

**aah chishtipistihch awaash-uschiniichisiu
sikischaayimuwiniyiu**

Cree Youth Protection Commission



What is a Young Offender?

- In Canada, there is a **separate criminal justice system for youth** (between the ages of 12 to 17) who commit criminal acts. Youth who commit criminal acts are often still called young offenders.
- Youth are **expected to follow the law** just like any other community member.
- The Youth Justice Criminal Act **spells out what can happen** if a youth is arrested or charged with a criminal offence and what the consequences to that may be.

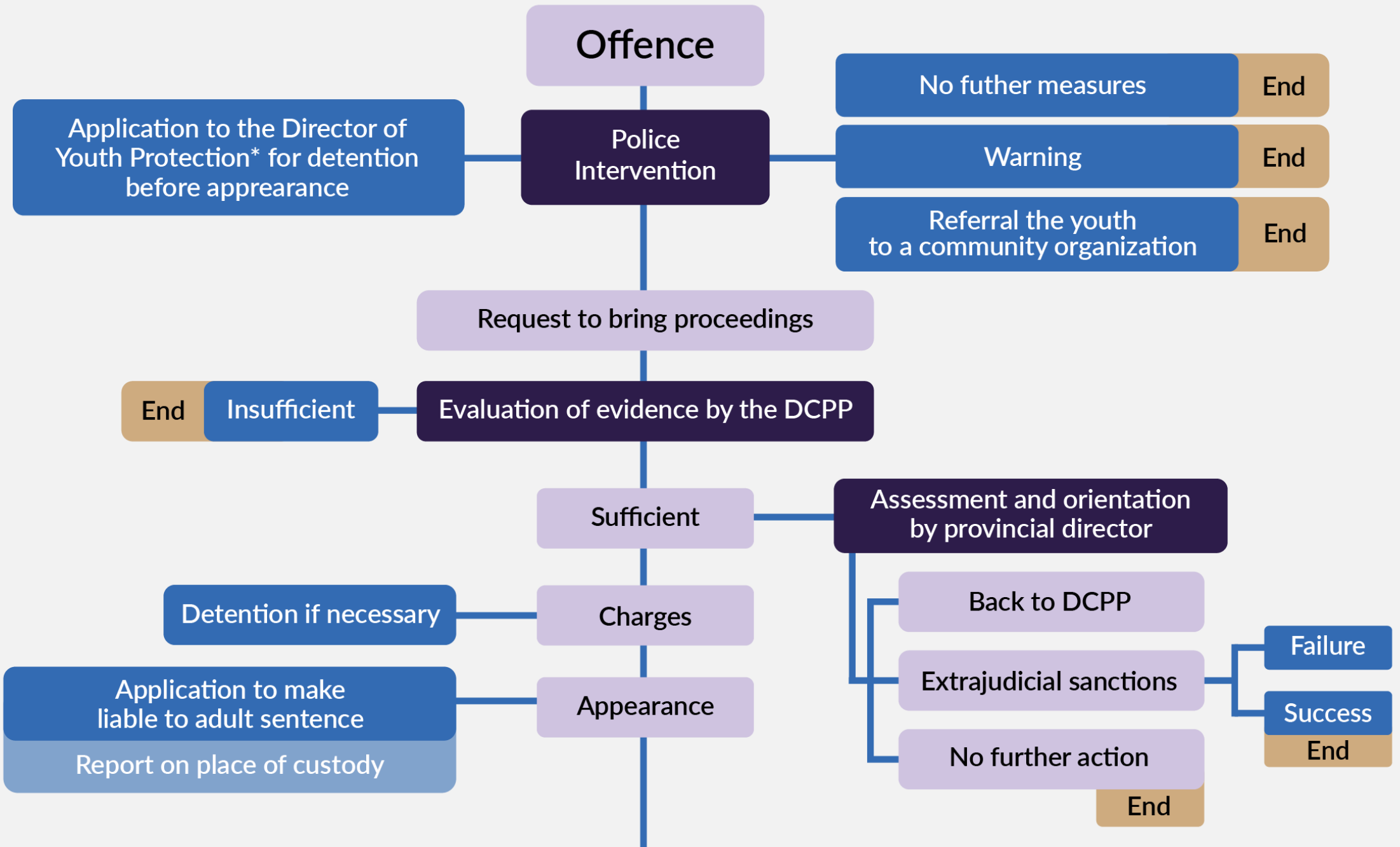


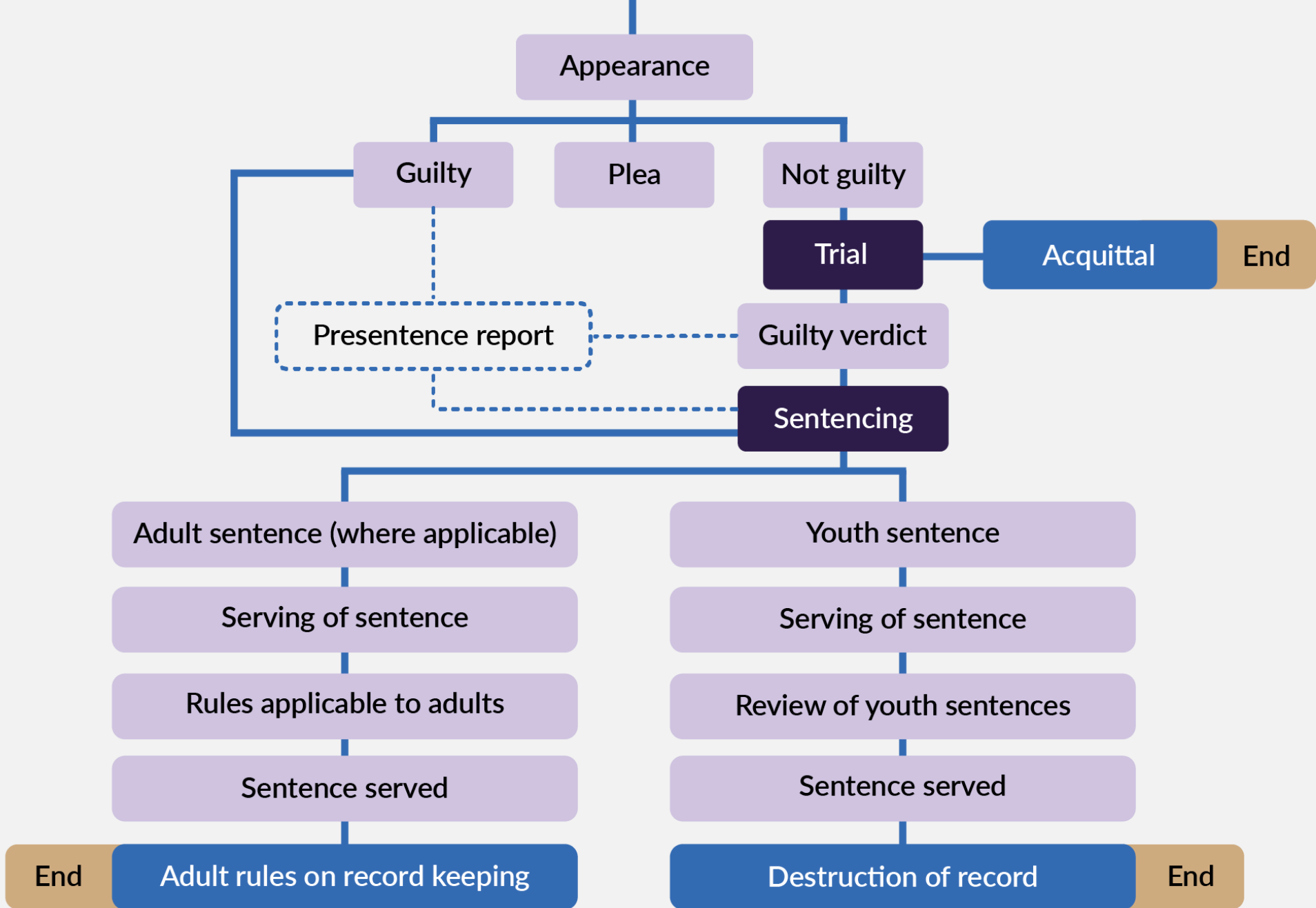
What is the purpose of the YCJA?

The YCJA is intended to protect the public by:

1. Holding youth accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the youth;
2. Encouraging the rehabilitation and reintegration of youth who have committed offences;
3. Supporting the prevention of crime by referring youth to programs or agencies in the community.





