



## Information for Victims of Crimes Committed by Young People

Fact Sheet No. 1

### Victims and the Youth Justice Process

This Fact Sheet contains information about the stages in the criminal justice system when a young person commits a crime. It highlights the rights of victims of the crime throughout the process.

#### Respecting the rights of the victim

The Declaration of Principle in the *Youth Criminal Justice Act* says:

victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system.

A victim of a crime committed by a young person has a right to expect that courtesy, compassion and respect will guide the actions of everyone he or she encounters in the youth criminal justice system.

#### Gathering evidence

Someone grabbed your bag. Your car was stolen. A window in your home was smashed. You have been the victim of a crime. The first step in the criminal justice process is to report what happened to the police. The police will talk to you about what you saw and ask other people if they witnessed what happened. They will collect evidence to help them to identify who might be responsible for the crime.





## Identifying a suspect

When the police are able to identify the person they have reasonable grounds to believe committed the offence, they will make a decision on how to proceed. They are guided by an important principle that has been part of our law for over 135 years and which is also set out in the *Canadian Charter of Rights and Freedoms*: “Any person charged with an offence has the right to be presumed innocent until proven guilty.” This means that a person must not be treated as guilty of an offence unless he or she pleads guilty to the offence or is found guilty of the offence in court.

## Deciding on how to proceed

The *Youth Criminal Justice Act* gives the police and the Crown (government prosecutors) several options on how to proceed when a young person is suspected of having committed an offence.

### Extrajudicial (out-of-court) measures

“Extrajudicial measures” hold a young person accountable for his or her actions without prosecuting the young person in court. Extrajudicial measures are an effective and appropriate way to address youth crime and are presumed to be adequate to hold a first-time non-violent offender accountable. The law recognizes that acting quickly to address offending behaviour and encouraging a young person to acknowledge and repair the harm caused to the victim and the community is usually the best way to rehabilitate the young person. The law reflects the fact that young people lack the maturity of adults and encourages the use of extrajudicial measures whenever appropriate.

According to the law on extrajudicial measures:

- The police can decide that it would be sufficient not to take any further action.
- The police can warn the young person about the consequences of his or her actions and the potential for laying charges and then not take any further action.
- The police can caution the young person according to a program for cautions set up by the provincial or territorial government. Under such a program, the police might send a letter to the young person's parents about the situation or require the parents to come to the police station with their child for a meeting.
- The police can, with the young person's consent, refer him or her to a community program or agency that assists young people so that they do not commit a crime again.
- The Crown can caution the young person according to a program for cautions set up by the provincial or territorial government. A Crown prosecutor might, for example, write a letter to the parents of the young person about the crime and the consequences of similar behaviour in the future.

### Extrajudicial sanctions (pre-charge or post-charge measures)

The young person can be required to participate in an extrajudicial sanctions program set up by the province or territory. These sanctions can be used only when extrajudicial measures are not sufficient to hold the young person accountable, the young person accepts responsibility for what happened, and the Crown has enough evidence to proceed with a prosecution. The Crown maintains the option of prosecuting the young person for the offence if the young person does not follow the terms of the extrajudicial sanctions program.



A victim of a crime committed by a young person can request information about the extrajudicial sanctions that have been used to respond to the young person's actions and ask for the name of the young person. This information must be provided to the victim when requested. Note, however, that the name of the young person is protected information and the law prohibits the victim of the crime from making it public.

### Judicial measures

The Crown can decide to prosecute the young person. The young person may decide to plead guilty or the case can go to court where a judge will hear the evidence. The judge will decide whether or not there is proof beyond a reasonable doubt that the young person committed the offence.

The law says that victims of crime should receive information whenever a court hearing concerning the young person accused of the crime takes place. The provincial and territorial governments will decide when and how this will be done.

### Establishing a conference

At any time in the youth criminal justice process a decision-maker – a judge, a police officer, a prosecutor, a youth court worker, etc. – can ask that a conference be held. The decision-maker may ask the conference for advice on, for example, appropriate extrajudicial measures for the young person, conditions to set if the young person is released from custody before a trial occurs, sentencing or reintegration plans. A conference focuses on the particular situation of a young person.

A conference brings together a variety of people. A conference could include the victim of the offence, the young person's parents, other people who know the young person from the neighbourhood and people who work in the justice system. The conference gives everyone a chance to speak and discuss what advice to give to the decision-maker. One purpose of a conference could be identifying ways that the young person can repair the harm done to the victim.

## Establishing a youth justice committee

The law authorizes the federal, provincial or territorial governments to establish a youth justice committee or committees. A committee can assist with any aspect of the administration of the law or in any programs or services for young people.

One function of a youth justice committee may be supporting a victim of an offence by asking about his or her concerns and by facilitating reconciliation between the victim and the young person who is alleged to have committed the offence.

## Setting the sentence

When a young person pleads guilty to a charge or is found guilty at a trial, a judge will decide on the most appropriate sentence, following the guidelines in the law. Usually, a judge will receive a pre-sentence report that sets out the young person's personal history and actions since the crime occurred. Before sentencing the young person, the judge must consider a victim impact statement, if one has been filed with the court. The victim impact statement describes the harm the crime has done and any losses it has caused to the victim.

A pre-sentence report must include the results of an interview with the victim of the crime, if applicable and reasonably possible. As well, a judge must consider a written victim impact statement and give the victim permission to read the statement aloud in court, if the victim asks to do so.

*For more information, please visit the Youth Justice Renewal home page on the Department of Justice Canada Web site under Programs and Services at <http://canada.justice.gc.ca> or e-mail [youth-jeunes@justice.gc.ca](mailto:youth-jeunes@justice.gc.ca)*

### *Other Fact Sheets*

No. 2 – Victims: The Right to Participate

No. 3 – Repairing the Harm Caused to Victims