

THE YOUTH CRIMINAL JUSTICE SYSTEM IN ALBERTA



Youth Justice Committees and the Extra-Judicial Sanctions Program

Prepared by:



The Calgary Youth Justice Society
Centre 89 - Room 206, 8989 Macleod Trail SW,
Calgary, AB T2H 0M2
July 2008

ACKNOWLEDGEMENTS

The Calgary Youth Justice Society would like to acknowledge Family and Community Support Services (FCSS) of Calgary which provided funding to develop and deliver a series of online learning courses to Calgary Youth Justice Committee volunteers.



The Calgary Youth Justice Society would also like to acknowledge the Alberta Law Foundation (ALF). ALF provided funding for development of public education materials about the Youth Criminal Justice System under the Youth Justice Enhancement and Education Project (YJEEP), much of which was used in this course.



COURSE INFORMATION

Target Audience

This course is primarily intended for Youth Justice Committee volunteers in the City of Calgary. Other learners (e.g., volunteers/professionals in the Youth Justice community in Alberta and across Canada, justice students, the public,) are most welcome to work through the material, but do not need to register and will not be issued a certificate.

The course is appropriate for new volunteers who cannot attend face-to-face training, as well as for experienced volunteers who may need/want refresher training regarding the Canadian Youth Criminal Justice System and Extra-Judicial Sanctions Program.

Prerequisites

There are no specific prerequisites for this course, but it is recommended that you have a moderate level of comfort in using a computer and good access to the Internet (i.e., high speed).

Registration

Only active volunteers in a Calgary Youth Justice Committee may register for the course. To register email: info@calgaryyouthjustice.com and include your full name, your committee, and the name of the course.

Course Completion

Once you have registered through CYJS, for the course (only volunteers with a Calgary Youth Justice Committee may register), you can work through the material at your own pace --there is no time limit. The course is set up so that CYJS staff will be notified automatically when you have successfully completed the quiz, there is no need to email. Once you have successfully completed the course (i.e., achieved a score of 80% or higher on the quiz), the Chair of your committee will be notified and you will be issued a certificate.

Questions/Feedback

Please direct any questions or feedback to CYJS staff at info@calgaryyouthjustice.com.

COURSE INDEX

Section 1. The Youth Criminal Justice Act (YCJA)

- 1.1 The Scope of the Act
- 1.2 YCJA Preamble and Declaration of Principle
- 1.3 Community-based Youth Justice

Section 2. The Youth Criminal Justice System

- 2.1 The Extrajudicial Measures Program
- 2.2 The Extrajudicial Sanctions Program
- 2.3 Probation
- 2.4 Custody

Section 3. Youth Justice Committees (YJCs)

- 3.1 YJCs in Canada
- 3.2 YJCs in Alberta
 - 3.2.1 Roles and Functions of YJCs
 - 3.2.2 Liability Coverage
 - 3.2.3 Support
 - 3.2.4 The EJS Process
 - 3.2.4.1 Panel Hearings
 - 3.2.4.2 Consequences
 - 3.2.4.3 Confidentiality
 - 3.2.4.4 Victim Involvement
 - 3.2.4.5 Youth Records
- 3.3 YJCs in Calgary
 - 3.3.1 The Calgary Youth Attendance Centre (CYAC)
 - 3.3.2 The Calgary Youth Justice Society (CYJS)
 - 3.3.3 A Strengths-based Approach
 - 3.3.4 Profile of Young Offenders in Calgary

Section 4. Conclusion

Section 5. Quiz

SECTION 1 - THE YOUTH CRIMINAL JUSTICE ACT

1.1 - The Scope of the Act

In Canada there is a separate justice system for youth between the ages of 12 and 18. This youth justice system is regulated by the Youth Criminal Justice Act (YCJA), federal legislation which came into effect on April 1, 2003 and replaced the Young Offenders Act (YOA). The YCJA applies to federal offences as outlined in the Criminal Code of Canada. This means that if a young person breaks a law as outlined in the Criminal Code of Canada, they are dealt with based on the YCJA.

For additional information, please see:

- Department of Justice Canada, "[Youth Criminal Justice Act](#)"
- Alberta Solicitor General, "[Youth Criminal Justice Act](#)"

1.2 - YCJA Preamble and Declaration of Principle

The YCJA contains both a Preamble and a Declaration of Principle to clarify the principles and objectives of the youth justice system. The Preamble, while not legally enforceable, contains significant statements from parliament about the values on which the legislation is based. These statements can be used to help interpret the legislation and include:

- *Society has a responsibility to address the developmental challenges and needs of young persons.*
- *Communities and families should work in partnership with others to prevent youth crime by addressing its underlying causes, responding to the needs of young persons and providing guidance and support.*
- *Accurate information about youth crime, the youth justice system and effective measures should be publicly available.*
- *Young persons have rights and freedoms, including those set out in the United Nations Convention on the Rights of the Child.*
- *The youth justice system should take account of the interests of victims and ensure accountability through meaningful consequences and rehabilitation and reintegration.*
- *The youth justice system should reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration.*

The Declaration of Principle sets out the policy framework for the interpretation of the legislation. Unlike the YOA, the YCJA provides guidance on the priority that is to be given to key principles. For example, the new legislation makes clear that the nature of the system's response to an offence should reflect the needs and individual circumstances of a young person. However, the needs or social welfare problems of a young person should not result in longer or more severe penalties than what is fair and proportionate to the seriousness of the offence committed. The Declaration of Principle provides that:

- *The objectives of the youth justice system are to prevent crime; rehabilitate and reintegrate young persons into society; and ensure meaningful consequences for offences. In these ways, the system can contribute to the long-term protection of society.*
- *The youth justice system must reflect the fact that young persons lack the maturity of adults. The youth system is different from the adult system in many respects, including: measures of accountability are consistent with young persons' reduced level of maturity; procedural protections are enhanced; rehabilitation and reintegration are given special emphasis; and the importance of timely intervention is recognized.*
- *Young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence.*
- *Within the limits of fair and proportionate accountability, interventions should reinforce respect for societal values, encourage the repair of harm done, be meaningful to the young person, respect gender, ethnic, cultural and linguistic differences and respond to the needs of Aboriginal young persons and of young persons with special requirements.*
- *Youth justice proceedings require special guarantees to protect the rights of young people; courtesy, compassion and respect for victims; the opportunity for victims to be informed and to participate; and that parents be informed and encouraged to participate in addressing the young person's offending behaviour.*

