John Howard
THE JOHN HOWARD SOCIETY OF ALBERTA

# Extrajudicial Sanctions

Fact Sheet 2019

## What is an Extrajudicial Sanction (EJS)?

- An EJS is a more formal extrajudicial measure that is used when the other EJMs are unable to hold a young person accountable for their offence. An EJS can be used before or after the young person is charged.

Examples of an Extrajudicial Sanction:

- Attending counselling or specialized programs.
- Volunteer work in the community.[1]
- Making restitution to the victim.

## What are the Conditions Surrounding the use of an EJS?

- The young person must accept responsibility for the offending behaviour (this is not the same as a plea of guilt).
- The young person must be informed of what the sanction will be and they must provide consent to the imposition of the EJS.
- The parents or guardians of the individual must be informed that extrajudicial sanctions are being implied.
- There must be enough evidence to uphold a finding of guilt in the event that the case was to go to court.
- Under the YCJA, the young person must be
- informed of their right to counsel prior to deciding to accept the EJS.
- Failure to fulfill the conditions of the EJS in three months or less will result in the crown taking the case to court.[2]

## Who Administers an EJS?

- A crown prosecutor or police officers can determine whether to recommend a young person for an EJS program.
- They then refer your case to a probation officer who can also decide to refer your case to a Youth Justice Committee.
- The conditions of the EJS will be fulfilled under the supervision of either the probation officer or the YJC.[3]

## What is a Youth Justice Committee?

- A Youth Justice Committee (YJC) is a group of community members who volunteer to work with youth who are in trouble with the law.
- It involves a restorative justice process that encourages the victim, the offender and members of the community to be directly involved in a discussion surrounding the incident.[4]

## What does a Youth Justice Committee Do?

- Give sentence advisories at the request of a judge.
- Administer EJS programs.
- Act as a youth justice conference.
- Focus on public education and crime prevention.
- Work with youth who have committed offences by:
  - Giving advice as to what actions the youth should take part in to fulfill their EJS.
  - Supporting the victim and helping with reconciliation between the victim and young offender.
  - Ensuring there is community support such as programs and members of the community available, who can provide supervision and mentoring for the young person.[5]

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## What is a Youth Justice Conference?

- A youth justice conference is a meeting administered by a YJC and can be called by a:
  - Judge
  - Police officer
  - Justice of the peace
  - Crown prosecutor
  - Youth worker
- It serves to give advice on:
  - EJMs
  - Conditions for release from pre trial detention
  - Alternatives to detention
  - Appropriate sentences
  - Reintegration plans
  - How to repair harm to the victim
- A conference can include:
  - The young offender
  - The victim
  - Both groups parents
  - Community agencies
  - Professionals from the field
- Through this process, a YJC can review the case and give the youth, their family and the victim a chance to talk about the effects of the offending behaviour on each individual.[6]

## The Goals of Youth Justice Conferences:

- Bring less youth through the formal system.
- Provide a better understanding of the underlying causes of why the youth committed the crime.
- To hold the young person accountable.
- To address and respond to their behavior.

## Aboriginal Offenders and Conferences?

- The concept of bringing everyone together that was affected by one's actions, in a circle setting, originated in Aboriginal culture. It focuses on healing through circle sentencing as a diversionary measure in the community.
- Both peace-making circles and healing circles were created to address the harm done by the offender, the healing of both the victim and offender, to bring a sense of understanding, and a form of restitution to the community.
- Circle sentencing is often used in Aboriginal communities in order to incorporate Aboriginal traditions and values into the justice process.
- Peacemaking circles are often facilitated by Aboriginal elders and community members
- A "talking piece" is generally used to indicate who has the turn to speak in the circle, and is controlled by the "keeper".
- The circle process focuses on the values of respect, honesty, listening, and sharing.
- Programs like this are what can help the justice system address the underlying roots of discrimination and causes of criminal activity in aboriginal offenders, which will help lower the overrepresentation of Aboriginal people in the criminal justice system.[7]


1 Canada Department of Justice. (2015, March 5). Extrajudicial measures. Retrieved from ttps://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/measu-mesur.html

2 Canada Department of Justice. (2015, March 5). Extrajudicial measures. Retrieved from https://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/measu-mesur.html

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4 Youth in corrections. (n.d.). Retrieved from https://www.solgps.alberta.ca/programs_and_services/correctional_services/young_offenders/youth_justice_committees/Pages/default.aspx

5 Canada Department of Justice. (2015, March 5). Youth justice conferences and committees. Retrieved from http://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/commi-comit.html

6 Law Lessons. (n.d.). Youth criminal justice act. Retrieved from https://www.lawlessons.ca/lesson-plans/2.6.conferences

7 Centre for Justice & Reconciliation. (n.d.). Circles. Retrieved form http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-3-programs/circles/#sthash.PVWIEyL4.dpbs Achtenberg, M. (n.d.). Forum on corrections research. Retrieved from https://www.csc-scc.gc.ca/research/forum/e121/e121j-eng.shtm