

# **The Youth Criminal Justice Process & the Child Welfare Kids**

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# Topics

- Youth Crime in Canada
- Youth Justice Law Reform (Y.C.J.A.)
- Youth Justice process
  - diversion & extrajudicial measures
  - search & questioning
  - detention & conditions of release
  - sentencing: probation & custody
  - confidentiality & information sharing

# Youth Crime in Canada

# Youth Crime in Canada

- All adolescents commit criminal offences
- ‘Offending behaviour’ peaks at 4yrs of age, but older youths commit more serious offences
- Under YOA:
  - about 4% of Canadian youth aged 12 -17 charged under YOA in a year
  - 80% of charges for non-violent offences
  - about 80% of charges against boys; female offending may be increasing
- Youth crime rate is higher in communities with high unemployment & drug/alcohol problems (e.g First Nations)
- Youth homicide rate steady for past 20 yrs (under 75 per year), but
  - **Youth crime rate has risen in some communities**
  - Youth *attitudes* clearly have changed – less respect for authority
  - Youth culture has changed

# How to respond to youth crime?

- Adolescence is stage of life of testing limits, taking risks & making mistakes
- Growth to maturity varies between individuals
- Even if physical growth is complete, the brain keeps growing until 18 -21yrs.
- Youth Offending:
  - Children who abused or neglected are more likely to have behavioural problems & offending
  - All adolescents commit criminal offences, mainly minor
  - But some commit more serious & repeat offences
  - And they can commit brutal & senseless crimes

# Youth offending & child welfare

- **Children with a history of abuse or neglect often results in behavioural problems -> offending**
- **Concern that wards in group homes may be charged for behaviour that in family home would be dealt with informally -> Child welfare wards may be “dumped” into the youth justice system where:**
  - **less programming & support than in MCFD care**
  - **higher risk of abuse by other kids**
  - **criminogenic values & skills in custody**
  - **labelling effects – criminal record**
  - **vulnerable without parental advocates**
- **Some provisions of YCJA directly address relationship of youth justice & child welfare**

# Summary of Effect of YCJA on child welfare system

- Police less likely to charge MCFD wards in group homes for discipline infractions + if charged less likely to be detained
  - > group homes & agencies have to deal with more discipline problems
- Possibility of court referrals to child welfare under YCJSA s.35 to determine whether youth can obtain services from agency; so far little used

# Youth Crime & Schools

- Most youth crime *outside* of school, but in hours *immediately after* school and *around schools*
- Adolescents are most frequent victims of youth crime
- Concern over gangs, weapons, drugs & extortion  
-> variable across schools
- Bullying is a concern everywhere  
– may peak in intermediate school (Gr. 7 & 8).
- All bullying is unacceptable, but not all bullying is criminal – must be violence or threat of violence
- In high school: less offending behaviour, but more serious  
-> relatively small group of more serious repeat offenders
- “zero tolerance” & “safe schools” policies->  
how do we deal with students suspended or expelled?  
– youth at greatest risk
- Greater police presence in schools in recent years

# Youth Criminal Justice Act

# Youth Justice Reform: April 1, 2003

- Youth Criminal Justice Act in effect, replacing Young Offenders Act
  - federal law, but significant delegation to province of responsibility for programs, policies and implementation
- Provincial policies to implement YCJA
  - Each province has different policies on implementation.
  - Variation within province in terms of police policy, facilities, resources

# Context of Youth Justice Reform

- Youth crime peaked in 1992, but in late 1990's ->70% of Canadian public lack confidence in YOA
- Demands for 'get tough' approach from conservative federal & provincial politicians (except in Quebec)
- But also concern that in Canada very high rate of use of court & custody for the non-violent 80% of offenders. Custody for youth:
  - expensive
  - often ineffective in rehabilitating
  - may corrupt less serious offenders (gang presence)

# Law Reform Process (1997-2003)

- Federal Liberal gov't promises to:
  - Most publicized: “get tough” with violent offenders, especially serious violent offenders
  - But also to “reduce over-reliance on incarceration” for the 80% non-violent youth
- Age jurisdiction remained: 12 - 18th birthday
- Federal - Provincial negotiations
  - > provincial flexibility on implementation + *some* federal \$ (pilot programs)
- Youth Criminal Justice Act is more complex & detailed than YOA
- In force April 1, 2003

# YCJA compared to YOA

- More emphasis on community based diversion & conferencing
- For cases that go to court, more emphasis on non-custodial sentences
- Custody restricted to violent or repeat offenders
- Mandatory community supervision period for youths at the end of period of custody
- For serious violent offenders-> more likelihood of adult sentence, but simplified post-trial process for deciding

# Preamble to YCJA

- Members of society and different institutions share the responsibility to address the needs of young persons and prevent youth crime (includes schools & families)
- Recognition of rights of young persons
- Ensure accountability and take account of interests of victims
- Reserve “the most serious interventions for most serious crimes”
- Intent of YCJA is to “reduce the over-reliance on incarceration for nonviolent young persons.”

