
Introduction

When a youth comes in contact with the youth criminal justice system, there may be little information available to the system other than the basic facts and information surrounding the offence. In each situation more information is sought out in order to deal with the youth in an appropriate manner. In the following case studies you are presented with basic information relating to a youth and an offence. Based on what you have read and understand about the Youth Criminal Justice Act and using your own sense of what is just and fair, determine what might happen to the participants in each of the following cases. As part of the decision making process you will be asked to review the basic principles and intentions of the Youth Criminal Justice Act in order to determine if your response is fair and just. Remember, some cases may involve Extrajudicial Measures or Extrajudicial Sanctions, while other cases may go to trial and involve other consequences.

Activity

- 1) Choose one case to act out in small groups beginning with the initial contact with police. Your skit should not be a re-enactment of the offence; it should depict a fair and reasonable response to the specific situation. Some of the cases may be dealt with between a youth, a police officer and the parents, while others may involve a Youth Justice Committee or the courts. Your group will need to decide what happens for your particular case.
- 2) Assign roles and develop scripts which reflect the perspective of each of the participants. The focus of the skit should be on:
 - The decisions being made
 - The information gathered
 - The administration of justice

Use the **Determining Measures** and **Role Playing** worksheets to help with this process.

- 3) Present your skit. You may be asked to present to another group or to the whole class.
- 4) After the presentation: Discuss and share your thoughts on any issues that arise with other groups. Do others agree or disagree with the consequences or the accuracy of process your group has presented. Was your depiction fair and reasonable (i.e. the police probably wouldn't behave that way, because...).
- 5) Complete and discuss the **More About the Case Studies** worksheet.

Considerations

As you develop the story behind the case further how do the decisions you make in developing your story affect the outcome of the judicial process? What questions do you have to further explore in order to make a decision? How would this information be gathered and developed in the police and court system?

Alternatives and Extensions

Make a record for one of the youth. Be creative. Be detailed. Include as much information about the youth, their crime, the consequence and the rationale behind their consequence. Remember, there are a variety of types of records. The record you make may be in the form of a police report, the report of a Youth Justice Committee, a CPIC record (Canadian Police Information Centre), a court record including the judgement of a judge. What information might be important to include in a record? What might be purposefully left out of it?

The Case Studies

Adam (12) is picked up by police for stealing some chocolate bars and a magazine from the convenience store in town. It is a school day, and Adam is skipping class with his friend Brian.

Brian (13) is picked up by police at school. He has an iPod and a cell phone that belong to another student, Cody. He grabbed them from Cody during a disagreement at lunch in the hallway. He threatened to beat Cody up if he told anyone he had taken the items.

Cody (14) was caught spray painting graffiti on the side of the school portable at 11:30 on a Friday evening. He was with his brother Erin and his friend Daniel who were drinking liquor, but he was not.

Daniel (15) was caught with Cody spray painting graffiti on the school portable. Daniel was drinking liquor and had a marijuana cigarette in his pocket.

Erin (16) was driving his parent's car and was drinking a beer when he was stopped by police. Daniel and Cody were in the car with him. They had all just left the school yard where they were spray painting graffiti on the school storage shed.

Frank (16) stole an old truck from a neighbour's farmyard and went joyriding around the back roads with his friend Henry. They went off the road, smashed up the truck and left it there.

Geoff (17) heard about the truck that Frank and Henry smashed up, and went to pick parts off of it to fix up his own truck. He sold the tires and wheels to Ignatius for \$100.

Henry (17) was caught selling marijuana in the alley behind a local restaurant.

Ignatius (16) was arrested for the possession of stolen property, the wheels and tires he had purchased from Geoff for \$100.

Justin (15) smashed side mirrors off of parked cars with a baseball bat while Henry was driving around town.

Kevin (13) Sniffing paint, glue or anything he can find.

Lori (16) was drinking at a house party with her boyfriend, Henry. Henry's old girlfriend, Melinda saw them and called Lori a name. Lori chased after Melinda began punching and kicking her. Melinda went to the local health clinic with a black eye, bruised ribs and a broken nose.

Melinda (16) Melinda has been following Lori around ever since she started dating Henry. She has been putting her down publicly on an internet chat board used by a number of students at school, and has been signing Melinda up to receive unwanted email from websites she has not visited. She created a fake blog, pretending she was Melinda and posted untrue confessions and stories about her.

Ned (12) was playing with gasoline lighting small fires in lanes, parking lots and alleyways. On one occasion a small field caught fire and damaged several trees. More recently, a set of garbage cans caught fire, and the attached garage burnt down damaging the vinyl siding on two nearby houses.

Oliver (12) was with Ned when a small field accidentally caught fire and damaged several trees. They were both playing with gas and matches from Ned's garage.

