

**EXPLORING THE  
PERSPECTIVES OF YOUTH  
WITH INTELLECTUAL &  
DEVELOPMENTAL  
DISABILITIES (IDD)  
IN THE CRIMINAL JUSTICE  
SYSTEM**

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# AGENDA



01

WHO IS INVOLVED

02

WHAT IS THE PROJECT ABOUT?

03

PHASE 1 - JUSTICE PROFESSIONALS

04

PHASE 2.1 - YOUTH ADVISORY BOARD

05

PHASE 2.2 - YOUTH INTERVIEWS



# WHO IS INVOLVED?



COMMUNITY PARTNER

Justice for Children and Youth



UNIVERSITIES

Kings University College  
Trent University  
Brock University  
Carleton University  
University of Toronto (Mississauga)  
Simon Fraser University



FUNDING

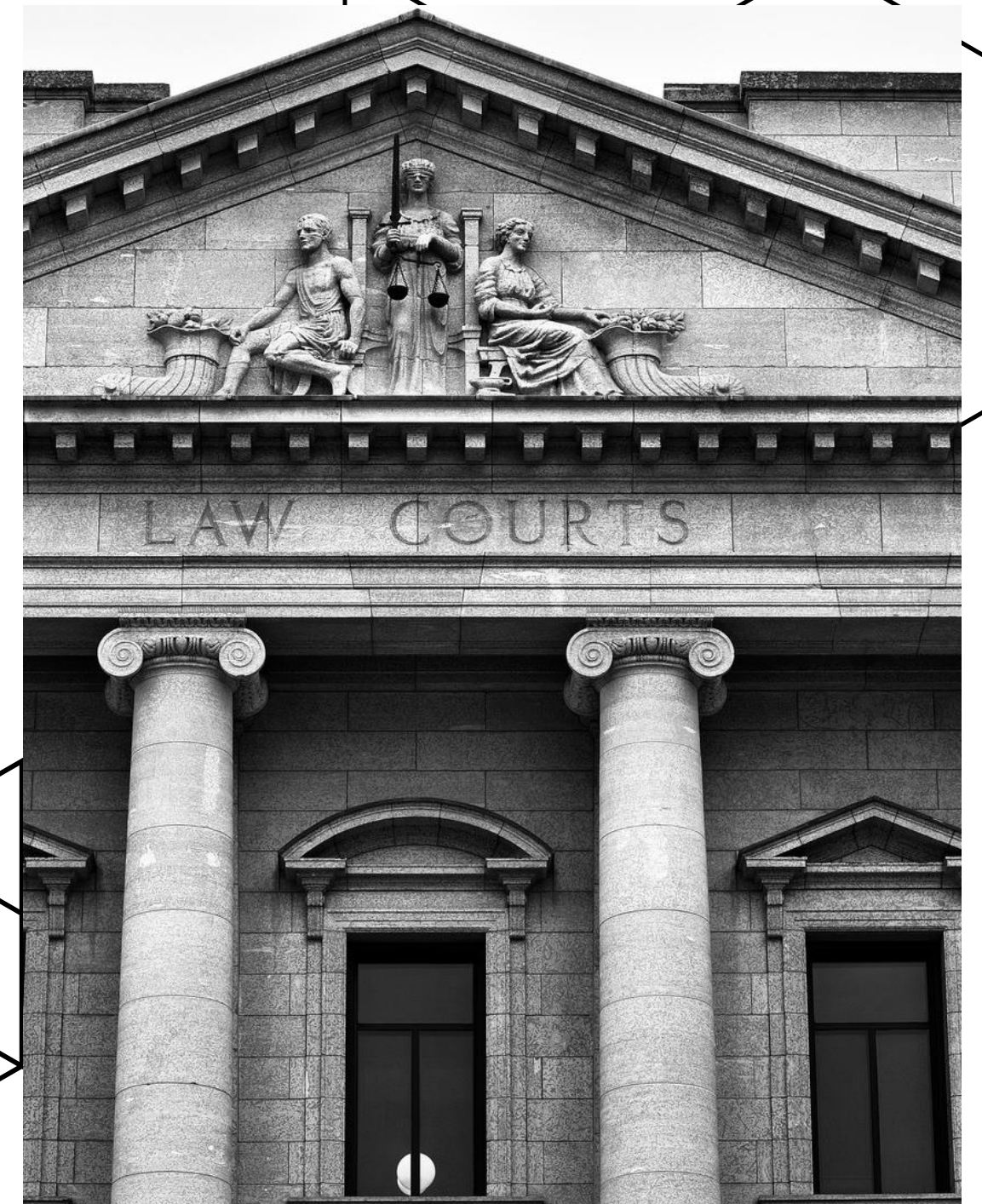
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# CONTEXT

