

How do Canada's justice system and the Youth Criminal Justice Act attempt to treat young offenders fairly and equitably?

WHAT'S IN THIS SECTION

In this section, you will read about Canada's youth justice system and how it deals with young people who break the law. You will find:

- A true story about a girl who broke the law and what happened when she entered the justice system.
- The objectives of the Youth Criminal Justice Act (YCJA). This important piece of legislation affects all young people who come into conflict with the law.
- News articles that reflect different views on the effectiveness of the youth justice system.
- Statistics that illustrate trends related to youth crime.

What are you looking for?

As you read the section, look for:

- The steps involved when a young person enters the justice system.
- The type of justice that the system determines will best meet the needs of the young offender, the victim and the community.
- The advantages and disadvantages of the YCJA and areas that, in your opinion, should be changed.
- The ways in which the justice system is fair and equitable when dealing with young offenders.

An Edmonton hockey fan kicks a burning phone booth during a riot following a playoff game in 2006. Police arrested many people — youths and adults, bystanders and others — to stop the rioting in the interests of public safety.

Think critically: Who should face consequences for incidents like this? What consequences would be just?



When you get caught breaking the law, you no longer have choices about what happens to you. Other people — the police, lawyers, justice committees and judges — make choices for you. You are...

INSIDE THE JUSTICE SYSTEM

This is the true story of a girl from Alberta, aged 15, who broke the law.



When the alarm went off in the store, me and my friend ran away. The store security officers ran after us and arrested us. They called the police.



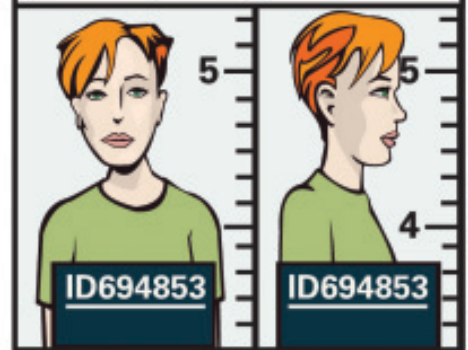
What worried you most about being arrested?

What my parents and friends would think. How mad they would be. And I was really scared that I would go to jail.

What happened next?



The police put us in a cell, and they read us our rights and asked for a statement. After that, our fingerprints and pictures were taken.



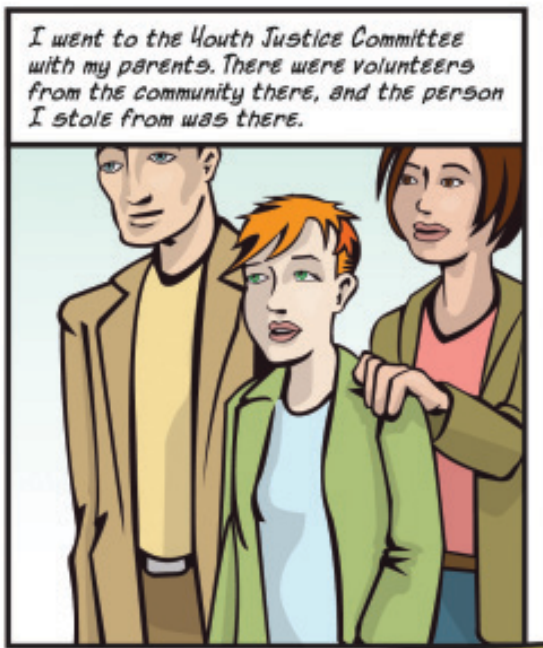
If you are arrested, you have the right:

- to remain silent
- to speak to a lawyer, parent or guardian
- to have your parents with you during questioning
- to have a lawyer if you go to court

Then they called my parents to come and pick me up.



My parents were so disappointed and upset they didn't know what to say to me.

