

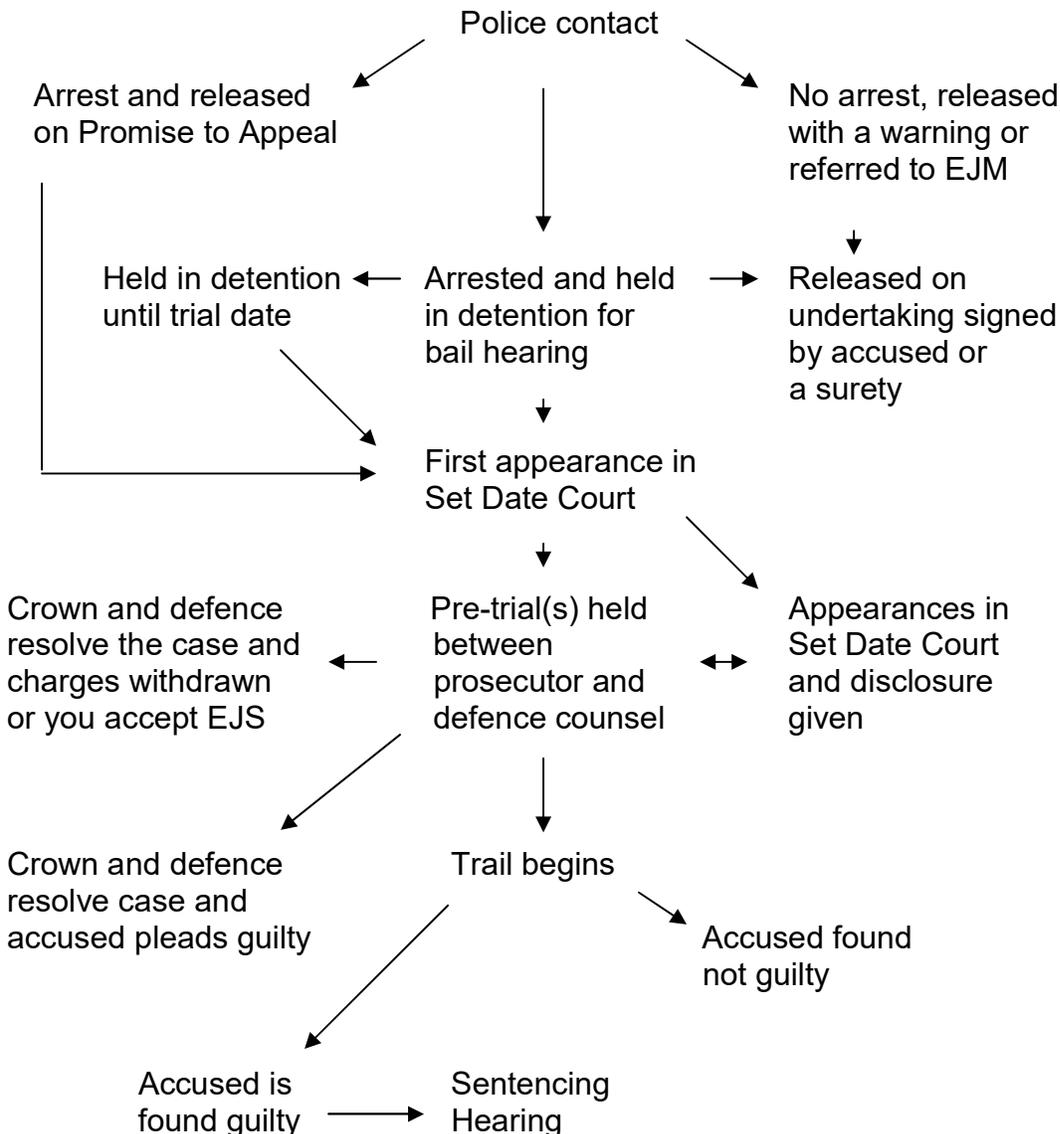
# Chapter 1: Introduction to the *Youth Criminal Justice Act (YCJA)*

This chapter provides:

- a flowchart of how a case moves through the Youth Justice system,
- the important principles of the YCJA, and
- information about who and the types of offences that the YCJA applies to

## 1. Flowchart

This is a general overview of the steps that may occur in a case:



## **2. What are the important principles of the YCJA?**

### ***General Principles about Young People***

- i. Everyone shares the responsibility for addressing the needs of young people by providing guidance and support.
- ii. Young people have special rights that need to be protected, including the rights contained in the United Nations *Convention on the Rights of the Child*.

### ***Principles about Consequences and Taking Responsibility***

- i. Young people are not as mature or developed as adults and are therefore held responsible for their actions in different ways than adults.
- ii. The consequences that a young person receives after committing a crime should be meaningful for that young person while reinforcing society's values.
- iii. Young people should be encouraged to repair the harm done to the victim.
- iv. The youth criminal justice system should try to figure out the real reasons that a young person did what they did and take into account the special circumstances of the young person, such as when the person identifies as aboriginal, has cultural differences, or has special needs.
- v. An important focus is for the young person to rejoin the community and be rehabilitated, not just punished.
- vi. Custody is to be used as a last resort and all options before custody or jail should be considered first.

### ***Principles about the Youth Criminal Justice System***

- i. The system is intended to protect the public.
- ii. Young people should be given extra protection and care because they are more vulnerable than adults.
- iii. Young people should be treated fairly, and their rights to privacy should be respected.
- iv. Young people experience time differently than adults so they should be dealt with quickly to strengthen the link between the behaviour and its consequences.
- v. Young people have rights and freedoms of their own, such as the right to be heard in court and to participate in the process.
- vi. Parents should be informed of measures or actions involving their children and encouraged to support them in addressing their child's behaviour.

## **3. Why should I know about these principles?**

The principles of the YCJA are important because they will affect how you are treated by people working in the youth criminal justice system. The police, the Youth Justice Court, and others involved in the youth criminal justice system are required to keep these principles in mind when dealing with you.

#### **4. To whom does the YCJA apply?**

The YCJA applies to all young persons who are 12 to 17 years old at the time they are said to have committed a crime, including a drug offence.

#### **5. What if I am under 12?**

Although the YCJA will not apply to you if you are under 12, there may be other consequences for illegal behaviour. For example, if you have stolen from a store you may not be allowed to go there in the future.

Also, while you can not be held criminally responsible, there are other laws that could have consequences for you. For example, treatment or removal from your home under the *Child and Family Services Act* or other child protection or mental health laws.

#### **6. What about other offences such as careless driving, drinking under age, or trespassing?**

The YCJA only applies to federal laws, not provincial laws. Careless driving, drinking under age, and trespassing are examples of offences covered by provincial laws so the YCJA does not apply. Each province has consequences for young people who commit these offences, but they will not be dealt with under the YCJA.

#### **7. What about truancy (skipping school)?**

The YCJA does not apply to truancy (absence from school without a good reason), unless by skipping school you break rules or conditions that says you must attend school imposed on you by a youth court order, like probation or bail.

#### **8. Does this mean that nothing will happen to me if I skip school?**

No. Most provinces will have some consequences for skipping school if you are under the legal age for leaving school. For example, you may have to see a counsellor and you might be taken to court under provincial law.