

# METHODOLOGICAL REFLECTIONS ON YOUTH ADVISORY GROUPS: WORKING WITH NEURODIVERSE JUSTICE INVOLVED YOUTH

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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

**06**

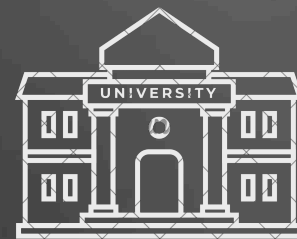
TAKE AWAY MESSAGES/REFLECTIONS QUESTIONS

# 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

This project draws on research supported by the Social Sciences and Humanities Research Council, Kings University College & Trent University

# CONTEXT

- Young people in Canada **experience inequalities** within the justice system (Curling and McMurtry, 2007).
- **Overrepresentation of persons with intellectual and developmental disabilities (IDD)** (Cockram et al., 2009; Jones, 2007; Marinos et al., 2020).
- Justice-involved youth have the **right to participate** in youth justice research to share their viewpoints (Pleysier & Kilkelly, 2023).
- **Limited research about the experiences of justice-involved youth with IDD**



# DEFINING INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (IDD)

- **Criteria for intellectual disability**  
(<https://www.aaidd.org/>)
- **Developmental disability may not have accompanying intellectual disability**
- **Severity along a continuum that can impact adaptive functioning - conceptual, social and practical**
  - **distinct from mental illness; however some overlapping challenges.**

**Youth with IDD may have difficulties with:**

- **problem-solving**
- **focus and attention**
- **communication**
- **learning new things**
- **memory**
- **processing information (amount & pace)**
- **impulsivity**
- **sensory impairments**
- **social difficulties**
- **physical impairments**

# DEFINING INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (IDD)

**Disability is not specifically defined in the YCJA.**

**Rather, the YCJA's Declaration of Principle broadly states that measures taken against youth should consider their 'special requirements' (Section 3(c)(iv)).**


