitored and evaluated. An evaluation framework needs to be created, including a logic model and theory of change that documents the inputs, outputs, indicators of effectiveness, short- and long-term outcomes of the program, as well as the evidence-based process of change. It is important to evaluate program implementation by conducting a process evaluation, due to the possibility of variation in implementation by the person/organization that delivers the program, and to identify any other barriers or challenges to implementing an effective model.

The outcome evaluation would assess whether or not the program was successful in reducing the use of youth court, and helping to correct offending behaviour and promote rehabilitation by addressing the risk and protective factors for crime. The methods would involve collecting both quantitative and qualitative data, including setting up a database to monitor basic data on program participants and the measures or sanctions provided; adapting or creating questionnaires and measurement tools for youth to complete about their experience with the program, the opportunities they accessed and what they feel the outcomes were; as well as interviews and/or focus groups and/or written/audio testimonials. The development of the evaluation framework would be based on a participatory action research approach, meaning it would involve stakeholders, including youth. There are a variety of creative evaluation techniques that could be applied, and some of the most crucial data would come from the youths' report of their experiences with the program.

In terms of the goal of reducing the use of youth court, evaluating this would rely on accessing police data to assess the extent to which youth who were court-bound avoided being charged as a result of pre-charge diversion.

Only when we have comprehensive data on the outcomes of EJM will we be able to assess the effectiveness and cost savings of the intervention. Agencies that are currently delivering programs should be required to provide a theory of change and evaluation that demonstrates the outcomes that they are achieving. These agencies should be funded by the province to conduct a third party evaluation in order to identify outcomes and best practices, and to ensure accountability of publicly funded programs. Outcomes for current models could be evaluated and compared in order to identify best practices. Those agencies delivering programs would agree to have their programs evaluated and would work with an external evaluator to participate in data collection. The City's budget for piloting a revised model of pre-charge diversion is not sufficient to include an evaluation that compares existing models.



9. Youth Justice Committees 10. 18 to 24 Year Olds

ISSUE 9

Lack of Evidence for Efficacy of Youth Justice Committees in Achieving Restorative Justice

Restorative justice is widely used both in and out of the criminal justice system. However, the term can be interpreted differently by different people. Correctional Services Canada defines restorative justice as helping to “*meet the needs of people faced with crime and conflict in an inclusive and meaningful way. RJ practices provide voluntary opportunities for those who have been harmed and those who have caused harm to be active participants in their journey for justice, accountability, and reparation.*”⁵¹ The aim of the youth justice committee program is to provide:

- A voice to the victim in the process and an opportunity for them to express how the offence has affected them and what they need to make things right.
- An opportunity for youth to get a better understanding of their actions and the impact of their behaviour on the people they harmed, their parent(s) and the community.
- Opportunity for communities to become directly involved in the administration of youth justice.
- Timely and meaningful resolution to offending behaviour that avoids victims and witnesses having to go to court.⁵²

There is no research that we are aware of that assesses whether or not these aims have been achieved. It is not clear what the impact of youth justice committees is on youth, committee members, victims or the community. There should be evidence of the outcomes of these committees including who they are benefitting and how they are benefitting them in order to justify the time and resources required to coordinate and convene the committees.

ISSUE 10

Providing Pre-Charge Diversion for 18-24 Year Olds

The original goal of this particular TYES recommendation was to explore the possibility of pre-charge diversion for youth aged 18-24. Although this age range falls outside of the YCJA, programs to work with this age group have been piloted in Ontario. City of Toronto staff are still keen to explore pre-charge diversion programming for this age group.

RECOMMENDATION 9

Re-Structure Youth Justice Committees

The concept of restorative justice could still be applied through some type of committee, but it is worth re-structuring these committees to be more in-line with the intended goal of restorative justice and to achieve the goals of the program. For example, rather than requiring a standing, generic committee that requires ongoing training and investment, the committee could include only those people who were involved, affected, or are otherwise relevant to the circumstances of the case, as well as a mentor or person chosen by the young person. Young people need to feel safe, and having to discuss personal information with strangers is not an effective way of ensuring their safety. This committee would allow for documentation of the facts of the case from the perspectives of the youth and the victim. Documentation and evaluation of this proposed model could also be compared with the outcomes of the existing model in order to identify best practices and ensure accountability.

RECOMMENDATION 10

Delay Pilot of Pre-Charge Diversion for 18-24 Year Olds

Before considering a pilot to work with youth aged 18-24, a significant amount of work needs to be completed to address the issues with the current models of programs for youth aged 12-17. In order to satisfy the concerns related to current models, it is recommended that the City delays work on developing a model for 18-24 year olds. Learnings and best practices from the revised model can then be applied to the development of programming for the older age group.

