

YOUTH JUSTICE COMMITTEE

VOLUNTEER HANDBOOK



Calgary Youth
Justice Society

CYJC

CALGARY YOUTH JUSTICE COMMITTEES

One hundred years
from now it will not matter
what my bank account was,
the sort of house I lived in,
or the kind of car I drove...

But the world may be
different because
I was **important** in
the life of a child.



WELCOME

TO CALGARY YOUTH JUSTICE SOCIETY

“GUESS WHAT MOM, THOSE PEOPLE BELIEVE IN ME.”

Those are the words of a young girl following her meeting with a Youth Justice Committee. Often the most powerful ways that we touch people’s lives remain unknown to us, and when we hear about the difference we made, we find that we hardly even remember what we said or what we did that made such an impact.

We regularly see the results of our good work, but just imagine what we don’t see. Everyone needs someone to believe in them, and when that message comes from volunteers at a time when a youth least expects to receive community support, it can make all the difference.

Thank you for believing in our youth,

Denise Blair
Executive Director



If we can get to the place where we show up as our genuine selves and let each other see who we really are, the awe-inspiring ripple effect will change the world.

— Terrie M. Williams



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01

INTRO DUCTION

INTRODUCTION



The Role of the Calgary Youth Justice Society

The Calgary Youth Justice Society was established as a non-profit organization in 1998 to fulfil a leadership and mentorship role by providing support and direction to the Youth Justice Committees in Calgary, both in the steps they must go through to establish a Committee and in supporting and sustaining their Committee.

About Youth Justice Committees

Section 18 of the Youth Criminal Justice Act provides an opportunity for citizens to become directly involved in the administration of youth justice by forming Youth Justice Committees (YJCs). The Youth Justice Committee program administers the Extrajudicial Sanctions Program (formally known as Alternative Measures Program (AMP) under the Young Offenders' Act). A YJC is an alternative to the court system for Young People aged 12 up to 18 who have committed a less-serious type of offence. A panel of community members volunteers to work with Young People in conflict with the law, as well as their families, victims, the legal system and the community, to find appropriate, meaningful sanctions for the Young Person.

Benefits of a Youth Justice Committee

For the young person:

- They speak for themselves and explain the situation in their own words.
- They normally do not, but can, have a lawyer present;
- They avoid a formal youth record which will be automatically be expunged after a 2 year time period;
- They can develop positive relationships with adults in the community.

For the family:

- The case is handled expediently and efficiently;
- Their needs are considered as well, and conditions can be made to address family difficulties. However, parent involvement (such as counseling) cannot be mandated on the agreement ;
- They feel that someone is listening and willing to help.

For the victim:

- They have an opportunity to express how the crime has affected them through a written or verbal Victim's

Impact Statement; Restitution, if applicable, may be used to help repair the harm that was caused;

- They have a right to know the outcome of the process.

For the community:

- Being actively involved with the youth in their community increases the chance that the youth will be less likely to re-offend;
- It shows the youth that people in the community care about what goes on there, and youth are less likely to offend in a community that responds quickly when a crime is committed;
- Community work can be directed to where it is most needed;
- The community can have a positive impact on reducing youth crime;
- Provides an alternative to the court system for less serious offences, and allows the community to take back responsibility for youth who reside there.

Role of a Youth Justice Committee

In Calgary, Youth Justice Committees work with the provincial government, as a service provider, in administering the Extrajudicial Sanctions Program. For a Young Person to be eligible for Extrajudicial Sanctions, they must be a first or second time offender, have committed an eligible offence, accept responsibility for their actions, and agree to participate in the program. If they meet these criteria the case is referred to a Youth Justice Committee.

Youth Justice Committee Procedures

While each Youth Justice Committee in Calgary operates differently, there are some common procedures. In the case of a Pre-Charge, the Youth Justice Committee volunteer is often the first contact that the Young Person has with the Justice System, other than the arresting officer. When a file is received by the YJC, a Committee Member phones the Young Person, their parents, and the victim to gather information and arrange a time and place to meet.

