

about the Youth CRIMINAL justice act



What is the Youth Criminal Justice Act?

The Youth Criminal Justice Act (YCJA) explains the criminal laws for young people living in Canada. It applies to youth aged 12 to 17.

The YCJA explains:

- Your rights and responsibilities if you are in trouble with the law
- What can happen to you if you commit a criminal offence
- Your special legal rights – like your right to a lawyer
- How victims can be involved if they want to be
- What the police should and should not do
- The legal services and programs for young people who break the law
- What parents need to know if their children get in trouble with the law
- How people in the community can be involved in court sentences
- The responsibilities of the youth justice court judge

Is it true nothing much can happen to me because I'm not an adult?

No. If you break the law the police can charge you. While they will look for ways to deal with you other than going to court, if you continue to break the law or if you commit a serious offence, you may end up in court. If you commit a violent crime, you may go to court and you may even be sent to jail.

The YCJA focuses on three main points:

- **The best way to stop crime is to change the situations that cause young people to commit crimes**
- **Legal action against young people must happen quickly, be fair, and should teach young people to take responsibility for their actions**
- **Young people who break the law should receive the help and support they need to turn their lives around**

Like all Canadian criminal laws, the purpose of the YCJA is to prevent crime, to help you take responsibility if you break the law and to keep you out of future trouble!

If I get in trouble, do I have the right to a lawyer?

Yes. The YCJA says that you can talk to a lawyer at any point if you are in trouble with the law. You can call a lawyer from the police station. You can have a lawyer with you if you decide to tell the police what happened. If you are charged with a criminal offence and cannot afford a lawyer, the judge will help you find one. You should talk to a lawyer before deciding to say anything about what happened to the police.

How do I get a lawyer?

You can:

- Call Nova Scotia Legal Aid. They are available 24 hours a day
- Call the Legal Information Society of Nova Scotia, (LISNS) Lawyer Referral Service
- Look in the telephone book, in the yellow pages, under the heading 'Lawyers'. Look for a lawyer who does criminal law
- Ask your parent or a trusted adult to help you find a lawyer

Do I have to go to court?

If you have been arrested, and the police lay a charge, you must go to court. If you do not show up, you are breaking the law and you may be charged again with another offence. Talk to a lawyer about what you should expect to happen in court.



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I've heard about alternate measures. What is this?

Alternate measures are now called **extrajudicial measures**.

Extrajudicial measures are special steps that the police, the crown prosecutor and the judge can use for dealing with young people outside the court system, and that do not give young people a youth court record. The legal system wants you to take responsibility for your actions and to learn from your mistakes.

The Restorative Justice Program is one kind of extrajudicial measure.

The YCJA encourages using extrajudicial measures before other more serious legal action is taken so long as the consequences are meaningful to the young person who committed the offence and are in line with the seriousness of the offence.

Under extrajudicial measures, a young person may avoid going to jail or getting a youth court record.

Extrajudicial measures include warnings and referrals to community programs such as drug dependency or counseling.

Do I have to get extrajudicial measures?

No. You do not have to agree to extrajudicial measures. If extrajudicial measures, like a warning, caution or referral, would not be enough to deal with you, you can be referred to extrajudicial sanctions. In order for you to get extrajudicial sanctions, you have to take responsibility for your actions and want to be in the program. You must be willing to sit in a session and talk about what you did that was wrong. This might be a session with the victim and offender or a family group session. Some young people participate in an anger management or drug treatment program. Others have to write an essay, do some kind of community service or write a letter of apology. You have to say how you will make up for the harm you caused. If your Restorative Justice caseworker believes that you are not willing to do the work, your case may be sent back to the Court. If you feel this is not working for you, you can still decide to go to Court and your case will continue as if the extrajudicial measure didn't happen.

Young people who complete their Restorative Justice Program will not have a youth court record.

What type of court do I attend?

A You attend the youth justice court. This is a court that deals with young people, between the ages of 12 to 17.

What can I expect to happen at youth justice court?