# 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?

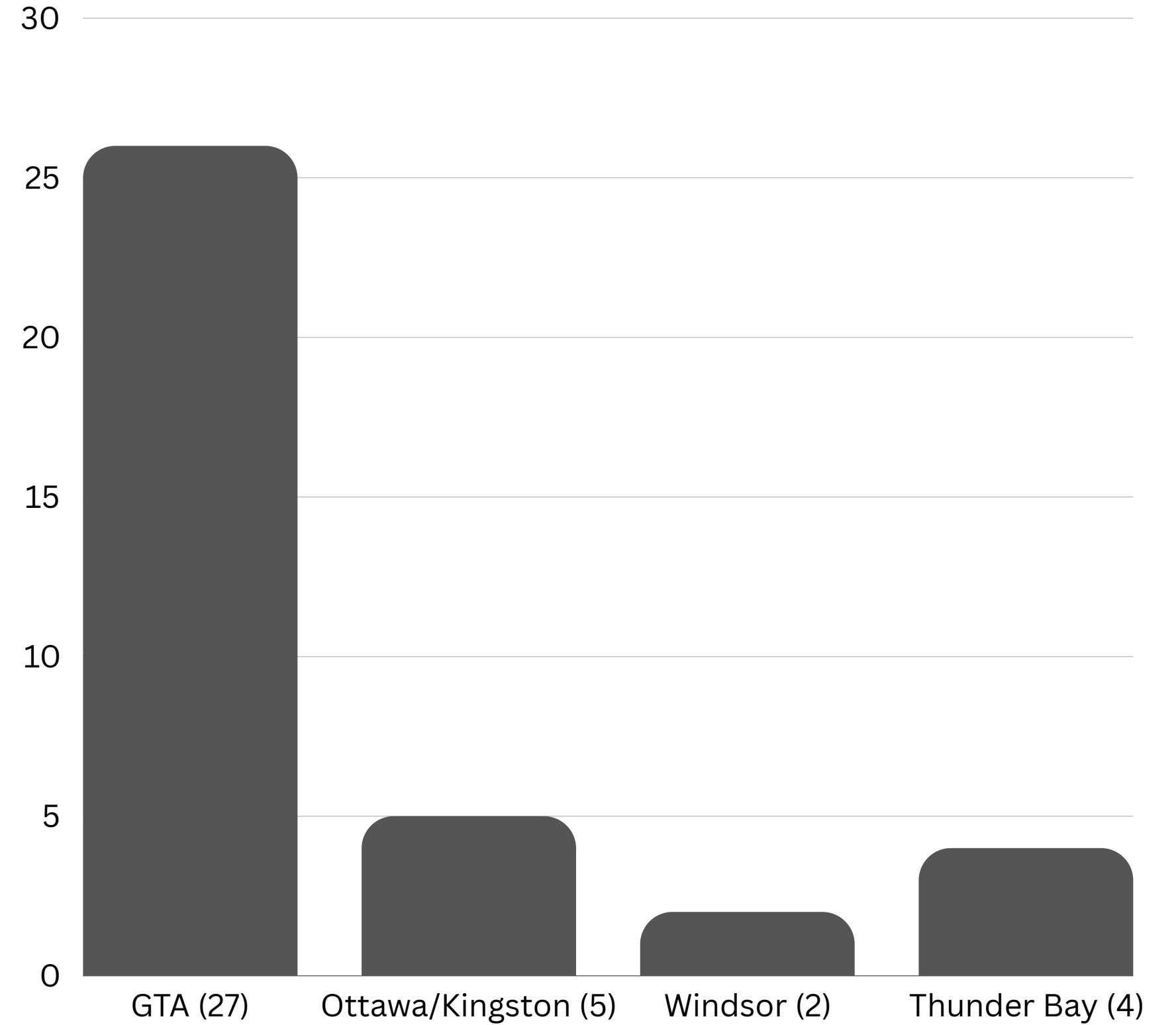
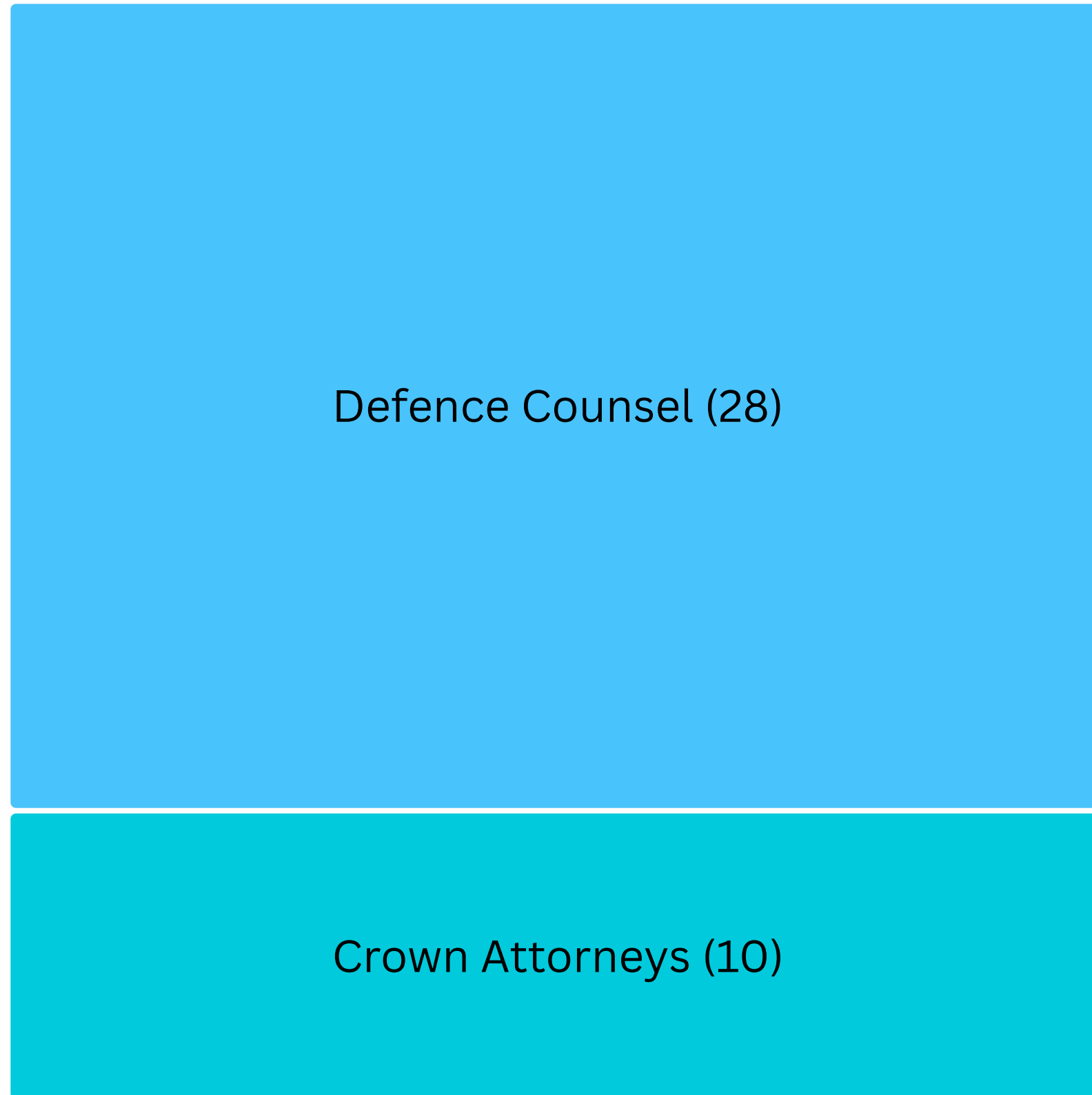