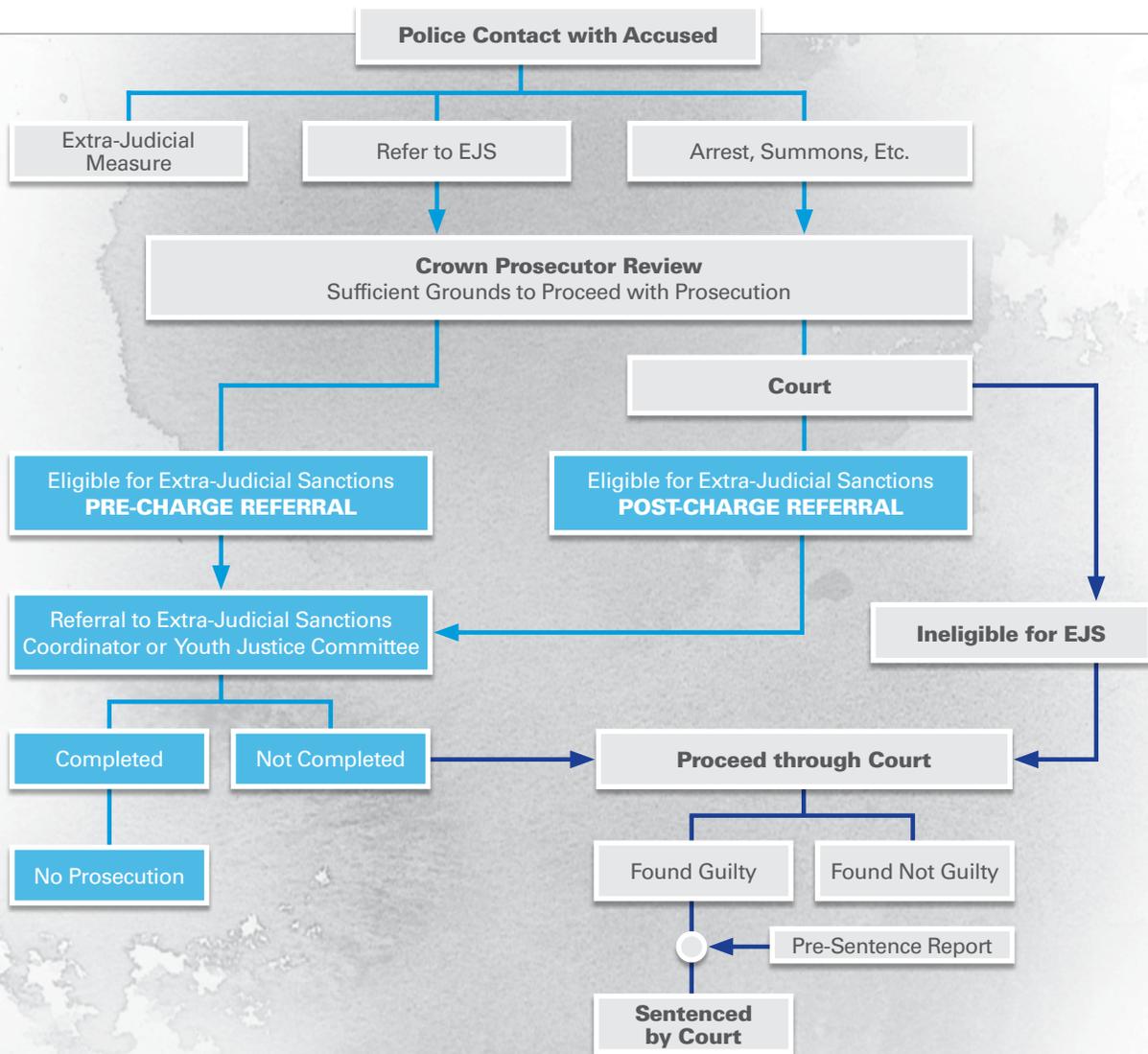
A panel of three volunteers will meet with the Young Person and their parents. At this interview, which usually takes about one hour, they will discuss the circumstances of the offence, school background, their family situation, special interests, what consequences have already been administered at home, the parents' concerns, etc.

