



Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

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Legal Literacy Activity Title: What are Youth Justice Conferences/Committees under the Youth Criminal Justice Act (YCJA)?

Date Developed: November 15 2019

Learner Name:

Date Started:

Date Completed:

Legal Literacy Activity Description: The learner will read the attached handouts, "Youth Justice Committee" from the Kingston Youth Diversion Program and "Youth Justice Conferences and Committees" from the Department of Justice. Next, in this activity, they will participate in a fictitious Youth Justice Conference/Committee based on a case study and provide written recommendations to a judge for sentencing of a youth.

Materials Required:

Pen and paper

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

Legal Literacy Activity Title: What are Youth Justice Conferences/Committees under the Youth Criminal Justice Act (YCJA)?

Legal Literacy Activities:

Task# 1: Please read the attached Department of Justice and Kingston Youth Diversion Program handouts.

Task # 2: Please read the following case study.

Cassie's Crisis

Cassie is 16 years of age and has an addiction to painkillers. She started stealing pills from her dad's prescription (which he kept on his nightstand) about a year ago. Eventually, she began buying pills from classmates as her needs grew.

When Cassie was caught breaking into a local drugstore with three of her classmates, the police charged her with break and enter as well as theft over \$5000. This is her first criminal charge. To that point, she had never been in trouble with the law. She is enrolled in a local high school with average grades. She does not participate in school activities and does not volunteer or work.

At first, Cassie denied being involved in the break in even though she was clearly captured on the security video. She refused to take any responsibility for her role. After discussing the evidence against her with her lawyer, Cassie decided to plead guilty the day before her trial.

The judge has asked a Youth Justice Conference/Committee to meet and provide her with written recommendations for Cassie's sentence.

Task# 3: Assume you are a member of the Youth Justice Conference/Committee in Cassie's case. Please prepare written recommendations for the judge by considering the following questions.

1. What factors will you consider when recommending Cassie's sentence?

2. What sentence will you recommend for Cassie? Please explain your reasons for the sentence.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

Legal Literacy Activity Title: What are Youth Justice Conferences/Committees under the Youth Criminal Justice Act (YCJA)?

Answers for Legal Literacy Activities:

The learner will undertake the following activities. Answers to the questions are provided where applicable.

Task# 1: Please read the attached Department of Justice and Kingston Youth Diversion Program handouts.

Task # 2: Please read the following case study.

Cassie's Crisis

Cassie is 16 years of age and has an addiction to painkillers. She started stealing pills from her dad's prescription (which he kept on his nightstand) about a year ago. Eventually, she began buying pills from classmates as her needs grew.

When Cassie was caught breaking into a local drugstore with three of her classmates, the police charged her with break and enter as well as theft over \$5000. This is her first criminal charge. To that point, she had never been in trouble with the law. She is enrolled in a local high school with average grades. She does not participate in school activities and does not volunteer or work.

At first, Cassie denied being involved in the break in even though she was clearly captured on the security video. She refused to take any responsibility for her role. After discussing the evidence against her with her lawyer, Cassie decided to plead guilty the day before her trial.

The judge has asked a Youth Justice Conference/Committee to meet and provide her with written recommendations for Cassie's sentence.

Task# 3: Assume you are a member of the Youth Justice Conference/Committee in Cassie's case. Please prepare written recommendations for the judge by considering the following questions.

1. What factors will you consider when recommending Cassie's sentence?

These will vary by learner, but they will likely consider Cassie's age, good school record and lack of previous trouble with the law. They will likely also consider her failure to take any responsibility for her actions.

2. What sentence will you recommend for Cassie? Please explain your reasons for the sentence.

The recommended sentence will vary by learner but they will likely include some of the suggested conditions in the attached handouts.

Legal Literacy Activity Title: What are Youth Justice Conferences/Committees under the Youth Criminal Justice Act (YCJA)?

These Legal Literacy Activities: were successfully completed____ need to be tried again____

Learner Comments

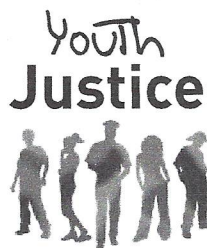
Instructor (print and signature)

Learner Signature



WWW.JUSTICE.GC.CA/YOUTH

YOUTH JUSTICE CONFERENCES AND COMMITTEES



The *Youth Criminal Justice Act* (YCJA) recognizes the importance of involving families, victims and communities in the youth criminal justice system. Two ways in which this is done are through youth justice conferences and youth justice committees.