1.3 – Community-based Youth Justice

The philosophy underlying the YCJA reflects some of the principles of “restorative justice.” Restorative justice represents a relatively new approach to addressing crime, which takes a holistic look at the origin and effects of crime and the community. Crime is seen as an act against the community, and restorative justice seeks to address the causes of crime, repair the harm caused to all parties affected, and build safer communities. This is done by:

- Holding offenders accountable for their criminal behaviour

- Taking a holistic view of crime: looking at crime in the context/community in which it occurs
- Involving offenders, victims, and the community in addressing the causes and effects of crime
- Providing offenders with support to assist them in repairing the harm caused by their actions
- Giving offenders resources and alternatives to criminal behaviour

For additional information please see

http://www.solgps.alberta.ca/safe_communities/crime_prevention/Pages/

The YCJA emphasizes the involvement of the community in addressing youth crime. Ideally, community involvement in the justice system allows for:

- Offender accountability - One of the main principles of community involvement is the idea that in order to achieve reconciliation, offenders must accept responsibility for their actions in the presence of community members. With the support of the community, offenders are held accountable to those who are affected by their actions, i.e. the victim and/or the entire community.
- Attention paid to victim's needs - While alternative methods of dealing with youth crime focus largely on the offender (for example, retributive justice focuses on punishing the offender while rehabilitative justice focuses on treating the offender); the principles of community involvement under the YCJA emphasize the inclusion of victims' interests. Special attention is given to the needs of victims, including their right to be informed of the process. When appropriate, victims are also given the opportunity to participate in the process. Victims may be given an opportunity to express how they have been affected by the crime. In some circumstances, victims may also be given the chance to have a say in what reparations the offender should make. However, the involvement of victims only takes place when they are willing and where their involvement will not cause further harm to those involved. While the YCJA encourages victim involvement, it is not always appropriate for victims to be directly involved in the justice process.
- Community empowerment - Community empowerment includes giving the community the authority to seek repair for the harm that was caused when the young person committed the offence (such as fear of crime and mistrust in young people). Those who are affected by the offence are given the opportunity to express how the behaviour should be addressed. Through this process, the bond between offenders and the community is strengthened.

SECTION 2 - THE YOUTH CRIMINAL JUSTICE SYSTEM

In Canada, when a young person commits an offence, there are a number of possible responses which relate to the seriousness of the offence and whether or not there is a record that the young person has previously committed an offence. Possible responses may be **extrajudicial** or **judicial**. Extrajudicial responses to youth crime are administered outside of the formal judicial system and include the Extrajudicial Measures Program and the Extrajudicial Sanctions Program. Judicial responses to youth crime are implemented by the courts and include Probation and Custody. Each of these is described below.

2.1 - Extrajudicial Measures Program

Under the YCJA, police officers are obliged to first consider the least intrusive response to youth crime that is sufficient to hold young people accountable for their actions. The EJM Program is the most appropriate, effective and timely response to youth crime in cases where the offence is non-violent, and the offender has not been previously charged for an offence. In addition, the use of extrajudicial measures attempts to involve the community in addressing the issues of youth crime. A young person who is dealt with by the EJM Program does not acquire a criminal record. This method is considered when youth have committed a less serious offence and the police officer believes that the likelihood of re-offending is low.

Under the YCJA, the EJM Program is administered by police and/or the Crown. Police officers have the discretion to:

- Take no action - Section 6 of the YCJA authorizes a police officer to “take no further action” with young people when appropriate. Police officers can choose not to pursue the case any further.
- Issue a warning - Section 6 of the YCJA authorizes police officers to administer an informal verbal warning to a young person when appropriate, rather than laying charges. In this case, police officers may decide to speak to the young person about his/her action, but take no action beyond that.
- Issue a caution - Sections 6 and 7 of the YCJA authorize police officers to administer a formal written caution to the parents of young people involved, where appropriate, rather than laying charges. In this situation, parents are requested to speak with a police officer. This option is used only when there is sufficient evidence to potentially lay charges.
- Refer the youth to a community program - Section 6(1) of the YCJA authorizes police officers to refer young people to a community program or agency when appropriate, rather than laying charges. In Calgary, a program called “Gateway” was put in place by Calgary Community and

Neighbourhood Services (CNS) and the Calgary Police Service (CPS) to ensure that young offenders are referred to relevant programs.

The Crown Attorney can issue a crown caution. Section 8 of the YCJA authorizes a Crown attorney to administer a caution to young people rather than proceeding with a court case. This is similar to a police caution, but it is issued by the Crown Attorney.

2.2 - Extrajudicial Sanctions Program

This level of response is for youth who are accused of more serious offences than those by youth in the EJM Program and require a higher level of intervention although not so serious as to be handled using formal judicial measures. If a young person does not successfully complete this program, he/she will likely go to court and acquire a youth record if found guilty.

The YCJA authorizes the establishment of an EJS Program to deal with cases that are too serious in nature to be effectively dealt with by a warning, caution, or referral to a community program. This program was referred to as Alternative Measures under the previous legislation and helps to divert young people away from the court system. A police officer can recommend to the Crown attorney that young people be referred to this program prior to a charge being laid; a Crown attorney can refer young people to this program after a charge has been laid but prior to court proceedings.

The EJS Program is intended for young people who are first and second time offenders; however, previous involvement with the EJS Program or having been previously found guilty of an offence does not necessarily preclude anyone from being referred to the EJS Program. Rather than pleading guilty, youth are required to accept responsibility for their actions in order to participate in the EJS program. Therefore, participation in the EJS program cannot be used as evidence against a young person in the same case.

