'Measuring Up': A Self Examination of Police Receptivity to the Extrajudicial Meaures Referral Database

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Introduction

Canada is a global frontrunner in using extrajudicial measures to deal with non-serious youth offenses. As opposed to dealing with a youth offence through the formal criminal justice system, police officers can use extrajudicial measures to divert youth into alternative programs to hold them accountable and to assist them in making better choices. Specifically, when encountering a youth who is in conflict with the law, police officers have two options; to charge the young person or to divert them through extrajudicial measures that may involve one of three options in British Columbia. These options are to pursue no further action, warn the youth, or refer them to a community agency. Under the Youth Criminal Justice Act (YCJA), police officers have discretion in dealing with non-serious youth offences, though they are mandated to consider whether an extrajudicial measure may be adequate to hold the young person accountable for their actions. The most salient themes in the academic literature identifying those factors that most influenced police decision-making with respect to extrajudicial measures were the seriousness of the offence, past history of the offender, offender demeanour, and certain police officer characteristics. Given that police officers act as 'gatekeepers' for the criminal justice system, it is important to understand how attitudes and behaviours among police officers effect the use of alternative measures when responding to youth.

The introduction of the Youth Criminal Justice Act (YCJA) in 2003 contributed to a paradigm shift regarding police responses to youth crime. In contrast to the Young Offenders Act (YOA), the YJCA provides police officers with specific guidance and criteria for determining when an extrajudicial measure is appropriate (Marinos and Innocente, 2008; Canadian Centre for Justice Statistics, 2006). The YCJA also does not limit the number of times a young person is eligible for an extrajudicial measure (Marinos and Innocente, 2008). Under the YCJA, a great deal of weight is placed on accountability and proportionality, implying that it is not the youth's criminal record that should drive police discretion, but the seriousness of the offence (Marinos and Innocente, 2008). In addition, the YCJA provides law enforcement and Crown Counsel with specific parameters for exercising discretion by taking into account situational factors, such as the young person's attitude, age, aggravating or mitigating circumstances related to the offence, and prior offences (Marinos and Innocente, 2008). The rationale behind the YCJA was to prevent the majority of minor offences from entering the court system and immediately addressing the underlying needs of youth as a means to prevent future criminal behaviour (Canadian Centre for Justice Statistics, 2006).

Seriousness of the Offence

Research from the United Kingdom, the U.S.A., and Canada indicates that the nature of an offence most influences the course of action that a police officer will take. Specifically, the more serious the crime, the less likely it is that the youth will receive an extrajudicial measure (Report to the Solicitor General of Canada, 1998; Doob and Cesaroni, 2004). This is consistent with the intended ideal of the YCJA. However, in a 2004 study (Canadian Centre for Justice Statistics) 87% of police officers reported that a youth's past criminal record was a major determining factor affecting the course of police action and that the seriousness of the offence was equally important as well. Similarly, Marinos and Innocente (2008) found that nearly three-quarters (73 per cent) of police in their study identified that the seriousness of the offence was a primary factor in determining how they responded, while the youth's prior criminal record

followed by the youth's attitude were secondary and tertiary influences (accounting for 9% of police responses).These findings suggest that although police officers place a major emphasis on the seriousness of the offence when determining the appropriateness of an extrajudicial measure, they are also guided heavily by previous criminal record and the presenting attitude of the young person.

Police Record

While the YCJA is clear in outlining that prior offending should not be a determining factor for police when considering whether diversionary strategies are appropriate for holding a young person accountable, the tendency among police to consider the youth's prior record remains at issue (Canadian Centre for Justice Statistics, 2004). To test this further, Marinos and Innocente (2008) manipulated 'prior offence' scenarios to police participants to examine how youth's previous contact with police affected decision-making with respect to providing a warning, a caution, or a referral. Their findings indicated that prior contact with the police, as well as the nature of that contact, negatively influenced police from diverting youth for relatively minor offences, such as shoplifting and mischief (p.479). Their research suggested that police were less likely to use an extrajudicial measure as the severity of a young person's crime increased, but also as the frequency of contact with the police increased. Furthermore, police officers were less likely to use an extrajudicial measure if the youth's current offence was the same as a previous offence. This was especially the case when youth had a previous referral to a community agency; despite successful completion of the program (Marinos and Innocente, 2008).

Although youth were more likely to be charged if they had previous police contact, the literature suggested that police officers also considered certain crimes to be more appropriate for an extrajudicial measure than others (Canadian Centre for Justice Statistics, 1999). The type of offences that are eligible for an extrajudicial measure varies from jurisdiction to jurisdiction. For example, in Quebec, police officers may exercise discretion to use an extrajudicial measure for any type of offence. In other provinces, such as British Columbia and Nova Scotia, aside from major indictable offences, such as murder, manslaughter, domestic violence, major assault, sexual assault, drug offences, and impaired driving, an officer may also apply extrajudicial measures to youth crime in general. Although there are a wide variety of offences technically eligible for extrajudicial measures, the Canadian Centre for Justice Statistics (1999) found that alternative measures were more commonly applied to relatively minor crimes, such as theft under $5000, common assault, and mischief. As well, in most cases, victims of theft were businesses as opposed to individual citizens (Canadian Centre for Justice Statistics, 1999). This suggests that even though officers have the option of using diversion for a wide range of offences, without encouragement from senior management, youth who commit somewhat more serious crimes may never benefit from alternative measures. It is also conceivable that youth who commit more serious crimes may also display more negative demeanours; an extra-legal variable found to decrease the likelihood that police officers will apply diversionary strategies.

Youth Demeanor

Several decades of research have substantiated the claim that the attitude or demeanour of a suspect influences the course of action that an officer will take in a given situation (Report to the Solicitor General of Canada, 1998; Klinger, 1994; Lundman, 1996b; Worden and Shepard, 1996). More recently,

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Schulenberg and Warren (2004) examined factors that contributed to police taking a young person into custody. Youth who behaved disrespectfully toward police were four times more likely to be taken into custody. Demeanour and attitude were important considerations given that officers often used these as indicators for 'appropriateness' and 'adequacy' of an extrajudicial measure to be able to hold a young person responsible for their behaviour (Marinos and Innocente, 2008).Typically, if a youth displayed remorse, accepted responsibility, and acknowledged their actions as wrongful or harmful, police officers were more willing to proceed with an extrajudicial measure (Marinos and Innocente, 2008). Furthermore, it is thought that attitude may inadvertently represent a proxy for remorse or responsibility taking; "two components that many officers felt were necessary to justify the use of extrajudicial measures" (Marinos and Innocente, 2008, p.484). While the general attitude of youth appears to be an important influencing variable influencing the use of diversionary measures, research also points to police officer characteristics.

