

# For the Record

Third Edition



## The Youth Criminal Justice Act

*a new law for Canadian youth: a new collaborative approach*

Susan M. Doyle

Tara Farrell

Amy Sheppard

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*Our mission is to  
educate about the law.*

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# Preface

**T**he purpose of *For the Record* is to provide information on the *Youth Criminal Justice Act*. The Act replaced the *Young Offenders Act* on April 1, 2003. This book serves as a guide to the legislation by explaining its contents. Each chapter refers the reader to specific sections of the *Youth Criminal Justice Act*. For a more detailed analysis, please refer to the legislation itself, which is located on the Parliamentary Internet

Parlementaire at [www.parl.gc.ca](http://www.parl.gc.ca).

Highlighted words throughout the text are defined in the Common Terms Section.

***Please Note:***

The information provided in this text is of a general nature and does not constitute legal advice. For specific information please consult with a lawyer.

# Acknowledgements

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Public Legal Information Association of Newfoundland (PLIAN) is a non-profit organization dedicated to educating the people of Newfoundland and Labrador about legal issues. We are the Newfoundland and Labrador component of Public Legal Education Association of Canada (PLEAC). This national association is a network of Canadian legal education societies.

PLIAN is funded primarily by the Department of Justice, Canada, the Department of Justice, Newfoundland and Labrador and the Law Foundation of Newfoundland and Labrador.

Our mandate is to assist Newfoundlanders and Labradorians in understanding the law and to make the legal system more accessible. We provide many services including a Lawyer Referral Service, Legal Information Line, School Visits, Community Sessions, Youth Justice Camps and LAW-ON-LINE. We also regularly produce publications and resources on many areas of the law, which we distribute throughout Newfoundland and Labrador, the rest of Canada and other countries. Many of these publications are available on our website in English, French, Innu and Innuktitut at: [www.publiclegalinfo.com](http://www.publiclegalinfo.com)

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# Introduction

**T**o achieve a new and improved youth justice system, one that aims to protect Canadians, prevent crime, promote accountability, responsibility and respect, and ensure meaningful consequences for **young people**, the Parliament of Canada passed the *Youth Criminal Justice Act (YCJA)*. This Act replaces the *Young Offenders Act (YOA)*.

Since the first edition of *For the Record*, the *YCJA* was implemented on April 1, 2003. This law involves **young people**, families, **victims** and communities. It modernizes the youth justice system and builds stronger links with other programs and services to help children and youth.

The new law aims to make sentencing fair and relative to the crime committed, respect the rights of youth, create consequences that have meaning for **young people** and support the youth's return to the community after a period of **custody**. It treats minor crimes more effectively by using both judicial and **extrajudicial measures**, and it also treats serious crimes with more meaningful

consequences. The new collaborative approach encourages participation of **victims, parents**, family and the community in the youth justice system.

*For the Record*, third edition, explains key aspects of the *YCJA* in plain language. Major elements of the new legislation including **extrajudicial measures**, sentencing, **custody** and supervision, and **reintegration** are addressed in this book. Other sections include important information for youth, **parents, victims** and community members. All highlighted words throughout the text are defined in the common terms section. Also included are questions and answers for youth that relate to each chapter of the book, a word search, word scramble, youth justice quiz and a comparison between the *YCJA* and *YOA*.

The information provided in this text is accurate as of March 2006.

Susan M. Doyle  
Tara Farrell  
Amy Sheppard

# Common Terms

**T**hese terms are defined within the context of the *Youth Criminal Justice Act*.

## **ADULT**

A person 18 years of age or older.

## **ADULT SENTENCE**

A sentence that could be given to an adult who has been convicted of the same offence that a youth committed. Youth can receive adult sentences for crimes such as first degree murder, second degree murder, attempted murder, manslaughter, aggravated sexual assault, serious repeat violent offences or other serious crimes if they were 14 years or older at the time the offence was committed.

## **CHILD**

A person who is less than 12 years old.

## **CONFERENCE**

A group of community members who advise a decision-maker on issues such as appropriate extrajudicial measures, sentences, judicial interim release and reintegration plans.

## **CROWN ATTORNEY**

A lawyer that represents the government. The Crown Attorney presents the Crown's case to the court.

## **CUSTODY**

A period of time that is spent in a youth facility. Facilities may include secure custody, a community based residential centre, group home, childcare centres or a forest or wilderness camp.

## **DETENTION**

Holding a young person in custody for a period of time.

## **DISCHARGE**

To release a young person from custody.

## **EXTRAJUDICIAL MEASURES**

Measures other than court proceedings used to deal with a young person who has allegedly committed an offence. Examples include police warnings and cautions, Crown cautions, referrals to community programs and extrajudicial sanctions.

## **EXTRAJUDICIAL SANCTIONS**

May be used to deal with a young person alleged to have committed an offence that cannot be dealt with by a warning, caution or referral because of a serious offence, previous offence or any other aggravating circumstance.

## **FORFEITURE**

The loss of a right, privilege, or property because of a crime, breach of obligation or neglect of duty.

**INDICTABLE OFFENCE**

A serious crime which can range from theft over \$5000 to first degree murder.

**IRCS**

An intensive rehabilitative custody and supervision order. This type of order is only made for violent and high risk youth so they can get the treatment they need.

**JUDICIAL INTERIM RELEASE**

The release from custody while awaiting trial. (Commonly referred to as “getting out on bail”).

**PARENT**

Any person who is under a legal duty to provide for the young person or any person who has the custody or control of the young person.

**PRE-SENTENCE REPORT**

A report on the personal and family history and present environment of a young person presented to the judge before sentencing.

**PROBATION**

A period of time that a person serves under the supervision of a probation officer with certain conditions attached. These conditions may include a curfew or a prohibition to carry a weapon.

**PROHIBITION ORDER**

An order that forbids a certain action.

**PROPORTIONATE SENTENCING**

When the severity of the punishment is directly related to the crime.

**PUBLICATION**

Making information known to the public through the use of print, radio, television, telecommunication or electronic means.

**RECORD**

Any information created or kept for the purpose of the *Youth Criminal Justice Act*.

**REHABILITATION**

Helping a young person with problems or issues so that he/she does not re-offend.

**REINTEGRATION**

Bringing the young person back into the community safely and successfully after an offence has been committed. A reintegration plan will be used for this purpose.

**REINTEGRATION PLAN**

A plan devised to ease the young person back into the community safely and securely after an offence has been committed.

**REPARATIONS**

The act of making amends for a wrong or injury.

**REPRIMAND**

Scolding and an expression of disapproval.

**RIGHT TO COUNSEL**

A youth’s right to speak with a lawyer.

**SEIZURE**

An act of taking possession of a person or property.

## **SERIOUS VIOLENT OFFENCE**

An offence in which a young person causes or attempts to cause serious bodily harm.

## **SUMMARY CONVICTION OFFENCE**

A minor offence such as causing a disturbance in a public place.

## **VICTIM**

A person who has been harmed by the offence and has a right to be informed of and participate in the proceedings.

## **YOUNG PERSON**

A person 12 years of age or older, but less than 18.

## **YOUTH CUSTODY FACILITY**

A facility for placing youth, which may include secure custody, a community based residential centre, group home, childcare centre or a forest or wilderness camp.

## **YOUTH JUSTICE COMMITTEE**

Committee of citizens that help with any aspect of the administration of the *Youth Criminal Justice Act*, or with any programs or services for young persons.

## **YOUTH JUSTICE COURT**

A court where youth matters are heard.



# **DID YOU KNOW**

**In 2003/04, 70,465 cases were processed in youth courts across Canada.**

**57% of cases heard in youth court resulted in a finding of guilt.**

**This percentage varied from province to province, with a low of 36% in Yukon to a high of 73% in New Brunswick.**

# CHAPTER 1

## Youth Criminal Justice Act

“ *preventing crime... rehabilitating and reintegrating...  
subjecting youth to meaningful consequences... ”*

**T**he *Youth Criminal Justice Act (YCJA)* is a federal law that applies to Canadian youth ages 12 – 17 inclusive who encounter the law, or persons 18 and older who are alleged to have committed an offence as a youth. The legislation aims to create a uniform law across Canada while maintaining flexibility to account for regional differences in the administration of justice.

### CRIME PREVENTION

A purpose of the youth criminal justice system is to prevent crime by dealing with the issues that may have caused youth to commit crimes. It aims to **rehabilitate young persons** who commit offences, **reintegrate** them into the community, and to ensure that a **young person** is subject to meaningful consequences.

