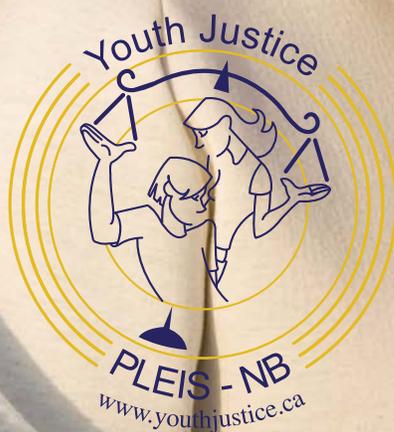
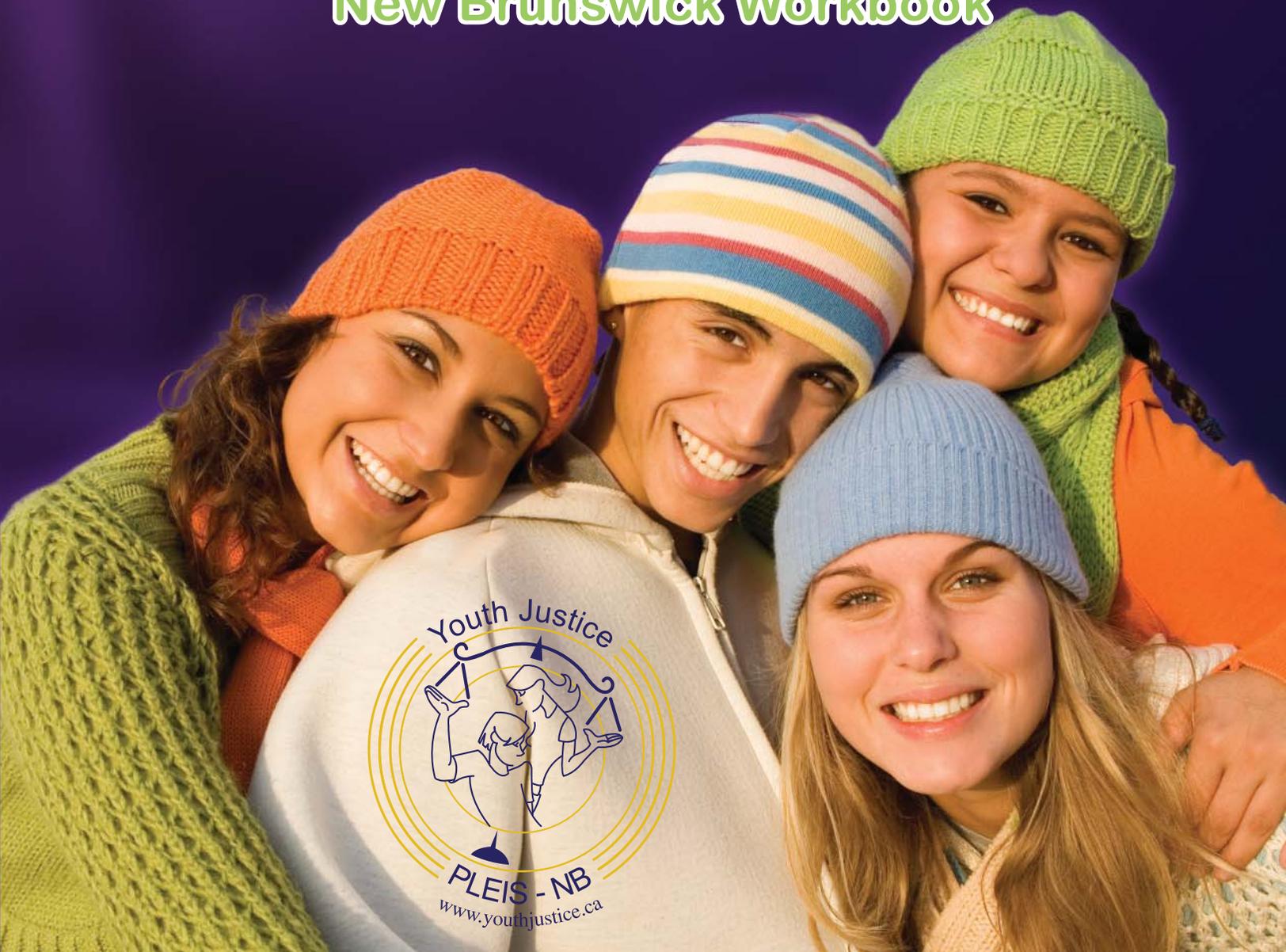


Youth Have RIGHTS!