Police Officer Characteristics

Various police officer characteristics influence decision making in relation to the use of extrajudicial measures, though some of the research is dated. Characteristics include the officer's age, years of service, gender, race, and education. Allen (2005) found that older officers were less likely to take youth into custody. Similarly, Sherman (1980) identified that younger officers tended to make more arrests and were more aggressive in their encounters with civilians than their more experienced counterparts. Similarly, the same study identified that an officer's length of service (8 years or less) was inversely related to going out of one's way to 'detect' crime.

Moreover, male officers were four times more likely to charge a suspect than their female counterparts (US Department of Justice, 1978). Another study suggested that race may affect decision-making. For example, black officers made more arrests, recorded more crimes, patrolled more aggressively, and initiated more civilian contact (Fredrich, 1977). However, during encounters with both white and black civilians, black officers were more likely to remain neutral in their composure and less threatening in their demeanour towards other black civilians (Cohen & Chaiken, 1972). In terms of an officer's educational level, educated officers made more arrests, had fewer complaints filed against them, and were less likely to use excessive force (Sherman, 1980). Thus, it appears as though an officer's personal characteristics may play a role in determining whether extrajudicial measures are utilized. One specific characteristic that has been examined more recently involved the study of police officers who have gained specialization in the area of youth (Schulenberg & Warren, 2009).

Police officers who specialized in youth crime were not only more likely to approach situations on a case by case basis, but had the tendency to use less invasive tactics on the job (Schulenderg Warren, 2009). More specifically, officers who had developed a specialization in youth tended to be more prevention-oriented and had superior investigatory skills and knowledge regarding youth welfare, including connections in the community (Schulenberg & Warren, 2009). Beyond the prevention driven focus, police with a youth specialization were also more likely to be offender-oriented. This broader focus entailed taking factors, such as family background, gang involvement, location, and whether the youth had an adult co-accused, into consideration over simply considering personal characteristics, such as age and victim preferences (Schulenberg & Warren, 2009). With greater awareness of the complex factors

affecting youth behaviour, police who acquired a youth specialization were also more likely to use an extrajudicial measure when encountering youth in conflict with the law (Schulenberg & Warren, 2009).

In addition to individual characteristics, such as officer's age, years of service, and education, youth squad officers referred youth to community agencies at higher rates than regular patrol officers. Leeson and Snyder (1981) found that "given the option of formal or informal action in police-juvenile contacts, one specialized unit referred only 399 juvenile offenders out of 1,891 to court". Though this study pre-dated the 2003 implementation of the YCJA, this finding remained consistent with Schulenberg and Warren's (2009) findings that 68% of youth officers made referrals to community agencies compared to 41% among regular patrol members. This may reflect earlier attributions of youth officers who made more referrals due to having formed stronger connections with external agencies and thus being more familiar with existing services. This may also account for why youth officers were more likely to use diversion for a greater range of offences (Schulenberg and Warren, 2004). When it came to dealing with more serious offences, police departments with no specialized youth members were 14% more likely to always lay a charge in response to a serious offence (Schulenberg & Warren, 2004). Given that uniformed police officers comprise of the larger proportion of officers over specialized youth officers and have more encounters with youth, implications for engaging all officers in training regarding the YCJA should be emphasized while also highlighting the benefits associated with adopting a prevention-based philosophy when dealing with youth (Schulenberg & Warren, 2009).

Summary of Research Literature Findings

Various underlying factors influence police officers' attitudes toward dealing with youth who come into conflict with the law. Virtually every study that has looked at this issue concluded that the seriousness of a young persons' offence was the most influential factor when deciding to use an extrajudicial measure. Despite the fact the YCJA does not limit the number of extrajudicial measures that a youth is eligible for, officers who came into contact with youth who had a previous criminal past were less likely to use an extrajudicial measure. Another common variable influencing officer's engagement in a diversionary strategy was the demeanour of the young person. Youth who displayed a 'bad attitude' were significantly less likely to receive an extrajudicial measure since some officers believed that the young person's attitude served as the proxy for responsibility-taking. Lastly, there were various police officer characteristics, such as age, years of service, gender, and education associated with police responses toward youth. Given that officers are mandated to consider alternative measures for non-serious youth crimes, it is vital that training be provided to support all officers in understanding the ramifications of their responses to youth offending behaviour.

Current Study

The nature of this study was exploratory in nature and thus sought to examine police and community agency responses to a newly developed tool; the Extrajudicial Measures Referral Database (EMD). In 2003, when the Youth Criminal Justice Act was brought into effect, minimal training and support for police officers occurred to assist with a proper implementation of the act, including the extrajudicial measures response. Whereas Section 6 of the YCJA mandates that every police officer must consider whether making a referral is adequate for holding a young person accountable for their negative actions,

this study sought to determine whether the newly created EMD met its intended goals of providing effective training tools (DVD, handout, posters, letters) for the EMD (see Appendix A – D), and whether a new referral database was helpful in assisting police to make referrals under the YCJA in response to youth mental health and substance abuse issues.

The EMD consisted of an electronic listing of mental health and substance abuse referral services created specifically for police in their presiding jurisdiction and was accessible in police cars and on office terminals. The EMD was created in partnership with 'E' Division RCMP, the BC Centre for Safe Schools and Communities, and the Centre for Public Safety and Criminal Justice Research at the University of the Fraser Valley, and the involvement of four police agencies. Funding for this project was provided under the Youth Justice Fund, Department of Justice Canada.

Project Methodology

This study consisted of a formative review to examine the field test implementation phase of the Extrajudicial Measures Database to determine the effectiveness of the training tools (DVD, handout, posters, letters), the training processes used, and the overall use of the database in four BC police agency communities. A total of 29 key informant interviews were conducted; 7 of whom were either Officers in Charge, Shift Supervisors, and/or EMD referral database Trainers; 12 were police officers (youth squad or general duty officers), and 10 were community agency representatives.

Study participants were initially contacted through email by a member of the research team to inform them of the nature and purpose of the study, to outline the risks and rights of participants, and to invite their participation. Once a meeting time was established, a member of the research team conducted a telephone or face-to-face interview that ranged in length between 15 and 45 minutes. The interview schedule varied by group and used a semi-structured interview style, with some likert response options (see Appendix E). Following interviews, researchers collated the findings and analyzed the information for this report.