Young people in Canada experience inequalities within the justice system, barriers to their rights and access to justice (Curling and McMurtry, 2007).

Overrepresentation of youth with intellectual and developmental disabilities (IDD) (Cockram et al., 2009; Jones, 2007; Marinos et al., 2020).

Limited research



# YOUTH CRIMINAL JUSTICE ACT (YCJA)

- Proportionality
- Underlying Causes
- Rehabilitation and Reintegration
- Meaningful Consequences
- Respond to the needs of young persons with special requirements



01

Evaluate whether the YCJA offers justice-involved young people with IDD appropriate protections consistent with YCJA provisions

02

Understand the lived experiences of youth with IDD involved in the youth justice system

## WHAT IS THE PROJECT ABOUT?



# PHASE 1 - VIEWPOINTS OF JUSTICE PROFESSIONALS

- 38 online interviews (May 2021 – April 2022) with Crown Attorneys and Defence Counsel across Ontario who work with young people
- Questions pertaining to a range of issues - understanding of IDD, experiences working with youth with IDD

# PHASE ONE FINDINGS



TRAINING AND KNOWLEDGE



AN 'OVERWHELMING' EXPERIENCE



SUPPORTING YOUTH WITH IDD

LACK OF ADEQUATE TRAINING  
AND  
EDUCATION ON WORKING WITH  
YOUTH WITH IDD.

THIS WAS CONSIDERED  
ONE OF THE MAIN  
BARRIERS TO PROVIDING  
SUPPORT TO YOUTH WITH  
IDD.

TRAINING AND KNOWLEDGE ABOUT IDD



## LEARNING ABOUT AND RESPONDING TO IDD:

Carol (Crown Attorney): “Most of my understanding comes from just looking into it, I haven't been formally trained ...my mom happens to be a social worker and now she's a teacher. So, I would say most of my knowledge comes from informal access to a relative.”

Mark (Defence Counsel): “I pretty much Google or look up every single time I get a formal diagnosis ... some lawyers always say that we have clients who present very well, but underneath the surface, they're struggling. And they're ones that would pass, you know, fitness hearings or fitness tests.”

# AN 'OVERWHELMING' EXPERIENCE FOR YOUTH WITH IDD



THE JUSTICE SYSTEM IS STRESSFUL FOR  
NEURO-TYPICAL ADULTS. THIS IS  
HEIGTENED FOR YOUTH WITH IDD

**01** LACK OF UNDERSTANDING OF HOW THE SYSTEM WORKS

**02** INTERPLAY BETWEEN PROFESSIONALS

**03** LENGTH AND TIME CONSTRAINTS

**04** SETTING OF THE COURT





MARCUS (CROWN ATTORNEY): “UNFORTUNATELY, THE LAW IS SIMPLY COMPLEX AND THE PROCEDURES WE HAVE IN PLACE, WHICH ARE INTENDED TO HELP PROTECT PEOPLE'S RIGHTS AND GIVE THEM THE OPPORTUNITY TO DEFEND THEMSELVES, ARE VERY TIME-CONSUMING AND CREATE HURDLES AND DON'T LEAD TO QUICK OUTCOMES...I'M SURE FOR ANY YOUTH AND PARTICULARLY THOSE WITH IDD IT IS CONFUSING, AND THEY SIMPLY CANNOT GRASP THE PROCESS.”