# Some key Principles (s. 3)

- Young offenders are to be held accountable, BUT limited accountability compared to adults
- Where appropriate divert from court & use community based-response
- **Proportionate response to offence**
- Rehabilitative concerns may modify or mitigate sentence, but social welfares concerns cannot justify a more intrusive response than offence warrants
- Try to engage community in response to youth crime
  - victim
  - parents
  - agencies & schools

# Principles...

- Respect for legal rights of youth
- Increased concern about victims
- Respect for cultural background of youth, esp. Aboriginal
- **In theory recognition of need for timely response**, but cases can take months to resolve in courts

# Effect of YCJA...

- Has varied across Canada with provincial policies & resources
- In BC – 1st year of YCJA (2003-04)
  - Police referrals of youth to Crown down 29%
  - Custody down 25% (and less than 50% of 1999-00); one of the lowest rates in Canada
- Custody facilities are closing & staff being redeployed to community work
- More youth in child welfare placements

# Youth Justice Process

# Youth Justice Process

## Who responds to youth crime?

- Community/Schools/Victims-> report?
- Police
- Prosecution & Victim Services
- Courts (judges)
- Probation
- Community Programs
- Youth Corrections

# Diversion: Extrajudicial Measures

- Background: Under YOA Canada had highest rate of use of court for youth offenders. Court is:
  - slow
  - expensive
  - frustrating for victims & parents
  - may be frustrating for police
  - may not meaningfully engage youth
  - research from Australia & NZ suggests that informal responses as or more effective than court based in reducing recidivism
- YCJA encourages use of extrajudicial *measures*:
  - police warning
  - Crown prosecutor screening & cautioning
  - extrajudicial *sanctions* (called alternative measures under YOA).

- Presumption that extrajudicial measures are adequate to hold youth accountable if non-violent offence & no prior finding of guilt : s.4(1)(c)
- Police officer **shall** consider whether it would be sufficient to warn youth or refer to extrajudicial measures rather than send to court: s. 6
- Crown prosecutor caution letter (BC computer tracking)
- Different types of extrajudicial measures:
  - Conference of victim, offender, parents, teacher
  - Apology, restitution
  - Essay, poster, letters of apology
  - Community service
  - Counselling or Mentoring

# Extrajudicial Sanctions

- Youth must accept responsibility -> no trials
- Programs operated by
  - community groups (77 in BC) including some First Nations
  - Also probation service
  - some are school-based (victim-offender mediation)
  - police
- Police referrals Pre-charge OR Prosecutor referral Post-charge
- Records only kept 2 years
- Many programs have restorative justice philosophy and attempt to promote victim – offender reconciliation

- A youth has **no legal right** to extrajudicial measures, though failure to use in appropriate cases may result in judge giving “reprimand” or discharge
- For province & local police & Crowns to decide how to implement these measures
- Issues:
  - What are offence criteria?
  - What about school based programs?  
Especially effective for some types of bullying
  - What about court referrals for pre-sentence conferencing?

# School based responses to youth crime

- School based programs for 10-13 yrs on values, peers & violence - police often teach
- Police role:
  - in high schools police involvement is not uncommon,
  - in some places police liaison officers in high school
  - called in for investigations
- Peer mediation & victim-offender reconciliation  
extrajudicial measures may be especially appropriate in school settings where there will be continuing relationships
- Special school programs for bullying
- Safe School Programs: School may discipline, suspend or expel regardless of age and whether or not youth court process, but must take account of the fact that these are high risk youth who need schooling

# Conferencing

- Different types
  - Professional case management (high risk youth)
  - Restorative justice
- Restorative Justice – youth, parents, victim
  - direct police referral (May be community group)
  - Crown referral to probation officer instead of court
  - Court referral (not done much in BC)
  - Circle Sentencing – judge presides (Sto:Lo)

# Investigations: Legal Rights

- Youth have Charter rights of adults plus other rights under YCJA
- Youths have special rights upon arrest. Police have to give special caution before taking statement.
- Youths continue to have right to legal counsel paid by government

The *Charter of Rights* protects the rights of individuals who are being investigated or questioned by “agents of the state”:

- s.8 Everyone has the right to be secure against unreasonable search or seizure.
- s.9 Everyone has the right not to be arbitrarily detained or imprisoned.
- s.10 Everyone has the right on arrest or detention
  - (a) to be informed promptly of the reason therefor;
  - (b) to retain and instruct counsel without delay and to be informed of that right; and
  - (c) to have the validity of the detention determined...and to be released if it is not lawful.

