

# TYES Frontline Workers' Toolkit

## **SUPPORTING YOUTH THROUGH THE JUSTICE SYSTEM: A RESOURCE FOR FRONTLINE YOUTH WORKERS**





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# Frontline Staff working with Youth in the Criminal Justice Process

This resource is provided for Toronto-area youth workers, teachers, and other professionals supporting young people interacting with the criminal justice system. Its objective is to aid these professionals in understanding the criminal justice process to better support the young people they are working with. Criminal charges can result in very serious short-term and long-term consequences. It is very important that young people consult with a lawyer about any criminal matters.

There are some ways that frontline workers can assist a young person dealing with criminal charges. This resource contains specific information on how youth-serving staff can help support young people as they navigate the criminal justice system.

This resource describes the criminal justice process for young people between the ages of 12-17 years (youth) and young people over the age of 18 years (adults). Some of these young people are considered adults by the legal system. The law treats youth differently from adults; they have different legal rights, different legal language is used and the law is interpreted differently depending on whether the young person is under 18 years old at the time of the offence. This resource will sometimes refer to young people as the accused (someone who is charged with a crime), but will explain when the law or legal process changes depending on whether the young person is a youth or an adult.

There is always some assistance for young people facing criminal charges. Legal Aid or local Legal Aid Clinics may be able to provide a lawyer for a young person. Justice for Children and Youth (JFCY) provides legal representation and advice for youth across Ontario and can help a young person find a local lawyer: <https://jfcy.org/>

# How to use this resource

The information provided in this resource describes terminology in very general terms. It does not have any information about options or advice for handling a specific case. This information is inadequate for anybody preparing for their own criminal proceeding. Young people should always consult with their lawyer or with Duty Counsel (Legal Aid lawyers whose job it is to help people in the short term who do not yet have a lawyer), available in every criminal courthouse in Ontario, before any step in a criminal proceeding.

This resource should be used electronically. Information about the criminal justice system changes when the law changes. Links to reliable sources of public legal information are included throughout this resource. Organizations like Justice for Children and Youth (JFCY) and Community Legal Education Ontario (CLEO) ensure that the legal information they provide on their websites is updated regularly when the law changes.

The text of this document was collected in January 2020, largely from material found on the following websites: [Justice For Children and Youth](#) and [Steps to Justice](#). The content in this resource is provided for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. Throughout this document we have pointed the reader to where this information can be found online and we encourage readers to view it in that format.

## Part I: About the Justice System

This first set of topics explains how the criminal justice system is structured, and describes some of the people and organizations who work within the criminal justice system. Before exploring how a case moves through the system (see Part II), it's important to be familiar with these fundamental concepts.

In Toronto, there are several options for applying for Legal Aid. The first is at a Legal Aid office. Follow this link for a list of Legal Aid Offices in Toronto:

<https://www.toronto.ca/311/knowledgebase/kb/docs/contacts/311-toronto/contact-list-provincial-legal-aid.html>.

# What is Legal Aid?

Legal Aid Ontario provides legal assistance to people with low incomes. To get help with an issue related to criminal law, the person charged must apply to Legal Aid Ontario for a legal aid certificate. If a certificate is issued, this means that Legal Aid Ontario will pay a lawyer to work on the case for a certain number of hours.

Legal Aid Ontario offers different kinds of services, depending on the client's needs. Legal Aid is available through the certificate program, which entitles clients to receive advice and representation by private lawyers or by Legal Aid staff lawyers.

To get information on applying for a Legal Aid certificate, an individual can call the toll-free line at 1-800-668-8258. If eligible for Legal Aid, a Legal Aid certificate can be obtained and taken to a lawyer of their choice.

Every Ontario resident who needs legal assistance can apply. Eligibility for Legal Aid certificates is based on financial need and the type of case. An applicant may pay nothing or a portion of the cost of legal aid, depending on their financial situation. For a full summary of the price points and income levels that qualify a person for Legal Aid, go to:

<https://www.legalline.ca/legal-answers/what-is-legal-aid-and-who-is-eligible/>

Not all lawyers will take a legal aid certificate. The charged person must find a lawyer who agrees to work for them and will take the certificate.

Legal assistance is also available through Legal Aid Ontario's community legal clinic program. Community legal clinics provide information, advice, and representation on various legal issues, including social assistance, housing, refugee and immigration law, employment law, human rights, workers' compensation, consumer law, and the Canada Pension Plan. Some legal clinics do not handle all of these issues, but staff may be able to refer you to someone who can help. There are 59 general legal clinics and seven student legal aid services societies across Ontario.

Find your local legal clinic here:

<https://www.legalaid.on.ca/legal-clinics/>



## How do lawyers help?

Lawyers are the number one contact at every step of the legal process. From the first point of contact with the police, up to after all the charges have been dealt with, contact with a lawyer is essential. Lawyers speak for people accused of crimes (referred to as 'the accused') in court and give advice on what to do. They make legal arguments on behalf of the accused, and in certain circumstances, may even attend court in place of the accused. This can happen if the accused has no 'personal appearance' requirement in their release conditions and have signed a 'Designation of Counsel' form authorizing their lawyer to make appearances on their behalf.

Upon a guilty plea or conviction (a finding of guilt made by the judge), the lawyer can explain to the judge what type of sentence would be best for the convicted person. Many lawyers specialize in defending young people accused of crimes, and will be able advise about the differences between a youth and an adult interacting with the criminal justice system.

**A client does not always have to follow their lawyer's advice but their advice is based on specialized knowledge and experience.**

# Finding a Lawyer

It can be challenging to find the right lawyer. Here are a few ways to start:

**Legal Aid Ontario:** A person may be able to get a lawyer for free from Legal Aid Ontario. Before contacting Legal Aid Ontario, it is important to gather all the documents related to the legal issue, income and place of residence. If an appointment is able to be booked, it is important to remember to bring identification to that appointment.

<https://www.legalaid.on.ca/services/criminal-legal-issues/>

**Justice for Children and Youth (JFCY):** JFCY provides legal services for young people under 18 and homeless youth under 25 in Ontario.

<https://jfcy.org/en/>

**Community and Legal Aid Services Program (CLASP):** CLASP provides free legal advice and representation to members of the community, and to York students. Students work in CLASP's clinic under the supervision of experienced lawyers.

