

For the Record

Fourth Edition



The Youth Criminal Justice Act



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For the Record

Fourth Edition

the Youth Criminal Justice Act

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Preface

The 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. The federal *Safe Streets and Communities Act* made some significant changes to the *Youth Criminal Justice Act*. These changes came into effect on October 23, 2012, and are incorporated into this fourth edition of *For the Record*. 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.

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.

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Public Legal Information Association of Newfoundland and Labrador 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.

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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 and Youth Justice Camps. 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-Aimun and Inuktitut at: www.publiclegalinfo.com

PLIAN would like to acknowledge the financial contribution of the Department of Justice Canada's Youth Justice Fund towards this project.

PLIAN would like to acknowledge the many people who have contributed to the various editions of this publication. Everyone's contributions are greatly appreciated.

Common Terms

These 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. The YCJA allows provinces to raise the age at which this obligation applies to 15 or 16.

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 OFFENCE

An indictable offence under an Act of Parliament for which the maximum punishment is for 5 years or more.

SERIOUS VIOLENT OFFENCE

The Criminal Code offences of:

- first degree murder or second-degree murder;
- attempt to commit murder;
- manslaughter; or
- aggravated sexual assault.

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.

VIOLENT OFFENCE

- an offence committed by a young person that includes causing bodily harm;
- an attempt or a threat to commit such an offence; or
- an offence that endangers the life or safety of another person by creating a substantial likelihood of causing bodily harm.

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.

CHAPTER 1

Youth Criminal Justice Act

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

The *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.

PROTECTION OF THE PUBLIC

The youth criminal justice system is intended to protect the public by holding **young offenders** accountable; by promoting their **rehabilitation** and reintegration into society; and by preventing crime by addressing the circumstances underlying their offending behaviour.

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)

Extrajudicial 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.) Police are required by law to keep a record of any extrajudicial measures used against a youth. Having a record of these informal incidents will allow the police and courts to respond more effectively to any future offences committed by a young person.

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** understand that what they did was wrong. Police will explain what the **young per-**

“... 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

son 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)

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.

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 youth sentencing is to hold a **young person** accountable for an offence by giving a **young person** a sentence that is fair, yet has meaningful consequences for the **young person**. Sentences should promote a young person's **rehabilitation** and **reintegration** into society, thereby contributing to the long-term protection of the public.

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.

Specific Deterrence and Denunciation

Judges can now hand down punishments that are meant to discourage the **young person** being sentenced from committing future crimes. Specific deterrence and denunciation can now be considered by a judge when sentencing a youth, provided the sentence is proportionate to the seriousness of the offence and the degree of responsibility of the young person.

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.

CHAPTER 6

Right to Counsel for Youth

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

(Section 25 YCJA)

Under 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)

Under 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

If a **young person** is held in custody by police after arrest, the **youth** must appear before a **youth court judge** or justice of the peace within 24 hours of arrest or as soon as possible. If the Crown Attorney does not agree to the release of the **youth** back into the community, a judicial interim release hearing (also called a bail hearing) will be held. Then a **youth court judge** or justice of the peace will decide whether or not to release the **young person** from **custody**.

Pre-trial detention rules have been simplified through amendments to the *YCJA* that came into force in October 2012 to ensure that violent, and repeat offenders can be placed in custody prior to trial if necessary. It is no longer presumed that a young person will not be held in custody prior to their trial, especially if they are accused of an indictable offence, or a serious offence. The *YCJA* sets out the factors that must be considered by a judge or justice of the

peace during a judicial interim release hearing. The law says that a young person should be detained in custody only if:

- the **young person** has been charged with a serious offence, or has a history of outstanding criminal charges or findings of guilt under the *YCJA*; and
- the judge is satisfied that detention is necessary to ensure the young person's attendance in court, to protect the public or in exceptional circumstances, to maintain public confidence in the administration of justice system; and
- if releasing the youth into the community with conditions would not be sufficient to address the court's concerns.

All three conditions must be met to hold a young person in **custody**.

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

Andrew, age 15

CHAPTER 9

Youth Sentencing

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

(Sections 38-82 YCJA)

The 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. Judges can now hand down punishments that are meant to discourage the **young person** being sentenced from committing future crimes. Specific deterrence and denunciation can now be considered by a judge when sentencing a youth, provided the sen-

tence is proportionate to the seriousness of the offence and the degree of responsibility of the **young person**.

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

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

When assessing whether to impose **custody**, courts take into account a pattern of criminal activity, either through “findings of guilt” or through showing that the **young person** has a history of **extrajudicial sanctions**, or through a combination of both. This allows the courts to take the offender’s full history into account to help determine if a custodial sentence is appropriate. 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 an offence, in the commission of which the **young person** caused or attempted to cause serious bodily harm and for which an adult is liable to imprisonment for a term of more than two years, and the young person had previously been found guilty at least twice of such an 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. Youth under 18 years of age have to serve **custody** in youth facilities regardless of whether they are given a youth or **adult** punishment.

