

## Measures

If the police believe a youth has committed an offence, there are a number of measures they can take, from extrajudicial measures, to extrajudicial sanctions, to laying charges. In determining appropriate actions, a conference may be called, which may involve a judge, the provincial director, a police officer, a justice of the peace, a crown prosecutor, a youth worker, or a youth justice committee.

If charges are laid, youths must go to court and appear before a judge to make a plea. When they make a plea they say whether they are guilty or not guilty. If they plead guilty, they receive a sentence. If they plead not guilty and there is sufficient evidence against them, the case will proceed to trial. If the court finds them guilty the youth will be sentenced. After a youth completes their sentence, they will have a record for a specified period of time.

The following provides more detail on these measures and actions.

## Extrajudicial Measures

- **Extrajudicial:** Justice that is administered without the intervention of a judge.

If the police believe a youth has committed an offence they can give the youth an extrajudicial measure. These measures range from taking no further action and returning the youth to a responsible adult, to issuing a caution or warning, to having the youth participate in a program.

The purpose of these measures is to actively deal with offenders in a timely and meaningful manner. The court process can be lengthy and lose meaning to the individual over time. Immediate response involving the youth, their family, the victim, the community and the police are intended to have a greater impact by holding the youth immediately accountable for their behaviour.

The police must consider these measures before taking any other actions. These measures are administered on an offence by offence basis and are not necessarily graduated or based on the youths prior experiences with the law.

Extrajudicial measures do not become part of the youth's court record. While a record of these measures may be kept within individual police jurisdictions, these records cannot be used as evidence in court, the exception being extrajudicial sanctions. Records will be dealt with in more detail later.

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## Extrajudicial Sanctions

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An extrajudicial sanction is another more formal form of extrajudicial measure. If sufficient evidence exists against the young person, they will be referred to a crown council and may receive an extrajudicial sanction. The youth must accept responsibility for their actions and must consent to the sanction. If the youth denies involvement or responsibility, the youth may be charged and their case may go to trial. If the youth accepts responsibility for their actions through an admission or statement as part of an extrajudicial sanction, this evidence can not be used for further prosecution. While there will be no official court record for a sanction, the youth will have a police record that will exist for two years. This record may be referred to in future sentencing for other offences.

In some cases a youth may be charged and their case will proceed to court despite receiving an extrajudicial sanction. This may happen if the evidence is reviewed or new evidence arises and it is determined that the youth should be charged and prosecuted. In cases where this happens, consideration will be given to completion or carrying out of the sanction and the charges may, as a result, be dropped.

If a youth receives an extrajudicial sanction, the parents must be informed of that sanction. A victim also has the right to request the identity of the offender and be informed of the consequences the youth faces. The victim may be consulted in the process of deciding on sanctions, and are given primary consideration in terms of restitution. Up to a combination of three sanctions may be imposed.

See the Notes worksheets at the end of this document for a list of measures and sanctions.

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## Courts, Committees and Conferences

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### *Youth Justice Court*

Youth Justice Court is a special court for youth. It is administered within the provincial courts system. Higher levels of court may be declared a Youth Justice Court for the purpose of dealing with youth cases, particularly in the case of appeals. Youth Court is presided over by a Youth Court Judge who deals specifically with Youth Court cases. The Crown is represented by the Crown Counsel – a lawyer who works on behalf of the Crown. Special protections and measures are in place to inform and protect the rights of youth, particularly in relation to regularly informing youth of their right to be represented by a lawyer and in protecting them from being identified in the media.

The Youth Court has specific requirements for who it deals with. It deals with youth from 12 to 17 years old. If a youth under 18 commits an offence, they may be dealt with under the act in Youth Court

for that offence even after they become 18. Even extrajudicial measures put in place when a youth under 18 may continue after the person turns 18. Offences committed after the youth turns 18 are dealt with in an adult court.