Youth Justice in
New Brunswick Workbook



Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. We create materials to help people understand the law and the justice system. We have a number of publications, posters and videos about youth and the law.

Note to teachers and parents:

The purpose of this workbook is to provide youth with some basic information and activities to promote discussion around youth justice topics. This book is intended to be used with our other youth justice products and publications which provide more detailed background information on this subject. Some of the terms that are used in this workbook are defined at the back of the book. A Youth Justice Workbook Answer Key is available online or by contacting PLEIS-NB

The following materials are available free of charge from PLEIS-NB or can be accessed on our websites www.youthjusticenb.ca and www.legal-info-legale.nb.ca.

Publications for youth include:

Youth Justice in New Brunswick Toolkit
Youth Have Rights!
Supporting Youth with Disabilities
Youth Justice – How Do You Fit In?
Consequences of a Youth Record
Dating Violence
Sexual Harassment in Schools
Let's Stop Bullies Activity Book
Youth Justice Newsletter

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www.youthjusticenb.ca

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Games and Activities

Boomer's Law Challenge
Youth Justice Puzzle Game
Youth Justice Q&A Cards
Youth Justice Pick-a-Path Cards
Risk Factors Sudoku
Youth Justice Origami Quiz

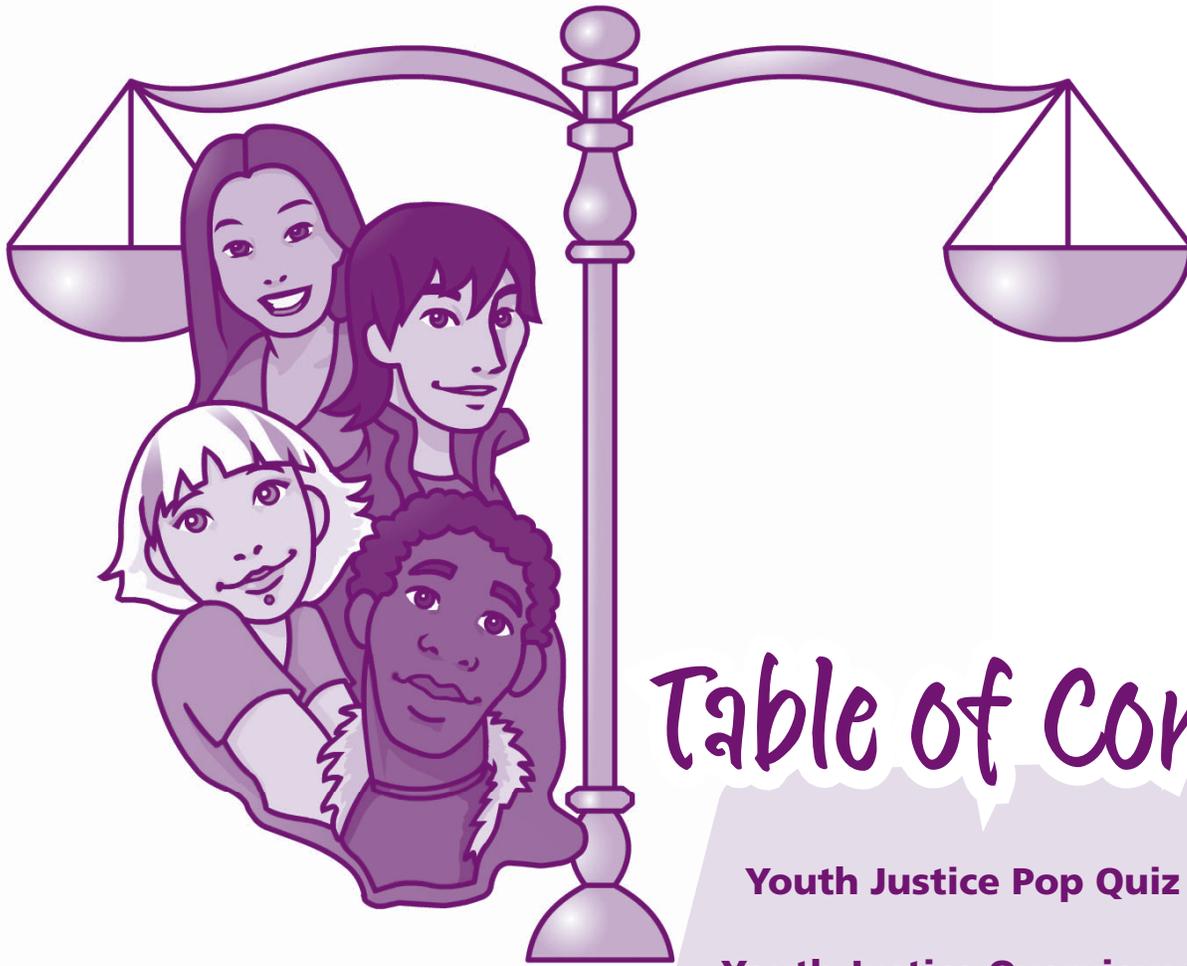


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Pop Quiz

This Pop Quiz is designed to test what you already know about youth crime and youth justice in Canada. Some of the answers may surprise you!

1. Who are most likely to be charged with violent crimes in this country?
A. Children B. Youth C. Adults D. Seniors
2. 20% of all violent crimes against youth occur at school or on school grounds.
A. True B. False
3. The most likely victims of violent youth crime are:
A. Children B. Youth C. Adults D. Seniors
4. In general, has the rate of youth crime increased or decreased in Canada?
A. Increased B. Decreased
5. What time of day do most youth get into trouble with the law?
A. 7:00-9:00 a. m B. 3:00-6:00 p.m. C. 8:00-10:00 p.m. D. After midnight
6. The more time high school students spend unsupervised the more likely they are to do poorly in school and to drink and take drugs.