Petra (12) was caught shoplifting makeup from the drugstore.

Quinn (15) received a two month sentence to custody at the Edmonton Young Offenders Centre and one months of close supervision. During Quinn's first week of supervision, he was caught stealing a bicycle from a neighbour's back yard.

Rebecca (17) Had been given an extrajudicial sanction for an offence she committed last year. She agreed to 25 hours of community service to be completed within 6 months. Six months has passed and Rebecca has only completed 5 hours of her sentence.

Samantha (13) was caught shoplifting make-up from the drugstore at lunchtime. When the clerk confronted her about the items she had put in her purse, she ran out of the store. This is the second time she has been caught shoplifting. The police came and picked her up from school.

Tina (14) Tina was the "look-out" while Uri broke in to her step-aunt's house and stole \$300, a laptop computer, a carton of cigarettes and a bottle of hard liquor.

Uri (15) Uri broke into Tina's step-aunt's house and stole \$300, a laptop computer, a carton of cigarettes and a bottle of liquor.

Victoria (15) was with Yvonne wandering the streets of town at 11:00 on a Friday night shouting, yelling and singing loudly. When a car would drive by she would step out on the street as though she was crossing the street as the car approached, forcing the driver to stop quickly. Instead of crossing the street, she would return to the sidewalk and continued laughing loudly and singing with her friend.

Wes (16) was shooting out windows on parked cars and peoples garages with his pellet gun.

Xavier (16) Was supposed to appear in court to face the charges he had received. He did not show up for court.

Yvonne (14) was with Victoria wandering the streets of town at 11:00 on a Friday night shouting, yelling, and singing loudly. She was carrying a garden gnome that she had taken off of Mr. and Mrs. Williams' front lawn.

- d) Prior convictions

 - e) Presence or absence of parent/ family involvement

 - f) What, if any, special needs does the offender have? (mental, developmental, welfare, etc.)
- 10) Provide a detailed description of the consequences you think would be appropriate. Be detailed especially in terms of what conditions apply (time, costs, locations, programs, prohibitions)

- 11) Revisiting the principles of the act, describe how the consequences you decide upon are suitable to the offence.
- a) How will future crimes be prevented?
 - b) How will the offender be rehabilitated?
 - c) How will the offender be reintegrated back into society?
 - d) How were the consequences made meaningful?
 - e) How is the public protected?
 - f) How is the offender held accountable for his/her actions?
 - g) How does the consequence consider the maturity of the youth?
 - h) How is the consequence fair?
 - i) How are the rights and privacy of the offender and the victim being protected?
 - j) How is the response timely? What is an appropriate time frame for beginning and completing the consequence?

- k) How is the community involved in the consequence?

- l) How are both the youth and the victim being supported?

- m) What other needs of the victim need to be met?

- n) What mental or developmental considerations need to be made?

- o) Does the offender have any special welfare needs (safety, housing, food)?

Role Playing

Before you play your role with the other members of your group, it is important for you to think about your role and plan what you might say in the scenario.

1) Circle your role:

- young offender
- police officer
- parent of offender
- victim
- youth justice committee member
- defense lawyer
- crown counsel
- judge

2) Briefly re-describe the case from your perspective – what happened?

- 6) What kind of choices were they? (i.e. relationships, mental health, physical health, personal or public safety, protecting others rights, social behaviour, etc.)
- 7) Other than the legal consequences to their choices, what other consequences are there for their actions, even if the youth did not get caught?

Case Studies: Additional Information

Adam (12) is picked up by police for stealing some chocolate bars and a magazine from the convenience store in town. It is a school day, and Adam is skipping class with his friend Brian. **(Theft under \$5000, School Act: truancy)**

Brian (13) is picked up by police at school. He has an iPod and a cell phone that belong to another student, Cody. He grabbed them from Cody during a disagreement at lunch in the hallway. He threatened to beat Cody up if he told anyone he had taken the items. **(Possession of stolen property, robbery, assault: uttering threats)**

Cody (14) was caught spray painting graffiti on the side of the school portable at 11:30 on a Friday evening. He was with his brother Erin and his friend Daniel who were drinking liquor, but he was not. **(Mischief)**

Daniel (15) was caught with Cody spray painting graffiti on the school portable. Daniel was drinking liquor and had a marijuana cigarette in his pocket. **(Mischief, Controlled Drug and Substances Act: possession of a controlled substance)**

Erin (16) was driving his parent's car and was drinking a beer when he was stopped by police. Daniel and Cody were in the car with him. They had all just left the school yard where they were spray painting graffiti on the school storage shed. **(Mischief, Gaming and Liquor Act: consumption in a vehicle, consumption by minor)**

