

Youth Criminal Justice Act Teacher's Resource Guide



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This guide provides general information only. It is not a comprehensive guide to the criminal law in Canada. It is not meant to replace legal advice from a lawyer. Laws do change and you should check with the Society, the Department of Justice or a lawyer for changes to laws mentioned in the Guide.





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- have access to legal information
- solve legal problems with informed choices
- act on their rights and responsibilities

The Society believes that providing access to information about the law and legal process is a fundamental part of a fair justice system.

The Society receives funding from the Law Foundation of Nova Scotia, the Department of Justice Canada, the Nova Scotia Department of Justice and donations from Nova Scotians.

LISNS services and programs include:

- a legal information line and Lawyer Referral Service
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- a speakers bureau
- a teachers' resource centre

You can reach the Society by writing to:

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Presentation Techniques for Speakers

Take a moment to think back on the courses and other learning activities that you have attended. How many of them have involved the extensive use of lectures? Specialists in adult education say that lectures should be no more than 20-30 minutes in length without interruption. They say that learning among participants is increased if a variety of teaching techniques are used, especially if they encourage active participation. It is recommended that you not only choose *different* methods but that you should choose *several* methods of delivery. Having a number of experiences planned for your audience will give you that added security and confidence to switch delivery strategies to meet the needs and expectations of your audience. Another benefit of adopting a richer toolkit for your delivery is that you may find yourself moving into the role of “Guide on the side” instead of “Sage on the stage”. Adult educators find that facilitated learning is consistently more satisfying to both the learner and the teacher.

The chart below lists some proven techniques and their advantages. As you prepare your presentation, the Legal Information Society hopes you will consider developing one or more activities based on these techniques. Both the nature of your topic and the expected size of the audience may contribute to your choice of techniques.



Technique	Group Size	Advantages	Examples of this Technique
<p>Strategic Questions: A number of these questions could be created ahead of time. They should require some thought to answer. (not rote repetition). Participants respond orally either immediately or after all participants have written down their own answer for themselves. Be sure to give people suitable time to ponder before answering the question yourself. Rhetorical questions can sometimes be frustrating to the audience.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Encourages participants to think creatively about a number of possible answers to a question. ▪ Assists the learners to apply the knowledge they have gained from the presentation. ▪ Allows the participants to voice their opinions and to hear comments of others. 	<p>In discussion of a new law, the presenter could pose such questions as:</p> <ul style="list-style-type: none"> ▪ What are the implications of the laws amendments? ▪ What perceived ideas do you carry about this law? ▪ Will this law protect society more effectively?



Technique	Group Size	Advantages	Examples of this Technique
<p>Selected Readings: Participants are given 5 to 10 minutes during the presentation to read a portion of the handout material. These readings should typically be followed with a few strategic questions to highlight key points</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Useful when introducing a new topic ▪ Effective in reviewing what has been presented ▪ Helps those people who understand and retain information better by reading it than by hearing it (visual learners). 	<p>In a presentation on Youth Justice issues a portion of the new <i>Youth Criminal Justice Act</i> and the <i>Young Offenders Act</i> could be included to stimulate thought or add perspective.</p>
<p>Case Studies: The presenter outlines a legal case. (fictional or real). Participants select, predict or evaluate the court opinion on the basis of their knowledge and ideas about the law. The cases should be carefully chosen to reflect relevant and interesting interpretations of the laws you are presenting.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Permits the participants to apply legal principles presented in the program. ▪ Allows the participants to weigh their judgment against that of a judge. 	<p>In a presentation on Sentencing and Rehabilitation, the presenter could outline a situation involving a young person given an adult sentence. The facts that led to judgment could be discussed before participants were asked to predict the appropriate sentencing. The judge's actual sentencing could then be shared and discussed.</p>



Technique	Group Size	Advantages	Examples of this Technique
<p>Problem Based Learning: These are similar to case studies, except that there is no clear “right answer”. The participants ask a series of questions to collect as much information as possible. The problems typically focus in on moral and ethical issues. The initial brainstorming session can provide important information about the preconceived ideas the participants arrive with.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Allows for application of legal principles presented in the program. ▪ Helps participants to identify their own values and attitudes. ▪ Helps participants to learn about differing approaches to the situation. 	<p>In a presentation about Communicating the Impact of Crimes, there could be a problem based scenario about the importance of victim impact statements used in court. If participants express a lack of appreciation for the importance of these documents, special reference to their use and success could be made.</p>



Technique	Group Size	Advantages	Examples of this Technique
<p>Role-Playing: Certain participants assume “roles” in briefly acting out a situation involving the law. The most important aspect of the role-play is the debriefing. Not only should the relevance and validity of the role-play be discussed, the variety of correct interpretations should be shared. This is an opportunity for the presenter to discuss the law as it applies to the situation. The scene can also be re-run with slight variations and participants.</p>	<p>Large or small Minimum 7-10</p>	<ul style="list-style-type: none"> ▪ Allows participants to better visualize the specific situation prior to discussing it. ▪ Allows participants to have a more direct experience of the law ▪ Allows the presenter to freeze a moment in time and discuss specific elements of the law or a situation. 	<p>In a program on Youth Crime in Schools, participants could be given roles in a confrontation. They might even run the same role-play with the roles switched to “put themselves in the other person’s shoes”.</p>



Technique	Group Size	Advantages	Examples of this Technique
<p>Simulation: As in role-playing, participants take on “roles” in acting out a situation. In simulation, however, the re-enactment itself (rather than a discussion afterwards) is the main learning activity for the participants. In simulation, participants learn by doing.</p>	<p>Small</p>	<ul style="list-style-type: none"> ▪ Allows participants to learn from first-hand experience. 	<p>In a program to assist young students to resist the pressure of peers to try drugs, the presenter could have students play the roles in order to try out the words and ideas they might use in a real situation. This allows them to build confidence in their opinions and predict the action and strategies of pushers.</p>