The EJS Program recognizes the important role that the community can play in affectively addressing youth crime. It also allows the opportunity for a community-based response to youth crime and gives the community a role in the prevention of and intervention in youth crime. Guidelines for the EJS Program include the following:

- EJS Programs must be established by the Attorney General of the province or someone with similar authority
- All other forms of extrajudicial measures must be considered prior to using extrajudicial sanctions
- The young person must provide informed consent and accept responsibility for his/her actions

- The young person must be informed of his/her right to counsel
- There must be sufficient evidence to proceed with a charge and/or prosecution of the offence

With regard to the EJS Program, the YCJA states that:

- Once a young person has successfully completed participation in the EJS Program, any further legal proceedings (i.e. laying a charge or prosecuting a charge) are dropped
- It is the responsibility of the person who is administering the EJS Program to inform the parent of the sanction
- It is the right of victims to be informed of the progress of their case upon request

In Alberta the EJS Program is administered by volunteer Youth Justice Committees (YJCs) which are sanctioned by the Solicitor General under the CYJA.

2.3 - Probation

This response is for youth who have been found guilty of an offence, and have been sentenced to probation. Probation means that the young person is given conditions by which he/she must abide to remain in the community. Common conditions include a curfew, a restriction on the places the young person can frequent, and reporting to a probation officer. The City of Calgary is somewhat unique in that it has its own municipal cadre of Youth Probation Officers. Provincial Youth Probation Officers serve all other communities in the province.

2.4 – Custody

This response is for youth who have been found guilty of an offence and are not suitable to remain in the community. Custody involves being housed at a youth correctional facility. In Canada, young people usually serve two-thirds of their sentence in custody and one-third in the community in order to reintegrate them back into society. While in the community, the young person is subject to restrictions similar to probation.

For additional information see [“The “Young Offender Custody Program”](#)”.

SECTION 3 - YOUTH JUSTICE COMMITTEES

3.1 – YJCs In Canada

Section 18 of the YCJA provides an opportunity for citizens to become directly involved in the administration of youth justice by forming Youth Justice Committees (YJCs). The Youth Justice Committee program administers the Extrajudicial Sanctions Program (formally known as Alternative Measures Program (AMP) under the YOA Act). YJC's are an alternative to the court system for young offenders who have committed less serious offences. YJCs are made up of community volunteers who work with young people in conflict with the law, as well as their families, victims, the legal system and the community, to find appropriate, meaningful consequences for the young person. YJC normally meet at local community halls, schools, churches, and/or police stations.

For additional information please see:

- Alberta Solicitor General, "Guidelines for YJCs" at ["http://www.solgps.alberta.ca/programs_and_services/correctional_services/young_offenders/Publications/How%20to%20Form%20a%20Youth%20Justice%20Committee.pdf"](http://www.solgps.alberta.ca/programs_and_services/correctional_services/young_offenders/Publications/How%20to%20Form%20a%20Youth%20Justice%20Committee.pdf)
- Alberta Solicitor General, "YJCs; Becoming Involved" at http://www.solgps.alberta.ca/programs_and_services/correctional_services/young_offenders/youth_justice_committees/Pages/default.aspx

As highlighted below, not all provinces/territories have established a formal Youth Justice Committee program, but most have a community based response in place for dealing with young offenders:

- Newfoundland - 32 YJCs throughout the province.
- Prince Edward Island - There are a number of youth justice committees serving the province, although the exact number is unknown.
- Nova Scotia - 11 community justice societies in this province, and a number of non-profit agencies involved in restorative justice activities
- New Brunswick - no YJCs serving the province; however, there is a Youth Justice Project which provides public education services about the YCJA and youth crime.
- Quebec - unknown number of "organismes de justice alternative (OJAs)" which are members of the "Regroupement des organismes de justice alternative du Quebec" (ROJAQ).

- Ontario - 46 YJCs
- Manitoba - 69 YJCs
- Saskatchewan - Restorative justice programs are implemented by Community Justice Committees (CJCs) or similar bodies to both youth and adult offenders. Currently, there are approximately 32 in the province
- British Columbia - the Ministry of Public Safety and Solicitor General promotes Restorative Justice approaches to crime through the Community Accountability Programs (CAP). Currently there are 74 CAPs in BC which deal with low risk youth and adult offenders alike.
- Yukon - there are nine community justice committees, some which implement restorative justice alternatives with both youth and adult offenders.
- Northwest Territories - Unknown
- Nunavut – Unknown

3.2 – YJCs In Alberta

In the province of Alberta, there are approximately 125 YJCs which are made up of community volunteers who implement the EJS Program under the Alberta Solicitor General. These YJCs work with the local police, the court and community corrections, as well as other community agencies including those that provide legal services to the community or manage other social issues, such as the John Howard Society and AADAC, respectively. The legal community - such as lawyers, Legal Aid, social workers and probation officers - also plays an important role with YJCs. Other community groups such as churches and schools are also encouraged to become involved in the work that YJCs do.



In Alberta YJC volunteers must be at least 18 years of age, undergo a Criminal Record Check and take an Oath of Office (i.e., to protect the confidentiality of those involved in their cases including fellow committee members).

3.2.1 - Roles and Functions of YJCs

YJCs in Alberta are sanctioned to perform the following tasks, although not all committees perform every task:

- Administer the EJS Program - Once a young person meets the requirements, a police officer can recommend that the Crown attorney refer him/her to the EJS Program (pre-charge referral), or the Crown attorney may also choose to refer him/her to the EJS Program (post-charge referral). Even if a young offender is eligible for the EJS Program, a YJC may find that a referral is inappropriate (i.e. members may feel threatened, the young person's issues may be complex, or the committee may have previously dealt with the young person). In such cases, committee members may choose to return the file to the Crown attorney; this is usually done through the community corrections office. In Calgary, files are managed by the Calgary Youth Attendance Centre.
- Provide Sentence Advisory - In the case where a young person has been found guilty of an offence in a youth court, a youth court judge may refer that person to a YJC in order to determine an appropriate sentence.
- Generate Public Awareness and Crime Prevention - YJC members can assume a proactive role in crime prevention and crime education. In performing this task, YJC members not only provide education about youth crime issues, but also identify the effects of youth crime on the community, as well as ways in which the community can actively participate in reducing youth crime. YJC members can also be involved in providing materials about the youth criminal justice system, such as changes to legislations, to the community. Some YJC members also engage in mentoring young people.

