

Reforms to juvenile act improve effectiveness

The Young Offenders Act (YOA), which came into effect on April 2, 1984, introduced important and necessary reforms to the Canadian Juvenile Justice System. Before its enactment, young people fell under the Provisions of the Juvenile Delinquents Act of 1908. In June, 1986, changes to the Young Offenders Act improved its effectiveness.

The Young Offenders Act recognizes several key principles, among them that:

- Young people are responsible for their criminal behavior
- Society has the right to be protected from illegal behavior
- Young people are entitled to the rights enjoyed by all Canadian citizens
- Young people have special needs.

The Young Offender:
• A young offender is anyone 12 through 17 years old who has violated a federal law such as the criminal code or the Narcotic Control Act.

• Children under the age of 12 who commit harmful acts are not considered criminally responsible and are dealt with under Provincial Child Welfare or Mental Health Legislation.

The Police:
• When a young person commits a crime, the police may simply warn the individual, suggest an alternative measure program or proceed to formal court proceedings.

• When a young person is arrested or summoned, he or she is guaranteed the same basic rights and procedures afforded adults. The young offender's parents must also be notified.

Alternatives to court:
• Alternative measure programs provide positive alternatives to the formal court process. Young people are given the opportunity to accept responsibility for their behavior and to become involved in reparation of the wrongdoing, frequently with the participation of the victim.

Formal Court Proceedings:
• The trial procedure in Youth Court requires that the case be heard by a Youth Court Judge alone.

• Young people have a right to legal representation at all stages of proceedings.

• The young person's parents must be notified of all proceedings, and are encouraged (and, if necessary, ordered) to attend. They will be allowed to make their views known prior to sentencing.

• The Young Offenders Act has established strict guidelines on Youth Court procedures which may include pre-disposition reports, medical, psychological or psychiatric assessments, sentences, appeals and reviews.

• Youth Court hearings, except under special circumstances, are open to the public.

• The Youth Court may, under special circumstances, allow publication of the name of a young person who poses a danger to society, upon application from a Peace Officer.

• The sentencing process emphasizes victim involvement and reparation. For example, wherever possible, pre-disposition reports must include a report of an interview with the victim.

Sentences Under The Act:
• Dispositions included under the YOA include:

- Absolute discharge
- A fine up to \$1,000
- Compensation to the victim
- Open or secure custody
- Community Service Order
- Probation
- Treatment by consent
- Custodial sentences may not, for most offences, exceed two years in duration for any offence. A young offender may, however, receive up to three years in custody if the offence is serious, or if the individual is sentenced for a combination of two or more offences. The total length of custody could exceed three years if the individual commits new offences after being sentenced.
- If a young offender is 14 years of age or older, and has committed a serious indictable offence, his or her case may be transferred to an Adult Court. The young person is then subject to the range of sentences available to the Adult Court, which may be more severe; maximum life sentences in the Adult Court range from six months to life imprisonment.
- A young person can appeal a finding of guilty or the disposition that a Youth Court Judge orders.

Review of Sentence:
• A young offender's sentence is reviewed at specified intervals to determine if it is working well or should be changed.

• The young offender has the right to legal representation at these reviews. The young offender's parents are also encouraged to participate in the review process.

• Young offenders who willfully neglect the obligations imposed on them by the Youth Court may be charged with another offence ("Breach of a Disposition") and, if convicted, are liable to additional penalties.

Youth Court Records:
• The Act's records provisions ensure the proper and efficient administration of justice while protecting the young offender.

• Once the young offender has re-



ON PATROL
Sgt. Rodney Sine

pose at all. This means that the young offender will be given a fresh start, and there will be "In Law", no conviction against the individual.
• Records relating to an acquittal by reason of insanity are retained.
• Community participation:
• The Act provides for the establishment of Youth Justice Committees where members of the community can assist in any aspect of the administration of the YOA.

mained crime-free for an extended period of time, all records are treated as if they do not exist, and cannot be used for any pur-

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