# School Search: R v M.R.M.(SCC1999)

- Acceptable for vice-principal to search clothing of youth & marijuana admissible, even though in presence of RCMP officer & no warrant. VP not “agent of police.”  
“Drugs & dangerous weapons...challenge ability of school officials to ...maintain a safe environment.”
- Search is valid as long as “primary motive” enforcement of school rules, not “agent of police”
- v.p must have “reasonable grounds” to search, but lower than police standard of “reasonable and probable grounds”
- student has “reduced expectation of privacy” and not “detained” by v.p. during search
- **Significant that this was search instigated by VP rather than police, and recovered physical evidence**

- Search must be “reasonable”
- More intrusive and rapid search may be justified if reasonable grounds to believe weapons hidden
- More intrusive search (ie strip search) by teachers is **not** authorized by M.R.M. and is **not appropriate** for school officials
- Gender and age of child are relevant to determine reasonableness of search

# Locker Search: R v SMZ (Man CA 1999)

- “Lower expectation of privacy” for locker than for search of person, as long as it is known that school officials have combination or way to open.
- Search based of locker without warrant results in legally admissible evidence.
- Best to have clear written locker policy, but not essential
- But search of youth’s backpack after sniffer dog brought into school violates privacy and the Charter: R v AM (Ontario, 2004)

## STATEMENTS: YCJA s. 146

146 (2) No oral or written statement given by a young person to a peace officer or to **any other person who is...a person in authority...** in circumstances where the ... person has reasonable grounds for believing that the young person has committed an offence is admissible against the young person **unless...**

(b) the person to whom the statement was given has, **before the statement was made, clearly explained to the young person, in language appropriate to his age and understanding,** that

- (i) the young person is under no obligation to give a statement,
- (ii) any statement given by him may be used as evidence...
- (iii) the young person has the right to consult counsel and a parent or other person in accordance with paragraph (c), and
- (iv) any statement made by the young person is required to be made in the presence of counsel and any other person consulted in accordance with paragraph (c), if any, unless the young person desires otherwise;

(c ) the young person has, before the statement was made, been given a reasonable opportunity to consult

- (i) with counsel, and
- (ii) a parent....and

(d) where the young person consults any person pursuant to paragraph (c), the young person has been given a reasonable opportunity to make the statement in the presence of that person.

# Statements to child protection staff & foster parents

- A confession to a “person in authority” (like police officer) is generally only admissible if special YCJA caution and Charter “reading of rights. The administration of these cautions requires special training.
- This provision applies to probation officers and youth workers
- Whether child care worker or foster parent is a “person in authority” will depend on context and judicial attitude. Best to leave any investigation about criminal matters and questioning of youth about suspected offence to the police.
- Child care worker may be contacted as “parent” when police are questioning youth (see definition in s. 2). Child care worker should avoid encouraging an immediate confession to police & encourage youth to seek legal advice
- Conflicting caselaw on whether drugs and other evidence seized by foster parent in search of room of ward without a warrant is admissible in youth court proceeding

# Advise to teachers & administrators about questioning students

- Statements of youth are more carefully scrutinized by courts than physical evidence (self-incrimination)
- Statement by youth to principal or teacher is likely *inadmissible in court* -> do not attempt to get a “confession” that can be used in court
- Questioning not for court is not a problem
- But if charges contemplated -> leave investigation to police
- Notify parents if child is under police investigation for school related conduct (Toronto Coroner)

# Pre-trial Detention:

- Under YOA : High number of youth detained- 60% of custodial admissions & often use of detention to address social welfare needs
- YCJA intends to reduce use of pretrial detention, especially for non-violent youth
- Also concerns about protection of victims during period before court proceedings resolved