### CHILDREN UNDER TWELVE

Children under the age of 12 years are not governed by the formal youth justice system; this means that they are not arrested or will not go to court. The majority of youth under 12 are not involved in crimes. The system works under the assumption that the small numbers of youth under 12 who do engage in serious crimes can be dealt with more effectively by child welfare or mental health agencies when **parents** cannot deal with the problems.

### A SEPARATE SYSTEM

The criminal justice system for **young persons** must be separate from that of **adults**. An important principle in the *Youth Criminal Justice Act* is that while **young people** must be held accountable for their crimes, they are also

more likely than **adult** offenders to be **rehabilitated** and become law-abiding citizens.

**Young people** must receive fair and **proportionate sentences**. The type of crime committed should determine the sentence. Youth must also be treated fairly and have their rights protected. It is also important to ensure that there is timely intervention in order to reinforce the link between the offending behaviour and its consequences. Dealing with the crime a year later may not link the crime and the punishment.

The legislation states that measures taken when dealing with youth should be meaningful for youth given their needs and level of development, they should respect gender, ethnic, cultural and language differences and respond to the needs of Aboriginal youth and of youth with special requirements.



**DID YOU  
KNOW**

The YCJA encourages participation of victims, parents, family and the community in the youth justice system.

## CHAPTER 2

# What are Extrajudicial Measures?

*“often the most appropriate and effective way to address youth crime”*

(Sections 4-12 YCJA)

**E**xtrajudicial Measures are measures other than court proceedings used to deal with a youth who has allegedly committed an offence. Instead of going to court and having a judge decide the consequence for the offence, there is an alternative route at both a pre-charge and post-charge stage. These alternatives are presumed to be enough to hold first-time, non-violent youth accountable. They should also be used every time they're enough to hold a youth accountable for his or her crime. This route is often more effective and usually results in a consequence that is more appropriate. There are several different types of **extrajudicial measures** such as police warnings, Crown cautions, **conferencing**, referrals to community programs and **extrajudicial sanctions**. These programs are available at the discretion of each province. (Contact your Provincial Department of Justice for more information.)

### EXTRAJUDICIAL MEASURES:

- Provide an effective and timely response to the offending behaviour
- Ensure that **young people** acknowledge their actions and repair the harm caused to the **victim** and the community (e.g. repainting a fence that was marked with graffiti)

- Encourage the families of **young persons** and the community to become involved
- Provide an opportunity for **victims** to participate in the decision making process and to receive **reparation**
- Respect the rights and freedoms of **young persons**
- Must be **proportionate** to the severity of the offence

The *Youth Criminal Justice Act* gives the police and **Crown Attorneys** flexibility to use effective alternatives to court by issuing warnings, administering cautions or by giving referrals.

### WARNINGS AND CAUTIONS

Provinces have discretion to adopt warnings and cautions. Under these programs, when a **young person** has allegedly committed an offence, a police officer is to consider whether it would be better to take no further action, warn the **young person**, administer a caution or with the **young person's** consent refer them to a program or agency in the community to help them. Police cautioning may be an effective method of helping **young people**

*“... it was a relief actually, because I didn’t have to go to court and I got to have a say in the outcome...”*

**Chris, age 17**

understand that what they did was wrong. Police will explain what the **young person** has done and also explain that if they re-offend there may be serious consequences. The Attorney General/Minister of Justice of a province may authorize prosecutors to administer Crown cautions to **young persons** instead of starting or continuing judicial proceedings. Each province has the discretion to decide if police and Crown cautions are suitable.

### CONFERENCING

A youth court judge, the provincial director, a police officer, a justice of the peace, a prosecutor or a youth worker may call a **conference**. The purpose of a **conference** may be to give advice on appropriate **extrajudicial measures**, conditions for **judicial interim release**, appropriate sentences and **reintegration plans**.

### EXTRAJUDICIAL SANCTIONS

**Extrajudicial sanctions** are the most formal type of **extrajudicial measure**. **Extrajudicial sanctions** programs are implemented by provinces and territories.

*“... I guess I never thought about how this might affect his family...”*

**Peter, age 17**

Programs will vary by jurisdiction but underlying principles remain the same across Canada. An **extrajudicial sanction** may be used to deal with a **young person** alleged to have committed an offence. **Extrajudicial sanctions** may only be used if the **young person** cannot be adequately dealt with by a warning, caution or referral because of the seriousness of the offence, the nature and number of previous offences committed by the **young person** or any other aggravating circumstances related to the crime.

**Extrajudicial sanctions** may not be used when a **young person** denies participation or involvement in the offence or expresses the wish to have the charge dealt with by a **youth justice court**. **Extrajudicial sanctions** may only be used if the **young person** accepts responsibility for the offence, and agrees to be subject to the sanction. If a **young person** fails to comply with the terms and conditions of the sanction, the case may proceed through the court process.

**DID YOU  
KNOW**

**Extrajudicial measures are an effective means of dealing with youth crime outside the court system.**

## CHAPTER 3

# What are Youth Justice Committees?

“ *giving advice... supporting victims...  
ensuring community support... ”*

(Section 18 YCJA)

**Y**outh Justice Committees are committees of citizens that help with the administration of the *Youth Criminal Justice Act* or with any programs or services for youth.

### Functions of Youth Justice Committees according to the Act:

- To give advice on the appropriate **extrajudicial measures** to be used
- To support **victims** by determining their concerns and encouraging the reconciliation of the **victim** and the **young person**
- To ensure that community support is available to the **young person** by finding community services and members of the community to provide short term mentoring and supervision
- To help coordinate the interaction of community groups or child protection agencies with the youth criminal justice system
- To be responsible for advising the Federal and Provincial governments on whether the *Youth Criminal Justice Act* is being followed and also advising of policies and procedures related to the youth justice system
- To be responsible for giving information to the public on the *Youth Criminal Justice Act* and the youth criminal justice system
- To act as a **conference**

## CHAPTER 4

# Youth Rights in the Criminal Justice System

*“Every young person who is arrested or detained shall, on being arrested or detained, be advised without delay ...of the right to retain and instruct counsel, and be given an opportunity to obtain counsel”*

(Section 25(2) YCJA)

### YOUTH RIGHTS TIMELINE

#### TIME OF ARREST

##### **Right to remain silent**

If a **young person** is questioned by the police or placed under arrest, he/she does not have to talk to them. In fact, it is much better to remain silent until after speaking with a lawyer. Anything that a **young person** says to the police becomes an official statement, even if the officer does not write it down. This statement can then be used against the **young person** in court.

##### **Right to be informed of the charge**

It is the **young person’s** right to know why he/she is being arrested. The arresting police officer must tell the accused person of this right away.

##### **Right to speak to a lawyer**

Anyone accused of a crime has the right to speak to a lawyer immediately and can make as many phone calls as is necessary in order to get in contact with a lawyer.

### TRIAL

#### **Right to a lawyer (See Chapter 6)**

From the moment a **young person** comes in contact with the youth criminal justice system until the conclusion of the case, he/she has the right to have the assistance of a lawyer.

If the **young person** cannot afford a lawyer on his/her own or is unable to obtain one, he/she may be able to receive financial assistance from the legal aid program. If he/she is not eligible for legal aid, the court can appoint a lawyer to the case.

#### **Rights involving parents (See Chapter 14)**

A youth accused of a crime has the right to have his/her **parents** present with him during police questioning. The **parents** can also attend court with their **child** and in some cases, can be compelled to show up in court. The **young person’s** right to a lawyer is a right that he or she can exercise personally. This means that the lawyer

works for the **young person**, not for his or her **parents**. In court, if the judge decides that the interests of the **parents** are in conflict with the **young person's**, the judge will make sure that the **young person** is represented by a lawyer independent of his/her parents.

### **Right to participate in the trial**

A **young person** has the right to participate and have a fair say in the proceedings.

### **Right to privacy**

A **young person's** name will not be published unless he/she is given an **adult sentence**, or in some cases, if he/she is a danger to others and the **publication** of his/her identity will help the police apprehend him/her. Also, once a **young person** turns 18 and is no longer serving a youth sentence in **custody**, he/she can decide to identify himself/herself as having been dealt with under the *YCJA*.

### **Presumed innocence**

A **young person** has the right to be presumed innocent until proven guilty by a fair trial.

### **Right to an interpreter**

A **young person** has the right to an interpreter if he/she does not understand or speak the language that the trial is being conducted in, or if he/she is hearing impaired.

### **Timely Trial**

A youth trial will be conducted within a reasonable time period of when the alleged offence was committed.

### **Adult Sentencing**

If a **young person** is facing a possible **adult sentence**, he/she will not be transferred to **adult** court. This helps ensure the youth right to a timely trial and protects other rights, such as the right to privacy, which would normally be lost in the case of an **adult** trial.