The work that YJC members perform varies from committee to committee. This flexibility is considered important by the Solicitor General's office of Alberta so that committees can incorporate any unique aspects of the communities they serve while still adhering to the basic requirements of the YCJA. Despite the difference in YJCs throughout the province, statistics from the Solicitor General reveal a provincial success rate of about 80-90% of youth; that is, success being defined as youth who successfully complete their EJS Program agreements.

3.2.2 - Liability Coverage

Coverage is provided by the Government of Alberta for volunteers only when they are acting in the course of their authorized duties as follows:

- General Liability - Pays damages arising out of third party bodily injury, personal injury or property damage, provided the volunteer is legally responsible to pay and such damages are not intentional. Coverage includes the volunteer's defense and any interest payments assessed.
- Benefits - Coverage is provided in two areas as follows:
 - *Accidental Death and Dismemberment* - Provides payment in the event of specific injuries or death in accordance with a payment schedule. The maximum benefit available is \$50,000 in any one loss.
 - *Income Reimbursement* - Provides payment for loss of income as a result of injury to a maximum of \$500 per week for 100 weeks.

Coverage is not available where Worker's Compensation or other similar employer benefits protection is available through the volunteer's employer.

Coverage is also provided to youth by the Government of Alberta under the Workman's Compensation Act for youth, but only in the case of injuries which occur while youth are performing community service hours.

3.2.3 – Support of YJCs

Each CYJC is provided with annual funding from the Young Offender's Branch to cover the cost of such things as printing, mileage, resources (e.g. books, DVDs), and fees for external conferences/workshops. The Solicitor General also publishes a newsletter and coordinates an annual provincial conference in the fall. With the exception of Calgary, the Young Offender's Branch provides training and guidance directly to all YJCs in the province from its offices in Edmonton.

3.2.4 – The EJS Process

Eligibility for the program is determined by the Crown Attorney based on the following criteria:

- the young person must have committed an eligible offence
- the youth's participation in the EJS Program is voluntary
- the young person must accept responsibility for the alleged offence

Eligible offences include the following:

- Federal Offences:
 - All Criminal Code of Canada offences except the following:

- Offences involving violence or the threat of violence (simple assault in a non-domestic situation, and threats where there is not a reasonable likelihood to believe that the youth presents a danger to others, may be diverted. A domestic situation does not include minor violence between siblings.
 - Break and enter of a dwelling house;
 - Perjury or contradictory evidence; and
 - All driving related offences
 - Simple possession of marijuana or its products contrary to the Controlled Drugs and Substances Act. All other drug offences are excluded.
- Provincial Offences:
 - Section 78 of the Public Health Act (glue and solvent sniffing)
 - Trespass to Premises Act
 - Petty Trespass Act
 - School Act
 - Gaming and Liquor Act

Once the Crown Attorney determines that a youth is eligible and will be diverted to the EJS Program, the file is forwarded to the CYAC where the EJS Program Coordinator assigns it to the YJC covering the community in which the youth resides.

3.2.4.1 - Panel Hearings

The following section describes in some detail how Panel Hearings are coordinated by Calgary YJCs. This may differ somewhat for YJCs in the remainder of Alberta.

The main role of YJCs is to hold individual panel hearings for youth in the EJS Program in which they hear from those involved (i.e., youth, parents/guardian, victims) and identify relevant consequences for the youth to complete within a certain timeframe. Files must be returned to the Crown within four months of being sent out thus YJCs generally only have between six to nine weeks to work with a case file. In view of this somewhat tight turnaround time, the YJC File manager must contact the youth and his/her parents as soon as possible after receiving the file to:

- explain the role, function and authority of the YJC under the Alberta Solicitor General
- review the reason the case was referred to the YJC
- advise that the youth may bring legal counsel if he/she wishes

Panels are required to have three YJC members, one of whom serves as the Chair of the hearing and is responsible for:

- setting a date, time and location for the Panel Hearing
- requesting that the parents/guardian attend the hearing
- reviewing the details of the file with the other panel members
- contacting agencies (CYAC, police, etc) if additional details are required
- contacting the victim(s) to explain the EJS Program and the role of the YJC, as well as to gather information about the crime, the type of restitution sought and the victim's wishes regarding what consequences to assign to the youth

During the Hearing, panel members interview the youth about the offence(s) as well as various aspects of his/her life (e.g., school, family, friends, and involvement with drugs). Once panel members feel they have gathered sufficient information, the youth and his/her parents/guardian are excused and members confer to identify three relevant consequences. Once agreement has been reached, the youth and his/her parents/guardian are brought back into the hearing room and the panel explains the consequences. The youth must agree to the consequences and sign a written contract which must be completed by an assigned date.

3.2.4.2 – Consequences

Section 18 (2) (111) of the YCJA states that:

- (2) The functions of a youth justice committee may include the following:*
- (iii) ...ensuring that community support is available to the young person by arranging for the use of services from within the community, and enlisting members of the community to provide short-term mentoring and supervision*

It is in this capacity that YJCs are able to connect the young people who come before them to resources within their community.

When determining consequences for a young person, YJCs are urged to consider the unique circumstances of the young person's life. **Consequences should be such that the young person can complete them within a three month period** while taking into account possible limitations on the part of the young person such as his/her age, school attendance or access to certain resources (such as money or transportation). Also, while it is the intention that the young person be adequately held accountable for his/her actions, **consequences imposed by YJCs should be meaningful but not more**

challenging for the young person than a court sentence would have been if he/she had gone through the court process. For example, although YJCs can assign up to 60 hours of community service, given that youth court judges rarely assign 60 hours themselves committees usually assign up to a maximum of 30 hours.

