

A Chance for Change Video User's Guide

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In October 2012, Parliament passed several amendments to the *Youth Criminal Justice Act* (YCJA) under the omnibus bill known as the *Safe Streets and Communities Act*. Denunciation and specific deterrence were added as sentencing objectives, and the meanings of “violent offence” and “a pattern in findings of guilt” were expanded to strengthen the way the youth criminal justice system deals with serious and repeat offenders. Exceptions to the ban on publication of a youth’s identity were also introduced: the ban may be lifted where an adult sentence is imposed, or where a youth sentence is imposed for a violent offence and publication is necessary to protect the public against the risk of another violent offence.

These changes to the law affect the *A Chance for Change* Video User's Guide produced by **Public Legal Education and Information Service of New Brunswick**. Please note the following:

- On **page 1**, the section, ‘The Purpose of the Video and Discussion Guide’ is outdated. Enacted over a decade ago, the YCJA is no longer new legislation, but it did represent a significant departure from the law that preceded it, the *Young Offenders Act*. The content of this section should be read with this in mind.
- On **pages 2, 4, and 5**, the section, ‘Theme One: A New Approach to Youth Justice in Canada’ refers to the federal Department of Justice’s Youth Justice Initiative, which no longer exists. The Guide also quotes from the YCJA’s Declaration of Principle as it read prior to the 2012 amendments, which added denunciation and specific deterrence as sentencing objectives.
- On **page 9**, the final paragraph under the section titled, ‘Benefits of using out-of-court measures Discussion Questions’ suggests that a youth record will not follow from the use of extrajudicial measures. The 2012 amendments to the YCJA require that any extrajudicial measures used with a youth be recorded by police.
- On **page 17**, the section called ‘Adult sentences for youth’ refers to adult sentences that may be imposed for what is known as the presumptive offence provisions of the YCJA. This was repealed in 2012 after the Supreme Court of Canada ruled them unconstitutional. Prior to the amendments, New Brunswick had by Order in Council, set the age of 16 for consideration of an adult sentence. Since the amendments in 2012, New Brunswick has adopted the YCJA’s default age of 14 years for consideration of adult sentences for violent offences under the YCJA.
- On **page 20**, Answer 5 to the Youth Justice Quiz is out of date. It states that Canada has a higher rate of youth incarceration than the United States. This is no longer true, although Canada’s rate remains high compared to many other countries. In addition, question 9 incorrectly suggests that a youth who completes out-of-court measures will not have a youth record. Police are now required by law to keep records of extrajudicial measures used with youth.

- On **page 22**, in order to be consistent with the new language in the YCJA's Declaration of Principle, the heading "Meaningful consequences" should now read "Accountability and proportionate consequences."
- Finally, please note that many of the Links on **pages 27-29** are no longer current.