Research

# 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

# PARTICIPANTS - 38 TOTAL



# PHASE ONE

## FINDINGS



**TRAINING AND  
KNOWLEDGE**



**SOME CONFLATION OF  
MENTAL HEALTH AND IDD**



**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.”

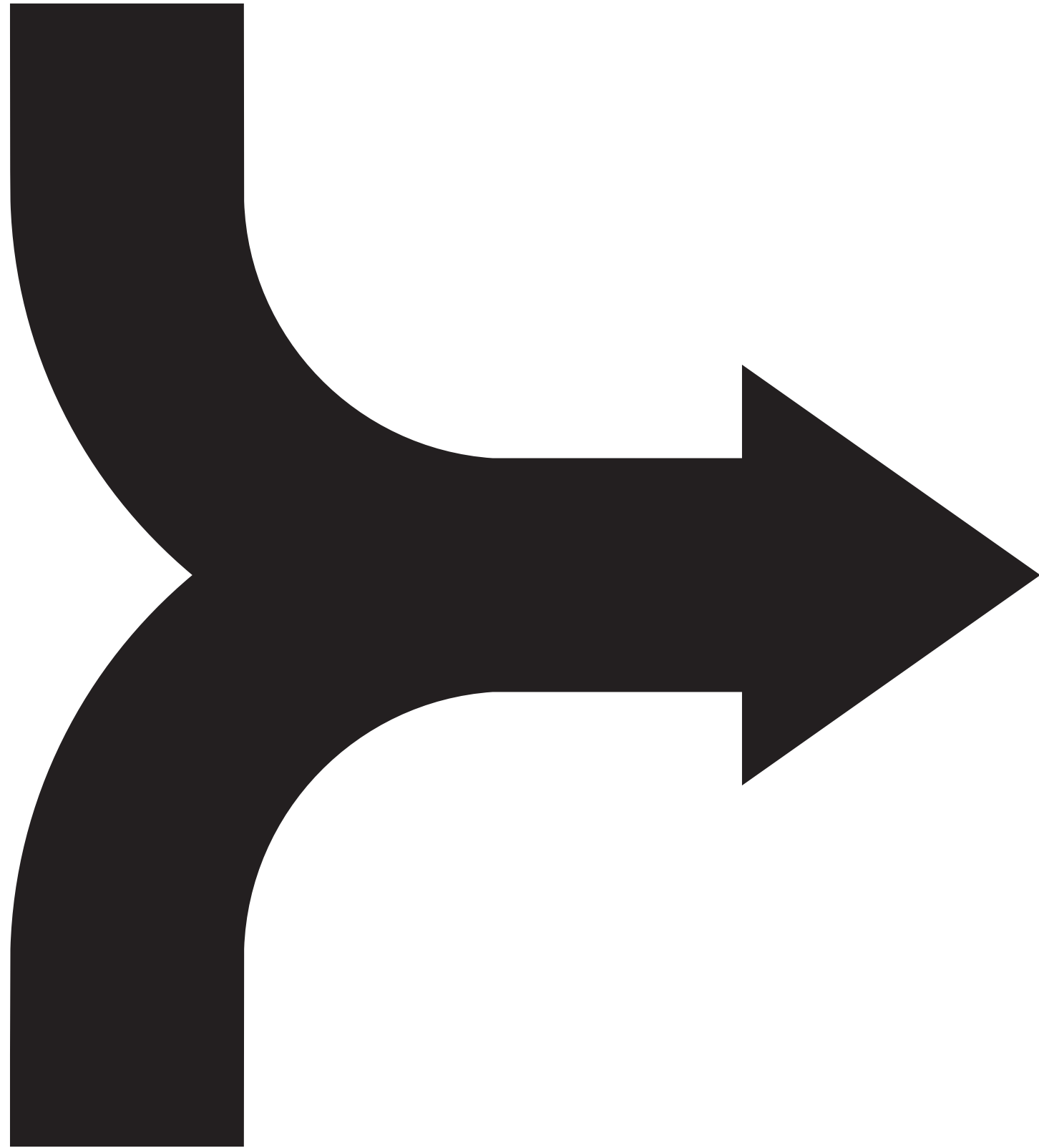
**Mark (Defence Counsel):** “I pretty much Google or look up every single time I get a formal diagnosis, or one of my clients are formally diagnosed ... some lawyers always say that we have clients who present very well, but underneath the surface, they're struggling very hard. And they're ones that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