In the meantime the police should be encouraged to use warnings and referrals with 18-24 year olds, and include information about this age group in the police training that is developed, particularly as it relates to first offences, minor offences, and probation violations.

TYES PRE - CHARGE DIVERSION

Phase 1: Development

(August - September 2015)

Step 1a:

Working with Police on Referral Guidelines and Training

The first step is to secure a partnership with the local police division. Staff from the local division will be a part of the advisory group to create a video, resources, and a template for a newsletter in order to deliver enhanced training. Police staff will also participate in the development of guidelines for who gets referred to the pilot model. The police need to agree to provide data on youth charges from the past 6-12 months in order to determine the resources required to deliver the program, as well as ongoing data in order to assess the impact of the program in reducing the use of court.

Step 1b:

Create Guidelines for Extra Judicial Measures (EJM)

The City of Toronto, Social Development Finance and Administration (SDFA), in partnership with the community agency, will create an advisory group to review existing guidelines for EJM and revise them based on the recommendations. Tasks will include identifying the amount of personal development and career workshop hours required, appropriate opportunities for community service, anticipated outcomes etc.

Step 1c:

Resource and Curriculum Development

The resource and curriculum development advisory group will be coordinated and facilitated by the community agency and will include youth, SDFA/TYES representative, and the research consultant to work together to create youth-friendly intake forms, resources, information on local grassroots and community-based organizations, and to review and revise curriculum to create a TYES workshop series. This workshop series will be available for all youth in Toronto, and will target MVP youth.

Phase 2: Implementation

(The Pilot Model, October 2015-December 2016)

The pilot model would be supported by SDFA in collaboration with MCYS. These stakeholders would meet regularly with TPS, and the community agency.

Step 1:

Police Referral to Local Community Agency

Police refer youth to a local community agency (based on guidelines)

Step 2:

Intake by Youth Engagement Worker at Community Agency

The Youth Engagement Worker decides on whether or not a restorative justice committee is required, as well as other EJM as per the guidelines developed in the developmental phase.

Step 3:

Youth Completes EJM

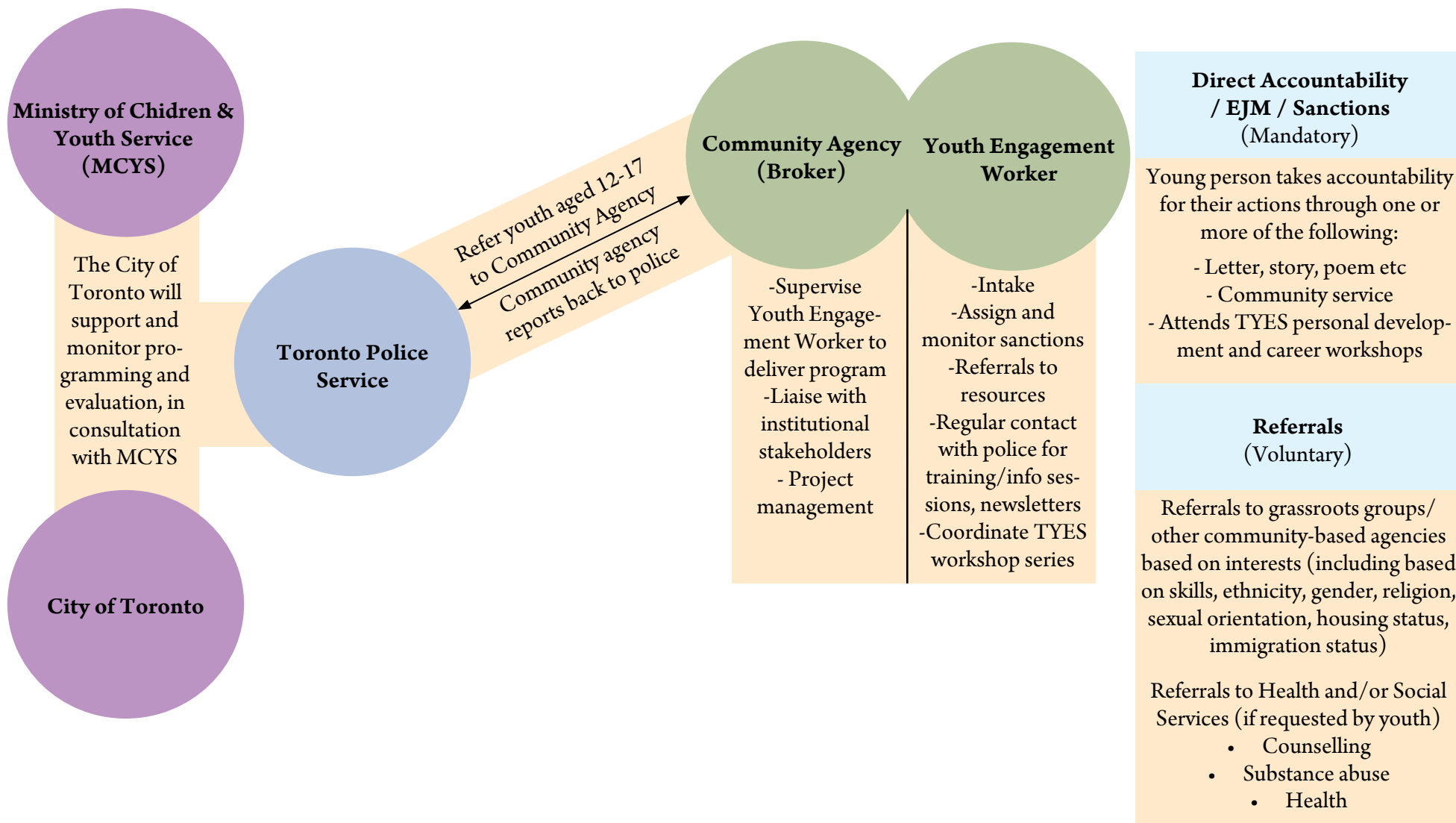
Youth completes EJM and measurement/assessment tools.

