

Section 2: Criminal Law

Lesson Plan 6: Youth Criminal Justice Act - Key Elements Part 2

SNAPSHOT

Grade Level	8-10; for the younger grades you may want to choose to perform a scripted conference, and for the upper grades you may want to do the non-scripted conference as it will be more challenging.
Duration	2 periods; more if simulations are done

Introduction

In Part 2 students will learn about *YCJA* conferences and when they are used. Students will also discover that victims have a constructive and important role to play in the youth justice system. Victims' concerns are formally recognized in the *YCJA* and they are given opportunities to participate in a meaningful way.

Objectives

Upon completion of this lesson, students will:

- Understand what a community justice conference is and be able to explain why a conference should take place as an alternative to going to court
- Describe the roles of youth, victims and other community participants in the community justice conference
- Identify the advantages of using conferences rather than court
- Understand that victims have a constructive and important role to play in the youth justice system
- Gain some empathy for victims of crime

Focus Questions

1. What is the role of a community justice conference?
2. How does a community justice conference take place?
3. What are the advantages to using conferences?
4. What is the role of the victim under the *YCJA*?

5. What rights does the victim have under the YCJA?

Teaching Summary

Topic 1: YCJA Conferences

Students will learn about conferences and their use under the provisions of the YCJA including what happens in a conference, who may call a conference and who is the advice from the conference given to. There is also an introduction to restorative justice and how it can be effective in youth criminal cases especially when the focus is on repairing the harm done to the victim. There are two scripted community justice conferences and one non-scripted healing circle for the students to perform so they can gain a first-hand understanding of the effect and impact conferences can have when dealing with offenders. A short quiz is also provided to test the students understanding.

Topic 2: Victims and Youth Justice

Students will learn about the provisions of the YCJA which deal with victims. The YCJA recognizes the interest and needs of victims to be involved in the process. Students will read about Victims and Youth Justice and then apply that learning to a series of scenarios where they need to consider the victim's point of view when deciding how to handle the case. A short true or false quiz finishes off this activity and the lesson.

CONTENT

Topic 1: Conferences

Did You Know?

- A youth justice committee helps manage the Act. This could include:
 - Supporting victims.
 - Ensuring that community support is available for you.
- Conference facilitators need to be trained to organize, plan and hold a conference for a youth who has committed an offence. Conference on community justice started with the Maori people of New Zealand. They are similar to healing circles. Other Indigenous groups have similar models.
- Healing circles come from North America's Aboriginal traditions where the crime is seen largely as a community problem to be shared by all with its roots in the community. Conferences on community justice and healing circles are examples of "restorative justice processes." Have you heard of or experienced a healing circle?

What is a Conference?

A conference is when a group of people get together to talk about the young offender's case and what can be done to help him or her. The people there are responsible for the youth and know the youth. The conference gives advice to the people who decide on what should happen to the youth. Section 19 of the YCJA

What Types of Conferences are There?

Conferences are informal. They can be:

- Family group conferences
- Community members
- Sentencing or healing circles
- Multi-disciplinary (probation, judges and lawyers and teachers)
- Integrated case management conferences

What Happens in a Conference?

Conferences can provide:

- A wide range of ideas on the case
- More creative solutions
- Better coordination of services between justice partners
- More involvement of the victim(s) and other community members

Conferences can be restorative. Solutions may focus on fixing the harm done to the victim(s) of the crime.

Who May Call a Conference?

- A youth justice court judge
- The provincial director in charge of Social Services
- A police officer
- A justice of the peace, who is an officer of the court with some of the powers of a judge. A justice of the peace is assigned to do limited duties, such as issuing warrants and granting bail
- A youth worker

What is a Conference For?

A conference can give advice on:

- Extrajudicial measures
- Conditions for release while youth are waiting for their trial
- Sentences
- Review of sentences
- Plans for getting youth back into the community

Who is the Advice Given to?