# SUPPORTING YOUTH WITH IDD

IN TERMS OF SUPPORTING YOUTH WITH IDD, THE FOLLOWING SUGGESTIONS WERE NOTED:



1) CLEARLY EXPLAIN THE CRIMINAL JUSTICE PROCESS TO THE YOUNG PERSON



2) THE MANNER IN WHICH YOU COMMUNICATE WITH YOUTH IS IMPORTANT



3) PATIENCE IS CRITICAL

# SUPPORTING YOUTH WITH IDD



MEL (DEFENCE COUNSEL): "I FIND IT'S IMPORTANT TO GO OVER THINGS REPEATEDLY, SO, NOT JUST EXPLAIN SOMETHING AND THEN MOVE ON...YOU OFTEN HAVE TO HAVE MULTIPLE APPOINTMENTS WITH THEM, PERHAPS, WITH THE ASSISTANCE OF THEIR WORKER OR A FAMILY MEMBER TO EXPLAIN THINGS: TO EXPLAIN THE PROCESS, OR THEIR OPTIONS..TO EXPLAIN WHAT THE DIFFERENT POSITIONS ARE .

I DO THAT IN PLAIN LANGUAGE TO MAKE SURE THAT THEY UNDERSTAND, BUT ALSO I TAKE MY TIME AND EXPLAIN, AND KNOWING THAT YOUTH OFTEN WON'T INTERJECT AND SAY 'I DON'T UNDERSTAND WHAT'S HAPPENING,' STOPPING ALONG THE WAY TO MAKE SURE, 'DO YOU UNDERSTAND WHAT I'M SAYING, CAN YOU TELL ME BACK WHAT I'VE EXPLAINED TO YOU?'

GET THEM TO REPEAT IT BACK SO THAT I KNOW THAT THEY'RE ABSORBING AND THEY'RE INTERNALIZING IT"

# TAKE AWAY MESSAGES



JUSTICE PROFESSIONALS OFFER IMPORTANT INFORMATION ON THE APPLICATION OF THE YCJA in practice



WORKING WITH YOUTH WITH IDD IS COMPLEX AND REQUIRES TIME, COMMITMENT and resources.



THIS IS ONLY ONE SIDE OF THE STORY

# PHASE 2 - VIEWPOINTS OF JUSTICE

## INVOLVED YOUTH

1

Started with a youth advisory board comprised of 9 neurodiverse justice-involved youth to understand what topics/questions are important to young people

2

Building on this important information, we conducted interviews with neurodiverse justice-involved youth



# Youth Advisory Group

- Age: 14-20 years old
- Youth living in Canada
- Previous or current involvement in the youth justice system
- Occured over Zoom
- 2-month commitment
- Compensated \$100/session \$500 total

## Phase 2 – Youth Interviews

- 21 interviews with justice involved youth have been completed.
- This phase is still in progress
- Questions pertaining to a range of issues - Ex. Rights, interactions with Police, court experiences, and suggestions for improving the justice experience.



# Preliminary Findings



INTERACTIONS WITH POLICE COULD BE IMPROVED



JUSTICE PROFESSIONALS NEED TO ASK IF A DISABILITY IS PRESENT



IT IS IMPORTANT THAT THE PROPER SUPPORTS ARE IN PLACE



## INTERACTIONS WITH POLICE COULD BE IMPROVED

ZOE:

I HAVE REALLY BAD ADHD AND WHEN I ASK [POLICE OFFICERS] A BUNCH OF DETAILS THEY'RE NOT VERY HAPPY TO TALK TO ME ...EVERY TIME I GO OFF INTO LITTLE BLURBS AND I CONSIDER THEM NECESSARY POINTS TO GET TO MY MAIN POINT, BUT IF I GO OFF AND EXPLAIN EVERY LITTLE DETAIL, I KIND OF GET CUT OFF AND I DON'T REALLY GET LISTENED TO... THEY GIVE ME A CONFUSED LOOK.

SO, I GET A LITTLE ANNOYED WHEN I TRY TO EXPLAIN WHERE I WAS GETTING TO OR THEY'LL JUST KINDA JUMP TO THE NEXT QUESTION, THEY WON'T LET ME FINISH WHAT I'M SAYING.