A. True B. False
7. What is the most common type of youth crime?
A. Drugs B. Murder C. Theft
8. What age are most of the youth who appear in youth court?
A. 12-13 B. 14-15 C. 16-17
9. A youth record is closed or destroyed when you turn 18.
A. True B. False
10. At what age can a NB judge give a youth the same sentence as an adult?
A. 14 B. 15 C. 16
11. Youth charged with a crime will have their name printed in the newspaper.
A. True B. False
12. What percentage of Canadian youth volunteer in the community?
A. 15% B. 55% C. 75%



The Youth Criminal Justice Act – An Overview

On April 1, 2003 a new law was brought into force in Canada. The Youth Criminal Justice Act (YCJA) is the law that determines how we hold young people accountable when they commit crimes. It contains rules about how youth crime is handled, provides guidelines and options for those who deal with youth crime, such as police, judges and probation officers. It also contains a number of additional rights and protections that are given to youth ages 12-17.

Some of the reasons the government made changes to the youth criminal justice system were:

- to increase confidence in the current youth justice system.
- to include parents, victims, and youth involved in the process.
- to help prevent youth crime
- to help youth return to their communities after they have been in trouble with the law.

The law begins with some basic principles to help explain the purpose of the law and how it should be applied. The law is focused on the following areas:

Crime Prevention

The best way to protect the public from youth crime is to prevent it. Youth crime can be better prevented when the factors that make it more likely a young person will get into trouble are reduced. Research shows that risk factors such as boredom, poverty, family violence, drug abuse and youth unemployment can contribute to youth crime. If communities and government work together to reduce these risk factors we may be able reduce youth crime.

Meaningful Consequences

Community-based programs and out-of-court alternatives are to be used for less serious offences and should include communities and victims of youth crime in the process. This can help reduce the number of youth who are in custody (jail) and help non-violent youth repair the harm they have done.