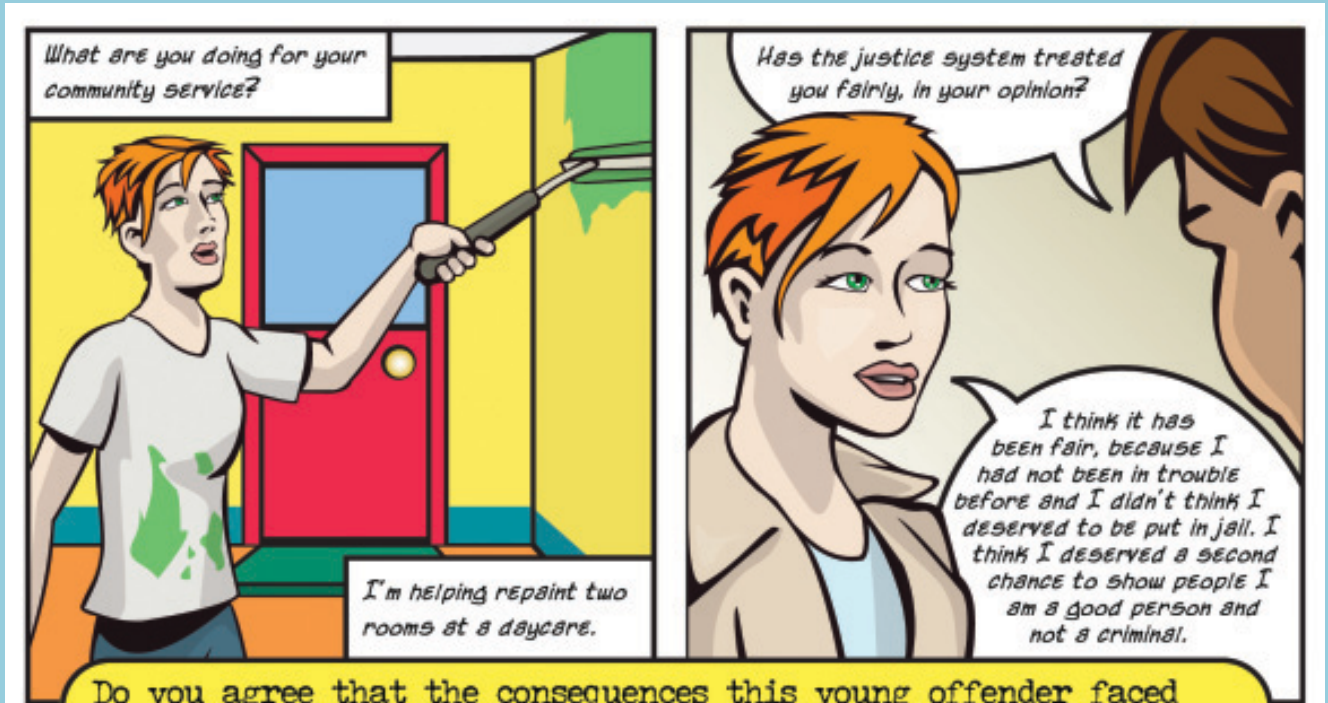



They all asked questions and I had to explain why I did what I did. They said what they thought I should do and we made a contract.