The Crown (government lawyer) must consider asking for an **adult** punishment if a youth is charged with certain crimes (such as murder, attempted murder, manslaughter, and aggravated sexual assault). The Crown must inform the court if it chooses not to apply for an **adult** sentence for such cases.



**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 83-109 YCJA)

According 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.

THE YOUTH CRIMINAL JUSTICE ACT:

- Requires that youth under 18 years of age have to serve **custody** in youth facilities regardless of whether they are given a youth or **adult** punishment. If a youth reaches the age of 18 while serving a youth **custody** sentence, the *YCJA* sets out a process for transferring the youth to an **adult** facility.
- 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.

CHAPTER 11

Reintegration into the Community

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

(Sections 83-109 YCJA)

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. 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 110-129 YCJA)

POLICE AND COURT RECORDS

Under 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

Police are required by law to keep records when out-of-court options are used for young people who commit crimes (such as warnings or cautions, etc).

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)

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

- where the young person is found guilty of a crime and the court imposes an adult sentence;
- where the young person has received a youth sentence for a violent offence and the court determines that the young person poses a significant risk of committing another violent offence and the lifting of the ban is necessary to protect the public against that risk;
- where the publication is made in the course of the administration of justice (for example, the inclusion of a young person’s name in a court document for use by court administrators);
- where a young person alleged to have committed a crime is at large and a court determines that the young person is a danger to others and publication is necessary to apprehend him or her (publication may be permitted for up to five days);
- where a young person has turned 18, he or she may publish or agree to the publication of their information provided they are not in custody at the time of publication; and
- where a young person has applied to the court, the court may make an order permitting publication if it is satisfied that the publication would not be contrary to the young person’s best interests or the public interest.

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

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)

Parents 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.

“... 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**.

CHAPTER 15

Information for Victims

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

(Sections 3, 12 & 40 YCJA)

Victims 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 **youth 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 No. The law is very specific that youth under 18 years of age have to serve **custody** in youth facilities regardless of whether they are given a youth or **adult** punishment. This means that youth who receive **custody** sentences will serve their sentence in a place with other youth.

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 *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

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.

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

Changes made to the YCJA by the *Safe Streets and Communities Act*

The *Safe Streets and Communities Act* made some significant changes (also referred to as amendments) to the *Youth Criminal Justice Act*. Those changes came into effect on October 23, 2012. Below is a chart outlining the changes.

THE NEW AMENDMENTS (CHANGES) TO THE YCJA:	HOW IS THIS DIFFERENT FROM HOW IT WAS BEFORE THE AMENDMENTS?
Protection of the public is now highlighted as a key goal of the youth justice system.	<p>The <i>YCJA</i> now highlights the protection of the public as a key goal of the youth justice system. This was not previously explicitly stated in the <i>YCJA</i>.</p> <p>The amendment makes clear that the youth criminal justice system is intended to protect the public by holding young offenders accountable; by promoting their rehabilitation and reintegration into society; and by supporting the prevention crime by addressing the circumstances underlying their offending behaviour.</p>
Rules have been changed to make it easier to keep violent and repeat accused youths in custody before trial.	<p>It used to be assumed that a youth should not be held in pre-trial custody if that youth could not be given a custody sentence if found guilty of the alleged crime. This is no longer the case.</p>
Judges can now hand down punishments that are meant to discourage the young person being sentenced from committing future crimes.	<p>Specific deterrence and denunciation were not previously included as sentencing principles under the <i>YCJA</i>, and could not be considered prior to this amendment when sentencing youth.</p>

THE NEW AMENDMENTS (CHANGES) TO THE YCJA:	HOW IS THIS DIFFERENT FROM HOW IT WAS BEFORE THE AMENDMENTS?
<p>The meaning of “violent offence” under the YCJA has been expanded.</p>	<p>There was no definition of “violent offence” in the YCJA, although the Supreme Court of Canada held that the term meant an offence in which the young person causes, attempts to cause or threatens to cause bodily harm.</p> <p>The term “violent offence” is now defined in the YCJA and the amendment expands the meaning to include offences in which the young person endangers the life or safety of others by creating a substantial likelihood of causing bodily harm.</p>
<p>Judges can now consider past criminal behavior of a young person, including where police have used certain out-of-court options to deal with him/her, when determining whether the young person is eligible for custody.</p>	<p>Extrajudicial sanctions were not previously considered. The amendment now allows the courts to take into account a pattern of criminal activity, either through “findings of guilt” or through showing that the young person has a history of extrajudicial sanctions, or through a combination of both. This allows the courts to take the offender’s full history into account to help determine if a custodial sentence is appropriate.</p>
<p>The Crown (government lawyer) has to think about asking for an adult punishment if a youth is charged with certain crimes (such as murder, attempted murder, manslaughter, and aggravated sexual assault). If the lawyer decides not to ask for an adult punishment, he/she has to let the Court know.</p>	<p>Judges may impose adult sentences on youth 14 years of age and over convicted of offences for which an adult could be imprisoned for more than two years, when appropriate. In the past however, the Crown did not always apply for an adult sentence in such cases, and was not required to consider doing so, even in the most serious cases. Now the Crown is legally required to consider an adult sentence in such cases and must inform the court if it chooses not to apply for an adult sentence.</p>