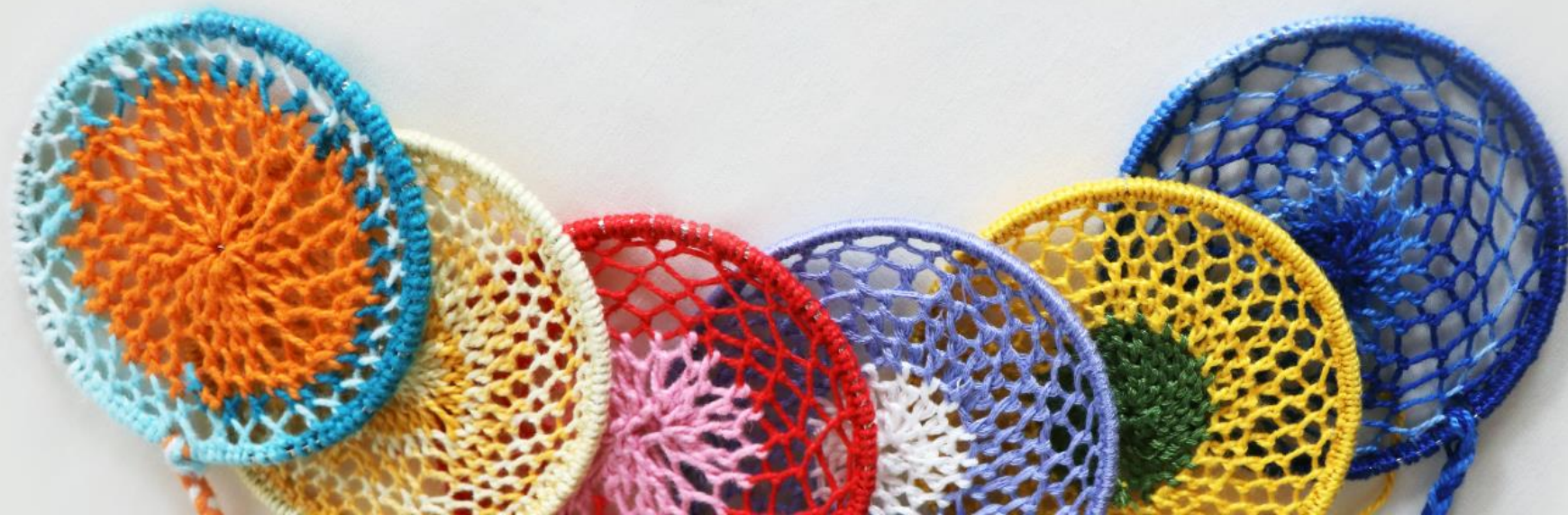


Parents are part of the intervention

- The YCJA spells out the importance of involving the parents and the extended family in the young person's rehabilitation and reintegration.
- They have the right to be informed: the court and the YCJA services must inform the parents of the measures and the proceedings and also encourage them to offer their support and to set limits for their youth.
- This can happen during the assessment process and also once the sanctions have been ordered.
- The youth custody system (e.g. YHS) must facilitate parents' involvement: visits, participation in the intervention plan, supervision, etc.



Victims are part of the community that raises the youth: therefore, they play an important role in dealing with young offenders



Rights of the victims

- The right to be treated with courtesy and compassion.
- The right to respect for their privacy.
- The right to be informed of the measures and proceedings regarding the young person and to participate.

Principles related to young offenders

- Encourage young persons to acknowledge and repair the harm caused to the victim.
- The Court should take into account any reparation made by the young person to the victim.

IN LINE WITH RESTORATIVE JUSTICE

Let's look at different situations *where a youth commits an offence*

1

2

3

4



Situation #1

Extrajudicial measures

1

- A police officer arrests a youth for a minor offence.
- The police officer can decide to apply extrajudicial measures, based on the seriousness of the infraction and the context of the youth.
- Examples of measures that can be applied by the police:
 - 1) No other measure;
 - 2) Warning;
 - 3) Referral to a community agency or program, e.g. SNAP, Justice Committee.

THE DYP IS NOT INVOLVED AT THIS STAGE



The role of the Director of Youth Protection in the Youth Criminal Justice Act

- The Youth Criminal Justice Act is a federal law.
- In Québec, a DYP has the powers of a “provincial director” under this federal law.
- This means that the DYP can decide on certain things and must also provide services to the youth at specific moments during the intervention process under the Youth Criminal Justice Act.
- The DYP has a team of YCJA youth workers that are delegated to represent the DYP at court and with our partners such as the EEPF, Youth Healing Services, community organizations, first line services, etc.