The advice goes to someone who has to make a decision under the Act, such as a:

- Police officer
- Judge
- Justice of the peace
- Prosecutor
- Provincial director in charge of Social Services
- Youth worker

For example, the conference could give advice to a police officer who is deciding whether to use an extrajudicial measure or to a judge who is deciding on a sentence.

Who Sets the Rules for Conferences?

Provincial governments can set rules for conferences called by the:

- Police
- Provincial director in charge of Social Services
- Prosecutors

- Youth workers

If there are no rules, then the conference can still be called. The conference must be consistent with the general terms of the YCJA. The provincial government does not set rules for conferences called by judges or justices of the peace.

What Should the People at the Conference Keep in Mind to Help the Decision Makers?

The conference must be guided by the main ideas in the Act. This means that:

- Extrajudicial measures should be the first response if possible
- Pre-trial detention is generally discouraged
- Sentencing must consider the seriousness of the crime and other things
- Custody is generally avoided
- Rehabilitation and reintegration are part of the plan for the youth

What is a Youth Justice Committee?

It is a group of people appointed by the federal or provincial government. The committee helps manage the YCJA or programs and services for youth.

Summary

- A conference means getting together a group of people with some responsibility or knowledge of the offending youth to discuss what measures might assist that youth
- Conferences are informal and can take the form of family group conferences, community accountability panels, sentencing or healing circles and multi-disciplinary or integrated case management conferences
- Conferences provide for a wide range of perspectives on the case, more creative solutions, better coordination of services, and increased involvement of the victim and other community members in the youth criminal justice system
- The conference could be restorative in that the solution focuses on repairing the harm done to the victim of the offence
- Section 19 of the YCJA sets out who may call conferences, the purposes of conferences, and the authority to establish rules for them
- A youth justice court judge, the provincial director, a police officer, a justice of the peace, a prosecutor or a youth worker can convene a conference
- The conference may be convened to give advice on appropriate extrajudicial measures, conditions for judicial interim release, sentences, review of sentences and reintegration plans

- The advice is given to a police officer, judge, justice of the peace, prosecutor, provincial director, or youth worker who is required to make a decision under the YCJA
- Provincial or territorial governments can establish rules for convening and conducting conferences called by the police, the provincial director, prosecutors, and youth workers
- Conferences must be guided by the principles set out in the YCJA in respect to extrajudicial measures, pre-trial detention, sentencing, custody, and reintegration
- A youth justice committee is a group of citizens appointed by the government to assist in the administration of the YCJA or any programs or services for youth

Introduction to Restorative Justice

Restorative justice approaches such as community justice conferencing and healing circles promote the philosophy that attempts to address youth crime must focus on strengthening communities.

Criminal Acts

Our adversarial system of justice treats a criminal act as an act against the state. Criminal offences disrupt society, which the government has a responsibility to protect. Consequently, the state (or the Crown) takes the accused to court. The Crown Counsel prosecutes cases for the state.

Victims

Victims are the Crown's witnesses. The crown uses their testimony to prove the crime occurred. Victims are not parties to criminal trials. (In civil court, a victim would be a party since he or she is responsible for starting and continuing the court case). For the victim, the process provides a greater role than is available within the existing justice system. It creates an opportunity for the victim to ask questions, receive answers, gain understanding, and explain the impact of the crime in order to obtain reparation, feel safe and seek closure.

The Accused

A restorative process allows an offender to gain insight into the causes and effects of their behaviour, to take responsibility in a more meaningful way and to be reintegrated into the community. Certain rights, including the right to remain silent, protect the accused for two reasons:

- The state is much more powerful and has more resources than an individual
- The accused can be deprived of his or her liberty if found guilty in criminal court

The Community

The process enables the community to reinforce its values and expectations, to understand the underlying causes of crime, and to determine what can be done to repair the damage, promote community well-being and prevent future crime.

Restorative Justice

Restorative Justice treats a criminal act as harm done to victims and communities. It seeks a solution to the problems caused by the criminal offence. Thus, it involves victims and community members affected by the crime, such as family members of the victim and offender, in finding a resolution.