KATHY:

THE COPS WERE NOT UNDERSTANDING IN THE SLIGHTEST. THEY DIDN'T REALLY OFFER ME ANY SUPPORT; THEY GAVE ME THE SHEET THAT I COULD READ ON MY OWN ABOUT LEGAL AID, BUT THEY DIDN'T OFFER ME ANYTHING PERSONALLY...WHEN I WENT TO THE STATION TO SPEAK WITH THE POLICE, THEY WEREN'T FRIENDLY. THE DETECTIVE WAS VERY NICE - GREAT GUY, BUT THE POLICE WERE NOT FRIENDLY...THEY DID NOT MAKE ANYTHING EASY FOR ME.



# AWARENESS OF DISABILITIES

JULIE:

I'VE ACTUALLY NEVER BEEN ASKED IF I DO HAVE DISABILITIES AND PROCESSING DISORDERS LIKE I HAVE A BUNCH OF THINGS, BUT I'VE HONESTLY NEVER BEEN ASKED.

I THINK THAT'S LIKE THE FIRST THING THEY SHOULD BE ASKING YOU. THEY CAN ASK YOUR NAME, YOUR BIRTHDAY, WHATEVER BUT IN GENERAL, THAT SHOULD BE THE FIRST THING THEY THINK OF TO ASK; IF YOU NEED ANY SUPPORT BECAUSE YOU HAVE A DISABILITY OR IF THERE'S ANYTHING YOU'D LIKE THEM TO KNOW ABOUT YOUR DISABILITY. I THINK THAT'S SUCH AN IMPORTANT PIECE TO ASK BECAUSE IT COULD EXPLAIN EVERYTHING IN THE END.



ZOE:

So when I was blabbing off to the judge and very nervous, I wasn't asked if I have a disability at any point and I kind of wish I was because then they would hopefully understand a little more as to why I was responding the way I was and they wouldn't get so irritated with how I was talking and why I was talking so much.

I have a processing disorder and ADHD...But nobody, like not the police, or in court ...nobody has ever asked me if I had a disability and I wanted them to bring it up, I just felt like it didn't matter because they seemed so annoyed ....So I just, didn't wanna say it and then make it seem like an excuse. So I kind of just kept it to myself.



## PROPER SUPPORTS: CASE STUDY (ZOE)

WHEN I GOT CHARGED, I WALKED IN HAVING NO IDEA WHO I WAS GONNA BE TALKING TO, WHERE I WAS WALKING, WHAT ROOM I WAS GOING TO....I DIDN'T KNOW ANYTHING. AND THEN WHEN I WAS IN MY TRIAL, THERE WAS THIS GIRL, AND SHE WAS LIKE THE GREATEST HELP EVER... THIS IS THIS ROOM, THIS IS EXACTLY WHERE YOU'RE SITTING, THIS IS WHO YOU'RE TALKING TO, THIS IS WHO'S GONNA BE BESIDE YOU. LIKE SHE TOLD ME EVERY LITTLE TINY DETAIL THAT I WOULD NEED TO KNOW...THAT'S JUST A NICE THING TO KNOW ESPECIALLY WITH THE WAY MY BRAIN IS WIRED BECAUSE I ALSO HAVE OCD....IT FELT LIKE SOMEBODY WAS IN MY CORNER AND ACTUALLY BELIEVED WHAT I WAS SAYING, WANTED TO HEAR WHAT I WAS SAYING

SHE HAD ACCESS TO THIS SERVICE DOG AND I WAS ABLE TO HAVE THE DOG WHEN I WAS IN MY TRIAL. I'M JUST A HUGE ANIMAL PERSON AND IT WAS JUST REALLY NICE BECAUSE SHE SAT RIGHT BEHIND ME AND THE DOG SAT RIGHT BESIDE ME. I HAD A DOG TO CONTINUOUSLY PET...IT'S NOT AS SCARY AS IT WAS BEFORE... SHE WAS THE FIRST AND ONLY PERSON THAT EVER ACTUALLY HELPED ME IN COURT.

# Take Away Messages

1

Youth have a right to participate in research and offer valuable insights into how the system operates in practice

2

Overall, youth have been very eager to share their experiences and stories

3

Youth provide lessons on how the justice system and community agencies can more effectively support youth with IDD and all young people

THANK

YOU!

QUESTION

S?