If a person's first appearance before a court occurs after they are 20 years of age, for an offence that occurred while they were under 18, many of the special considerations, reminders, and notifications in the process to support and protect the youth are set aside considering the person is now an independent adult capable of making their own decisions and managing their own affairs. When a youth turns 18, they may be detained in an adult facility even though they may still be dealt with in a Youth Court.

### **Alberta Courts**

In Alberta, Youth court is part of the Alberta Provincial Courts. Some of the courts are held permanently and some are only on specific days of the week or days during the month. To find the location of the youth court nearest you visit the Alberta Courts website:

<http://www.albertacourts.ab.ca/calendar/>

You may also take a virtual tour of an Alberta court room here:

<http://www.albertacourts.ab.ca/go.aspx?tabid=560>

There are also many publications available from the Alberta courts which include additional information on youth and the law here:

<http://www.albertacourts.ab.ca/go.aspx?tabid=450>

### **Youth Justice Committees**

Individual provinces are empowered under the act to set up Youth Justice Committees. These committees advise in the determination of extrajudicial measures, work with both the victim and the offender to enable satisfactory outcomes, and engage the community in the support process. They also advise the government on how the act is being implemented, and provide information to the public. A judge may also involve them in the sentencing process as part of a conference.

For more detailed information on youth Justice Committees in Alberta visit:

[http://www.solgen.gov.ab.ca/yjc/common\\_questions.aspx](http://www.solgen.gov.ab.ca/yjc/common_questions.aspx)

For a list of committees by region :

<http://www.solgen.gov.ab.ca/designatedComm/default.aspx>

## Conferences

Conferences are meetings that are set

“to give advice on appropriate extrajudicial measures, conditions for judicial interim release, sentences, including the review of sentences, and reintegration plans.” 19(2)

Conference participants may include a judge, the provincial director, a police officer, a justice of the peace, a prosecutor or a youth worker. The Youth Justice Committees may also act as a conference.

## Charges and Court

### Judicial Measures

Some offences are serious enough that formal charges are laid and the youth is required to attend court. The Attorney General, through their representatives, must consent to charges being laid. This is different from adult court where charges may be presented without police or crown involvement, for example in the case of assault where an individual may press charges. Pre-charge screening programs ensure all other options (i.e. extrajudicial measures and extrajudicial sanctions) are considered before charges are laid and the case is brought before the courts.

After charges are laid the youth must attend court to enter a plea. This means they must inform the court that they are guilty of the charge or not guilty of the charge. If they plead guilty and there is sufficient evidence to support this guilt, the youth will be sentenced. If they plead not guilty, a date will be set for a trial.

### Categories of Offences

There are three types of offences in the Criminal Code: Summary Convictions, Indictable Offences and Hybrid Offences. They vary in severity of sentence and length of record.

- **Summary Convictions:** These are less serious offences and are tried by a judge alone. An adult sentence for a summary conviction cannot exceed \$2000 or 6 months imprisonment.
- **Indictable Offences:** These are more serious offences and attract longer or more severe sentences. They may be tried by a judge or by a judge and jury. In most cases the defendant can elect which type of trial they prefer.
- **Hybrid Offences:** Some offences may be classified as Summary Convictions or as Indictable Offences. The crown determines how it will apply the charges based on the severity of the offence or factors involved in the commission of the offence. An example of a hybrid offence is Theft under \$5000. This offence may be treated as an indictable offence or as summary

conviction. In court the crown would notify the court how it wishes to handle the charges. This allows the court to deal with shoplifting a chocolate bar differently than the theft of a car.

### ***Right to Counsel***

- **Counsel:** a lawyer

At every stage in proceedings from the time of arrest, the youth is informed of the right to obtain counsel and must be given the opportunity to do so. If the youth is not represented by counsel they are informed on arrest and at the beginning of any proceeding that they have this right. This includes at trials, hearings, determinations of custody, or review. This notice is also contained in any summons, warrants, appearance notices or other notices. These repeated reminders are one of the special considerations offered specifically for youth to ensure they are fairly represented.

A youth may be permitted to be represented by a suitable adult of their choice if they have not obtained counsel. The youth may also be referred to a legal aid program if they are not able to obtain counsel on their own. If they do not qualify for a legal aid program they may be directed to be represented by counsel.

