

**Date Reviewed**

October 2020

**Course**

[Law Studies 12](#)

**Topic**

Youth Law

**Big Idea**

Understanding legal rights and responsibilities allows citizens to participate more fully in society.

**Essential Question**

How are youth offenders treated differently than adult offenders?

**Learning Standards****Content:**

*Students are expected to know the following:*

- Key areas of law such as youth law
  - *Young Offenders Act*
  - *Youth Criminal Justice Act*

**Curricular Competencies**

*Students are expected to be able to do the following:*

- Use Social Studies inquiry processes and skills to ask questions; gather, interpret, and analyze legal concepts, issues, and procedures; and communicate findings and decisions

**Core Competencies****[Communication](#)**

Students can collaborate effectively with others to deliver and present knowledge about the *Youth Criminal Justice Act*.

**[Thinking](#)**

Students can challenge assumptions and reflect on views on youth offenders from throughout the learning experience.

## Personal and Social

Students can demonstrate empathy, personal responsibility, and listening skills during the restorative justice circle activity.

## **First People's Principles of Learning**

Learning is reflective, experiential, and relational.

### **Introduction**

- Using a [Think-Pair-Share](#) strategy, have students discuss: “Should teenagers be treated the same as adults in the criminal justice system? Why or why not?”
- During the discussion, create a list on the board with reasons why and reasons why not.
- Students will write an individual journal entry responding to the question.

### **Pre-Assessment**

- Use a [Carousel Discussion](#) to activate and assess students' prior knowledge about criminal procedures. Post the following topics on chart paper around the room:
  - arrest and detention
  - pre-trial
  - trial procedures
  - sentencing
- Organize students in four groups and have group each start at a different topic. Ask “What do you already know about this criminal procedure for adult offenders?”.
- Allow time for groups to discuss and record their ideas on chart paper. Then rotate to the next topic where they will add to the ideas of the previous group. Continue until each group has discussed each topic.

### **Interactive Learning Activities**

Part 1: Comparing Youth Offenders and Adult Offenders

- Explain there are similarities and differences for youth offenders under the *Youth Criminal Justice Act*.
- Provide students with access to [Differences Between Youth and Adult Criminal Justice Systems](#). Have students discuss:
  - How are youth treated differently than adults in the criminal justice system?
  - Which of these differences is the most important? Why?
  - Which of these differences is the most surprising? Why?
- Provide students with the handout “**Journey of a Youth Offender Aged 12-17**”. Project the infographic [Youth Criminal Justice in Canada](#). Scroll to the second page. For each stage, have

students identify and write down the differences in the criminal justice system particular to youth. Then have students add more detail using the Justice Department's [Overview of the Youth Criminal Justice Act](#).

**Part 2: Comparing the *Young Offenders Act* & *Youth Criminal Justice Act***

- Ask students: How have the principles of youth justice changed over time? Students will share ideas and discuss.
- Hand out the graphic organizer **Youth Criminal Law in Canada**. Students will compare the *Young Offenders Act* (1984-2003) and *Youth Criminal Justice Act* (2003-present).
- Afterwards, review by asking: What are the goals and guiding principles of the *Youth Criminal Justice Act*? Follow up with the question: "What specific provisions of the act can help achieve these goals?" Students can brainstorm answers and discuss as a class.

**Part 3: Everything You Need to Know About YCJA**

- Handout the assignment **Youth Criminal Justice Act Informational Pamphlet**. Students will be working in small groups to create informational pamphlets that explain different aspects of the YCJA:
  - Legal rights of youth regarding search or detention
  - Legal rights of youth upon arrest
  - Extrajudicial measures
  - Youth and adult court
  - Youth sentence options under the YCJA
  - Youth records
- These pamphlets will be presented to the class in a "fair" that also could be attended by other members of the school community.
- Students will set up "booths" in the classroom in the style of an information fair.
- At least one member of the group will be at the booth to present their pamphlet and speak on that aspect of the YCJA as a topic expert. Other group members will rotate around the class to other booths. There will be a switch halfway through class so each student will have a chance to present and to learn from others.
- Assess the pamphlets using the **Youth Criminal Justice Act: Informational Pamphlet Rubric**.

**Post-Assessment**

- Have students reflect in their journals:
  - How are youth offenders treated differently from adult offenders?
  - How is the YCJA designed to enforce the legal rights of youth?

## Extension Activities

- Have students engage in a restorative justice circle regarding an issue affecting your school community.
- Potential topics include harassment, substance use, or vandalism.
- Use the **Restorative Justice Circle Guidelines and Questions** to structure the activity.