The YCJA indicates that sanctions handed down by YJCs should adhere to the following standards.

- Young people should be held accountable for their behaviour
- The rights and freedoms of young people and victims should be maintained during the justice process
- Consequences should maintain the least intrusive methods necessary while still preserving the safety of the community
- The community has the right and responsibly to participate in the youth justice system
- Consequences should be logical and meaningful to young people

YJCs can assign creative consequences which are specific to the needs of the young person. **YJCs may only give a maximum of three consequences per referral.** It is important to note that there may be more than one referral (offence) in a youth's file, with a number of associated charges with each referral. YJCs may assign three consequences per referral, not three consequences per charge. (Note: For Calgary YJCs - if there is any confusion over the difference between referrals and charges, please contact the EJS Program Coordinator at 297-7740). Under the YCJA, the aim of assigning consequences is to:

- Sanction the offending behaviour and repair the damage inflicted (e.g., through community service, apology letter)
- Strengthen the youth's bond or connection to the community:
 - Connect the young person to programs or activities in the community of which he/she was previously unaware.
 - requiring the young person to participate in community service in order to give back to the community
- Promote self-esteem and positive behaviour by build on existing strengths or interests in order to (e.g. refer the youth to an artistic, musical or athletic program)

- Target specific areas of concern in the young person's life (e.g. the young person may be required to attend assessment for drug problems, an anger management programs, or a shop-lifting prevention workshop)

A maximum of three of the following consequences per referral may be assigned to the youth by YJCs:

- A letter of apology
- An essay or poster
- Community service to a maximum of 60 hours. (Note: Calgary YJCs normally assign between 10 and 30 as 60 hours is considered quite extreme by the CYAC.)
- A donation to a charity to a maximum of \$200
- Restitution to the victim to a maximum \$1,000
- Referral to a cultural or religious program
- Referral to a program: YJCs often refer young people to specific programs which target some of their problem behaviours or challenges. In order to make the consequences meaningful, these programs are relevant to the offence which the young person has committed.
- Personal service to the victim in appropriate circumstances where there is no risk of danger to the young person or the victim (Note: This type of consequence is discouraged in Calgary because of the potential for problems to develop.)
- Other: this includes other creative consequences which are specific and meaningful to the young person's situation.

3.2.4.3 - Confidentiality

Based on the sensitive nature of the volunteer work involved in a Youth Justice Committee, in Alberta all YJC volunteers are required to take an "Oath of Office".

Calgary YJC volunteers adhere to the following confidentiality guidelines regarding young offenders/parents/victims and fellow YJC members:

- Never mention the name of the young offender, family members, guardians or victims to anyone outside the Youth Justice Committee; unless they are the police, probation, other justice system personnel, or staff from programs/organizations the youth has been referred to;

- Keep all documents related to cases in a secure place, in a filing cabinet, which can be locked;
- When discussing cases with family members or other members of the community outside the Youth Justice Committee, do not mention names, and ensure that any pertinent details relating to the case, which would enable someone to identify the parties involved, are omitted;
- Use sensitivity if you see the young offender, parent/guardian, or victim in a public place. If asked by someone accompanying you what your connection with any of these parties is, please be discreet. “I’ve seen them around the neighbourhood” might be an appropriate response;
- Keep private any volunteer information you are privy to, as part of the volunteer application, interviewing and screening process. Share this information only with other Committee Members in so far as it is necessary. This may include reference check information and police criminal check results.
- Do not give out any personal contact information (i.e. last name, telephone number, fax number, email, address) of a YJC Member without their express permission in individual cases. This includes volunteer recruitment situations as well as Committee business.

3.2.4.4 – Victim Involvement

Victim participation in the Youth Criminal Justice System is encouraged under the YCJA. However, because of the age of offenders safety of youth must be balanced with the victim’s rights. In accordance with Alberta’s “Victims of Crime Act,” victims are legally entitled to the following information:

- The name of the offender;
- The charge the offender was convicted of;
- The sentence or disposition the offender received; and
- Any sentence or disposition conditions that relates to the victim.

Under the YCJA it is illegal for victims to release any information about the young offender to the public. Any information beyond that listed above must be requested under the Freedom of Information and Protection of Privacy Act from Alberta’s Correctional Services

In Calgary, a new initiative is underway to train volunteers in the area victim advocacy. Because training in victim-offender mediation is very indepth and quite lengthy, it is well beyond the scope of YJCs. As such, victim attendance at panel

hearings is discouraged and in cases where victim-offender reconciliation is desirable it is coordinated by professional programs (e.g., Calgary John Howard Society, Calgary Conferencing). To ensure there is victim representation at EJS panel hearings then, a trained member of the YJC is appointed to serve as the Victim Advocate. S/he gathers information from the victim, speaks on his/her behalf at the hearing, and follows-up with the individual after the hearing and upon completion of the Sanctions Agreement by the young offender. For additional information, please see the Alberta Solicitor General's "Victims of Crime Protocol" at

http://www.solgps.alberta.ca/programs_and_services/victim_services/Publications/2007/Victims%20of%20Crime%20Protocol.pdf

3.2.4.5 – Youth Records

Under the YCJA, early intervention and diversion from the formal judicial system of young offenders who have committed less serious crimes has a high priority because of the serious impact a youth record can have in a young person's life. A youth record can stay open past the age of 18, can restrict travel outside of Canada, and can interfere with enrolment in some education programs and/or keep the youth from getting certain jobs as is highlighted by the following list of who can access a youth record:

- The young person
- The young person's parents or guardian
- Young person's lawyer
- The victim of the offence
- The judge, court, review board
- Any peace officer
- Anyone participating in a conference or an Extra Judicial Program (i.e., Measures or Sanctions)
- Citizenship and Immigration Canada
- Parks Canada
- Provincial Correctional Service
- Correctional Service of Canada
- Canadian Customs

- United States Customs

Unsuccessful completion of the EJS Program means that the file is returned to the Crown Attorney with the likelihood that charges or court proceedings will be initiated. Successful completion of the EJS Program, however, helps the young person to avoid having a youth record.