If the interests of a parent and child are at conflict, the judge will ensure that the child receives independent counsel. Consultations between a lawyer and their youth client are kept confidential and not shared with the parent unless the youth agrees to involve the parent or have this information shared with them.

The costs incurred as part of any legal aid program may be recovered by the legal aid program after all proceedings and appeals are completed. Legal aid may not necessarily be free.

### ***Notification of Parents***

Parents of a youth must be notified on arrest and upon detention of the youth. This notice includes the reasons for the arrest and the location of detention. This notice may be oral or in writing.

Parents are also notified of the details of any summons, appearance notices, undertakings, tickets (other than a parking ticket), or recognizances. (A recognizance is like a formal promise or bond the youth may make to appear in court at a later date.)

Where a parent or relative are unavailable, this notice may be given to a responsible relative or other adult the youth knows who may be able to assist the youth. If the court finds it in the best interest of the youth, they may require or order that the parent attend any proceeding involving the youth.

## ***Detention Before Sentencing***

Youth may be detained in custody from the time they are arrested. The courts have very specific conditions under which they may hold youth in detention. Pretrial detention is reserved for charges where custody is a sentencing option. As detention of youth can be considered detrimental or counter productive, it is only taken in cases where the court deems the youth to be a threat to the community or in cases where they can show that the youth may not show up for trial. Youth can not be detained for their own protection (child protection, mental health or as a social measure) and are not held with adults unless no other facility is available, they are being transferred or temporarily held under the direct supervision of a peace officer, or if it is unsafe for the youth or other youths to hold them in a youth facility.

Youth may be released into the care of their family or another responsible person if they are willing and able to receive the youth and the youth is willing to be placed in their care. Wherever possible the youth is returned to the care of their family except in cases where the youth may not be safe. Both the youth and the adult who takes the youth into care must agree to conditions of release set by the court. The responsible person, or the youth may later apply for this arrangement to be changed if they consider it inappropriate. A justice court may also determine the situation is inappropriate, revoke the conditions and issue a warrant for the youth's arrest.

Conditions may also apply to the release of a youth prior to appearance in court which may contain specific requirements (curfew, attending school) and prohibitions (not associating with certain people).

## ***Appearance***

### **Guilty or Not Guilty?**

When the youth appears in court, they are read the charges that are held against them and they are informed of their rights (i.e. to obtain counsel if they have not already obtained counsel). The youth may plead guilty or not guilty. If the youth is not represented by counsel, and does not understand the charges, the court will enter a "not guilty" plea on their behalf and may appoint a lawyer.

In the case of a "presumptive offence", a youth 14 or older is informed prior to their plea that they may receive an adult sentence if found guilty. Presumptive offences are first degree murder, second degree murder, attempt to commit murder, manslaughter, aggravated sexual assault or a repeated serious violent offence that an adult would receive two or more years of imprisonment for.

These offences are called "presumptive" because it is presumed the youth will be tried as an adult. In the past in these cases, the youth had to make an application to be tried as a youth and receive a youth sentence. The Supreme Court of Canada ruled that presumptive offences are unconstitutional, so the

Crown always has the responsibility of convincing the Court of the appropriateness of an adult sentence for a youth.

If the possibility of an adult sentence applies, the youth has three choices for trial:

- Trial in youth justice court by a judge
- Preliminary inquiry and trial by judge without jury
- Preliminary inquiry and trial by judge and jury

The youth needs to “elect” or choose which type of trial they prefer at the time they enter their plea. A preliminary hearing is an exploration of facts surrounding the case to determine if there is enough evidence to continue with a trial. The preliminary hearing only occurs if it is requested by the youth and their counsel.

### ***An Unconstitutional Law?***

On July 27, 2007, Alberta Judge Janet Franklin made a ruling that requires the court to make an argument for the youth to be tried as an adult in presumptive offences, bringing Alberta practice in line with rulings in Ontario, and Quebec, where automatic presumption has been successfully challenged. Challenges in BC have so far been unsuccessful.