Instead of punishment, restorative justice emphasizes:

- The offender's shared responsibility for a lasting solution
- The offender's acknowledgment and willingness to take responsibility for the victim's suffering
- Forgiveness

Community Justice Conferencing

Our court system is adversarial — one side argues against the other. While this seems to be a good method for settling many disputes, going to court can be a time-consuming and expensive process. It can also leave many individuals feeling dissatisfied. For example, victims of crime often feel that offenders deserve stiffer sentences or, at times, victims feel neglected in the court process. However, this is changing as the justice system begins to show more concern for victims.

Community justice conferencing has proven to be very effective in some situations as a way of correcting wrongs in a cooperative manner. Community justice conferencing is an example of an effective restorative justice process. Police officers or volunteers who have been trained in the process often run community justice conferences.

Who Participates?

Not all offenders qualify for these types of programs. Nor are offenders or victims forced to participate. The police or Crown or judges decide whether offenders are eligible for these programs. They evaluate each case to see if these programs would hold offenders accountable for their behavior adequately. It is available through a referral by police, prosecution, judges or correction officials and at different stages of the process.

Other such measures or sanctions may include:

- Taking no further action
- Warnings, police or Crown cautions
- Referrals to community-based programs

Each province determines the measures or sanctions that they will implement under the YCJA.

What Happens?

The conference facilitator arranges a meeting between the investigating police officer, the offender, the victim and people who are willing to support the victim and offender (parents, grandparents, siblings and/or friends). They sit in a small circle and the facilitator leads them through a process that requires the offender to accept responsibility for wrongdoing.

- Victims have an opportunity to tell the offender how the wrongdoing has affected them. Others in the circle are allowed to do the same.
- Apologies are usually made to all who have been adversely affected.
- The victim may suggest ways the offender can mitigate the harm that was done. For example, if the offence was vandalism, repairing the damage might be a good start.
- Once the group has come to an agreement, the facilitator writes up an agreement, which everyone signs.

What is the Result?

- For the offender: the final settlement of the offender might appear less punitive than a result in a criminal court but it requires a greater commitment on the part of the offender. Facing one's victim in a small group and apologizing for the wrongdoing is not easy for most offenders
- For the victim: because of their active role in the process, victims usually receive more satisfaction from a community justice conference. The victim is usually helped by:
 - Learning of the offender's motivations for the wrongdoing
 - Receiving an apology
 - Seeing the offender's remorse
 - If the victim doesn't wish to participate in the process, a proxy can stand in. For example, police officers, ICBC employees and school administrators have sat in a conference on behalf of victims

Community justice conferencing originated with the Maori people of New Zealand and shares similarities with healing circles. Other indigenous groups have similar models.

Healing Circles

Healing Circles can be another form of restorative justice. One does not have to be a First Nations person in order to participate. Circles come from North America's Aboriginal traditions and are most commonly, although not exclusively, used in

Aboriginal communities. They can take different forms depending on the needs of the parties and the traditions of the community. They can, for example, be sentencing circles or healing circles. The focus of the dialogue in the circle is broader than a family group conference. The offending behaviour is seen largely as a community problem to be shared by all with its roots in the community. Both family group conferencing and circles require significant planning and forethought before the conference commences.

See Activity 3: Conferences for examples of conferences and healing circles.

Topic 2: Victims and Youth Justice

Did You Know?

The *Young Offenders Act* (previous act for youth) did not sufficiently recognize the concerns and interests of victims. However, judges did hear victim impact statements in court before imposing a sentence.

Does the YCJA Recognize the Rights of the Victim?

Yes. YCJA clearly recognizes the interest and needs of victims to be involved at different stages of the youth justice process. Section 3 says that "Victims should be treated with courtesy, compassion and respect for their dignity and privacy." YCJA Sections 3(d) (ii) and (iii), 12, 42, 53, 111, 119.