### **SENTENCING (See Chapter 9)**

The purpose of the *YCJA* is to help prevent youth crime by addressing the circumstances under which the crime was committed and by providing consequences that are relevant to the offender and that allow **reintegration** into the community.

Because of these goals, the following principles apply when sentencing youth under the *YCJA*:

#### **Meaningful consequences**

A **young person** should receive consequences that are meaningful and proportionate to the seriousness of the offence.

#### **Sentences that do not involve custody**

All reasonable alternative sentences other than **custody** should be considered for a **young person** before a **custody** sentence is imposed.

#### **Reintegration and rehabilitation (See Chapter 11)**

A **young person** should receive a sentence that promotes successful **rehabilitation** and **reintegration** into the community, helping to prevent future offences and provide comfort and acceptance upon returning to the community.

### **Timely Sentencing**

A **young person** should receive his/her sentence without unreasonable delay after the time that the crime was committed. This helps ensure that prompt consequences can be directly associated with offensive behaviour.

### **Needs of youth**

A **young person's** level of development and any special needs or circumstances that he/she has should be taken into account when assigning a sentence.

### **Fair and equal treatment**

The sentence imposed should respect gender, ethnic, cultural, and language differences, as well as the needs of Aboriginal youth and youth with special requirements.

The sentence imposed must be similar to those of **young people** who committed similar offences in similar circumstances in the same region.

## **AFTER THE SENTENCE HAS BEEN SERVED**

### **Closing a youth record (See Chapter 12)**

A **young person** has the right to ensure that his/her youth record is closed after the time allotted for his/her offence (at least three years after the completion of the sentence for a **summary conviction offence** and at least five years after the completion of the sentence for an **indictable offence**).



**DID YOU  
KNOW**

**Before the Youth Criminal Justice Act came into effect, Canada had one of the highest youth incarceration rates of all the Western countries.**

## CHAPTER 5

# The Process of a Youth Trial

*“the youth criminal justice system is intended to ensure that a young person is subject to meaningful consequences for his or her offence”*

(Section 3 YCJA)

### THE PROCESS OF A YOUTH TRIAL

If a **young person** is charged with an offence and pleads not guilty, then she/he will have to appear in court so that a judge can determine his/her guilt or innocence. If she/he is found guilty, the judge shall determine what sentence will be imposed. If court proceedings are required, there is a particular series of events that will be followed:

### DUTY TO APPEAR IN COURT

A **young person** will be assigned a time to appear in court. If he/she does not attend, the police can get a warrant to arrest that person for failing to appear.

### FIRST APPEARANCE

At the first court appearance, the judge will read the charge(s) filed against the **young person** and ensure that he/she understands.

The **young person** will be asked to plead either guilty or not guilty. If he/she pleads not guilty the judge will set a date for a trial. If he/she pleads guilty, the judge will proceed to sentencing. However, in most circumstances, this would not happen during the same appearance.

### TRIAL PROCEEDINGS

During the trial, it is the **Crown Attorney's** duty to present all relevant evidence to the court. The **Crown Attorney** will present

his/her evidence and witnesses first. Once the Prosecution has completed presenting its evidence, the Defence Counsel is given the opportunity to present evidence on behalf of the accused.

Once the **Crown Attorney** and the Defence Counsel have finished presenting their evidence, they may each make a statement summing up their arguments. The judge will then make his/her decision.

### SENTENCING

If the accused **young person** is found guilty, he/she will be given a sentence by the judge.

There are many different sentences the judge can choose to apply. The sentence chosen will depend on the severity of the crime and any other circumstances that the judge decides are relevant.



**DID YOU  
KNOW**

In 2003/04, 63% of young persons who were found guilty, received a sentence of probation, the most commonly ordered sentence for youth.

# CHAPTER 6

## Right to Counsel for Youth

*“ a young person has the right  
to retain and instruct counsel... ”*

(Section 25 YCJA)

**U**nder the *Youth Criminal Justice Act*, youth must be given an opportunity to obtain counsel (a lawyer). If arrested or detained the youth must be advised of their rights, including their right to a lawyer without delay by the arresting officer or the officer in charge.

If a **young person** is not represented at a hearing, he/she must be advised of his/her right to speak with a lawyer. Also, if the **young person** is unable to afford the cost of a lawyer, he/she must be referred to the legal aid program (if the program is available in that province), and if the **young person** wants to get a lawyer but cannot get one through Legal Aid, then the Attorney General/Minister of Justice of the province shall appoint a lawyer on his/her behalf. In some instances, the costs may be later recovered from the

**young person** or his/her **parent**, depending on the circumstances.

When the **young person** is not represented by a lawyer, he/she may be assisted by an **adult** if the court deems the **adult** suitable.



**DID YOU  
KNOW**

**The Charter of Rights and  
Freedoms guarantees the  
right to counsel.**

# CHAPTER 7

## Role of the Lawyer

*“A young person has the right to retain and instruct counsel without delay”*

(Section 25(1) YCJA)

**U**nder the *Youth Criminal Justice Act* a **young person** must be given an opportunity to obtain counsel (a lawyer). This is true whether or not the **young person** has been charged, arrested, or detained. If arrested or detained, the **young person** must be advised of his/her right to a lawyer without delay.

### HIRING A LAWYER

There are a number of different ways to get in contact with a lawyer. If a **young person** cannot afford to hire a lawyer, he/she can apply to legal aid for financial assistance (if the program is available in that province). A **young person** can also find a lawyer in the yellow pages of the phone book, through word of mouth, or through a Lawyer Referral Service. (Please refer to the Lawyer Referral Listings at the end of the book)

If the **young person** has not yet received the assistance of a lawyer at the time of a hearing, the court shall advise the **young person** of his/her right to a lawyer and give him/her an opportunity to consult one. If the **young person** wants to get a lawyer but is unable to get one, even through legal aid, the judge will appoint a lawyer for him/her.

In some instances, the costs may be later recovered from the **young person** or his/her parent(s), depending on the circumstances. When the **young person** is not represented by a lawyer, he/she may be assisted by an **adult** if the court deems the **adult** suitable.

**A lawyer has several important duties to perform when accepting a case:**

- 1) The lawyer will prepare the client for dealing with the police and should be present to assist the client if he/she is making a statement.
- 2) The lawyer will prepare the client's defence and represent him/her during the trial. The lawyer will make sure that the evidence in the client's favour is presented in the best way possible and that the trial proceeds fairly.
- 3) If the client pleads guilty, the lawyer will do the best he/she can to get the best possible sentence for the client.
- 4) It is the lawyer's job to answer any questions that the **young person** may have during the entire legal process.
- 5) It is important to remember that the lawyer involved is working for the **young person**, not for his/her **parents**, regardless of who is paying for the lawyer. The **young person** is the client, not his/her **parents**.

# CHAPTER 8

## Pre-Trial Detention

*“detention is not necessary except under certain circumstances...”*

(Sections 28-31 YCJA)

**T**he Youth Justice Court presumes that **detention** is not necessary unless it is for the protection or safety of the public.

A **young person** shall not be kept in **custody** as a substitute for appropriate **child** protection, mental health or other social measures.

*“... the lawyer that day helped me understand the charges against me and what might happen...”*

**Andrew, age 15**

### DID YOU KNOW

Five offences accounted for 51% of the youth caseload in 2003/04. These were: theft (13%), failure to comply with a disposition under the Youth Criminal Justice Act/Young Offenders Act (11%), common assault (11%), break and enter (9%), and possession of stolen property (7%).

# CHAPTER 9

## Youth Sentencing

*“ Holding young people accountable for their offences... ”*

(Sections 38-82 YCJA)

**T**he purpose of youth sentencing is to contribute to the protection of society by holding a **young person** accountable for an offence, imposing fair sanctions with meaningful consequences and promoting **rehabilitation** and **reintegration** into the community.

The sentence must not result in a punishment that is greater than the punishment an **adult** would receive if he/she had been convicted of the same offence committed in similar circumstances.

The sentence must be **proportionate** to the seriousness of the offence and the degree of responsibility of the **young person**. It must be meaningful and promote **rehabilitation** and **reintegration**. Also, the sentence must be similar to the other sentences imposed on similar **young people** in the same region for the same offence.

All available reasonable sanctions other than **custody** should be considered with particular attention to the circumstances of Aboriginal youth.

### THE SENTENCE MUST:

- Be the least restrictive while achieving the overall goals of youth sentencing
- Be the one that is most likely to **rehabilitate** the **young person** and **reintegrate** him/her into the community
- Promote a sense of responsibility in the **young person**, and an acknowledgment of the harm done to **victims** and the community



**DID YOU  
KNOW**

Crime costs Canadians  
\$9.7 billion dollars annually.