# CONFLATION OF MENTAL ILLNESS AND IDD

- WITHIN THE YCJA, DISABILITY IS BRIEFLY DISCUSSED AND IS NOT EXPLICITLY DEFINED; PARTICIPANTS DISCUSSED MENTAL HEALTH AND IDD **INTERCHANGEABLY**.
- THE YCJA CONFORMS TO ASPECTS OF THE **TRADITIONAL MEDICAL MODEL** SURROUNDING DISABILITY. THE TRADITIONAL MEDICAL MODEL PARTICULARLY EXAMINES DISABILITY AT THE INDIVIDUAL LEVEL, FOCUSED PRIMARILY ON GENERATING AN ACCURATE DIAGNOSIS AS WELL AS SUBSEQUENT TREATMENTS TO IMPROVE ONE'S IMPAIRMENT

”

**SIMRAN (CROWN ATTORNEY):** “YES, THEY ARE DISTINGUISHABLE CERTAINLY IN AN ADULT CONTEXT WHERE YOU WOULD HAVE AN ACTUAL MENTAL HEALTH DIAGNOSIS. BUT IN THE YOUTH CONTEXT WE TEND TO, (I TEND TO) AND I FIND THE COURTS AS WELL, WE DON'T DISTINGUISH BETWEEN THE TWO BECAUSE MENTAL HEALTH ILLNESS FACTORS TEND TO SIT COMFORTABLY WITHIN THE INTELLECTUAL DISABILITY CONTEXT THAT WE ARE MOSTLY FOCUSING ON, IN TERMS OF MOOD REGULATION AND SELF AWARENESS.”



# ISSUES WITH CONFLATION

- The pitfalls to this approach are that conflating mental illness with IDD may lead to **overlooking cognitive and adaptive functioning problems.**
- When this happens, it is **difficult to understand what caused the criminal behaviour**, what responses would help to prevent this behaviour, and what criminal justice responses or consequences would be useful for meaningful rehabilitation and reintegration.

# 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




**NICOLE (DEFENCE COUNSEL):** “I THINK IT’S OVERWHELMING. I THINK IT FEELS LIKE THERE’S A LOT GOING ON WITHOUT THEM HAVING MUCH AGENCY IN WHAT IS HAPPENING. IT CAN BE DIFFICULT TO UNDERSTAND SOME OF THE INTERPLAY BETWEEN THE CROWNS, AND THE COURT, AND DEFENSE. AND, FRANKLY, IT’S HARD FOR ADULTS WITHOUT IDD... I THINK ‘OVERWHELMING’ WOULD BE MY PRIMARY RESPONSE THAT I GET FROM CLIENTS.”

