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Chapter 2

TO WHAT EXTENT IS THE
JUSTICE SYSTEM FAIR
AND EQUITABLE FOR
YOUTH?

The Justice System



Edmonton Law Courts

FAIR AND EQUITABLE

JUSTICE

JUSTICE SYSTEM

LEGISLATION

VALIDITY

COMMUNITY SERVICE

CRIMINAL RECORD

SENTENCE

REHABILITATION

REINTEGRATE

COLONIALISM

Vocabulary



Arresting Rights

- ▶ You have the right:
 - ▶ To remain silent
 - ▶ To speak to a lawyer, parent, or guardian
 - ▶ To have your parents (guardians) with you during questioning
 - ▶ To have a lawyer if you go to court



Comparing Criminal Code and YCJA

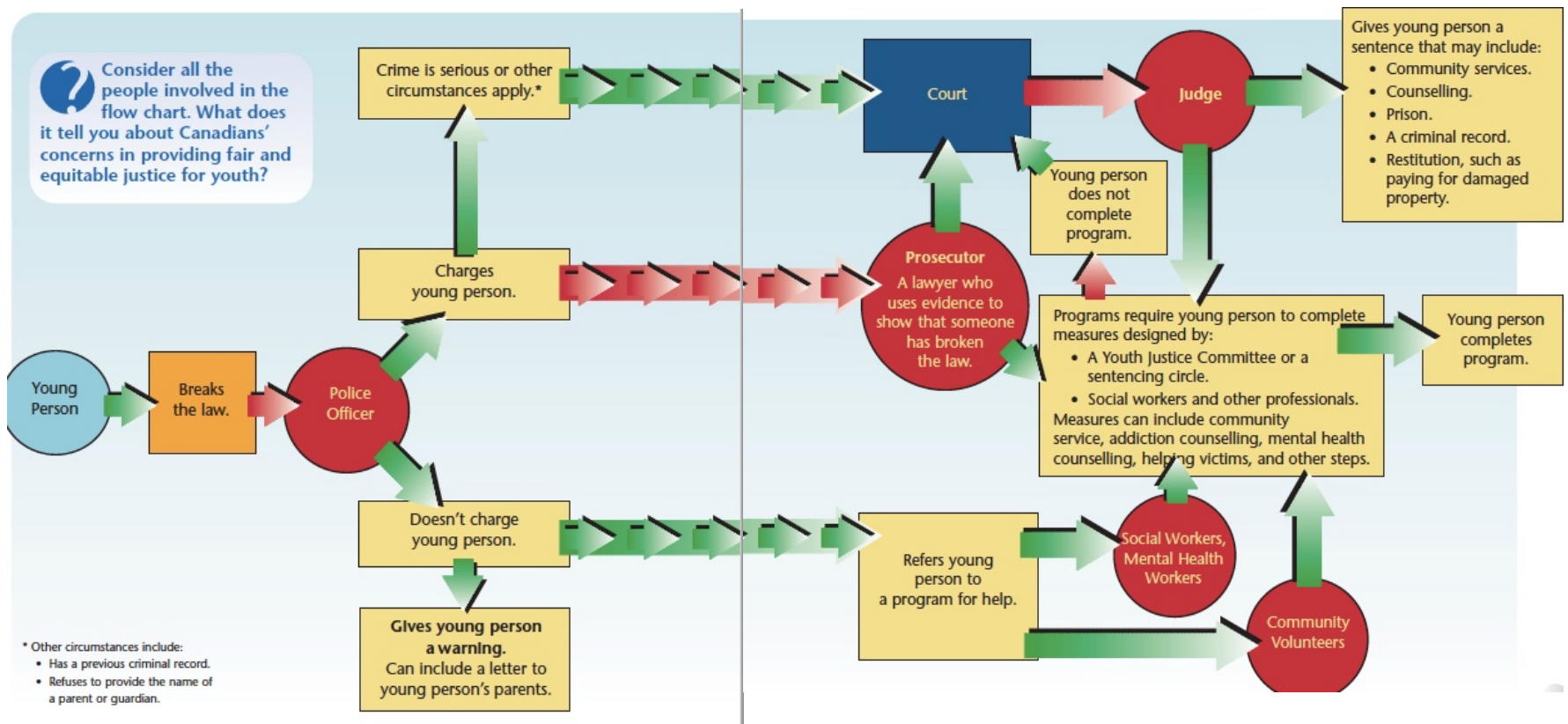
▶ Criminal Code

- ▶ Adult offenders
- ▶ Going to court is usual consequence
- ▶ Defines adult sentences (prison)
- ▶ Allows publication of names
- ▶ Creates criminal record for most offenders

▶ Youth Criminal Justice Act

- ▶ 12-17 year olds
- ▶ Allows for counselling or community service
- ▶ Prohibits adult sentences for 12-14 year olds
- ▶ Allows for adult sentences for 14-17 year olds (serious crimes)
- ▶ Protects privacy (no publication of names)
- ▶ Allows avoiding criminal record

Breaking the Law



Breaking The Law



- ▶ Before YCJA everyone went to court
 - ▶ offenders did not face consequences for a long time
 - ▶ Consequences did not connect back to victims

So You Broke The Law...

- ▶ Factors to consider:
 - ▶ Serious of offence
 - ▶ History of young person
 - ▶ Attitude
 - ▶ Circumstances



YCJA Objectives