Technique	Group Size	Advantages	Examples of this Technique
<p>Surveys: The presenter either poses one or more oral questions to the entire audience, or distributes a questionnaire to each participant. A tally of the responses can serve as a basis for discussion.</p> <p>LISNS has designed a number of questionnaires called “What’s Your Legal IQ?” on various legal topics, which would be useful for this technique.</p> <p>A powerful facilitation strategy called Force Field Analysis starts with this type of polling the group’s opinions and predispositions.</p>	<p>Large or Small (If the group is large you may need assistance in analyzing and presenting the data results.)</p>	<ul style="list-style-type: none"> ▪ Establishes a summary of group opinions and attitudes for analysis. ▪ Allows many people to share opinions on a variety of topics in a very short time ▪ Shows people statistical trends and preferences that might otherwise be lost in purely anecdotal discussions. 	<p>In a program on the Responsibilities of Parents of Young Persons, the presenter could ask orally (or distribute a sheet to each participant) several questions as:</p> <ul style="list-style-type: none"> ▪ Should parents pay for the damages of their children? Y/N/Explain ▪ Should parents of young persons pay legal fees? Y/N/Explain ▪ Should parents of persons serve sentences for their children’s acts? Y/N



Technique	Group Size	Advantages	Examples of this Technique
<p>Discussion Groups: Participants are divided into groups of four to eight people for a given period of time. They exchange ideas and opinions on a specific legal topic. The presenter may choose to have each discussion group report back to the total group. It is important to have a clear question that the groups are expected to respond to with a clear group result.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Provides for an interchange of ideas and for participation by more individuals than is possible in a large group situation. ▪ Allows for active participation in a variety of learner roles from participant to recorder to reporter. 	<p>In a program on Identifying Young Persons in the Media, presenters could use small groups to arrive at a group consensus on reasons why a young person's name should not be used in the media. It is important to ask for rankings or weighting so the exercise is not one of merely listing unrelated ideas.</p>



Technique	Group Size	Advantages	Examples of this Technique
<p>Multimedia Presentations: These may include computer presentations, surfing to internet sites, films or videos. The type of media must be carefully chosen to match to the audience. Don't underestimate the logistics of setting up and executing a successful presentation. Practice your presentation.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Useful in gaining attention for a discussion topic. ▪ Provides more effective teaching for visual learners. ▪ Provides variety and communicates to a broader audience. 	<p>In a program on Rehabilitation of Youth, the presenter could show a video about successful programs in the city. Nothing sells like success.</p>
<p>Overhead Transparencies or Digital presentations: The presenter prepares his or her own transparencies for use in the program. Having your presentation points organized and visible shows the audience your comfort and professionalism.</p>	<p>Large or small</p>	<ul style="list-style-type: none"> ▪ Provides a way to list or summarize key ideas. ▪ Allows you to present rich visuals, graphics or statistics without making copies. ▪ Provides more effective teaching for visual learners. 	<p>In a program on introducing the new Youth Criminal Justice Act, the presenter could make a series of slides presenting the key points of the new bill. This would not only help the presenter stay focused, it would enhance the delivery by addition of the visual, structured material.</p>



YCJA Fact Sheet

THE YOUTH CRIMINAL JUSTICE ACT

The *Youth Criminal Justice Act* (YCJA) has been passed by Parliament. It will come into force in April 2003. It replaces the *Young Offenders Act* (YOA).

The text of the YCJA as passed by parliament can be viewed at

<http://canada.justice.gc.ca/en/ps/yj/repository/6legisl/6000001a.html>.

The *Youth Criminal Justice Act* provides procedures for dealing with youth suspected, charged with, accused or convicted of a criminal offence. Some provisions of the YCJA are new, others were already in place under the YOA and will continue under the new Act. This fact sheet tells you about the new Act.

1. The *Youth Criminal Justice Act* provides procedures for dealing with youth aged 12-17 who are suspected, charged with, accused, or convicted of committing a criminal offence.
2. The YCJA promotes accountability and meaningful consequences proportionate to the seriousness of offence.
3. The principles underlying the YCJA are to
 - prevent crime
 - rehabilitate and reintegrate offenders into society
 - ensure meaningful consequences for offences committed by youth.
4. The principles recognize that the above three elements, pursued together, are the best way to protect the public and promote safer communities.



WHAT CHANGES

1. Extrajudicial measures.
2. Sentencing and treatment of serious, violent and repeat offenders.
3. Custody and reintegration into the community.
4. Publication of names and treatment of records.



YCJA: EXTRAJUDICIAL MEASURES

1. The YCJA encourages measures other than court proceedings to hold youth accountable for their actions.
2. Extrajudicial measures are presumed to be adequate to hold first-time, non-violent youth accountable.
3. The YCJA authorizes the use of warnings, police cautions and referrals to community programs to deal with youth offences.
4. The YCJA encourages youth to repair the harm they have done.
5. The YCJA allows conferences to advise authorities. Advisory groups may consist of parents of the youth, the victim, community agencies or professionals.
6. Conferences may advise on appropriate informal measures, conditions for release from pre-trial detention, appropriate sentences and reintegration plans.



YCJA: SENTENCING

The YCJA provides for flexibility in sentencing by:

1. clearly stating that the purpose of youth sentences is to hold youth accountable for their actions
2. allowing a Youth Justice Court to impose adult sentences on youth who have reached the age of presumption as defined by the province (either 14, 15 or 16) who are convicted of certain serious violent offences (presumptive offences) **or** where an adult convicted of a similar offence may be liable to more than two years imprisonment (non-presumptive offences) if the youth was 14 years old at the time the offence was committed
3. expanding the range of offences for which it is presumed an adult sentence will apply to include the new category of repeat serious violent offences
4. introducing a new sentence of intensive rehabilitative custody and supervision for serious violent young offenders with extreme psychological, mental or emotional illness. This sentence is designed to reduce the risk of the youth committing further serious, violent offences. It includes an individualized plan of custodial treatment as well as a plan for reintegrating the youth into the community and has more restrictive rules regarding release.
5. continuing to permit victim impact statements to be used in court.
6. continuing to allow a judge to decide on the admissibility of voluntary statements made by a youth to a person in authority, such as a police officer.
7. encouraging community-based sentences such as compensation or restitution to the victim.
8. retaining previous amendments to the YOA regarding sentencing. Youth sentences for first degree murder and second degree murder remain at maximums of 10 years and 7 years respectively.
9. eliminating transfers to adult court and instead allowing the Youth Justice Court to impose adult sentences if appropriate.
10. allowing the Crown to decide not to seek an adult sentence for a presumptive offence and to inform the court of the decision. In which case the Youth Court Judge must impose a youth sentence if the youth is found guilty.