# Pre-trial Release: s. 515 Criminal Code

- Detention only justified if
  1. Needed to ensure attendance in court (history of non-attendance)
  2. Likely to reoffend while on release (already has offended while on release), or
  3. Threat to safety of victims or witnesses

# Pre-trial Detention: ss. 28-32

- YCJA: Detention is **not** to be used as a substitute for child protection, mental health or other social measures (court may refer to child welfare-s. 35)
- Presumption against detention if the young person could not be sentenced to custody if convicted
  - Duty of judge to inquire about availability of a “responsible person” who can supervise in the community, or **bail supervision programs**
  - Schools should liaise with Crown or police about conditions of release esp. protection for victims
  - School transfer or suspension of student may happen even if not term of bail

# Conditions of Pre-trial release

- Schools & MCFD should be consulted about conditions
- Conditions may involve schools
  - attend school or
  - No-contact with victims, other accused etc.
  - Police may share information with school [s.125(6)]
- Monitoring of conditions of release varies
  - bail supervision programs are useful
  - MCFD may be continuing to supervise after release

# The Trial Process

- Right of access to counsel
- Most youth plead guilty (plea bargaining)
- Trials in youth court  
(usually Provincial Court – no jury)
  - Presumption open to public
  - Victims usually have to testify
  - Special protections for child witnesses

# Sentencing in Youth Court

Sentencing is central to youth court - BUT

- Judges can only use resources that province provides
- Deterrence (more severe sentences) has little effect on behaviour of most adolescents
- Rehabilitative services can be & are provided in youth corrections system, BUT
  - Limited resources
  - Limited by attitudes of youth
  - Limited knowledge & ability to change youth

# Sentencing Principles :YCJA

- YCJA structures judicial discretion to reduce disparities & reduce use of custody
- Sentence is to be proportionate to the offence, and intended to promote rehabilitation.
- Lesser accountability than for adults
- Rehabilitative and social objectives **cannot** justify more onerous sentence than offence warrants
- New community based sentence options, but up to province to implement. If services not available, judge **cannot** order needed services.
- **Restrictions on custody to violent offenders & those with history of non-violent offences**

# Sentencing Principles :YCJA ss. 38 & 39

YCJA structures judicial discretion to reduce disparities & reduce use of custody

- s. 38(1): “The purpose of sentencing...is to hold a young person accountable ...through the imposition of **just** sanctions that have meaningful consequences for the young person and that promote ...rehabilitation.”
- Sentence is to be proportionate to the offence, and intended to promote rehabilitation.
- Lesser accountability than for adults
- Rehabilitative and social objectives **cannot** justify more onerous sentence than offence warrants [s.38(2)(e), 39(5)]
- New community based sentence options, but up to province to implement. If services not available, judge **cannot** order needed services.

# Sentencing Process

- Pre-sentence report [s.40]:
  - must include recommendations of any conference;
  - must include information on community sentencing and willingness of youth to participate;
  - required before a custodial sentence is imposed unless Crown & youth waives and court considers not necessary;
  - may include information from school
  - may include recommendation for sentence.
- Conference may be convened for advice
- Court may order psychological/ psychiatric assessment [s. 34]
- Victim impact statement may be prepared

# Sentencing: Community based

Most youth sentences are community-based

- Fine (up to \$1,000)
- Community service or restitution
- Innovative YCJA options up to province
  - Intensive community support & supervision
  - After-school attendance centres
- Deferred custody and supervision
  - Like adult conditional sentence

# Probation -most common youth sentence

- Probation, may include terms of
  - school attendance or employment
  - no contact with victims
  - after school attendance programs
  - report to probation officer
- Monitoring varies, but usually more than for adults
- Discretion as to whether to charge with breach (s. 136)
- 1<sup>st</sup> breach will **not result in custody**

# Custody and supervision order

- Major change from YOA : All custody orders include a period of supervision in the community, with presumptive release date set at time of sentence.
- The possible length of the period of community supervision varies by the the offence.
  - Most offences: period of supervision is one half of the length of the custody period (2/3:1/3) & maximum total length of order 2 yrs;
  - If adult could get life -> 3 years (2/3: 1/3);
  - murder -> maximum 10 yrs (max. 6 yrs custody).
- Initial sentence can also be custody and community supervision *followed by* probation for total of up to 2 yrs [ss. 42(14), 56(5)(b) & 56(5)]

# Restrictions on Custody: s. 39

Court may only impose custody if:

- young person has committed a “violent offence”; or
- the young person has failed to comply with non-custodial sentences [ie two breaches]; or
- the young person has committed:
  - an indictable offence for which an adult would be liable to a sentence of more than two years, **and**
  - has a “*pattern of findings of guilt*” [“plusieurs déclarations de culpabilité” = several findings of guilt] ; or
- 39(1)(d) “in *exceptional cases* where the young person has committed an indictable offence and the aggravating circumstances are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principles” of youth sentencing in s.38.