The key argument in these cases is that the law violates the idea of “Fundamental Justice” by requiring the youth to argue that they should not be tried as an adult, rather than placing the onus on the court to argue that the youth should be tried as an adult. What do you think is fair?

Search for “Janet Franklin” in your local media database for more information on this ruling, or search the Canadian Legal Information Institute Database (<http://www.canlii.org>) to view the complete ruling for this case (R. v. M.B.W., 2007 ABPC 214).

### ***Release from or Detention in Custody***

Youth held in custody may apply to be released from custody at a special hearing. The Crown may also apply to hold a youth in custody at a similar hearing. In either case, two days’ notice must be given for the hearing to be held.

Arguments for detention relate to the safety of the public and the possibility the youth will not return to court for their trial (also called “risk of flight”).

### ***Medical and Psychological Reports***

Medical and psychological reports may be requested to assist with determining and reviewing sentence and supervision, detention, fitness for trial, conditions of release, and for gathering necessary information about the youth. This information may be released to counsel, the youth and parents, or it

may be withheld by the court if the information may cause harm to the youth. If it is deemed necessary, the youth may be detained for up to 30 days for the assessment to be completed.

### ***Referral to Child Welfare Agency***

The court may refer the youth to child welfare for assessment to determine if the youth requires child welfare services. These assessments are made particularly to address issues of family violence, abuse and child poverty.

### ***Adjudication and Appeals***

The youth may plead guilty or not guilty. If a not guilty plea is made or there is lack of support for a guilty plea the case will proceed to trial to determine guilt, innocence, or if there is sufficient evidence for the trial to proceed or be dismissed. The appeal process is similar to the appeal process under the Criminal Justice Act.

## **Sentencing**

“The purpose of sentencing [...] is to hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his or her rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public.” 38. (1)

Important key words in this section are accountable, just, meaningful, rehabilitation, reintegration and protection. What is absent from this section?

Consciously omitted is the word “deterrent”. Sentencing is not intended to set an example or be a deterrent to others. It is intended to be fair and reasonable, so care is made to ensure that sentencing is applied equitably in a given jurisdiction – that youth who commit similar offences under similar circumstances receive similar sentences, and that youth are not given a sentence which is greater than an adult who may have committed a similar offence.

Sentencing is a complex decision making process involving a number of factors. The victim impact statement and pre-sentence reports are two tools used to ensure an appropriate decision is made.

In sentencing, the court is bound to ensure that the sentence is suitable to the offence, that the least restrictive sentence is administered that still promotes rehabilitation, reintegration, acceptance of responsibility by the youth, and acknowledgment and reparations of harm (victim recognition). All other options and alternatives should be considered before custody is considered.

The concern was that prior to the YCJA, youth were receiving harsher penalties, longer sentences, and greater levels of incarceration than adults in Canada and in comparison to youth in other countries.

Custody is reserved for violent offences, situations where the youth has failed to comply with other sentencing, situations where adults would receive a sentence of two years or more for the same offence, or where the non-custodial sentence would be inappropriate considering the purpose of the act. In the case of a custodial sentence the court must clearly state why a non-custodial sentence was not administered.

The courts are bound to consider:

- (a) the degree of participation by the young person in the commission of the offence;
- (b) the harm done to victims and whether it was intentional or reasonably foreseeable;
- (c) any reparation made by the young person to the victim or the community;
- (d) the time spent in detention by the young person as a result of the offence;
- (e) the previous findings of guilt of the young person; and
- (f) any other aggravating and mitigating circumstances related to the young person or the offence that are relevant to the purpose and principles set out in this section. 38(3)

### ***Pre-sentence Report***

The Court may give consideration to a pre-sentence report (PSR) before sentencing. It *must* do so when a custodial sentence is being considered, but this can be waived if the Court is convinced that a PSR is not needed.

