NEW DIRECTIONS IN YOUTH JUSTICE

“Story of James”: Case Studies for Alternative Schools

Second Edition
Revised 2002
NEW DIRECTIONS IN YOUTH JUSTICE: “Story of James”:
Case Studies for Alternative Schools

CREDITS

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Statement of Limitation

Any contradiction, dispute or difference between the contents of the resource and the Youth Criminal Justice Act or the Criminal Code of Canada should be resolved only by reference to the most recent consolidation of the Criminal Code of Canada and the Youth Criminal Justice Act. Provincial or territorial implementation of policies and programs may vary.
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“Story of James Four Part Comic Strip”
NEW DIRECTIONS IN YOUTH JUSTICE

Who Are We?

The Law Courts Education Society of BC (LCES) provides public legal education to children, youth and adults across the province. Our goal is to increase public understanding of the court system and criminal and civil trial procedures. We believe citizens are better able to preserve and respect the justice system with greater knowledge of its operations and goals.

The LCES works with teachers, community educators, schools, community organizations, service agencies and courthouse personnel. We are committed to reducing the legal barrier through ongoing translation projects; Courtlink programs for school children and youth; and public forums on important legal issues for the judiciary, legal professionals, educators and the general public. In the past 10 years, over 500,000 individuals have been involved in our programs.

In 1999, the LCES received the Irwin Cantor Award for innovative programming for the culturally sensitive Parenting After Separation Program for Chinese and South-Asian communities. In 1993, we received the National Justice Achievement Award from the National Association of Court Management for innovative work on immigrant legal issues and again in 1995 for work on programs for First Nations community groups.

We are an international leader in public legal education. We have pioneered services for those with special needs, including creating educational materials for service agencies and other groups dealing with the needs of mentally challenged individuals. Most recently, we co-created a series of American Sign Language (ASL) videos for the Deaf community on the operation of the justice system in British Columbia.
Learning objective
To increase student’s awareness and understanding of the Youth Criminal Justice Act with an emphasis on the:
• changes made to the Young Offender’s Act
• extrajudicial measures and extrajudicial sanctions
• publication of young offenders in the media
• adult sentences for youth, and
• legal rights of youth under the new Youth Criminal Justice Act

Instructions for teachers
This four-part series is in a comic strip format. This story will follow James from 12 to 19 years of age. Our main character will be a youth involved in the youth justice system. The series will conclude with his involvement in the adult justice system. Throughout the series, key provisions of the Youth Criminal Justice Act (Act) will be introduced, and the effects on the main character will be examined. Narration will be used in the comic sections to educate students regarding some key provisions of the Youth Criminal Justice Act. A “comic summary” is included at the beginning of each of the four sections.

Evaluation
Evaluation of students’ understanding of legal concepts introduced in each chapter will be based on their completion of written exercises. The series begins with a pre-test, which is to be completed before reading Part 1 of the comic sections. A teacher’s answer key for the pre-test can be found on page 3. Following each comic section is a series of exercises that students are to complete before proceeding to the next section. After the four comic sections and subsequent exercises have been completed, the students will be given a final exam. A teacher’s answer key for the final exam can be found on page 29.
TEACHER’S ANSWER KEY AND MARKING INSTRUCTIONS:

This unit contains:

Pre-Test ( /26)

Story of James (Part 1) "First Offence"
  Worksheet 1A ( /15)
  Worksheet 1B ( /10)

Story of James (Part 2) "Constant Trouble"
  Worksheet 2A ( /15)

Story of James (Part 3) "Road Menace"
  Worksheet 3A ( /12)
  Worksheet 3B ( /13)

Story of James (Part 4) "Death by Accident"
  Worksheet 4A ( /10)

Post-Test ( /70)

Unit total not including pre-test ( /145)
NEW DIRECTIONS IN YOUTH JUSTICE
Basics for Teachers

The Federal Government has recently passed the Youth Criminal Justice Act (Act) which will come into force April 2003. The principles of the Youth Justice Renewal Initiative (Initiative) and what it accomplishes are set out below as well as a synopsis of the important changes that are part of the new legislation.

Three basic principles of the Youth Criminal Justice Act are to prevent crime by addressing the circumstances underlying a young person’s offending behaviour, to rehabilitate young persons who commit offences and reintegrate them into society and to ensure that a young person is subject to meaningful consequences for his or her offence. These principles promote the long term protection of the public.

One important point of the new legislation is the distinction between non-violent offenders and violent offenders and between first-time offenders and repeat offenders. Sentencing reflects the plan of the government for the community to become even more involved in the rehabilitation of the young offenders and their reintegration back into the community. This includes more diversion away from the court system by police and the Crown. Community based programs will be an integral and large part of the Initiative. Young people can expect meaningful consequences to be carried out in the community if they become involved in crime. Greater involvement of the victim in the process can help young people to be rehabilitated and reintegrated into the community. However, this will depend on the availability of community programs.

British Columbia has been involved in many of these initiatives. In fact, the Act is to some extent, modeled after some B.C. programs that emphasize the notion of restorative justice.

The legislation reserves custody for the most serious and violent offenders or repeat offenders. The seriousness of the consequences will be closely matched to the seriousness of the crime. Youth who are found guilty of attempted murder, murder, manslaughter, aggravated sexual assault, or their third serious violent offence may expect to receive adult sentences. Government services will be implemented by the provinces to increase the likelihood of rehabilitation while in custody and also to ensure that, once released, youth are closely supervised and assisted with their reintegration into society.

Youth Justice Renewal Initiative

This initiative looks beyond the legislation and the present youth justice system to find ways in which society, as a whole, can address youth crime and its associated concerns.

Canada’s youth justice system needs to protect society, command respect and foster values such as accountability and responsibility. It must be made clear to young people that criminal behaviour will lead to serious consequences. Changing the present law is not enough. Canadians must support young people and help them to avoid criminal involvement in the first place or try to help them turn their lives around so they don’t become involved in crime.
The Youth Justice Renewal Initiative examines how society and communities can work together to address youth crime by looking, not only at the offenders, but also at the underlying reasons for their involvement in crime.

The Youth Justice Renewal Initiative supports the use of alternatives to the formal court process such as diversion programs. Alternatives can involve the whole community, the person involved, the parents, the teachers, the police and the victims of the crime. Youth will be held accountable and will see the value that the community places on doing something to right the wrong done. These alternatives are called "Extrajudicial Measures and Extrajudicial Sanctions" in the new legislation.

Of course the courts will be used to deal with young offenders who have committed serious offences or young people who are repeat offenders. New and expanded sentences will apply and more emphasis will be placed on their rehabilitation and reintegration.

Community-based court ordered sentences will be encouraged, where appropriate. A community-based sentence could include restitution, compensation for victims and restorative approaches, such as participating in a community justice conference, attendance at rehabilitative programs, community service and community supervision.

Communities will be directly involved with improving the supervision of and the reintegration of violent or repeat young offenders who are released from custody into the community. The new sentences would provide for close supervision and support in the community and would also include attendance orders; intensive support and supervision orders; and deferred custody and supervision orders.

One of the goals of this expanded involvement is to promote safer communities over the long term.