Rehabilitation

Youth in trouble with the law need help to change their ways. Guidance and support can help youth become responsible citizens. Access to treatment and long-term support can help promote good behaviour

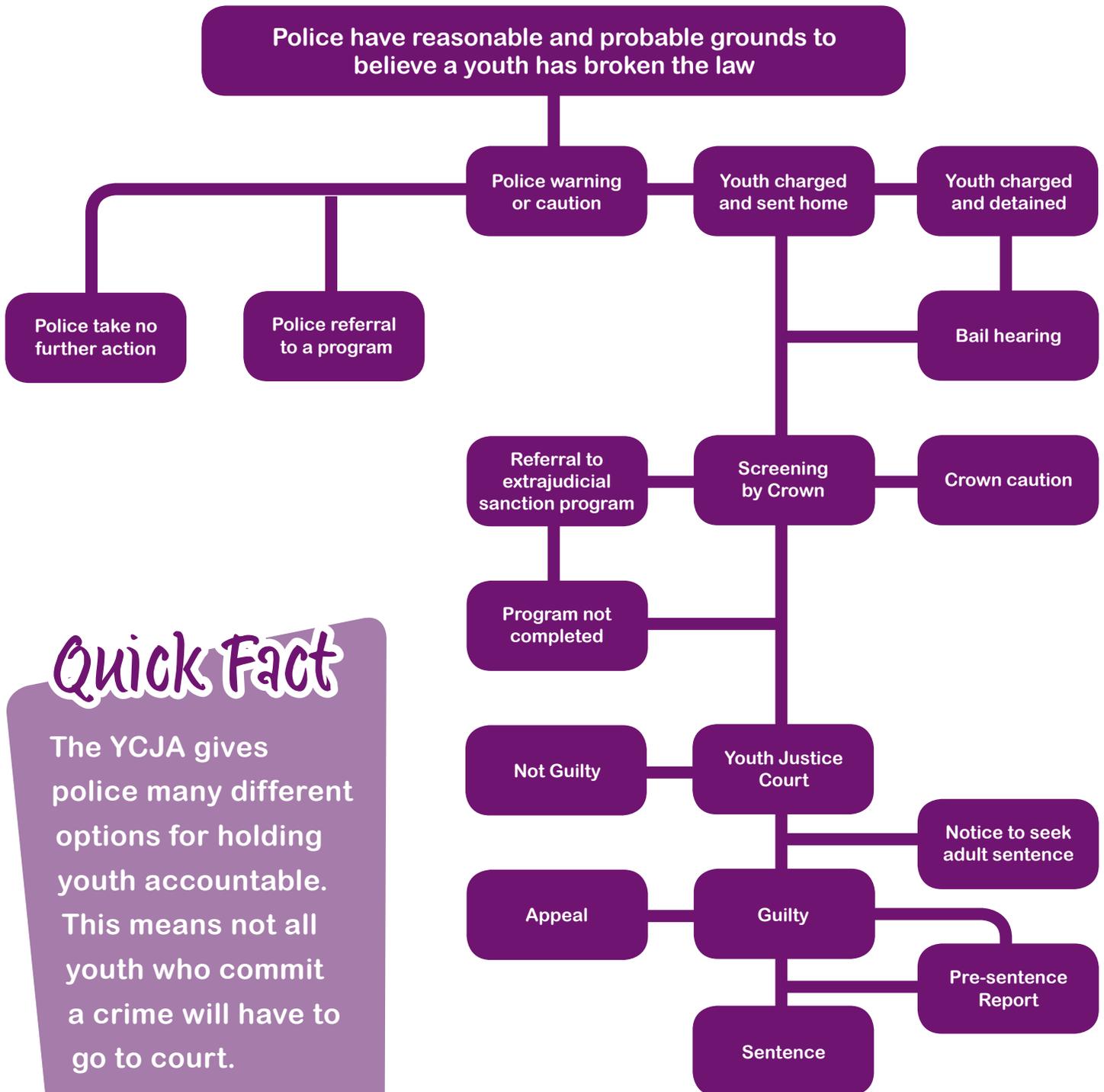
Reintegration

To prevent re-offending, youth who have been in custody need help when the return to their communities. Programs and services can support youth in being productive in their communities. These types of programs and services help youth learn life skills, find jobs or encourage youth to take part in recreational activities.

