

Are you a victim of youth crime?

Learn about victims' rights.
Understand what victims can do.
Participate in the youth justice process.

A youth grabs your purse, steals your car, breaks into your house or business, damages your property, or assaults or harasses you. You are a victim of youth crime.

This brochure is for victims of youth crime under the Youth Criminal Justice Act.

- What are the guiding principles to involve victims in the youth justice process?
- What happens when a young person commits a crime?
- What rights do victims have to information?
- How can victims participate?
- How can the youth justice process help victims manage their damage, loss, and injury from the crime?
- What victim services programs do we have in the Northwest Territories?
- Can the victim take the youth to court?


The Youth Criminal Justice Act is a federal law. The NWT applies this law when a person 12 to 17 years old commits a crime under the Criminal Code. The Criminal Code covers crimes like break and enter or sexual assault.

We use a territorial law called the Youth Justice Act for some less serious crimes, like drinking alcohol underage.



Photos by: Tessa MacIntosh





What are the guiding principles to involve victims in the youth justice process?

The *Youth Criminal Justice Act* has three guiding principles for victims.

- 1) People who work with the youth justice process should treat the victim with courtesy and compassion. They should respect the victim's dignity and privacy. They should help make sure the victim suffers the smallest amount of trouble.
- 2) Victims should get information, and may have a chance to participate and be heard.
- 3) The youth who did the crime often does things to repair the harm they did to the victim and the community. This helps the youth to be responsible for their crime.

People who work with the youth justice process decide what things the youth will do to repair the harm. They will use fair measures, or things that match the crime and the individual youth.

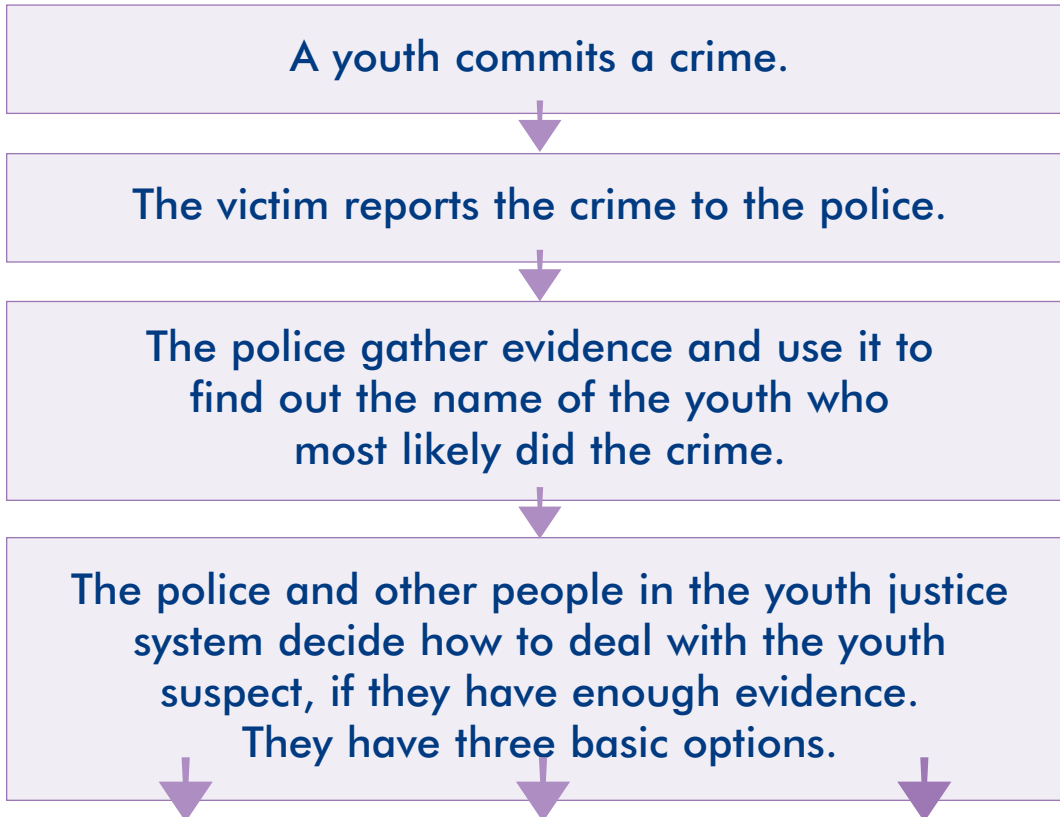
People who work with the youth justice process include:

- The police
- Youth workers
- Judges
- Lawyers
- Victim support workers
- Youth justice committee members



What happens when a young person commits a crime?

This is a basic outline of the youth justice process.



Out-of-court measures.

- The youth suspect can do certain things to take responsibility.
- Police don't lay charges. They decide the measures.
- Usually used for first-time or non-violent crimes, and when appropriate.

Out-of-court sanctions.