With this information, the YJC members, through listening to the youth, parents and victim, will decide upon sanctions for the Young Person. The YJC will then follow up with the youth to ensure that they have completed the Extrajudicial Sanctions Agreement successfully. If they are successful the charge will be withdrawn in court and the youth criminal record will be automatically expunged after a two year period and there is no formal youth criminal record.

**Do your little
bit of good
where you are;
it's those little
bits of good
put together
that overwhelm
the world.**

– Author: Archbishop Desmond Tutu

OVERVIEW OF THE JUSTICE SYSTEM: THE CRIMINAL JUSTICE PROCESS



Sentencing Options

- Reprimand
- Absolute Discharge
- Conditional Discharge
- Fine not to exceed \$1,000
- Community Service Order
- Restitution of Property
- Monetary Compensation
- Compensation through personal service
- Compensation to Innocent Purchaser
- Probation – not to exceed 2 yrs
- Attendance Order
- ISSP Order

Custody and Community Supervision Order Custody and Conditional Supervision Order Deferred Custody and Conditional Supervision Order Custody and Conditional Supervision for murder IRCS

Custody

- 2 years
- 3 years if life in Criminal Code
- 10 years for First Degree Murder (6 years custody, 4 yrs conditional supervision)

Review

- Mandatory at 1 yr
- From Secure to Open Custody
- From Secure or Open Custody to Probation
- Temporary Release to maximum 15 days

Temporary Release to Maximum 15 days

Release

Youth Criminal Justice Act

Declaration of Principle

Policy for Canada with respect to Young Persons

3. (1) The following principles apply in this Act:

- a. the youth criminal justice system is intended to
 - (i) prevent crime by addressing the circumstances underlying a Young Person's offending behaviour,
 - (i) rehabilitate young persons who commit offences and reintegrate them into society, and
 - (ii) ensure that a Young Person is subject to meaningful conditions for their offence in order to promote the long-term protection of the public;

- b. the criminal justice system for Young Persons must be separate from that of adults and emphasize the following:
 - (i) rehabilitation and reintegration,
 - (ii) fair and proportionate accountability that is consistent with the greater dependency of Young Persons and their reduced level of maturity,
 - (iii) enhanced procedural protection to ensure that Young Persons are treated fairly and that their rights, including their right to privacy, are protected,
 - (iv) timely intervention that reinforces the link between the offending behaviour and its consequences, and
 - (v) the promptness and speed with which persons responsible for enforcing this Act must act, given Young Persons' perception of time;

- c. within the limits of fair and proportionate accountability, the measures taken against Young Persons who commit offences should:
 - (i) reinforce respect for societal values,
 - (ii) encourage the repair of harm done to victims and the community,
 - (iii) be meaningful for the individual young person given their needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the Young Person's rehabilitation and reintegration, and
 - (iv) respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal Young Persons and of Young Persons with special requirements; and

- d. special considerations apply in respect of proceedings against Young Persons and, in particular,
 - (i) Young Persons have rights and freedoms in their own right, such as a right to be heard in the course of and to participate in the processes, other than the decision to prosecute, that lead to decisions that affect them, and Young Persons have special guarantees of their rights and freedoms,
 - (ii) victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system,
 - (iii) victims should be provided with information about the proceedings and given an opportunity to participate and be heard, and
 - (iv) parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour.

Act to be liberally construed

- (2)** This Act shall be liberally construed so as to ensure that Young Persons are dealt with in accordance with the principles set out in subsection (1).