**When determining a youth sentence, the *Act* sets out the following factors that the Youth Justice Court must take into account:**

- The degree of participation by the **young person** in the offence
- The harm done to **victims** and whether it was intentional or reasonably foreseeable
- Any **reparation** made by the **young person** to the **victim** or the community
- The time spent in **detention** by the **young person** as a result of the offence
- The previous findings of guilt of the **young person**
- Any other circumstances related to the **young person** or the offence

#### **WHAT ARE SOME SENTENCING OPTIONS?**

- It is important to keep in mind that every case is different. Depending on the circumstances, different sentences can be used.
- Before sentencing, the *Youth Criminal Justice Act* requires that alternatives to **custody** for all youth be considered with particular attention to the circumstances of Aboriginal youth.

#### **ACCORDING TO THE ACT, SOME OF THE VARIOUS SENTENCING OPTIONS INCLUDE:**

- A **reprimand**
- An order that the **young person** be **discharged** absolutely or with conditions
- An order to pay the **victim** to compensate for the loss or damage of property

- An order to return property to the **victim**
- An order to compensate the **victim** in any way
- An order to perform community service
- An order for the **young person** to be placed on **probation**
- A fine (a percentage may be used to provide assistance to **victims'** organizations) note: this percentage does not go directly to the **victim**
- An order of **prohibition, seizure or forfeiture**
- An order to attend a non-residential program or an intensive support and supervision program
- An order that the **young person** serve a sentence in **custody** and a mandatory period of supervision in the community

Under the *Youth Criminal Justice Act* **custody** is reserved mainly for violent or repeat offenders. All **custody** sentences include a period of **custody** and a period of mandatory supervision in the community. A **reintegration plan** must also be established while the youth is in **custody**.

#### **IRCS**

##### **(Intensive Rehabilitative Custody and Supervision)**

The *Youth Criminal Justice Act* creates a new **intensive rehabilitative custody and supervision (IRCS)** order for the most violent, high-risk youth so that they get the treatment they need.

According to the *Act*, a **youth justice court** may make an **intensive rehabilitative custody and supervision (IRCS)** order only if:

- The **young person** has been found guilty of first degree murder, second degree murder, manslaughter, attempting to commit murder, or aggravated sexual assault or if the **young person** has been found guilty of a **serious violent offence** and had previously been found guilty at least twice of a **serious violent offence**, and,
- The **young person** is suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance, and,
- A plan of treatment and intensive supervision has been developed and it is reasonable to believe that the plan would reduce the risk of the youth committing another serious violent offence.
- The Provincial Director/Director of Corrections has determined that an **intensive rehabilitative custody and supervision program** is available and it would be appropriate for the **young person** to participate.

The *Youth Criminal Justice Act* includes provisions to encourage community-based sentences, such as compensation for **victims**, community service, and supervision in the community. The *Youth Criminal Justice Act* also allows courts to impose **adult sentences** upon a finding of guilt when certain criteria are met.

## ADULT SENTENCES

Under the *Youth Criminal Justice Act* **adult sentences** may be given to **young people** 14 and older who are found guilty of any offence for which an **adult** could get a prison sentence of more than two years, if convicted. However, under the *Youth Criminal Justice Act*, the **young person** will not be transferred to **adult court** for the trial. If the offence justifies an **adult sentence**, the sentence will only be imposed after a trial in youth court. The court can only give an **adult sentence** if it determines that no youth sentence would be long enough to hold the **young person** accountable.



**DID YOU  
KNOW**

**Crime prevention can be achieved through education, community initiatives and the development of youth programs.**

## CHAPTER 10

# Custody and Supervision

*“ carrying out sentences through safe,  
fair and humane means”*

(Sections 83-104 YCJA)

**A**ccording to the *Youth Criminal Justice Act*, the purpose of youth **custody** and supervision is to contribute to the protection of society. **Custody** and supervision are also important in assisting youth to be **rehabilitated** and **reintegrated** into the community as law abiding citizens, by providing effective programs while in **custody** and under community supervision.

There are several principles to be followed. Primarily, the least restrictive measures consistent with the protection of the public, people working with the **young person** and the **young persons** themselves will be used. The youth sentenced to **custody** retains the rights of other youth, except the rights removed or restricted as a consequence of the sentence they received. The youth **custody** and supervision system must encourage the involvement of the families of **young people** and members of the public. Decisions about **custody** and supervision must be made in a fair and timely manner, and the youth must have access to an effective review procedure.

A **young person** under 18 years of age serving a youth sentence is usually held separate and apart from any **adult** who is **detained** or held in **custody**. The Provincial Director/Director of Corrections or the **youth justice court** may be responsible for determining the appropriate level of **custody** for the **young person** after taking into account the factors involved.

### ***THE YOUTH CRIMINAL JUSTICE ACT:***

- Requires that youth serving a youth sentence be held separately from **adults** to reduce the risk that they will be exposed to **adult** criminals
- Requires all periods of **custody** to be followed by a period of mandatory supervision and support in the community, which is usually equal to half the period of **custody**. This allows authorities to closely monitor and control the **young person** and to ensure that he/she receives the necessary treatment and programs to return safely and successfully to the community. (For example, if a youth is sentenced to four months in **custody**, he/she will also serve two months of supervision in the community.)


- Requires that during the period of supervision the youth must keep the peace and be of good behaviour, report to a youth worker, and not possess weapons, among other conditions.
- Requires that while a **young person** is in **custody**, a youth worker must work with them to prepare a **reintegration plan**. This plan identifies programs the youth needs to help him/her successfully return to the community. It is implemented while the youth is in **custody** and continues when he or she begins the period of supervision in the community.
- Gives the provinces more responsibility in determining the level of security when a youth is placed in **custody**

Community based programs can involve a variety of organizations and services as well as the **victim**, the offender, **parents** and others. They can also be tailored to meet the particular needs of an individual youth. In all cases, the emphasis is on ensuring that the **young person** is held fairly accountable for his or her actions and faces meaningful consequences. Participating in these programs can help a youth understand the harm done and assist him/her in developing attitudes, values and skills that prevent re-offending.



## DID YOU KNOW

**55% of cases before youth courts involved older youths, aged 16 and 17 years.**



## CHAPTER 11

# Reintegration into the Community

*“ Bringing young people back into the community after they have committed an offence ”*

(Sections 83-109 YCJA)

**A**n important principle in the *Youth Criminal Justice Act* is that while **young people** must be held accountable for their crimes, they are also more likely than **adult** offenders to be **rehabilitated** and become law-abiding citizens. Youth that are effectively **reintegrated** have a decreased chance of re-offending. The new youth justice system aims to protect Canadians by preventing further crimes through **rehabilitating young people** and reintegrating them into the community.

The long term protection of society is best served by ensuring that youth are supervised and supported, particularly during the critical time when they re-enter the community.

If it is necessary or desirable that the **young person** be absent, with or without escort, for medical, compassionate or humanitarian reasons or for the purpose of **rehabilitation** or **reintegration** into the community, **reintegration** leave may be granted for a period up to 30 days.

**Pursuant to the Act, a young person may be released from the youth custody facility in order to:**

- Attend school or any other educational or training institution
- Obtain or continue employment
- Participate in a program specified by the Provincial Director/Director of Corrections that will enable the **young person** to work or improve his/her education or training
- Attend an out-patient treatment program or other program that provides services that are appropriate for the **young person's** needs

# CHAPTER 12

## Youth Records

(Sections 83-109 YCJA)

### POLICE AND COURT RECORDS

**U**nder the *Youth Criminal Justice Act*, a **youth justice court**, review board or any court may keep a **record** of any case that comes before it. A **record** relating to any offence alleged to have been committed by a **young person** may be kept by any police force responsible for the investigation.

### EXTRAJUDICIAL MEASURES

A person or organization may keep records obtained as a result of **extrajudicial measures** or for the administration of youth justice.

### DISTRIBUTION OF RECORDS

Youth **records** are not automatically destroyed once the **young person** reaches the age of 18. If a **young person** is found guilty of a **summary conviction offence**, **records** can be accessed for a period of at least three years after the completion of the sentence. If the **young person** is found guilty of an **indictable offence**, the **records** can be accessed for a period of at least five years after the sentence has been completed. This means that a period of time must be observed before **records** are no longer accessible regardless of the age of the **young person**. For example,

if a **young person** is found guilty of a **summary conviction offence** at the age of seventeen and they complete their sentence when they are eighteen, then his/her **records** would still be accessible until at least three years later when he/she is twenty-one years or older. If the finding of guilt was for an **indictable offence**, his/her **records** would be accessible for at least five years until he/she reaches the age of twenty-three years or older. If the **young person** commits another offence while the **record** for the original offence is still open, then these timelines get longer. If the **young person** commits another offence after they turn 18 but while their youth **record** is still open, then the youth **record** will become part of their permanent **adult criminal record**.

