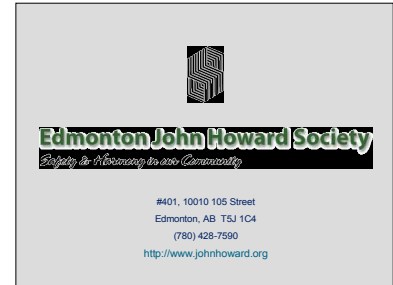


# Youth Criminal Justice Act Power Point Presentation Script

## Slide 1 - The Edmonton John Howard Society [no narration]

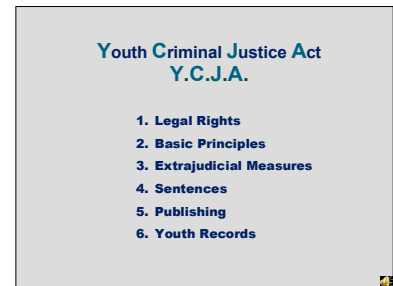


## Slide 2 - The Youth Criminal Justice Act

The youth criminal justice act or Y-C-J-A.

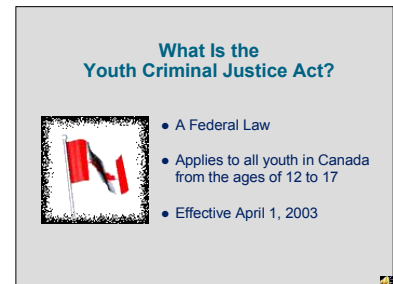
This presentation covers the following topics:

1. Legal Rights
2. Basic Principles
3. Extrajudicial Measures
4. Sentences
5. Publishing
6. Youth Records



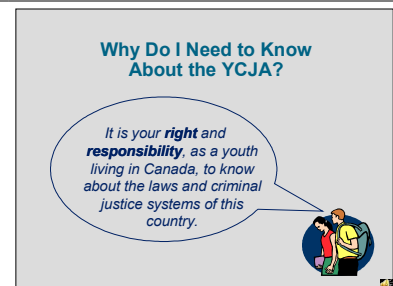
## Slide 3 - What Is the Youth Criminal Justice Act?

The youth criminal justice act is a Federal Law which applies to all youth in Canada from the ages of 12 to 17. This law came into effect April 1, 2003



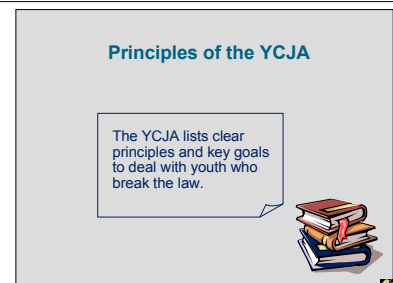
## Slide 4 - Why Do You Need to Know About the YCJA?

It is your *right* and *responsibility*, as a youth living in Canada, to know about the laws and criminal justice systems of this country.



## Slide 5 - Principles of the YCJA

The YCJA lists clear principles and key goals to deal with youth who break the law.



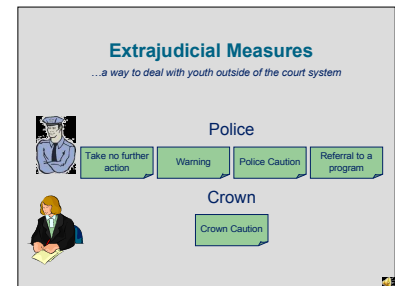


## Slide 11 - Do All Youth Who Commit Crime Have to Go to Court?



## Slide 12 - Extrajudicial Measures

If the police believe a youth has committed an offence, they may use their own judgement or discretion and give the youth an extrajudicial measure. The police must consider these measures before taking any other actions. The measures range from returning the youth to the care of a responsible adult and taking no further action, to issuing a warning or caution, or refer the youth to a program. The youth may also be referred to the crown who may issue a crown caution.



## Slide 13 - Police Referrals

A Police Officer may refer the youth to a program or agency to address any areas of need. Some examples of programs or agencies they may refer the youth to are:

- Child Welfare
- A local Youth Justice Committee
- A Recreation Program
- An Alcohol or Drug Treatment Program
- A Counseling Agency
- Or a Mental Health Program



## Slide 14 - Extrajudicial Sanctions

In cases where there is sufficient evidence against the youth, the police may refer the youth to the crown counsel or a youth justice committee where they may receive an extrajudicial sanction.