3.3 – YJCs In Calgary

There are 24 YJCs and approximately 350 volunteers in the city of Calgary. CYJCs range in size from 10 to 20 volunteers who typically reside in the communities covered by the committee. Each CYJC operates under a Constitution and an Executive Committee which typically includes a Chair, Vice-Chair, Secretary, Treasurer and File Manager. Other roles may be designated based on the individual needs/wants of the YJC, but the main role of committee volunteers is to administer the EJS Program with young offenders who have been referred by the Crown.

In Calgary each volunteer receives a minimum of 8 hours of basic training by the Calgary Youth Justice Society (CYJS) and Calgary Youth Attendance Centre. In addition to a Criminal Record Check and Oath of Office, CYJC volunteers are required to undergo a Child and Family Services Child Intervention Record Check. CYJCs are supervised and supported by two agencies which are described in the next two sections.

3.3.1 – The Calgary Youth Attendance Centre

The CYAC operates under the Young Offenders Branch of the Solicitor General of Alberta. The EJS Program is managed by the Coordinator whose main role is to implement and supervise the EJS Program in Calgary. This includes managing certain files at the CYAC (i.e., typically more serious offences), assigning case files to YJCs, and implementing relevant programs and services for youth at the CYAC (e.g., offer a number of in-house courses and work crews, bring youth serving programs and organizations on site such as the Alberta Alcohol and Drug Addiction Youth Services team and the Duke of Edinburgh Program).

3.3.2 – The Calgary Youth Justice Society

The CYJS is a not-for-profit organization funded by various agencies in Alberta such as Family and Child Services and the Alberta Law Foundation.



The role of the society is to support CYJCs and it does so by:

- processing and training new volunteers
- providing ongoing volunteer recognition
- developing and delivering ongoing education/training
- coordinating regular meetings for CYJC Chairs
- developing partnerships with community service and youth serving organizations
- educating the public and other stakeholder organizations about YJCs and the EJS Program

For additional information about the Society, please see <http://www.calgaryyouthjustice.com/>

3.3.3 – A Strengths-Based Approach

While a major goal of the EJS Program is to sanction offending behaviour and hold youth accountable for their crimes, in Calgary YJC's are also encouraged to use the EJS Agreement as an opportunity steer youth toward consequences and/or resources which will help guide them along a positive developmental path. Thus, along with sanctions such as community service or writing an essay, youth are referred to youth serving organizations/ programs which reinforce existing, positive assets (e.g., athletic ability, creative pursuits such as art or music, positive interests or hobbies) and/or assist the youth to develop new strengths (e.g.. self-esteem workshop, one-to-one mentoring). This is referred to as a *strengths-based* or *developmental assets* approach.

The Search Institute has identified 40 developmental assets which include internal and external resources. *External assets* include such things as family, school, community, other adults, religious/ cultural affiliations, and/or positive youth programs, while *internal assets* include the youth's commitment to learning, positive values, social competencies, and positive identity. During the

panel hearing, the members identify existing internal/external assets and/or areas in which youth is lacking internal/ external assets, and then assign relevant consequences which rebuild/reinforce/ promote strengths. For a list of development assets and additional information, please see the Search Institute web site at <http://www.search-institute.org/assets/>. The importance of promoting developmental assets is highlighted in the next section.

3.3.4 – A Profile of Young Offenders in Calgary

In March 2008, an interim report regarding young offenders in Calgary was released by the Canadian Research Institute for Law and the Family (CRILF). The report summarized data collected and analyzed in the first year of a three year study which is being conducted for the City of Calgary and Alberta Law Foundation.

One of the main objectives of the study is to identify predictive factors (risk and protective) of offending by youth. Thus far, the data serve to reinforce the notion that developmental assets play a key role in protecting Calgary youth against offending behaviour. That is, an increase in offending behaviour corresponds to a decrease in assets such as stable family/adult relationships, participation in school, and involvement in positive leisure/ recreational activities. These results correspond to the findings of many other studies in the literature, and highlight the importance of using the EJS Program as an opportunity to build developmental assets in youth.

For detailed information, please see the full interim report at http://www.ucalgary.ca/~crilf/publications/Final_Report_A_Profile_of_Youth_Crime_in_Calgary_March2008.pdf

SECTION 4 - CONCLUSION

The success rate of early intervention initiatives such as the EJS Program is undeniable. A full 90% of youth complete the requirements of their EJS contracts successfully, and 80% are not seen in the youth justice system three years following completion of the program. In Calgary alone, approximately 800 youth are diverted from the formal justice system each year thanks to the time and effort of 25 Youth Justice Committees and 350 volunteers.

SECTION 5 - QUIZ

1. A young person's criminal record is always destroyed once he/she turns 18 years of age. True _____ or False _____?
2. In Alberta, victims are permitted to know the name of the offender, the charge the offender was convicted of and the sentence or disposition the offender received. True _____ or False _____?
3. Which of the following is a YJC volunteer required to do prior to serving on a panel?
 - a. Conduct a criminal record check
 - b. Conduct a Child and Family Services Child Intervention Child Record Check
 - c. Take an Oath of Office
 - d. All of the above
4. In Alberta, YJCs are authorised by the Solicitor General and Public Security to perform all of the following except:
 - a. Victim-Offender Mediation
 - b. Provide Sentence Advisory
 - c. Administer the EJS Program,
 - d. Public Awareness and Crime Prevention
5. YJC volunteers are encouraged to directly involve victims in panel hearings.

True _____ or False _____?
6. If a young person has previously been convicted of an offence, he/she is no longer eligible for the EJS Program for subsequent offences.

True _____ or False _____?
7. Which of the following offences is eligible to be referred to the EJS Program?
 - a. Threatening physical harm to a class mate
 - b. Lying to a judge while in court
 - c. Drinking at a school party
 - d. Entering your neighbour's house with a weapon and stealing a computer

8. Police officers can use their discretion when dealing with a young person and recommend that he/she be sent to the EJS Program even if that individual has previously appeared before a YJC three times.