A lawyer, called the crown prosecutor, will tell the judge the criminal charges against you. The judge will make sure that you understand the charges and that you have a lawyer.

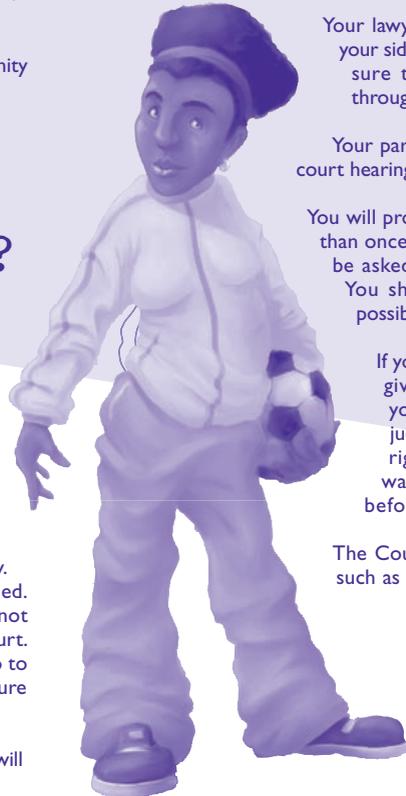
Your lawyer will see that the judge hears your side of what happened and will make sure that your rights are protected throughout the process.

Your parents will be told that you have a court hearing.

You will probably have to go to court more than once. When the time comes, you will be asked to plead 'guilty' or 'not guilty.' You should get the best legal advice possible before you make this decision.

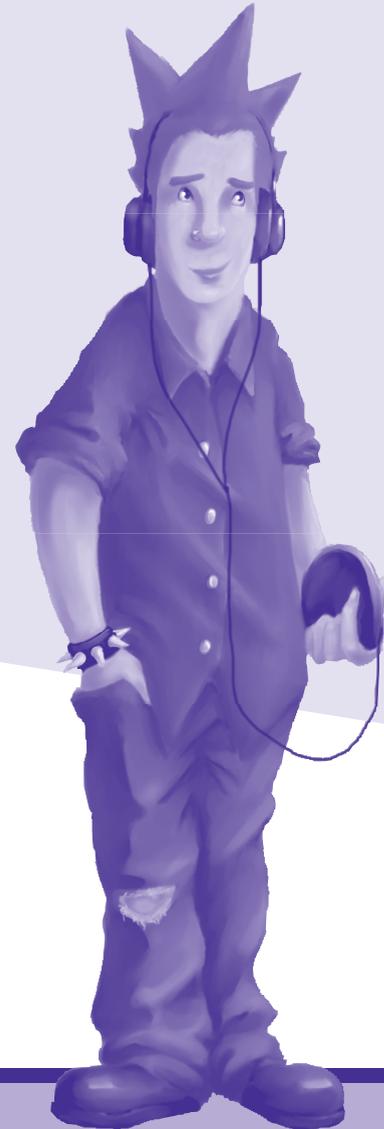
If you plead 'not guilty' the judge will give you another court date, for your trial. If you plead 'guilty' the judge may give you a court sentence right away. Sometimes, the judge wants a report done about you, before you are given a sentence.

The Court may send you to a program, such as the Restorative Justice Program.



Will my name be in the paper?

No. The media is not allowed to give out your name, picture or any other information that will identify you. The only time your name will be in the media is when the police believe that you are dangerous and that making your identity known will help them to find you. A judge must agree to this and give a special order. Your name can also be put in the newspapers, radio and television if you are given an adult sentence.



Where can I get more information?

www.youthjustice.ns.ca

www.gov.ns.ca/just

LISNS Legal Information Line and Lawyer Referral Service
455-3135 or toll-free 1-800-665-9779

Nova Scotia Legal Aid
420-6583 or toll-free 1-877-777-6583

Victim Services 424-3309 or toll-free 1-888-470-0073

Intensive Support and Supervision 424-0955

Restorative Justice Coordinator, N.S. Dept. of Justice 424-4222

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