



Recommendations for Improving Outcomes for Youth Involved With the Law

FACTSHEET

Content developed from the YouthREX Research to Practice report, *Supporting Positive Outcomes for Youth Involved with the Law* by Siu Ming Kwok, Rebecca Houwer, Heidi HeavyShield, Rebecca Weatherstone, and Dora Tam

From its inception, and in the context of theory and research, youth justice has been an evolving system seeking effective strategies to reduce recidivism, or re-offending. This factsheet provides recommendations and evidence-based guidelines and principles for practitioners and program developers to support positive outcomes for youth involved in the law.

A // SYSTEM CHANGES AND INTEGRATION

1) Create clear guidelines about the use of extrajudicial measures

Provide clear guidelines for front-line youth justice professionals (e.g., police and crown prosecutors) about the use of extra-judicial measures.

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 activities, and the less that is done to intervene (particularly through the criminal justice system) the better. Many youth who end up in court eventually have the charges withdrawn. Data from Statistics Canada shows that 42% of cases in youth court in Ontario were stayed or withdrawn. The purpose of pre-charge diversion is to make sure that the cases that are referred are those that would not have otherwise been withdrawn. The guidelines need to ensure that we are not criminalizing youth for normal adolescent behaviour. Also, clear guidance would be useful in the context of overrepresentation of Indigenous youth in the criminal justice system and the unintended adverse impact of YCJA on youth from racialized groups.

The guidelines should include information that answers: What are appropriate cases for an informal warning? What are appropriate cases for unconditional discharge? What are appropriate cases for charging? What are appropriate cases for pre-charge?

The guidelines should include information about the types of activities that are appropriate for extrajudicial measures/sanctions and referrals in the community.¹

2) Collect disaggregated race-based data

Disaggregated race-based data is needed to better understand which youth are involved with the law and how to support them. The lack of disaggregated race-based data regarding youth involved with the law creates barriers to effectively providing appropriate prevention and rehabilitation services and program. Additional data is required to understand the different needs and experiences of racialized youth involved with the law.

3) Coordinate extrajudicial services and supports

All stakeholders working with youth involved with the law should develop a coordinated process that support extrajudicial measures/sanctions.

This recommendation is related to our first recommendation that police and other stakeholders should be aware of all the resources available when exercising discretion on using extrajudicial measures. For example, in Toronto, all of the agencies implementing programs related to extrajudicial measures work independent of each other. There is no known official list of all programs that deliver extrajudicial measures in Toronto.² For a more efficient use of resources, a mechanism should be set up (e.g., Extrajudicial Measure Programs Networks) for better coordination.

4) Create data-sharing strategies

Program designs should be built on a theoretical framework that identifies clear, attainable, and measurable program goals for implementation and evaluation purposes.

The enduring question of programs working with youth involved with the law is how well they reduce recidivism. However, it is truly difficult to find out the recidivism rate of the youth after they leave the program, as the agency needs access to police data to demonstrate longer-term program outcomes. Agencies need access to police data for a certain period of time (at least one year) after a youth finishes their program. Alternatively, service-providing agencies should begin to work on the new *Youth Justice Outcomes Framework* (2016) for identifying new goals and objectives for the programs.

B // PROGRAM DESIGN AND PRACTICES

5) Take a family-focused approach

All programs working with youth involved with the law should focus on family rather than on the youth individually.

There is compelling evidence from literature that family should be involved in prevention and intervention for youth involved with the law. Communication skills and skills-training for parents on how to adequately supervise their children should be a focus for the program. The family-oriented programs would also be relevant to Indigenous and racialized youth involved with the law. For example, research led by the first author finds that Asian youth's sense of re-connection to Asian families and community is a strong motivator for his or her success in any intervention program.³

6) Empower youth with a sense of program ownership

Youth need a sense of empowerment and ownership of the program.

Prevention interventions that focus on supporting protective factors, rather than focusing on trying to fix negative behaviours are more effective. The literature on successful program models confirms that it is best to provide youth with a platform to openly express themselves without a fear of being criticized or judged. Youth who have a sense of hope and belonging within program are more likely to finish the program and stay out of criminal justice system. Moreover, programs should seek to provide youth with resources and opportunities to develop skills that they can apply within meaningful employment experiences. Youth who are able to develop a successful career are less likely to re-offend.⁴

7) Create programs that respect the cultural backgrounds of youth

Staff are role models and need to have the required level of cultural competency required for implementing the program.

One of the issues identified by the literature is that there is a disconnection between youth and adults. Adults are often seen as "enforcers" and fail to engage youth strengths which includes their culture. In order to truly engage in a program, the youth need to be able to relate to the staff providing the service. If the program wants to engage marginalized, Indigenous, or racialized youth to reduce their re-offending behaviour, people who they can relate to socially, culturally, and/or economically need to be part of the program.⁵ More importantly, staff members need to have the level of cultural competency to engage youth from a culture different from their own and make the youth feel comfortable. Literature identifies that ethnicity of the staff members is not the deciding factor in terms of

helping youth in prevention and intervention programs. Instead, it is the level of cultural competency demonstrated on the part of the staff members that makes the youth and family willing to stay and complete the program.⁶

C // PROGRAM INTEGRITY AND IMPROVEMENT

8) Develop a program manual that is a living document

Ensure program integrity and fidelity by developing a clear and accessible manual that clarifies program objectives and implementation processes.

A successful program depends on the consistency of implementation by all staff members in the program. It is essential for the staff to be fully aware of the objectives of the program, the role of the staff in the program, the length of the program, and the detailed steps of the implementation so that they can contribute to overarching program goals. A program manual can provide a backbone reference for the program, an inventory of forms and documentation, and a record of the program structure that can be continually improved upon through the process of evaluation.⁷

9) Establish an evaluation framework and plan to support program improvement

Program evaluation should be built in to program processes.

In order for programs to be successful, especially over a sustained period of time, they must include high quality evaluation. This is essential for establishing and maintaining a credible and responsive program. As such, an evaluation framework needs to be created, including a logic model or theory of change, upon which a program can build an evaluation plan. YouthREX's *Evaluation Toolkit, Inventory of Measures* and *eXchange for Youth Work* can support your program evaluation.⁸

¹ Toronto Youth Equity Strategy, 2015.

² Toronto Youth Equity Strategy, 2015.

³ Kwok, 2009.

⁴ Department of Justice, 2013.

⁵ Toronto Youth Equity Strategy, 2015.

⁶ Kwok & Tam, 2010.

⁷ Greenwood, 2015.

⁸ www.exchange.youthrex.com

REFERENCES

Toronto Youth Equity Strategy. (2015). *Pre-charge diversion*. Retrieved from: <http://exchange.youthrex.com/report/toronto-youth-equity-strategy-tyes-pre-charge-diversion>

Kwok, S.M. (2009). How do Asian youth cope with the criminal justice system in Canada: A grounded theory approach. *Asian Pacific Journal of Social Work and Development*, 19(2), 21-37. DOI: [org/10.1080/21650993.2009.9756061](https://doi.org/10.1080/21650993.2009.9756061)

Kwok, S.M., & Tam, D.M.Y. (2010). Chinese immigrant youth and justice system in Canada. *Canadian Social Work Journal*, 12(2), 114-122.

Department of Justice Canada (2013). *The youth Criminal Justice Act: Summary and Background*. Author: Queen's Print.

Greenwood, P. (2008). Prevention and intervention programs for juvenile offenders. *The Future of Children*, 18(2), 185-210.