## CHAPTER 13

# Publication of Names

*“ the names of youth shall not be publicized unless certain circumstances apply”*

(Sections 110-112 YCJA)

**U**nder the *Youth Criminal Justice Act*, the names of offending youth are permitted to be publicized only:

- If an **adult sentence** is imposed
- In exceptional cases, if a youth sentence is imposed for first degree murder, second degree murder, attempt to commit murder, manslaughter, aggravated sexual assault or **serious violent offences**, unless the judge decides **publication** is inappropriate
- If the court determines that the youth is dangerous and at large (harmful to the public and escaped from **detention** or suspected in a serious offence) and publishing the **young person’s** identity is necessary to help police apprehend him or her
- If after a **young person** reaches 18 years he/she wishes to publish information that would identify him or her as having been dealt with under the *Youth Criminal Justice Act* or *Young*

*Offenders Act* on the condition that he or she is not serving a youth sentence in **custody** at the time

Otherwise, under the *Youth Criminal Justice Act*, the **publication** of names is prohibited.



**DID YOU  
KNOW**

**36 % of youth found guilty of a crime were charged with property offences.**

## CHAPTER 14

# Information for Parents

*“Parents can prevent crime by addressing underlying causes, responding to needs of youth and providing guidance and support.”*

(Sections 3, 11, 26, 27 & 40 YCJA)

**P**arents have rights under the *Youth Criminal Justice Act*. They have the right to information regarding what is happening to their **child** and they should be heard in the youth justice system. **Parents** also are encouraged to support their **child** while they are involved in the system and most importantly, during the **rehabilitation** and **reintegration** of their **child**.

**Parents** will receive notices upon their **child's** arrest or detainment that include the name of the youth, the charge, time and place of appearance and notification of the youth's right to a lawyer. **Parents** usually cannot be excluded from the court proceedings involving their **child**. **Parents** may also have access to their **child's records** held by the **youth justice court**, review boards, police **records** or government **records** during the court proceedings or during the term of the sentence.

The **youth justice court** may order a **parent** to attend at any stage in the proceedings. If the **parents** who are ordered

do not attend they may be found guilty of contempt of court and can be punished under the *Criminal Code of Canada*.

The **youth justice court** is required to consider a **pre-sentence report** before sentencing a **young person to custody**. The report shall include an interview with **parents**, if reasonably possible, details regarding the relationship between the **young person** and the **parents** and the degree of control and influence the **parents** have over the youth.

## DID YOU KNOW

There has been a 33% decline in the overall youth caseload since 1991/92, including a 17% decline following the introduction of the Youth Criminal Justice Act. This is the largest annual decrease during this time period.

*“... I was so scared I don’t know what I would have done if my foster mother wasn’t there...”*

**Jennifer, age 14**

**Parents** have the right to be notified when their **child** has been:

- Dealt with by **extrajudicial sanctions**
- Arrested
- Given notice of summons, appearance notice or promise to appear
- Given a ticket, other than a parking ticket
- The subject of a **pre-sentence** report in some circumstances
- The subject of a medical or psychological report in some circumstances
- Sentenced
- Given a **prohibition** order

**Parents** have the right to be heard before the youth is sentenced, at the review of the youth sentence, and if necessary at the hearing deciding where the youth will serve an **adult sentence**.



**DID YOU  
KNOW**

**Females accounted for  
21% of the caseload in  
2003/04.**

## CHAPTER 15

# Information for Victims

*“ Victims should be treated with courtesy, compassion and respect for their dignity and privacy ”*

(Sections 3, 12 & 40 YCJA)

**V**ictims of youth crime have rights under the *Youth Criminal Justice Act*. They should be notified of the proceedings. They should also be given an opportunity to participate and to be heard.

The use of **extrajudicial measures** can be of benefit to **victims**. They can provide an opportunity for **victims** to participate in the measures taken against the **young person**. These measures not only encourage youth to acknowledge their actions but also to repair the damages suffered by the **victim**. Additionally, **extrajudicial measures** provide an opportunity for **victims** to participate in the decisions regarding the consequences for the youth and also to benefit from the **reparations** by the youth. If the **victim** chooses not to participate in **extrajudicial sanctions** he/she has the right to request information regarding the identity of the youth and how the offence was dealt with.

**Youth Justice Committees** also support **victims** of crime by examining and determining the concerns of the **victims** and facilitating the reconciliation of the **victim** and the youth. The **victim** must be notified of the compensation order.

The *Youth Criminal Justice Act* also clearly states that **victims** should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement in the youth justice system. **Youth justice courts** are required to consider a **pre-sentence report** before sentencing a **young person** to **custody**. If possible, the report shall include an interview with the **victim**, and the court may provide a copy if requested by the **victim**.

**Victims** may have access to police, court and government **records** regarding the case that they were involved in.

The name of a **child** or youth **victim** cannot be published in the media.

*“... at first I didn't want to go and have to talk about how she was picking on me... but now I think she understands how she hurt me... now I am not scared of her anymore...”*

Melissa, age 15

## CHAPTER 16

# Questions and Answers for Youth

**Q** *I am moving to another part of Canada; does each province have a different criminal law for youth?*

**A** No, the *Youth Criminal Justice Act* is a Canadian law. However, each province may have discretion in some aspects of the *Act* and may offer different programs. For specific details, please check with your province's/territory's Department of Justice.

See Chapter 1: *Youth Criminal Justice Act*

**Q** *Why should I participate in extrajudicial sanctions instead of going to court?*

**A** Extrajudicial sanctions are an alternate route to court room procedures. They are often more effective and usually result in a consequence that is more appropriate for you. If you successfully complete the **extrajudicial sanction**, you will not have a youth **record** and may be able to contribute to the decision of the appropriate consequences for your actions. These sanctions are only available to you if you accept responsibility for your actions.

See Chapter 2: **What are Extrajudicial Measures?**

**Q** *What is a Youth Justice Committee?*

**A** Youth Justice Committees are committees of citizens that help with the administration of the *Youth Criminal Justice Act* or with any programs or services for youth. **Youth Justice Committees** give advice on the appropriate **extrajudicial measures** to be used. They also support **victims** and ensure that community support is available to the **young person**.

See Chapter 3: **What are Youth Justice Committees?**

**Q** *I have to go to court next week; do I have the right to a lawyer?*

**A** Under the *Youth Criminal Justice Act*, you have the right to have a lawyer. If you do not have a lawyer with you at the hearing, you will be advised by the court of your right to obtain counsel. If you cannot afford a lawyer, you should be referred to legal aid, and if you cannot get a lawyer through legal aid, a lawyer may be appointed to you by the Attorney General. If you are not represented by counsel, and the court agrees, you may be assisted by an **adult**. It is very important that you receive legal advice about the charges and the court procedures.

See Chapter 6: **Right to Counsel for Youth**

**Q** *I have committed an offence. Will I go to adult court?*

**A** No, under the *Youth Criminal Justice Act*, you will not be transferred to an **adult** court for your trial. If your offence warrants an **adult sentence**, your sentence will only be imposed after a trial in youth court.

See **Chapter 9: Youth Sentencing**

**Q** *If I go to jail, will I be put with adults?*

**A** The general rule is that a **young person** under the age of 18 who receives a sentence involving **custody** is to be placed in a youth facility separate and apart from **adults**.

See **Chapter 10: Custody and Supervision**

**Q** *What happens after I finish the custody portion of my sentence?*

**A** After you complete the **custody** portion of your sentence you will be released into the community for a period of supervision under conditions. The **custody** and community portions of your sentence are set by the judge when you are first sentenced. When you begin your sentence, a youth worker will work with you to develop and implement a **reintegration plan** to ensure a smooth and supported transition / **reintegration** back into the community.

See **Chapter 11: Reintegration into the Community**

**Q** *What will happen to my youth record when I turn 18?*

**A** Youth **records** are not automatically destroyed when you turn 18.

If you are found guilty of a **summary conviction offence**, your **records** will be kept for a period of at least three years after the completion of your sentence. If you are found guilty of an **indictable offence**, your **records** will be kept for a period of at least five years after the completion of your sentence. For example, if you are found guilty of a **summary conviction offence** when you are seventeen and you complete your sentence when you are eighteen, then your **records** would still be accessible until three years later when you are twenty-one or older. If the finding of guilt was for an **indictable offence**, your **records** would be accessible for five years until you are twenty-three years or older, depending on the nature of the crime. (This is assuming no subsequent offence was committed during the time that the **record** is “open”. The rules change if another offence is committed during this time.)