Step 4:

Report Back to Police

The community agency reports back to police about the outcomes for the youth in participating in EJM.

ENHANCED PILOT MODEL



CONCLUSIONS

“The lessons learned in setting up and running this program, if built upon so as to accomplish some of the other goals of the program, could lead to programs that would indeed accomplish all of the major goals related to the diversion of youths.⁵³”

A number of issues have been identified that have likely impacted the effectiveness of pre-charge diversion programs in achieving their goals. The primary issue to address is to determine the clear, attainable and measurable goals of the program. A program must be developed based on these goals, as well as the evidence-based criteria of effective interventions that address the root causes of offending behaviour, promote rehabilitation, and that are evaluated to know whether or not they are actually achieving this.

The evidence presented here is drawn from a variety of credible sources that consistently show how to effectively reduce crime and increase resilience. We cannot ignore this evidence. Rather than short-term treatment for symptoms of crime, we need to provide youth with support to access meaningful employment experiences; relevant educational opportunities; skills and resources to create careers or businesses; healthy friendships; positive role models; opportunities to be engaged in their communities; and creative and engaging outlets for their struggles.

An effective approach to reducing crime and increasing resilience “requires combined efforts of parents and families, schools, communities, researchers,

governments and the youth themselves”⁵⁴. Youth need a spark; they need a purpose; and they need to be inspired to overcome the disadvantages that they have faced. Similar to the research on effective interventions, the resilience research identifies five key issues in creating effective responses to increasing resilience: 1) community-centric, 2) child and youth-centered, 3) apply a positive approach, 4) have governance structure and integrated funding, and 5) have a foundation of evidence-based research and evaluation⁵⁵. All of these need to be addressed in order to have an effective program that is working to address offending behaviours in any way.

The City of Toronto can achieve the goals of TYES’ recommendation of crime prevention by a) investing in crime prevention overall by funding, monitoring, evaluating and coordinating youth-led, youth-driven and community based positive youth development programs and opportunities as outlined in this report, and/or b) investing in promoting and creating resources about youth-led, youth-driven and community based positive youth development programs and opportunities that police can refer youth to (informally, not through pre-charge diversion) and/or c) investing in a revised model of pre-charge diversion and addressing the issues and recommendations as outlined in this report.