## Additional References

Canada. 2017. "The Youth Criminal Justice Act Summary and Background." *Department of Justice*. <https://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/back-hist.html>

Centre for Public Legal Education Alberta. 2020. "Introduction (YCJA)." *Canadian Legal FAQs*. <http://www.law-faqs.org/national-faqs/youth-and-the-law-national/youth-criminal-justice-act-ycja/introduction-ycja/>

Jeffrey, Nicole, et al. [n.d.] "Youth Criminal Justice in Canada: Journey of a Youth Offender Aged 12-17." Community Engaged Scholarship Institute, University of Guelph. [https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey\\_et\\_al\\_YouthCriminalJusticeInCanada\\_Infographic\\_2017.pdf?sequence=2&isAllowed=y](https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey_et_al_YouthCriminalJusticeInCanada_Infographic_2017.pdf?sequence=2&isAllowed=y)

Justice Education Society. 2020. "Explore the YCJA." Vancouver, B.C. <https://www.ycja.ca/>

Justice Education Society. 2018. "Young Offenders." Vancouver, B.C. <https://www.justiceeducation.ca/legal-help/crime/youth-and-crime/young-offenders>

Justice Education Society. 2016. "Legal Rights for Youth in British Columbia." Vancouver, B.C. <https://www.legalrightsfor youth.ca/>

OJEN, Ontario Justice Education Network. 2008. "In Brief: Restorative Justice in the Criminal Context." <http://ojen.ca/en/resource/in-brief-restorative-justice-in-the-criminal-context>.

Youth Criminal Justice Act, SC 2002, c 1. <http://canlii.ca/t/544ls> [This statute replaces RSC 1985, c Y-1.]

Young Offenders Act, R.S.C., 1985, c. Y-1. 2003. Archived. Justice Laws Website. <https://laws-lois.justice.gc.ca/eng/acts/y-1/20030101/P1TT3xt3.html>

## Book

Murphy, Terry, et. al. "All About Law: Exploring the Canadian Legal System." 6th ed., Toronto, ON: Nelson Education, 2010.

## **Materials and Resources**

## Journey of a Youth Offender Aged 12-17

Infographic with Stages:

[https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey\\_etal\\_YouthCriminalJusticeInCanada\\_Infographic\\_2017.pdf?sequence=2&isAllowed=y](https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey_etal_YouthCriminalJusticeInCanada_Infographic_2017.pdf?sequence=2&isAllowed=y)

For extra information: <https://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/oycja-alsj.html>

### Specific Differences for Youth Offenders

1. Police Contact	
2. Arrest/ Charge by Police	
3. Bail Hearing	
4. First Court Appearance	
5. Trial	
6. Sentencing	
7. Reintegration	
8. Community Supervision	

## Journey of a Youth Offender Aged 12-17 Answer Key

Infographic with Stages:

[https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey\\_etal\\_YouthCriminalJusticeInCanada\\_Infographic\\_2017.pdf?sequence=2&isAllowed=y](https://atrium.lib.uoguelph.ca/xmlui/bitstream/handle/10214/10256/Jeffrey_etal_YouthCriminalJusticeInCanada_Infographic_2017.pdf?sequence=2&isAllowed=y) (1)

For extra information: <https://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/sheets-feuillets/oycja-alssj.html> (2)

### Specific Differences for Youth Offenders

1. Police Contact	-extrajudicial measures such as warnings and community referrals encouraged (1) -45% formally charged, 55% dealt with in other ways such as referrals for restorative justice programs (1)
2. Arrest/ Charge by Police	-youth can be released or sent to detention centre for custody (detention centre is youth specific) (1)
3. Bail Hearing	-conferences including the young person, victim, family, or community members, or professionals can be used to provide advice on releasing youth from pre-trial detention (2)  -pre-trial detention used mainly in cases of serious offences or if there is doubt the youth will show up in court (2) -pre-trial detention not to be a substitute for childcare or mental health reasons (2)
4. First Court Appearance	-may be given extrajudicial sanctions such as community service or counselling (1) -significant reduction in use of courts under YCJA (2)
5. Trial	-special youth court (2)
6. Sentencing	-sentencing options under the YCJA include fines, probation, community service, and custody (1) -purpose of sentences is to hold youth accountable for their actions and promote rehabilitation and reintegration into society (2)

	-adult sentences may be used in cases such as violent offences (2)
7. Reintegration	-youth may return to school find work, or attend programs (1) -youth workers work on reintegration plans as soon as a youth goes into custody (2)
8. Community Supervision	-supervision and community support always a part of a youth sentence (2) -mandatory and additional conditions apply and breach leads to the youth returning to custody (2)