What Does YCJA say About Victims of Youth Crime?

A victim should:

- Be told about the proceedings
- Have a chance to take part in the proceedings
- Be heard
- Have a chance to take part in community-based measures
- Get information about what is being done for the offender that does not involve going to court
- Be able to give a victim impact statement (a written report about how the crime affected the victim) at the time of sentencing
- Be able to ask for access to the record of the youth who committed the crime

How do Extrajudicial Measures Involve the Victim?

The victim may be directly involved in making decisions about what happens to the young offender and what reparations or ways that youth can make up for his or her crime. The victim must be told about a compensation order.

These measures encourage youth to:

- Acknowledge their actions
- Fix the harm done to the victim

Do I Have to Speak to the Victim(s) of my Crime(s)?

No. However, if youth agree to take part in a conference on community justice, the victim and others who have been affected by their actions may be there. If the young offender is found guilty of the crime in court, s/he may hear a victim impact statement as it is read aloud during sentencing.

Who Tells the Victim About What is Being Done to the Youth?

Any of the following people may be able to tell the victim about what is being done to the young offender:

- The police
- The conference facilitator
- The person dealing with an extrajudicial measure
- The Crown

Summary

- The *YCJA* clearly recognizes the interest and the needs of victims to have a role of involvement at different stages of the youth justice process
- The considerations of the victim include:
 - Being notified about the proceedings
 - Being given an opportunity to participate in the proceedings
 - Being given an opportunity to be heard
 - Having a role in formal or informal community-based measures
 - The right to request information about measures or sanctions used for the offender that do not involve going to court
 - The right to submit a victim impact statement at the time of sentencing
 - The right to request access to certain youth records
- Extrajudicial measures not only encourage the youth to acknowledge their actions but also to repair the harm done to the victim
- The victim can be directly involved in decisions made about the consequences for the youth and also in the reparations by the youth
- The victim must be told about a compensation order and must agree to it
- If the youth agrees to participate in a community justice conference, the victim and others who have been affected by the youth's actions will be there
- If the youth has been found guilty of the offence in court proceedings, he or she may have to listen to a victim impact statement

What About the Victims of Youth Crime?

Victims are allowed to submit victim impact statements to the court for the consideration of the Youth Court judge prior to the sentencing of a young offender. This allows victims to become involved in the process by providing an opportunity for them to be heard.

Repairing the harm to victims usually takes the form of compensation, restitution, or community service hours. Compensation means that victims are reimbursed for loss of or damage to property caused by the commission of the offence. Restitution is the return of property to victims. The order may only be made at the time of sentencing and upon application by the victims. Work in the community will often be used as a way to compensate the whole of society. In the case of serious crimes, victims may not feel that they can be compensated in any way.

ACTIVITIES

Activity 1: Conferences under the YCJA

Give your students *Handout 1: YCJA Conferences* to read for homework. Discuss the highlights in class. You can ask your students who the victims of crime might be.

- Is there such a thing as victimless crime?
- Have they or anyone they know ever been a victim of crime?

Teachers should explain to students they are not being asked to divulge any personal information but to find out what the victim's experience in the court system is like. The teacher could then explain some of the changes that are appearing in our justice system through the provisions of the YCJA for instance.

Depending on the time available, the teacher may do one of the following:

- Simply impart the information on *Handout 2: Introduction to Restorative Justice*. You can hand it out to the students and discuss the contents.
- Ask students to research restorative justice.
- Invite knowledgeable people in the community to speak with students on the topic.

Teachers may also consult their local RCMP public relations officers, who should have information on some of the restorative justice programs in the community.

Community Justice Conference or Healing Circle Simulations

Role-playing a community justice conference or a healing circle is a great way for your students to understand the impact of conferences and how this alternative to the court system may be a very effective solution. There are two scripted and one non-scripted samples here. The scripted conferences deal with less serious offences while the non-scripted healing circle deals with a very serious offence. See *Handouts 3, 4 and 5*.