**Youth Criminal Justice Act**

This Act forms the backbone to the restructuring of the youth justice system. The legislation reinforces the principle that the criminal justice system for young people is different from the one for adults. It provides a clear direction and it establishes a structure for the application of its principles. It also resolves inconsistencies in the present system.

The Act recognizes the role of the victim in community based measures as well as in the court process, and includes them in the conference process. The victim's right to information and access to the records of the young offender is established by the Act.

**Key Elements**

**Principles**
- Prevent crime by addressing the circumstances underlying a young person’s behaviour
• Rehabilitate and reintegrate young people who commit offences into society
• Ensure that a young person is subject to meaningful consequences for his or her offence

These principles promote the long term protection of the public.

Sentencing

Sentencing should reinforce respect for societal values, encourage the repair of harm done to victims and the community, be meaningful for the individual young person and respect the special circumstances of that young person.
• Encourages having fewer young people in the formal justice system and having fewer custodial sentences given for less serious offences
• Creates more options for police and Crown discretion before or during the formal court process. The police and Crown are given statutory authority to refer, caution and warn young people
• “Conferencing” is encouraged where possible to allow the youth to be a participant in a process with victims, family members and others to learn about the consequences of his or her misbehaviour and to develop ways to make amends. Conferences may be convened by the police, the prosecutor, or the judge.
• New sentencing options like a reprimand and intensive support and supervision encourage non-custodial sentences where appropriate and support reintegration
• Wider range of sentencing options to repair harm done
• Encourages community-based referrals to deal with less serious offences
• Provides a clear, consistent and coherent code for youth sentences in order to reflect a fairer approach to sentencing
• Purpose of sentencing is to hold a youth accountable for the offence committed by imposing meaningful consequences and promoting the rehabilitation and reintegration of the youth thereby contributing to the long-term protection of the public
• Punishment imposed must not be greater than the punishment that would be given to an adult in similar circumstances
• Punishment for the same offence, imposed in a region, in similar circumstances should be the same for all youth. The Act creates a framework to accomplish this
• Provides that all proceedings against a youth take place in youth court where age-appropriate due process protections apply. A hearing on the appropriateness of an adult sentence will only occur after a finding of guilt and all the evidence about the offence has been heard. The procedure will be speedier, retain age-appropriate due process protections and will be more respectful of the presumption of innocence.
• Presumption that a youth under the age of 18 will serve an adult sentence in a youth facility
• Allows courts to impose adult sentences upon conviction if criteria are met
• Presumes that adult sentences will be given to young people 14 and older who are found guilty of murder, attempted murder, manslaughter, aggravated sexual assault or who are repeat, serious violent offenders, or who have committed an offence for which an adult could receive more than two years in jail. The age limit for the presumption of adult sentences may vary from age 14 to 16 depending on the choice of the province or territory.
• Creates a new intensive rehabilitative custody and conditional supervision sentence (IRCS) for the most violent, high-risk young offenders so that they can get the treatment they need as an alternative to being given an adult sentence. Subject to consent of the Provincial Director for the Ministry of Children and Families.
Custody and Reintegration

Young people are more likely than adults to be rehabilitated and to become law-abiding citizens. The Act:

- Requires that youth be held separately from adults to reduce the risk that they will be exposed to adult offenders
- Requires that all periods of custody be followed by a period of supervision and support in the community to ensure that the youth is closely monitored and that s/he is receiving necessary treatment
- Requires the judge to state in court the portion of time to be spent in custody and the portion of time to be served in the community
- Requires conditions to be imposed on periods of supervision and a reintegration plan for each youth
- States that a youth who breaches the conditions of community supervision could be returned to custody
- Gives flexibility to the provinces when determining the level of security for custody and when to move the young offender who has reach the age of adulthood while in custody to an adult facility
- Encourages continuity between the custody and the community portions of the sentence through increased reintegration planning throughout the whole sentence
- Encourages the community and community agencies to participate in and to take an active role in the reintegration of young offenders

Publication and Records

The Act strives for a balance between transparency in the justice system and the need for young people to be protected from negative publicity during their rehabilitation. Publication of names will be allowed when:

- A youth receives an adult sentence
- When a youth receives a youth sentence for murder, attempted murder, manslaughter, aggravated sexual assault, or has a pattern of convictions for serious violent offences unless the judge rules otherwise
- It is necessary to apprehend a young offender, under court order, who is at large and is a danger to others
- Is permitted only after the young person has been found guilty.

Non-Court Responses: Extrajudicial Measures

By Police:
- taking no further action
- warning
- caution
- referral to a community based agency

By Crown:
- warning
- Extrajudicial Sanctions referral to a community based agency

For more information look on the website www.lawcourtsed.ca
Pre-Test: The Story of James

Teacher’s answer key for this pre-test is found on pages 3 and 4.

Following the pre-test have students read Basics for Students (pages 5-6), the Comparison of the Young Offenders Act to the Youth Criminal Justice Act (pages 7-8) and Statistics on Youth Crime (page 9).

Circle the correct answer:

1) The new legislation that will replace the Young Offenders Act is called the YCJA. This stands for:
   a) Young Canadian Justice Act   c) Your Criminal Justice Act
   b) Youth Criminal Justice Association   d) Youth Criminal Justice Act

2) At what age is a youth held criminally responsible for breaking the law?
   a) 10 years old   c) 12 years old
   b) 11 years old   d) 13 years old

3) At what age does a youth become an adult in the criminal justice system?
   a) 16 years old   c) 18 years old
   b) 17 years old   d) 19 years old

4) What types of crimes are committed the most by youth?
   a) violent crimes   b) non-violent crimes

5) Which are non-violent crimes?
   a) assault and drunk driving   c) drug possession and theft
   b) drug possession and murder   d) contempt of court and sexual assault

6) Which crime is committed the least by youth?
   a) manslaughter   c) drug possession
   b) contempt of court   d) auto theft

7) Which is the order of events when dealing with the justice system?
   a) trial-arrest-charge   c) charge-arrest-trial
   b) arrest-charge-trial   d) none of the above

8) Which of the following is NOT true about the right of a young person to a lawyer?
   a) You have the right to consult a lawyer before you make a statement to the police.
   b) If you decide to make a statement, you have the right to have your lawyer present when you do this.
   c) You have a right to a lawyer until you are 14 years old.
   d) You have the right to consult a lawyer if you think it might be better to participate in an extra-judicial sanction rather than go to trial.
   e) If you want to get a lawyer but are not able to do so, the court will help you get one.
9) Can a youth be given an adult sentence from the courts?
   a) yes b) no

10) The victim’s concerns are now recognized in the *Youth Criminal Justice Act*.
    a) yes b) no

**Put the correct letter to match the legal term with its definition:**
Please note there are more answers in the left column than definitions.

