



## Handout: Extrajudicial Sanctions

Extrajudicial sanctions are the most formal type of extrajudicial measures. Extrajudicial sanctions create the possibility for youth to accept responsibility for their actions without being found guilty of an offence. Because of their more formal nature, extrajudicial sanctions must be part of a recognized program authorized by each province.

The *Youth Criminal Justice Act* encourages the use of extrajudicial sanctions in eligible circumstances. Extrajudicial sanctions are to be used only in situations where less formal extrajudicial measures such as warnings, cautions, or referrals are inadequate to deal with a young person who is alleged to have committed an offence. Warnings, cautions, and referrals may be inadequate because of:

- the seriousness of the offence
- the type and number of previous offences
- other aggravating circumstances

To use an extrajudicial sanction, there must be sufficient evidence to support prosecuting the offence. The young person has the right to consult with a lawyer (and must be advised of that right) and must consent to be subject to the extrajudicial sanction. The young person must be willing to accept responsibility for the offence.

Options for extrajudicial sanctions include:

- restitution or compensation
- personal service work for the victim
- community service work
- mediation
- counselling
- treatment programs

It is important that the young person be provided with an opportunity to speak with a lawyer before consenting to the use of extrajudicial sanctions. Evidence that a young person has been dealt with by way of an extrajudicial sanction can be used at sentencing for a later offence, and if a pattern of findings of guilt surfaces, could even give reason for a custodial sentence in the future.

If the young person completes all the requirements of the extrajudicial sanction program, the matter will not proceed to court and they will not be found guilty of the offence. Access to a record of extrajudicial sanctions is generally limited to two years after completion of the sanction.

If the young person does not complete the conditions of the extrajudicial sanction as agreed to, the young person may be charged and dealt with in Youth Justice Court for the original offence. As with extrajudicial measures, police are required to consider extrajudicial sanctions before deciding to lay a formal charge.

Some offences are too serious to be dealt with by way of an extrajudicial sanction. In Saskatchewan these offences include:

- cases involving a weapon or threat of a weapon
- serious, violent offences (such as aggravated assault or sexual assault)
- child sexual abuse cases
- family violence cases



### **Discuss**

1. Why are criminal offences considered crimes against the state (or society as a whole), and not just the victim?
2. Why should the young person have the right to talk to a lawyer before agreeing to extrajudicial sanctions?
3. Why is it important that a youth accept responsibility for an offence before being allowed to take part in extrajudicial sanctions?
4. Do you think that accepting responsibility makes you more or less likely to repeat the behaviour? Why?