The PSR contains the results of conferences, and interviews with the youth, the youth's parents and family, and the victim. Information on the behaviour, maturity, character, plans, conduct, community service and involvement, previous involvement with the law, and responses to this involvement (including extrajudicial measures and sanctions) is included.

The PSR may also indicate community services and facilities available and acceptable to the youth, any school and employment records, and an evaluation of the influence the youth's family may have on the youth. Other information that may be relevant to determining a suitable sentence may also be included.

### ***Victim Impact Statement***

Prior to sentencing, the judge will also consider a victim impact statement which describes the harm to the victim as well as any loss suffered (Criminal Code of Canada, 722, 722.1, 722.1). The victim's statement is a written form filed to the court, however the victim may request to read the statement in court or submit the request in another format suitable to the court. The court may also consider

information regarding the victim impact other than the information on the statement in determining an appropriate sentence.

Sentences begin on the day they are imposed or on a later date determined by the court. Reasons for sentencing are submitted to the youth, their parents, their counsel, the prosecution and the director.

For single offences, probation and custody sentences may not be for terms greater than two years, even if the youth receives a combination of sentences. In the case where a youth receives sentencing for several offences at the same time, the sentences added together may not exceed three years. (Exceptions are 1st and 2nd degree murder where they may not exceed 10 and 7 years respectively.)

If a youth is convicted of additional offences before completion of the sentence for an earlier offence, the new sentence may be served after the previous sentences. The exception is custodial sentences, which expire at the end of the longer of the sentences. Custody sentences for separate offences may be served consecutively.

Sentences do not terminate at age 18; they continue until completion. For example, if a youth receives a two-year probation order at age 17, the probation order would continue until the youth reaches age 19.

If a custody sentence is less than 90 days, it may be served intermittently, if a suitable facility exists. All other custody is continuous.

A sentence may be reviewed by the court if the conditions outlined in the sentence are not met, if the youth's circumstances significantly change, if the youth sentence is affecting the youth's education or work, if the youth has become unable to comply with the sentence or if the court finds reason for a review. The sentence may be reduced, eliminated, or altered but may not be increased, unless the youth requires more time to complete the sentence.

If a youth moves to another province, the sentence may be transferred to that jurisdiction after the time for appeal has expired. The youth attends the court in the initial jurisdiction until this time has expired. The new court then deals with the case as though the sentence was given from that same court.

## **Youth Sentences**

Many of the sentences present opportunities for the youth to engage in and practice responsible behaviour. Some restrict behaviour, but are not intended to be overly burdensome. Many enable the youth to continue to make many choices in daily life. However, not following through with the conditions of a sentence may mean the youth must return to court and face more restrictive consequences.

## ***Adult Sentence and Election***

Youth 14 or older may receive an adult sentence for committing a presumptive offence. At the outset of a trial, before the youth enters a plea, the court may also request an adult sentence for a presumptive offence or for an indictable offence to which an adult may receive a sentence greater than 2 years. The court waits until sentencing, after all the evidence is heard in the case, before determining whether an adult sentence is appropriate or not. Prior to sentencing, the youth can apply not to receive an adult sentence. The court may also indicate that it does not wish seek an adult sentence. A 12 or 13 year old cannot receive an adult sentence.

In cases where an adult sentence is sought, the youth may elect to be tried in the youth court by a judge without a preliminary inquiry, by a judge with a preliminary inquiry, or by a judge and jury (with a preliminary inquiry). The Attorney General may order a trial by judge and jury, particularly in the case of a murder, where this procedure is usually automatic in an adult court.

If a person is sentenced to custody for an offence which occurred while they were an adult (18 or over), and they are currently serving a youth custody sentence, they will serve both sentences in an adult facility.

## ***Effect of Termination of Youth Sentence***

Upon completion of a sentence or absolute discharge, the youth is “deemed not to have been found guilty of the offence” 82(1) with several exceptions. The previous conviction may be considered in future applications for release and during sentencing. While a previous conviction does not automatically infer or necessitate a harsher sentence, this prior history may be considered.