11) Crown counsel  _____  A. take something with force or weapon
12) curfew  _____  B. take something without permission
13) probation  _____  C. conducts trial, decides to convict or acquit if there is no jury and decides on the sentence if the young person is convicted.
14) a legal right  _____  D. to hold illegal drugs
15) sheriff  _____  E. break and enter
16) theft  _____  F. accidental death
17) parole  _____  G. time at which a person must be home
18) arrest  _____  H. planned death
19) 1st degree murder  _____  I. defends accused in court
20) robbery  _____  J. security person in the court
21) B and E  _____  K. Latin for Queen
22) Regina  _____  L. bust and entering
23) shoplifting  _____  M. acts for the government in a criminal trial
24) defence counsel  _____  N. to hold someone
25) judge  _____  O. period of sentence served after time in custody in the community under supervision and conditions
26) community justice conference  _____  P. alternative instead of jail

Q. steal from a store/theft under $5,000
R. can phone parents when arrested
S. a meeting to decide consequences for a wrong doing
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Introduction: The Youth Criminal Justice Act applies to young people who are 12-17 years old. Offenders are referred to as ‘young persons’. The overall purpose of the Act is to make the public feel safe. Young people must be accountable for their actions which means that they must face the consequences for their wrong-doings. The consequence for the crime must be proportionate to the seriousness of the crime. That means that more serious crimes should have more serious consequences.

Principles of the Act

- Prevent crime by addressing the circumstances underlying a young person’s behaviour
- Rehabilitate and reintegrate young people who commit offences into society
- Ensure that a young person is subject to meaningful consequences for his or her offence

These principles promote the long term protection of the public.

What Does the New Law Do?: The Youth Criminal Justice Act establishes a fair and effective youth justice system. Serious and repeat offenders will be dealt with more severely. There are many choices or options in sentencing. Victims, parents and the community are encouraged to become involved in the process whether it is in court or not.

Legal Rights: The accused youth has all the extra protections under the law such as the right to remain silent, the right to know the reason for arrest and the right to retain legal counsel. The youth is entitled to legal counsel at arrest, at trial and when a sanction is being used. As well, a youth is entitled to have an adult or parent present when being questioned by the police. Youth can also waive their rights under the Act.

Violent and Repeat Offenders: Serious violent crimes occur when someone gets hurt as a result of a crime or if there is a serious risk of someone being hurt. For example, a robbery in which no one was injured could be considered "violent" if a gun, or even a replica of a gun, was used as a threat. A youth is a "repeat offender" if s/he has committed a crime before. An adult sentence can be given to a youth 14–17 years old if that person has been convicted of one of four serious violent offences or if the youth has a pattern of convictions for violent offences, or if the offence is one for which an adult could receive more than two years in jail. This means that when a youth (14, 15, 16 or older) commits attempted murder, murder, manslaughter, aggravated sexual assault or a third serious violent offence an adult sentence shall be imposed if the youth is found guilty. The trial is always held in youth court. A province may fix an age greater than 14 years but not more than 16 years for the purpose of the application of the provisions relating to these presumptive offences. The Act can provide for a sentence that includes special supervision if the youth has committed one of the more serious crimes. This special supervision is called "intensive rehabilitative custody.” The maximum youth sentence in the Act is ten years for first-degree murder, six years served in custody and four years under supervision. The Youth Criminal Justice Act states that the media may publish the name of a youth who has been convicted of a serious violent crime and has received an adult sentence. If the youth does get an adult sentence for a serious violent crime then the records are treated in the same way as if the youth were an adult.
Non-Violent Crime and First Time Offenders: Most youth who commit crimes are either non-violent or first time offenders. Non-violent and first time offenders will have a range of options other than going to court such as police warnings or police or Crown diversion programs. Extrajudicial Measures and Extrajudicial Sanctions may place young people who offend into programs that will help address their problems and they may also provide an opportunity for restitution to the community. If they go to court sentences could include doing something for the victim to make up for the crime or doing some form of community service.

Custody as a Consequence: Keeping people in custody has been shown not to be the best approach for rehabilitation. When people are released they might commit further crimes because they have not broken their old habits or they have learned bad habits from other offenders. Therefore, alternatives to custody should be considered for youth.

Alternatives to the Formal Court Process: "Extrajudicial Measures and Extrajudicial Sanctions" are designed to solve problems and to keep young people out of the court system by having them take responsibility for their actions and, where appropriate, take other action such as to apologize, to attend counselling, to make restitution, among others. These extra-judicial measures and sanctions are often more meaningful and can help the youth focus on repairing the harm done to the victim and to the community.

Restorative Justice: Restorative justice means that those who are involved in a crime - victims, victims’ families, youth who offend and the community - are encouraged to reconcile, restore and repair relationships and situations.

Rehabilitation: Rehabilitation means that young offenders must take steps to address some of his/her problems. This Act believes that young people must be held accountable for their crimes. However, because of their age, young people are less set in their ways and they are more likely to respond to treatment programs and to be successfully rehabilitated and become law-abiding citizens. The Act underscores the importance of rehabilitation programs such as drug and alcohol counselling, anger management programs and job training.

Reintegration: Reintegration means that the youth must learn to fit back into his/her community. The Act makes this a priority. All custodial sentences will include a period of supervision in the community following the period of custody. Reintegration planning will be required for all youth in custody. There may be some rules that the youth must follow. The youth may have to attend school, obey a curfew, not associate with certain people, not use drugs or alcohol and attend anger management or drug and alcohol counselling. If these conditions are followed while the youth is being closely supervised and supported then the youth has a better chance of not committing a crime again during this critical period.

Consequences of Having a Criminal Record: The convicted youth would have a criminal record for up to five years after s/he has completed his/her sentence or ten years if a violent offence. If s/he commits another offence within that time period then the previous offence could be addressed in court especially in sentencing. Even a "closed" youth record can be reopened by the court at a later time if more offences are committed. A convicted youth may not be able to travel to another country or secure certain types of employment if they have a record. What youth need to realize is that their young offender criminal record will not automatically disappear after they reach the age of 18. These are serious consequences for youth.
# New Directions in Youth Justice
## Highlights of the New Legislation