<https://www.osgoode.yorku.ca/community-clinics/welcome-community-legal-aid-services-program-clasp/legal-services/criminal-law/>

**Justice Net** is a non-profit service that charges fees based on a person's income. If the young person has low or middle income and does not qualify for a legal aid certificate, they may be able to get a lawyer that may charge lower fees.

[www.justicenet.ca](http://www.justicenet.ca)

**Lawyer Referral Service:** The Law Society Referral Service is an online service that can give the young person the name of a lawyer in their community. The lawyer will provide a 30 minute free consultation either over the phone or in person.

<https://lsrs.lsuc.on.ca/lrs/>

<https://lso.ca/public-resources/choosing-the-right-legal-professional/preparing-to-meet-your-lawyer-or-paralegal>

<https://www.martindale.com/>

Referrals from family and friends: It is advisable to ask a friend or family member, if they have worked with a lawyer on a similar issue and if they were happy with the lawyer. If the young person chooses a lawyer that a friend or family member used, remember that everyone's case is different. Ask the lawyer what is likely to happen in the young person's specific case.

### How frontline workers can help

**Young people should always seek help from a lawyer if they are charged with a crime. While a youth worker or teacher cannot act as the young person's lawyer or stand up to speak for them in court, it is appropriate to help the young person find a lawyer, both for the bail hearing and for the rest of the matter, by encouraging them to talk to Duty Counsel and visit the legal aid office or call the local legal aid clinic. The lawyer will take instructions only from the young person who is legally the client. The lawyer cannot take instructions from parents, teachers, or other adults. Once Defence Counsel has been retained, the frontline worker might be contacted to provide information.**



## Preparing to Meet with a Lawyer

When hiring a lawyer it is important to choose a lawyer who can work well with the young person and who knows and understands Criminal Law. For people under the age of 18, it is very important that a lawyer understands both Criminal Law and the Youth Criminal Justice Act (YCJA), specifically. While some lawyers may have developed good reputations for representing adults, this does not mean they have experience representing those charged under the YCJA, who are often subject to separate principles, standards, and interpretations of law.

This is all especially important when hiring a lawyer through Legal Aid. It is extremely difficult to obtain a new lawyer once one has already accepted the Legal Aid 'certificate'. The lawyer should be someone that the young person can trust and feel comfortable talking to. They should listen to what the young person has to say, respect the young person, respect and keep their privacy and respect what they want to do about their legal matter.

**The lawyer hired must respect the privacy of their client. This means that the information given to a lawyer is private unless their client authorizes the lawyer to share that information with specific people.**  
<https://youth.cleo.on.ca/en/lawyer/private/>

Questions to ask when hiring a lawyer may include:

How much experience do you have representing young people in criminal cases?

What experience have you had with youth who have had similar charges or similar criminal history?

How often will we be in contact?

Will you spend the time to explain things to me in a way that I will understand?

Will you do what I want or what my parents or other adults want?

How long will my case take?

How much will you charge me?

Follow the links below to get more information about the types of questions to ask when hiring a lawyer:

<https://youth.cleo.on.ca/en/lawyer/ask-before-hiring/>

<https://lso.ca/public-resources/choosing-the-right-legal-professional/preparing-to-meet-your-lawyer-or-paralegal?lang=en-ca>

When a lawyer is hired, the lawyer works for the client - in this case, the young person. This means that the young person, with their lawyer's help and advice, makes the decisions about their case.

For young people under the age of 18, this means that their lawyer's job is to get the best legal outcome for the youth, not to do what their parents or other adults want even if their parent, another adult, or Legal Aid Ontario pays the lawyer.

It is important for young people to understand what the lawyer is suggesting and why they are suggesting it.

If the young person's lawyer does ask for money, check with the lawyer to make sure that they have accepted the certificate for all the young person's legal matters. If they are being paid by legal aid but are still asking for money, contact the Law Society of Ontario at 1-800-668-7380 or email them at [lawsociety@lso.ca](mailto:lawsociety@lso.ca).

Below are some more useful links on finding a lawyer, and information on their role at various stages of the court process:

- ⇒ <https://jfcy.org/en/rights/lawyers/>
- ⇒ <http://plelearningexchange.ca/wp-content/uploads/2017/12/6.-Hiring-and-working-with-a-lawyer-FINAL-January-2018.pdf>
- ⇒ <https://youth.cleo.on.ca/en/steps-youth-case/lawyer-help/>
- ⇒ <https://youth.cleo.on.ca/en/lawyer/find-lawyer/>
- ⇒ <https://www.legalaid.on.ca/youth-criminal/>
- ⇒ <https://www.legalline.ca/legal-answers/what-is-legal-aid-and-who-is-eligible/>
- ⇒ <http://jfcy.org/wp-content/uploads/2013/10/Teen-Street-Guide-Fall-2017.pdf>
- ⇒ [http://jfcy.org/wp-content/uploads/2013/10/Ch3\\_Lawyers-1.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch3_Lawyers-1.pdf)
- ⇒ <https://www.toronto.ca/311/knowledgebase/kb/docs/articles/provincial-government/legal-aid-applying-for.html>

## What is the Youth Criminal Justice Act (YCJA)?

The Youth Criminal Justice Act (YCJA) is the law that governs Canada's youth justice system. It applies to young people who are at least 12 but under 18 years old, who are alleged to have committed criminal offences. The YCJA outlines how young people should be treated by the justice system, including the challenges and needs of young people, their rights and freedoms, underlying causes of crime, and emphasizes reducing over-reliance on incarceration by focusing on meaningful consequences, rehabilitation, and reintegration. The YCJA describes the purpose of the youth criminal justice system, its focus, society's interests, and special considerations for youth thusly:

## The purpose of the youth criminal justice system is to:

- ⇒ prevent crime by addressing the challenges and needs of young people that commit crimes;
- ⇒ help young people who have committed crimes and support their reintegration back in society; and
- ⇒ ensure that young people receive meaningful consequences for their offences.

## The youth criminal justice system will put more focus on:

- ⇒ helping to put young people who have committed crimes back into society,
- ⇒ giving fair sentences consistent with the needs of young people and their lower level of maturity,
- ⇒ giving extra protection to young people, treating them fairly and respecting their right to privacy, and
- ⇒ enforcing the law quickly to strengthen the link between the behaviour and its consequences.