Youth Criminal Justice Act Part 1: Extrajudicial Measures

Principles and Objectives

Declaration of Principles

4. The following principles apply in this Part in addition to the principles set out in section 3:

- a. Extrajudicial Measures are often the most appropriate and effective way to address youth crime;
- b. Extrajudicial Measures allow for effective and timely interventions focused on correcting offending behaviour;
- c. Extrajudicial Measures are presumed to be adequate to hold a Young Person accountable for their offending behaviour if the Young Person has committed a non-violent offence and has not previously been found guilty of an offence; and
- d. Extrajudicial Measures should be used if they are adequate to hold a Young Person accountable for their offending behaviour and, if the use of Extrajudicial Measures is consistent with the principles set out in this section, nothing in this Act precludes their use in respect of a Young Person who
 - (i) has previously been dealt with by the use of Extrajudicial Measures, or
 - (ii) has previously been found guilty of an offence.

5. Extrajudicial Measures should be designed to

- a. provide an effective and timely response to offending behaviour outside the bounds of Judicial Measures;
- b. encourage Young Persons to acknowledge and repair the harm caused to the victim and the community;
- c. encourage families of young persons — including extended families where appropriate — and the community to become involved in the design and implementation of those measures;
- d. provide an opportunity for victims to participate in decisions related to the measures selected and to receive reparation; and
- e. respect the rights and freedoms of Young Persons and be proportionate to the seriousness of the offence.

4. Extrajudicial Sanctions

Where a warning, caution, or referral was not thought adequate to deal with a Young Person (because of the seriousness of the offence, the nature and number of previous offences, or any other aggravating factor), recourse could be had to Extrajudicial Sanctions (clause 10(1)). Extrajudicial Sanctions would correspond to the current model of “Alternative Measures” under the YOA. They would represent a more serious and formal response than the other Extrajudicial Measures. As under the current legislation, Extrajudicial Sanctions would operate like a conditional discharge, but without any adjudication of guilt. Provided the Young Person fulfilled certain conditions – such as reparation of damage caused to the victim or community service work – the criminal charge would be withdrawn or dismissed. As with the other Extrajudicial Measures, the Bill is silent as to the precise nature of the sanctions envisioned. These details would be left to the Provinces. The Bill would, however, continue to stipulate conditions and restrictions on the use and effect of Extrajudicial Sanctions. These would be the same as those currently applicable to Alternative Measures under the YOA (see: YOA, Section 4; and Bill C-7, clauses 10(2) to 10(6)):

- an Extrajudicial Sanction must be part of a program of sanctions authorized by the Attorney General or persons designated by the Lieutenant Governor in council of the Province;
- an Extrajudicial Sanction must be an appropriate response, with regard to the needs of the Young Person and the interests of society;
- the Young Person must fully and freely consent to be subject to the Extrajudicial Sanction;
- before consenting to an Extrajudicial Sanction, a Young Person must be advised of their right to legal representation and be given the opportunity to consult counsel;
- the Young Person must first accept responsibility for the act or omission that forms the basis of the offence;
- there must be, in the opinion of the prosecution, sufficient evidence to justify proceeding with the prosecution;
- prosecution of the offence must not be legally barred;
- the Young Person must not deny involvement in the offence;
- the Young Person must not express the wish to have the charge dealt with by the court;
- no admission of guilt made by a Young Person as a condition of being dealt with by an Extrajudicial Sanction is admissible against a Young Person in any civil or criminal proceedings;
- the use of an Extrajudicial Sanction is not a bar to prosecution or judicial proceedings against the Young Person, except to the extent that the Young Person has complied with the terms and conditions of the sanction.

Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it's the only thing that ever has.

– Margaret Mead

The Bill would also provide that certain third parties would be informed of the use of Extrajudicial Sanctions. Clause 11 would require the oral or written notification of the parents of the Young Person and Clause 12 would give the victim the right to be informed of the Young Person's identity and of the sanction applied.

02

THE VOLUNTEER'S ROLE

THE
VOLUNTEER'S
ROLE



Volunteer Job Description

The volunteer job description will vary slightly for each Youth Justice Committee. The following job description is general and represents the expectations for most Youth Justice Committees. It is important to remember that all YJC members are volunteers: including the YJC Chairs. They have taken on the added responsibility of coordinating YJC Members, providing additional support and trouble-shooting problems. Your individual commitment to fulfilling the expectations with your Youth Justice Committee is pivotal in contributing to the Youth Justice Committee running smoothly and benefiting from a strong and healthy membership. Your Chair relies on the commitment and cooperation of all Youth Justice Committee Members, so please do not underestimate the importance of your role.

