

Community Legal  
Education Association



L'Association d'éducation  
juridique communautaire

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# EXTRAJUDICIAL MEASURES

An extrajudicial measure is a way, other than through the court system, used to deal with a young person accused of committing a crime.

## OBJECTIVES

One of the principles of the *Youth Criminal Justice Act* is that court intervention is not always the most effective way to deal with youth crime. Extrajudicial measures are often more appropriate, timely, and effective. These measures are presumed to be enough when the young person has committed a non-violent crime and has not been previously found guilty of another offence. Extrajudicial measures should be used in all cases where they are enough to hold a young person accountable.

Extrajudicial measures are designed to provide meaningful consequences for the young person's actions. The young person is encouraged to acknowledge and repair the harm that the community and the victim have suffered. These measures are intended to allow families, victims, and communities to become more involved and participate in decision-making regarding the young person.

## POLICE LEVEL

If a young person is accused of committing a crime, instead of charging the young person, the police must first consider whether the following extrajudicial measures may be enough:

- taking no further action against the young person,
- warning the young person (informal warning),
- administering a caution to the young person (formal warning),
- or, with the young person's consent, referring the young person to an appropriate organization or agency in the community, such as a counselling, mental health, or child welfare agency.

## **CROWN LEVEL**

Once the matter has been referred to the crown attorney, the crown attorney has a number of options to deal with the young person:

- deciding not to proceed with the matter,
- administering a caution to the young person (This caution may involve a letter to the young person's parent or guardian),
- proceeding with an extrajudicial sanction,
- laying a charge against the young person.

## **EXTRAJUDICIAL SANCTIONS**

Extrajudicial sanctions are a more formal type of extrajudicial measure and are used to deal with a young person only if a warning, caution, or referral would not be enough because of the seriousness of the offence, the kind or number of previous offences, or other aggravating factors. Extrajudicial sanctions may include community service, restitution, and counselling.

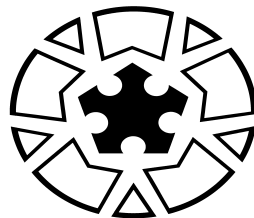
Violent offences are not generally appropriate for an extrajudicial sanction.

Before proceeding with an extrajudicial sanction, the young person must be advised of their right to counsel, give their consent, and accept responsibility for the offence.

If the young person denies responsibility for the offence or wants a youth justice court to deal with the charge, then an extrajudicial sanction can't be considered.

Any admission, confession or statement made by the young person as a condition of being dealt with by an extrajudicial measure, including an extrajudicial sanction, cannot be used as evidence against him or her.

If these extrajudicial measures are not adequate to deal with the offence, the police officer may consider using an extrajudicial sanction, refer the matter to a crown attorney, or lay a charge against the young person.



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