## While being fair to the young person, the actions taken should:

- ⇒ reinforce respect for societal values;
- ⇒ encourage young people to repair the harm done to the victims;
- ⇒ be meaningful to the person given his or her needs and level of development, and involve the parents, extended family and community where possible in the young person's return to society; and
- ⇒ respect gender, ethnic, cultural and language differences and respond to the needs of aboriginal people and young people with special requirements.

## Special considerations that apply in respect to actions against young people, in particular:

All these principles are enshrined in the law, and can be explored more fully at the following websites:

<https://jfcy.org/en/rights/application-of-the-ycja/#what-approach-does-the-youth-criminal-justice-act-take-with-young-people>

<https://www.justiceeducation.ca/legal-help/crime/youth-and-crime/young-offenders>

<https://www.justice.gc.ca/eng/rp-pr/cj-jp/yj-jj/pdf/back-hist.pdf>

<https://www.ycja.ca/?q=police/sentencing-principles>

## Does the criminal justice system treat Indigenous young people differently?

Indigenous young people are those who identify as First Nations, Inuit, or Metis. Gladue is an important part of how the justice system treats Indigenous people, youth or adults. The word Gladue is taken from the name of the subject of an important court case decided by the Supreme Court of Canada in 1999. In the Gladue case, the Supreme Court of Canada said:

"The high number of Indigenous people in prisons and institutions across Canada is a serious issue that courts must consider.

There are systemic or background factors that courts must think about when sentencing an Indigenous person.

Jail should be the court's last choice when sentencing an Indigenous person."

In an effort to repair Canada's history of generational and systemic unfairness under the law for Indigenous peoples, they are afforded special protections and accommodations in the justice system

Because of this, the justice system attempts to incorporate elements of Indigenous law into all stages of the criminal process. Indigenous legal principles are often referred to as principles of 'Restorative Justice'. Restorative Justice treats a criminal act as harm done to victims and communities. It seeks a solution to the problems caused by the criminal offence and involves victims and community members affected by the crime, such as family members of the victim and offender, in finding a resolution.

## Instead of punishment, restorative justice emphasizes:

- ⇒ The offender's shared responsibility for a lasting solution
- ⇒ The offender's acknowledgment and willingness to take responsibility for the victim's suffering
- ⇒ Forgiveness

See these resources for more information on Indigenous peoples in the justice system:

[http://jfcy.org/wp-content/uploads/2013/10/Ch8\\_AboriginalYouth.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch8_AboriginalYouth.pdf)

Gladue: <https://stepstojustice.ca/questions/criminal-law/what-does-gladue-mean>

### Restorative Justice:

<https://www.lawlessons.ca/lesson-plans/2.6.conferences> <http://restorativejustice.org/restorative-justice/rj-in-the-criminal-justice-system/#sthash.5PARoLHp.dpbs> <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2008-03-lmrj/2008-03-lmrj-eng.pdf>

## Part II: How a Case Moves Through the System

This section provides a general overview of the court process, beginning with the laying of a criminal charge. This overview covers the charge, forms of release, bail, obtaining a lawyer, the first appearance and court procedure, pleas, the trial process, justice programs, and sentencing. At each stage, it is important to remember that youth have different obligations and should be treated differently from adults. Some of those differences are included here.

**Consulting a lawyer is the first step in any of these processes. They can provide advice on the proper course of action at any stage.**

- ⇒ [http://jfcy.org/wp-content/uploads/2013/10/Ch1\\_Introduction.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch1_Introduction.pdf)
- ⇒ <http://jfcy.org/wp-content/uploads/2013/10/Youth-Criminal-Court-PROCESS-March-2017.pdf>
- ⇒ <https://youth.cleo.on.ca/en/steps-youth-case/>

## Laying a Charge

This section covers what happens when young people come in contact with the police. This does not include situations where the police sometimes have additional powers, such as when they enforce trespassing laws on behalf of landlords. This section includes information about speaking with the police, giving information, detention, searches, arrest, and the rights of somebody charged at each of these stages.

The most important piece of advice that a lawyer will give to a young person is to remain silent and not make any statements to the police. A statement is anything the young person says, even if they don't think the police are listening, and even if the police are not writing anything down. The young person should ask a lawyer about this if they have any questions. In addition to telling the accused the reason(s) for the arrest, everybody has the right to be notified of the following upon being charged:

- ⇒ The possibility of contacting a lawyer when he/she arrives at the police station;
- ⇒ The possibility of obtaining the assistance of counsel free of charge;
- ⇒ The right to remain silent;
- ⇒ The fact that everything the accused says may and will be held against him/her in any subsequent proceedings; and
- ⇒ The right to retain and instruct counsel (the right to have a lawyer).

Youth also have a number of additional rights when they are charged with a crime. When a youth (12-17 years at the time of the offence) is arrested, the police must, in addition to the previous requirements, immediately inform the youth of:  
The right to contact his/her parents or other appropriate adult;

- ⇒ The right to contact counsel and his/her parents (or appropriate adult) in private; and
- ⇒ The right to have the persons contacted present during any questioning by the police.

A young person may think that people whom they trust (parents, teachers, youth workers, friends, a therapist, etc.) will keep what they tell them secret, but very often, they legally cannot. If any of these people have to go to court as witnesses in the young person's case, they will have to tell the court what the young person told them. The only person who can keep what the young person tells them private, is their lawyer.

- ⇒ [http://jfcy.org/wp-content/uploads/2013/10/Ch2\\_Police.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch2_Police.pdf)
- ⇒ <https://www.justiceeducation.ca/legal-help/crime/crime-enforcement/charged-crime>
- ⇒ <https://youth.cleo.on.ca/en/police/>

## Bail and Other Releases

When someone is charged with a crime, they are either released by police or held in custody until a bail application can be made (more on that below). When an accused is released by the police (meaning they do not need to apply for bail), they are typically released on a 'Promise to Appear'. This is a document telling the accused person when to come to court and what they've been charged with. Police may also release an accused on a form of release called an 'undertaking'. This form of release documents certain conditions they have to follow, such as not contacting a co-accused, complainant, or attending to a specific address.

When youth are released on bail subsequent to a bail hearing (also called a 'show cause' hearing), it is almost always on an 'undertaking', even if they are released as the result of a bail application. When adults are released, they can be released on an undertaking, or a form of release called an 'own recognizance'. When an accused is released on their own recognizance, they must: agree to follow certain conditions set out by the court; pledge or promise a specific amount of money to the court as a security for their release; and sign their own bail.