Instructions

Assign the roles. Photocopy the script for all simulation participants. After the simulation, collect all the scripts from the participants.

It is important to collect these scripts so they are not adapted by youth in real community justice conferences.

Before you start the simulation, read the scenario to the group. It is important to note that 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.

At community justice conferences, facilitators follow a basic script but with experience they learn what works best for their own styles of facilitating and modify the procedures a little. A conference facilitator could be a volunteer or a police officer from the community, trained in conferencing. This process is also being used in some schools with great success.

Set up the chairs up in a circle and ask everyone to be seated around the circle. The victims and the officer should sit on either side of the facilitator and the young offender should sit opposite side, beside his or her supporters which may include family. Conduct the role play using the scripted conference.

At the end of the simulation discuss whether or not the group feels the consequence for the youth was appropriate. Talk about what could have happened in the court system. Ask the group to discuss the advantages and disadvantages of the conference.

Case Summary for Handout 3

Handout 3: Edwin and the Slashed Tires-Scripted Community Justice Conference is summarized below. This scenario is based on a real case but the names have been changed.

On November 18 the RCMP received a call from a resident in the 1200 block of Pine Avenue. The caller reported his tires had recently been slashed. The RCMP attended the residence. Upon arrival, the RCMP noticed the slashing had to be recent, as the tire was hissing. As a result, the RCMP tracking dog was called to the scene. While searching for a suspect, the RCMP noticed several other cars within the neighborhood with slashed tires. Thirty tires were slashed.

The RCMP saw a young male acting suspicious and stopped him. The male gave the RCMP a false name. Upon further questioning, the individual admitted he was involved and gave his true name. However, he was uncooperative and would not disclose any information about who he was with. Two other youth were eventually identified and the knife that was used to slash the tires was found in Edwin's possession.

Male 1 is 16 (Edwin Green) Male 2 is 16 (Joe White) Male 3 is 17 (Marty Brown) All three are of Aboriginal ancestry. Edwin has a previous record for a minor assault. Edwin and Marty were downtown Friday night. Both had been drinking tequila. The boys had nothing to do, so they walked over to Joe's house at 11:30 pm, and then all three went for a walk. Because they were bored they decided to slash tires. Edwin had the knife and all three took turns slashing tires. One of the three would walk close to a car and stab at the tire while the other two walked ahead to keep a lookout. They did this over a period of one half-hour. Edwin indicated he was angry that evening because at school a boy was calling him racist names. Edwin stated he intentionally went to that boy's house with the intent to slash the boy's father's tires on two cars. From there on they just continued to slash tires all over the neighborhood.

All victims were upset and could not understand the rationale behind the incident. The RCMP and victims agreed to have the charges dealt with by a community justice conference. Edwin lived in a series of foster homes and recently returned to live with his mother. He is in a special needs class. When cornered or frustrated he is prone to violent outbursts. He had a hard time understanding the crime from the victims' perspective. When he was asked whom he thought was affected, his response was "they all have big houses." There was a separate community justice conference for each of the boys. This conference follows what happened to Edwin.

Case Summary for Handout 4

Handout 4: The Dare-Community Justice Scripted Conference is summarized below.

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?

Teacher Information for the Simulation

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. 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 conditions imposed 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 told them 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.

Case Summary for Handout 5

Handout 5: *Frank Brown-Healing Circle Non-Scripted Simulation* is summarized below.

Frank Brown was a very angry 17-year-old of First Nations descent who grew up in Bella Bella. Frank and some friends decided to steal some alcohol from a local bootlegger but didn't anticipate running into the man. They assaulted him very seriously and the community felt Frank was a dangerous young man. To make matters worse, Frank had been carrying a loaded gun. This wasn't the first time Frank had been in trouble. He had a previous conviction for breaking and entering and had been sentenced to a corrections camp for 16 months. However, his time in corrections didn't seem to have any kind of positive impact. In fact, he had been negatively influenced there by other troubled teens.