Location:

Panel Meetings and Youth Justice Committee meetings are held at local community associations, public libraries, or police stations.

Requirements:

- Attend Orientation and Training Sessions provided by the Calgary Youth Justice Society (check www.cyjc.ca for training dates)
- Complete Criminal Record Check and Alberta Child and Family Services Intervention Check
- Take an Oath of Confidentiality
- Undergo further interviewing and screening procedures at the discretion of the YJC Operations Coordinator
- Consistently dedicate evening time to participate with other team members in Panel Meetings (each file is reviewed at a Panel Meeting, and an Extrajudicial Sanctions Agreement is drawn up by the members of the Youth Justice Committee after they have interviewed the youth, parents, and victim, and discussed the aspects of the case)
- Attend Youth Justice Committee meetings as arranged
- Attend Youth Justice Committee's Annual General Meeting

Responsibilities:

- Create and maintain confidentiality (see Code of Confidentiality)
- Respect the sensitivity surrounding case information
- Respect fellow Youth Justice Committee members
- Communicate regularly with other Committee members through email, phone or by attending YJC meetings
- Report any problems or concerns that arise to the Chair. The Chair will then contact the Program Operations Coordinator/Calgary Youth Attendance Centre (CYAC)
- Discuss any signs of child abuse or neglect with the YJC Chair and the YJC Operations Coordinator. The Operations Coordinator will then contact the Committee Member and walk them through contacting Child Family Services.
- Record all volunteer hours (YJC Panel Meetings)
- Identify opportunities for youth community sanction opportunities in your own community and assist in building partnerships with those community organizations
- Assist in developing Youth Justice Committee's resources for community referrals and resource information

02 THE VOLUNTEER'S ROLE

Ideal Attributes:

- Philosophy of restorative justice (a response to crime which emphasizes healing the wounds of victims, offenders and communities)
- Advocate for Youth Justice Committees and restorative justice measures (identifying and taking steps to repair harm, involving all stakeholders in the process)
- Clear and concise oral communication skills
- Effective listening and interviewing skills
- Able to address differences of opinion in a constructive, problem-solving way
- Committed to furthering learning and developing skills by taking advantage of training opportunities offered through the Calgary Youth Justice Society and the Department of the Solicitor General
- Ability to work with a variety of team members
- Creativity and problem solving skills
- Patience
- Dependability
- Strong interest in youth and youth issues