THE NEW AMENDMENTS (CHANGES) TO THE YCJA:	HOW IS THIS DIFFERENT FROM HOW IT WAS BEFORE THE AMENDMENTS?
<p>Information about a young person's identity can be made public if he/she has been given a youth sentence for a violent crime, and the court has public safety concerns.</p>	<p>The <i>YCJA</i> generally prohibits the publication of any information that would serve to identify a youth who is dealt with under the <i>YCJA</i>. This amendment expands the number of exceptions to the general prohibition.</p>
<p>Police are now required to keep records when certain out-of-court options are used for young people who are alleged to commit crimes (such as warnings or cautions, etc).</p>	<p>This change now makes it a legal requirement for police to keep such records.</p>
<p>Youth under 18 years of age have to serve custody in youth facilities regardless of whether they are given a youth or adult punishment.</p>	<p>This was common practice under the <i>YCJA</i>, but it is now part of the written law.</p>

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www.legalaid.on.ca

MANITOBA

(204) 985-8500
1-800-261-2960 Toll-Free
(204) 949-9216 FAX
www.legalaid.mb.ca

SASKATCHEWAN

(306) 933-5300
1-800-667-3764 Toll-Free
(306) 933-6764 FAX
www.legalaid.sk.ca

ALBERTA

(780) 427- 7575
1-866-845-3245 Toll-Free
(780) 427- 5909 FAX
www.legalaid.ab.ca

BRITISH COLUMBIA

(604) 601-6000
(604) 682-0914 FAX
www.lss.bc.ca

YUKON

(867) 667-5210
1-800-664-0408 ext. 5210 Toll-Free
(867) 667-8649 FAX
www.legalaid.yk.ca

NORTHWEST TERRITORIES

(867) 873-7450
(867) 873-5320 FAX
www.justice.gov.nt.ca/legalaid

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 • 1-888-660-7788 Toll Free
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)
www.legalinfo.org

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.cliapei.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
www.barreau.qc.ca/infos/default.asp

ONTARIO

Law Society of Upper Canada
1-900-565-4LRS (4577)
Toll-free: 1-800-268-8326 or 416-947-3330
www.lsuc.on.ca/about/a/contact/
www.lsrslsuc.on.ca/lrsr

MANITOBA

Community Legal Education Association of
Manitoba
943-3602 or toll free 1-800-262-8800
(from outside Winnipeg only please).
www.communitylegal.mb.ca/refer.asp

SASKATCHEWAN

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

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
www.lawsociety.ab.ca/public/lawyer_referral.aspx

BRITISH COLUMBIA

Canadian Bar Association British Columbia
(604) 687-3221
1-800-663-1919
www.cba.org/BC/home/main/lawyer_referral.aspx

YUKON

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

NORTHWEST TERRITORIES

Law Society of the Northwest Territories
(867) 873-3828
www.lawsociety.nt.ca/public/lawyer_referral_service.html

NUNAVUT

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

DEPARTMENT OF JUSTICE WEBSITE ADDRESSES

CANADA

www.justice.gc.ca

MANITOBA

www.gov.mb.ca/justice/index.shtml

NEWFOUNDLAND AND LABRADOR

www.gov.nl.ca/just/

SASKATCHEWAN

www.saskjustice.gov.sk.ca

NOVA SCOTIA

www.gov.ns.ca/just/

ALBERTA

www.gov.ab.ca/just/

NEW BRUNSWICK

www.gov.nb.ca/justice

BRITISH COLUMBIA

www.gov.bc.ca/ag/

PRINCE EDWARD ISLAND

www.gov.pe.ca/jps

YUKON

www.justice.gov.yk.ca/

QUEBEC

www.justice.gouv.qc.ca/english/accueil.asp

NORTHWEST TERRITORIES

www.justice.gov.nt.ca

ONTARIO

www.attorneygeneral.jus.gov.on.ca/

NUNAVUT

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 rnieepvton _____
4. girth ot sounecL _____
5. greattinerion _____
6. efnoceernc _____
7. touyh sitejuc rocud _____
8. epamntdrte fo tcjieus _____
9. yailcotnacubit _____
10. fingeannul sqeocnceuens _____
11. sepnosrbiiiltiy _____
12. licpbu lgela mrofinaiotn _____

Also available on our website: 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



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