Frank (16) stole an old truck from a neighbour's farmyard and went joyriding around the back roads with his friend Henry. They went off the road, smashed up the truck and left it there. **(Theft over or under \$5000 depending upon the value of the vehicle, or taking motor vehicle without consent)**

Geoff (17) heard about the truck that Frank and Henry smashed up, and went to pick parts off of it to fix up his own truck. He sold the tires and wheels to Ignatius for \$100. **(Theft under \$5000)**

Henry (17) was caught selling marijuana in the alley behind a local restaurant. **(Trafficking)**

Ignatius (16) was arrested for the possession of stolen property, the wheels and tires he had purchased from Geoff for \$100. **(Possession of property obtained by crime)**

Justin (15) smashed side mirrors off of parked cars with a baseball bat while Henry was driving around town. **(Mischief)**

Kevin (13) Sniffing paint, glue or anything he can find. **(Alberta Public Health Act: inhaling intoxicating gas or vapour)**

Lori (16) was drinking at a house party with her boyfriend, Henry. Henry's old girlfriend, Melinda saw them and called Lori a name. Lori chased after Melinda began punching and kicking her. Melinda went to the local health clinic with a black eye, bruised ribs and a broken nose. **(Assault causing bodily harm, aggravated assault, Gaming and Liquor Act: consumption by minor)**

Melinda (16) Melinda has been following Lori around ever since she started dating Henry. She has been putting her down publicly on an internet chat board used by a number of students at school, and has been signing Melinda up to receive unwanted email from websites she has not visited. She created a fake blog, pretending she was Melinda and posted untrue confessions and stories about her. **(Criminal harassment, personation with intent, false messages)**

Ned (12) was playing with gasoline lighting small fires in lanes, parking lots and alleyways. On one occasion a small field caught fire and damaged several trees. More recently, a set of garbage cans caught fire, and the attached garage burnt down damaging the vinyl siding on two nearby houses. **(Arson)**

Oliver (12) was with Ned when a small field accidentally caught fire and damaged several trees. They were both playing with gas and matches from Ned's garage. **(Arson)**

Petra (12) was caught shoplifting makeup from the drugstore. **(Theft under \$5000)**

Quinn (15) received a two month sentence to custody at the Edmonton Young Offenders Centre and one months of close supervision. During Quinn's first week of supervision, he was caught stealing a bicycle from a neighbour's back yard. **(Theft under \$5000, YCJA 102(1) breach of conditions – NOTE: a breach does not necessitate a return to custody although the youth may be required to serve the remainder of their sentence in custody. The nature of the breach is considered and a review of conditions may also be appropriate)**

Rebecca (17) Had been given an extrajudicial sanction for an offence she committed last year. She agreed to 25 hours of community service to be completed within 6 months. Six months has passed and Rebecca has only completed 5 hours of her sentence. **(In this case charges may not be dropped and her case may proceed through the courts where she may receive a formal sentence. If there are circumstances which made the sanctions unreasonable, they may be reviewed and accommodations may be made – any new sanctions cannot be harsher than the original agreed upon sanction)**

Samantha (13) was caught shoplifting make-up from the drugstore. This is the second time she has been caught shoplifting. The police came and picked her up from school. **(Theft under \$5000)**

Tina (14) Tina was the "look-out" while Uri broke in to her step-aunt's house and stole \$300, a laptop computer, a carton of cigarettes and a bottle of hard liquor. **(As Tina participated in the crime she may be charged with the theft < \$5000, break and enter, and possession)**

Uri (15) Uri broke into Tina's step-aunt's house and stole \$300, a laptop computer, a carton of cigarettes and a bottle of liquor. **(Theft < \$5000, break and enter, possession by minor)**

Victoria (15) was with Yvonne wandering the streets of town at 11:00 on a Friday night shouting, yelling and singing loudly. When a car would drive by she would step out on the street as though she was crossing the street as the car approached, forcing the driver to quickly stop. Instead of crossing the street, she would return to the sidewalk and continued laughing loudly and singing with her friend. **(Mischief, causing disturbance – a summary offence under section 175 of the Criminal Code of Canada)**

Wes (16) was shooting out windows on parked cars and people's garages with his pellet gun. **(Mischief - there may also be a firearm or weapon's charge depending upon the pellet gun and other circumstances relating to the proximity of people)**

Xavier (16) Was supposed to appear in court to face the charges he had received. He did not show up for court. **(Failure to appear – a warrant will be issued and the police will apprehend him, and he may be charged with an additional offence: failing to appear in court.)**

Yvonne (14) was with Victoria wandering the streets of town at 11:00 on a Friday night shouting, yelling, and singing loudly. She was carrying a garden gnome that she had taken off of Mr. and Mrs. Williams' front lawn. **(Mischief, causing disturbance, possession of stolen property)**