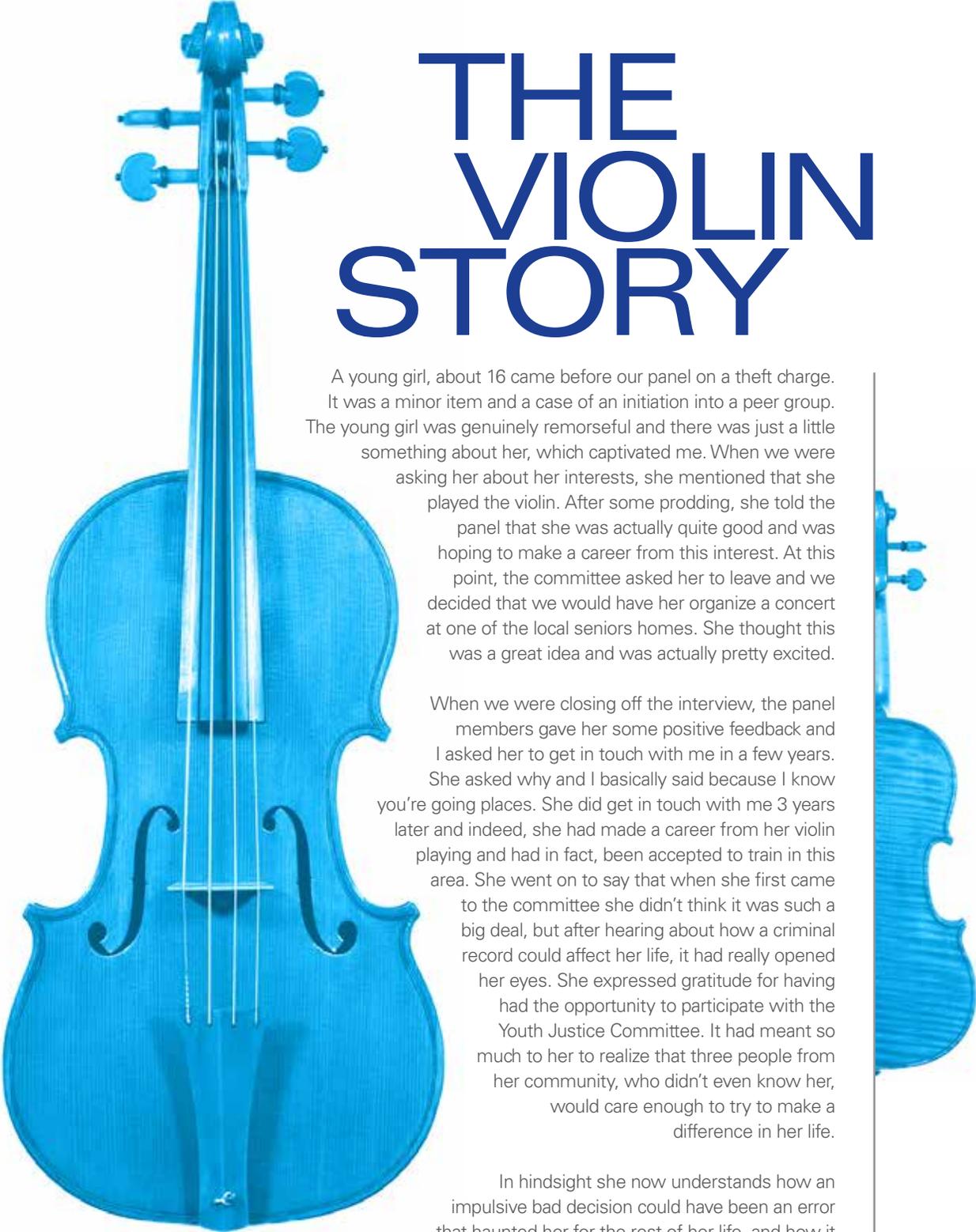
Benefits:

- Personal development
- Gain knowledge of the Youth Criminal Justice System
- Enhance communication skills
- Interviewing skills
- Increase knowledge of community and city-wide resources
- Opportunity to meet other volunteers from your community interested in volunteerism and youth issues
- Opportunity to attend personal development training sessions offered through the Calgary Youth Justice Society
- See direct results of your efforts

Commitment:

- Attend a volunteer interview and successfully complete the screening steps listed below
- Attend the New Volunteer Training Session prior to volunteering
- Agreement to undertake a criminal record check, reference checks, and an Oath of Confidentiality
- Participate in a Panel Meeting and attend one Youth Justice Committee meeting within 6 months of completing training
- Agreement to attend Panel Meetings, YJC business meetings, and YJC Annual General Meeting.





THE VIOLIN STORY

A young girl, about 16 came before our panel on a theft charge. It was a minor item and a case of an initiation into a peer group. The young girl was genuinely remorseful and there was just a little something about her, which captivated me. When we were asking her about her interests, she mentioned that she played the violin. After some prodding, she told the panel that she was actually quite good and was hoping to make a career from this interest. At this point, the committee asked her to leave and we decided that we would have her organize a concert at one of the local seniors homes. She thought this was a great idea and was actually pretty excited.