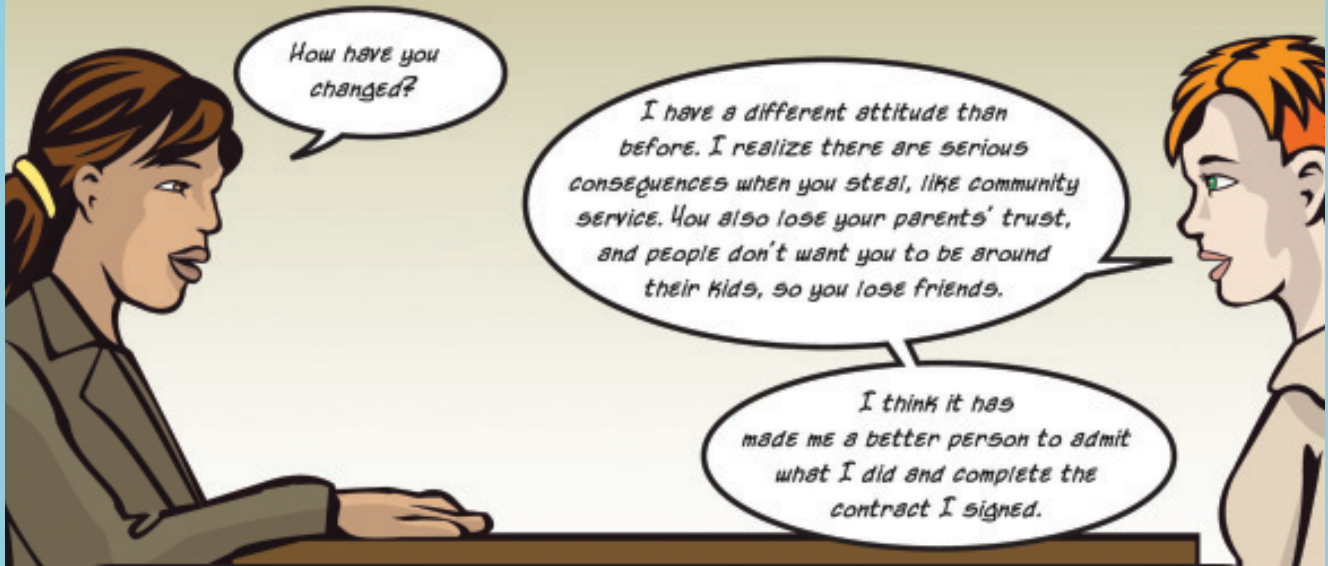



Why do you think it might be hard for an offender and a victim to face each other ?





Do you agree that the consequences this young offender faced were fair for her and for the person she wronged? Why or why not? What other consequences might she have faced? 



In your opinion, what factor had the biggest impact on this young offender's change of attitude? Why? What life lessons can you learn from her story? 

How are youth justice and adult justice different in Canada?

community service: help in the community performed as part of a sentence, such as assisting with a community clean-up or food bank

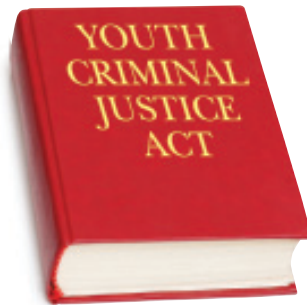
criminal record: a permanent record of breaking the law, which is public information. A criminal record can bar you from some jobs, volunteer positions and travel to other countries.

sentence: a consequence for a crime, such as imprisonment, determined by a court of law

- Canada has different legislation for young people who break the law and for adults who break the law.
- The Youth Criminal Justice Act (YCJA) was passed by parliament in 2003. Canada has had laws like the YCJA — that treat young offenders differently from adult offenders — since the 1890s.

Canada’s Justice System

YOUTH CRIMINAL JUSTICE ACT

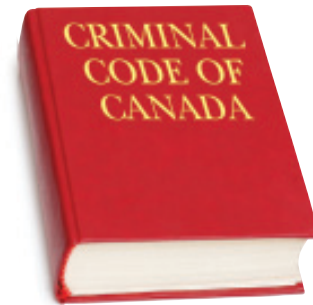


This law defines the consequences young people face for criminal offences.



young offenders

CRIMINAL CODE OF CANADA



This law defines the consequences adults face for criminal offences.



adult offenders



Why do you think a separate justice system is needed for young offenders?

- Deals with 12- to 17- year olds in trouble with the law.
- Allows some young offenders to face consequences such as counselling and **community service**.
- Prohibits adult **sentences** for youths 12 to 14 years of age. Allows adult sentences for young people 14 years of age and older who have committed serious crimes.
- Protects the privacy of young offenders. News media may not publish their names unless they receive an adult sentence.
- Allows most young offenders to avoid a **criminal record**.
- Deals with adults in trouble with the law.
- Makes going to court the usual consequence for breaking the law.
- Defines adult sentences, which can include long periods of imprisonment for some crimes.
- Allows the publication of offenders’ names.
- Creates a criminal record for most offenders.



Based on the information on this page, how would a criminal record affect your quality of life? How might it affect your identity?

connect to the big ideas

1. Reflect back to the story you read about the girl who broke the law on pages 61 to 63. Using an electronic drawing or autoshape tool, create a flow chart of what happened to her inside the justice system. Compare your flow chart with the flow chart on page 66. What path through the justice system for youth did the girl experience? What aspects of her experience would you say are most important in evaluating the fairness and equity of the justice system for youth?

Think about how you use your chart as evidence for your chapter task. *Check page 348 in the Skills Centre for tips on creating charts and diagrams.*



2. You can reflect on what you learn to better evaluate your own thinking. To help you throughout the chapter, use the questions below to check on your thinking.

Hmmm...

YES?

NO?

How will I defend my opinion?

How will I consider the points of view of others?

How will I question statements and seek more evidence?

How will I consider information that could make me change my mind?

How will I revise my position based on what I have learned?

What can I do to be a stronger thinker? I can...



What consequences do young people face when they break the law?