True _____ or False _____?

9. YJCs in Calgary can recommend:
- Up to three consequences per referral
 - Up to three consequences per offence
 - Usually three consequences but more if the offence requires it
 - Up to five consequences per file
10. Panel members usually question the young person about their school life in order to:
- Know if school attendance is a concern
 - Know how many consequences they can assign without interfering with the young person's schooling
 - Know what the academic abilities of the young person are
 - All of the above
11. Which of the following is *not* an appropriate attitude for a YJC volunteer to have regarding young people?
- Most young people commit "silly" acts as part of growing up
 - When a young person commits a crime they need to realise how others are affected by their offence
 - If a young person commits an offence it is best to deal with them in a manner to ensure that they do not commit other offences
 - It is just as important to address the reasons why a young person committed an offence as it is to address the act itself
12. In order to be eligible for the EJS Program a young person must:
- Admit guilt for committing the offence
 - Agree to participate in the process
 - Consult their lawyer
 - Agree to pay restitution to the victim
13. The YCJA
- Places more emphasis on the offender's rights and freedoms than on victims
 - Places more emphasis on the victim's interests than on the offender

- c. Acknowledges both the rights and responsibilities of the victim and the offender
14. Who of the following is *not* able access a youth criminal record?
- a. A public school board trustee
 - b. A peace Officer
 - c. Parks Canada
 - d. US Customs
15. Young people under age 12 are eligible for the EJS Program if they commit a serious offence.
- True _____ or False _____?
16. The YCJA encourages the community to play a role in addressing crime but not in crime prevention, this is best left up to trained police officers.
- True _____ or False _____?
17. Community empowerment is a main goal of community involvement in the Canadian Youth Justice System?
- True _____ or False _____?
18. A meaningful consequence is best described as:
- a. One that fully punishes a young person for committing an offence
 - b. One that connects the young person to their community
 - c. One that addresses underlying issues for the young person that may have led to them committing an offence
 - d. One that best serves the community
19. Restorative justice attempts to do all of the following *except*:
- a. Hold offenders accountable for their actions
 - b. Provide offenders with explanations for their actions
 - c. Involve the entire community to support offenders to make amends for their actions
 - d. Provide offenders with resources and alternative to their criminal behaviour
20. Paying attention to victim's needs means:
- a. Ensuring that victims are permitted to attend panels if they wish
 - b. Allowing victims to speak to the offenders if they so desire
 - c. Ensuring that victims receive monetary restitution

d. Providing the opportunity for victims to express how they have been affected by the offence

21. According to the YCJA, a police officer can send a young person to the EJS Program, even though their offence can be managed at the EJM level, if that officer believes that they young person will re-offend in the future.

True _____ or False _____?

22. It is acceptable to give a young person a consequence that interferes with their work schedule since having that young person make amends for their actions is most important thing in the EJS Program?

True _____ or False _____?

23. YJC volunteers should be sensitive to the cultural and religious orientations of young people?

True _____ or False _____?

24. Volunteers are never allowed to discuss the names or young offenders with anyone outside of the panel?

True _____ or False _____?

25. If a file is returned to the Crown attorney as unsuccessful, the young person will most likely go to court for that case.

True _____ or False _____?

Quiz Answers

1. A young person's criminal record is always destroyed once he/she turns 18 years of age. **FALSE**

A: There is usually a time period within which that record remains accessible. The YCJA lists the individuals who can access a youth record. Typically, a youth record lasts anywhere from one year to five years after the case has been resolved, depending on the outcome of the case and the seriousness of the offence. However, it is also possible that a youth record can remain open and be accessed past the age of 18. .

2. In Alberta, victims are permitted to know the name of the offender, the charge the offender was convicted of and the sentence or disposition the offender received. **TRUE**

A: Victims are legally entitled to know:

- a. The name of the offender
- b. The charge the offender was convicted of
- c. The sentence or disposition the offender received
- d. Any sentence or disposition conditions that related to the victim

3. Which of the following is a Calgary YJC volunteer required to do prior to serving on a panel?

- a. Conduct a criminal record check
- b. Conduct a Child and Family Services Child Intervention Child Record Check
- c. Take an Oath of Office
- d. All of the above**

A: In Alberta, YJC volunteers must be at least 18 years of age, undergo a Criminal Record Check, and must take an Oath of Office. Calgary volunteers are also required to undergo a Child and Family Services Child Intervention Record Check.

4. In Alberta, YJCs are authorised by the Solicitor General and Public Security to perform all of the following except:

- a. Victim-Offender Mediation**
- b. Provide Sentence Advisory
- c. Administer the EJS Program,
- d. Public Awareness and Crime Prevention

A: YJCs in Alberta are sanctioned by the Alberta Solicitor General and Public Security to:

- Administer the EJS Program
- Provide Sentence Advisory
- General Public Awareness and Crime Prevention

5. YJC volunteers are encouraged to directly involve victims in panel hearings. **FALSE**

A: While victim participation is encouraged by the YCJA, due to the age of offenders, the safety of the youth must be balanced with the victim's rights. Victim-offender mediation is an in-depth and lengthy process which is often beyond the scope of YJC volunteers. Volunteers are encouraged to serve as victim advocates rather than directly involve them in the justice process.

6. If a young person has previously been convicted of an offence, he/she is no longer eligible for the EJS Program for subsequent offences. **FALSE**

A: According to the YCJA, having been previously found guilty of an offence does not necessarily preclude anyone from being referred to the EJS Program.

7. Which of the following offences is eligible to be referred to the EJS Program?

- a. Threatening physical harm to a class mate
- b. Lying to a judge while in court
- c. Drinking at a school party**
- d. Entering your neighbour's house with a weapon and stealing a computer

A: Cases involving the threat of physical harm/violence; perjury or contradictory evidence, and break and enter of a dwelling are all exempt from the EJS Program.

