

Guide to Youth Criminal Court in Toronto



BEFORE GOING TO COURT

Questioning by the Police

If you are detained or arrested by the police, you have the right to call a lawyer and a parent or adult that you trust. Make sure you get advice from a lawyer before you say anything to the police. You have a right to have a lawyer with you if you decide to say anything. Anything you tell the police may be used later in court. The police can not carry out threats or promises to make you say or write anything.

To find a lawyer you are allowed as many calls as you need.

If you do not know a lawyer, the police must give you the phone number for a lawyer or to a free duty counsel lawyer.

Release Conditions

Speak to a lawyer before agreeing to any release conditions (for example, staying off school property or not attending school). It is important to understand fully what you are agreeing to. You can be charged for additional offences if you do not follow these conditions. Do not sign the release conditions just to get out of police custody quickly.

Being Held for Bail

If the police decide to hold you they must bring you to court within 24 hours or as soon as possible (usually the next morning) to have the court decide whether to release you or continue to hold you until your trial. At court, you have a right to have your lawyer or a duty counsel lawyer represent you.

You can be held in custody if the judge or justice of the peace believes it is necessary in order to protect the public or to make sure you come to court when you have to. If the offence you are charged with is not serious enough for you to be sentenced to custody, then you should not be held in custody while you wait for your case to be heard.

Fingerprints and Photographs

On your Notice to Appear form you may have been given a date and location to be fingerprinted and/or photographed. This is usually before the date of your first court appearance. You must go to this appointment. Failing to show up can lead to your arrest and an additional charge.

RIGHT TO A LAWYER

You should always speak with a lawyer if you are charged with breaking the law. It is your right under the *Youth Criminal Justice Act* to have a lawyer represent you in court (see back for contacts).

Legal Aid

If you can't afford a lawyer, you can apply for a Legal Aid certificate before your court date by calling Legal Aid Ontario: 416-979-1446. You can also make an application at the Legal Aid office at any of the youth courts in Toronto. If you are outside of Toronto, contact Legal Aid by calling 1-800-668-8258.

When you make an application for Legal Aid you will be asked to produce information about your and/or your parents' financial situation, to show that you qualify.

Bring all of the following that apply to you and/or your parents:

- up-to-date bankbook showing the last few months of activity;
- investment statements;
- 3 most recent pay stubs;
- proof of receipt of EI, ODSP or Worker's Comp.;
- proof of monthly debt payments or proof of trusteeship if bankrupt;
- income tax return;
- and support payments.

If you don't have the above information or don't live with your parents, you can bring a letter from staff at a shelter, drop-in centre or other agency, stating that you have little or no money.

If you are denied Legal Aid and want a lawyer, talk to the Duty Counsel lawyer. This is especially important if you want to plead not guilty. One reason you may be denied is that Legal Aid believes there is no chance of you receiving a jail sentence if found guilty. Duty counsel can ask the judge to order Legal Aid to provide you with a certificate. To do this you must have a rejection letter from Legal Aid.

Duty Counsel Lawyers

If you don't have a lawyer when you go to court, duty counsel lawyers can help you on the day you go to court. Duty counsel lawyers are paid by Legal Aid Ontario. They have offices in each of the youth courts and will give you advice and help you in court free of charge.

Duty counsel should be used for straightforward matters, like a first appearance, getting a lawyer when you have been refused Legal Aid, or helping you if the Crown offers extrajudicial sanctions (EJS) and you want to accept it. For more serious charges, entering a plea, trials or sentencing, you should have your own lawyer.

Arrive early on the day of your court appearance and introduce yourself to the duty counsel right away. The court building may only open at 8:30 a.m., so if you have to appear at 9 a.m., you will only have 30 minutes to line up and speak with duty counsel about your case.

If you arrive late, tell the judge or justice of the peace "I'd like to speak with duty counsel" when your name is called and then speak to duty counsel immediately.

GOING TO COURT

Your Promise to Appear, or whatever document you and your parents received from the police, will tell you which courtroom to go when you arrive at the courthouse. If you arrive and do not know where to go, ask duty counsel to check the “court docket”. The docket is a list of the people scheduled to appear in which courtroom that day.

You will be searched by Court Officers when you enter the courthouse. Do not bring any illegal materials, weapons or anything that could be used as a weapon with you to court (e.g. knife, razor blade, non-prescription drugs). Even a small penknife on your key ring will be taken away from you before you enter the courthouse.

Courtroom Behaviour

Courtrooms are very formal and we recommend the following:

- do not talk while seated in courtroom
- listen to the court proceedings
- remove all non-religious headgear
- do not wear or use headphones
- do not chew gum or bring food and drinks
- turn off cell phones
- dress neatly and avoid t-shirts with offensive or rude language and designs
- do not speak with any co-accused (especially if you have been ordered by the court to not talk or be near them)

Entering the Courtroom

- When you enter the courtroom sit on the benches in the back main area until your name is called.
- When your name is called go to the front of the room and stand next to your lawyer or the duty counsel lawyer.
- The Crown lawyer, who is prosecuting your case, will usually stand to your right, facing the judge or justice of the peace.
- Your lawyer or duty counsel will state if your parents are there with you and you will be asked to confirm your date of birth.
- Your charge will be read and you will be asked if you understand it. If you don't want your charge read out loud in court ask your lawyer or duty counsel to have the reading of the charge(s) waived (for example, if the charge is a sensitive matter like a sexual offence).
- The court is generally open to the public, but no one can publish identifying information about you.