The community felt Frank and the crowd he was running with were dangerous. This latest incident confirmed their fears. A group of people who cared about Frank felt if he was sent to jail he would be exposed to a lot of bad influences and come back to Bella Bella worse than when he left. They were willing to try to come up with a plan that would help Frank understand his background, appreciate his culture and turn his life around. Frank's early home life had been unstable and probably contributed to his troubled teen years. However, this latest wrongdoing was too serious to be overlooked.

Discussion Questions

1. What advantages would come from jailing Frank?
2. What are some disadvantages of a jail sentence?
3. What are some alternatives that might be considered?
4. What do you suggest should happen to Frank and why?
5. What are the victim's views and needs?

Assign Roles

Invite students to play roles in the healing circle that focuses on Frank's case. You may want to give out the role cards the period before, so students can become more familiar with their roles.

Simulation

After studying their role cards, students will assume the role of the character assigned to them. They tell the story from the notes in the role cards. Each person has a turn to speak. While they tell their story, everyone else must listen with respect. When everyone has had the chance to tell his or her story, the circle leader tells them we have come together to try to decide what should happen to Frank. Everyone should be given the opportunity to tell what he or she thinks is the best way to solve the problem. They should consider:

- Frank
- His family
- His victims
- The community he lives in

What solution would be best for all of them? After everyone has had a chance to speak, the circle leader should ask if they can come to an agreement. They can be given a chance to discuss the various suggestions. After some discussion, they can vote on what they think is the best solution. Then people can talk about the effect their solution would have on the various people involved: Frank, his family, his victims and the community. Will it make things better for everyone or will it make things worse?

After the simulation you may wish to show them the video in which they can meet Frank Brown and those to whom he paid tribute. His story is told in the video, *Voyage of Rediscovery*, which is part of the First Nations Series, *The Circle Unbroken* (National Film Board of Canada, 1983 ISBN Number 0-7122-0490-X.)

You can use [Handout 6: Conferences-Quiz](#) for evaluation of this part.

See the Answer Key for [Handout 6](#) in the Assessment section.

Activity 2: Victims and Youth Justice

What about the victims of youth crime?

Have the students role-play to understand how victims of crime might feel. The following activities will help students to understand the impact of crime on victims.

Personal Incident

Ask the students to remember a time when something happened to them that they felt was unfair. Perhaps someone hurt them or took something from them and that person did not receive any punishment. Or perhaps their parents or someone their family knows has experienced a break and enter at their home or the theft of a car. Before students share their experiences orally have them visualize the incident in their minds and try to recall where they were at the time, who was involved, what was said and the details of the incident. The more detailed their memories are then the more readily they will be able to relate to the impact of crime on victims in general. Have them share their experiences in small groups.

Brainstorm as to the various emotions that victims may experience: anger, sadness, fear and worry. Some of the students may have actually been a victim themselves and this could trigger some emotional reactions especially if it was a physical or sexual assault. Victims do need to tell someone but you may want the school nurse on hand for counselling just in case.

Ask the students to consider what penalties or consequences could have been imposed to make them feel like the wrong had been addressed. They could consider consequences such as payment for an item, replacement of an item, a letter of apology, time spent repairing something, or time spent rendering a service.

Trevor's Story

Have the students sit in small discussion groups. Read the following the story to the class:

"Trevor was a troubled young man with no family. He lived in a group home. By 16, he had already been having run-ins with the police for a couple of years and most of the people who knew him, in the small B.C. town where he lived, were convinced that he would end up in jail. He did not attend school often nor did he have a job. Late one night the police caught him smashing the expensive plate-glass front window of a Main Street camera shop. He had planned to break into the shop and to steal camera equipment, which he was going to sell to a pawnshop in the big city. He was going to use the money to buy a motorcycle. As he sat in the back seat of the police cruiser he knew his desire for a motorbike was the least of his problems."