**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



**GORDON (DEFENCE COUNSEL):** “IF YOU GET ANY SENSE THAT YOUR CLIENT ISN'T GETTING IT OR DOESN'T FULLY GRASP THE OPTIONS, THEY HAVE, I THINK YOU OWE IT TO YOURSELF TO JUST EXPLAIN IT AS MANY WAYS AS YOU CAN AND IF THAT'S JUST TRIAL AND ERROR AND YOU HAVE TO USE, YOU KNOW, A COUPLE OF DIFFERENT ANALOGIES TO HELP THEM UNDERSTAND OR JUST TALK LONGER OR TALK TO THE PARENTS TO MAKE SURE YOU'RE GETTING THROUGH”

# SUPPORTING YOUTH WITH IDD

”

**MEL (DEFENCE COUNSEL):** “I FIND IT'S IMPORTANT TO GO OVER THINGS REPEATEDLY, SO, NOT JUST EXPLAIN SOMETHING AND GET THEIR POINT OF VIEW, WANTS, AND THEN MOVE ON...YOU OFTEN HAVE TO HAVE MULTIPLE APPOINTMENTS WITH THEM, PERHAPS, WITH THE ASSISTANCE AT TIMES 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
- 2 month commitment

Two groups: one within a youth justice organization (8 youth); one with an individual youth (1 youth) = 9 youth total

# Responsibilities

- **Provide feedback and ideas on the project design**
- **Take part in ‘practice’ interviews**
- **Provide feedback on data**
- **Help design and develop project activities**
- **Participate in project activities**

# Session Plans

**Session 1:** Intros, ice-breakers, project overview, member responsibilities

**Session 2:** Educational overview: youth rights, youth justice system, YCJA, what is research?

**Session 3:** Review of interview plan/questions

**Session 4:** Feedback on revised interview questions

**Session 5:** Feedback on interview logistics/proposed ideas for outputs/reflections on youth advisory board

# Barriers to Recruitment and Facilitation

- **‘Over-protection’ of justice-involved youth**
  - **Exclusion**
  - **Silencing of important voices/narratives/stories**
  - **Difficult to secure participants**
- **Real Names were not used**
- **Faces were not seen on video (only audio was approved); unable to see reactions/expressions**
- **Participants had no individual contact with researchers**
- **Case workers facilitated participation/content**
- **Difficult planning for follow-up involvement**
- **Impact on researcher/participant relationship**

# Opportunities with Recruitment and Facilitation

- **Space for meaningful participation and youth viewpoints**
  - **Important messages about language**
  - **Useful insights into questions/approaches for data collection**
- **Case workers supportive**
- **Easier to plan weekly meetings**



# Other Reflections

- **Various modes of participation enhanced participant contributions**
  - **Eg: Jam board, white boards, audio, chat**
  - **Options/visuals were important to accommodate neuro-diverse participants**
- **Difficult to develop relationship without names/faces online but over time, we were able to strengthen our relationships**
- **Trust was important considering many youth involved with the law may be hesitant to share insights/experiences based on their own experiences with law enforcement**
- **Many of the participants outlined the value in participating as this was an opportunity to feel heard, respected, valued as youth who had important insights to offer/share**


# Youth Viewpoints

**Is there anything you liked about being on the advisory group?**

- **Feeling heard and somebody actually cares about us youth**
- **Getting paid**
- **Being able to hear other peoples opinions and being able to share**
- **Healthy conversations without judgement**
- **I like being able to open up and help people understand**
- **Knowing that my nephew will probably have a chance**
- **People being educated**
- **Good opportunity**
- **Jamboard were helpful for people who don't like to talk out loud**
- **Like the open space to communicate**
- **Liked the fake interviews and being a researcher**

# Youth Viewpoints

Is there anything you would change about the advisory group?

- Being different gender facilitators
  - More personal with one to one conversations
  - I don't like sitting down, I want an activity to engage with maybe something that has to do with rights
  - Change the compensation for levels of participation - who can speak the most (50 cents per question)
  - Include more icebreakers
  - Include more statistics or rankings for people to judge things on
  - Would like to be in person
- 

# TAKE AWAY MESSAGES



**Justice involved youth can take part as co-researchers and have important insight to share on project focus/design**



**Working with neurodiverse justice involved youth is valuable as the participants significantly enhanced the study design. At the same time, this work is complex and requires time, commitment and resources.**



**There is no 'recipe' for designing these advisory boards; researchers need to be flexible and willing to change, re-think decisions and also share decision making with participants in order to produce meaningful, co-developed projects**



**QUESTIONS?**

**THANK YOU!**

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