Project Results

Overall, Officers in Charge (OIC) and EMD Coordinators within field test agencies were receptive to the new Extrajudicial Measures Database tool stating that the benefits of the tool ranged from raising awareness of youth-based services in communities to supporting officers in exercising discretionary options under the YCJA. The ability to access information on police car terminals was valued for its convenience and durability in contrast to paper lists that have a tendency to become lost or torn. Three police agencies already had some form of in-house referral process for handling youth diversion files that consisted of sending files ear-marked for referral through a central officer. Prompted by the EMD referral database, one of these police agencies adopted a pre-existing community service listing to create their own electronic Prime file to enable access to the list while in police cars.

Despite positive perceptions of the EMD referral database, general duty members contacted for this study had not used the tool and many were unaware of it. When queried about the value of such a tool, officers acknowledged that a referral database on police car terminals would remind officers to use the referral option. However, they also claimed to be bombarded with training and paperwork demands that

apparently hindered them from being more receptive to new initiatives, such as the EMD. This was especially said to be the case if changes were perceived to increase the amount of time needed to process files. Moreover, few officers actually recalled the training for the EMD referral database. One explanation for this may have been that the interviews occurred five months after the initial training and no follow up training was reported in any of the participating police agencies.

Some technological problems were noted with respect to the EMD referral database. One problem stemmed the un-intuitive pathway for accessing the community service agency listings. Based on the process adopted by the police agencies, officers had to navigate through an "AIRPORT CODE" function prior to finding the mental health and substance abuse service listings. Officers stated a preference for loading the database onto desktops of mobile workstations. In addition, two field test site coordinators expressed disappointment for the way in which the EMD referral database failed to include the comprehensive listing of community service agencies that had been forwarded for inclusion. While police service information technology personnel were working to alleviate the problem, this initial glitch apparently dampened an initial enthusiasm for this tool. The EMD Coordinator claimed it was difficult to re-introduce the project due to this delay. These recommendations will be considered in light of future directions for this project.

Training Tools and Methods of Disseminating Information

Among OIC's and EMD Coordinators, there was general agreement that the EMD referral database training materials (5 minute DVD, laminated handout, and posters (see Appendix B to D) were of professional quality and appropriate for police agency and community-based training. In particular, the DVD and laminated handouts were found to be of greatest use for departmental shift briefings. The DVD was reported as providing an efficient and concise format for presenting the basis of applying extrajudicial measures for youth with mental health and substance abuse issues, and was said to appeal to a range of learning styles (ie. auditory, visual, and kinesthetic).

The method of training within field test sites varied somewhat from jurisdiction to jurisdiction. Two of the four police agencies involved community partners at some point in the training process. Those who conducted police-only trainings generally did so as part of police departmental shift briefings, where most officers and specialized departments were in attendance. Included in the training were supervisors, general duty members, school resource/youth officers, and volunteer staffs. Training agendas generally began with a preamble, followed by showing the training DVD, and concluded with a brief discussion focused on the parameters for making referrals, highlighting specific case students, and answering questions. An alternative training model was used in a small detachment where the database was introduced by a constable who met individually with officers. At these meetings, the importance of prevention and developing community agency partnerships with respect to referrals was emphasized and officers were also shown the DVD and introduced to the EMD referral database. Approximately 12 officers were trained in this manner taking approximately 15 to 20 minutes each.

Field test sites who engaged community agencies at some stage of the training processes varied in their method of outreach. For example, one EMD training Coordinator made a presentation to about 40 individuals at a local inter-agency meeting. In addition to showing the DVD, community agencies discussed ways in which they could work together to address youth issues in their community. Another police agency engaged local community service agencies through site visits. This resulted in building

relationships between police and local youth service providers to the extent that a local justice agency coordinator offered to triage referrals to appropriate community agencies given that they were accustomed to working collaboratively. It was also during this process that fiscal cutbacks in substance abuse services occurred in the jurisdiction resulting in a lack of locally-based substance abuse services. One exception existed for a discrete subset of youth from a particular First Nations band who had some youth-based options available through a local band health office. It appears as though the EMD database served initially as a catalyst for networking across sectors within one police agency jurisdictions; however, the extent to which these partnerships have continued is not well understood.

EMD training Coordinators and OIC's were unified in acknowledging that, at a minimum, six month follow-up training sessions would be essential due to high and regular volumes of staff turnover, regular intake of new recruits, to refresh officers of their mandate under the YCJA, and to raise awareness of existing tools to support police in this activity. Almost all officers contacted for this study expressed a need for more training related to the YCJA, including parameters concerning appropriate use of extrajudicial measures. There was general agreement that uncertainty existed concerning the direct application of S.6 of the YCJA, that a variety of referral options for youth were unclear, and that serious time challenges existed for implementing interventions of this nature.

Implementation Challenges and Barriers

Although a perceived willingness among police to work more collaboratively and proactively with youth through accessing services in the community existed, the results of this pilot test highlight potential barriers that detracted from a more immediate and successful uptake of the pilot test. Three overarching themes gathered from the interviews suggested that work within these agencies occurred within climates of expediency to the extent that low priority was placed on prevention-based responses for children and youth, decision-making related to S.6 options of the YCJA was somewhat confused, and systems and protocols to initiate and support multi-disciplinary collaboration under the YCJA were generally underdeveloped.

CLIMATES OF EXPEDIENCY

There was an overwhelming emphasis among officers to describe the nature of their work as being consumed by copious amounts of paperwork and shortage of time to meet community demand. The resulting impression that police work occurred within climates of expediency was also driven, in part, by what various officers described to be backlogs of 30 to 40 files in their queue at any given time. This, in turn, motivated many officers to conclude files as soon as possible. One officer lamented that this was occurring "at the cost of focusing on what the best solution to a particular problem was". For this reason, unless something was of an urgent or serious nature, it became difficult for officers to conceive of the idea of writing a referral to a community agency given that this took more time and because officers were also not generally 'rewarded' for such tasks. Research examining the relationship between municipal crime rates and police responses in terms of charging youth showed that police workload did affect decision-making with respect to youth (Schulenberg & Carrington, 2007). This study showed that charging youth was positively associated to officer strength. In other words, informal social control was exerted less often in communities that had low police strength or high crime rates. The extent to which this dynamic exists proportionately within the field test sites was unknown at the time of the study. However, some officers also stated there was a need to have clearer messaging from superiors backed by

support through the ranks for supporting smarter policing practices that support long term crime prevention, such as referral-making.

