



Youth Diversion

Extrajudicial Sanctions

What is the Youth Diversion Program?

The Youth Diversion Program (also known as Extrajudicial Sanctions) is intended to:

- hold eligible young persons accountable for their actions at the community level;
- provide **timely** and **effective** alternatives to the traditional criminal justice system; and
- prevent and reduce future crime, by providing the **right services** at the **right time** for those who require them.

Who is Eligible for the Youth Diversion Program?

- the person is 12-17 years old;
- evidence exists that an offence has been committed;
- the young person takes responsibility for their actions; and
- the young person cannot be sufficiently held accountable by an Extrajudicial Measure (*taking no further action, verbal warning, police caution, referral to a community program or agency*), and participation in the Youth Diversion program be in the best interests of the young person and the community at large.

How does the Youth Diversion Program work?

A young person can be referred to the Diversion Program before being charged with an offence (pre-charge). Successful completion of the pre-charge program will result in no charges being laid. However, if the young person is not successful in completing the program, they may be charged with the original offence and be processed through court.

Young persons can also be referred to the Diversion program at several points in the court process **after** charges are laid (post-charge). In this case, court proceedings are postponed to allow for participation in the Diversion program. **Charges are withdrawn** when the young person meets the requirements of the post-charge program. However, if the young person is not successful in completing the post-charge program, their case will proceed through the court process.

Young persons who take part in the Diversion Program will have accountability and intervention plans in place, which focus on connecting them to appropriate community-based services. These plans will address the young person's risk factors and provide accountability measures, which will hold the young person responsible for their actions at a community level. Examples of accountability measures may include, but are not limited to:

- paying restitution to the victim;
- completing a period of community service;
- attending special information and education sessions; and
- providing personal service work for the victim.

Where appropriate, Youth Diversion clients may also benefit from a **Restorative Justice** approach. These restorative processes provide safe opportunities for everyone impacted to communicate, address their needs, and collaboratively participate in the resolution. Restorative processes emphasize healing in persons harmed, the meaningful accountability of persons responsible for causing harm, and the involvement of community members in creating healthier, safer, and stronger communities.

What role does the young person/person responsible for causing harm play?

To take part in the Diversion Program, eligible young persons:

- must **consent** to take part in the program (young persons younger than age 16 also require parental consent);
- must **accept responsibility** for their actions;
- must **respond in a timely manner**;
- will answer questions as part of the **screening and assessment process**;
- will need to **meet with the Diversion coordinator** and the Section 18 Youth Justice Committee;
- will need to **sign a program agreement**; and
- must **complete the agreed-upon accountability measure(s)** and intervention plan.

What role is played by the victim(s)/persons harmed?

Victims of crime have the right to voice their concerns related to the offence that has been committed and how they wish the offence to be dealt with. While the views of the victim(s) are always considered before making a Youth Diversion Program referral, these views do not preclude a young person from being referred to the program. The victim(s) may also choose to participate in any processes established to facilitate reconciliation between themselves and the offender. The victim(s) also has the right to request information related to the identity of the offender and to be informed of how the offence has been dealt with.

For more information, visit

www.gnb.ca/diversion