Quick Fact

In 1998-1999, 558 N.B youth were sentenced to secure custody (jail). In 2005-2006, under the new law, 145 youth were sentenced to secure custody.

Youth Justice Flowchart



Quick Fact

The YCJA gives police many different options for holding youth accountable. This means not all youth who commit a crime will have to go to court.

What type of law is this?

Municipal By-laws, Provincial Offences and Crimes

The Federal, Provincial and Municipal governments each have the ability to create laws that must be obeyed. The types of laws they create and the consequences for breaking the law are different at each level. The Criminal Code and the YCJA are both federal laws and the Canadian Government has the power to decide what is a crime and what the consequences of committing a crime are. The Criminal Code and the YCJA are the law everywhere in Canada.

Write **“M”** if you think this is a law created by a municipality or city (city),

Write **“P”** if you think this is a law that the Province created.

Write **“C”** if you think this is a Criminal Code offence.



1. It is illegal to smoke inside public places in New Brunswick.
2. All dogs must be walked on leashes.
3. No parking on the street after midnight during the winter.
4. It is illegal to have marijuana in your possession.
5. You can not legally drink until you are 19 years old.
6. It is illegal to steal a car.
7. It is illegal to assault someone.
8. It is illegal to drive faster than 110km/hour on the highway.
9. You can't drive if you have had too much to drink.

Youth Rights

Rights are created by laws that permit, forbid or require certain actions. Rights give people freedoms and protections. Rights help to ensure that everyone is treated fairly. In Canada, the Charter of Rights and Freedoms, human rights legislation and other laws set out our legal rights.

When a young person comes in conflict with the law, for example, when the police suspect, accuse or charge a youth with a crime, the youth criminal justice system provides special rights to ensure the young person is treated fairly and has access to advice and guidance. Even when a court convicts youth of an offence, youth have rights that are specifically designed to protect them and get them back on track.

Do you know your rights? Answer the following true or false questions.

1. Police can stop you and ask you questions for no reason.
2. You have the right not to answer questions from the police.
3. Police must contact your parents if you are under arrest.
4. Youth are guaranteed the right to talk to a lawyer if they are arrested.
5. Your lawyer cannot tell your parents what you say in private.
6. Youth who get in trouble always go to court.
7. There is a special court for youth.
8. A youth who is going to court cannot have their name in the newspaper.
9. You have the right to remain silent in court.
10. Youth never receive the same sentence as an adult.

Out-of-Court

Police who have reason to believe a young person has committed a crime have options on how to best deal with the youth. They must consider things such as the age of the youth and the number of times they have been in trouble with the law. When it is the first time a youth has been in trouble with the law, police will usually give the person the opportunity to repair the harm they have caused without going to court.

Alice is a 15 year old caught stealing a bottle of expensive perfume. It is her first time in trouble with the law. What do you think the consequences should be?

Would your answer be different if:

- Alice was 12 years old?
- Alice was 17 years old?
- Alice had been caught stealing before?
- Alice had taken a sandwich instead of the perfume?
- Alice was very sorry for what she had done?
- Alice was not sorry for what she had done?
- Alice was bullied by other girls who wanted the perfume?

By dealing with the incident without going to court the police give the youth the opportunity to:

- take responsibility for what they have done
- understand how their actions effect other people
- repair the harm they have done to others

Responses to Crime

Youth Records

When a person gets in trouble with the law information about the incident and how it was dealt with is kept by police, courts and other agencies who are involved. The information can include how the crime was investigated, pictures, video, fingerprints, the identity of the person accused of the crime and the outcome of the case. The rules on who can see this information and how long it can be kept are different for youth than it is for adults.

How much do you know about youth records? Answer the following True or False questions by placing a T or F in each circle.

1. A youth will have their name printed in the newspaper if they go to court.
2. A youth record will close when the person turns 18 years old.
3. A youth record can close faster if the case is settled without going to court.
4. The length of time a record*stays open depends on the seriousness of the crime.
5. Police and RCMP share information about youth crimes with other countries.
6. Having a youth record may make it hard to get a good job.