By signing their own bail, they agree to promise to pay a specific amount of money to the court if they do not follow the bail conditions listed on the recognizance. Thus it is a more onerous (or, demanding) form of release, and generally only available to adults.

While different language applies to youth and adults for release, the purpose of these releases is to document the conditions required of the young person upon release. These can include no contact conditions, non-attendance conditions, conditions not to possess weapons or firearms, program attendance conditions, and many others. Typically, the more serious the alleged offence, the more conditions are included on the accused's release papers.

There are some differences between the adult bail process and the youth bail process. In almost every case involving a young person, the Judge or Justice of the Peace will want them to have a surety before they are released on bail.

## **What happens if a young person is denied bail?**

Contrary to what some people think, an accused person only has one opportunity to go for bail. For this reason, it is extremely important to have the right bail plan before 'running' a bail that is opposed by the Crown. The ideal time for frontline workers to speak with a young person's lawyer about their plan is as soon as possible following the young person's arrest. If an accused is denied bail after the presentation of that plan, they have a constitutional right to a bail review.

A bail review is an appeal of the original order to detain an accused or release them with conditions, combined with a new bail hearing. There is no automatic right to another bail hearing. The court will decide to allow the new bail hearing if the accused is able to show the court that:

- an error in law was made during their original bail hearing.
- there has been a material change in circumstances, or

A material change in circumstance is a significant change in an accused's life that makes their bail plan more suitable. For example, they may have a new person willing to be a surety, or other outstanding charges against them have resolved.

A bail review costs a lot of money and takes a lot of time. In order to apply for a bail review, the following steps must be taken:

order transcripts of your original bail hearing (costs associated per page)

give a [Notice of Application](#) to the Crown

go to the [Superior Court of Justice](#) to give evidence, and ask for an order that the accused be released on bail.

If a young person has been denied bail, frontline workers can assist in notifying their lawyer of any material change in circumstance since the bail application was denied.

## What is a surety?

A surety is a person who makes a promise to the court to watch out for the youth while they are on bail. The surety must promise to supervise them, to make sure they go to court on the right days, and to make sure they obey the bail conditions or rules. The judge or justice of the peace will decide whether a surety is suitable. The qualifications of a surety will vary depending on the allegations or charges against the accused. For instance, if alcohol was alleged to have been involved in the incident, then a judge or justice of the peace may decide that in order for somebody to qualify as a surety, their home must be alcohol-free. Often, a surety is required not to have a recent or related criminal record, and to be able to demonstrate their financial viability. They may have to give evidence in court and be cross-examined on their qualifications.

If a surety decides that they are no longer willing or able to supervise the accused person, there are two options:

Bring the accused to court and ask to be relieved of the responsibilities; or  
Go to court and apply in writing to be relieved of the duties. This will result in the surety being 'revoked'. The court will issue an order for the arrest of the accused person or consider a different person as a surety.

Please visit the following website for more information:

<https://stepstojustice.ca/questions/criminal-law/ive-been-asked-be-surety-what-should-i-know-about-my-rights-and>

With youth, the test for whether they are granted bail is easier to meet than it is for adults. A youth cannot be kept in custody unless they have committed a serious offence or they have a pattern of other charges against them.

'Serious offence' has a specific meaning in the law – it only includes offences where an adult could get a maximum sentence of more than five years if the adult committed the same crime. For example, a "serious offence" includes robbery and could include possession of cocaine, but it does not include a simple theft or possession of marijuana.

**A judge or justice of the peace cannot keep an accused in custody for any of these reasons:**

- ⇒ Their own protection,
- ⇒ They have a mental health issue,
- ⇒ They need a place to live, or
- ⇒ They need social or child welfare services.

When adults make a bail application, the responsibility (in law this is called the 'onus') is by default on the Crown Attorney (the government lawyer in charge of proving the case against the accused) to show that the accused should be held in custody pending the resolution or trial of their criminal matters. Sometimes the onus shifts to the accused to show that they should not be held in custody - such is the case when the accused is alleged to have breached a previous recognizance (i.e. they were already out on bail when they are charged), in situations involving weapons, or for very serious charges. When this is the case, it is often called a reverse-onus bail application.

This is not true for youth, however. When a youth is brought into custody and is making a bail application, the onus is always on the Crown to show why they should be held in custody.

Bail is one of the most crucial steps in the justice system. It determines whether the accused will be allowed out in the community while their matters are pending before the courts.

During the bail process, youth workers or teachers can help by guiding the young person or their family to some of these resources within the courthouse which can help families throughout the bail process.

## Court Administration Office:

Can provide information on which courtroom bail hearings are being held

## Duty Counsel's Office:

Duty counsel can advise on the bail process, surety responsibilities, getting a lawyer through legal aid and can ultimately represent accused persons in bail court

## Bail Program:

Can provide information on the alternatives available to youth when there are no proper sureties available

## Additionally, Frontline Workers can help by: Gathering letters of support

Defence counsel may ask for letters of support from family members, teachers, youth workers, coaches. These letters can help a Justice of the Peace or a Judge have a better understanding of an accused youth's character and/or the support systems available to the youth.

## Encouraging variations to bail conditions

Bail conditions can be changed by bail variations. As circumstances change for a young person, a frontline worker can let them know that it is possible to vary the conditions and encourage the young person to go to their lawyer for assistance in order to avoid breaching their conditions. If there are any conditions that are unreasonable or can no longer be followed due to a change in circumstances, bail variations can and should be requested. A common example of a condition in need of a bail variation is the address condition on a form of release. This condition will typically state something like: You must reside at [address] and not move without the permission of a Crown Attorney or a Judge in writing. If the young person is planning to move, the address on this form needs to be varied. A variation can happen anytime before the young person is charged with a breach. The best way to do this is through the young person's lawyer. Once the lawyer is made aware of the change in circumstances, they will speak to the Crown attorney about the variation, and if the Crown consents to the change, they will file the variation with the court. The young person and the surety will then need to come to the courthouse to sign the variation, so the court knows that the young person is aware of the changes to their conditions. If the Crown does not consent to the variation, the lawyer can bring the matter onto a court docket, in order to argue for the variation in front of a judge.

