

# A Youth Justice Committee Sample Constitution

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## Article 1 – Name

- 1.1 The organization shall be called the \_\_\_\_\_ Youth Justice Committee and shall hereinafter be referred to as the "committee".
- 1.2 The committee may establish sub-committees, working groups and panels as necessary to achieve its objectives.

## Article 2 - Purpose

- 2.1 To fulfil the obligations of a Youth Justice Committee as set out by Section 69 of the *Young Offenders Act*.
- 2.2 To provide a forum for the education, disposition, and reconciliation of the young person within a community context.
- 2.3 To provide the community with information and education concerning crime and crime prevention.

### Guiding Principles

- Young persons should be held accountable for their criminal behaviour.
- There must be regard for the rights and freedoms of young persons and victims.
- The least intrusive alternatives and restrictions of a young person's freedom must be sought while maintaining the protection of the community.
- The community has a right and responsibility to participate in the youth justice system and a youth justice committee is an opportunity for citizens to be directly involved in reconciling the differences between the young offender, victims and community members.

## Article 3 - Legal Mandate

- 3.1 Section 69 of the *Young Offenders Act* states that "The Attorney General of a province or such other Minister as the Lieutenant Governor in Council of the province may designate, or a delegate thereof, may establish one or more committees of citizens to be known as youth justice committees, to assist without remuneration in any aspect of the administration of this *Act* or in any programs or services for young offenders and may specify the method of appointment of committee members and the functions of the committees."

## Article 4 - Aims and Objectives

The aims and objectives of the committee impact the young person, his/her family, the community, the victim, and the youth justice system.

- 4.1 Aims and Objectives for the Young Person:
  - 4.1.1 To assist the young person to accept responsibility for his/her behavior.
  - 4.1.2 To help the young person lead a constructive and responsible life in the community.

- 4.1.3 To facilitate reconciliation or mediation with the victim and young person when deemed appropriate.
- 4.1.4 To help the young person access needed services.
- 4.1.5 To develop a range of consequences for the young person.
- 4.1.6 To recognize the cultural/spiritual dimension of the young person and seek to minister to that need with sensitivity to the individual and his/her situation.
- 4.2 Aims and Objectives for the Family of the Young Person
  - 4.2.1 To encourage the family to be involved with the young person as an active partner in the rehabilitation process.
  - 4.2.2 To offer the family support and help in accessing needed services.
- 4.3 Aims and Objectives for the Community
  - 4.3.1 To offer community input into the youth justice process.
  - 4.3.2 To facilitate community education about youth crime and about the committee.
  - 4.3.3 To offer community support to the young person, the family, and the victim(s).
  - 4.3.4 To encourage the community to take a greater role in crime prevention.
- 4.4 Aims and Objectives for Victims
  - 4.4.1 To honor the rights and needs of victims by soliciting their concerns and views.
  - 4.4.2 To attempt to bring about a reconciliation between the victim and the young person.
- 4.5 Aims and Objectives for the Youth Justice System
  - 4.5.1 To act in a sentence advisory capacity when the youth court so requests.
  - 4.5.2 To consider cases referred by the Youth Court, police, Correctional Services, and/or the Crown prosecutor, as an alternative to the formal court process, or in conjunction with the formal court process.
  - 4.5.3 To reduce the number of persons appearing in court.

#### **Article 5 - Eligibility Criteria for Referrals**

- 5.1 The committee will determine and make public its eligibility criteria for referrals.
- 5.2 Ineligible referrals will be returned to the referring agent with a written reason.

#### **Article 6 - Membership**

- 6.1 Members of the committee shall be residents of \_\_\_\_\_, and shall offer their commitment and abilities in the interests of the young person, victim, and community as a whole.
- 6.2 As far as practical, committee memberships should reflect the various components of the community (ethnic/cultural sub-groups, religious groups, various age groups,

labour, business, and professional groups).

- 6.3 Committee membership shall be voluntary. Members shall receive no remuneration for their activities on the committee.
- 6.4 Committee members are expected to make a commitment for their time for a period of at least six months.
- 6.5 Committee members will take an Oath of Confidentiality.
- 6.6 Applicants for memberships will be required to undergo a security check. A criminal record does not automatically preclude membership.
- 6.7 Paid personnel directly or indirectly involved in the prosecution, supervision, or sentencing of offenders (probation officers, correctional services employees, the police, Crown prosecutors, and the judiciary) are considered resources to the committee but are not eligible for membership.
- 6.8 Resignations will be accepted on the basis of a letter to the chairperson.
- 6.9 Members must participate in the youth justice committee training on the youth justice system.
- 6.10 Members missing one third of all general meetings throughout the year shall have their membership reviewed by the board of directors.