<table>
<thead>
<tr>
<th>Comparison of:</th>
<th><strong>Youth Criminal Justice Act</strong></th>
<th><strong>Young Offenders Act</strong></th>
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| **PRINCIPLE**  | • Has a clear statement of what the Act is about and why it exists. The principles include the protection of society, the prevention of crime, accountability of youth offenders, social values, proportionality of sentences, rehabilitation and reintegration, protection of youth rights and respect for victims.  
• Includes guidance for police, prosecutors, judges and others at the different stages of the process. | • Contains similar themes but lacks specific principles and guidance at the different stages of the youth justice process. |
| **MEASURES OUTSIDE THE COURT PROCESS** | • Creates a presumption that measures other than court proceedings should be used for a first, non-violent offence.  
• Is clear about why and how to use measures or sanctions as alternatives to the court process.  
• Encourages use of extrajudicial measures and extrajudicial sanctions when they are adequate to hold a young person accountable.  
• Authorizes the police to use measures such as warnings, cautions or referrals.  
• Authorizes Crown to use measures such as cautions and referrals where the offence is less serious.  
• Authorizes Crown to use extrajudicial sanctions such as cautions and referrals where the offence is more serious or where there is a repeat offender as long as certain conditions are met. | • Does not create a presumption that other measures than court proceedings should be used for minor offences.  
• Provides less direction on how to use alternative measures to the court process, and when they are appropriate. |
| **YOUTH SENTENCES** | • Custody reserved for violent or repeat offenders.  
• Says that the purpose of youth sentences is to hold youth accountable. Includes other principles, including the importance of rehabilitation and proportionality in sentencing.  
• New options like a reprimand, intensive support and supervision encourage non-custodial sentences where appropriate and support reintegration.  
• Other new options, such as intensive rehabilitation custody and conditional supervision are aimed at helping serious violent offenders. | • No restriction on use of custody.  
• Contains no statement of the purpose of sentencing.  
• Has no requirement for community supervision following custody.  
• Does not have the same range of sentencing options. |
| **ADULT SENTENCES** | • Courts can impose an adult sentence.  
• The lowest age for an adult sentence is 14.  
• An adult sentence is presumed to be appropriate if the youth was 14 or older when he or she committed the serious violent crime. These crimes are called presumptive offences and include murder, manslaughter, attempted murder and aggravated sexual assault.  
• A pattern of at least three serious repeat violent offences or any offence for which an adult could receive more than two years in jail are factors in adult sentencing.  
• Attorney general seeking an adult sentence must give notice to youth before plea and with leave of the court before trial.  
• The Crown can renounce the application of the presumption of adult sentence. In this case, the judge who finds the young person guilty has to impose a youth sentence. | • Requires a court hearing before youth can be transferred to adult court. This can cause lengthy delays before trial.  
• The courts presume they can give youth 16 or older an adult sentence if they are convicted of a serious offence.  
• Has no specific provision for considering the pattern of repeat violent offences but the Crown can request an adult sentence for any offence for which an adult could be sentenced to more than two years in custody.  
• The Crown cannot renounce the application of the presumption of an adult sentence. |
<table>
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<tr>
<th>Comparison of:</th>
<th>Youth Criminal Justice Act</th>
<th>Young Offenders Act</th>
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| PUBLICATION OF OFFENDER’S NAME | • The youth’s name can be published if the youth gets an adult sentence.  
• The youth’s name can be published if the youth gets a youth sentence for a presumptive offence — unless the judge decides otherwise or the Crown decides not to ask for an adult sentence.  
• The youth’s name can be published under court order if it is necessary to apprehend the youth who is at large and she or he is a danger to the public.  
• Permitted only after the young person has been found guilty. | • The youth’s name may not be published if the youth gets a youth sentence, even in cases of repeat or violent offences. If a youth is transferred to adult court then the name can be published.  
• Permitted before the youth is found guilty. |
| VICTIMS | • Victims’ concerns are now recognized in the principles of the Act.  
• Victims have the right to request access to certain youth records.  
• Victims have a role in formal and informal community-based measures for the offender.  
• Victims have a right to request information about measures or sanctions used for the offender that do not involve going to court.  
• Victims have a right to information about proceedings and a right to be given an opportunity to participate and be heard.  
• Victim impact statements can be submitted at the time of sentencing. | • The principles of the Act do not mention victims.  
• Victims must ask for access to youth records.  
• There is no formal recognition of the victim’s role.  
• No right of victims to information on alternate measures taken. |
| VOLUNTARY STATEMENTS TO POLICE | • Voluntary statements can be admitted into evidence, despite technical violations of the protections for young persons. | • Any violation of protections means the statement cannot be admitted into evidence. |
| INVOLVING PARTNERS (CONFERENCES) | • Allows advisory groups or “conferences” to advise police officers, judges or other decision-makers.  
• Conferences may include parents of the young person, the victim, community agencies or professionals.  
• Conferences may advise on appropriate informal measures, conditions for release from pre-trial detention, appropriate sentences and conditions, and reintegration plans. | • There is no similar provision. |
| CUSTODY AND REINTEGRATION | • The province has more discretion to determine the level of custody. This may make the system more efficient.  
• Ensures that all youth with custodial sentences will also serve a period of supervision with conditions in the community. Youth can be returned to custody if they do not keep these conditions.  
• Increases planning for the reintegration of youth and encourages the community to take an active role in that reintegration.  
• A plan for reintegration in the community must be prepared for each youth in custody.  
• Reintegration leaves may be granted for up to 30 days. | • Youth court determines the custody level at the time it imposes the sentence.  
• The decision to transfer a youth to a different custody level is made by youth court only.  
• Youth with custodial sentences may also serve a period of supervision in the community with conditions, but there is no requirement that there be supervised reintegration after custody.  
• No requirement to plan reintegration during custody.  
• Temporary leaves may be granted for up to 15 days. |
Statistics on Youth Crime
All figures are from the Department of Justice.

Youth crime is decreasing in Canada
• Convictions for youth crime went down 23 per cent between 1991 and 1997.
• Youth crime was 26 per cent of all crime in 1991. By 1997 it was 20 per cent.
• The rate at which youth are being charged with offences is declining. It went from 71 per 1,000 youth in 1991 to 47 per 1,000 youth in 1997.

What kinds of crime do youth commit?
• In 1997, 18 per cent of youth crime was violent crime.
• The charge rate for violent crime by youth has fallen slightly. In 1994 it was 11 charges per 1,000 youth. In 1997 it had dropped to 10 charges per 1,000 youth.
• Currently 82 per cent of all youth crime is "non-violent." That includes offences such as car theft, drug possession and shoplifting.
• The charge rate for "property-related" crime by youth has fallen by almost half. In 1991 it was 91 charges per 1,000 youth. In 1997 it had dropped to 52 charges per 1,000 youth.
• The charge rate, for things like prostitution, gaming and disturbing the peace, fell 15 per cent between 1991 and 1997.

What this means: The Youth Criminal Justice Act distinguishes clearly between
• serious violent offenders, which are in the minority, and
• non-violent offenders

At what age do youth commit crime?
Older youth are more likely to become involved in criminal acts. In 1997, the age breakdown was as follows:
• 24% of crimes committed by youth, were committed by those 17 years of age
• 24% of crimes committed by youth, were committed by those 16 years of age
• 22% of crimes committed by youth, were committed by those 15 years of age
• 15% of crimes committed by youth, were committed by those 14 years of age
• 8% of crimes committed by youth, were committed by those 13 years of age
• 3% of crimes committed by youth, were committed by those 12 years of age

One half of youth crime is committed by youth who are 16 or 17 years of age. The other half involves youth under the age of 16.

Which youth gender is more likely to commit violent crimes?
Young men are still more than twice as likely to be involved in violent crime than are young women. In 1997, male youth had a violent charge rate of 14 per 1,000 compared with 6 per 1,000 for females.

What this means: Although youth crime has decreased generally, violent crime amongst youth is still higher than it was 12 years ago. These figures indicate that the law dealing with youth crime needs to look at different options for different age groups, genders and categories of offences. This is what the new Youth Criminal Justice Act does.
Comic summary: James has just turned 12 years old. He is involved in shoplifting as his first offence. The store owner calls the police and James is taken home to his father. He is arrested but is not charged with a criminal offence. James is given a warning by the police officer.

- "The age for criminal responsibility is when a person turns 12 years."
- "Police are authorized to use non-court responses such as taking no further action, warnings, referrals to community based programs or sanctions for most first non-violent offenses."

