

Exploring the YCJA: Scope and Principle

Introduction

At the end of this lesson you should have a basic understanding of the underlying principles and intentions of the Youth Criminal Justice Act (YCJA) and the key terms and vocabulary used in the act.

You may access the full text of the YCJA, in HTML and PDF formats, on the Department of Justice Canada Website: <http://laws.justice.gc.ca/eng/Y-1.5/index.html>

The Youth Criminal Justice Act consists of a Declaration of Principle and nine parts:

- Part 1 : Extrajudicial Measures
- Part 2 : Organization of Youth Criminal Justice System
- Part 3 : Judicial Measures
- Part 4 : Sentencing
- Part 5 : Custody and Supervision
- Part 6 : Publication, Records and Information
- Part 7 : General Provisions
- Part 8 : Transitional Provisions
- Part 9 : Consequential Amendments, Repeal and Coming into Force

The Scope of the Act

Laws and regulations can be created by the federal government, the provincial government and the municipal government (by-laws). The YCJA applies to youth who break federal laws and regulations. Each province has separate laws for dealing with youth who break provincial laws or municipal by-laws. The Youth Criminal Justice Act is administered primarily by local police and through the provincial courts and judicial system.

The YCJA applies to youth ages 12 to 17.

Children younger than 12 who commit a crime are dealt with outside of the youth justice system. This may include the involvement of police, social workers, the school, the community, and parents or guardians. Children under 12 may be removed from their home and placed in care for their own safety or for the safety of their community.

The Principles of the Act

The act focuses on the basic principles of crime prevention, rehabilitation, reintegration, meaningful consequences, protection of the public, and accountability.

It considers the unique nature of youth, in particular their level of maturity, and gives special consideration to fair treatment, protection of rights and privacy, and timely intervention.

It is meant to reflect social values while taking into account each individual's unique social, cultural and developmental situation, and meaningfully involve the community, social agencies, family, and the victim in the rehabilitation and reintegration process.

The act encourages compassion, empowerment, respect, dignity, and participation, and facilitates understanding by through the sharing of information and offering support for both the victim and offender.

The Act

Section 3(1) of the Youth Criminal Justice Act sets out the Scope and Principles of the Act in the following manner.

The purpose of the youth justice system is on:

3(1)a

- (i) holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person,
- (ii) promoting the rehabilitation and reintegration of young persons who have committed offences, and
- (iii) supporting the prevention of crime by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour;

Section 3(1)b states there must be a separate criminal justice system for youth, and it must be based on the idea that youth do not yet have the full capacity for moral judgement, due to their age, vulnerability, or maturity level.

There must be an emphasis on:

3(1)b

- (i) rehabilitation and reintegration;
- (ii) fair and proportionate accountability consistent with young

persons' greater dependence and reduced level of maturity; this means that young persons' accountability for their crimes needs to be in line with or fairly balanced with the fact that they are not as mature as adults;

(iii) enhanced procedural protection in the youth justice process to ensure that young persons are treated fairly and that their rights are protected;

(iv) timely responses that reinforce the connection between the offence and the consequence;

(v) promptness and speed in the system's response, given young persons' perception of time.

The measures taken against young persons who commit offences should:

3(1)c

- (i) reinforce respect for societal values,
- (ii) encourage the repair of harm done to victims and the community,
- (iii) be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration, and
- (iv) respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements; and

Special considerations apply in respect of proceedings against young persons:

3(1)d

- (i) young persons have rights and freedoms in their own right, such as a right to be heard in the course of and to participate in the processes, other than the decision to prosecute, that lead to decisions that affect them, and young persons have special guarantees of their rights and freedoms,
- (ii) victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system,
- (iii) victims should be provided with information about the proceedings and given an opportunity to participate and be heard, and
- (iv) parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour.

Questions and Discussion

- 1) The federal, provincial, and municipal governments all have powers to make laws. Why do you think the Youth Criminal Justice Act is federal act rather than a provincial or municipal act?
- 2) Why do you think children under age 12 are treated differently than children 12-17 years old?
- 3) Why do you think youth 12-17 are not treated the same way as adults?
- 4) List ten of the most important words used in the act. Rank them from most to least important.

Word

Rank

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5) What are the three most important statements in the act?

1.

2.

3.

6) In small groups, explain and discuss the choices you made in question 5. Prepare a group explanation of your choices to present to another group or the whole class. Remember to involve all of the members of your group.

Vocabulary

1) On your own, with a partner or in a small group:

- Describe what each of these terms means in your own words.
- Give an example to illustrate your point.

A. crime prevention

B. offence

C. rehabilitation

D. reintegration

E. meaningful consequences

F. protection of the public

G. accountability

H. level of maturity

I. fair treatment

J. protection of rights

K. protection of privacy

L. timely intervention

M. social values

N. cultural values

O. developmental situation

P. compassion

Q. empowerment

R. respect

S. dignity

T. participation

U. deterrence

- 2) Deterrence is intentionally not mentioned in the principles of the act. Why do you think it was left out?

Information for Teachers: Lesson Implementation

You may use the information and questions presented here in a variety of ways:

- Students can discuss all vocabulary and questions in small groups and then share their answers with the class.
- If there is limited time, for each of the activities, groups may be assigned one section to discuss develop and explain to members of other groups either as a jigsaw activity or to the whole class as a group presentation.
- You may want to have students develop their own questions based on one section of the act, or create their own trivia questions, word searches, or crosswords based on the vocabulary and information presented.
- You may direct students to the specific sites below for more detailed information or to collect and review specific vocabulary.

More Information Online

Department of Justice Canada

Department of Justice's Youth Justice page:

<http://www.justice.gc.ca/eng/cj-jp/yj-jj/>

Full text of the Youth Criminal Justice Act (YCJA):

<http://laws-lois.justice.gc.ca/eng/acts/Y%2D1.5/>

The Youth Criminal Justice Act: Summary and Background provides a briefer overview of the Act:

<http://www.justice.gc.ca/eng/cj-jp/yj-jj/ycja-lsjpa/back-hist.html>

Canadian Legal FAQs: University of Alberta Legal Studies Program

Basic information regarding youth and the law in an informative question and answer format:

http://www.law-faqs.org/wiki/index.php/Youth_and_the_Law

Alberta Solicitor General and Public Security

Information from the Government of Alberta on Young Offenders and the YCJA:

https://www.solgps.alberta.ca/programs_and_services/correctional_services/young_offenders/Pages/default.aspx

CPLEA

The Centre for Public Legal Education in Alberta (CPLEA) has many legal resources, including this PDF document that gives a basic introduction to the YCJA and the youth criminal justice system:

<http://pub.cplea.ca/sites/default/files/publications/YCJAInfographic.pdf>



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