


Criminal Law & Young People



JUVENILE

JUSTICE

Perceptions and Stereotypes

What are some common stereotypes society has about teenagers?

How do you think police sometimes view teenagers?

Do you think these perceptions are fair?

Criminal Law and Young People

- Before 1908, children 7 and over were **tried as adults**
- The Juvenile Delinquents Act, passed in 1908, viewed youths ages 7-16 years as misdirected children suffering from lack of proper guidance.
- Training schools were established where youths received disciplinary and vocational training. Van Tech was first a “no-nonsense” trade school for boys opened in 1916.
- In 1984, Parliament enacted the Young Offenders Act, which identified a person 12 to 18 years of age as a young offender.
- Young persons were held accountable for their crimes, but at a lower level of accountability than adults.

Criminal Law and Young People

- By the 1990s, the Act was amended increasing the maximum sentence for murder from 3 to 10 years.
- The law assumes that a child under 12 is not capable of appreciating the nature and consequences of a criminal act and is, therefore, not criminally responsible.
- Those under 12 are to be dealt with by their parents, or according to the social welfare and mental health laws of each province and territory.

Youth Criminal Justice Act

- In 2002, Youth Criminal Justice Act was passed
- The goal of the Youth Criminal Justice Act is to protect society by addressing the circumstances underlying a young person's behaviour and focusing on measures that will impact the youth's rehabilitation.
- Adult sentences can now be imposed in youth justice courts for serious and violent crimes .

Youth Sentencing Options

- Under the Youth Criminal Justice Act, sentences must be proportionate and cannot exceed what an adult would receive.
- Judges consider pre-sentence, psychological, or medical reports and all community-based options before custody.
- At any point, a case may be referred to a conference involving the youth, family, victim, and professionals.
- The conference can advise the judge on an appropriate sentence. Sentencing is more focused on rehabilitation and restitution. Could involve community service, probation, and intensive supports and interventions

Adult Sentencing for Youth

- If a youth sentence is inadequate, the Crown may seek an adult sentence.
- The Crown must notify the youth before trial, giving them the right to a preliminary inquiry and jury trial.
- The defense must prove that a youth sentence is sufficient to hold the youth accountable.

Adult Sentencing for Youth

- Youths given an adult sentence usually stay in youth custody until 18, then move to an adult facility.
- Youth court records are typically destroyed after a set period.
- Records from extra-judicial measures programs are destroyed after two years if completed and no reoffending occurs.

Discussion Questions

1. Do you think a separate justice system is needed for young offenders? Why? Why not? Explain your answer with examples.
2. What personal factors determine the consequences young offenders face? Include examples.
3. In your opinion, are there times when youth should be tried as adults? Explain your answer with an example.