Describe the following: ( /5)

1. Youth Criminal Justice Act

   
   

2. Police warning

   
   

3. Young Offender

   
   

4. Criminal responsibility

   
   

5. Victim

   
   

Answer the following questions based on part one of the comic:

1. What did James steal from Mr. Chins’ store?

2. Was James arrested? Explain.

3. How old is James?

4. Why did the police officer give James a warning?

5. What was the condition set out in the warning from the police officer?

6. What is the age for criminal responsibility in Canada?

Should the age for criminal responsibility be lowered to 10 years old? Give reasons for your answer. ( /4)
1. You be the Police Officer! ( /4)

This shoplifting of a collectors’ comic book worth $40 was James’ first criminal offense where he had been caught. James was given a warning from the police officer. He was taken home to his father. Pretend you are the police officer in the story. How would you deal with James? Circle one of the answers below.

- warning
- referral to a community agency
- caution
- charge with offence

Give the reasons for your answer.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. You be the parent! ( /3)

Pretend you are the parent of James. What kind of punishment would you decide to give? Give reasons why your response(s) would be effective.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3. You be the store owner! ( /3)

What do you think James should have to do to make up for his offence? Give your reasons.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Comic Summary: James is now 14 years old. He is skipping school on a regular basis, smokes marijuana and drinks with his friends while they skip school. James and his friends also vandalize cars and property. James has no respect for the law and seems to show no remorse for the crimes he commits. He is also hanging out with older boys who have been in trouble with the police in the past.

On this day, James is caught shoplifting again. This time at the local mall. The store security phones the police. The police officer decides James should be referred to a Community Accountability Program where he will participate in a "community justice conference." This is a meeting with a group of people who will help decide an appropriate consequences for James.

In this particular case, James meets with the police officer, the principal of his school, his parents and someone representing the store. He is asked to take responsibility for what happened. As part of his consequence, the committee has James write a letter of apology to all the people his crimes have hurt.

This community justice conference is an extra-judicial measure which means it happens outside the formal court process. By participating in this type of program, James does not go before a judge in provincial Youth Court.

- "In 1997, 82% of charges laid against youth were for non-violent criminal acts like theft, drug possession and contempt of court orders."

- Extra judicial measures such as community justice conferences are a feature of the Youth Criminal Justice Act.

- "Victim’s concerns are taken into account as a principle of the Youth Criminal justice Act."

Answer the following questions ( / 6)

Describe how you might feel about writing a similar letter, having to indirectly face those you had hurt? Would you feel as James does or would you feel differently? Do you think writing this difficult letter and participating in this program will help turn James around? Explain your answer.

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
New Directions in Youth Justice • The Story of James

List 3 different consequences that the community justice conference could have asked James to do to be held accountable for his crime of shoplifting. (3)

1. 

2. 

3. 

Describe 3 non-violent criminal offences. (3)

1. 

2. 

3. 

Describe 3 violent criminal offences. (3)

4. 

5. 

6.
Optional Activity:  
Community Justice Conference Simulation

Read the facts to your students, assign roles and conduct the conference using the script which follows.

The Dare

Jason, 17, visited his friends at a neighbouring school one day during lunch hour. As the lunch hour was drawing to an end his friends dared him to pull the fire alarm before returning to his own school. "I just might," he said as his friends were heading to their classrooms. Jason surprised himself by pulling the alarm before walking out of the school. He stood outside to watch. He was a little surprised by the number of people who were filing out of the school - and he was a little nervous that someone may have seen him pull the alarm. He began heading back to his own school but he did not run, as he did not want to appear to be suspicious. "I hope they enjoy the sunshine," he muttered as he glanced back towards the students and staff standing outside the school. It wasn’t long before the rumours began to spread. The police questioned Jason’s friends and they admitted to daring Jason to pull the alarm.

When a police officer visited Jason, he confessed that he had pulled the alarm. He had a couple of previous dealings with the police — such as the time when they dumped out his beer when he was in a park with a bunch of other kids but he had never been to court. Jason is in grade 11. He is not a great student but he is getting by. He doesn’t have a part-time job but he hopes to work as a mechanic one day.

Jason could be charged with mischief. Mischief occurred in this case when Jason wilfully obstructed, interrupted or interfered with the lawful use, enjoyment or operation of property by pulling the fire alarm. If he is found guilty then the maximum penalty would be up to two years imprisonment.

Things to discuss:
Would a police warning be sufficient here? Why or why not? Should the police send this file to Crown counsel? Does Jason need to be taught a major lesson? Do others need to see that the offender in this case received a severe punishment?

Simulation: Student Role-Play

(See script at the end of this section.) If time permits you could have the students act this out or they could prepare their own script based on the information above.
Community Justice Conference: The Dare

Simulation Script

Rely on the use of scripts to achieve the goals of the conference. The teacher should collect the scripts after the simulation so that they are used for the purpose for which they were intended and they not readily available to students who may be participating in these conferences in real life.

Facilitators basically follow a script, but with experience they learn what works best for their own styles of facilitating conferences and they may modify the procedures a bit. A conference facilitator could be a volunteer or a police officer from the community trained in conferencing. This process is also being used in schools with great success in some situations. This is demonstrated well in the video, Introduction to Conferencing, available through the Real Justice website http://www.realjustice.org.

This conference is based on a real case, but the names have been changed to protect the youth’s identity and some of the facts were changed to make the simulation more expedient.

Jason Grewal, a 17-year-old who lived with his mother, a single parent, in the interior of British Columbia, was known to police, but he did not have a criminal record. When Jason was questioned by the police, he immediately confessed and he appeared to be scared and remorseful. The police officer gave Jason an opportunity to participate in a Community Justice Conference rather than sending the information on to Crown counsel. Jason likely would have been charged with mischief if the incident had gone to court. The conference information is confidential and participants will not receive a criminal record if they choose to participate and accept the sanctions rather than go through the court system.

Before the conference, the conference facilitator spoke with Jason, his mother, the principal, the assistant principal, and the investigating officer. The facilitator advised them as to where and when the conference would take place. Jason could have anyone else attend that he thought might be supportive, such as his grandparents, aunts, uncles, siblings, friends, teachers or coaches.

The school principal was at the conference to represent the concerns of the victims, which, in this case, were the students, the staff and the members of the fire department. The principal was told that she and any other victims who attended should think about what they might ask of Jason to repair the harm done by his actions.

The community justice conference facilitator sets up the chairs in a circle and asks everyone to be seated around the circle. The victims and the officer should sit on either side of the facilitator and Jason should sit across from them.
Script

Conference Facilitator: Welcome. As you know, my name is _____________ and I am the facilitator for this conference. Also here today are Constable ________________, who investigated the offence which brought us here today; Ms. ________________, the principal of ________________ High School, a victim of the offense; Mr. ________________, the assistant principal of ________________ High School, another victim of the offense; Jason Grewal, the offender, and Mrs. Grewal, the offender's mother.

Thank you all for attending this conference. This is difficult for all of us but your presence here will help us deal with the matter which has brought us together.

Today this conference will focus on an incident that happened on ________________ at ________________ High School which involved a false alarm. We are not here to decide whether Jason is a good person or a bad person. We will focus instead on what Jason did and how his behaviour has affected others.

Jason has admitted his part in the incident.

This matter may be finalized by this conference, subject to your positive participation and satisfactory compliance with the conference agreement. Do you understand that, Jason?

Today we all have an opportunity to be a part of repairing the harm that has been done.

Jason, tell us what happened and what you were thinking about at the time of the incident.