## Youth Criminal Law in Canada

Fill out the following chart using the suggested resources:

All About Law textbook

Young Offenders Act <https://laws-lois.justice.gc.ca/eng/acts/y-1/20030101/P1TT3xt3.html>

Youth Criminal Justice Act: <https://www.justice.gc.ca/eng/cj-jp/yj-ji/tools-outils/back-hist.html>

	<i>Youth Offenders Act</i>	<i>Youth Criminal Justice Act</i>
Date Created		
Minimum Age of Criminal Responsibility		
Maximum Age		
Main Goals (i.e. punish, rehabilitate, educate)		
Common Criticisms		

## Youth Criminal Law in Canada Answer Key

Fill out the following chart using the suggested resources:

Comparative Analysis of Youth Justice approaches:

[http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume4/comparative\\_analysis.aspx](http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume4/comparative_analysis.aspx) (Start at *Young Offenders Act* heading)

[http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume4/comparative\\_analysis.aspx](http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume4/comparative_analysis.aspx)

*Young Offenders Act* <https://laws-lois.justice.gc.ca/eng/acts/y-1/20030101/P1TT3xt3.html>

*Youth Criminal Justice Act*: <https://www.justice.gc.ca/eng/cj-jp/yj-ji/tools-outils/back-hist.html>

	<i>Young Offenders Act</i>	<i>Youth Criminal Justice Act</i>
Date Created	1984	2003
Minimum Age of Criminal Responsibility	12	12
Maximum Age of Criminal Responsibility	18	18
Main Goals (i.e. punish, rehabilitate, educate)	<ul style="list-style-type: none"> <li>-protect society from illegal behaviour</li> <li>-youth to take responsibility for their actions</li> <li>-alternative measures could be used instead of judicial proceedings</li> </ul>	<ul style="list-style-type: none"> <li>-protect the public</li> <li>-prevent crime by addressing the causes of an offender's behaviour</li> <li>-ensure offenders receive meaningful consequences</li> <li>-extrajudicial measures can be used instead of judicial proceedings</li> <li>-emphasis on rehabilitation and reintegration</li> </ul>

Criticisms	-public sentiment that the YOA was too lenient (partly in response to cases of high-profile violent crime) -other critics argued the opposite - that high rates of youth incarceration would lead to youth becoming repeat offenders	-has received praise and resulted in lower levels of youth incarceration -has received criticism from those who believe incarceration is the better approach over extrajudicial measures or restorative programs
Other Notes	-young people are recognized as having special needs and requiring guidance (in Declaration of Principle) -protection of youth privacy included in this act	-YCJA addresses the needs of victims of youth crime -Stiff sentencing for serious and violent offences exists

Reflection: After reading and filling out the chart, what do you think are the main updates of the YCJA to the YOA?

- More focus on rehabilitation
- Goals expanded: punishment (especially for serious offences), deterrence, rehabilitation, reintegration, protection of society are all prioritized
- Data suggests the YCJA is successful in lowering incarceration and promoting reintegration for youth

## **Youth Criminal Justice Act: Informational Pamphlet**

**Instructions:** You will be working with other students to create an informational pamphlet about the *Youth Criminal Justice Act (YCJA)*.

Keep in mind the **essential question**:

How are youth offenders treated differently than adult offenders?

**Topics for your pamphlet include:**

- Legal rights of youth regarding search or detention
- Legal rights of youth upon arrest
- Extrajudicial measures
- Youth and adult court
- Youth sentence options under the *YCJA*
- Youth records

**Requirements:**

- Clear title and subheadings
- Accurate and clear content (consider audience and purpose)
- Visual Aids (pictures, logos)
- MLA Bibliography (separate page)
  - For images and research sources

**Suggested initial resources:**

Explore the *YCJA*, Justice Education Society, [www.ycja.ca/](http://www.ycja.ca/)

“Introduction (YCJA).” *Canadian Legal FAQs*, Centre for Public Legal Education Alberta, 11 Jan. 2020, [www.law-faqs.org/national-faqs/youth-and-the-law-national/youth-criminal-justice-act-ycja/introduction-ycja/](http://www.law-faqs.org/national-faqs/youth-and-the-law-national/youth-criminal-justice-act-ycja/introduction-ycja/)

“Legal Rights for Youth.” *Legal Rights for Youth*, Justice Education Society, [www.legalrightsfor youth.ca/](http://www.legalrightsfor youth.ca/)