Extrajudicial Sanctions Process

- Let's go back to our youth. Let's say the offense is more serious.
- The police decides to proceed to charges, as opposed to giving a warning or referral.
- They send the request to the Crown Prosecutor, who decides to send the case to the Provincial Director (i.e. DYP) for extrajudicial sanctions.
- A YCJA worker of the DYP completes a psychosocial evaluation, consulting the youth, the parents, the victim, and others.
- The YCJA worker may close the file, order an extrajudicial sanction, or order the youth to appear before the court.



Situation #2

Extrajudicial Sanctions Process

2

- Before the file is closed or extrajudicial sanctions are ordered, the youth must accept responsibility for the crime and agree to the sanction;
- An extrajudicial sanction agreement is signed.
- The YCJA worker makes arrangements to implement the sanctions and monitors.
- If the youth does not respect the extrajudicial sanction, they may be brought before the court.
- Their file is stored and may be referred to the Crown prosecutor if the youth is accused of another offence at a later date.



Situation #3

3

The youth is arrested for a crime that the police feel is even more serious and the police want to detain him.

What is the role of the YCJA services?

- The DYP is the one who authorizes a youth's pre-trial detention.
- If a youth is detained, the transport will be arranged to and from court with the DYP (RTS) and Youth Healing Services.
- Sometimes, the court hearing will happen through videoconference because strict timelines have to be respected for the judge to see the youth.



Situation #3

3

The youth is arrested for a crime that the police feel is even more serious and the police want to detain him.

What is the role of the YCJA services?

- Pre-trial detention and custody cannot be used as a substitute for appropriate child protection, mental health, or other social measures: youth cannot be detained just because there is nowhere else for them to go, or because they do not have access to required youth protection or health and social services.
 - *E.g. a youth in distress, who is drinking and verbalizing suicidal thoughts: voluntary placement (under other legal framework), if possible; involve parents; if not possible, report to DYP who may retain the situation and intervene under the YPA.*



Reasons for detention

- 1) The youth has been charged with a serious offence, or has several charges pending, or has previously been convicted of several offences.
- 2) To ensure the youth appears in Court (e.g. previous run aways).
- 3) To protect or ensure the safety of the public (e.g. protection of victims or witnesses).
- 4) Attitude of the youth and his/her social functioning.
- 5) Family environment.
- 6) Not to undermine public confidence in the criminal justice system (e.g. use of firearm).



Situation #4

The youth was detained or sent home and the case goes to court. What happens?

4

A lot like in adult criminal court but with special attention to the younger level of maturity of the offender

A) The youth pleads not guilty

The Crown Prosecutor will try to demonstrate that the youth did commit the offence (witnesses, evidence, etc.). One outcome can be that the judge declares the youth not guilty: the youth is immediately released.



Situation #4

4

B) **The youth pleads guilty** or the **judge finds the youth guilty** based on the evidence presented by the Crown Prosecutor:

- The court will ask the YCJA services to prepare a report to help the judge decide on a sentence. The input of the parents, the victims and other professionals can be included.

At the next hearing, the judge will issue a sentence.

- It can be a sentence to be served in the community (the youth remains at home).

and/or

- A sentence that includes custody (open or closed) in a rehabilitation centre (YHS or even in another region).





Sentences Served in the Community or Custody

- Reprimand
- Unconditional discharge
- Conditional discharge
- Fine
- Monetary compensation
- Restitution
- Reimbursement
- Compensation in kind
- Community service
- Prohibition order
- Probation



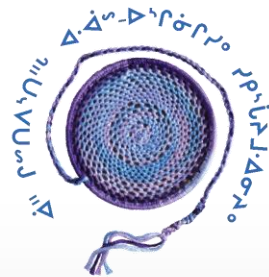
Criteria for committal to custody

- Violent offence
 - The youth has failed to comply with non-custodial sentences
 - The offence for which an adult would be liable to imprisonment for a term of more than two years
- Purpose
 - Protect society
 - Rehabilitate the youth
 - Reintegrate him/her into the community

What is the role of the YCJA youth worker

- Supervision in the community
- Placement in custody
- Involved from the start of the order
- Prepare the youth for reintegration
- Provide the necessary support to the youth
- Help the youth respect the conditions of his probation or supervision in the community
- Implement the reintegration plan, in collaboration with the family, the community partners and pertinent services.
- Write the necessary reports





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Cree Youth Protection Commission

chininaaskumitaan, meegwetch, thank you, merci

To contact the Commissioners, please write to:
18TCR.CreeYPCcommission@ssss.gouv.qc.ca