Jason: (Softly—sounding shy and embarrassed) I was over visiting my friends at the ________________ School during the lunch hour. I don't go to that school. I go to Western. It was a nice sunny day; the first we had had in a long time. When the bell went for the kids to go back to class, my friends dared me to pull the alarm. At first I wasn't going to, but then I thought, "I'll bet all these kids would appreciate if I did pull the alarm. They could get a little fresh air."

Facilitator: What have you been thinking about since that incident?

Jason: I have been thinking that I wish I could go back to that day and do things differently. I have been wondering what's going to happen to me.

Facilitator: Who has been affected by your actions?

Jason: (Again, softly and embarrassed) Well, certainly, the people at school, my mother, the police officer...
Facilitator: In what way have these people been affected?

Jason: Well, I know all the classes were disrupted. The kids were pretty excited. The teachers had just started their lessons. I caused them some grief. The principal and assistant principal didn’t know it was a false alarm at first. I am sure they were concerned. My mother has been very worried and embarrassed.

Facilitator: Now let’s find out from the victims the way they have been affected. Let’s begin with you, Ms. (Principal).

Principal: Well, my first concern was for the safety of the seven hundred fifty students in the school and fifty staff members. I immediately had to make sure they were all moving out of the school in an orderly fashion. When the fire alarm rang, I was in the middle of an important conference with a student and his parents. We were just getting close to wrapping up the meeting and we couldn’t get back to it that day as the parents had jobs to go to. So it meant a lot of concern and extra work. I am also here to represent the teachers who found the incident very disruptive. Classes had just settled in after lunch. Some teachers were giving tests. The P.E. kids were supposed to participate in a mini tournament. Because of the time the false alarm took from the class period they couldn’t begin the tournament that day. The students in home economics couldn’t do the cooking project they had anticipated. The janitors had to find where the alarm was and determine whether it was really set off by a fire or not. School students and staff had to stay outside until we determined it was safe to come back in. Probably the worst inconvenience was to the special needs kids. Many of them have problems with movement. They like to be independent, but when we have a potential emergency we simply need to take control and do what we need to do to get these students to safety. Many of them were very shaken about having to be carried or wheeled out of the school by teachers and aids. Twenty minutes of approximately eight hundred people’s time was wasted and many people were upset.

Facilitator: Thank you. Now let’s see what the assistant principal has to add.

Assistant Principal: Well, my job is to first find out, along with the janitor, if the alarm is real. If it isn’t, I have to get back quickly to the fire department to tell them not to come to the school. If the fire department had come then they would not have been available to anyone else who might really have needed them. On the day of the incident, there was a fire at Fletcher’s Mill fifteen minutes after the alarm was pulled at our school. If I hadn’t reached the fire department soon enough then this incident could have caused a lot more trouble than it did.

Facilitator: Constable Jacobs, how has this incident affected you?

Constable Jacobs: Well, our detachment has been understaffed for the past two months. Officers have been very stressed over all the work we have that never seems to get finished. Currently, I am investigating a hit and
run, an arson, a serious threat, and a number of break and enters. I know when I get back to the office I will have more files on my desk and I also have to prepare for two court appearances this week. This incident gave me more work to do when I already have more than enough.

Facilitator: Mrs. Grewal, I expect this incident has been difficult for you. Will you please tell us how it has affected you?

Mrs. Grewal: I felt sad and mad when I heard what had happened. My son is too old to be doing things like this. I thought I had brought him up to be a good boy. When I heard about this, I started to think about what I had done wrong. It hasn't been easy being a single parent. I want my son to finish high school and get a good job. I was embarrassed that my friends and neighbours heard that Jason had pulled the alarm. I guess rumours were going around the school. When I heard there had been an alarm, I wondered which stupid person had done that. Then I learned from the constable that it was Jason. I also knew that I had to tell his grandparents before they found out from somebody else. That was the worst part.

Facilitator: Jason, now that you have heard from all of these people, do you have anything to say to them? Let's begin with Ms. __________ (Principal). Do you have anything to say to her?

Jason: (Head down.) Sorry.

Facilitator: Jason, look at Ms. ____________ and tell her what you are thinking.

Jason: Ms. ____________, I didn't think about how many people I was causing trouble for. I feel very bad about those special needs kids. I didn't even think of them when I pulled that alarm. I will never do anything like this again.

Facilitator: Now, Jason, how about the vice principal, Mr. ____________. Do you have anything to say to him?

Jason: (Looking at Mr. _____________) I am really sorry. I certainly didn't think about the fire department and I didn't know about the fire at the mill. I am lucky you were able to let the fire department know that it was a false alarm.

Facilitator: Do you have anything to say to the constable?

Jason: (looking at the Constable) I am sorry for all the work I caused you. I also know that I am lucky you gave me a chance to go through the conference instead of sending my file straight to Crown counsel.

Facilitator: Jason, there's one more person in this circle to whom you owe an apology, your mother.

Jason: (This time his voice is shaky) Mom, I'm so sorry.
Facilitator: We have come a long way here in a short time, but the conference isn’t quite over. I will begin with the victims to see what else they would like to see happen as a result of this conference. I’ll begin with the principal. Do you think anything else should happen?

Principal: When I came here tonight, I was really thinking that I would ask for a lot from Jason, maybe fifty hours of work at the school, cleaning up the schoolyard or something like that. However, now that we have met face to face and I see how difficult it was for him to come here tonight and how sorry he is for his actions I really don’t want anything more—except maybe a letter of apology that I can make available to my staff and students. It wouldn’t have to include your signature as most people don’t know who pulled the alarm.

Facilitator: Jason, do you think you could write a letter of apology to staff and students of __________ School?

Jason: (with no hesitation) Yes, I could do that.

Facilitator: Do you feel the request is fair?

Jason: Yes, it is fair.

Facilitator: Mr. __________(Assistant Principal), do you have any thoughts about anything else you would like to see happen as a result of this conference?

Assistant Principal: Well, when I came here, I wanted revenge. I was angry but now I am not. I agree with the letter. It might help others to understand that no harm was meant and that Jason really is sorry. I also think that Jason should do some community service hours at the fire station.

Facilitator: Constable __________, is there anything else you would like to see come from this conference?

Constable Jacobs: I like the idea of a letter of apology and the community service hours. I think it would be good to have a letter written to the RCMP members in my detachment, too. This could help them understand what can come from a conference like this since it’s new to our community and many members haven’t participated in one. It could also help morale in the detachment. It’s good to see that some offenders are remorseful and it’s worth taking a chance on some people—especially first time offenders with a good attitude like Jason has shown here today.

Facilitator: Jason, how to you feel about doing 20 hours of community service at the fire station and also writing a letter to the RCMP detachment?

Jason: (sounding almost relieved) I can do that.

Facilitator: All right, what we have so far is that Jason will write two letters of apology, one to the __________ School students and staff and one to the members of the RCMP detachment.
Facilitator: Mrs. Grewal do you have any suggestions about what should be done?

Mrs. Grewal: I think that Jason should be grounded for two weeks.

Facilitator: Do you think that is fair, Jason?

Jason: Yes, that is fair and okay with me.

Facilitator: Does anyone else have any other suggestions? Well, let's look at some time lines. How long do you think it will take you to write the letters, Jason?

Jason: I can write them tonight.