Pause at this point in the story and tell the class that Trevor could be charged with breaking and entering and that he might spend time in custody. Ask the students how

the victim, the owner of the camera shop, might feel after his shop window had been destroyed and some of his camera equipment had been damaged.

- What do the students think this shop owner would want to have done to right this wrong?
- What alternative(s) to the formal court system might exist for Trevor?

Have the students discuss how this case could be resolved without having Trevor go to court. Have one member of each group report back to the class. Continue the story.

"Trevor could have ended up in court however Crown counsel referred him to a Community Alternative Measures Program. When Trevor agreed to participate, a meeting was set up with the police officer, Trevor's group home parents, the owner of the camera shop and other members of the community who deal with the counselling of young offenders. At the meeting, Trevor took responsibility for what he had done and he agreed to pay for the cost of replacing the window by working in the camera shop. He also agreed to a period of counselling to help him get his life on the right track."

Go over *Handout 7: Victims and Youth Justice* with your students highlighting the important points before they work on the following scenarios.

The Victim's Point of View

Give *Handout 8: YCJA-The Victim's Point of View* to each of your groups. Assign one of the scenarios to each group. The group should discuss their case and determine how alternative measures could be applied to that case rather than using the formal court system. Each group must be prepared to explain to the whole class the details of the case, how the victim would feel after the crime was committed, what solution they would come up for in the case, what the victim would think of their solution and what the offender could do to right the wrong. Remind the students that consequences can be created to suit their case: payment, time given in community service, repair or replacement of something, participation in drug/alcohol counselling or anger management programs, mandatory attendance in school, non-association with certain people and/or time spent helping someone do things that they are no longer able to do because of the injury they suffered as a result of the crime.

At the end of this activity, use *Handout 9: YCJA Victims and Youth Justice-Quiz* to test students' knowledge.

See the Answer Key for *Handout 9* in the Assessment section.

RESOURCES

Activity 1: Conferences

Handout 1: YCJA Conferences

Handout 2: Introduction to Restorative Justice

Handout 3: Edwin and the Slashed Tires-Community Justice Conference

Handout 4: The Dare-Community Justice Conference

Handout 5: Frank Brown-A Healing Circle (Unscripted)

Handout 6: YCJA Conferences-Quiz (Assessment)

Activity 2: Victims and Youth Justice

Handout 7: Victims and Youth Justice

Handout 8: YCJA-The Victim's Point of View

Handout 9: YCJA Victims and Youth Justice-Quiz (Assessment)

ASSESSMENT

Activity 1: Conferences

Participation marks can be given for group and class discussion work. Have your students complete this review quiz on this topic which is on Handout 6: YCJA Conferences-Quiz.

Answer Key for Handout 6: Conferences-Quiz

1. The YCJA
2. Youth Justice Committee
3. Conference
4. Advice
5. Family group conference, sentencing circle or a healing circle
6. Creative Solutions
7. Youth Justice Court Judge

Activity 2: Victims and Youth Justice

Participation marks can be given for group and class discussion work. Have your students complete this review quiz on this topic which is on Handout 9: YCJA Victims and Youth Justice-Quiz.

Answer Key for Handout 9: YCJA Victims and Youth Justice-Quiz

- | | |
|----------|----------|
| 1. True | 6. True |
| 2. True | 7. False |
| 3. True | 8. False |
| 4. False | 9. True |
| 5. False | 10. True |

ENRICHMENT

YCJA Conferences

Enrichment Activities 1-3 can be done if the conference was not done in class by the students during the lesson.

1. Read the scenario below and answer the questions which follow:

A Troubled Life

Frank Brown was a very angry 17-year-old of Aboriginal ancestry who grew up in Bella Bella. Frank and some friends decided to steal some alcohol from a local bootlegger but didn't anticipate running into the man. They assaulted him very seriously and the community felt Frank was a dangerous young man. To make matters worse, Frank had been carrying a loaded gun. He was charged with assault causing bodily harm and armed robbery.