This fact sheet contains general information regarding youth justice conferences and committees under the YCJA. This information is of a general nature and is not intended as a substitute for professional legal advice. For more information, see the *Youth Criminal Justice Act: Summary and Background* or the full text of the YCJA.

Youth Justice Conferences

A youth justice conference is a group of people who are asked by a decision-maker, such as a judge, to come together to give advice on the case of a young person who is involved in the youth criminal justice system.

Conferences can take many forms, such as a family group conference, a youth justice committee, a sentencing circle, or a professional case conference. Participants in these conferences can include the young person, his or her parents, the victim, community agencies and professionals with a particular expertise related to the case.

The purpose of a youth justice conference is to bring together a group of people with a wide range of backgrounds and experience in order to give the decision-maker a broad perspective on a case. As a result, the advice provided by a conference can lead to creative and effective responses to youth crime.

Youth justice conferences can offer a unique insight and expertise on a youth's case. While they are not decision-making bodies, conferences can provide advice and recommendations to decision-makers on a variety of issues, including:

- Appropriate extrajudicial measures;
- Conditions for release from pre-trial detention;
- Appropriate sentences;
- Plans for reintegrating a young person back into the community after being in custody; and
- Ways in which the young person can repair the harm done to the victim.

In order to be accepted by the decision-maker, any recommendations made must be consistent with the principles and purpose of the YCJA.

Youth Justice Committees

Many jurisdictions in Canada have set up a system of youth justice committees. Made up of community volunteers, these committees assist in various aspects of the administration of the YCJA and with the delivery of programs and services for young persons.

The YCJA identifies a wide range of possible functions for committees in the youth justice system, including:

- Acting as a youth justice conference;
- Advising on the appropriateness of extrajudicial measures;
- Supporting victims by soliciting their concerns and by facilitating reconciliation between young persons and victims;
- Helping coordinate the interaction between community agencies and the youth criminal justice system in individual cases, and ensuring that young persons receive community support;
- Advising the federal, provincial and territorial governments on policies and procedures related to the youth justice system; and
- Providing information to the public about the YCJA and the youth justice system.



From: Youth Diversion Program Kingston (2019)

<http://www.youthdiversion.org>

Youth Justice Committee

Youth Justice Committee Mandate:

An alternative approach outside the traditional court system which aims to repair the harm done by a young person to those who have been harmed. Committee members play an essential part in restoring relationships between persons harmed, the young person and the community.

What is a Youth Justice Committee:

- Alternative to formal court proceedings under the Youth Criminal Justice Act
- Utilizes trained volunteer members of the community to facilitate victim offender conferences
- Aim is to bring together the young offender, their parents, the victims and their supports

The Youth Justice Committee provides an opportunity at their conference for the young person to take responsibility for their actions by making amends, as well for the victims to play a role in the process. The Coordinator will reiterate the expectations of all attendees and that it is essential the environment be safe and respectful for all.

The goals of the Youth Justice Committee meeting are:

- To understand the motivation behind the offending act by discussing the impact the behaviour had on the victim and the community

Restoring Harm

The main objective of the Youth Justice Committee is to address and restore the harm done to individuals and the community by the actions of the young person. The program and the committee work to have the youth understand this harm done, and how their actions impacted others. For this reason, the persons harmed or the victims will be invited to participate in the committee meeting to meet with the offending youth.

At the committee hearing, everyone involved –the youth, the persons harmed, community members and other supports –will have the opportunity to express their thoughts and concerns regarding the offence. After this hearing, Youth Justice Committee members will determine the measures or sanctions to be done by the youth. An agreement for this plan is created and a contract is signed by youth, their parent or guardian, and representatives of the committee.

Possible Measures or Sanction may include:

- Apology in person or in writing to the victim
- Victim sensitivity training
- Restitution or compensation
- Educational or reflective essay
- Community service
- Participation in an educational workshop (eg. victim empathy, cyberbullying, sexting, etc)
- Referral to cognitive skills program (eg Rebound, TAPP-C, etc)
- Connection with a community agency for specific and related support (eg. employment, substance use, recreation programs, etc.)
- Advocacy and support (mentoring, counseling, etc)
- Others as determined by the committee

It is essential that the Youth Justice Committee hearing provides a voice for the victim to express how the youth's actions have affected them. This becomes an opportunity for the youth to better understand how their actions have impacted and harmed others and their community. For the community or committee members, this is their opportunity to become directly involved in the administration of youth justice.