Facilitator: Just to be sure, let's give you three days. Mrs. Grewal, can I count on you as a supporter of Jason here today to see that those letters are written?

Mrs Grewal: Yes. Will you give us an address for mailing the letters?

Facilitator: Yes, I will include that in the agreement we all sign here in a few minutes. We will all get a copy of the agreement. I will also include a few comments about what should be included in each letter, but, of course, the actual wording of the letter will be Jason's.

Facilitator: Jason, I am asking that you also send me copies of the letters you write, so I can close this file when you have fulfilled your obligations. You can send the letters in care of the RCMP to my attention. You will also need to contact the fire station for the community service hours. I will need a letter from them saying you have completed those hours.

Facilitator: Is there anything else anyone wants to say before I close the conference and write up the agreement? All right, thank you all for your participation. This resolution wouldn't have been possible without you.

The facilitator then writes up the agreement which everyone has to sign.

The teacher then collects all the scripts from the participants. Discuss whether or not the class feels that the consequence to Jason was appropriate. Talk about what would have happened in the court system. It is important to note that the Community Justice Conferences occur much more quickly than court trials. One major advantage is that the incident isn't in the distant past when the conference is held.

The class can then discuss the advantages and disadvantages of the conference or if the teacher feels it is time for a writing assignment, students can be asked to put their opinions in writing.
Comic Summary: Over the last two years, James has been charged and found guilty of auto theft, break & enter and three counts of theft under $5,000. He turns 16 years old tomorrow and to celebrate, one of his friends steals some compact discs from an auto, which James accepts as a birthday present. The two boys also steal a pick-up truck. James crashes the truck into a convenience store while being chased by the police.

He spends his birthday in Youth Detention Centre awaiting his court appearance. On advice from his lawyer, James pleads guilty to auto theft and mischief. He is a repeat offender with numerous offences over the past four years and is becoming a greater threat to the community every day. On this day, the judge gives him 60 days at the Youth Detention Centre.

• “The primary purpose of the *Youth Criminal Justice Act* is to protect the public by reducing crime.”

• “Purpose of the youth sentences is to hold each youth accountable.”

Define the following (Use a dictionary if needed). Write the definition most closely related to the criminal justice system. ( /5)

**conviction**

**Youth Detention Centre**

**guilty plea**

**offence**

**legal rights**
Answer the following questions based on Part three of the comic: ( /4)

1. How old is James when he goes to court?

2. What reason did the judge use when she decided to put James in the Youth Detention Centre for 60 days?

3. What freedoms do you think James will lose at the Youth Detention Centre?

4. What would your concerns be if you were sent to a Youth Detention Centre?

5. List three criminal offences that were committed by the two youths in the story. ( /3)

   i) ____________________________

   ii) ____________________________

   iii) ____________________________
Worksheet 3-B

Answer the following questions:

Pretend you are the mother or father of James. It is apparent your son is having problems staying out of trouble with the law. List 5 things you could do as a parent, to keep James out of trouble. (Give reasons why these actions will help James stay out of trouble.) ( /5)

1. _______________________________________________________________
   _______________________________________________________________

2. _______________________________________________________________
   _______________________________________________________________

3. _______________________________________________________________
   _______________________________________________________________

4. _______________________________________________________________
   _______________________________________________________________

5. _______________________________________________________________
   _______________________________________________________________

Pretend you are a good friend of James. You have rarely been in trouble with the law and you have lots in common. Before James gets in more serious trouble with the law, what things could you do as a friend, to help James. List 5 things that would help James stay in school and out of trouble with the law. ( /5)

1. _______________________________________________________________

2. _______________________________________________________________

3. _______________________________________________________________

4. _______________________________________________________________

5. _______________________________________________________________

Pretend you are the owner of the truck that was stolen. Describe how you would feel and why. Use the victim impact statement on the following page for your answer. ( /3)
VICTIM IMPACT STATEMENT

Regina v. __________________________ Name of Victim: ______________________
(none of accused)

___________________________________
Signature of Victim

(If you need more space, please attach and sign additional pages)

Page No. _____
Comic Summary: James is now 16 years old and has recently been released from the Youth Detention Center for crashing the stolen car into 7-11. He is still on probation, where he must attend school, keep a 9 pm curfew and stay out of trouble. He is smoking lots of marijuana since his release from the centre.

James and a friend break into a house to steal money so they can buy more drugs. During the break-in, James kills Old Man Smith while trying to run away. He is found guilty of manslaughter and is given 3 three years in custody and 18 months under conditional supervision. This supervision is served in the community and James must follow the conditions set out by the judge. There are conditions, which include obeying a curfew, undergoing counselling and attending school. Failure to comply with these conditions will result in James being sent back to the Youth Detention Centre.

- “Publication in the media of a youth’s name is permitted if an adult sentence is imposed. If a youth sentence was given for a presumptive offence or if the youth needs to be apprehended and is a danger to the public.”

- “Offenders, aged 14 years and older, may receive an adult sentence if convicted of serious violent offences punishable by more than two years in jail. An adult sentence is presumed if a young person is convicted of murder, attempted murder, manslaughter, aggravated sexual assault or if they are convicted of a third offence which a judge has ruled as a serious, violent offence, as defined in the Youth Criminal Justice Act.”

Answer the following questions:

1. Would there be anything different about the sentencing if James was only 14 years old when he committed the crime? (circle one)
   yes no

2. Give your reason for answer #1. ________________________________
   ____________________________________________________________
   ____________________________________________________________
   ____________________________________________________________
3. Does James need any sort of drug or alcohol counselling? 
   (circle one) 
   yes     no

4. Give reasons for answer #3. 
   ________________________________
   ________________________________
   ________________________________

When released from serving three years in the Youth Detention Centre, 
James is under intensive conditional supervision in the community for 
another 18 months. List 3 things he must do while under supervision. 
   ( /3)

5. ________________________________
6. ________________________________
7. ________________________________

List 2 more things he could do to help himself when released from 
custody at the centre. (You cannot use any of the ideas from the story.)

8. ________________________________
9. ________________________________

10. What would happen if James breached any of his conditions while 
under supervision?
    ________________________________
    ________________________________
    ________________________________
List the events below in the order they would happen. ( /10)

1. ________________________ 6. _____________________________
2. ________________________ 7. _____________________________
3. ________________________ 8. _____________________________
4. ________________________ 9. _____________________________
5. ________________________ 10. _____________________________

a) sentenced to six months custody in a youth detention centre (YDC) and three months conditional supervision
b) charged with dangerous operation of a motor vehicle
c) trial
d) arrested and held by police
e) breaks into car
f) parents notified
g) beaten up in YDC after sentence
h) plans to steal a car
i) flips car in high speed chase
j) reports to probation officer every week

Circle true or false ( /5)

11. T  F  A 14 year old youth convicted of an offence can receive an adult sentence.

12. T  F  The age for criminal responsibility is 12 years old.

13. T  F  The age to become an adult in the justice system is 19 years old.

14. T  F  Youth commit mostly non-violent criminal offences.

15. T  F  The primary goal of the youth justice system is to arrest and convict as many young offenders as possible.

Choose the best answer ( /10)