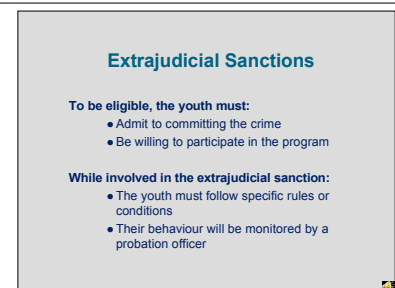
To be eligible for this program, the youth must

- Take responsibility for their actions and admit to committing the crime .
- They must also be willing to participate in the program voluntarily.

While involved in the extrajudicial sanction:

- The youth must follow specific rules or conditions such as maintaining a curfew and attending school.
- Their behaviour will also be monitored by a probation officer

An extrajudicial sanction is a more serious response and will result in a two year police record. In many cases a charge may be laid which is only withdrawn if the youth successfully completes their sanction.



## Slide 15 - Extrajudicial Sanctions Include...

There are a number of extrajudicial sanctions a youth may receive. Extrajudicial sanctions are arrived at in consultation with a youth justice committee or with the crown.

Types of sanctions include:

- having to give an apology to the victim
- Or to perform some Personal service for the victim.
- The youth may also be involved Writing an essay or creating poster,
- Doing community service work,
- Or Returning stolen property to the victim.
- Some youth might participate in Aboriginal cultural or spiritual activities or
- Participate in a counseling or intervention program
- The youth may also be supervised by a youth justice committee member.
- Some youth Participate in a victim reconciliation program
- or Make a donation to a registered charity.

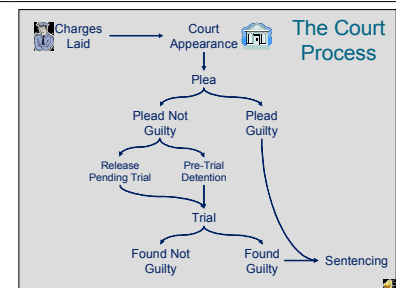


## Slide 16 - The Court Process

In cases where an extrajudicial measure or sanctions isn't sufficient to hold the youth accountable, the police may follow through with laying charges

When charges are laid the youth will be required to make an appearance in court to enter a plea before a judge.

When they make a plea, there are two options. One option is to plead guilty and receive a sentence. The other option is to they plead not guilty. If the youth pleads not guilty they may be released by making a promise to appear in court for their trial and to behave appropriately in the time leading up to the trial. The Judge may also set additional conditions to their release. In some cases a youth will be held in custody until their trial. This only applies to offences where custody is an option at sentencing, the youth presents a risk to the community, or there is a risk the youth will not return to court. If a youth is required to appear in court and does not appear they will face additional charges. At the trial the court determines weather the youth is guilty or not guilty of thee offence. If the court finds the youth not guilty, they are released and the charges are withdrawn. If the court finds them guilty, the youth will be sentenced.




## Slide 17 - Judge's Decision

When deciding on a *Sentence* for a youth a judge will take into consideration:

- The youth's role in the offence and the impact of the youth's actions on the victim.
- Actions the youth has taken to accept responsibility and be accountable for their actions including any reparations made to the victim or community and any time spent in detention
- The youth's previous involvement with the law.
- The youth's circumstances that relate to the offence and their rehabilitation and reintegration. A pre-sentence report would contain information about the youth's behaviour, maturity, character, plans, conduct, as well as the results of interviews with the youth, their family and the victim.
- This would assist the court in determining how to change the offender's behaviour and how to protect society in the long term.

### Judge's Decision



When deciding on a **Sentence** for a youth a judge will take into consideration:

- The youth's role in the offence.
- The impact of the youth's actions on the victim.
- Actions the youth has taken to accept responsibility and be accountable for their actions.
- The youth's previous involvement with the law.
- The youth's circumstances that relate to the offence and their rehabilitation and reintegration.
- How to change the offender's behaviour.
- How to protect society in the long term.