This wasn't the first time Frank had been in trouble. He had a previous conviction for breaking and entering and had been sentenced to a corrections camp for 16 months. However, his time in corrections didn't seem to have any kind of positive impact. In fact, he had been negatively influenced there by other troubled teens. The community felt Frank and the crowd he was running with were dangerous. This latest incident confirmed their fears.

A group of people who cared about Frank felt if he was sent to jail he would be exposed to a lot of bad influences and come back to Bella Bella worse than when he left. They were willing to try to come up with a plan that would help Frank understand his background, appreciate his culture and turn his life around. Frank's early home life had been unstable and probably contributed to his troubled teen years. However, this latest wrongdoing was too serious to be overlooked.

Answer these questions:

- What advantages would come from jailing Frank?
 - What are some disadvantages of a jail sentence?
 - What are some alternatives that might be considered?
 - What do you suggest should happen to Frank and why?
 - What are the victim's views and needs in this case?
2. Get together with some classmates and act out the healing circle for the rest of the class. Read the healing circle script (PDF).
 3. Frank Brown's story is told in a video called the Voyage of Rediscovery (part of the First Nations Series, The Circle Unbroken, National Film Board of Canada,

1983 ISBN Number 0-7122-0490-X). Watch the video and make a report to the class on what happened in Frank's case. What do you think he learned from his experience?

4. Read the scenario below and answer the questions that follow:

Jackie's Tagging

Jackie, 13, had some problems at home and got in trouble with the police last year for breaking a window. After dinner, Jackie usually went out with his friends. Sometimes they went to the park. Sometimes they walked around the neighbourhood and talked. One evening, they found some spray cans of paint and used the paint to write on the walls of several neighbourhood stores. A storeowner saw the boys and called the police. The police caught Jackie with the paint. Jackie could have ended up in court but instead the problem was handled in another way. Jackie and his parents had to go to a conference. The storeowners were also there. A facilitator helped everyone talk about the problem. Jackie felt badly when he met the store owners and understood that the owners were really upset about the walls. They decided what to do and an agreement was drawn up. Answer these questions:

- If you were Jackie what would you agree to do?
 - If you were the store owners, what would you want Jackie to do?
 - What do you think happened in this case?
5. Take the facts of the case of Jackie's Tagging and perform an impromptu conference for the rest of the class. The participants would be the facilitator, Jackie, the police officer, Jackie's parents, and two or three store owners. Summarize how the conference went.

Victims and Youth Justice

1. Read the scenario below and complete the activities which follow:

Road Menace: Over the last two years, James has been charged and found guilty of auto theft, break and enter, and three counts of theft under \$5000.00. 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 is charged with theft over \$5000.00 and mischief.

- Pretend you are the mother or father of James. It is apparent that 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, and explain why you think those things will help.

- 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?
- Pretend you are the owner of the truck that was stolen and damaged. Describe how you would feel and why.

2. Read the following scenario and do the activity following:

Nelson in Trouble Again: Nelson is 17 years old. He has often been in trouble with the law. Once he stole a car. While he was driving, he had an accident. The car hit a tree. Nelson ran away but the police caught him. Another time he broke into some houses. Nelson does not live at home. He usually lives on the street. He takes drugs. For a short time he lived in a special home for youth. While he was there, he used drugs. He had to leave the home.

Nelson was supposed to go to court but he didn't. The court ordered him to do volunteer work in the community but Nelson didn't do it. A month ago he broke into a store. He smashed the large front window of the store and ran off with several TVs, which were damaged when the police finally managed to stop the pickup truck that he used to leave the scene of the crime. Nelson was charged with and convicted of break and enter and theft over \$5000.00.

- What do you think the impact of this crime was on the owner of the store? Think about the store owner's feelings, the effect on his family or customers and the financial loss suffered.
- What type of consideration would you give to the victim impact statement of the owner in this case? How would it affect your sentence if you were the judge?