See **Chapter 12: Youth Records**

**Q** *I was charged with stealing a car. Will all my friends at school find out about it in the newspaper?*

**A** No, in this case your name cannot be published. Under the *Youth Criminal Justice Act*, in most cases your name can not be publicized. The names of offending youths are only permitted to be publicized if an **adult sentence** is imposed, if the court determines that the youth is dangerous and at large and publishing his or her name will help the police to apprehend him or her, or if a youth sentence is imposed for a very **serious violent offence** such as manslaughter, first degree murder, second degree murder, attempt to commit murder, aggravated sexual assault or serious, repeat violent offences.

**See Chapter 13: Publication of Names**

**Q** *Can my mom or dad go to court with me?*

**A** Yes, your **parents** can go to court with you. Your **parents** have the right to information regarding what is happening to you and are notified of the court hearing. They also have access to your **records** held by the **youth justice court**.

**See Chapter 11: Information for Parents**

**Q** *I was a victim of an offence. Do I get a chance to say how I was affected?*

**A** In most circumstances, as a **victim** you will have a chance to say how you were affected by the crime. **Victims** have the opportunity to participate in youth court and in some **extrajudicial sanctions**.

**See Chapter 12: Information for Victims**

**DID YOU  
KNOW**

**Victims should be given an opportunity to be heard in a youth justice matter.**

# Conclusion

**T**he *Youth Criminal Justice Act* is an important part of the renewal of the youth justice system. Its collaborative and community effort is a new and innovative approach with emphasis on meaningful consequences, **rehabilitation** and **reintegration** and effective crime prevention.

It is important to note that this book is intended to provide general information

only and cannot be considered an official source of law. If you have a specific problem, you should contact a lawyer in private practice or your local legal aid office. Also, it is important to remember that laws change constantly and new amendments and legislation may affect the information provided herein. Unless otherwise stated, the information provided in this book is accurate as of March 2006.

# Descriptions of Crime Categories

## **DRUG RELATED OFFENCES**

Importing/exporting narcotics, trafficking of narcotics, possession of narcotics, failure to disclose previous prescriptions, cultivation, trafficking in drugs, possession of drugs, importing/exporting controlled drugs and possession of controlled drugs

## **OTHER CRIMINAL CODE OFFENCES**

Impaired operation, escape **custody**, unlawfully at large, failure to appear, breach of recognisance, failure to comply, attempt/accessories/conspiracy, disorderly conduct/nuisances, abduction, procuring, bawdy house, soliciting, other motor vehicle offences, gaming and betting against the administration of justice, currency offences, exposure/public nudity, public morals, public order, offences against the person

## **PROPERTY CRIME**

Breaking and entering, arson, taking a vehicle without consent, theft over \$5000, unspecified theft, false pretences, forgery, other fraudulent transactions, possession of stolen property, mischief/damage

## **VIOLENT CRIME**

Murder, manslaughter, attempted murder, aggravated sexual assault, sexual assault with a weapon, sexual assault, rape/indecent assault, aggravated assault, assault with weapon, assault causing bodily harm/intent, minor assault, unlawfully causing bodily harm, assaulting a peace officer, other assault, robbery, dangerous use of a weapon, possession of a weapon, other weapon offences, infanticide and other related kidnapping/hostage taking, extortion, other sexual offences, criminal negligence

# Differences Between the YCJA and YOA

	<b>YOUTH CRIMINAL JUSTICE ACT</b>	<b>YOUNG OFFENDER'S ACT</b>
<b>DECLARATION OF PRINCIPLE</b>	<ul style="list-style-type: none"> <li>● Provides a clear statement of goal and principles underlying the <i>Act</i> and youth justice system.</li> <li>● Includes specific principles to guide the use of extrajudicial measures, the imposition of a sentence and custody.</li> </ul>	<ul style="list-style-type: none"> <li>● Does not identify the principal goal of the system; contains inconsistent and competing principles.</li> <li>● Contains some of the same themes as the YCJA.</li> <li>● Is not supplemented by more specific principles at the various stages of the youth justice process.</li> </ul>
<b>MEASURES OUTSIDE THE COURT PROCESS</b>	<ul style="list-style-type: none"> <li>● Creates a presumption that measures other than court proceedings should be used for a first, non-violent offence.</li> <li>● Encourages their use in all cases where they are sufficient to hold a young person accountable.</li> <li>● Encourages the involvement of families, victims and community members.</li> </ul>	<ul style="list-style-type: none"> <li>● Allows the use of measures other than court proceedings (alternative measures) but does not create a presumption that they should be used for minor offences.</li> </ul>
<b>VOLUNTARY STATEMENTS TO POLICE</b>	<ul style="list-style-type: none"> <li>● Can be admitted into evidence, despite minor, technical irregularities in complying with the statutory protections for young persons.</li> </ul>	<ul style="list-style-type: none"> <li>● Any minor violation of statutory protections prevents a statement from being admitted into evidence.</li> </ul>

<b>YOUTH CRIMINAL JUSTICE ACT</b>	<b>YOUNG OFFENDER'S ACT</b>
<p><b>YOUTH SENTENCES</b></p> <p><b>SENTENCING PRINCIPLES:</b></p> <ul style="list-style-type: none"> <li>● Includes specific principles, including need for proportionate sentences and importance of rehabilitation.</li> </ul> <p><b>SENTENCING OPTIONS:</b></p> <ul style="list-style-type: none"> <li>● Custody reserved mainly for violent or repeat offences.</li> <li>● All custody sentences to be followed with a period of supervision in the community.</li> <li>● New options added to encourage use of non-custody sentences and support reintegration.</li> <li>● Creation of intensive rehabilitative custody and supervision order for serious violent offenders.</li> </ul>	<p><b>SENTENCING PRINCIPLES:</b></p> <ul style="list-style-type: none"> <li>● Included in general principles; sometimes inconsistent and competing principles.</li> </ul> <p><b>SENTENCING OPTIONS:</b></p> <ul style="list-style-type: none"> <li>● No restriction on use of custody.</li> <li>● No requirement for community supervision following custody.</li> <li>● Does not provide for YCJA options like reprimand, intensive support and supervision or intensive rehabilitative custody and supervision order for serious violent offenders.</li> </ul>
<p><b>ADULT SENTENCES</b></p> <ul style="list-style-type: none"> <li>● Youth justice court empowered to impose an adult sentence, eliminating transfer to adult court.</li> </ul>	<ul style="list-style-type: none"> <li>● Lengthy transfer hearing prior to trial that takes place in adult court without special procedural protections granted for youth.</li> </ul>

<b>YOUTH CRIMINAL JUSTICE ACT</b>	<b>YOUNG OFFENDER'S ACT</b>
<p><b>VICTIMS</b></p> <ul style="list-style-type: none"> <li>● Concerns of victims are recognized in principles of the <i>Act</i>.</li> <li>● Victims have right to access youth court records and may be given access to other records.</li> <li>● Role in formal and informal community-based measures is encouraged.</li> <li>● Establishes right of victims to information on extrajudicial sanctions taken.</li> </ul>	<ul style="list-style-type: none"> <li>● No mention of victims in principles.</li> <li>● Victims may be given access to records.</li> <li>● No recognition of victims' role in the process other than the right to produce a victim's impact statement.</li> <li>● No right of victims to information on alternative measures taken.</li> </ul>
<p><b>PUBLICATION</b></p> <ul style="list-style-type: none"> <li>● Permitted if an adult sentence is imposed; or in rare cases if a youth sentence is imposed for the most serious violent offences, unless the judge decides publication is inappropriate.</li> <li>● Permitted only after the young person has been found guilty.</li> </ul>	<ul style="list-style-type: none"> <li>● Permitted only if a youth is transferred to adult court to be sentenced as an adult.</li> <li>● Permitted before the youth is found guilty.</li> </ul>
<p><b>ADVISORY GROUPS - CONFERENCES</b></p> <ul style="list-style-type: none"> <li>● Allows advisory groups or "conferences" to advise police officer, judge or other decision-maker under the <i>Act</i>.</li> <li>● They can advise on appropriate extrajudicial measures, conditions for release from pretrial detention, appropriate sentences and reintegration plans.</li> <li>● Conferences may include parents of the young person, victim, community agencies or professionals.</li> </ul>	<ul style="list-style-type: none"> <li>● No provision.</li> </ul>