- A program – more serious than measures.
- The youth justice committee runs the program.
- Police can still charge the youth if they don't follow the program.

Court

- A trial if the youth pleads not guilty.
- The judge hears evidence, decides if the youth is guilty or not.
- The judge decides the sentence.

What rights do victims have under the *Youth Criminal Justice Act*?

- Victims can expect the youth justice process to be polite and kind, and to respect their dignity and privacy.
- Victims can ask for and get information about the youth and the youth justice process.
- Victims can participate, if they choose to.
- Victims can decide if they want to have any contact with the youth after the crime. This includes out-of-court measures.
- Youth victims have the right to privacy. No one can make their name public, unless the youth victim wants it or the court orders it.

Victims of youth crime have had a difficult, even tragic experience. It is not the victim's fault. The law can't change what happened, but it can protect the victim's interests.

Victims' rights to information

- The system tells the victim the youth's name, if the youth has out-of-court sanctions. The victim must not make the youth's name public.
- The victim may ask for public court records any time during the youth justice process.
- The system tells the victim when the youth has out-of-court sanctions, and what the sanctions are.



How can victims participate in the youth justice process?

Victims can choose to participate or not. When victims participate, they can make sure the youth, the community, and people in the youth justice process hear their story. Victims have an important point of view.

Conference

The youth justice process may ask the victim to be part of a conference. A conference is a meeting. The meeting can bring together the youth suspect, the victim, the youth's parents, other people who know the youth, and people from the youth justice process.

The people at the conference give advice about decisions the system has to make about the youth. The victim can offer their point of view and work with the other people at the conference.

For example, people at the conference might talk about:

- What out-of-court measures would work best for the youth?
- What conditions should the youth meet if they are released from custody before a trial?
- What things should the sentencing or reintegration plan include?
- How can the youth repair the harm they did to the victim?

Youth justice committee

The federal or territorial government can set up a youth justice committee. They are part of the youth justice process. The committee helps administer the law and coordinates programs for youth involved with the justice system.

The youth justice committee may support a victim and ask about their concerns. The committee may bring the victim and youth suspect together, to understand each other, and help the youth repair the harm to the victim. Or the victim can give their concerns to the committee in writing.





Court.

The court may ask the victim to give evidence if the youth has a trial. Victims must be a witness and give evidence, if the court asks.

Victim impact statement

The judge will read a victim impact statement, if the victim filed one with the court.

The victim can use the victim impact statement to tell the court how the crime affected them. It describes the harm and loss the victim experienced from the youth crime. The victim can ask to read their statement out loud in court. The judge must agree.

The judge must consider the victim impact statement when they decide the youth's sentence.

Pre-sentence report for court

The judge reads a pre-sentence report before they decide how to sentence the youth. This report tells the judge about the youth's personal history and actions since the crime.

The youth worker may interview the victim when they prepare the pre-sentence report, to include the victim's point of view. The judge considers the pre-sentence report when they decide the youth's sentence.

When the judge decides the sentence, they take into account any efforts the youth made to repair the damage they did with their crime.

The judge can order the youth to pay the victim for their lost or damaged property, lost income or support, and personal injury.



How can the youth justice process help victims manage the damage, loss, and injury from the crime?

The youth justice process encourages youth to repair the harm they did to the victim and the community.

Out-of-court sanctions

The youth justice process may use out-of-court sanctions to get the youth to repair harm. For example, the youth may have to fix something they broke, return something they stole, or do a certain job for the victim or the community.

Some sanctions may bring the youth into contact with the victim. The victim must agree this is okay.

Court-ordered actions – the sentence

The judge's sentence may affect the victim. Here are four examples:

- i) The youth must pay the victim for their lost or damaged property, lost income, or for the victim's personal injury.
- ii) The youth must return property they stole or fix something they broke.
- iii) The youth must pay for something they stole, if they sold, damaged, or lost it.
- iv) The youth must do a certain job for the victim.

The judge can also get the youth to pay a victim fine surcharge. This money goes to the government's victim services program. It doesn't go directly to the victim.





What victim services programs do we have in the NWT?

The GNWT Department of Justice, Community Justice Division gratefully acknowledges the Department of Justice Canada, Youth Justice Policy for funding this project.

This fact sheet is available upon request in the official languages of the NWT. Please call (867) 920-6911 for more information.

Victim services programs give victims information. Victim services workers help victims deal with the crime and the justice process.

Community-based programs

We have five community-based programs in the Northwest Territories. Contact the one nearest you for help.

Hay River	867-874-7212	Yellowknife	867-920-2978
Ft. Smith	867-872-5911	Inuvik	867-777-5493
Ft. Good Hope	867-598-2247		



Can the victim take the youth to court?

Yes, the victim has the right to sue for damages. They can take the youth who did the crime or their parents or guardian to civil court. They ask the court to make the youth pay for lost or damaged property, lost income, or for the victim's personal injury.

The victim should talk to a lawyer to get more information about going to court.