

THE RIGHTS OF YOUTH: CRIMINAL JUSTICE

March 2006

INFORMATION ABOUT CANADA'S LAW FOR YOUNG PERSONS 12-17 YEARS OF AGE



The law about how you are handled in the criminal justice system changed April 1, 2003 when the *Youth Criminal Justice Act* (YCJA) replaced the *Young Offenders Act*.

A lot of the system has stayed the same: a crime is still a crime. If you break the law, there are consequences.

Young people have to be treated differently than adults, though. You have added protections, such as:

- To make sure they can help you, your parent/guardian must be told if you are involved with the justice system.
- You have the right to speak to and/or have a lawyer, parent or guardian, or other adult with you when speaking to the police.

- The police must use words that you can understand when they arrest or interview you.
- All sentences can be reviewed or changed if you have done well while serving a sentence.
- Your name can't be published unless you have been found guilty of a very serious offence or been given an adult sentence.
- Only certain people such as the police, your lawyer or other adult helping you, or those given permission by a judge can see your record. Even then, your record can only be viewed for a limited period of time.

The youth justice system is to provide meaningful and timely consequences that will teach you to respect community values and to take responsibility for your actions.

The youth justice system is meant to let as many minor cases be handled outside the court system, in the community, as possible. And, for those cases that have to go to court, helping you stay out of further trouble is one of its main goals.



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There are different community options that the police and crown attorneys must consider instead of laying charges for minor crimes. Only the more serious cases should end up in court. The community, through the police, youth justice committees, mediation-type programs and volunteers should be able to handle the rest.

Another important goal is to include the victim and community when a crime is being handled in the system. Young persons apologizing, paying for or working off damages or doing community work are all ways of the community being repaired for the harm done when a crime was committed.



If the case has to go to court, and it is serious enough, you may have to go to custody for a period of time. The court must be very careful in deciding to use custody, though. Custody is a last resort left for repeat or violent offenders and all reasonable alternatives to custody must be taken into account.

If you are sent to custody, it can't be longer than what an adult or another young person with a similar background involved in a similar crime would get.

Almost all custody sentences have to include a period of supervision in the community. It's a split between 2/3 custody and 1/3 supervision. If you break your supervision conditions, you could end up back in custody.

The court can ask for advice from people in the community when it makes decisions about you. The court can also refer your case to a child welfare agency to see if you need their services.

When dealing with your case, the law requires that the system has to take into account if you are of Aboriginal ancestry, or have special needs.

Sometimes, if you are over 14 years of age, your charge may be so serious that there would be a possibility of you receiving an adult sentence. In cases like that, you can have a trial like an adult would have, but your name can't be published until, or if, you are found guilty. Charges like murder, manslaughter, attempted murder or repeated, violent crimes could result in an adult sentence.

If you receive an adult sentence, your record will always be accessible unless you get a pardon.

A youth record only remains active for a limited period of time, depending on how long your record is and for what types of charges you were sentenced.

If you successfully complete a youth sentence, and are asked about it, you can say that you were never convicted for the offence. Your record may continue to be active or come back if you get back into trouble.



This pamphlet contains only general information. If you have specific questions, you should speak to a lawyer. You can call Manitoba Legal Aid at (204) 985-8570, or toll free 1-800-672-1043.

RESOURCES

If you have any concerns about the conduct of a Winnipeg Police Service member, you can contact:

Law Enforcement Review Agency (LERA)

420 – 155 Carlton Street
Winnipeg, MB R3C 3H8
Ph: 945-8667

If you have any concerns about the conduct of an RCMP member, you can contact the:

**Commission for Public Complaints
Against the RCMP**

Suite 102, 7337 – 137th Street
Surrey, BC V3W 1A4
Toll-free: 1-800-665-6878
www.cpc-cpp.gc.ca

If you need a lawyer but are concerned that you don't have enough money, you may qualify for assistance from Legal Aid Manitoba. For more information call:

Legal Aid Manitoba

Ph: 985-8500 (in Winnipeg)
Toll-free: 1-800-261-2960 (outside Winnipeg)

If you have concerns about something your lawyer has done (or not done), you can contact the:

Law Society of Manitoba

219 Kennedy Street
Winnipeg, MB R3C 1S8
Ph: 942-5571

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints about your access to information and privacy rights under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.



OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Office of the Manitoba Ombudsman

Winnipeg
750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 982-9130
Toll-free: 1-800-665-0531
Fax: 942-7803

www.ombudsman.mb.ca

Brandon

603 Scotia Towers
1011 Rosser Avenue
Brandon, MB R7A 0L5
Ph: 571-5151
Toll-free: 1-888-543-8230
Fax: 571-5157

Office of the Children's Advocate

102 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 945-1364
Toll-free: 1-800-263-7146
Fax: 948-2278

www.childrensadvocate.mb.ca

Manitoba Human Rights Commission

Winnipeg
7th Flr 175 Hargrave R3C 3R8
Ph: 945-3007
Toll-free: 1-888-884-8681
TTY: 945-3442
Fax: 945-1292

www.gov.mb.ca/hrc

Collect calls accepted at all branches

Brandon

Provincial Government Building
340 9th Street
R7A 6C2
Ph: 726-6261
Toll-free: 1-800-201-2551
TTY: 726-6152
Fax: 726-6035

The Pas

2 Flr-Otineka Mall
PO Box 2550
R9A 1K5
Ph: 627-8270
Toll-free: 1-800-676-7084
TTY: 623-7892
Fax: 623-5404

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

Information about the Manitoba Ombudsman, *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* can be found on their web site: www.ombudsman.mb.ca.

Office of the Children's Advocate

The Children's Advocate represents the rights, interests and views of children and youth who feel they are not getting the services they need from a child and family services agency or department.

An advocate is someone who speaks with you and for you. Advocacy is about supporting and helping to make sure you are heard and taken seriously.

While the Office of the Children's Advocate may respond to parents and other adult's concerns, their first concern is for children and youth.

The Office of the Children's Advocate will do their best to help you and support you whenever you have a concern. More specifically, the Advocate:

- can listen: give you information about how you can solve your situation on your own; help you say what you want to say; call someone for you and explain what you want or need; and assist you in participating in decisions that affect your life.
- may also: arrange a meeting with all the people involved and try to sort things out; work to change the system for all children and youth having the same problem; and work with the community to promote and support advocacy for all children and youth.

Information about the Children's Advocate Office, *The Child and Family Services Act* and *The Adoption Act* can be found on their web site www.childrensadvocate.mb.ca.

Manitoba Human Rights Commission

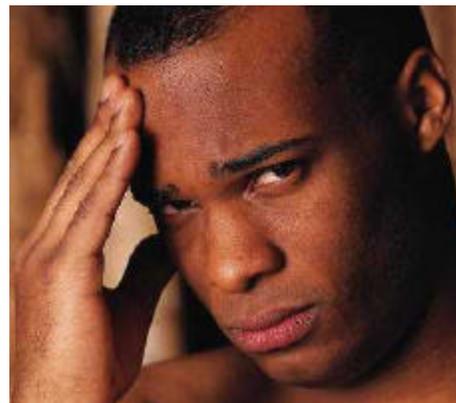
The Manitoba Human Rights Commission deals with complaints of **discrimination** and **harassment** in a number of areas of public life, including:

- employment;
- rental of housing; and
- public services and facilities such as stores, hospitals, schools, and recreation programs.

Manitoba's *Human Rights Code* is designed to promote equality of opportunity and to protect against discrimination based on:

- ✓ age;
- ✓ ancestry (including colour and perceived race);
- ✓ nationality or national origin;
- ✓ ethnic background;
- ✓ religion or religious association or activity;
- ✓ sex (including pregnancy);
- ✓ gender-determined characteristics;
- ✓ sexual orientation;
- ✓ marital or family status;
- ✓ source of income;
- ✓ physical or mental disability (which includes circumstances related to your disability, such as reliance on a wheelchair);
- ✓ political belief, activity or association.

Information on the Commission and *The Manitoba Human Rights Code* can be found on their web site www.gov.mb.ca/hrc.



The content of this publication may be subject to change. Check the websites of The Manitoba Human Rights Commission, the Children's Advocate or the Ombudsman for updates.