16. The new legislation that replaced the Young Offenders Act is called the YCJA. This stands for:
   a) Young Canadian Justice Act  c) Your Criminal Justice Act
   b) Youth Criminal Justice Association  d) Youth Criminal Justice Act
17. At what age is a youth held criminally responsible for breaking the law?
   a) 10 years old c) 12 years old
   b) 11 years old d) 13 years old

18. At what age does a youth become an adult in the criminal justice system?
   a) 16 years old c) 18 years old
   b) 17 years old d) 19 years old

19. What types of crimes are committed the most by youth?
   a) violent crimes b) non-violent crimes

20. Which are non-violent crimes?
   a) assault and drunk driving c) drug possession and theft
   b) drug possession and murder d) contempt of court and sexual assault

21. Which crime is committed the least by youth?
   a) manslaughter c) drug possession
   b) contempt of court d) auto theft

22. Which is the order of events when dealing with the justice system?
   a) trial-arrest-charge c) charge-arrest-trial
   b) arrest-charge-trial d) none of the above

23. Which of the following is NOT true about the right of a young person to a lawyer?
   a) You have the right to consult a lawyer before you make a statement to the police.
   b) If you decide to make a statement, you have the right to have your lawyer present when you do this.
   c) You have a right to a lawyer until you are 14 years old.
   d) You have the right to consult a lawyer if you think it might be better to participate in an extra-judicial sanction rather than go to trial.
   e) If you want to get a lawyer but are not able to do so, the court will help you get one.

24. Can a youth be given an adult sentence from the courts?
   a) yes b) no

25. The victim’s concerns are now recognized in the Youth Criminal Justice Act.
   a) yes b) no
Put the correct letter to match the legal term with its definition: ( /16)

Please note there are more answers in the left column than definitions.

26. Crown counsel  _____ A. take something with force or weapon
27. curfew  _____ B. take something without permission
28. probation  _____ C. conducts trial, decides to convict or acquit if there is no jury and decides on the sentence if the young person is convicted.
29. a legal right  _____ D. to hold illegal drugs
30. sheriff  _____ E. break and enter
31. theft  _____ F. accidental death
32. parole  _____ G. time at which a person must be home
33. arrest  _____ H. planned death
34. 1st degree murder  _____ I. defends accused in court
35. robbery  _____ J. security person in the court
36. B and E  _____ K. Latin for Queen
37. Regina  _____ L. bust and entering
38. shoplifting  _____ M. acts for the government in a criminal trial
39. defence counsel  _____ N. to hold someone
40. judge  _____ O. period of sentence served after time in custody in the community under supervision and conditions
41. community justice conference  _____ P. sentencing alternative instead of jail

Q. steal from a store/theft under $5,000
R. can phone parents when arrested
S. a meeting to decide consequences for a wrong doing
List three extra-judicial measures the police or Crown have as options when dealing with a youth on a non-violent first offence, such as shoplifting. ( /6)

42. ______________________________
43. ______________________________
44. ______________________________

List three types of non-custodial sentences judges can order under the Youth Criminal Justice Act. ( /6)

45. ______________________________
46. ______________________________
47. ______________________________

List three things a judge considers about an offender or the offence before imposing a sentence. ( /6)

48. ______________________________
49. ______________________________
50. ______________________________

List three things an offender may be required to do as part of an "intensive support and supervision program." ( /6)

51. ______________________________
52. ______________________________
53. ______________________________

Bonus Mark: ( /6)

54. What was the most interesting thing you learned in this unit?

________________________________________________________
________________________________________________________
________________________________________________________
List the events below in the order they would happen. (     /10)

1. ______ h ________
2. ______ e ________
3. ______ i ________
4. ______ d ________
5. ______ f ________
6. ______ b ________
7. ______ c ________
8. ______ a ________
9. ______ g ________
10. ______ j ________

a) sentenced to six months custody in a youth detention centre (YDC) and three months conditional supervision
b) charged with dangerous operation of a motor vehicle
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Circle true or false (     /5)

11. T    F A 14 year old youth convicted of an offence can receive an adult sentence.
12. T    F The age for criminal responsibility is 12 years old.
13. T    F The age to become an adult in the justice system is 19 years old.
14. T    F Youth commit mostly non-violent criminal offences.
15. T    F The primary goal of the youth justice system is to arrest and convict as many young offenders as possible.

Choose the best answer (     /10)

16. The new legislation that replaced the Young Offenders Act is called the YCJA. This stands for:
   a) Young Canadian Justice Act       c) Your Criminal Justice Act
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21. Which crime is committed the least by youth?
   a) manslaughter  
   b) contempt of court  
   c) drug possession  
   d) auto theft

22. Which is the order of events when dealing with the justice system?
   a) trial-arrest-charge  
   b) arrest-charge-trial  
   c) charge-arrest-charge  
   d) none of the above

23. Which of the following is NOT true about the right of a young person to a lawyer?
   a) You have the right to consult a lawyer before you make a statement to the police.
   b) If you decide to make a statement, you have the right to have your lawyer present when you do this.
   c) **You have a right to a lawyer until you are 14 years old.**
   d) You have the right to consult a lawyer if you think it might be better to participate in an extra-judicial sanction rather than go to trial.
   e) If you want to get a lawyer but are not able to do so, the court will help you get one.

24. Can a youth be given an adult sentence from the courts?
   a) yes  
   b) no

25. The victim’s concerns are now recognized in the Youth Criminal Justice Act.
   a) yes  
   b) no
Put the correct letter to match the legal term with its definition: ( /15)
Please note there are more answers in the left column than definitions.

26. Crown counsel  M  A. take something with force or weapon
27. curfew  G  B. take something without permission
28. probation  P  C. conducts trial, decides to convict or acquit if there is no jury, and decides on the sentence if the young person is convicted.
29. a legal right  R  D. to hold illegal drugs
30. sheriff  I  E. break and enter
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33. arrest  N  H. planned death
34. 1st degree murder  H  I. defends accused in court
35. robbery  A  J. security person in the court
36. B and E  E  K. Latin for Queen
37. Regina  K  L. bust and entering
38. shoplifting  Q  M. acts for the government in a criminal trial
39. defence counsel  I  N. to hold someone
40. judge  C  O. period of sentence served after time in custody in the community under supervision and conditions
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Q. steal from a store/theft under $5,000
R. can phone parents when arrested
S. a meeting to decide consequences for a wrong doing
List three extra-judicial measures the police or Crown have as options when dealing with a youth on a non-violent first offence, such as shoplifting. ( /6)

42. **Caution**

43. **Warning**

44. **Community justice conference**

List three types of non-custodial sentences judges can order under the *Youth Criminal Justice Act*. ( /6)

- probation
- reprimand
- probation
- community service order
- fine up to $1,000.00
- restitution/compensation order

List three things a judge considers about an offender or the offence before imposing a sentence. ( /6)

- previous record
- age of the offender
- seriousness of the offense
- the background of the offender
- whether or not the youth pleaded guilty of the offence
- if the young person showed remorse for their actions

List three things an offender may be required to do as part of an "intensive support and supervision program". ( /6)

- Probation
- Curfew
- Attend counseling
- Attend anger management course
- Attend drug/alcohol program
- Attend school
- No contact order with victim

**Bonus Mark: ( /6)**

54. What was the most interesting thing you learned in this unit?

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________