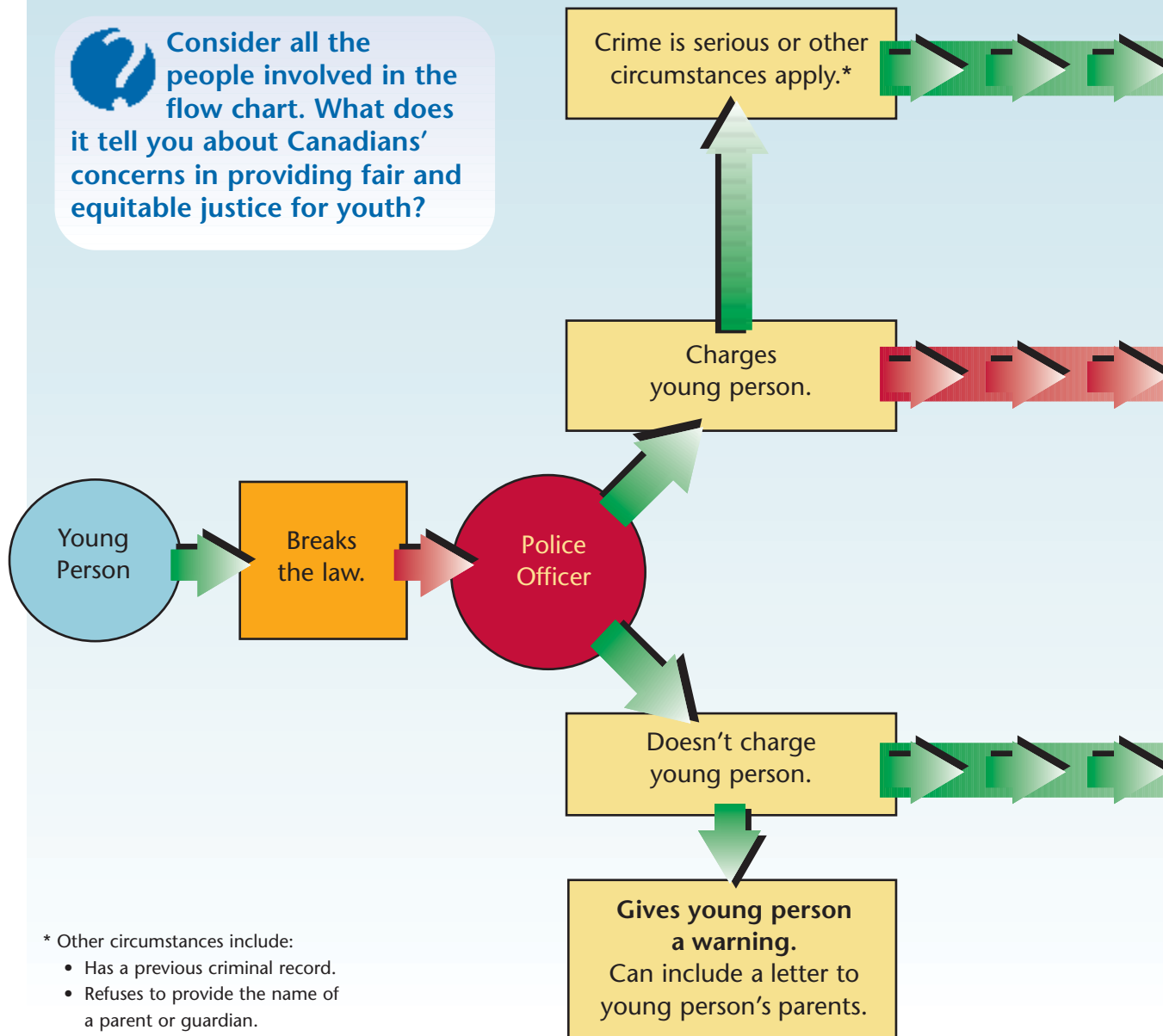
When a young person breaks the law, many agencies and officials in the justice system help decide what happens. The flow chart on this page shows the possible consequences.



If two young people of the same age commit the same crime, would you expect them to face the same consequences? Under the YCJA, they may or they may not. To what extent is this approach to justice equitable?



Consider all the people involved in the flow chart. What does it tell you about Canadians' concerns in providing fair and equitable justice for youth?