**Many people do not request a bail variation, hoping instead that they will not get caught in breach of their conditions, or plan to explain their reasons if they do get caught. This approach does not protect from further charges and potentially a longer record. It is best to avoid the risk by contacting a lawyer or Duty Counsel to discuss having the bail conditions varied as soon as circumstances have changed.**

# What Happens When An Accused Fails to Obey a Court Order?

The consequences of failing to obey a court order are very serious. If an accused person fails to appear in court or breaks any other term of the bail order, they may be charged with another criminal offence. If the person is found guilty of breaching the court order, the Crown may also ask the court to enforce that surety pays the money that they have pledged to the court.

It is important to talk to a lawyer about whether or not to plead guilty to administration of justice charges (also called breaches). Often accused persons feel pressure to plead guilty to breaches, as it can seem easier to just 'get it over with'. However, the decision to plead guilty to breaches should only ever be done in consultation with a lawyer. Even if the matter seems simple, there are certain rules for what the Crown has to be able to prove to obtain a conviction on a breach. A lawyer will be able to give advice on what they think is the appropriate way forward.

## See these resources for more information on bail and other releases.

<http://jfcy.org/wp-content/uploads/2013/10/Youth-Criminal-Court-BAIL-March-2017-1.pdf>

<https://jfcy.org/en/rights/bail/>

<https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/wyant/>

<https://stepstojustice.ca/steps/criminal-law/1-learn-about-types-releases>

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd1/check/art11e.html>

# Psychological Assessments and Child Welfare referrals

Sections 34 and 35 of the YCJA canvas the right to a psychological assessment, and to Child Welfare agency referrals, respectively. Remember, the YCJA applies to young people who are under the age of 18 at the time of the alleged offence.

Section 34(1) of the YCJA states that “a youth justice court may, at any stage of proceedings against a young person, by order require that the young person be assessed by a qualified person who is required to report the results in writing to the court”. This means that if a youth is before the court on criminal charges, a judge can make an order that they be given a medical or psychological assessment by a qualified expert, with a corresponding written report. A medical or psychological report is prepared if both the youth and the Crown agree, or if the judge thinks that a youth is suffering from a physical, mental, emotional or psychological problem, or a learning disability. It can also be prepared if the youth has a lengthy record of offences or has committed a serious violent offence. Typically, the Crown will be the party asking for this order to be made, although sometimes it is in the interest of the youth to consent to the order. If the youth does not consent, their lawyer will explain to the judge why they don’t believe it is necessary to order the assessment.

Psychological assessments can be helpful or harmful to a youth seeking bail, depending on their circumstances. Wait times for such reports can be quite lengthy while the accused is waiting in custody, sometimes on charges which would not merit that amount of custody time on plea. As such, always consult a lawyer before making a decision on ordering an assessment pursuant to section 34.

Section 35 of the YCJA states that “In addition to any order that it is authorized to make, a youth justice court may, at any stage of proceedings against a young person, refer the young person to a child welfare agency for assessment to determine whether the young person is in need of child welfare services.” Similarly to section 34, this means that if a youth is before the court on criminal charges, a judge can make an order that they be assessed for a referral to a child welfare agency.

In Ontario, child welfare referrals are made as Voluntary Youth Services Agreements (VYSA). If a youth enters into a VYSA, the VYSA plan includes finding a place to live as well as providing financial and social supports, planning for transitioning into adulthood and assisting with developing and/or maintaining cultural connections.

VYSA's are available to those who:

are aged 16 or 17;  
cannot be adequately protected at home or in their current living situation;  
have no other safe options with family or friends; and  
need an out-of-home placement.

See the following resources for more information on sections 34 and 35 of the YCJA:

<https://jfcy.org/en/blog/voluntary-youth-service-agreements/>  
<https://jfcy.org/en/rights/sentencing-process/#what-are-these-medicalpsychological-reports>  
<https://stepstojustice.ca/steps/immigration/2-ask-reports-and-records>

## First Appearances and Court Procedures

A First Appearance is the court date given to somebody after they are charged with a crime, either upon release by police, or upon a successful bail application. There are several important things for an accused person to know about their First Appearance, including courtroom protocols, what the accused needs to bring, what they can expect, and how to get information about their charges. **Here is a list of things an accused person should take to court for their first appearance:**

- ⇒ Promise to Appear Form (if they have one);
- ⇒ Undertaking or Recognizance Form (if they have one);
- ⇒ Other court documents they have been given;
- ⇒ Other documents given to them by the Crown;
- ⇒ Other documents given to them by the police;
- ⇒ Photo Identification, including proof of address;
- ⇒ Documents to help them apply for Legal Aid, including financial information (recent pay stubs or three months of banking statements);
- ⇒ A pen or pencil;
- ⇒ Paper or a notebook.



Nobody entering the courtroom should communicate with an accused in the prisoner's box. Nobody should chew gum, have their cell phone on, or wear a hat in the courtroom. While these rules might seem outdated, the court takes them very seriously, and it is important to adhere to them - both for young people, as well as for frontline workers when they are supporting their young people in court.

When the accused's name is called, by either the judge, justice of the peace, or their lawyer, they should go to stand at the front of the court by themselves. Support persons including family members are required to remain in the body of the court. The judge or justice of the peace will ask them their name. The accused should speak loudly enough for the judge or justice of the peace to hear. The judge, justice of the peace or a clerk may read their charge out loud. The accused should listen carefully and ask questions if they do not understand what is said. The judge or justice of the peace should explain things in a way that helps them to understand.

After the lawyers tell the judge or justice of the peace about the accused's case, the judge or justice of the peace will tell the accused what they need to do before their next court date and will tell the accused what date to come back. The accused should tell their lawyer right away if that is a bad date for them, so that a more agreeable date can be provided. The accused will receive a Notice to Appear Form with the details of their next court date at this time.

<http://jfcy.org/wp-content/uploads/2013/10/Youth-Criminal-Court-PROCESS-March-2017.pdf> [http://jfcy.org/wp-content/uploads/2013/10/Ch6\\_Court.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch6_Court.pdf)

## Pleas

Deciding what to plead (guilty or not guilty) should only ever be done in consultation with a lawyer. Pleading guilty means that the accused person admits to every element of the alleged offence. Even if an accused person believes they are guilty, a lawyer gives advice on whether the Crown can prove a case, whether the alleged conduct amounts to an actual crime or not, and what consequences an accused person might face upon pleading guilty or if found guilty at trial. It is also important to know that even if an accused person has set a trial date, this does not prevent them from pleading guilty any time leading up to and even on the day of the trial.

Consult these resources as a guide to the ways in which lawyers can help make this important decision.