When we were closing off the interview, the panel members gave her some positive feedback and I asked her to get in touch with me in a few years. She asked why and I basically said because I know you're going places. She did get in touch with me 3 years later and indeed, she had made a career from her violin playing and had in fact, been accepted to train in this area. She went on to say that when she first came to the committee she didn't think it was such a big deal, but after hearing about how a criminal record could affect her life, it had really opened her eyes. She expressed gratitude for having had the opportunity to participate with the Youth Justice Committee. It had meant so much to her to realize that three people from her community, who didn't even know her, would care enough to try to make a difference in her life.

In hindsight she now understands how an impulsive bad decision could have been an error that haunted her for the rest of her life, and how it would have affected her music career but instead, she was given a second chance. It is because of her phone call that I am so committed to this process and what it stands for.

Volunteer Code of Confidentiality

During the volunteer training you will be asked to complete a Police Intervention Check, a Child Intervention Check and take an Oath of Confidentiality which reads as follows:

Oath of Confidentiality:

I (Volunteer's Name) do swear that I will execute according to law and to the best of my ability the duties required of me as a volunteer with the (YJC's Name) Youth Justice Committee and that I will not, without due authorization, disclose or make known any matter of things which comes to my knowledge by reason of my volunteering.

When taking your Oath, please bear in mind the following guidelines, which constitute the Calgary Youth Justice Society and CYAC/Solicitor General's interpretation to be the meaning of 'confidentiality' in terms of the volunteer role of the Youth Justice Committee program volunteers;

- ✓ **Never mention the names of Young Persons, family members, guardians or victims to anyone outside the Youth Justice Committee; unless they are the Police, Probation or other justice personnel;**
- ✓ **When discussing cases with family members or other members of the community outside the Youth Justice Committee, do not mention names, and ensure that any pertinent details relating to the case, which would enable someone to identify the parties involved, are omitted;**
- ✓ **Use sensitivity if you see the Young Person, parent/guardian, or victim in a public place. If asked by someone accompanying you what your connection with any of these parties is, please be discreet – "I've seen them around the neighbourhood", might be a appropriate response;**
- ✓ **Keep all files related to cases in a secure place, in a filing cabinet, which can be locked;**
- ✓ **Keep private any volunteer information you are privy to, as part of the volunteer application, interviewing and screening process. Share this information only with other Committee Members in so far as it is necessary. This may include reference check information and police criminal check results.**
- ✓ **Do not give out any personal contact information (i.e. last name, telephone number, fax number, email, address) of a Youth Justice Committee Member without their express permission in individual cases. This includes volunteer recruitment situations as well as Committee business.**

Confidentiality and Information Sharing Guidelines

Concerns were recently raised with respect to what information can be shared with outside agencies, (ie: schools, community service work placements etc.) during the administration of an Alternative Measures Agreement.

The following information was taken from the Young Offender Information Sharing Protocol (December 1996 – Alberta Education, Alberta Justice):

“Youth workers employed or contracted by Alberta Justice; eg: Probation Officer, Group Home Staff, or any other person engaged in the provision of services to young persons, may provide oral or written information identifying a young person with young offender status to a designated school or to school board staff...”

Guidelines / Suggestions:

1. Use your common sense - a certain amount of information must be shared with agencies, associations and/or individuals who are supervising a young person on an Alternative Measures Agreement.
2. Share essential information only:
 - a. Name
 - b. Age
 - c. Phone number
 - d. Offence – some community service work agencies may have restrictions or limitations in place regarding what types of offences a young person may have been involved with. (ie: theft charge – some agencies may not allow young persons with theft charges to work at their placements)
 - e. Due date for community service hours, personal service hours, restitution etc.
3. Have the young person disclose this information to potential agencies, placements or Individuals as needed. This further allows the young person to be responsible for their involvement in the Alternative Measures Program.

Concerns were also expressed with respect to what is the responsibility of Committee Members, should a young person disclose involvement in criminal offences unrelated to the present offence.

The Alternative Measures Agreement clearly states that:

“Any admission, confession or statement given by me in this Agreement in which I accept responsibility for any act or omission on my part regarding the above alleged offence(s) as a condition of acceptance into the Alternative Measures Program shall not be admissible against me in any civil or criminal proceedings.”