You can learn more about youth records in the PLEIS-NB booklet "Consequences of a Youth Record". Contact PLEIS-NB or visit our website at www.youthjustice.nb.ca.

Victims of Youth Crime

When a youth commits a crime their actions can have an impact on a lot of people. The *YCJA* says that the victims of crime should be involved as much as possible and they should be treated with respect and courtesy. The victim has the right to know how the crime was dealt with.

It is not always easy to identify all of the victims of a crime. Consider the following situation and then list all of the people or groups who are affected by the crime.

Terry is caught by a teacher using drugs in the school bathroom. The teacher is shocked since Terry is a top student and star of the basketball team. The principal calls Terry's mother at work, and the police. Terry will be charged by the police and will be suspended from school. This means that Terry can no longer play with the school team as they head into the finals.

The people who have been affected by Terry's crime are:



Risk Factor Exercise

Why do some young people get in trouble with the law, while others do not? This question does not have an easy answer. Experts have done a lot of research on this subject and still do not have an exact formula for what creates a criminal. It depends a lot on the individual person and what is happening in their life.

There are certain situations or influences that make it more likely that a person will get involved with crime. These are called **Risk Factors**, they are not excuses or guarantees that someone will come in conflict with the law but research has shown that people, who have these risk factors, are more likely to get into trouble.

Fortunately, there are also factors called **Protective Factors** that make it less likely that someone will commit crimes. Protective factors or positive influences can eliminate or reduce the risk caused by risk factors. The more protective factors a person in their life and in their community, the less likely they are to commit a crime.

Quick Fact

You can help prevent youth crime by caring and getting involved.

Some risk factors are:

- Abusive family situation
- Peers involved in crime or drugs
- School related situation
- Low self esteem
- Alcohol and drug use
- Boredom
- Unemployment
- Feel separated from community

Some protective factors are:

- A caring and supportive family
- Good peer group
- Education
- Good self esteem
- Staying away from drugs and alcohol
- Sports and hobbies
- Job opportunities
- Community involvement

By reducing risk factors in our communities we can reduce crime. Use the following chart to list the risk factors that are present in your community. Then think about what needs to be done to address these negative influences or situations. There can be more than one protective factor that can help reduce the risk. What can you do to help put these protective factors in place? You may not be able to do it alone so think about who you could ask for help.

After you complete the chart have a discussion about who should see your ideas, and how can you as an individual or as a class work to reduce risk factors and increase protective factors in your community. You may want to invite your principal to meet with your class about these ideas or consider writing a letter to the mayor and city council.

RISK FACTORS	PROTECTIVE FACTORS	WHAT CAN YOU DO?	WHO CAN HELP?
What are the risk factors in your community?	What can be done to reduce the risk?	What can YOU do to reduce this risk for yourself or for other teens?	Who in your community can help?
Examples: Boredom	<ul style="list-style-type: none"> ➔ Community involvement ➔ Part-time job 	<ul style="list-style-type: none"> ➔ Help start an after school sports program ➔ Look for an after school job 	<ul style="list-style-type: none"> ➔ Your teacher, principal, parents, etc. ➔ Guidance counselor, career counselor
Your Turn:			

Who should see these ideas?

Youth Have Rights

N R E C I L O P J H Q E S Y D
E O O S E H C R A E S X K D R
R C I T L I J T X A S T S O O
C I N S U A T Z L R D R I T C
I R G E I C I J A R A A R S E
T W I H T V E R W E Y J N U R
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D E T E N T I O N R E Y W A L

ACCUSED
ARREST
COMMUNITY
CRIME
CUSTODY
DETENTION
EXTRAJUDICIAL
JUDGE

LAW
LAWYER
PARENTS
POLICE
PROBATION
PROSECUTOR
QUESTIONS
RECORD

RIGHTS
RISKS
SEARCHES
SENTENCE
STATEMENT
SUPERVISION
TRIAL
WARRANTS

Youth Justice Definitions

Adult record

A record of an adult's involvement in the criminal justice system.