YCJA: CUSTODY AND REINTEGRATION

The YCJA provides that:

1. youth will be held separately from adults to reduce their exposure to adult criminals.
2. custody be reserved for serious, violent offenders where the judge has considered all reasonable non-custodial sentences and determined that they are unable to hold the youth accountable.
3. more flexibility is given to the provinces to determine the level of placement in custody.
4. youth reaching adult age during custody may be transferred to an adult facility in some circumstances.
5. all periods of custody are followed by a period of supervision in the community.
6. conditions will be imposed on periods of supervision following custody.
7. youth can be returned to custody for breach of conditions.



YCJA: PUBLICATION

The YCJA permits publication of:

1. names of all youth who receive adult sentences
2. young offenders given a youth sentence for murder, attempted murder, manslaughter, aggravated sexual assault or serious repeat violent offences may have their names published unless the court decides that it is not appropriate taking into account the rehabilitation of the youth and the public interest
3. names of all youth who are at large and considered dangerous
4. names of any youth who authorizes publication after he or she becomes an adult and is not serving a sentence in custody

If the Youth Court receives an indication that an adult sentence will not be sought, the youth's name would not be published.

The YCJA treat records of youth receiving adult sentences the same as records of adult offenders.

The YCJA allows authorized persons access to youth records.

Information Source: *Department of Justice Canada*



YOUTH COURT STATISTICS, 2000/01

by Paul deSouza

Highlights

- In 2000/01, 99,590 cases were processed in the youth courts of Canada. This represents a 2% decrease in the number of cases processed from the previous year and a decrease of 10% from 1996/97.
- The number of *Property crime* cases heard in youth courts decreased annually, dropping 23% between 1996/97 and 2000/01. The number of *Violent crime* cases has dropped by 6% since 1996/97. The number of *Drug-related* cases has increased by 30% since 1996/97.
- Five offences accounted for a large percentage (57%) of the total youth court caseload. These were theft \$5,000 and under (15%), failure to comply with a disposition (12%) under the *Young Offenders Act* (YOA), failure to appear (11%), minor assault (10%) and breaking and entering (9%).
- Older youths, aged 16 and 17, were involved in half of the cases before youth courts (51%). Youth aged 15 were involved in 22% of cases while younger adolescents aged 12 to 14 years accounted for 25% of cases.
- Sixty percent of cases heard in youth court resulted in a conviction, compared to 67% in 1999/00.
- Probation was the most significant sentence in 48% of all cases with convictions while custody (open and secure) was ordered approximately one-third of the time.
- More than 80% of all youth court cases were concluded within six months. Half were settled within two months.
- Repeat offenders (defined as youths with at least one prior conviction) were involved in 21% of cases with convictions.



Statistics
Canada Statistique
Canada

Canada

Source: "Juristat", Canadian Centre for Justice Statistics, cat. No. 85-002-XPE vol. 22 no. 3



Youth Justice Legislation: A Chronology

1908 *JUVENILE DELINQUENTS ACT* COMES INTO FORCE

Child welfare approach that included informal procedures and significant judicial discretion.

1984 *YOUNG OFFENDERS ACT* COMES INTO FORCE

More emphasis on youth responsibility, society's right to be protected from illegal acts, special rights and needs of youth.

1986 AMENDMENTS TO YOA

Contained a number of technical amendments relating to custodial placements.

1992 AMENDMENTS TO YOA

Increased maximum length of sentences in Youth Court from three years to five years for murder and clarified rules for transferring youth to adult court.

1995 AMENDMENTS TO YOA

Increased Youth Court maximum sentence for murder to ten years, created a presumption of transfer to adult court for 16- and 17-year olds charged with serious violent offences, allowed victim impact statements in Youth Court, and supported better information sharing among youth justice professionals.



AUGUST 1996 FEDERAL-PROVINCIAL-
TERRITORIAL TASK FORCE ON YOUTH
JUSTICE REPORT

Comprehensive review of the Act that resulted in recommendations on age limits, serious offenders, alternatives to the courts, transfers and sentencing. The Task Force report was referred to the Standing Committee on Justice and Legal Affairs for consideration.

APRIL 1997 STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS YOUTH
JUSTICE REVIEW REPORT

Comprehensive review of the youth justice system resulting in 14 recommendations on issues such as publication, serious offenders, transfer, minimum and maximum age.

AUGUST 1997 MEETING OF FIRST MINISTERS

Provincial and Territorial Premiers, with the exception of Quebec, called for "meaningful amendments to the *Young Offenders Act*" and committed to cooperate to improve preventive and rehabilitative programs for young offenders.

DECEMBER 1997 FEDERAL-PROVINCIAL-
TERRITORIAL MEETING OF MINISTERS
RESPONSIBLE FOR JUSTICE

Ministers from Manitoba, Alberta, Ontario and Prince Edward Island proposed amendments to the YOA.

MAY 1998 FEDERAL YOUTH JUSTICE
STRATEGY ANNOUNCED



MARCH 1999 BILL C-68 INTRODUCED

OCTOBER 1999 BILL RE-INTRODUCED AS C-3
FEBRUARY 2001 BILL C-7 INTRODUCED.
PASSED by HOUSE OF COMMONS May 29, 2001

GIVEN ROYAL ASSENT February 19, 2002
COMING INTO FORCE 1 April, 2003

Based on proposed legislation to replace the YOA

Bill C-3 failed when Federal election was called.

With Royal Assent, the *Youth Criminal Justice Act* became law but its provisions will not be implemented until the date it comes into force. This allows time for the federal and provincial justice systems to ensure they are ready and for people to become aware of what the law means to them.



