

## HANDOUT 1: What You Should Know About the Youth Criminal Justice Act

### What are the main points of the Youth Criminal Justice Act?

The act is for young people between the ages of 12 and 17 who are in conflict with the law. The main points are:

- Youth are responsible for their actions
- Youth will be held accountable for crimes in a fair manner

Young people are not sentenced in the same way as adults, except in some cases where the crime is very serious (for example, if s/he kills someone). It is important to try to help youth who commit crimes to improve their behaviour, and to avoid any further crimes.



### If a young person breaks the law, what rights does he or she have?

Young people have the right to:

- Know the reason for being arrested (The police must tell youth this)
- Remain silent
- Speak with a lawyer, a parent or other responsible adult. (The police must give youth the opportunity to telephone any of these people)
- Not to be kept in a custody centre (jail) while waiting for trial, unless safety is a concern or authorities believe the young offender might not show up for his or her trial
- Be considered innocent until proven guilty and to have a fair trial
- Be dealt with in a timely manner



## What will Crown counsel decide to do with a young offender?

The Crown counsel is the lawyer for the government who decides if there is enough evidence to proceed with a criminal charge.

For minor or first offences (for example, shoplifting), Crown counsel might:

- Write a letter to the parents or guardians of the young person so that the family can deal with the problem.
- Refer the young person to a community program or agency for an extrajudicial sanction rather than go to court. (This may include community service, service or repayment to the victim of the offence, courses, counselling, job-finding programs or recreation programs. This is to hold the young person accountable for a wrong doing in a way that is meaningful and promotes rehabilitation and reintegration.

For serious or repeat offences (for example, aggravated assault or armed robbery or for those who have been charged before with minor offences), the Crown counsel will charge the youth and conduct a trial in youth court. A possible consequence for the youth might be custody.

For repeat offenders, 14 years of age or older or charged with serious offences, the Crown counsel might apply to the judge to have the offender sentenced as an adult. If this happens, the young person would be sentenced the same way as an adult and might have his or her name published in the newspaper or other media.



### Serious Offences

The most serious crimes are murder, attempted murder, manslaughter, aggravated sexual assault and repeat violent offences. If a youth is 14 (or 15, or 16, depending on the province or territory) and commits one of the most serious crimes, the justice system presumes the youth will get an adult sentence. The burden is on the youth to show why a youth sentence is appropriate to hold him or her accountable.

### Victims

In all cases that go to court, victim impact statements can be introduced. These are statements by victims about how the crime has affected them and their families. The rights of the victim are considered under an important part of the process when dealing with youth crime.