Charge

A formal accusation that a person has committed an offence. The person charged has to respond to the charge formally; for example, by pleading guilty or not guilty in court.

Crown

What we call the state when it represents all the citizens by dealing with a person accused of an offence.

Crown Prosecutor

A lawyer who presents the Crown's case in court against a person charged with an offence. Also called Crown prosecutor.

Custody

Time spent in a youth facility by a young person found guilty of an offence.

Detention

Holding a young person in custody for a period of time.

Discharge

Release of a person from custody.
Absolute Discharge
Release without conditions.
Conditional Discharge
Release on conditions.

Disposition

How a criminal case is finally settled: for example, charge is withdrawn, person pleads or is found guilty, person is found not guilty.

Extrajudicial measure

A measure the authorities may use to hold a young person accountable for an offence they committed, instead of bringing them to court. Examples of extrajudicial measures include police warnings and cautions, Crown cautions, referrals to community programs, and more formal extrajudicial sanctions.

Extrajudicial sanction

The most formal type of extrajudicial measure used by the authorities to hold a young person accountable for an offence they committed. The authorities use an extrajudicial sanction only when other extrajudicial measures (such as warnings, cautions, or referrals) are not adequate to hold the young person accountable. For example, an extrajudicial sanction may be used because the offence was serious, or because of the number and nature of previous offences committed by the young person. Extrajudicial sanctions carry terms and conditions that the young person must obey, or else they can be brought to court.

Hybrid offence

An offence that might be treated as a summary conviction offence (with a lighter sentence) or an indictable offence (with a tougher sentence), depending on Crown counsel's decision. Indictable offence

A serious offence that carries a tougher sentence than a summary conviction offence.

Offence

A crime.

Parent

Any person who is under a legal duty to provide for the young person or any person who has the custody or control of the young person.

Probation

Time spent by a person found guilty of an offence, under the supervision of a probation officer, as part of their sentence. Probation usually imposes conditions, such as a curfew or a prohibition against carrying a weapon.

Prosecute

To conduct court proceedings against someone charged with an offence, in order to determine whether they are guilty or not guilty of the offence

Publication

What occurs if the authorities (or anyone else) make the name or identity of a young person in trouble with the law known to the public – for example, through print, radio, television, telecommunication, or electronic means.

Record

Information kept by the authorities, in paper or electronic form, about a person's involvement in the justice system.

Rehabilitation

Helping a young person with problems or issues, through community and other programs so that he or she does not re-offend.

Reintegration

Bringing a young person back into the community safely and successfully after an offence has been committed.

Reparations

The act of making amends for a wrong or injury.

Right to Counsel

A youth's right to speak with a lawyer.

Youth record

A record of a young person's involvement in the youth justice system.

Secure custody (or closed custody)

The young person is in a secure youth facility such as the New Brunswick Youth Centre.

Sentence

A court's judgment against a person who is found guilty of an offence, imposing the legal consequences of guilt, such as a fine, custody, probation, or some combination of these.

Summary conviction offence

A minor offence that carries a lighter sentence than an indictable offence.

Victim

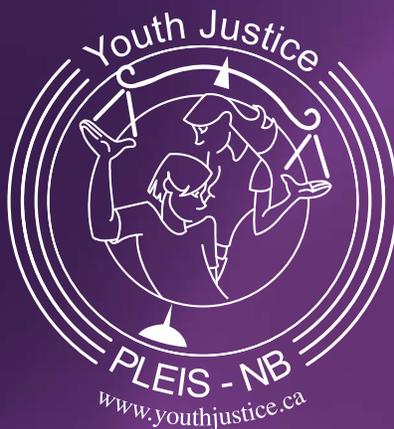
A person who has been harmed by the offence. They have a right to be informed of and participate in the proceedings.

Youth/Young person

A person 12 years of age or older, and less than 18; in other words, a person who is neither a child nor an adult.

Youth justice court

A court where youth matters are heard. Sometimes called "youth court."



www.youthjusticenb.ca

Questions?

If you have any questions about the YCJA or youth justice in Canada we invite you to contact:

Public Legal Education and Information Service of New Brunswick

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and Information Service
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