- <https://stepstojustice.ca/steps/criminal-law/3-go-through-plea-inquiry>
- [http://jfcy.org/wp-content/uploads/2013/10/Ch6\\_Court.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch6_Court.pdf)

# Pre-Trials and Conferences

## Crown and Judicial Pre-Trials

Crown Pre-Trials (often referred to as CPT's) and Judicial Pre-Trials (often referred to as JPT's) are designed to identify legal issues which might be raised at trial. An accused's lawyer may also discuss ways in which to resolve the case, and the sentence the Crown is asking for if the accused pleads guilty.

The difference between Crown Pre-Trials and Judicial Pre-Trials is that in a Crown Pre-trial (also called a 'Crown Resolution Meeting'), discussions are held more informally between a lawyer and the Crown attorney. In a Judicial Pre-Trial, discussions are before a judge in chambers or in closed court, which typically means that the accused will not attend. The benefit of a judicial pre-trial is that the judge can help further narrow the issues and may be able to convince one party to resolve if there is an impasse in negotiations. With the accused not present, Crown and Defence counsel can discuss the case much more frankly and without reservations since any admissions or concessions that the lawyer may make on behalf of his or her client is not binding until the client accepts it. Judicial pre-trials are also held as a mandatory step in many jurisdictions (a word for legal regions), particularly where the proceeding is expected to take up a significant period of court time. At this time, frontline workers may be able to provide a letter of support outlining any programs a young person is participating in, a report of any progress they have made, or updates on their personal situation.

## Preliminary Hearing

A preliminary hearing (or preliminary inquiry), is a court proceeding that takes place before the trial of a serious offence. Preliminary hearings are not available for most minor offences. It can only be requested in cases where an adult is accused of a crime that is punishable by 14 years imprisonment or more, such as murder or aggravated assault. The purpose of a preliminary hearing is for the judge to decide whether there is enough evidence against the person that a reasonable jury properly directed by the judge could convict. If there is not sufficient evidence, the accused will be discharged. Generally, that is the same as the case being dismissed.

A preliminary hearing is similar to a trial, but usually much shorter. The Crown prosecutor will call witnesses and present evidence against the accused. The Defence lawyer will be entitled to cross-examine the Crown prosecutor's witnesses. It is the Crown prosecutor's job to try to show the judge that there is enough evidence to proceed with a trial. Although very few cases are dismissed at this stage, preliminary hearings give the accused the opportunity to see the case against them and may help to plan the defence at trial. They also show the accused the strength of the case against them and may assist in resolving the matter.

Generally, young persons (under the YCJA) do not have this right. However, young persons charged with murder or other serious offences and who may be subject to an adult sentence, if convicted, generally have the right to a preliminary hearing.

## Conferences

A conference is a tool used to help better determine the needs of a young person accused of a crime (under the YCJA), balancing them with the alleged harm done, and the needs of their community. Holding a conference means getting together a group of people with some responsibility or knowledge of the accused youth to discuss what measures might assist that youth. A conference can be held at multiple stages of the justice process, including when considering extrajudicial measures (EJMs). EJMs are processes other than court proceedings (e.g. a police warning) which are used to deal with a youth who has broken the law. When deciding whether or not to grant bail (as well as the conditions for release). Conferences can also be held during the determination or review of a sentence, or getting the youth back into the community.

This is one of the best opportunities for frontline workers to help the youth they are working with. During this process the frontline worker can liaise with the lawyer, provide a letter of support, and attend the conference, provide insight to the court into how the youth is doing in the community, their specific needs, as well as their strengths. This can influence a judge in determining whether a youth should be out in the community, which types of resources should be used, and how best to balance their interests with those of society.

- <https://www.ycja.ca/?q=police/conferences>
- <https://www.lawlessons.ca/lesson-plans/2.6.conferences>
- <https://www.legalline.ca/legal-answers/preliminary-hearings-in-a-criminal-trial/>
- <https://robichaudlaw.ca/ontario-criminal-court-procedures/judicial-pre-trials-in-criminal-court/>
- <https://stepstojustice.ca/questions/criminal-law/what-Crown-pre-trial>
- <https://stepstojustice.ca/questions/criminal-law/what-judicial-pre-trial>

# Trial Process

An accused person sets a trial date if, in consultation with their lawyer, they conclude that a) they are not guilty, or b) they are not satisfied with the Crown's offer to resolve the case. Once the trial date is set, there are a number of decisions to be made by the accused, their lawyer, and the Crown. These include:

- **who the witnesses will be;**
- **how long the trial will take;**
- **whether there are any pre-trial motions; and**
- **whether accommodations, such as an interpreter, need to be made.**

There may be advantages to having a trial. It's hard to know what might happen on the day of a trial. Sometimes the Crown may not have the documents or witnesses they need to prove their case. If this happens, the Crown may drop charges against the accused or the accused might be offered a better resolution for the case.

Frontline workers have a valuable role to play in trial preparation. If an accused person doesn't have a lawyer yet, or if their personal appearance at their court dates is a required condition of their release, frontline workers can ensure they know their court date, and assist them in attending. Frontline workers can also ensure that, while the accused is waiting for their trial date, they are actively participating in programming or counselling as may be required by the court. In some cases, frontline workers may also attend the actual trial. The extent to which you can assist in any of these areas should be determined by a discussion with the accused and their lawyer.

Follow the links below to gain a better understanding of the trial preparation process, as well as the functioning and structure of the trial itself.

- <https://stepstojustice.ca/steps/criminal-law/4-focus-your-pre-trial-resolution-or-trial-issues>
- [http://jfcy.org/wp-content/uploads/2013/10/Ch6\\_Court.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch6_Court.pdf)
- <https://www.ontariocourts.ca/ocj/self-represented-parties/guide-for-accused-in-criminal-cases/guide/>

## Diversion

Diversion is a tool used in the justice system, partly with the goal of avoiding over-reliance on incarceration (spending time in custody) as a means of criminal consequence - especially for young people. Diversion programs are typically delivered by community agencies and completed voluntarily by people accused of relatively minor crimes. There is no finding of guilt in these cases, and if completed successfully, the Crown stays or withdraws the charges. This means that the prosecution is discontinued, and the accused does not have to attend court any further.

If this is the first time an accused has been charged with a criminal offence, the Crown may offer them diversion. If an accused is being offered diversion, they usually find out at their First Appearance. It's up to them whether they choose to accept the diversion.