References

Research Sites for further study:

National Library of Canada – Official Documents in PDF form

<http://www.nlc-bnc.ca/ehome.htm>

Department of Canadian Justice – Youth Justice

<http://canada.justice.gc.ca/en/ps/yj/index.html>

Bill C-37 Amendments to the Young Offenders Act

<http://www.crime-prevention.org/ncpc/publications/topical/youth/>

Bill C-7, as passed by Parliament

<http://canada.justice.gc.ca/en/ps/yj/repository/6legisl/6000001a.html>

Fact sheets and publications on the Youth Criminal Justice Act

<http://canada.justice.gc.ca/en/news/nr/1999/yoaindex.html>

Holding youth accountable under the Young Offenders Act

<http://www.gov.sk.ca/govt/socserv/infocntrl/progserv/FamilyYouth/Offenders/YOP4.htm>

Child Welfare document on the YOA

<http://www.cfc-efc.ca/docs/00000282.htm>

Youth and Criminal Justice in the United Kingdom

<http://www.homeoffice.gov.uk/yjceact/yjceact.htm>

American Criminal Justice Sites

<http://www.igc.apc.org/ncia/ocj.html>

Exhaustive link page on Youth Justice from Michigan University

<http://www.lib.msu.edu/harris23/crimjust/juvenile.htm>



Office of Juvenile Justice PDF Fact Sheets

<http://www.ncjrs.org/jjfact.htm>

The Urban Institute's Policy Options for Young Offenders (1998)

<http://www.urban.org/crime/delinq.html>

The Great Young Offenders Act Debate

<http://www.lawyers.ca/tgyad/>

Canada's SchoolNet Law FAQ's

<http://www.acjnet.org/youthfaq/topiceng.html>

Real Justice / Restorative Justice Conferencing site

<http://www.realjustice.org/>

Chatelaine Connects: Ask an Expert Lawyer- Young Offenders Act (1997)

<http://www.chatelaine.com/experts/law/youngoff.html>

Young Offenders Act-Parent's Page

<http://peelbarristers.com/yoparent/>



The Essential Graduation Learnings

The Foundation for the Atlantic Canada Social Studies Curriculum provides a framework for Social Studies programs in Atlantic Canada. The *Essential Graduation Learnings* are statements describing the knowledge, skills, and attitudes expected of all students who graduate from high school. A thorough study of the *Youth Criminal Justice Act* along with the relevant provisions of the *Criminal Code* will help achieve the follow learning outcomes.

- Students will be expected to demonstrate an ability to acquire, process and utilize information, applying a variety of thinking skills and strategies to communicate effectively in the social studies
- Students will demonstrate an understanding of the rights and responsibilities of citizenship and the origins and sources of power, authority, and governance.
- Students will be expected to demonstrate an understanding of how groups and institutions are formed, what controls and influences them, how they interact with individuals and cultures, and how they are maintained and changed.
- Students will be expected to demonstrate how personal development and identity are shaped by society and how individuals help shape society.
- Students will be expected to demonstrate an ability to collaborate in ways which respect and value the customs, beliefs and practices of others.
- Students will be expected to demonstrate an understanding of the interactions among people, places and the environment.
- Students will be expected to demonstrate an understanding of what the past was like and how it affects the present and the future.

Grade 12 Law

In addition to this the Specific Learning outcomes from Grade 12 Law will be addressed. This program will fit most appropriately into the first half of the course. Unit Five is the ideal position considering it deals with the criminal offence, the arrest procedure and the prison system. The other units with outcomes that may be addressed by study of the YCJA are listed below.

Upon completion of this unit, students should be able to:



Unit Three:

- Describe how a bill is introduced and passed through the Parliament of Canada to become a law

Unit Four:

- Distinguish between a right and a freedom
- Demonstrate a knowledge of the restrictions on our rights

Unit Five:

- Describe what conditions must exist for an action to be considered a crime
- Describe the elements necessary for a crime
- Discuss intent as it applies to a crime
- Distinguish between summary and indictable offence
- Identify the steps in a legal arrest
- Identify the rights of both the arresting and arrested person
- Describe the requirements of a legal search
- Describe the procedures for an arrest and release following an arrest

Unit Seven:

- Discuss the objectives of sentencing
- Describe the various options available to a judge for sentencing
- Outline the provisions made for victims of crime
- Distinguish between the various levels of institution used for imprisonment in Canada



Unit Eight:

- Distinguish between crimes of violence, property crimes and other crimes
- Distinguish between the various degrees of several offences such as murder, assault and theft
- Describe the laws that are related to the protection of children
- Discuss the provisions recently added to the Criminal Code in response to social needs

Unit Nine:

- Distinguish between a criminal and a civil case
- Describe the various types of damages

The choice of where to insert this course or how long to make the course is left entirely in the capable hands of the in-class instructor.



The Nine Events of Teaching

Introduction

The purpose of this activity is to acquaint students with the new Youth Criminal Justice Act. The role-plays and/or case studies will highlight some of the important areas and set the stage for the discussion. The majority of the objectives should be achieved in the student reading before and the discussion after the interactive activity.

Gain Attention

PowerPoint will provide an opening hook. The opening quiz based on homework should also gain some attention. The icebreaker will provide the hook for the learning activity.

Objectives

Based on learning outcomes and objectives from Law 12 Ministry guidelines.

Recall Prerequisite Learn

Students are currently exploring Canadian Law. They will have extensive exposure to the language of the law (see Glossary) and will have an understanding of adult sentencing and offences. The opening pages of the C-7 Bill will acquaint them with the topics covered in the Youth Criminal Justice Act and identify some specific interpretations of terms.

Students may have some anecdotal experience with the Young Offenders Act that could be tapped in the discussion of the results of the pre-test.



Present Materials

Provide the fact sheet to the students the day before class and warn them that the class will begin with a pre-test.

Give the class 10 minutes to complete the True/False pre-test. Start a debrief of the questions by turning the responsibility of moderating the discussion over to a student. While they discuss the issues or the specific questions, mark the test with the provided marking key. (10 min).

Introduce the role-play activity for the day. (see attached guidelines)

If appropriate, divide the class into groups of less than 10 and run the Words icebreaker.