Congruent with a culture driven by expediency, it became evident that many police officers did not view themselves in a crime prevention practitioner role. Some officers appeared to be unwilling or unable to consider the merits or viability of making a formal referral or to appreciate the value of police involvement in advocating for youth through brokering services within a social development approach. This was evident when the idea of self-education regarding youth-based services in the community, generating, and monitoring referrals under their caseload was proposed. An apparent resistance to this idea appeared to be tied less to whether it was the prudent thing to do, but more closely associated to a perceived lack of support from supervisory staff for spending time in such preventative work. In addition, with the high rates of transfers among the RCMP personnel, some officers who had recently been transferred to their community felt this type of work was best undertaken by someone in a more stable role with a liaison function in the community.

To give more emphasis to S.6 of the YCJA, officers recommended systemic ways that policies and practices could be entrenched at multiple points to enhance quality assurance in this area. To boost motivation for making referrals where appropriate, one officer recommended adding an 'EJM' check box to reporting forms in such a way as to place a reverse onus on police to explain why they were not making a referral. It was also noted that shift supervisors could be more diligent in monitoring youth files to ensure best practices are being implemented. Other officers also concurred with such a strategy claiming that there was a tendency to conclude youth files through the option of "taking no further action", especially when faced with insufficient evidence to lay a charge, rather than approaching these cases from a child's best interest perspective.

LACK OF CLARITY REGARDING CRITERIA FOR REFERRALS UNDER S.6 OF THE YCJA

Various officers appeared to be unclear about the criteria for making a referral under S.6 of the YCJA reflecting patterns consistent with previous research. In this study, many officers stated that the seriousness of a youth's offence was a critical factor influencing the likelihood of making a referral to a community agency. While this is consistent with research (Report to Solicitor General of Canada, 1998; Doob and Cesaron, 2004; Marinos and Innocente, 2008) and the intended ideals of the YCJA, a youth's presenting attitude and prior offending histories were also considered to be important areas affecting police officer decision-making concerning the appropriateness of alternative measures in the current study. This finding is also consistent with earlier research (Carrington and Schulenburg, 2005; Marinos and Innocente, 2008). Officers in this study specifically stated that they would be unlikely to consider a referral to a community agency if the youth displayed a 'bad attitude' based on the belief that the referral system had no 'teeth' to force further action if youth failed to show up to a program. Yet, research regarding crime prevention programming, such as substance use prevention, emphasize the importance of taking into account the youth's social and biological contexts, as well as any emotional needs that may be influencing behaviour (Public Safety Canada, 2011). This suggests that attitude may be a symptom of deeper needs that can be addressed by programmatic goals and objectives.

In the current study, a zero tolerance, punitive-based philosophy was evident in one police agency in its application to youth in conflict with the law. With a practice of placing youth in police cells until parents could pick them up, this police agency provided parents with a list of community services for making self-referrals. Congruent with a more 'hands-off' approach, working relationships between the police and

community service agencies were in their infancy at the start of this initiative, with no system or protocol in place to support a formal referral to any type of community agency. However, this appeared to be influenced by the perception that a community program would be unable to "hold youth accountable" for their actions. It was in this same police agency that the subsequent creation of a new referral form to a local justice agency was developed. However, at the time of this review, no referrals had been received by the agency to date. While community partnerships with restorative justice programs were just beginning in one police agency, larger police agencies in this study tended to have specialized youth squads or resource officer teams in place with a leader to oversee a referral process to restorative justice programs that were becoming increasingly well established.

Police officers admitted to having received little training regarding the YCJA suggesting that additional police officer education was needed. Further, some officers admitted that they lacked confidence in applying extrajudicial measures fearing that they would not be supported in taking such action by their superiors. To support officers in developing and applying a stronger understanding of crime prevention and diversionary strategies, it was stated that training should appeal to the need for reduced paperwork and officers' shortage of time. In addition, emphasizing the notion that 'short term pain leads to long term gain', placing a focus on the 'best interests of the child', and sharing of success stories about youth were listed as potential ways to encourage preventative practice by officers.

Specific to the EMD referral database project, officers recommended a greater initial dedication of time for YCJA training after which repeated trainings should occur to allow adequate time for discussion and the application of discretion under the parameters of the YCJA. As one officer stated, "[t]raining on the ground gets applied differently to each person". Given this, some officers felt that to include real life local examples about how others exercised discretion would be meaningful. As well, including a non-police presence from those knowledgeable in the application of the YCJA legislation was seen to be an integral part of future EMD referral database training processes should the project continue.

While community agencies contacted in this study expressed a strong desire to collaborate with police to hold youth accountable and assist them in in becoming more pro-social individuals, the extent to which various community sectors (eg. Social workers, addictions counsellors, educators, and police) comprehend the notion of accountability is unclear. Understanding whether there are differences may help to explain why extrajudicial measures were almost exclusively associated with restorative justice programming. This was evident as many officers spoke of restorative justice interchangeably with referral-making or diversion to the extent that a broader range of community agencies appropriate for providing rehabilitative services, counseling, mental health services, and skills training did not appear to form part of the officers' vocabulary when discussing options under extrajudicial measures.

This apparent disconnect may also be evident in that no police agency in this study reported knowledge of a referral form for an external community agency outside of restorative justice. This may suggest that certain terminology associated to S.6 requires clarification to encourage police toward broadening their application for making community referrals as a way to intervene or disrupt the entrenchment of criminal behaviours. This suggests that the referral option under S.6 may be narrowly applied, under-utilized, and a potential option that police have not exploited adequately to date.

As there were limited systems in place to support multi-disciplinary collaboration to support S.6 of the YCJA, it was felt that greater entrenchment of the YCJA within systemic policies and practices was needed if change was desired. Included with this, training efforts would need to extend beyond specialized youth officer units to include general duty police officers given this latter subset constituted the majority of officers patrolling communities. Thus, creating in-house checks and balances to support and monitor officers through mentorship, role-modeling, provision of tools and resources, including presenting the YCJA in layman's language, were suggested to promote a shift toward more pro-active response strategies under a crime reduction model of policing.

Facilitating face-to-face encounters for police with community representatives were felt to be important to inspire trust and awareness of community programs. Some officers requested that greater effort could occur on the part of management to demonstrate police buy-in for community collaboration crime prevention strategies. To this end, officers recommended that community agencies be pre-vetted and invited to attend shift briefing on a consistent basis to learn about quality programs that demonstrate an ability to 'hold youth accountable'. It was felt that such an approach would build trust and motivate officers to generate more referrals as information about quality programs were brought to their attention. As one police officer remarked:

[i]t all comes down to who you remember in the community when you come in contact with a youth. In my case, when I was on the road we had a working relationship with restorative justice, and I knew what they were about so I referred to them. I would refer to other places if I knew what they were about and that their services were legitimate (August 2011).