## Slide 18 - Sentences

There are 16 sentences available in youth court.

The following are the 7 most common.

- Fine

The court may impose a fine up to \$1000 and specify a time the fine must be paid by. If the youth is unable to pay the fine, they may be able to work for "fine credits" through a fine option program.

- Community Service

The youth may be required to perform up to 240 hours of community service over a 12 month period with an approved organization.

- Compensation

The youth may also be required to compensate the victim for lost or damaged property, loss of income, or pay special damages for personal injury.

- Restitution

The youth must return any property obtained as a result of their offence within a specified period of time.

- Probation Order

The youth may be placed on probation for up to two years. While on probation, the youth must be of good behaviour and may be required to follow a curfew, continue employment, report to a parole officer, and remain within the jurisdiction. Conditions of parole may also designate where and with whom the youth may live and include other restrictions which may prevent the youth from re-offending.

- Intensive Support & Supervision Order

This is an order which is made in cases where custody may be called for but is inappropriate due to the youth's circumstances and mental health. Close supervision is combined with an intensive behaviour modification

### Sentences

The 7 most common...



- Fine
- Community Service
- Compensation
- Restitution
- Probation Order
- Intensive Support & Supervision Order
- Custody & Supervision Order

program.

- Custody & Supervision Order

This sentence involves a period of custody, for example at a young offenders centre, followed by a shorter period of supervision in the community under specific conditions.

---

## Slide 19 - Sentences Continued

Other sentencing options available to the court are:

- Reprimand

Which is a strong warning issued by the judge.

- An Absolute Discharge

Which is similar to a reprimand, but the youth may have a longer record.

- Conditional Discharge

The youth is released with some conditions such as regularly reporting to a parole officer.

- Reimbursement of Innocent Purchaser

After the youth returns stolen property to the original owner, they must also compensate the person that stolen property had been sold to for the amount they paid for it.

- Personal Service

This is a type of victim compensation where the youth provides personal services to the victim to compensate for their loss, damages or injury.

- Prohibition

The youth may be prohibited from possessing specific items such as firearm, or other weapons for a designated period of time which may exceed two years..

- Attendance Order

The youth may be required to attend a designated program for up to 240 hours over a six month period in order to address issues related to their offence and to help them change their behaviour.

- Deferred Custody & Supervision Order

The youth serves their sentence, of up to six months, in the community with set conditions. If these conditions are not met the youth may be placed in custody.

- Intensive Rehabilitative Custody and Supervision Order

With this sentence the youth is required to participate in an intensive rehabilitation program while in custody followed by conditional supervision in the community. This is used in cases of deadly and repeated violent offences where the youth may face mental health issues and where the program is expected to prevent a repeat offence.

### Sentences

Other options for sentencing include:

- Reprimand
- Absolute Discharge
- Conditional Discharge
- Reimbursement of Innocent Purchaser
- Personal Service
- Prohibition
- Attendance Order
- Deferred Custody & Supervision Order
- Intensive Rehabilitative Custody and Supervision Order

## Slide 20 - Adult Sentences

Adult sentences can apply to youth 14 and over for “presumptive” offences. Presumptive offences are offences where it is presumed the youth will be charged as an adult.

Adult sentencing is only used if a youth sentence would not be long enough to hold the youth accountable.

Adult sentences are presumed for:

- 1st Degree Murder
- 2nd Degree Murder
- Manslaughter
- Aggravated Sexual Assault
- Attempted Murder
- A Serious Violent Offence with at least 2 previously recorded serious violent offences


### Adult Sentences

Adult sentences can apply to youth 14 and over for “presumptive” offences.

Used only if a youth sentence would not be long enough to hold the youth accountable.