Select volunteers to choose and run a role-play.

While one group is preparing, hand out cards for the second role-play (optional).

Debrief the role-play (10 min).

Give the class 10 minutes to complete the final test.

Wrap-up – mark and return the tests by the next class.

Provide Guidance

Introduce the role-play or case study guidelines.

Help them understand the importance of getting to the issues.

Instruct them on the best ways to be reflective upon their experience and feelings about the Act.

Elicit Performance

Students' performance will occur in several forms throughout the class. Students will:

- have homework to do.
- complete a pre and post test.
- participate in small and large group discussions.
- interact in the icebreaker and may actively take part in a role-play.



Provide Feedback

The instructor will provide quick response to the pre-test. Mark and return just after students complete it.

The instructor will take part in the discussion of the role-play or may interject in a role-play in order to provide feedback and guidance.

Performance Assessment

There will be:

- peer review in the Think-Pair-Share case studies activity.
- direct and immediate feedback to the participants of the role-plays.
- two simple tests with prompt feedback.
- an evaluation form completed for the whole activity.

Retention and Transfer

Students will be provided with a number of files and web site addresses for optional further learning.

The opening of the following class will involve a short discussion for follow up and discussion points or action items generated in the role-play debriefs.



Youth Criminal Justice Act: Pre-test

True or False:

1. The YCJA is based on accountability and consequences proportionate to the seriousness of the offence.
2. The YCJA will allow adult sentences for youths aged 16 and over only.
3. Under the YCJA the Youth Justice Court will not be permitted to give adult sentences to youth convicted of crimes.
4. The YCJA introduces a youth sentence of intensive rehabilitative custody and supervision for serious violent offenders.
5. Rehabilitation and reintegration programs will play a major role under the YCJA.
6. Victim impact statements will not be permitted in youth court.
7. If a provincial recovery program exists, youth or their parents may be required to pay the youth's legal costs if they are able.
8. Youth who receive adult sentences may have their names published.



9. Only youth who have been convicted of murder, manslaughter, aggravated sexual assault or repeat violent offences may have their names published under the YCJA.
10. A youth may authorize that his or her name be published, if he or she has reached age 18 and is no longer serving a sentence under the YCJA or the YOA.
11. Usually, under the YCJA, youth are held in adult facilities.
12. Under the YCJA all periods of custody will be followed by a period of supervision in the community.
13. The YCJA provides no options for returning youth to custody if they break the terms of supervision.
14. Under the YCJA Conferences may advise on appropriate sentences for youth convicted of a crime.
15. Youth will not have to consider the impact on their victims or make compensation to them under the YCJA.



Name: _____ Date: _____

Pre-test Answer Sheet

1:		2:		3:		4:		5:	
6:		7:		8:		9:		10:	
11:		12:		13:		14:		15:	

Total: _____/15%

Multiple Choice Test Answer Sheet

1:		2:		3:		4:		5:	
6:		7:		8:		9:		10:	

Total: _____/10%



Youth Criminal Justice Act: Answer Key

Pre-test Answer Key

1:	T	2:	F	3:	F	4:	T	5:	T
6:	F	7:	T	8:	T	9:	F	10:	T
11:	F	12:	T	13:	F	14:	T	15:	F

Multiple Choice Test Answer Key

1:	D	2:	A	3:	D	4:	A	5:	C
6:	B	7:	D	8:	A	9:	C	10:	B



Youth Criminal Justice Act: Multiple Choice Test

1. The YCJA renews the Youth Justice System in the following ways:
 - a. emphasizes greater flexibility in sentencing
 - b. emphasizes meaningful consequences for offences
 - c. emphasizes effective rehabilitation and reintegration
 - d. all of the above
2. Youth custodial sentences are used:
 - a. only if all reasonable non-custodial alternatives would fail to hold the youth accountable
 - b. to place youth in adult custody facilities
 - c. to provide intensive sentences for all youth offenders
 - d. to discourage the use of warnings and cautions
3. The YCJA may allow publication of names of youth who:
 - a. commit any crime
 - b. are over the age of 16 only
 - c. have finished serving their sentence
 - d. none of the above



4. The YCJA presumes adult sentences for youth who:
 - a. are found guilty of a serious, violent crime such as murder or manslaughter committed when the youth had reached the age of presumption
 - b. are aged 12 and older
 - c. are convicted of theft under \$5,000
 - d. are convicted of any offence
5. A youth or his/her parents may be required to pay their own legal costs:
 - a. in cases where the youth is convicted of a serious crime
 - b. in cases where the youth is aged 14 or over
 - c. if the youth or his/her parents are able and if the province has a cost recovery program
 - d. in cases where the victim recommends it
6. Youth will be required to serve a period of supervision in the community following:
 - a. any sentence of more than 2 years
 - b. any sentence of custody
 - c. an adult sentence
 - d. none of the above
7. When questioned by the police after arrest the youth has the right to:
 - a. have her/his parents or an appropriate adult present
 - b. contact a lawyer
 - c. not say anything
 - d. all of the above



8. Youth offenders with extreme psychological, mental or emotional illness who commit serious, violent offences:
 - a. may receive intensive rehabilitative custody and supervision
 - b. will not be sent to an adult prison
 - c. may not be held accountable for their actions
 - d. may not be required to pay their own legal costs
9. Voluntary statements made to a police officer by a youth:
 - a. are not admissible as evidence in court
 - b. are only admissible as evidence if made in the presence of the youth's lawyer
 - c. may be admissible as evidence even if there were technical breaches in taking the statement
 - d. none of the above
10. One of the objectives of the YCJA is to:
 - a. get tough on youth taking advantage of the system
 - b. hold youth accountable for their actions
 - c. allow the victim to get back at the offender
 - d. encourage students to go back to school



Role-Playing Exercises

Introduction for Instructors

Before the role-playing begins it is important to have a light relaxed atmosphere about the room. Theatresports has a number of warm-up activities that can be used to set the stage. If you want to know more about Theatresports follow this links.