If the Crown hasn't offered diversion, an accused or their lawyer can try to convince the Crown that they should be. This sometimes happens during [a Crown pre-trial](#) or a [Judicial pre-trial](#).

- **Some examples of Diversion include:**
- **community service;**
- **a charitable donation;**
- **anger management counselling;**
- **addiction or mental health counselling; or**
- **a combination of the above.**

There are special Diversion programs available for youth. Some are less formal and involve partnering with a local organization to complete community service. Some diversion programs, such as Mental Health Diversion or Extrajudicial Sanctions (EJS) for youth (under the YCJA), are more formal, and involve more direct interaction with criminal justice representatives. Whether the accused uses a formal or informal program, they must do the work required of the program to avoid being prosecuted. Frontline workers can support youth through Diversion by encouraging them to complete the program successfully. If the youth is struggling with attending or participating in programming, frontline workers often have the best understanding of the barriers that may be preventing the youth from succeeding at Diversion. It is sometimes possible to vary the mandates of the youth and can at times be as simple as speaking with the youth and their lawyer to adjust what is required of them.

An accused can change their mind at any time about accepting diversion and set a trial date instead. Find out more below.

<https://stepstojustice.ca/questions/criminal-law/ive-been-offered-diversion-what-do-i-need-know>

<http://lawfacts.ca/taxonomy/term/9>

## Sentencing

Sentencing is the process by which the judge comes to a decision about what sentence will be appropriate for somebody who is guilty of a crime. If that person is being sentenced, it is either because they chose to plead guilty, or were found guilty at trial.

**When requested by the young person's lawyer, a teacher, youth worker or supportive adult can help in the following ways:**

### **1. Providing any kind of information to the lawyer that will individualize the young person to the judge. For example, any information about:**

- ⇒ Family background;
- ⇒ Diagnoses, personal history;
- ⇒ School & progress;
- ⇒ Ambitions;
- ⇒ Extracurricular Activities; or
- ⇒ Character Assessments.

### **2. Consider taking part in a Pre-Sentence Report (PSR)**

A Pre-Sentence Report (or 'PSR') is a document completed by a Probation Officer in tandem with those who have personal experience with the offender. This can be a family member or loved one, a teacher, a mentor. This is an opportune time for a frontline worker to formalize their experience with the young person in order to communicate to the court how best to support them. While sometimes a PSR is not required by the court prior to the sentencing, speak to the young person's lawyer about whether one will be completed. They may be able to pass your information on to the Probation Officer in charge of compiling the report.

### 3. Gathering letters of support

Letters of support can come from family members, teachers, youth workers, coaches

These letters can help a Judge have a better understanding of an accused youth's character and/or the support systems available to the youth

Attend the Sentencing Hearing

Help the young person get started on volunteering and making changes to their life

**During the criminal process and throughout sentencing, the young person gives instructions to the lawyer. It is very important that efforts to assist are part of the lawyer's strategy and not undertaken independently. The young person makes decisions about the process, not their parents, guardians or other adults.**



For youth, the YCJA includes a specific purpose and set of principles to guide judges in deciding on a fair and appropriate sentence for a youth. Thus, youth and adult sentences differ substantially. Because of society's interest in only using incarceration as a last resort for youth, their sentences are typically significantly lighter than adult sentences for corresponding crimes.

By default, all youth who are found guilty will get a youth sentence. They will not have to go to an adult court and will always appear in Youth Justice Court before a Youth Justice Judge. However, in certain circumstances, a youth can be given an adult sentence. They can only be given an adult sentence in certain circumstances: if they are over 14 years of age and the Crown prosecutor convinces the judge that they should get an adult sentence due to the serious and violent nature of their charge.

The Crown prosecutor will determine what kind of punishment an adult could have been given for committing the same crime as the youth offender. If an adult could have been given more than two years in jail, then the Crown prosecutor can ask the judge to give the youth an adult sentence. If an adult could not have been given more than two years in jail, the prosecutor cannot ask the judge to give a youth offender an adult sentence.

### Some examples of available sentences for both youth and adults include:

- ⇒ **Reprimand:** A stern lecture or warning from the court.
- ⇒ **Peace Bond:** A Peace Bond means that the offender promises not to have contact with the complainant for a set amount of time, often for 6 months or one year.
- ⇒ **Absolute Discharge:** An Absolute Discharge means that the judge will find the accused guilty, but there will be no additional punishment and they will be free to go without any conditions. No conviction is registered and there will be no addition to the young person's criminal record.
- ⇒ **Conditional Discharge:** A Conditional Discharge is similar to an Absolute Discharge except that the offender will have to follow certain rules or conditions for a period of time.
- ⇒ **Fine:** Judges may order fines of up to \$1000.
- ⇒ **Compensation:** A Judge may order that an offender pay someone else money.
- ⇒ **Restitution:** Restitution is when an offender is ordered to return or replace the thing they damaged or took wrongfully.
- ⇒ **Buy it Back:** If the offender sold stolen property to someone who did not know it was stolen, they may be ordered to buy it back so that it can be returned to the rightful owner.
- ⇒ **Personal Service:** The judge can order the offender to spend up to 240 hours doing work for the victim.

- ⇒ **Community Service:** The judge can order the offender to do up to 240 hours of work for a community organization such as a place of worship (like a church or a temple), hospital, nursing home, or a city or town department.
- ⇒ **Prohibition Order:** This is when the judge says that the offender is not allowed to have something in their possession or that they give the item(s) to the police.
- ⇒ **Probation Order:** Probation is when the offender is allowed to go home but they are required to follow certain rules or conditions for a period of time, including attending appointments with a Probation Officer for a certain period of time.
- ⇒ **Non-Residential Program:** Sometimes this is referred to as an attendance program and is designed to help the offender change their behaviour. For example, a judge could order an offender to go to a drug or alcohol treatment program or a literacy program.

## Breaches of Sentences

A breach of any of these sentences may result in new charges being laid. For example, if a Probation Order states that the offender must do 30 hours of community services within one year, and the hours are not completed in that time, the Probation Officer may provide a report to the Crown Attorney asking to authorize new charges for breaching the Probation Order. Breach charges are typically laid as Failure to Comply with Sentence, or Failure to Comply with Probation, and would include the specific breach. These new charges need to be addressed in court, even though the original (also called substantive or originating) charges have already been dealt with. The accused can be found guilty of administration of justice charges, even if they are acquitted on the original charge. If they are found guilty, the breaches will be added to their criminal record.