One police agency also made it a regular practice to brief all new recruits about their restorative justice referral program resulting in more than a 100 fold increase in referrals to this agency over the past four years. Police officers stated that increased trust was also created, in part, through a two-way method of communication where updates were provided back by the agency to referring officers, in addition to generally sharing success stories. With more frequent contact from other community agencies, officers felt they would be more likely to trust those they were making referrals to if they also had confidence in the referral agency's ability to hold the youth accountable for their actions.

Community Agencies

In learning about the EMD referral database from the perspective of community agencies in field test jurisdictions, the researchers requested that police agencies forwarded contact information for a minimum of two referral agencies. Three out of the four police agencies forwarded restorative justice program contacts, with the next most common external agency being probation services. The one agency that did not forward a restorative justice program for this study included community services and addictions service contacts. Among restorative justice programs, two were housed in local community police stations, with one offering youth-based mediation, conflict resolution, and mentorship programming. A second program had 39 qualified mediators (Counselors, First Nations facilitators, School District administrators) and had the capacity to facilitate circles. Two of the four agencies also facilitated restorative action practices in their local schools which included a teacher training component to assist in the development of conflict resolution skills. Another restorative justice agency provided conflict resolution services for the broader community; however, no youth related referrals had originated from

their local police service to date. Probation services supported youth to complete community hours and provided referrals to other programs, such as cultural, counseling, or rehabilitative services. However, given that probation services were generally accessed via referral by Crown, it would appear that probation services would not be a suitable match for an extrajudicial measure.

In addition to restorative justice and probation services, a substance abuse addiction service agency was contacted for this study. This organization provided out-patient services, counseling, group work, and school-based prevention services in their community. This agency was not aware of the EMD referral database, but was very receptive to the idea of working more directly with police stating that police could use their services more often. The representative valued any opportunity to work with police to help in accessing services for youth at an earlier age, and cautioned about the dangers of labeling youth. Currently, a critical incident team met regularly in the community to discuss common concerns and to allocate appropriate resources to mitigate overlap in services. It was felt that if a directive were to occur by their local police inspector, this might encourage officers to make use of their services, suggesting that police would not likely need to re-arrest youth if they could be alerted to these issues sooner, and thus save officer time.

Most community agencies contacted for this study, including the restorative justice programs, were unaware of the EMD referral database. However, some had learned about it from a presentation at a community network meeting or through site visits by police. One agency stated their community already had a database that others could upload, though the database was not compatible with police servers. This list of services was previously printed in booklet form; however, because it was only printed once a year, it became quickly outdated with staff turnover or service discontinuation. Another agency heard about the tool from police officers in their community, but it had not resulted in any increase in referrals. Other agencies had not heard about the EMD referral database, but invited police to work in collaboration. Some community agencies, particularly in smaller communities, commented on high rates of police officer turnover while others desired to have a greater participation by police in community meetings where youth concerns were shared. In general, community agencies widely supported the idea of the EMD referral database believing their services were relevant to promoting positive youth behaviour, and that as community information was made available, their services could be accessed with greater regularity.

Most community service agencies interviewed for this study had not experienced an increase in youth-related referrals from police. One restorative justice agency noted a significant increase in referrals by police over the past four years yet this was attributed to continued efforts between their agency and local police service. In this case, referrals from police were being made as a result of minor crimes, such as theft, minor assault, vandalism, and break and enter. In another community, restorative justice referrals by police for youth were nonexistent. Here, the local community justice coordinator offered to provide central intake services for extrajudicial referrals to provide police with a mechanism to triage referrals to community services, including restorative justice or other appropriate third party community service agencies, as appropriate. The extent to which this has been received by police at the time of the report is unknown. Still, it appears that community agencies have the potential to assist police in designing interventions for extrajudicial measures.

Generally, community agencies felt that services were well matched to receive referrals from police. Agencies generally welcomed this type of collaboration with police believing they had the capacity to

provide prevention programming to 'hold youth accountable' for criminal behaviour. Only a handful of agencies felt they may be short-staffed and that program management may suffer due to increased coordination of staff, locating additional funding, and vetting referrals. One agency had no waitlist, having the capacity to accept walk-ins. Other programs noted that as long as volunteers remained committed, they would be able to offer increased services, arguing that this would prevent volunteers from experiencing two to three month delays between cases. One agency who had never received a police referral noted the importance of developing a mutual strategy to respect client confidentiality. The restorative justice programs were unanimous about their capacity to work with police referrals; however, they cautioned against referrals involving mental health issues or addiction issues.

Community agencies offered some practical suggestions for strengthening youth advocacy into day to day police work. This included calling parent(s) to notify them of their child's behaviour and to advise them about the consequences of a deviant lifestyle, participating in networking and sharing of information at community tables to support the creation of mutually agreeable and cohesive intervention strategies, and assigning a community liaison to keep information flowing between agencies and the police. Finally, some agencies felt that front line officers would benefit through greater support from their leaders and through the provision of further education about the importance of early intervention as a best practice in crime prevention. Conversely, community agencies were also interested in learning more about the YCJA and how they might support the goals of police work.

Conclusion

This study provided an opportunity to gain further insight and knowledge regarding attitudes, behaviours, and resources in four field test site communities for continuing to support effective responses for youth who come into contact with police by drawing from senior leaders, general duty members, school resource officers, civilian personnel, and community agencies in two rural and two urban centers. Specifically, this review provided information to guide the next steps of the current EMD referral database project in BC. While information gained in this study was drawn from a relatively small British Columbian sample, the findings indicate patterns that are similar to previous research highlighting perceptions, attitudes, and behaviours of police regarding decision-making concerning the use of extrajudicial measures.

Knowledge gained through this review suggests that further foundational work is needed to support a stronger implementation of S.6 of the YCJA. Simply creating a database list of local, regional, and provincial referral agencies to address underlying causes of criminal behaviour, regardless of its form (electronic or hard copy) is insufficient to promote referral-making among police. Such a listing of community services may be more likely utilized within climates reflecting greater readiness to receive such a tool, such as buy-in from management coupled with policies and practices that extend beyond predominance for restorative justice. The literature has identified various barriers for establishing effective partnerships with community agencies for the purpose of supporting children and their families that were reflected in this study. These include the development and maintenance of positive inter-agency relationships, deciphering how to engage in shared decision-making (McMillen et al., 2009; as cited in Hurley et al., 2010, p. 142), and conducting evaluative research that may be challenged by differing treatment protocols and multiple assessments from various stakeholders (Hurley et al., 2010). While

challenging, rather than employing short-term crime prevention strategies based on retribution and punishment, communities are wise to work together to:

[build] the capacity of the community to enhance the positive integration of individuals [in] both a constructive and proactive approach. This way, crime (and those most at risk of offending) can be targeted before it's too late, with the result that less people should come into contact with the justice system (Armitage, 2000, p.3).