* Other circumstances include:

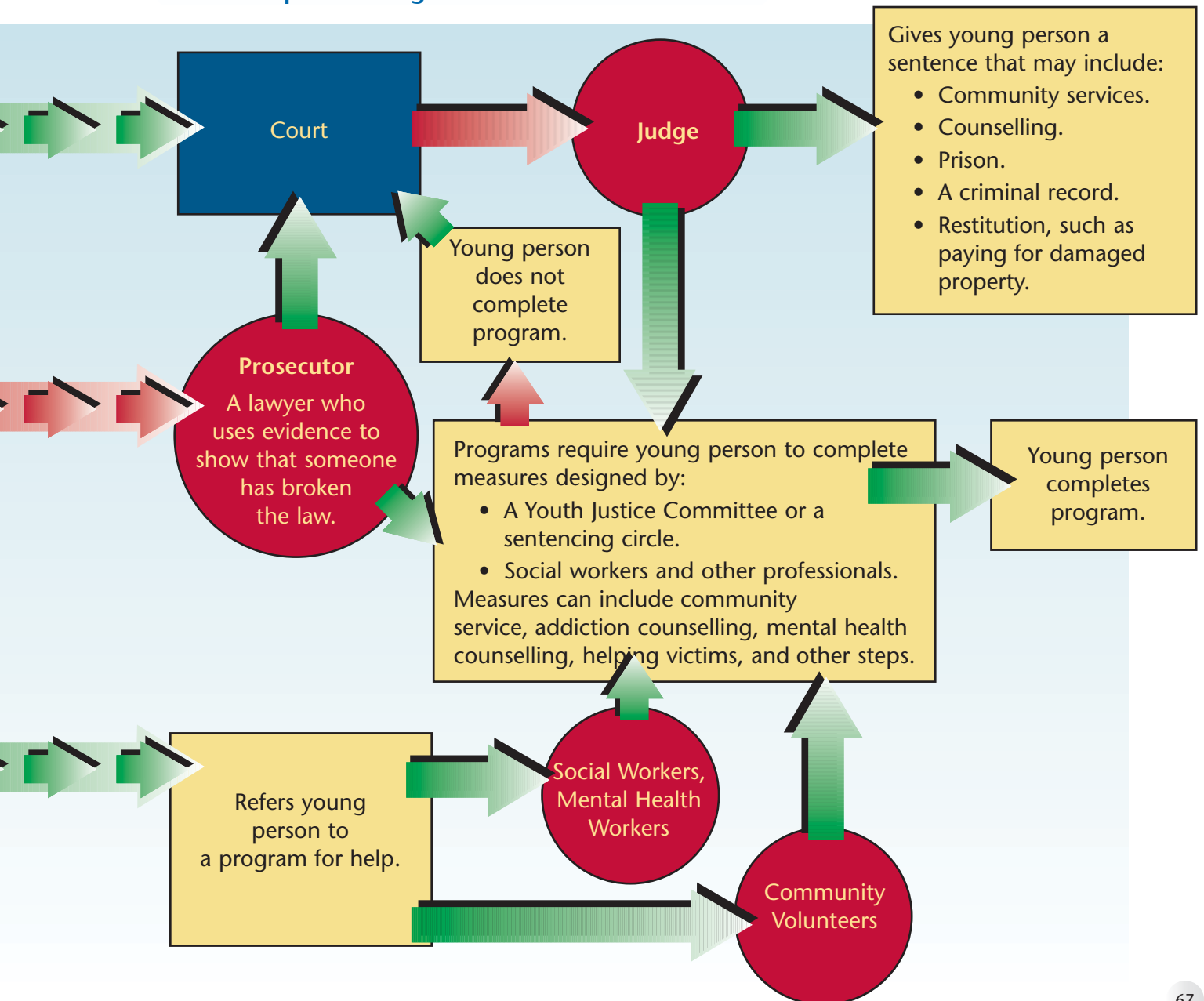
- Has a previous criminal record.
- Refuses to provide the name of a parent or guardian.

Before the YCJA, every young person who broke the law was charged and went to court. This often meant:

- Young offenders did not face consequences for a long time, because the courts are busy with many cases and offenders.
- The consequences did not always connect back to the people and communities the offence affected.



CRITICAL THINKING CHALLENGE If you do something wrong, how important is it to receive consequences quickly? Why? How important is it to make up for wrong actions that affect others?



WHAT FACTORS DETERMINE THE CONSEQUENCES YOUNG OFFENDERS FACE?