<b>YOUTH CRIMINAL JUSTICE ACT</b>	<b>YOUNG OFFENDER'S ACT</b>
<p><b>CUSTODY AND REINTEGRATION</b></p> <ul style="list-style-type: none"> <li>● All custody sentences comprise a portion served in custody and a portion served under supervision in the community.</li> <li>● A plan for reintegration in the community must be prepared for each youth in custody.</li> <li>● Reintegration leaves may be granted for up to 30 days.</li> </ul>	<ul style="list-style-type: none"> <li>● No requirement to plan reintegration during custody.</li> <li>● Temporary leaves may be granted for up to 15 days.</li> <li>● Reintegration leaves may be granted for up to 30 days. No requirement that there be supervised reintegration after custody.</li> </ul>

*Reproduced from the Department of Justice Canada website.*  
<http://canada.justice.gc.ca/en/ps/yj/legis/diffs.html>

# Contact Information

**For further information contact:**

## **PLIAN** PUBLIC LEGAL INFORMATION ASSOCIATION OF NEWFOUNDLAND

Suite 101, Fortis Building (709) 722-2643  
139 Water Street (709) 722-0054 FAX  
St. John's, NL (709) 722-2805 Youth Justice Line  
A1C 1B2

info@publiclegalinfo.com  
www.publiclegalinfo.com

### **DEPARTMENT OF JUSTICE CANADA, YOUTH JUSTICE POLICY**

[www.canada.justice.gc.ca](http://www.canada.justice.gc.ca)  
<http://canada.justice.gc.ca/en/ps/yj/index.html>

All Parliamentary publications are available on the  
Parliamentary Internet Parlementaire:

[www.parl.gc.ca](http://www.parl.gc.ca)

**FOR INFORMATION ON PUBLIC LEGAL EDUCATION INFORMATION  
(PLEI) ORGANIZATIONS IN CANADA PLEASE CONTACT:**

**NEWFOUNDLAND AND  
LABRADOR**

**Public Legal Information Association  
of Newfoundland (PLIAN)**

Suite 101, Fortis Building  
139 Water Street  
St. John's, NL A1C 1B2  
(709) 722-2643  
(709) 722-0054 FAX  
(709) 722-2805 Youth Justice Line  
info@publiclegalinfo.com  
www.publiclegalinfo.com

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**NOVA SCOTIA**

**Legal Information Society  
of Nova Scotia**

5523 B Young Street  
Halifax, Nova Scotia B3K 1Z7  
(902) 454-2198  
(902) 455-3105 FAX  
lisns@legalinfo.org  
www.legalinfo.org

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**NEW BRUNSWICK**

**Public Legal Education & Information  
Service of New Brunswick**

P.O. Box 6000  
Fredericton, New Brunswick E3B 5H1  
(506) 453-5369  
(506) 462-5193 FAX  
www.legal-info-legale.nb.ca

**PRINCE EDWARD ISLAND**

**Community Legal Information  
Association of Prince Edward Island**

P.O. Box 1207, Charlottetown,  
Prince Edward Island C1A 7M8  
1-800-240-9798  
(Toll Free in Atlantic Canada)  
(902) 892-0853  
(902) 368-4096 FAX  
clia@cliapei.ca  
www.cliapei.ca

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**QUEBEC**

**Éducaloi**

C.P. 55032, CSP Notre-Dame  
11 Notre-Dame West  
Montreal, Quebec H2Y 4A7  
(514) 954-3408  
(514) 954-3493 FAX  
www.educaloi.qc.ca

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**ONTARIO**

**Community Legal Education Ontario**

Suite 600, 119 Spadina Avenue  
Toronto, Ontario M5V 2L1  
(416) 408-4420  
(416) 408-4424 FAX  
www.cleo.on.ca

## **MANITOBA**

### **Community Legal Education Association of Manitoba**

501 – 294 Portage Avenue  
Winnipeg, Manitoba R3C 0B9

(204) 943-2382  
(204) 943-3600 FAX

[www.communitylegal.mb.ca](http://www.communitylegal.mb.ca)

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## **SASKATCHEWAN**

### **Public Legal Education Association of Saskatchewan**

300 – 201 21<sup>st</sup> Street East  
Saskatoon, Saskatchewan  
S7K 0B8

(306) 653-1868  
(306) 653-1869 FAX

[www.plea.org](http://www.plea.org)

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## **ALBERTA**

### **Public Legal Education Network of Alberta**

5520 – 48A Avenue  
Red Deer, Alberta T4N 3V6

(403) 343-3712  
(403) 340-2890 FAX

[www.plena.org](http://www.plena.org)

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## **BRITISH COLUMBIA**

### **The People's Law School**

150 – 900 Howe Street  
Vancouver, British Columbia  
V6Z 2M4

(604) 331-5400  
(604) 331-5401 FAX

[www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)

## **Law Courts Education Society of British Columbia**

Suite 260, 800 Hornby Street  
Vancouver, British Columbia  
V6Z 2C5

(604) 660-9870  
(604) 775-3476 FAX

[www.lawcourtsed.ca](http://www.lawcourtsed.ca)

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## **YUKON**

### **Yukon Public Legal Education Association**

c/o Yukon College  
P.O. Box 2799

Whitehorse, Yukon Territory  
Y1A 5K4

(866) 667-4305  
(866) 668-5541 FAX

[www.yplea.com](http://www.yplea.com)

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## **NUNAVUT**

### **Public Legal Education and Information of Nunavut**

P.O. Box 125

Gjoa Haven, Nunavut X0B 1J0

(867) 360-4603  
(867) 360-6112 FAX

[www.plein.ca](http://www.plein.ca)

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## **NORTHWEST TERRITORIES**

Legal Services Board  
P.O. Box 1320

Yellowknife, Northwest Territories  
X1A 2L9

(867) 920-8019  
(867) 873-5320 FAX

## LEGAL AID OFFICES

**NEWFOUNDLAND AND  
LABRADOR**  
(709) 753-7860  
(709) 753-7851 FAX

**NOVA SCOTIA**  
(902) 420-6573  
(902) 420-3471 FAX

**NEW BRUNSWICK**  
(506) 633-6030  
(506) 633-8994 FAX

**PRINCE EDWARD ISLAND**  
(902) 368-6043  
(902) 368-6122 FAX

**QUEBEC**  
(514) 873-3562  
(514) 873-8762 FAX

**ONTARIO**  
(416) 979-1446  
(416) 979-8669 FAX

**MANITOBA**  
(204) 985-8500  
(204) 944-8582 FAX

**SASKATCHEWAN**  
(306) 933-5300  
(306) 933-6764 FAX

**ALBERTA**  
(780) 427- 7575  
(780) 427- 5909 FAX

**BRITISH COLUMBIA**  
(604) 601-6000  
(604) 682-0914 FAX

**YUKON**  
(867) 667-5210  
(867) 667-8649 FAX

**NORTHWEST TERRITORIES**  
(867) 920-3160  
(867) 873-5320 FAX

**NUNAVUT**  
(867) 360-4601  
(867) 360-6112 FAX

# LAWYER REFERRAL SERVICE

## NEWFOUNDLAND AND LABRADOR

Public Legal Information Association of  
Newfoundland and Labrador  
(709) 722-2643  
<http://www.publiclegalinfo.com/>

## NOVA SCOTIA

Legal Information Society of Nova Scotia  
(902) 455-3135 (Halifax Regional  
Municipality) or  
1-800-665-9779 (toll free in NS)  
<http://www.legalinfo.org/referral.html>

## NEW BRUNSWICK

New Brunswick does not have a lawyer referral service. To find a lawyer in New Brunswick, please look under “lawyers” in the yellow pages of your telephone book.

## PRINCE EDWARD ISLAND

Community Legal Information Association  
of Prince Edward Island  
1-800-240-9798 or (902)892-0853  
[www.claiepi.ca](http://www.claiepi.ca)

## QUEBEC

Barreau du Québec (available only in French)  
Montréal : 514-866-2490  
Québec : 418-529-0301  
ailleurs au Québec : 514-954-3528 /  
1-866-954-3528  
<http://www.barreau.qc.ca/infos/default.asp>

## ONTARIO

Law Society of Upper Canada  
Toll line: (\$6.00/call): 1-900-565-4LRS (4577)  
If in crisis, contact: Toll-free: 1-800-268-8326  
or 416-947-3330\*

\*(i.e. victims of domestic violence; incarcerated or institutionalized callers)

<http://www.lsuc.on.ca/about/a/contact/>

## NUNAVUT

Nunavut does not have a lawyer referral service. To find a lawyer in Nunavut, please look under “lawyers” in the yellow pages of your telephone book.