Adult sentences are presumed for:

- 1<sup>st</sup> Degree Murder
- 2<sup>nd</sup> Degree Murder
- Manslaughter
- Aggravated Sexual Assault
- Attempted Murder
- Serious Violent Offences



## Slide 21 - Publishing


A young persons identity is protected under the YCJA by special provisions. Their identity may not be published except when:

- The youth receives an adult sentence
- The youth is ‘at large’ in the community and may be a danger to others

### Publishing

A young persons identity may not be published except when:

- The youth receives an adult sentence
- The youth is ‘at large’ in the community and may be a danger to others



## Slide 22 - Records

Records of youth involvement with the law are kept by local police when they come in contact with a youth, by the court as they record proceedings, and in the Canadian Police Information Centre (C.P.I.C.) which is where a youth criminal record is recorded. Other organizations the youth may be involved with such as a youth justice committee, treatment centre, or community service organization may keep their own records of youth involvement in their programs. Records may be kept for a designated period of time after which they must be deleted, destroyed or transferred to a special government archive. The period of time a record lasts varies depending upon the type of offence.


There are three categories of offences:

- **Summary convictions** - \$2000 or 6 months
- **Indictable offences** – More serious, elect type of trial (Judge+Jury)
- **Hybrid offences** – Could be either of the two above. The crown indicates how it would like the youth to be charged based on the severity or degree of the offence

### Records

There are several types:

- Local Police Records
- Court Record
- Canadian Police Information Centre (C.P.I.C.)
- Involved Organization Records



There are three categories of offences:

- **Summary convictions** - \$2000 or 6 months custody
- **Indictable offences** – More serious, elect type of trial (Judge+Jury)
- **Hybrid offences** – Could be either of the two above. The crown indicates how it would like the youth to be charged based on the severity or degree of the offence

## Slide 23 - Youth Records: How Long Do They Last?

For a Summary Offence, a record will last for 3 years after completion of sentence

For an Indictable Offence, the record will last for 5 years after completion of sentence

Slide 23: Youth Records How Long Do They Last?

For a Summary Offence  
3 years after completion of sentence

For an Indictable Offence  
5 years after completion of sentence

The slide features a title at the top, a central illustration of a laptop with a green 'CPIC' label, and two lines of text below it, each with a blue underlined link.

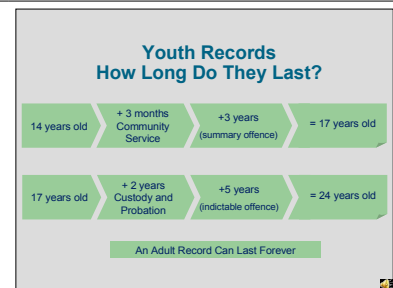
## Slide 24 - Youth Records: How Long Do They Last? Examples

This means that:

A youth who receives a sentence of 3 months community service when they are 14, will have a record for three years after they complete their community service order. Their record will last until they are 17 years old

A 17 year old youth who receives a 2 year custody and probation sentence, will have a record for five years after they complete their probation. Their record will last until they are 24 years old.

If a person commits an offence as an adult before their youth record expires, their youth record will become a part of their adult record. An adult record will remain for their rest of their lives unless they are eligible for a pardon.



## Slide 25 - Having a Youth Record Can Affect...

Your Job, your ability to Travel, and can affect your future appearances in Court

Various jobs, professions, educational programs and volunteer organizations require you to give them a police security clearance or perform a vulnerable sector search before employment or entry into a program. You would need to apply for the search and sign a waiver to allow for this information to be released to the employer or volunteer organization. Information from the courts database, local police database, and CPIC database may be used in these searches and may reveal past and current convictions, extrajudicial sanctions, as well as upcoming court appearances.

Canada shares its criminal record databases with other countries. Once your information is in a database in another country, You do not have any rights under Canadian law to have it removed. This means You may also be refused a visa to enter many countries or may need to apply for special permission to enter other countries, including the United States, even after your record has expired. For some countries this special permission costs several hundred dollars and can take in excess of six months to receive. As different countries have different regulations and may treat a youth record differently than an adult record, it is best to enquire at your nearest consulate or embassy before travelling with a record.

If you have an active youth criminal record and are charged with an offence as an adult, your youth record automatically becomes part of your adult record and can be used in court. An adult record is permanent and can only be sealed by a successful application for a pardon.



**Slide 26 - The Edmonton John Howard Society [no narration]**

Last Slide :Contact information

## **Edmonton John Howard Society**

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

#401, 10010-105 Street,  
Edmonton, AB T5J 1C4

Telephone: (780) 428-7590

Fax: (780) 425-1549

[mail@johnhoward.org](mailto:mail@johnhoward.org)