The YCJA allows police, prosecutors, judges, and volunteers and professionals from the community to decide what happens to each young offender. They consider factors such as:

- The seriousness of the offence. For example, a violent offence is more serious than a non-violent offence.
- The history of the young person. Someone who's been in trouble before may face more serious consequences than a first-time offender.
- The attitude of the young person. A young person who takes responsibility for their actions will face less serious consequences than someone who does not.
- The circumstances of the young person. For example, a young person's actions may relate to substance abuse, or to a situation they face at home or in their community. They may need support from a social worker more than consequences from the justice system.



In your opinion, to what extent should the law apply equally to everyone, no matter what their circumstances? Why?

Police officers across Canada, including the RCMP, work to educate young people about the law. They often act as coaches and mentors. **Think critically: How might this work affect the fairness of the justice system, in your opinion?**



Inside the YCJA

An Interview with Anne McLellan

Q: Why does the YCJA establish a difference between young offenders and adult offenders?

Young people, up to a certain age, should not be treated as adults. They do not understand their actions in the same way we expect of adults. When you talk to young people, and study their reactions and responses to situations, they're different than adults. They are still in the process of forming their views. Also, a young person who has committed a crime has a better chance of changing their life than an adult criminal.

Q: What do you think every young person should know about the YCJA?

That it's serious stuff. If you harm somebody or destroy something, you will face consequences. The Youth Criminal Justice Act sets out those consequences. We can discuss whether the consequences are too soft or too harsh, but there are consequences.

Q: Should young people contribute their ideas to youth justice?

I think it's key. When we created the Youth Criminal Justice Act, we brought together a large group of young people from across the country, from different backgrounds. Some had broken the law and experienced the justice system. Some were leaders in their schools. We wanted to hear how they saw their responsibilities and how they thought society should treat young people. They had things to say about when schools should deal with situations and when courts needed to deal with them.

Young people can make a real contribution as volunteers in their schools, taking up the challenge of working with those who have broken rules or codes of conduct. It benefits the people who have broken the rules and it benefits the volunteers, too. It makes the issue of breaking rules a shared responsibility. That's how, as a society, we should be dealing with issues.



Do you agree that young people do not understand their actions in the same way as adults? Why or why not?



Anne McLellan was Canada's Minister of Justice in 2003 when the YCJA became law. She helped write the act and defended it during debates in the House of Commons. **Think critically: Why might it be useful to know what Anne McLellan has to say about the YCJA and youth justice?**



Anne McLellan makes some suggestions about how young people can get involved with youth justice. In your opinion, how might this make the justice system work better?

What are the objectives of the YCJA?

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



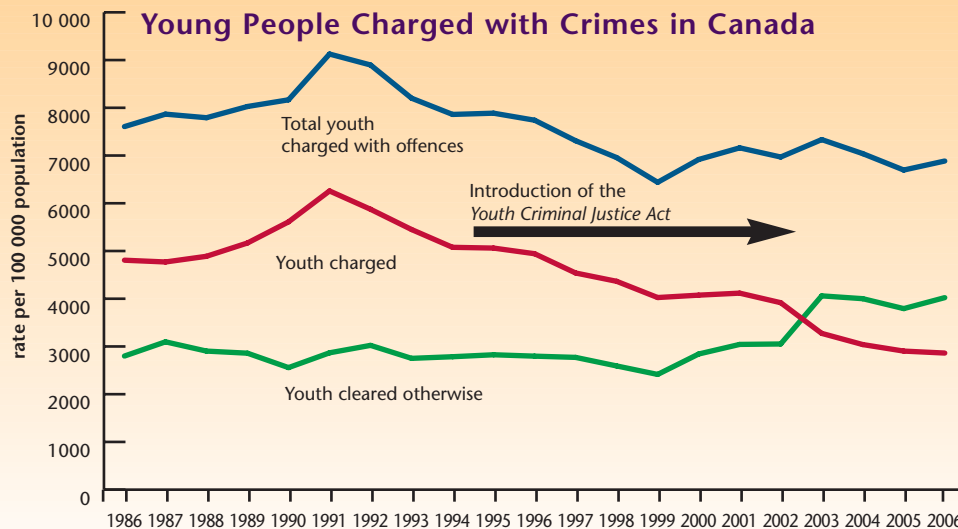
How does each objective of the YCJA strive to achieve justice for young people? For victims? For the community?

Police forces across Canada — whether they are local, provincial or federal — are responsible for upholding the YCJA. These police officers in Calgary work to stay informed about the circumstances of young people. **Think critically:** To what extent should individual circumstances affect justice?