There is also a need for developing motivational strategies within police cultures to counteract climates of urgency to mitigate barriers for advancing long-term prevention efforts. By working strategically through the development of community partnerships to offer social programming for youth, the creation of multi-disciplinary policies and working protocols, and support from upper management, police can have the needed tools and systems in place to ease the process of referral-making. With further training to support daily practice for general duty and youth officers alike, tools such as the EMD referral database have a greater ability to support police to adopt practices in closer alignment with the intended spirit of S.6 of the YCJA. As one officer stated, "[t]he bottom line is that if officers have knowledge of other alternatives, they would probably use them. We are very busy so the process also needs to be time friendly".

In addition, the notion of youth attitude (eg. defiant, disrespectful, or non-compliant) as a proxy to indicate a community program's ability to 'hold youth accountable' requires further understanding. If police are gatekeepers to the criminal justice system and inadvertently limit access to community programming, further education and knowledge of the research regarding this assumption may influence practices in the field. Encouraging police agencies to develop more streamlined, cohesive working relationships supported by clear protocols will be integral to the system's ability to respond effectively and hold youth accountable for their actions by addressing underlying causes of their antisocial behaviour.

Recommendations

Government

- Supporting police agencies in their efforts to rebalance from current 'cultures of expediency' to prevention-based stances to ensure youth can gain timely access to supportive interventions that re-direct youth earlier from criminal behaviours.

- One way that this may be addressed is by developing a centralized mechanism for supporting police referrals. For example, it may be feasible to exploit the current buy-in among police for restorative justice programming by encouraging an expansion of restorative justice services to offer triage services for police referrals in concert with an integrated case management system among community service agencies.

- Assist in the identification of successful programs for making police referrals to address mental health, substance abuse, and other issues related to criminal offending among youth.

- Leverage the non-profit sector by providing funding for program evaluation to identify and promote evidence-based practices.

- Strengthen access to and quality of mental health programming in British Columbia.

- Provide comprehensive training on the application of the YCJA and to assist in strengthening officer's role identification as crime prevention specialists through new recruit training programs and other venues.

Senior Police Leaders

- Provide training opportunities for increasing awareness of Mental Health and addiction issues and resources for front-line officers, while encouraging and facilitating integrated and multi-disciplinary response strategies.

- Gain awareness of cross government initiatives that may aid police in implementing the YCJA more fully to reduce crime among youth, support educational outcomes, increase employability, strengthen mental health, and healthy parenting practices.

- Consider the provision of increased YCJA training for new recruits.

- Develop clear messages and protocols regarding the application of the YCJA with a focus on S.6 to bring greater clarity to the application and use of extrajudicial measures.

- Seek to define a comprehensive understanding of best practices appropriate for holding youth accountable for their actions.

- Support the entrenchment of key messages and multidisciplinary strategies into policies and practices. Examples of this are provided in the findings section of this report.

- Identify best practices for guiding local police agencies in their selection of community programs to support the intended outcomes of S.6 of the YCJA.

- Provide guidelines and education to promote responsible sharing of information.

- Commit to monitoring and on-going refinement of tools and processes to ensure that the child and youth's best interests remain a central focus.

Local Police Agencies

- Initiate or engage in multi-sectorial initiatives occurring at the community level.

- Engage with communities to develop a shared vision and understanding for what it means to "hold youth accountable for their actions" based on a developmental and restorative, rather than a punitive and retributive approach.

- Identify community supports that exist to develop a strategy for addressing youth in the criminal justice system and their families.

- Identify key referral agencies based on promising or evidence-based community programming practices to support police in making referrals to quality programs to reduce youth offending.

- Offer relevant crime prevention information to service providers, management committees, and departmental staff involved in programming.

- Develop locally based multi-disciplinary protocols for addressing the underlying causes of anti-social behaviour among youth.

- Provide comprehensive and on-going training to police officers to address shortfalls in knowledge and understanding about the referral option under S.6 of the YCJA and to encourage collaboration and innovation within communities.
  - Include general duty members, school resource officers, and related departments.
  - Seek the involvement from community agencies to provide presentations of services at shift briefings.
  - Strengthen existing relationships with restorative justice agencies, but also broaden referral protocols to offer a more comprehensive array of community agency referral options to address a range of behavioural issues, including mental health and drug abuse.
- Ensure supervision is in place to guarantee police are working with best practices as per the YCJA, including gaining access to community supports wherever it is "appropriate for holding youth accountable for their actions".

Community

- Engagement with police in gaining a better understanding of the provincial infrastructure and identify community supports that exist to develop a strategy for addressing youth in the criminal justice system and their families.

- Engagement with police in developing a shared vision and understanding for what it means to "hold youth accountable for their actions" based on a developmental and restorative, rather than a punitive and retributive approach.

- Determine a criteria that would indicate a successful partnership and which indicators would determine successful outcomes.

- Gather knowledge of promising and evidence-based crime prevention programs and strategies that have worked in local communities or innovate from those that have worked in similar contexts to address youth offending behaviour. These may include programs targeting skills development for youth (eg. life skills, youth leadership, literacy and numeracy), employment-related opportunities (eg. vocational training, volunteer work, mural painting, guiding), or recreational opportunities (eg. outdoor adventures, camping, hiking, arts and culture).

- Include youth and their caregivers in the design of programs and to ensure programs integrate a high level of youth engagement, are attractive to youth, and strengthen the bond between youth and pro-social people in their community.

- Work collaboratively with police to assemble (or integrating police in the current assembly) and design local infrastructure for integrated service delivery based on youth needs, effective programs, and local resources built on a shared understanding and vision for at-risk youth. Ensure all organizations can function effectively as part of the collective, rather than operate individually or in competition with each other. Such a network may be well served by engaging in the following upstart and on-going activities:
  - organize training to develop techniques for community-based development programs and working with crime prevention approaches;

- o what would indicate a successful partnership;

- o gain role clarity and developing a common language across service providers and police;

- o determine a criteria for accepting referrals into specific programs;

- o develop mutual information sharing and communication protocols

- o clarify reporting relationships, how requests for information will be handled, and successes celebrated;

- o develop a neutral and reliable case management system to ensure youth are well served, monitored, and followed up;

- o involve a youth leadership component – e.g. facilitating the establishment of a youth reference group who can offer suggestions based on consultations with young people; and

- o develop partnerships with local universities to engage in action-based research and to implement an evaluation framework for regular formative and outcomes assessment to ensure such efforts can be sustained.