London theatresports page on Theatresports History

<http://www.btinternet.com/~j.nolan/tsht.htm>

You can also check out Drew Carey's television show *Whose line is it anyway?*



Words

This activity is simple and fun. Divide the class into two groups and form circles. Clear the space within the circle if possible. The first person in the circle (designated) says any random word that comes into their head (e.g. “Bob...”). This becomes the first word in a story that the group will create. The person to the right of the first person says the next word in the sentence (e.g. “drives”). The person to their right continues the sentence until it finishes (e.g. “golf balls...”). Only the person whose turn it is can decide if the sentence is ended. They will say “Period” and then the first word of the next sentence (“Period. Wendy...”). This process continues around the circle until the story is over. People in the circle may freely react to the sentence flow but may not suggest words or attempt to speak out of place.

This activity exposes you to some silliness but also to two very important role-playing principles: blocking and piggy-backing.

Blocking

Poor improvisers are always “blocking” each other. They selfishly push the interaction the way they want it. They don’t pick up the cues that lead the role-play into interesting and often funny places. In order to avoid blocking you have to free your mind, listen well, follow others’ cues and only lead when it feels right.

Piggy-backing

Piggy-backing is the opposite of blocking and it takes practice. “I like your idea and I’m going to go with it!” is piggy-backing in action. In order to piggy-back, you try to predict the way you think the other people are going and add ideas that support that direction. It doesn’t mean just following along dumbly, but adding new ideas that make the group’s ideas even funnier. Piggy-backing involves believing the interaction is more important than your own ideas.

When you play Words or Role-play try to notice when someone is blocking and tell them so. Blocking isn’t fun and gets in the way of our learning.



Guidelines for Instructors

The purpose of the role-play cards is to allow students to explore the changes presented in the YCJA in a personal and stimulating way. Students are given an initial scenario and are free to act out the scene in any way they wish. The instructor's role is to act, as much as possible, as an observer. After each role-play, time should be set aside for discussion. During this time the instructor should encourage the students to comment not only on how they felt during the role-play but also on how they feel about the problem in general. A few key points are presented on the reference sheet, but for a deeper understanding of the role-play possibilities, the instructor and students should refer to the other materials, such as the fact sheet, or sections of the YCJA itself. As an example, we will examine Role-play #1 to see how the students and instructor can work together to make the role-play a successful venture in learning about the YCJA.

Role-Play # 1

Role: Young Person

Situation: You steal a designer jacket from a person at your school. The victim reports the theft to the vice-principal who calls you into her office. The vice-principal calls the police.

Actions or Opinions: You don't care about the victim and you don't believe they can prove you stole the jacket.

The provided role-play cards offer students a starting point and attitude to assist them in assuming the roles in the scenario. The role-play should flow freely from this, but the instructor should be alert to the scene heading off in an inappropriate direction. In this scene, if it looks like there is going to be a staged battle between the victim and the thief, the instructor should step in with some guidance to get things back in a more constructive, problem solving direction. Similarly, if the students run into a dead end and don't know what to do next, the instructor could suggest a line to a participant. It may even be helpful, initially, for the instructor to assume one of the roles.

The aim of the activity is to stimulate a discussion. If the YCJA is not represented correctly, don't jump in and stop the action. Make note of the point and be sure to clarify the issue during the discussion. For example, if a student states in the role-play that he or she knows that nothing they say to the teacher can be used as evidence unless these comments are made in the presence of his or her lawyer, note the error. During the discussion following the role-play, say that under the



Youth Criminal Justice system, the student's comments were inaccurate. Such statements may be used as evidence in court if the youth justice court determines that this is appropriate.

After the role-play, invite all students to participate in the discussion. Ask for comments from the role-players first. You may need to pose a few strategic questions to draw out their reactions. Ask questions designed to get first their reaction to the role-play and then their impression of the problem situation in general. If there is a great deal of interest in the topic, consider having a different group of students role-play the same problem with modifications or from a different perspective. If you feel you have satisfactorily covered the material then try one of the other role-plays. If students complete all role-plays provided, but are eager to do more, the instructor can guide the students in producing their own role-plays based on their own experience or using the provided reference materials.

Be aware that it takes about 30 minutes to set-up a role-play, run it and have a short debrief. It is probably more appropriate to properly discuss one role-play than rush to do two without debriefings.



Instructors Reference Sheet

Role Play #1

1. Youth will be held accountable for their actions.
2. In most instances, voluntary statements made by a youth to a person in authority (a teacher may be considered a person in authority), may be admissible in court at the judge's discretion even if there is a breach of the technical requirements but there are strict guidelines that must be met. The judge has to decide if the failure to carry out the technical requirement is so great or occurred in such circumstances that it would make the admission of the statement unjust. (s. 146 & 147)
3. Extrajudicial measures are encouraged under the YCJA and allow for effective and timely intervention that focuses on correcting offending behaviour. Examples of extrajudicial measures include; doing nothing, giving a warning, administering a caution or referring the young person to a community-based program.
4. A youth may not be sentenced to custody unless all reasonable non-custodial alternatives would fail to hold the youth accountable. To be considered for a sentence of custody, a youth must have: committed a violent offence, failed to comply with previous non-custodial sentences, committed a serious offence and have a history of previous offences, or circumstances of the offence are such that a non-custodial sentence would not hold the youth accountable.
5. Youth will be encouraged to make restitution to the victim and consider the impact of their crime on the victim.



Role Play #2

1. Youth will be held accountable for their actions.
2. Youth will be encouraged to make restitution to the victim and consider the impact of their crime on the victim.
3. In order to attend conferences to decide on an extrajudicial sanction, the offender is supposed to have taken responsibility for his or her actions.
4. The YCJA emphasizes meaningful consequences that are proportionate to the offence, such as community service or victim compensation in cases where this is deemed appropriate.

Role Play #3

1. Youth will be held accountable for their actions.
2. The YCJA allows a province or territory to set up a cost recovery program to require youth or their parents to pay their own legal costs if they are able to.

Role Play #4

1. Youth sentences should promote a sense of responsibility in the young person and an acknowledgment of the harm done to victims and the community.
2. Sentencing allows the use of community programs to deal with youth offences.
3. Youth should be encouraged to repair the harm they have done.