### **Youth Criminal Justice Act: Informational Pamphlet Rubric**

	<b>Minimally Meeting Expectations</b>	<b>Approaching Expectations</b>	<b>Meeting Expectations</b>	<b>Exceeding Expectations</b>
<p><b>Interpretation and Understanding</b></p> <p><i>How well does your pamphlet show understanding and interpretation of appropriate information?</i></p>	<p>-information may not be relevant or clear; more detail needed</p> <p>-MLA bibliography incomplete or missing</p>	<p>-information is relevant and aids understanding, but more detail is recommended</p> <p>-MLA bibliography contains a minimal number of sources</p>	<p>-information is relevant, appropriately detailed and aids understanding</p> <p>-MLA bibliography is complete</p>	<p>-information is relevant, detailed and consistently aids understanding</p> <p>-MLA bibliography contains a variety of diverse sources</p>

<p><b>Communication</b></p> <p><i>How well does your pamphlet consider audience and purpose when communicating information?</i></p>	<p>-information is not organized; no subheadings or information contains contradictions</p> <p>-minimal or distracting design and visual elements</p> <p>- limited or inappropriate consideration of audience and purpose</p>	<p>-information is somewhat organized; may not use subheadings effectively</p> <p>-design and visual elements are included</p> <p>- some consideration of audience and purpose</p>	<p>-information is organized clearly using subheadings</p> <p>-design and visual elements aid understanding</p> <p>- communicates information clearly for audience and purpose</p>	<p>-information is organized thoughtfully and effectively using subheadings</p> <p>-design and visual elements greatly aid understanding</p> <p>-interprets information to communicate effectively for audience and purpose</p>
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## Restorative Justice Circle Guidelines and Questions (Teacher Copy)

**Background:** Restorative Justice is a process that focuses on addressing the harm caused to victims and the community by the offender. The focus is on healing for all parties. Restorative justice promotes positive social behaviours such as listening, empathy, personal responsibility, and community connectedness.

Restorative justice can take place in many contexts. In this activity, students will complete a restorative justice circle regarding a social issue affecting their community. Potential topics include harassment, substance use, and vandalism.

**Guidelines for Restorative Justice Circles:**

- If possible, the circle should be capped at 12 participants, with 1-2 teachers, counsellors, youth workers or community leaders as facilitators
- A talking piece will be used
  - The person holding the talking piece is the only one talking while everyone else listens.
  - The talking piece may be passed around the circle in order, or may be passed on to the person who wishes to speak next.

- Everyone has the chance to speak, but is not obligated to.

### Recommended Process:

- Start with an **open-end** check-in question
  - Facilitator: "I would like to take the time to welcome you here and thank you for taking part in this restorative justice circle on \_\_\_\_\_."
- Identify **guidelines** for behaviour.
  - Facilitator: "Let's identify a set of guidelines we need to feel comfortable today."  
Facilitator can share an example, such as "Be honest."
  - Check for consensus on each guideline from the group. Take the time to discuss and debrief each guideline if there is not consensus.
- Use the **inquiry format** to discuss the issue.
  - Define the issue - "What is happening in the community?"
  - "How does this make you feel?"
  - "Who is being harmed by this? How are they affected?"
  - "What can you do as an individual to address this issue?"
  - "What do you need to help you do it?"
  - "How do you feel about this now after talking it out?"
- Include a **closing** statement that thank the participants for coming together.
  - Facilitator: "Thank you all for participating today. How did you feel about the process?"

## Restorative Justice Circle Guidelines and Questions (Student Copy)

**Background:** Restorative Justice is a process that focuses on addressing the harm caused to victims and the community by the offender. The focus is on healing for all parties. Restorative justice promotes positive social behaviours such as listening, empathy, personal responsibility, and community connectedness.

In our class circle, we will be discussing \_\_\_\_\_ and how it affects our community.

### Guidelines for Restorative Justice Circles:

- We will work together to define guidelines for the circle. In general, the focus will be on listening, honesty, and openness.
- A talking piece will be used.
  - The person holding the talking piece is the only one talking while everyone else listens.

- The talking piece may be passed around the circle in order, or may be passed on to the person who wishes to speak next.
- Everyone has the chance to speak, but is not obligated to.

**Circle Process:**

- Opening
- Guidelines
- Inquiry process to discuss issue:
  - “What is happening in the community?”
  - “How does this make you feel?”
  - “Who is being harmed by this? How are they affected?”
  - “What can you do as an individual to address this issue?”
  - “What do you need to help you do it?”
  - “How do you feel about this now after talking it out?”
- Closing