(Certain portions of this list have been adapted from Armitage (2000), *Best Practice in Community Partnership to Reduce Youth Offending (Lessons Learned from Either Years of Practice).*

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EXTRA JUDICIAL MEASURES REFERRAL DATABASE

|	
YCJA	The YCJA was introduced in 2003 as a two-pronged youth criminal justice process. It responds to a variety of youth delinquency with criminal justice sanctions to penalize serious and violent offenders, and diversion for less serious and/or violent offences through Extra Judicial Measures (police) or Sanctions (Crown).
Section 6 - EJM	Typically, youth who have committed a first-time, non-violent offence can be diverted out of the criminal justice system by police officers. Through Extra Judicial Measures (EJM), police have the option to take no action, give a warning or caution, or refer the youth to a community program.
Popular EJM Tools	Police often use Restorative Justice (RJ) programs to respond to non-violent/non-serious delinquency. RJ programs seek to repair relationships damaged as a result of crime. However, they do not necessarily provide the care and treatment required if a youth is experiencing issues related to substance use, mental health, or trauma.
EJM Resource Database	The purpose of the EJM Resource Database is to assist police in identifying the appropriate programs available in their communities that respond to various issues that may be contributing to the youth's delinquency. Often these issues may involve substance use, mental health concerns, or traumatic experiences.
Using the EJM Database	The Database can be used easily and quickly to locate local youth-focused programs (directions on reverse). Police can search for programs by entering relevant keywords, e.g. "detox" and selecting other conditions, such as "female-only" or "24 hours"; information such as a phone number and address will be displayed.
Prevention Benefit	Given that EJM apply to youth in the early stages of delinquency, an added benefit of using the EJM Resource Database is to promote early intervention that may prevent future delinquent involvement and contact with the criminal justice system.

Directions for Using the EJM Referral Database

With help from your police service, a referral database has been created specifically for your community. The referral information is available in your vehicle or on office computer terminals.

To access the referral database in your vehicle, use the following steps:

1. Click on 'Req Info' at the top of your MDT screen and select 'Notepad Topics Update'
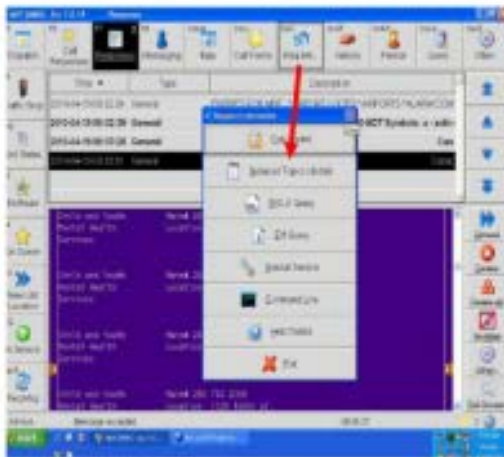
2. Find the entry described as "Entries for MDT *...*"
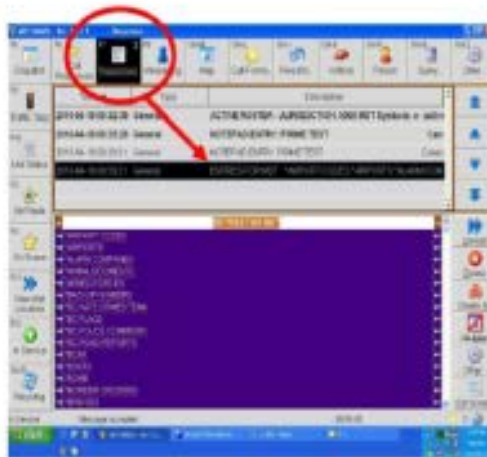
3. Scroll to and select either 'Youth Addictions' or 'Youth Mental Health'

4. You will see a list of either addiction or mental health agencies providing services in your community. Choose one that applies. You will find agency name, address, phone number, and basic services.

To access the referral database on office terminals:
Follow the following Infoweb link: http://infoweb.rcmp-grc.gc.ca/edivision/branches/crim_ops/cps/programs/youth/ejm_db_e.htm

In the synopsis of your Continuation Report, please include the word EJM in order to help us track referrals.

* For further information please contact "E" Division, CP&PSS, Youth Strategies Section at 604-264-3208.

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YCJA s. 113 Fingerprints and Photographs

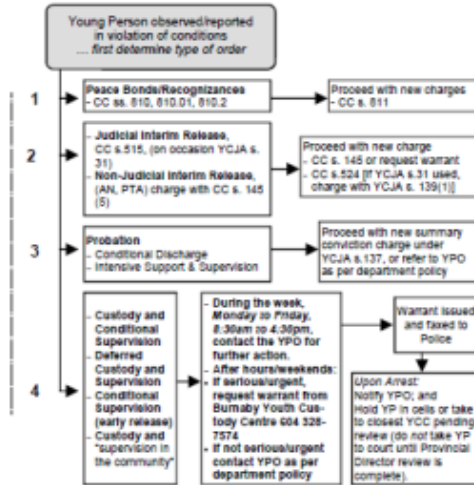YP maybe be fingerprinted and photographed under the same circumstances as an adult.

YCJA ss. 114-129 Records and Disclosure of Information

- The YCJA allows police to keep records about a YP who is dealt with under the Act.

- The Act specifically sets out who may have access to records or receive the information contained in them, and the time periods during which access is allowed.

- Information about a YP may NOT be publicly disclosed if it would identify them as someone who has been dealt with under the Act.

- Police have discretion to provide information on the YP to the victim at the request of the victim.