Role-Play # 1

Role: Youth

Situation: You steal a designer jacket from a person at your school. The victim reports the theft to the vice-principal who calls you into her office. The vice-principal calls the police.

Actions or Opinions: You don't care about the victim and you don't believe they can prove you stole the jacket. You expect that the worst thing that will happen is that the police will give you a warning.

Role: Victim

Situation: Your designer jacket was stolen. You report the theft to the vice-principal and tell her who you think stole the jacket.

Actions or Opinions: You want the offender punished and you want your jacket back.

Role: Police Officer

Situation: A theft of personal property has been reported. You have been called to the school to investigate. You are shown into the vice-principal's office. There is a student waiting with the vice-principal.

Actions or Opinions: Observe the situation and decide how to proceed.



Role-Play # 2

Role: Youth

Situation: You have been convicted of assault. The incident happened at a party at which you had been drinking. The victim was someone from another school whom you argued with in the past. Following conviction, the judge directs that you participate in a conference for information/advice on sentencing.

Actions or Opinions: You do not like the victim and are nervous about participating in the conference.

Role: Victim

Situation: You have been punched by a youth at a party. You had minor injuries, had to miss school for a week and lost your part time job as a result.

Actions or Opinions: You feel that the person who assaulted you needs to know how her actions have affected your life. You believe that she should get more than just a warning for hurting you.

Role: Conference Facilitator

Situation: You will lead a conference to determine how the youth offender should be accountable for her actions. Participants could include the victim, the offender and other community members.

Actions or Opinions: Lead the discussion and lend support or authority when needed. The appropriate agreement should take into account the degree of remorse shown by the young offender and her willingness to make amends.



Role-Play # 3

Role: Young Potential Offender

Situation: You are sitting with some friends discussing the upcoming weekend.

Actions or Opinions: You like and trust these friends and will do almost anything to be part of the group. You know little of the YOA or the new YCJA and have not been in trouble with the law before.

Role: Young Person

Situation: You've figured out a way to steal stereo components from a local store. You are talking to a couple of friends you trust and decide to invite them to help.

Actions or Opinions: You got caught during a previous shoplifting attempt but only got a police warning. This time around, you're hoping to rip off some stereo equipment and you're convinced that you can pull it off without any trouble if your buddies will help you.

Role: Previous Young Offender

Situation: You've just finished serving a custodial sentence for theft, which involved time in a youth detention centre. You advise your friends that you know they could get more than just a warning.

Actions or Opinions: You tell your buddies that the youth court judge decided that your parents should pay legal costs, as allowed in the provincial program. You have no desire to go along with your friend's plan because you know that you will not just get a warning. You try to talk some sense into your friends.



Role-Play # 4

Role: 14 Year Old

Situation: You are working off a community service sentence given to you for mischief (e.g., vandalism). You are required to work several weeks of janitorial duties at the local Community Centre you defaced. A friend of the opposite sex comes up and wants to know what you are doing.

Actions or Opinions: You are angry about being caught but are willing to work it off. You are embarrassed that someone will find out about your trouble with the law. You must decide whether to make something up or tell the truth.

Role: Friend

Situation: You are going to the Community Centre to work out and see your friend washing windows out front. You ask questions to find out what is going on with this new job.

Actions or Opinions: You like this person and thought you knew him or her well. The fact that he or she was convicted of a crime is a surprise to you. Personally you hate vandalism.

Role: Supervisor

Situation: You are in charge of supervising the community service for the youth who defaced your building. You have noticed a lack of effort. Seeing the person chatting to a friend makes you want to remind the person that this is a supervised sentence and they had better get back to work.

Actions or Opinions: You are disturbed by all the vandalism around the Centre. You had hopes that the youth would try hard to make up for the damages they caused. You have been disappointed several times by their anger and poor attitude



Case Studies

These case studies are fictional but inspired by real stories in the Atlantic region in the past year. The purpose of the case study is to spark discussion amongst students. Case studies can serve as an alternative or a supplement to role-plays.

Let's examine a possible youth offence and discuss how the changes proposed under the YCJA will affect the outcome for both the accused youth and the victims of the crime. The instructor can present the scenario and use the questions to lead a discussion with students. Using the Think, Pair, Share method, the students have an opportunity to thoroughly examine the questions and come up with their own questions.

Think: The students think about the scenario and questions on their own, making note of their ideas.

Pair: The students are paired off to share and discuss their ideas.

Share: The ideas are shared in a large group discussion.



Case Study #1: Taking a Break and Entry

Three youths forcibly enter the home and steal a number of items from the home. Before they leave they decide to trash the place, just for fun. A helpful neighbour notices the disturbance and calls the police. The youths are captured at the house. The homeowners, both elderly and new to the area are deeply affected by the events and now the woman is afraid to return to her home.

Key Points under the YCJA

1. If the offenders are found or plead guilty, the YCJA would require that the youths take full responsibility for their actions and would encourage them to compensate the victims for the suffering they have endured.

Questions to consider:

How could the youths take full responsibility for their actions? How would society consider that they have recognized the affect their actions have had on the couple? How could the youths make restitution to the couple? What would a fitting consequence be in this case? Should the victim be involved in a conference? Do victim impact statements have a role? What would be a meaningful consequence in this case? What extrajudicial measures could be taken?

Should the youths be required to make financial restitution to the victims for the items they have stolen? Would this help the youths take full responsibility for their actions? Would this help the victims feel as though their suffering has been acknowledged?



Case Study #2: Just Desserts

Andy and Carol are leaving a restaurant after a birthday party. A youth on the street confronts Andy and accuses him of stealing his girl friend. He knocks Andy down and kicks him brutally. Carol runs into the restaurant to get help. She returns with two others who hold the youth until police arrive. The injured Andy is taken to hospital with several broken ribs. The attacker has never been in trouble with the law.

Key Points under the YCJA

1. If the offender is found or plead guilty, the YCJA would require that the individual takes full responsibility for his or her actions and encourages him or her to compensate the victim for the suffering he or she has endured.