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.

connect to the big ideas

1. Think about the process for dealing with young offenders. Using a rating scale, to what extent do you think this process is fair and equitable? What do you think should be added to the process or changed?

Extremely Fair and Equitable

Not Fair and Equitable

Support your rating with evidence. You can use your conclusions as a step towards completing your chapter task.

2. Consider each objective of the YCJA. Who does each objective affect most: young offenders, victims, or everyone in society? Why? Use a chart like the one below to organize and reflect on your ideas. Make any changes or additions that you feel are needed.

Objective	Who It Affects Most	Reasons Why

Are the consequences for young offenders appropriate?

As these newspaper articles show, Canadians have different opinions about how the justice system should deal with young offenders. What is the main idea of each article? What does it say about the fairness and equity of the justice system?



Vic Toews, a former minister of justice with the Conservative government, suggested lowering the age when children could be charged under the Youth Criminal Justice Act from 12 years old to 10 years old. The suggestion came from the Conservative Party's policy to "crack down on crime."

Automatic adult jail terms eyed for youth?

CanWest News Service, February 5, 2007

The Conservative government plans to introduce a bill to treat young offenders more harshly. The planned changes to the Youth Criminal Justice Act aim "to hold young lawbreakers accountable to their victims and the community."

Genevieve Breton, a spokeswoman for Justice Minister Rob Nicholson commented, "We were elected on a promise to strengthen our criminal justice system, including the Youth Criminal Justice Act."

One change might make it automatic for youths aged 14 and over who are repeat or violent offenders to receive automatic adult sentences. Under the act now, judges decide this on a case-by-case basis.

Another proposed change could affect youths aged 16 and 17 who are charged with serious violent crimes. It would allow publication of their names and give them a permanent criminal record.

— Adapted from an article by Janice Tibbetts.



The first article on this page says harsher sentences would hold young offenders to account for their actions. To what extent do you agree with this statement?

colonialism: the process of establishing colonies, in which a region is claimed and governed by a country from another part of the world



CRITICAL THINKING CHALLENGE

How should respect for identity shape the youth justice system?

Justice System Discriminates Against Aboriginal People

October 16, 2006

OTTAWA — A report released today says that Aboriginal young offenders are jailed at earlier ages and for longer periods of time than non-Aboriginal young offenders. It charges Canada's prison system with routine discrimination, and with failing to respond to Aboriginal people in a culturally appropriate manner.

The report comes from Canada's Correctional Investigator, who monitors Canada's prisons on behalf of the people and government of Canada.

Some First Nations view Canada's justice system as unjust in principle, because they consider it part of a foreign form of governance imposed on them by **colonialism**.

— Based on research into events, views and perspectives.

Justice can be seen to be done

Drayton Valley Western Review, February 6, 2007

I cannot speak for what happens in courtrooms outside of Drayton Valley because I've never been to one. But I have spent time covering court in this town and the opinion that young offenders automatically get off easy is as bogus as a \$3 bill.

A big complaint is that the justice system does not take the needs of the victim into account. But in a recent case in Drayton Valley, an offender was ordered to pay \$25 000 to the victim. Again, I can only speak to what happens in Drayton Valley, but I'm here to tell you that victims' needs appear to be the first priority of the court.

There's no need to take my word for any of this. Courtrooms across the country are open so the public can go and watch the administration of justice. If you're concerned about crime in the community, I'd encourage you to go and see for yourself.

— Adapted from an article by Graham Long.



What makes youth justice fair, in Mr. Long's opinion?

Identify violent youth offenders

In a tragedy that defies understanding, a 13-year-old girl is convicted of three counts of murder.

The details of the crime were deeply disturbing to hear.

But there's one very basic, crucial fact that the public cannot know and that's the name of the killer. Under the Youth Criminal Justice Act, the girl's name cannot be published.

The act aims to protect young people from the full glare of publicity that would hurt their chances of returning to the community. That approach is especially appropriate where the crime is a single case of shoplifting or vandalism.

But the public is not well served when it cannot know the name of the convicted teen in cases of the worst violence. In those cases, the community has a lot at stake, including public safety.

Canada's lawmakers should review the act. Protecting the identity of a convicted murderer does not serve the community or the cause of justice.

— An abbreviated version of an editorial in the *Edmonton Journal*, July 11, 2007



In your opinion, which is more important: the privacy of young offenders or public safety? Why?