The youth criminal record may persist for a period of time after the termination of the sentence. Although this record is automatically removed without the youth having to seek a pardon, the youth may wish to ensure that this removal occurs in a timely manner by inquiring at their local police detachment.

## ***Custody and Supervision***

In Alberta, youth are held in a youth custody facility called a Young Offenders Center (YOC). There are currently YOC facilities in Edmonton, Calgary, Grand Prairie and the Shunda Creek Youth Corrections Camp. Detention facilities have various educational, work, spiritual and psychological treatment services and programs to facilitate the youths’ development and transition back into the community.

Youth Attendance Centres (Edmonton and Calgary) are non-residential centres which offer services

including supervising fine option programs, educational services, and other programming which may be part of attendance orders or sentencing conditions.

When a youth is placed in custody, they are assigned a youth worker. The youth worker works with the youth to plan and prepare them for reintegration into the community. The youth worker continues to work with the youth when they re-enter the community to support their reintegration.

Custody orders are reviewed annually or more frequently. Custody may continue if there are psychological/psychiatric factors, behavioural factors, or other evidence that would indicate that it is in the best interest of the individual or the community for custody to continue for the duration of the sentence.

Open custody facilities allow for offenders to be supervised and reintegrate back into the community or offer support for deferred custody and supervision sentences. One example of such a facility is Howard House, in Edmonton.

<http://www.johnhoward.org/residential-services/howard-house>

If a youth breaches their conditions of release from a Y OC (closed custody facility) they may have their conditions altered or may be returned to a closed custody facility to complete their sentence.

When a youth turns 18, they can be transferred to an adult facility but, they may remain in a youth facility. When they are 20, they are transferred to an adult facility to complete their sentence. This may occur at an earlier time (i.e. 18) if it is deemed that it is not appropriate for them to be in a youth facility. The act also states conditions where a youth may be held in the same facility as adults:

Youth shall be held separate and apart from any adult who is detained or held in custody unless a youth justice court judge or a justice is satisfied that, having regard to the best interests of the young person,

- (a) the young person cannot, having regard to his or her own safety or the safety of others, be detained in a place of detention for young persons; or
- (b) no place of detention for young persons is available within a reasonable distance. 30(3)

## Sentences

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The following sentences are available in Youth Court.

### **Reprimand**

The judge speaks to the youth and may issue a strong warning.

### **Absolute discharge**

As with the reprimand the youth has no further consequence, although their record lasts for a longer period of time.

### **Conditional discharge**

The youth must meet conditions, such as reporting to or being supervised by the Provincial director.

### **Fine not exceeding \$1,000**

The court assigns the terms of payment. A Surcharge up to 15% may be added to this to support the victim assistance program. The fine may also be paid through a fine option program, where the offender works for fine credits.

### **Compensation**

A payment for loss or damaged property, loss of income or support, or special damages for personal injury is ordered. This compensation is made in consultation and consent of the victim to be compensated.

### **Restitution**

The youth must return any property obtained as a result of the offence to the owner within a specified period of time.

### **Reimbursement of innocent purchaser**

If in returning property as a part of a restitution order, the youth must compensate the person that property was sold to for the amount it was sold.

### **Personal Service**

Compensation in kind or by way of personal services to fix for any loss, damage or injury suffered by a victim or person affected by the offence.

### **Community Service**

The youth performs community service work designated by the court and reports back to the provincial director or someone designated by the director. (maximum 240 hours 12 months)

### **Prohibition Order**

The youth may be prohibited from possessing specific items, such as firearms, weapons, and related items in the case of a violent offence as well as in cases of drug trafficking, production and import/export.. The youth may need to give up (forfeiture) or have specific items removed from their possessions (seizure). Some prohibition orders are mandatory and last at least two years after release from custody, such as weapons restrictions for violent offences. Other prohibitions are up to the discretion of the judge and may not last more than two years.