# Sentencing Principles

- In comparison to YOA ->the YCJA provides more structure to judicial discretion about sentencing and restricts use of custody
- YCJA sentencing is more “individualistic” than for adults, but most judges accept
  - youth sentences to be proportionate to offence
  - youth sentences to be less severe than adults
  - greater focus on rehabilitation than for adults:
  - emphasis on rehabilitation may encourage more community-based sentencing but does not preclude custody: *R v. D.L.C.* (Nfld.) Gorman Prov Ct.J.

*R v S.L.*(BCCA, 2003) – reverses trial decision of 6 mo. custody for aggravated assault that was act of “youthful bad judgement”

“It is an error in principle...not to comply with the specific directions in the *Y.C.J.A.* that require a youth justice court to consider all available alternatives ...to meet the purpose set out in s. 38 of making the ...[youth] accountable for the offence and promote his rehabilitation...thereby contributing to the protection of the public...

The trial judge erred ...in failing to apply the purpose and principles of sentencing set out in ss. 38 and 39 of the *Y.C.J.A.* This is new legislation that places increased emphasis on non-custodial sentences for young persons.”

# Accountability may require custody

- *R .v M.AM.*(2003, Man.CA) reversed non-custodial sentence for assault and 2 robberies. Although there was no serious injury or weapons, Man CA emphasized offences involved violence + risk assessment & prior record indicated that youth was at high risk of re-offending and unlikely to comply with community based sentence
- *R v S.S.* (2004, BCCA) upheld a 8 mo open custody + 4mo supervision for youth found guilty on charges arising out of his street racing while impaired by alcohol and an accident that killed a passenger.

“Only a custodial sentence would be sufficient to hold the youth “accountable for his offence....nothing short of imprisonment could induce [this]...young person to develop a sense of responsibility.”[\[1\]](#)

# Aboriginal Youth

- Special consideration of circumstances before imposing custodial sentence: ss. 3(1)(c)(iv) & 38(2)(d)
- Apparent that judges are considering this provision, but there are still cases where custody appropriate for Aboriginal youth.
- *R v B.L.M.*(2003, Sask.C.A.) overturned non-custodial sentence for aboriginal youth who pled guilty to 2 armed robbery charges - sentence had been imposed by the trial judge after a lengthy judicially supervised conference. Youth had a significant prior record, was involved in Aboriginal gang, and suffering from fetal alcohol effects. Appeal court emphasized that a non-custodial sentence was not proportional to the offences and the psychological harm of the victims, concluding  
“Public protection through rehabilitation ...must give way to public protection through a custodial sentence.”

# Is Deterrence a Sentencing factor?

- For adults s. 718.2(e) of the *Code* makes specific and general deterrence a sentencing, but s.50 YCJA provides that Code provisions do not apply to youth sentencing.
- Some judges have held that deterrence is **not** directly to be taken into account as an aggravating factor in sentencing under YCJA: *R v B.R.S* (Sask), Whelan Prov. J.; *R v H.A.M.* (Man.) Swail J.; *R. v. K.D.* (N.S.) Lynch J.
- Though if youth know that they will be held “accountable” (including consideration of harm and previous record), this gives the **youth justice system a deterrent effect**

**Research reveals that *increase in severity* of youth sentence does *not* affect youth crime (and may even increase reoffending), though *increasing likelihood of apprehension* (policing) may tend to reduce *some types* of youth crime.**

# B.C.C.A. 2004 – R v B.V.N.

## Deterrence is factor, but less than for adults

- 16 yr old pled guilty to assault causing bodily harm; serious assault by youth and another, use of knife and threat with gun to enforce drug debt. Troubled youth was ward of MCFD with high risk of reoffending
- Trial decision of 9 mo.secure custody + 18 mo ISS upheld
- The YCJA “implies a reduced emphasis on general deterrence ...compared to adult sentencing” but it does not require “sentencing judges to completely disregard general deterrence in particular cases.”
  - MacKenzie J.A.
- While “young offenders are not generally possessed with the same degree of moral blameworthiness as adult offenders, the fact remains that not all young offenders are unaware of the sanctions imposed by the criminal justice system...It would be unrealistic and unwise to conclude that the principle of general deterrence has no application in dealing with young offenders.”