How do crimes affect the quality of life and identity of victims? To what extent are these important factors in determining consequences for young offenders?



SPOT AND RESPOND

TO THE ISSUE

What are the issues in the articles on page 72 and 73? What opportunities and challenges does the justice system create for building a society where people with different views, perspectives and identities belong? Refer to the steps in **Spot and Respond to the Issue** on pages 12 and 13.

HOW TO READ A POLITICAL CARTOON

Political cartoons convey an opinion about a topic. They are a type of persuasive communication. Most political cartoons use humour for serious purposes: to make points about public figures, government decisions, or news events.

Here are some steps for reading political cartoons.

What symbols does the cartoon use?

Cartoons use symbols, such as carefully chosen objects and people, to stand for ideas. In this cartoon, there is a jail for young offenders and a young person. The youth justice system sometimes puts young people in jail when they break the law — so maybe the jail stands for the youth justice system. The young person has been in the jail, so maybe he stands for young offenders.

What situation does the cartoon show?

Cartoons set up situations and exaggerate aspects of events to make points about issues. The footprints indicate that someone has put the young person in the jail, and that the young person has easily walked out again. The bars in the jail are too widely spaced to stop him. What does the young person's expression communicate about his attitude?

What's the message?

The message of a cartoon is the main idea or point the artist is communicating about an issue. Try describing the situation in the cartoon in one sentence. For example, you could say, "The jail hasn't stopped the young person." Then say the sentence again, but this time use words to describe the symbols: "The youth justice system doesn't stop young offenders."



What do you think of the message of this cartoon?



With computer-generated or hand-drawn graphics, create your own political cartoon on an issue related to youth justice. *Refer to the Skills Centre on page 373 for tips on creating political cartoons.* Share your cartoon with a partner. How do your issues and presentations compare? Submit your cartoon to the school or local newsletter.



connect to the big ideas

1. E-mail or write a letter to the Minister of Justice about your position on the YCJA. Consider this question: Should the YCJA be changed to be more fair and equitable for young people? Use a chart like the one below to help you organize your ideas.



My Conclusion:

I think...

BECAUSE...

2. As a challenge, role-play a scenario where a young person has broken the law and entered the justice system. Think about the consequence that he or she should receive. Consider these scenarios in your role-play:
 - 14-year-olds charged with bullying another student.
 - A 17-year-old and a thirteen-year-old charged with assault.
 - 15-year-olds charged with vandalism.
3. As a challenge, scan both online and print news sources for articles about young people charged with crimes. Summarize the information from each source, and look for similarities and differences. Do any of these articles change your opinion about youth justice? Why or why not? How could you use the articles as evidence for your chapter task?



Determining Validity and Authority of Information

In this chapter so far, you have learned about the YCJA, and considered views and perspectives on issues related to youth justice. **What additional information have you found on the Internet, and from books, newspapers and other sources? How will you determine what information to use for your chapter task?**

You need to sort out sources with authority to speak about the topic of youth justice. You need to identify information that is valid and accurate.

I like to be aware of types of information. I check to see if it's a primary or secondary source, and I look at what purpose it serves. I think about whether it's accurate, and how I could confirm what it says. Information supports your views and ideas, so it's important to know what information you can rely on.



HOW DO YOU DETERMINE THE VALIDITY OF INFORMATION?

Basically, when I assess if a source of information is valid, I consider whether it is weak, strong or biased. I look for how much fact it contains, and how much emotional language. I think about how it might change my position on an issue.



What you know about the views and perspectives of others affects who you are towards others — who you are as a citizen. So, I check the people and information the source quotes, and whether the people are speaking about their own identity. I check to see if the source includes people of different identities.



Try this!

To help you gather more research for your chapter task, try these activities to evaluate views, perspectives and information on the question: Should the justice system be harder on youths who commit crimes?

Use the checklist below to help you determine the authority and validity of the information you find.

Determining Validity and Authority of Information

Checklist	Interview a family or community member for their opinions on whether the justice system should be harder on youths who commit crimes.	Scan local and national newspapers and magazines for information related to youth justice issues.	Conduct a search of websites dealing with the YCJA and youth crime.
Does the speaker have experience or qualifications to speak about the topic?			
Does the information come from a reputable source?			
Does the source/ information state facts, opinions or bias?			
Does the source/ information represent balanced points of view and perspectives?			
Does the source/ information meet your research needs?			

Think critically: Why are interviews an effective way to gather information?