The youth justice system also has their own structures and personnel for many of these sentencing options which deal exclusively with youth. Also available to youth being sentenced is the Intensive Support and Supervision Program (ISSP). This program is like probation but with stricter supervision and more direct resources, where the youth is subject to closer monitoring and more support.

The following resources provide more information on these sentences and what they involve, as well as more on the differences between sentencing for youth and adults, principles of sentencing, and sentencing procedures in court.

## Types of sentences:

[http://jfcy.org/wp-content/uploads/2013/10/Ch9\\_Sentences.pdf](http://jfcy.org/wp-content/uploads/2013/10/Ch9_Sentences.pdf)

## Principles:

<https://www.ycja.ca/?q=police/sentencing-principles>

## Procedure:

<https://stepstojustice.ca/questions/criminal-law/what-happens-sentencing-hearing-my-criminal-case>

## Youth Sentencing Options

<https://www.ycja.ca/?q=police/youth-sentencing-options/in-depth-2>

<https://www.lawlessons.ca/lesson-plans/2.7.youth-sentencing-options>

## What to know about Appeals

### Is the judge's decision final or can a young person object if they disagree?

If a young person is found guilty and they disagree with that finding, they may appeal to a higher court. This means they can ask a higher court to look at their case. The higher court may agree with and uphold the decision, decide to change the decision, or order a new trial. The Crown prosecutor can also appeal if a young person is found not guilty.

Can a young person appeal their sentence, but not the finding that they are guilty? Yes. Both the young person and the prosecutor may appeal if one of them feels the sentence is wrong. However, any future review of the sentence, whether custodial or not, cannot be appealed. In the case of a youth (under the YCJA) who is sentenced to custody for more than one year, there will be an automatic review of their youth sentence. The young person may ask for a review of their youth sentence not involving custody.

Can a young person also appeal other parts of a judge's decision?

Yes, a young person can appeal a judge's decision that they have committed a serious violent offence, of an order imposing an adult or youth sentence, or of an order for a ban on publication.

What happens during an appeal? Does everything just stand still during an appeal?

Under certain circumstances, even if the young person received custody as their sentence at trial, the higher court can release them from custody while the appeal is going on.

For certain offences, even if they have or are being appealed, the Crown can still collect samples of their bodily substances for DNA samples, with a court order after they have been found guilty of an offence under the YCJA.

Usually, even if the young person is in custody, they are allowed to be present at the hearing of an appeal if they so choose.

How does a young person know whether to appeal?

They should consult a lawyer to see if they have a legal reason to appeal.

# Glossary

## Absolute Discharge

The judge will find the accused guilty and they will have a youth justice court record, but they will not have a youth criminal record. There will be no additional punishment and they will be free to go without any other conditions.

## Accused

Shorthand for a person accused of committing a crime but who has not been found guilty or not guilty.

## Adult

Defined by the Youth Criminal Justice Act as somebody who is 18 years old or older.

## Appeal

The process somebody has to take if they disagree with a decision made by a judge or jury.

## Acquittal

When an accused person is found not guilty by a judge or jury.

## Bail

The temporary release of an accused person who has been charged but has not resolved their charges yet, sometimes including certain conditions of release.

## Bail variation

The change of a condition on an accused person's release order.

## Breach

Shorthand used for a failure to comply with an order, which could be an undertaking, a recognizance, probation, or any type of sentence.

## Conditional Discharge

A Conditional Discharge is similar to an Absolute Discharge except that the offender will have to follow certain rules or conditions for a period of time.

## Conviction

A formal declaration by a judge or jury an adult (18+) is guilty of a criminal offence.

## Disclosure

A copy of the evidence that the Crown and police have collected to prosecute a case. Initial disclosure is provided to the accused or their lawyer at the First Appearance.

## Diversion

An alternative to prosecution, often involving the requirement that an accused person complete a particular program or fulfill certain requirements. Participating in diversion is typically not an admission of guilt, but can help the Crown decide not to prosecute the case.

## Finding of Guilt

When a youth is found guilty of a charge under the Youth Criminal Justice Act. This is the youth equivalent of an adult 'conviction' for those who plead or are found guilty under the Criminal Code of Canada. Findings of Guilt result in youth sentences, while convictions result in adult sentences.

## First Appearance

The court date given to somebody after they are charged with a crime, either upon release by police, or upon a successful bail application

## Non-Residential Program

Sometimes this is referred to as an attendance program and is designed to help the offender change their behaviour. For example, a judge could order an offender to go to a drug or alcohol treatment program or a literacy program.

## Peace Bond

The offender promises not to have contact with the complainant.

## Plea

The answer an accused person makes to the question of whether they are admitting guilt or not. A plea is a declaration of innocence or guilt made by the accused.

## Preliminary Hearing

A preliminary hearing (or preliminary inquiry), is a court proceeding that takes place before the trial of a serious offence.

## Pre-trials

Crown Pre-Trials ('CPT's) and Judicial Pre-trials ('JPT's) are meetings designed to identify legal issues which might be raised at trial. An accused person's lawyer may also discuss ways in which to resolve the case, and the sentence the Crown is asking for if the accused pleads guilty.

## Probation Order

The offender is allowed to go home but they are required to follow certain rules or conditions for a period of time.

## Prohibition Order

The judge says that the offender is not allowed to have something in their possession or that they give the item(s) to the police.

## Recognizance

A strict form of release on bail, typically with conditions attached that the accused must follow while out on bail.

## Reprimand

A stern lecture or warning from the court.

## Restitution

Restitution is when an offender is ordered to return or replace the thing they damaged or took wrongfully.

## Restorative Justice

A system of criminal justice which focuses on repairing the harm caused by criminal behaviour by working with the offender, the victim, and the community.

## Sentence/Sentencing

The penalty or conditions a judge gives to somebody who pleads guilty or is found guilty of a criminal offence.

## Surety

A person qualified by the court who takes responsibility for an accused person while they are out on bail.

## Youth

Defined in the Youth Criminal Justice Act as a young person between the ages of 12 and 17 years old.

## Young person

A broader term meant to include young people who may require support, but may be outside of the age range prescribed by the Youth Criminal Justice Act.



The **TYES Frontline Workers Series** is  
designed to provide  
resources to City & community-  
based staff working with MVP  
youth (youth most vulnerable to  
involvement in serious violence &  
crime).



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