



Community Legal Information Association of Prince Edward Island, Inc.

Information for Victims of Youth Crime

What is the Youth Criminal Justice Act?

The *Youth Criminal Justice Act (or YCJA)* is a federal law that came into effect on April 1, 2003. It tells us how young people from age 12 up to their 18th birthday are to be dealt with if they break the law. Under this *Act*, out-of-court or extrajudicial measures will be used to deal with most minor crimes. The use of custody will be limited.

What the *YCJA* says about victims of youth crime:

The *YCJA* recognizes that victims have rights and that victims may want to be part of the process used to deal with an offence. The *Act* states that:

- Victims are to be given information about the proceedings.
- Victims are to be given the opportunity to participate and be heard.
- Victims are to be treated with courtesy, compassion and respect for their dignity and privacy.
- Victims have the right to access youth court records.
- Victims are encouraged to participate in community responses to the offence.
- Victims have the right to be informed about any extrajudicial sanction used to deal with the offence.
- Victims have the right to know the identity of the young person who committed the offence when the young person is dealt with by way of an extrajudicial sanction.
- Publication of any information that might identify child or youth victims or witnesses is not allowed, except in very limited circumstances.

What could happen to the young person who committed the offence?

The police officer will take all of the information into account and decide to:

- Take no further action.
- Give the young person a warning.
- Refer the young person to a community agency, such as Addiction Services, to help the young person deal with problems and avoid future conflict with the law.
- Refer the young person to an out-of-court program called extrajudicial sanctions, which may involve participating in a community process such as a community justice forum.
- Charge the young person with an offence.

How can a victim be involved in the youth justice system?

Victims have the opportunity to be involved in the following ways:

- by participating in a community process to deal with the offence – for example, a community justice forum or victim-offender mediation
- by participating in a conference to give advice on decisions to be made
- by preparing a Victim Impact Statement if the offence goes to court
- by accepting services from the young person as compensation for the harm done
- by the offence
- by seeking information about the incident, the young person's identity, and the consequences for the young person
- by providing information for a pre-sentence report if the young person is found guilty or pleads guilty in court

What is a Community Justice Forum?

In a community justice forum, the offender and the victim, families and support people for each, and others involved in the case meet together with a trained facilitator to work through a structured process. Everyone has an opportunity to speak about how the incident has affected him or her. Usually a plan is developed about how to repair the harm done by the offence.

What is a conference?

A conference is a group of people brought together to advise about decisions made under the *YCJA*. A conference could include parents or guardians, victims, community people, and professionals working with the young person or his or her family. The advice could be about things like appropriate out-of-court procedures (also called extrajudicial measures), appropriate sentences, plans for reintegrating the young person into his or her community after custody, or plans to help the young person deal with problems in his or her life.

What is a Victim Impact Statement?

This is a statement used in court during sentencing to inform the judge of the effect of the offence on the victim and the victim's family. The judge takes this information into account when sentencing. Victim Services will help with preparation of the statement (see below for contact information). The victim has the option to read this statement aloud in court.

What is a pre-sentence report?

This is a report to the court prepared by a probation officer. It gives information about the personal and family history and environment of someone who is to be sentenced. It helps the judge decide what sentence to give.

What help is available for victims of youth crime?

Victim Services provides help to victims of crime anywhere in Prince Edward Island. Victims often find it helpful to have someone who can support them as they go through whatever process is used to deal with the offence.

Victim Services provides several different kinds of services to victims, including:

- Information about the status of the police investigation and about whatever process is used to deal with the offence
- Short-term counselling to help a victim deal with the effects of an offence
- Referrals to other services a victim may need
- Help to prepare a Victim Impact Statement to be read if the incident goes to court
- Information about ways a victim might be able to recover financial losses resulting from the crime
- Help to prepare for court and a worker to go to court with a victim if he or she wants someone to be there
- Assistance with out-of-court procedures
- Financial compensation that may be available for personal injuries resulting from a crime

Victim Services Offices

Queens and Kings Counties: Prince County:
PO Box 2000 263 Harbour Drive
Charlottetown, PE C1A 7N8 Suite 19, 2nd floor
Tel: (902) 368-4582 Summerside, PE C1N 5P1
Tel: (902) 888-8217 or 8218

If you want more information, you can call the inquiry line at Community Legal Information Association (or CLIA) at 892-0853 or 1-800-240-9798. If you wish to speak to a lawyer, you can get a lawyer referral through CLIA, which gives you a 30- minute consultation with a lawyer for \$10 plus tax.

This pamphlet contains general information about the law. It is not a complete statement of the law in this area and is not a substitute for legal advice. To receive legal advice, you need to speak to a lawyer.

Community Legal Information Association of PEI Inc. (CLIA) is a charitable organization that receives funding from the Department of Justice Canada, the Prince Edward Island Office of the Attorney General, the Law Foundation of PEI and other sources. CLIA provides Islanders with understandable and useful information about the law and the justice system in Prince Edward Island.

For more information, you may telephone CLIA at 892-0853 or 1-800-240-9798, visit our website at www.cliapei.ca or email us at clia@cliapei.ca

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