By: Oshaine Walker

My City

I'm a young boy growing up in Toronto
But as these streets get hardened it's feeling more like Chicago
435 that's last year's death toll in "Chi-Raq"
My dead brother's mother begging for their children's lives back
But you wouldn't know the media does a great job to hide that
They say crime rates low, that's a lie in my hood we know it's growing
We have these cold hearted winters and it was barely even snowing
Maybe life's getting harder because I'm almost an adult
My life's like a speeding car im tryna slow down and jump out without hitting the asphalt
My city's media stay lying in silence
if they grew up in the islands then it must be gang violence
It's good that all these yutes tryna be pass-a-fists
but these haters prompting bad reactions acting like catalysts
These calm chill days in my city is what I cherish
But these people disturbing the peace like their common sense done perished
In my city it's crazy
They'll try and push the button on your schedule
They like street carnivores they'll try and eat you like your edible
They'll watch your pockets with sticky fingers like tentacles
And if they dont get what they came looking for
They'll try and give you wings and make you fly away without the red bull
But that's not sensible
To try and take somebody's own
Risk your life and your freedom for 20 dollars and a phone
I'm just a youth but I have to act grown
I keep my loved ones close so I never feel alone
R.I.P to Oshe, Kwame Duodu, and Tahj Loor their death was pure treachery
I do this for my past brothers in their loving memory



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APPENDIX A:

Agencies Involved in Youth Justice Activities and/or Prevention

The table below highlights information that community stakeholders identified at the meeting to discuss the recommendations, held on May 20th, 2015 at Metro Hall.

<p>Currently Running Pre-charge Diversion</p> <ul style="list-style-type: none"> • Springboard – 42 Division Toronto, Sault Saint Marie & Newmarket • West Scarb – 41/43 Div – EJM/YJC • Peacebuilders – Since 2004 – 311 Jarvis and St JT/RP/JF • EMYS – Youth Outreach 	<p>Planning Pre-Charge Diversion</p> <ul style="list-style-type: none"> • St. Stephens Community House/14 Div • Peacebuilders/Osgoode/Peach/York U • PEACH/CLASP/Youth now on track/31 Div 	<p>Currently Running Post-Charge Diversion</p> <p>Springboard</p> <ul style="list-style-type: none"> • EJM, Adult direct accountability, Federal diversion, SST <p>Peacebuilders</p> <ul style="list-style-type: none"> • Youth 12-18 referrals out of 311 Jarvis court & J.F.; Peacebuilders circles W peer component <p>Youth Now on Track</p> <ul style="list-style-type: none"> • Youth 12 – 17 in trouble with the law • Awareness programs • Counseling services • Educational supports • Spiritual supports <p>Roma YOW (Yorktown West)</p> <ul style="list-style-type: none"> • Gets referrals from court – diversion program + probation <p>West Scarborough</p> <ul style="list-style-type: none"> • EJS&YJC • EMYS • Youth outreach & Youth Engagement (C.S.O)
<p>Currently Involved in Youth Justice Initiatives</p> <ul style="list-style-type: none"> • Justice for Children and Youth Ontario Justice Education Network • TYES • St Stephens (Youth Arcade) <ul style="list-style-type: none"> - EJS/Community service hours - Workshop series – Theft, Assault, Substance Use • Peacebuilders training (social workers, schools, students, OISE, police) • West Scarborough <ul style="list-style-type: none"> - EJS, EJM, YJC 	<p>Youth-led/Community Initiatives</p> <ul style="list-style-type: none"> • RISE Edutainment • Springboard <ul style="list-style-type: none"> - P2Purpose - Impact N Community - Violence 1nt ambassadors - Financial Literacy • Artreach • Outburst (by and for young Muslim women) • PEACH <ul style="list-style-type: none"> - School away from school – Wraparound + Yow Music studio program - Grief program - Asset building project with the SPOT and SBL 	

Characteristics of Effective Programs

1. Successful primary prevention and promotion programs are based upon sound scientific theory and research in their content, structure and implementation.
2. Successful primary prevention and promotion programs have a clearly defined purpose and goals.
3. Successful primary prevention and promotion programs adopt a multi-system, multi-level perspective that attends to multiple influences on and multiple pathways of development.
4. Successful primary prevention and promotion programs attend carefully to dosage as well as boosters or follow up to achieve and sustain desired outcomes.
5. Successful primary prevention and promotion programs consider existing strengths, competence, wellness, and protective factors as well as risk and difficulties of individuals and systems.
6. Successful primary prevention and promotion programs are sensitive to the target population both in content and structure/implementation.
7. Effective primary prevention and promotion programs incorporate high quality evaluation and monitoring into their design.
8. Successful primary prevention and promotion programs are structured and packaged so as to be transferable and translatable.
9. Successful primary prevention and promotion programs attend to diverse resource needs.

Source: Bond, L., and Carmola Hauf, A. (2004). *Taking Stock and Putting Stock in Primary Prevention: Characteristics of Effective Programs*. *The Journal of Primary Prevention*. Vol 24 (3).



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