Oppal J.A.

# Custody - most offences:s. 42(2)(n)

- 2/3 in custody + 1/3 **community supervision**;
- open & secure custody
  - Judge decide custody level
  - Province to decide what facility within designated level e.g could still be boot camp(strict discipline)
- court may allow early release or detain instead of community release if likely youth will commit serious violent offence while on release
- supervision terms usually to be set by provincial director
- supervision & support in the community very important for rehabilitation
- may be returned to custody while on supervision

# Custody and supervision order

- Major change : All custody orders include a period of supervision in the community, with presumptive release date set at time of sentence.
- The possible length of the period of community supervision varies by the the offence;
- Most offences: period of supervision is one half of the length of the custody period (2/3:1/3)
- maximum total length of order 2 yrs; unless adult could get life -> 3 years; or murder -> 10 yrs.
- Initial sentence can also be custody and community supervision *followed by* probation for total of up to 2 yrs [ss. 42(14), 56(5)(b) & 56(5)]

# Open Custody

- Could be group home with youth at school
- School will usually know, but not always (no **duty** to inform – restrictions on information sharing – but police may share if concerns about safety, rehabilitation or need to supervise)

# Sentencing - most serious offences

- Special youth court sentencing for:
  - murder, manslaughter, attempted murder, aggravated sexual assault
  - third “serious violent offence”
- judicial discretion to divide between custody and supervision, within 3 yr maximum or 10 yrs. for murder. Judge to set terms of release on conditional supervision.
- intensive rehabilitative custody & supervision possible sentence for these offences, but no involuntary treatment

# Adult Sentencing

- Decision about adult sentence only after trial
- If possibility of adult sentence, right to jury trial but no identifying publicity
- If 14 or older & **presumptive offence** -> presumption of adult sentence with onus on youth to show that youth sentence adequate to hold youth “accountable”:
  - murder, attempted murder, manslaughter
  - aggravated sexual assault
  - 3rd “serious violent offence”
- Part of adult sentence may be youth custody
- Early parole eligibility if life sentence for murder (5yrs - 10 yrs) instead of 10 yrs - 25 yrs for adult

# Quebec Court of Appeal (2003)

- Charter of Rights requires presumption of youth sentence for adolescents
- Some parts of YCJA that deal with adult sentencing are unconstitutional
- Federal government promised to enact new law consistent with decision
  - YCJA amendments possible Fall 2004

# Publication

- YOA allowed publication of the identity of a young person **transferred** to adult court (prior to a finding of guilt).
- YCJA generally prohibits publication of identifying information until youth court has found the young person guilty and imposed an adult sentence. (s.110)
- As under YOA, YCJA allows application to youth court to permit identifying publication if:
  - youth at large & considered danger to public [s. 110(4)]; or
  - if youth requests [s. 110(6)].

# Confidentiality & information sharing

- As under YOA, generally no identifying media publicity for young offenders under YCJA
- Identifying publicity permitted:
  - after adult sentence is imposed
  - judge may allow if youth at large and danger to public
- Restrictions on disclosure of records as under YOA, but police or probation may share with school [s. 125(6)] if necessary for:
  - To ensure safety of students or staff
  - To ensure compliance with youth court order
- As under YOA, duty to keep young offending information separate from other records, restrict access and destroy when no longer needed [s. 125(7)]

# Conclusion

- Clear that YCJA reduced use of custody throughout Canada
- Substantial variation in policies & programs and effect of YCJA
  - BC already had low custody rate under YOA
  - further declined under YCJA
- Likely greatest effects where greater access to community based programs
- Long term effects still uncertain
  - Is it contributing to safer communities

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*Youth Criminal Justice Law*

(Irwin Law, 2003)

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# Other YCJA Resources

- Green and Healey, *Rethinking Approaches to Youth Justice* (Saskatoon: Purich Publishing, 2003) - a policy oriented focus with some emphasis on aboriginal offenders
- Tustin & Lutes, *A Guide to the Youth Criminal Justice Act* (Toronto: Butterworths, 2004) - an annotated version of the YCJA - \$49.95
- Canadian Journal Of Criminology (Vol.46, No. 3, Winter 2004, Special issue)
- Justice Canada website  
<http://canada.justice.gc.ca/en/ps/yj/index.html>