## MANITOBA

Community Legal Education Association of  
Manitoba  
943-2305 or toll free 1-800-262-8800 (from  
outside Winnipeg only please). For a referral to  
a lawyer only, you can also call 943-3602.  
<http://www.communitylegal.mb.ca/refer.asp>

## SASKATCHEWAN

Law Society of Saskatchewan  
(306) 359-1767  
Toll Free no. in Saskatchewan 1-800-667-9886  
[http://www.lawsociety.sk.ca/NewLook/  
Programs/referral.htm](http://www.lawsociety.sk.ca/NewLook/Programs/referral.htm)

## ALBERTA

Law Society of Alberta  
1-800-661-1095  
Toll Free number valid only in (Alberta,  
Saskatchewan, Lower Mainland British  
Columbia, Yukon, NWT, and Nunavut) or 403-  
228-1722 in Calgary  
[http://www.lawsocietyalberta.com/  
publicservices/lawyerReferralService.cfm](http://www.lawsocietyalberta.com/publicservices/lawyerReferralService.cfm)

## BRITISH COLUMBIA

Canadian Bar Association British Columbia  
(604) 687-3221  
1-800-663-1919  
<http://www.cba.org/BC/home/main/>

## YUKON

Law Society of Yukon  
(867) 668-4231  
<http://www.lawsocietyyukon.com/referral.asp>

## NORTHWEST TERRITORIES

Law Society of the Northwest Territories  
(867) 873-3828  
<http://www.lawsociety.nt.ca/>

# DEPARTMENT OF JUSTICE WEBSITE ADDRESSES

## CANADA

[www.canada.justice.gc.ca](http://www.canada.justice.gc.ca)

## NEWFOUNDLAND AND LABRADOR

[www.gov.nl.ca/just/](http://www.gov.nl.ca/just/)

## NOVA SCOTIA

[www.gov.ns.ca/just/](http://www.gov.ns.ca/just/)

## NEW BRUNSWICK

[www.gov.nb.ca/justice/index.htm](http://www.gov.nb.ca/justice/index.htm)

## PRINCE EDWARD ISLAND

[www.gov.pe.ca/oag/index.php3](http://www.gov.pe.ca/oag/index.php3)

## QUEBEC

[www.justice.gouv.qc.ca/anglais/index-a.htm](http://www.justice.gouv.qc.ca/anglais/index-a.htm)

## ONTARIO

[www.attorneygeneral.jus.gov.on.ca/](http://www.attorneygeneral.jus.gov.on.ca/)

## MANITOBA

[www.gov.mb.ca/justice/index.shtml](http://www.gov.mb.ca/justice/index.shtml)

## SASKATCHEWAN

[www.saskjustice.gov.sk.ca](http://www.saskjustice.gov.sk.ca)

## ALBERTA

[www.gov.ab.ca/just/](http://www.gov.ab.ca/just/)

## BRITISH COLUMBIA

[www.gov.bc.ca/ag/](http://www.gov.bc.ca/ag/)

## YUKON

[www.justice.gov.yk.ca/](http://www.justice.gov.yk.ca/)

## NORTHWEST TERRITORIES

[www.justice.gov.nt.ca](http://www.justice.gov.nt.ca)

## NUNAVUT

[www.justice.gov.nu.ca/](http://www.justice.gov.nu.ca/)

# PLIAN's Youth Justice Quiz

1. The Youth Justice Act covers people ages 12-17 inclusive.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
2. Youth commit most property crimes.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
3. Young people have the right to a lawyer.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
4. Jail is the only option for youth that have been charged with a crime.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
5. Parents do not have a right to know what is happening to their child who has been arrested.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
6. The victim of a crime has an important role in the sentencing of a youth who has been found guilty.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_
7. Preventing crime is a good way to protect the public.  
**TRUE**\_\_\_\_      **FALSE**\_\_\_\_

# PLIAN's Youth Justice Word Scramble

1. traxe cujldiai sseermau \_\_\_\_\_
2. hoyut igestju mteisocmte \_\_\_\_\_
3. mrice rniecepvton \_\_\_\_\_
4. girth ot sounecel \_\_\_\_\_
5. greattinerion \_\_\_\_\_
6. efnoceernc \_\_\_\_\_
7. touyh sitejuc rocuc \_\_\_\_\_
8. epamndrte fo tcjieus \_\_\_\_\_
9. yailcotnacubit \_\_\_\_\_
10. fingeannul sqeocnceuens \_\_\_\_\_
11. sepnosrbiiiltiy \_\_\_\_\_
12. licpbu lgela mrofinaiotn \_\_\_\_\_

*Also available on our website: [www.publiclegalinfo.com](http://www.publiclegalinfo.com)*

# PLIAN's Youth Justice Word Search

M	R	E	H	A	B	I	L	I	T	A	T	I	O	N
E	P	U	B	L	I	C	R	I	M	E	P	H	P	O
A	L	R	E	T	N	E	Q	E	I	G	H	J	A	I
S	I	P	R	E	V	E	N	T	T	C	O	U	R	T
U	A	U	M	R	E	A	Y	L	C	N	L	D	E	A
R	N	T	F	N	L	D	X	F	I	I	R	G	N	R
E	C	C	V	A	S	E	C	X	V	G	G	E	T	G
S	L	A	W	T	B	C	W	K	F	N	Q	D	U	E
X	A	Y	T	I	N	U	M	M	O	C	W	F	N	T
F	E	O	O	V	Z	L	L	K	A	E	R	B	V	N
R	T	U	S	E	R	O	T	A	K	J	I	P	R	I
E	S	T	P	S	G	P	G	X	I	R	G	P	N	E
R	V	H	Y	S	T	M	W	C	Y	R	H	S	Y	R
L	A	N	I	M	I	R	C	J	U	S	T	I	C	E
C	O	N	S	E	Q	U	E	N	C	E	S	Y	C	Q

## WORDS TO FIND:

MEASURES	TRIAL	LAWYER
STEAL	CRIME	REINTEGRATION
PREVENT	VICTIM	ALTERNATIVES
COURT	PLIAN	JUSTICE
PARENT	YOUTH	CONSEQUENCES
PUBLIC	CRIMINAL	COMMUNITY
ACT	RIGHTS	BREAK
JUDGE	ENTER	
LAW	REHABILITATION	

## ANSWERS TO YOUTH JUSTICE QUIZ

Q.1 **True.** The *Youth Criminal Justice Act* covers youth ages 12 – 17 inclusive

Q.2 **False.** **Adults** commit 54% of property crimes. Youth commit 46% of property offences. These include offences such as vandalism, theft and shoplifting. Of the total numbers of youth crime, 78% are non-violent offences such as property or drug charges.

Q.3 **True.** Youth have the right to consult counsel. A lawyer can be obtained by parents, through legal aid, or be appointed by the court.

Q. 4 **False.** Jail is one of the many options for youth who have committed crimes. There are a range of **extrajudicial measures** that can be used at various stages of the procedure, including warnings by the police, cautions from the **crown**, or referrals. In fact, under the *YCJA*, **custody** is reserved mainly for violent or repeat offenders.

Q. 5 **False.** **Parents** are guaranteed the right to know what is happening to their children under the *Youth Criminal Justice Act*. They should receive notification of what is happening to their **child** at all points during the court process. They may also have the obligation to attend court with their **child** and possibly pay for legal representation.

Q. 6 **True.** The role of the **victim** has gained considerable status under the *Youth Criminal Justice Act*. The **victim** is encouraged to be involved in the process, and should be informed of the identity of the youth and the outcome of the trial. The **victim's** participation is encouraged in **extrajudicial measures**.

Q.7 **True.** Crime prevention is a very good way to protect the public. We can prevent crime before anyone gets hurt. Crime prevention can be achieved through education, community initiatives or the development of youth programs.

## ANSWERS TO WORD SCRAMBLE

1. extra judicial measures
2. youth justice committees
3. crime prevention
4. right to counsel
5. reintegration
6. conference
7. youth justice court
8. department of justice
9. accountability
10. meaningful consequences
11. responsibility
12. public legal information

PLIAN's Youth Justice Quiz, PLIAN's Word Scramble, and PLIAN's Word Search are also located on our website. [www.publiclegalinfo.com](http://www.publiclegalinfo.com)

*A new law....*

*... a new collaborative approach*

*Prevention of crime...*

*Rehabilitation and Reintegration...*

*Meaningful consequences...*

**PLIAN**

**PUBLIC LEGAL INFORMATION  
ASSOCIATION OF NEWFOUNDLAND**