WHAT THE YCJA SAYS

The following principles apply in the Youth Criminal Justice Act:

(a) the youth criminal justice system is intended to

(i) prevent crime by addressing the circumstances underlying a young person's offending behaviour,

(ii) **rehabilitate** young persons who commit offences and **reintegrate** them into society, and

(iii) ensure that a young person is subject to meaningful consequences for his or her offence in order to promote the long-term protection of society.

(b) the criminal justice system for young persons must be separate from that of adults and [recognize]... their reduced level of maturity.

WHAT IT MEANS



For example, a young person may need counselling for alcohol or drug abuse, or help coping with a family situation.

This means providing young offenders with the skills to make positive choices in future, and to help them find positive ways to participate in their community — for example, by joining a sports team or a community-action group.

For example, if a young person damages someone's property, they should explain themselves to the person they wronged, and repair or replace the property.

Young offenders are not as responsible for their actions as adults and should not face the same consequences as adults.

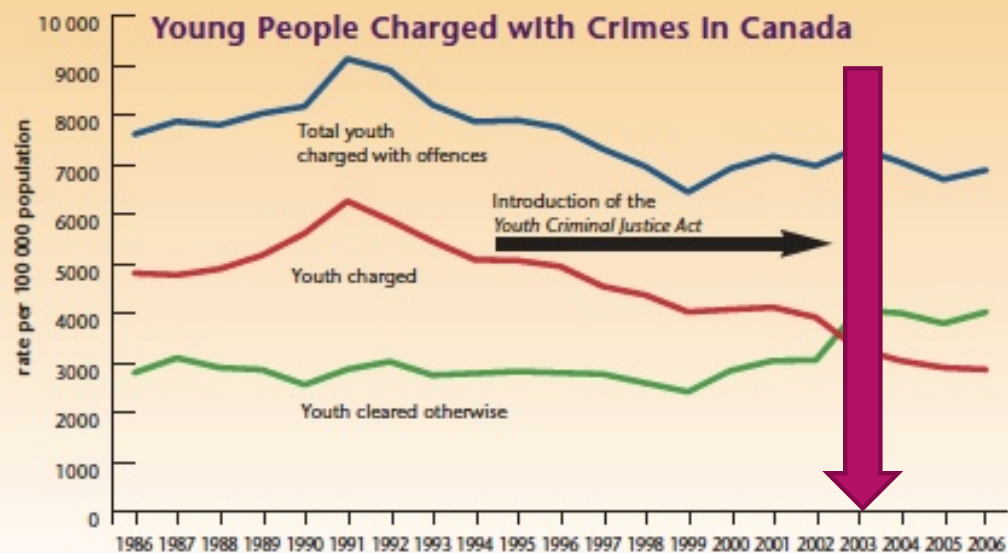
rehabilitate: to instill positive behaviours and attitudes

reintegrate: to make part of again

Affect of YJCA

HOW HAS THE YCJA AFFECTED THE NUMBER OF YOUTHS CHARGED WITH CRIMES?