#### **Article 7 - Executive Functions and Powers**

- 7.1 There shall be an executive of the committee comprised of a chairperson, a vice-chairperson, and a secretary.
- 7.2 The executive shall be elected every year at the annual meeting.
- 7.3 The executive will be nominated from within the committee.
- 7.4 Executive members can be moved or reassigned to different responsibilities at any time by a 2/3 majority of the committee.
- 7.5 The chairperson in conjunction with other executive members will arrange and provide training for the committee.
- 7.6 The executive is responsible for circulating information to the committee and community.
- 7.7 The chairperson shall be responsible for:
  - Arranging a meeting place
  - Assigning referrals to panels
  - Ensuring that time frames are met
- 7.8 The vice-chairperson shall be responsible for:
  - All responsibilities of the chairperson in his or her absence
  - Keeping minutes in the absence of the secretary

7.9 The secretary shall be responsible for:

- Advising members of a change in meeting place, date, and/or additional meetings
- Maintaining an up-to-date list of membership
- Maintaining a correspondence file
- Keeping and reading/providing members with minutes to be adopted at the subsequent meeting
- Assisting the chairperson as required

### **Article 8 - Procedures**

- 8.1 Panels of the committee will be established to carry out the direct work of the committee.
- 8.2 Panels will consist of no fewer than three members of the committee and no more than six.
- 8.3 The committee will establish contact with the young person and his/her family and arrange a meeting.
- 8.4 An agreement as to an appropriate consequence consistent with the philosophy and principles of the *Young Offenders Act* will be reached at the meeting. The terms and conditions of the agreement must be clearly defined, set out in writing, read, and explained to the participants before an agreement is signed.
- 8.5 In determining a course of action, the committee should contact victims and solicit their comments and concerns.
- 8.6 If community service work is the consequence, the committee will ensure that the young person is assigned to an individual member who will find work places, assign work, and ensure completion. Written proof of completion is to be provided.
- 8.7 Should offenders be unable to satisfy their obligations, they may request an extension by making a formal request to the committee through the assigned member.
- 8.8 The committee will notify the referring agency in writing of successful completions.
- 8.9 The committee will maintain a record of all cases processed including disposition and success.
- 8.10 The committee will ensure that all proceedings and records are maintained in a confidential fashion and that case material is returned to the referring agency.
- 8.11 Where a conflict of interest arises between a committee member and a case before the committee, the member will:
- State the conflict of interest
  - Withdraw from the proceedings while the case is being dealt with

### **Article 9 - Confidentiality**

- 9.1 All deliberations of the panels and meetings regarding individuals shall be considered confidential.
- 9.2 Committee members shall be required to sign an oath of confidentiality prior to participating on a panel.
- 9.3 The oath of confidentiality binds each committee member not to disclose the identity or circumstances of a young person or their family, other than to committee

members and members of the justice system. This is an all-embracing commitment on the part of the committee member and any unauthorized disclosure of such information represents a violation of this oath, and will be referred to the executive.

#### **Article 10 - Guidelines of Conduct and Ethics**

- 10.1 Members may only disclose their own personal membership on the committee.
- 10.2 If a conflict of interest arises with a member of the committee, the member shall not vote on the issue and shall notify the executive of the conflict.
- 10.3 Committee members shall be law-abiding citizens and shall not affect the credibility of the committee through their behaviours.
- 10.4 Any member accused of a violation of the *Criminal Code* or *The Controlled Drugs and Substances Act* shall notify the executive of the charge. Resignation or suspension may be requested, pending the outcome of the charge. If convicted, the member will be considered to have resigned membership.

#### **Article 11 - Target Group**

- 11.1 Young person means a person who is 12 years or more, but less than 18 years of age.
- 11.2 The involvement of young persons and their families, and victims with the committee is voluntary.
- 11.3 The referred young persons are residents of \_\_\_\_\_ and/or have committed the offence within the boundaries of \_\_\_\_\_.

#### **Article 12 - Meetings**

- 12.1 The executive shall hold a minimum of four regular general meetings per year.
- 12.2 An annual general meeting is to be held before \_\_\_\_\_ in any year.
- 12.3 Special general meetings may be called at the recommendation of the executive or any member of the committee as required.
- 12.4 A quorum shall consist of \_\_\_\_\_ of the registered active members as determined by the executive.

#### **Article 13 - Amendments**

- 13.1 This constitution may be amended at the annual general meeting of the committee by a vote of two-thirds majority of members present.