ABBREVIATIONS USED IN THIS REFERENCE	
AN:	Appearance Notice
BC YJA:	British Columbia Youth Justice Act
CC:	Criminal Code
EJM:	Extrajudicial Measures
EJS:	Extrajudicial Sanctions
PTA:	Promise to Appear
YCC:	Youth Custody Centre
TCJA:	Youth Criminal Justice Act
YP:	Young Person
YPO:	Youth Probation Officer

6

Enforcement of YCJA Orders

Young Person observed/reported in violation of conditions .... first determine type of order

1 Peace Bonds/Recognizances - CC ss. 810, 810.01, 810.2 → Proceed with new charges - CC s. 811

2 Judicial Interim Release, CC s.515, (on occasion YCJA s. 31) → Proceed with new charge - CC s. 145 or request warrant

Non-Judicial Interim Release, (AN, PTA) charge with CC s. 145 (5) → CC s.524 [if YCJA s.31 used, charge with YCJA s. 139(1)]

3 Probation - Conditional Discharge - Intensive Support & Supervision → Proceed with new summary conviction charge under YCJA s.137, or refer to YPO as per department policy

4 - Custody and Conditional Supervision Deferred Custody and Supervision Conditional Supervision (early release) Custody and "supervision in the community"

- During the week, Monday to Friday, 8:30am to 4:30pm, contact the YPO for further action. - After hours/weekends: - if serious/urgent, request warrant from Burnaby Youth Custody Centre 604 328-7574 - if not serious/urgent contact YPO as per department policy

Warrant Issued and faxed to Police

Upon Arrest: Notify YPO; and Hold YP in cells or take to closest YCC pending review (do not take YP to court until Provincial Director review is complete).

Royal Canadian Mounted Police / Gendarmerie royale du Canada

Ministry of Public Safety and Solicitor General

YOUTH CRIMINAL JUSTICE ACT & BRITISH COLUMBIA YOUTH JUSTICE ACT

Reference Card for Peace Officers

This reference card outlines key sections of the YCJA and BC YJA as they pertain to peace officers. For more information, please refer to the YCJA Pocket Guide or the Acts themselves.

This Reference Card applies in cases where there is sufficient evidence to justify the prosecution of Young Person.

A Young Person is defined as 12 years or older but less than 18 years.

YCJA s. 10 Extrajudicial Measures

1. Before forwarding a report to Crown counsel for criminal judicial proceedings or Extrajudicial Sanctions, consider using one of the following police EJM to hold a YP accountable, even if YP has been previously found guilty of an offence:
   (a) Take no further action
   (b) Issue a warning
   (c) Make a referral to a community program or agency
   Note: formal police caution programs have not been established in B.C.

2. EJM are presumed adequate for non-violent offences, no previous convictions and even if previously dealt with by EJM.

   This presumption may be rebutted with appropriate evidence.

Alternative Measures Referral Form

Date of Offence: y_____/m_____/d_____   **Police File #**_____

Offence:_____   **Member:**_____

Section:_____

Client Name:_____ Male_____Female_____

      Parental Support / Involvement: Yes_____No_____

      Adult_____Youth_____**Parent/Guardian Name:**_____

      Phone Number(s)_____

      Address_____

Substances involved: Yes_____No_____   Drugs_____Alcohol_____

Circumstances:_____
_____
_____
_____
_____
_____
_____

    (use reverse if more space is required)

Victim willing to participate: No_____Yes_____Name #_____

Request information of client participation and outcome of referral: Yes_____No_____

Fax to the Justice Center: [Number]

Evaluation of the Extrajudicial Measures Referral Database Field Test

Interview Questions

A. EJM Coordinator / OIC:

1. What was the general response to the EMD Referral Database within your police agency?

Very Negative	Somewhat Negative	Somewhat Positive	Very Positive

Please explain

2. How would you describe the training that was provided?

(eg. Meetings with general duty members, meetings with supervisors, networking with community agencies, other activities)

3. Did you find the training materials (DVD, laminated handouts, posters) useful?

1. DVD	Poor	Fairly Useful	Very Useful
2.Lam Handouts	Poor	Fairly Useful	Very Useful
3.Posters	Poor	Fairly Useful	Very Useful
4.Other (specify)	Poor	Fairly Useful	Very Useful
5.Other (specify)	Poor	Fairly Useful	Very Useful

 Please explain:

4. What sort of feedback did you receive regarding the EMD Referral Database <u>training process</u> from your members?

5. Could you have used additional training materials? If so, what would they be?

6. Did you feel adequately supported [by "E" Division CP & PSS or CSSC] during the implementation process? Please explain.

7. What else could "E" Division RCMP Crime Prevention & Program Support Services [CSSC or the Abbotsford Police Department] have done to support your police agency to further encourage the use of EJM referrals?

Use of EMD Referral Database:

8. What sort of feedback did you receive about the EJMD Referral Database from your members? About making EJM referrals in general?

9. What was the general response to the EMD Referral Database by your community?

Very Negative	Somewhat Negative	Somewhat Positive	Very Positive

10. Did your police agency develop new partnerships with community agencies as a result of this project? Please explain

11. Are there gaps in services for vulnerable youth that you are aware of?

12. Is there a particular agency that you relied on the most for the referral process?

Other:

13. What type of tools did your agency already have to support EMD referrals under S.6(1) of the YCJA?

14. Did your police agency develop any new tools as a result of the EMD Referral Database? Please explain.

15. Would you be willing to share these with other police agencies?

B. Police Officers:

Training:

1. Can you please describe the training that you received to introduce you to the EMD Referral Database?

2. What part of the training did you find most useful?

3. How could the training have gone better?

4. Did the training about the EMD Referral Database increase your awareness of the referral option under S 6(1) of the YCJA? Please explain.

5. Did the EJM Referral Database increase your awareness of substance abuse and mental health resources for youth in your community? Please explain.

Use of EMD Referral Database:

1. Did you use the EMD Referral Database?

    a. **If yes**, did you find it beneficial? Please explain.
    b. **If yes**, how could the EJM Referral Database become more user-friendly?
    c. **If no**, what are you currently using to help you make referrals?

2. Can you think of additional tools or aids that may simplify the process of making referrals?

3. Would you recommend that the EJM Referral Database be offered to other police agencies in the province? Why or why not?

4. Has the EJM Referral Database changed the way that you respond to youth on the job in any way? Please explain.

Do you have any questions?

Thank you for participating in this interview.

C. Community Referral Agencies:

1. Can you please describe the services that your agency offers for youth that may be relevant for a referral by police?

2. Are you aware that a new tool for police, the Extrajudicial Measures Database has been implemented by your local police department? Please explain how you learned about it.

3. What was the general response to the EMD Referral Database within your agency?

Very Negative	Somewhat Negative	Somewhat Positive	Very Positive

Can you explain your answer?

4. Has your agency experienced an increase in youth referrals from your local police? Can you describe the nature of these referrals?

5. How well matched were the referrals from police to the type of services that your agency offers?

6. Do you anticipate any challenges in your agency should the amount of referrals increase?

7. Is there anything else that you wish to add or comment on regarding how your agency might more effectively work with the police to intervene early in the lives of youth who come into conflict with the law?

Do you have any questions?

Thank you for participating in this interview.