Under the YCJA, fewer young people are charged with breaking the law because the police can give young offenders other consequences. Based on the graph, how effective is this strategy?



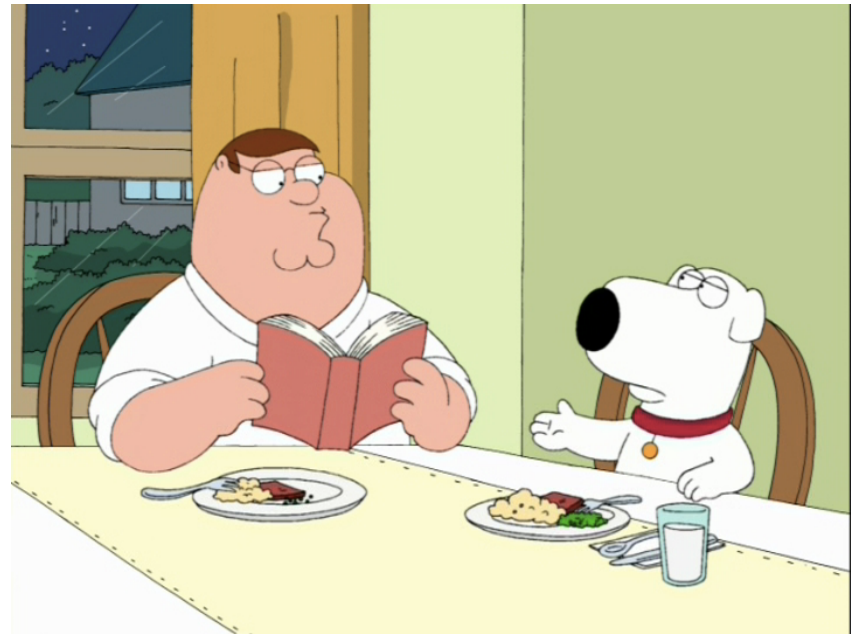
DID YOU KNOW?

Most young offenders get into trouble with the law only once. But, the younger a person is when they first break the law, the more likely they are to break the law again.

— Statistics Canada study, 2005.

Are Consequences Appropriate?

- ▶ Read articles on pages 72 and 73



Jury Duty and Responsibilities

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- ▶ Over 14, you can be tried by a jury
 - ▶ Serious crimes will always have Jury
 - ▶ 12 jurors all must be unanimous
 - ▶ Anyone Canadian over 18 can serve on a jury, with exceptions
 - ▶ Jury duty is a duty of citizenship
 - ▶ You are responsible to attend jury when called upon
 - ▶ Employers must give you time off, but don't have to pay you
 - ▶ Exclusion only if serving will cause undue hardship

Advocacy Groups

John Howard Society

- ▶ Independent of government
- ▶ Deals with underlying reasons
- ▶ Education
- ▶ Help with reintegration
- ▶ **Work with all citizens**

Elizabeth Fry Society

- ▶ Independent of government
- ▶ Deals with underlying reasons
- ▶ Education
- ▶ Help with reintegration
- ▶ **Work with women and girls**

Elders and Justice System



- ▶ YCJA allows sentencing by committees
 - ▶ Sentencing Circles
- ▶ Traditions from Aboriginal peoples
- ▶ Punishment can include banishment

CHEAT SHEET



- × Youth Criminal Justice Act
- × Difference between Criminal Code and Youth Criminal Justice Act
- × Pre-Youth Criminal Justice Act
- × Jury Duty
- × Fair and equitable
- × Media and the YCJA
- × Aboriginal Sentencing Circles
- × Page 69
- × Vocabulary