### **Probation**

The youth may be placed on probation for a period of up to two years. The youth must be of good behaviour and keep the peace. This order may contain various restrictions, which require the youth to follow a curfew, attend school, continue employment, report to a parole officer regularly, remain within a jurisdiction, control where they may live and with whom, as well as other conditions which may prevent the youth from re-offending. Caution is taken to make the restrictions reasonable; however the purpose of sentencing is also kept in mind.

### **Intensive Support and Supervision Program Order**

This is an option which is used in cases where custody may be called for but is inappropriate due to the mental health issues of the youth. Close supervision is combined with an intensive behaviour modification focus.

### **Attendance Order**

This is an order for the youth to attend a non-residential program for up to a maximum of two hundred and forty hours in a six month period. These programs may vary from

community to community and the order may indicate times where the youth must attend.

### **Custody and Supervision Order**

This involves a sentence which combines a period of custody followed by a period of supervision. The period of custody is usually twice that of the period of supervision.

### **Deferred Custody and Supervision**

Instead of serving the sentence in custody, the youth has set conditions to serve the sentence in the community. If these conditions are not met the youth may be placed in custody. This sentence can be up to six months in duration.

### **Intensive Rehabilitative Custody and Supervision Order**

Under this sentence the youth is required to participate in an intensive rehabilitation program while in custody followed by conditional supervision in the community. This sentence is given in cases of murder, attempted murder, manslaughter, aggravated sexual assault and in cases of repeated violent offences, where they youth may have mental health issues and where the program is expected to prevent a repeat of the offence.

## **Notes**

### ***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, their level of maturity, fair treatment, protection of rights and privacy, and timely intervention.

- It is meant to reflect social values, takes into account each unique social, cultural and developmental situation, meaningfully involve the community, social agencies, family, and the victim in the rehabilitation and reintegration process.
- The act encourages compassion, empowerment, respect, dignity, participation, and facilitating understanding by sharing information and offering support among the parties involved.

### ***Extrajudicial Measures***

- Taking no further action,
- Warning the young person,
- Administering a police caution,
- Administering a crown caution, (a caution given by the crown counsel)
- Referring the young person to a program or agency in the community that may assist the young person not to commit offences (the youth must voluntarily agree to this).

### ***Extrajudicial Sanctions\****

- Personal or written apology to victim(s)
- Personal service to victim(s)
- Essay/poster
- Community service to a non-profit community or government agency (maximum of 60 hours)
- Return of property/restitution to the victim
- Attendance and participation in an available community counselling or intervention program such as AADAC, Alberta Mental Health, etc. (Counselling will not occur on a fee-for-service basis unless alternative funding can be obtained)
- Participation in Aboriginal cultural/spiritual activities
- To be under the supervision of a youth justice committee member
- Participation in a victim/young person reconciliation program
- Donation to a registered charity

\*Source for actions: Alberta Solicitor General and Public Security

## *Judicial Measures*

### **Considerations**

The courts are bound in section 38(3) of the act to consider:

- the degree of participation by the young person in the commission of the offence;
- the harm done to victims and whether it was intentional or reasonably foreseeable;
- any reparation made by the young person to the victim or the community;
- the time spent in detention by the young person as a result of the offence;
- the previous findings of guilt of the young person; and
- any other circumstances related to the young person or the offence that are relevant to the purpose and principles set out in this section.

A medical psychological report may be requested. The youth may be referred to child welfare to ensure the youth's needs are being met.

### **Pre-sentence report**

The court may give consideration to a pre-sentence report before sentencing. The pre-sentence report contains the results of:

- conferences
- interviews with the youth
- interviews with their parents and family
- interviews with the victim

The pre-sentence report also includes information about:

- behaviour
- maturity
- character
- plans
- conduct
- community service and involvement
- previous involvement with the law
- responses to previous involvement (completed sanctions, failed to complete sanctions)

The report may also indicate:

- community services and facilities available
- school and employment records
- an evaluation of the influence the youth's family may have on the youth
- other information that may be relevant to determining a suitable sentence may also be included

### **Victim Impact Statement**

- describes the harm to the victim
- describes any loss suffered

### **Sentences**

Refer to the Sentences section for sentence options.



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