Instructions from the Court

- Listen carefully to what the judge or justice of the peace says in court about your case. It is important for you to ask questions if you don't understand what is being said.
- Make sure that you understand the court's instructions, especially about your next court date and any conditions that may apply (e.g. curfews). Listen for the time and date that they want you to come back. If you can't make it back on the date that's being set, tell your lawyer or duty counsel right there so another date can be arranged.
- You will be given a yellow reminder slip with the date and time of your next court appearance. If you don't show up, the court can issue a bench warrant for your arrest and you could face additional, separate charges.
- All conditions remain in effect during school breaks and holidays (e.g. curfews).

Pleading Guilty

Normally you will not be able to plead guilty at your first court date. If you're sure that you want to plead guilty, duty counsel will help you. Never plead guilty unless you feel you are guilty and you have spoken

with a lawyer or duty counsel. A finding of guilt has serious, long-lasting consequences.

Charge Screening Form

You may be handed a yellow or pink document called a charge screening form, which describes how the Crown will treat your case. Give this form to your lawyer as soon as you get one.

If you are not given this form ask duty counsel for help. You'll need the charge screening form for your lawyer and for obtaining Legal Aid; not getting it can hold up your court process.

Extrajudicial Sanctions (EJS)

- EJS programs allow youth to “take responsibility” for the alleged offence(s). It is not the same as pleading guilty.
- To get EJS, the Crown must decide that it's appropriate and will offer it to you by saying that you are “eligible for EJS” on your charge screening form.
- If you accept EJS, you will be diverted from the formal court process by substituting community-based tasks, like community service, an apology, repairing the damage you caused, or attending counselling or mediation. You will meet with a probation officer to work this out.
- When you successfully completed the program you will not have a youth criminal record.
- If you are not given EJS by the Crown but want it, speak with your lawyer or duty counsel about EJS, or ask for it yourself. You can ask duty counsel for an application before your first appearance or as soon as possible.

Other Court Services

- If you, or your parents or guardians, have any language interpretation needs, it is important that you tell the court in advance and they will provide an interpreter free of charge.
- Toronto youth courts have Aboriginal court workers, African-Canadian court workers, mental health court workers, and Toronto District School Board liason workers.
- Some courts have specialized options for mental health issues and drug-related issues.
- Contact the court to find out about services offered at your location and to connect to these programs.

Tips and Ideas

- Be involved in your case, for example, ask your lawyer lots of questions and ask about your options.
- Keep all of your court and police documents together in a safe place. Replacing lost or ruined documents is a hassle and will cause delays.
- Use a notebook to record names, dates and information.
- Use the same notebook to keep track of all your court dates, conditions and appointment. Failing to appear in court or failing to comply with your conditions is taken very seriously and can lead to additional charges.
- Youth records have serious, long-lasting consequences. Youth records do not automatically go away when you turn 18. Never ignore your charges or plead guilty just to get the process over with. Speak to a lawyer first.
- Speak to someone if you feel isolated or in crisis. Services are listed on the end of this document.
- For more information on the *Youth Criminal Justice Act*, read our book “*Know Your Rights: A legal guide to your rights and responsibilities for people under 18*”.

TORONTO YOUTH COURT LOCATIONS

- 311 Jarvis Street (downtown): 416-327-6876
- 1911 Eglinton Ave. E. (at Warden): 416-325-0976
- 2201 Finch Ave. W. (Arrow Rd): 416-314-3962

FOR HELP FINDING A LAWYER

Justice for Children and Youth - www.jfcy.org
416-920-1633 or 1-866-999-5329

Lawyer Referral Service - www.lsuc.on.ca
416-947-3330 or 1-800-268-8326 (up to 30 min free advice)

Legal Aid Ontario - www.lao.on.ca
416-979-1446 or 1-800-668-8258

SELECT YOUTH SERVICES

Kids Help Phone - www.kidshelpphone.ca
416-973-4444 or 1-800-668-6868
Phone and on-line support and information (under 20)

Lesbian Gay Bi Trans Youthline - www.youthline.ca
416-962-9688 or 1-800-268-9688
Peer-phone and online support and information. Sun - Fri, 4:00 - 9:30 p.m.

Toronto 211 - www.211Toronto.ca
Dial 211 from any phone in Toronto
Free information on government and non-government services in Toronto:
locating food, shelter, health and financial assistance, etc.

211 Ontario - www.211Ontario.ca
Dial 211 from any phone in Ontario

This pamphlet is intended to give general information about
the court process in Toronto under the *Youth Criminal Justice Act*.
Speak to a lawyer or legal worker about specific questions.
This information was accurate as of March 2012.



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Toronto, Ontario M5B 2E7
GTA: 416-920-1633
Elsewhere in Ontario: 1-866-999-5329
Blog: <http://jfcy1.blogspot.com/>
www.jfcy.org