8. Police officers can use their discretion when dealing with a young person and recommend that he/she be sent to the EJS Program even if that individual has previously appeared before a YJC three times. **TRUE**

A: Police officers are encouraged to use their discretion to divert young people from the formal justice system and provide a community based approach to youth crime, wherever possible.

9. YJCs can recommend

- a. **Up to three consequences per referral**
- b. Up to three consequences per offence
- c. Usually three consequences but more if the offence requires it
- d. Up to five consequences per file

A: According to the YCJA, YJCs can give a maximum of 3 consequences per referral, regardless of the number of charges.

10. Panel members usually question the young person about their school life in order to:

- a. Know if school attendance is a concern
- b. Know how many consequences they can assign without interfering with the young person's schooling
- c. Know what the academic abilities of the young person are
- d. **All of the above**

A: Panel members are better able to understand the circumstances surrounding an offence committed by a young person, and are also better able to assign appropriate consequences that may adequately address any underlying incidents, when they have a clear understanding of that person's school attendance.

11. Which of the following is *not* an appropriate attitude for a YJC volunteer to have regarding young people?

- a. Most young people commit "silly" acts as part of growing up
- b. When a young person commits a crime they need to realise how others are affected by their offence
- c. **If a young person commits an offence it is best to deal with them in a manner to ensure that they do not commit other offences**
- d. It is just as important to address the reasons why a young person committed an offence as it is to address the act itself

A: The consequences which are assigned by YJCs are not meant to be punitive or excessively harsh on young people, rather, they are intended to make the young person aware of the effects of their actions, and also assist them to make better choices in the future. While it is desirable that young people do not commit further criminal offences, this cannot be ensured through the consequences that they receive.

12. In order to be eligible for the EJS Program a young person must:

- a. Admit guilt for committing the offence
- b. **Agree to participate in the process**

- c. Consult their lawyer
- d. Agree to pay restitution to the victim

A: In order to be eligible for the EJS Program, young people must accept responsibility for their actions and agree to participate.

13. The YCJA

- a. Places more emphasis on the offender's rights and freedoms that on victims
- b. Places more emphasis on the victim's interests than on the offender
- c. Acknowledges the rights of both the victim and the offender**

A: The Preamble and the Declaration of Principles in the YCJA outline both the rights of the offender and the rights of the victims must be maintained in the youth justice process.

14. Who of the following is *not* able access a youth criminal record?

- a. A public school board trustee**
- b. A Peace Officer
- c. Parks Canada
- d. US Customs

A: A public school board trustee is not listed among those who are permitted access to a youth record in the YCJA.

15. Young people under age 12 are eligible for the EJS Program if they commit a serious offence. **FALSE**

A: The YCJA is only applicable to young people ages 12-18. Children under 12 years of age are usually dealt with in the community when they come into conflict with the law.

16. The YCJA encourages the community to play a role in addressing crime but not in crime prevention, this is best left up to trained police officers. **FALSE**

A: Addressing youth crimes also includes crime preventions. Many of the initiatives under the YCJA that involve the community are also meant to prevent crime in addition to dealing with crime after it occurs.

17. Community empowerment is a main goal of community involvement in the Canadian Youth Justice System? **TRUE**

A: One of the results of community involvement in the youth justice system is that community members are empowered to deal with crime in their communities.

18. A meaningful consequence is best described as:

- a. One that fully punishes a young person for committing an offence
- b. One that connects the young person to their community
- c. One that addresses underlying issues for the young person that may have led to them committing an offence**
- d. One that best serves the community

A: While holding the young person accountable for their actions and connecting them with their community is a crucial part of the consequences reached in agreements with young people, *meaningful* consequences focus on dealing with any underlying issues which may lead to the young person's involvement in the justice system.

19. Restorative justice attempts to do all of the following *except*:

- a. Hold offenders accountable for their actions
- b. Provide offenders with explanations for their actions**
- c. Involve the entire community to support offenders to make amends for their actions
- d. Provide offenders with resources and alternative to their criminal behaviour

A: The restorative justice approach does not attempt to excuse or explain the actions of young people, rather, this approach attempts to reconcile the young person with the victim and the community once the person has accepted responsibility for his/her actions.

20. A good example of how YJCs pay attention to victims' needs is:

- a. Ensuring that victims are permitted to attend panels if they wish
- b. Allowing victims to speak to the offenders if they so desire
- c. Ensuring that victims receive monetary restitution
- d. Providing the opportunity for victims to express how they have been affected by the offence**

A: Attending to victims' needs must be done in a way that respects their rights, while not putting them nor the offender in further danger. For YJCs, this means providing victims an opportunity to express how they have been affected by the offence.

21. According to the YCJA, a police officer can recommend that a young person go to the EJS Program, even though their offence can be dealt with at the EJM level, if that officer believes that they young person will re-offend in the future. **FALSE**

A: While the police do have discretion in how they respond to youth crime, they are encouraged by the YCJA to use the least intrusive method necessary to deal with youth crime, therefore, if an offence can be dealt with at the EJM level, it should be.

22. It is acceptable to give a young person a consequence that interferes with their work schedule since having that young person make amends for their actions is most important thing in the EJS Program? **FALSE**

A: As consequences assigned by YJCs aim at making the young person a contributing member of society, YJCs work with the young person to assign consequences that he/she can complete in the given time frame, without distracting from his/her commitment to school and work.

23. YJC volunteers should be sensitive to the cultural and religious orientations of young people? **TRUE**

A: In some cases, it may be necessary to be sensitive to the cultural or religious orientation of the young person and his/her family in order to understand possible motives for actions, and also when assigning consequences for the young person to complete.

24. Volunteers are never allowed to discuss the names or young offenders with anyone outside of the panel? **FALSE**

A: Volunteers may mention relevant information to certain persons involved with the young person's case such as a police officer, probation, other justice personnel or staff from programs/organizations to which the youth has been referred.

25. If a file is returned to the Crown attorney as unsuccessful, the young person will most likely go to court for that case. **TRUE**

A: Unsuccessful files are returned to the Crown attorney who may continue with formal legal proceedings during which, the young person will have to appear in a youth court to answer charges.