Questions to consider:

How could the youth take full responsibility for his actions? How would society consider he has recognized the affect of his actions? How could the youth make it up to Andy? What would a fitting consequence be in this case? What if Andy had, in fact, formed a relationship with the attacker's girlfriend?

2. The YCJA encourages solutions other than court proceedings to hold a youth accountable

Questions to consider:

Should the youth be required to make a personal apology to Andy? Should the youth be required to attend courses in anger management? Is it relevant for the youth to be exposed to the amount of suffering the victim is in?

3. The YCJA authorizes the use of warnings, police cautions and the use of community programs to deal with youth offences.

Questions to consider:

Would it be appropriate for the police officer to give the youth a warning and release him? Should the victim have any say in whether the officer makes this decision? This is a violent offence, if the youth is convicted in court should he get a custodial sentence?

4. Victim impact statements are permitted in court.

Questions to consider:

Should the victim's impact statement affect the type of sentencing? Should the amount the attacker regrets and desires to take responsibility for his actions be heard in the same way?



Case Study #3: Not my stuff!

A man borrows a young person's car for the evening. After the car is returned, the young person is involved in a minor automobile accident. His trunk pops open during the accident revealing a number of VCRs. The officer assisting with the crash investigates the items and determines that they fit the description of goods from a recent theft. The youth was not involved with the theft, but agreed to let the man keep the stolen VCR's in his trunk for one day. He is charged with possession of stolen goods.

Key Points under the YCJA

1. If the offender is found or pleads guilty, the YCJA would require that the individual takes full responsibility for his or her actions and encourages him or her to compensate the victim for the suffering he or she has endured

Questions to consider:

How could the youth take full responsibility for his actions? What are the implications for the youth down the road?

2. The YCJA authorizes extra-judicial measures, such as the use of warnings, police cautions and referrals to community programs to deal with youth offences

Questions to consider:

What extra-judicial measures could be used in this case?



Case Study #4: I did it my way!

A 14-year-old youth has a dispute with her community supervisor. Shortly thereafter, the supervisor notices her wallet is missing. The police are called to a local clothing store where a clerk has reported a fraudulent use of a credit card. The youth is arrested at the scene and admits to stealing the wallet before the police officer has a chance to tell her that her parents may be present.

Key Points under the YCJA:

1. When a youth makes an voluntary statement on arrest, it may be admitted at the judge's discretion even if there is a breach of the technical requirements but there are strict guidelines that must be met. The judge has to decide if the failure to carry out the technical requirement is so great or occurred in such circumstances that it would make the admission of the statement unjust.

Questions to consider:

How could this reduce legal and administrative time?

2. Before a young person gives a voluntary statement, the YCJA sets out technical requirements that must be followed. Some of the requirements are that the youth must be told that she is not required to give a statement and that she be given a reasonable opportunity to speak to a lawyer and a parent or other appropriate adult.

If there is a breach of these technical requirements, a judge has discretion to admit the statement if he/she decides it would not be unjust to do so.

Questions to consider:

Does the youth have to answer the police questions? What does she have to tell them? What will happen if she does not give a statement? If she does?



Nova Scotia Restorative Justice Program

Objectives

The Nova Scotia Department of Justice, in consultation with justice stakeholders and community representatives, has developed a comprehensive Restorative Justice Program. The Program aims to reduce recidivism; increase victim satisfaction; strengthen communities; and increase public confidence in the system. The Program provides an opportunity for the offender, victim, and representatives from the community to meet in an effort to develop a consensual plan outlining how the offender will repair the harm caused by the offence.

Target Group

The long-term goal of the Program is to provide an opportunity for all offenders province-wide to participate in a restorative justice process. Implementation of the Program will be multi-phased, with Phase 1 targeting youth aged 12-17 in four communities of the province: the Regional Municipalities of Halifax and Cape Breton; the Annapolis Valley and Cumberland County. Implementation of Phase 1 began on November 1, 1999 and will continue throughout the first quarter of 2000. Phase 2 will involve expansion of the Program to youth in the remaining areas of the province.

Description

The Program provides an opportunity for appropriate cases to be referred at four entry points in the criminal justice system:

Police Entry Point – pre-charge referral by police officers

Crown Entry Point – post-charge/pre-conviction referral by Crown Attorneys

Court Entry Point – post-conviction/pre-sentence referral by Judges

Corrections Entry Point – post-sentence referral by Correctional Services and Victims' Services staff



These four entry points make possible a continuum of options, with more serious cases passing to an entry point which is subject to greater public scrutiny. Under the new framework, police officers have a variety of options, ranging from informal warning and formal caution, to a referral to restorative justice or the laying of a charge. After a charge has been laid the Crown Attorney may refer the case to restorative justice or proceed with the prosecution. If the youth is convicted following a trial, the Judge, on his/her own motion, or on the recommendation of the Crown Attorney or defense counsel, may make a referral to the Restorative Justice Program for the purposes of developing a proposed disposition plan. The plan would then go back to the Judge for final disposition. Restorative justice may also be used after a youth has been sentenced, either during the time the sentence is being served, or to assist in the reintegration of the youth back into the community after the sentence has been served.

Service for the Program will be delivered by alternative measures agencies, who have worked in partnership with the Department of Justice for a number of years. The agencies have community-based boards, and a base of community volunteers, who will be directly involved in the facilitation of restorative justice processes.

Outcomes

Reduce Recidivism: Recidivism rates are too high. It has been shown that face-to-face meetings with victims can have a profound effect on the further behaviour of offenders. The nature of the restorative process provides an opportunity to focus on the underlying causes of the criminal behaviour and the constructive reintegration of the offender in to the community.

Increase Victim Satisfaction: The victim's voice is rarely heard in the formal justice system. By having a forum in which they can discuss the impact of the offence, and assist in the identification of the reparative measures to be taken, victims will derive greater satisfaction.

Strengthen Communities/Increase Public Confidence in the Justice System: the existing formal justice agencies have assumed full responsibility for crime prevention and crime control. As a result, communities have become increasingly alienated from the justice system. A restorative approach invites the participation of communities in achieving reconciliation between offenders and those harmed through the commission of an offence. Greater participation by communities and victims, and evidence of a more effective justice process will enhance public confidence.



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