Zach (17) has been following Yvonne around since she broke up with him. He has been calling her in the evenings and hanging up to check to see if she is home. He was caught by police walking around the outside of Yvonne's house and looking in the windows. In the back seat of his car was a loaded .22 calibre rifle.
(Criminal harassment (commonly known as stalking), trespass at night, weapons charges)

While a variety of offences are suggested here, there may be other factors which influence the administration of justice in each case which are not included in the descriptions. The cases here are presented not to show what a typical response is, but to provide an opportunity for students to appreciate the complexity of the legal decision making process. It is not meant to emphasize which offences attract which sentence, but rather, it is intended to emphasize the human side of the justice system which is intended to ensure that the law is applied in a just and reasonable manner rather than in a mechanical manner. Limited information in each case has been provided to emphasize the focus on decision making aspects rather than the technical application of the law. References to specific offences and acts are provided if further exploration into specific offences is desired.

More information on specific offences can also be obtained through the following websites:

Canadian Legal Information Institute <http://www.canlii.org/en/>

Department of Justice Canada's Justice Laws Website <http://laws.justice.gc.ca/en/>

Determining Measures: Teacher's Edition

Answer the following questions to determine what actions should be taken with your particular case. Your answers should help you determine what actions and consequences are appropriate for the offence. Refer back to the basic principles of the act and review the considerations that are made before sentencing. The cases may not have all the information you need – add to the background of the case where you need to in order to make an appropriate decision. If these were actual cases, consider how this additional information would be gathered.

- 1) Is this a first or second offence? What other contacts with the law has the youth had?

Extrajudicial measures do not have to increase in severity with repeat offence, but they may.

- 2) If they have had previous contacts with the law, what was their response? Did they follow through with previous consequences (completed sanctions, failed to complete sanctions)?

This is used to determine impact of the previous consequence but may also indicate that there are other needs or issues involved which should be considered.

- 3) Was the act a violent act – was there harm, potential for harm, or threat of harm?

The potential for harm may be treated more seriously and may draw conditions which will relate to prevention of harm and violence related issues.

- 4) Were there other people involved in the offence or contributing to the offending behaviour? What was the role of the individual in the offence?

Contact restrictions may be put in place, to prevent two offenders from, meeting, speaking, or communicating with each other by any means.

- 5) What was the impact of the offence on the victim?

The victim may be consulted in a victim impact statement to ensure their needs are addressed before other considerations.

- 6) Was the victim directly involved or indirectly (were they present during the act or did they come upon the consequences after the fact)

If the victim was present there may be a greater sense of danger felt by them, and more potential for the seriousness of the event to increase.

- 7) Was the offence committed during the day or at night?

This may indicate the need for a curfew at certain times of the day.

- 8) Were drugs or alcohol involved?

Treatment or counselling may be indicated as well as prohibition.

- 9) What are the offender's plans for the future? How will they avoid re offending? Consider and make notes on their:

This is an assessment of community supports and potential for rehabilitation and reintegration.

a) Schooling

b) Employment

Skill, self-support, responsibility, engagement in purposeful activity

c) Age

Level of maturity

d) Prior Convictions

Is there a pattern of offences and how can future offences be averted?

e) Presence or absence of parent/ family involvement

Social and family support assessment

f) What, if any, special needs does the offender have (mental, developmental, or welfare)?

Are there learning needs that contribute to understanding the law, learning from experience, or that may need to be considered when determining an appropriate sentence, like ADD/Hd, FAS. If the youth is not being cared for, is a victim of family violence, is not living at home, or is homeless, they may need to be referred to childrens' services or an appropriate welfare agency

10) Provide a detailed description of the consequences you think would be appropriate. Be detailed especially in terms of what conditions apply (time, costs, locations, programs, prohibitions)

Students should consider all of the above answers and be able to justify their inclusion or exclusion in sentencing.

11) Revisiting the principles of the act, describe how the consequences you decide upon are suitable to the offence.

a) How will future crimes be prevented?

b) How will the offender be rehabilitated?

c) How will the offender be reintegrated back into society?

d) How were the consequences made meaningful?

e) How is the public protected?

f) How is the offender held accountable for their actions?

g) How does the consequence consider the maturity of the youth?

h) How is the consequence fair?

i) How are the rights and privacy of the offender and the victim being protected?

- j) How is the response timely? What is an appropriate time frame for beginning and completing the consequence?
- k) How is the community involved in the consequence?
- l) How are both the youth and the victim being supported?
- m) What other needs of the victim need to be met?
- n) What mental or developmental considerations need to be made?
- o) Does the offender have any special welfare needs (safety, housing, food)?



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