This clause is only applicable to the present offence which initiated this referral to the Alternative Measures Program. Additional admissions, confessions or statements provided by a young person with respect to any unrelated offences are not protected by this clause.

02 THE VOLUNTEER'S ROLE

Guidelines / Suggestions:

1. Advise the young person that such disclosure is not protected by the terms of the Alternative Measures Agreement and, if warranted, such information may be forwarded to appropriate law enforcement officials.
 - a. Be aware that young persons may disclose related criminal behavior during their interview which is useful in terms of establishing patterns of behavior etc., and will not always require further referral to law enforcement officials.
 - b. Admissions to serious offences should be considered for referral to Local law enforcement officials.
2. You may want to direct the young person to contact a lawyer for legal advice or to speak to law enforcement officials directly.
3. Use your good common sense. Certainly, serious criminal offences should be reported to the appropriate police agency in your area; however, minor admissions which are an indication of a young person's acceptance of responsibility and willingness to change should be viewed in a different light.

Volunteer Liability Coverage

This is a summary of the coverage provided by the Government of Alberta for authorized volunteers. Coverage will apply only while the volunteer is acting in the course of his or her authorized duties.

General Liability

Pays damages arising out of third party bodily injury, personal injury or property damage, provided you are legally responsible to pay and such damages are not intentional. Coverage includes your defence and any interest payments assessed. You must not, under any circumstances, admit liability, and any incidents must be reported immediately to your volunteer coordinator.

Benefits

Coverage is provided in two areas as follows:

- a. **Accidental Death and Dismemberment:** Provides payment in the event of specific injuries or death in accordance with a payment schedule. The maximum benefit available is \$50,000 in any one loss.
- b. **Income Reimbursement:** Provides payment for loss of income as a result of injury to a maximum of \$500 per week for 100 weeks.

Coverage is available to volunteers (excludes employees of the Crown). This coverage is not available where worker's compensation or other similar employer benefits protection is available through the employer.

One at a time...

A friend of ours was walking down a deserted Mexican beach at sunset. As he walked along, he began to see another man in the distance. As he grew nearer, he noticed that the local native kept hurling things into the ocean. As our friend approached even closer, he noticed that the man was picking up starfish that had been washed up on the beach, and one by one, he was throwing them back into the water. Our friend was puzzled.

He approached the man and said, "Good evening, friend. I was wondering what you are doing."

"I'm throwing these starfish back into the ocean. You see, it's low tide right now and all of these starfish have been washed up onto the shore. If I don't throw them back into the sea, they'll die up here from lack of oxygen."

"I understand," my friend replied, "but there must be thousands of starfish on this beach. You can't possibly get to all of them. There are simply too many. And don't you realize this is probably happening on hundreds of beaches all up and down this coast? Can't you see that you can't possibly make a difference?"

The local native smiled, bent down and picked up yet another starfish, and, as he threw it back into the sea, he replied, "Made a difference to that one!"



03

THE LIFE OF A FILE

THE LIFE OF
A FILE



Arranging for Pick-Up and Drop-Off of Files

The Calgary Youth Attendance Centre (CYAC) is mandated by the Provincial Government to deliver the Extrajudicial Sanctions Program. Files eligible for the EJS program are sent from the Crown Prosecutor's Office to the Calgary Youth Attendance Centre, from where they are in turn referred to local Youth Justice Committees. The Extrajudicial Sanctions Program Coordinator will call your YJC when the files are ready for you to collect from the Youth Attendance Centre.

The Calgary Youth Attendance Centre is responsible for up to 500 – 600 cases at any given time and has to be accountable for all these case files. It is therefore important that you are accountable for the files once they leave the Calgary Youth Attendance Centre's office. This means ensuring that files are kept safe and secure, and that they are carefully tracked.

There is a date marked on the top corner of the file that indicates which date the CYAC needs the file to be returned by. If your Youth Justice Committee determines, for whatever reasons, that they do not wish to process a file, they may either decline to accept it initially, or may choose to decline to proceed with the case after having reviewed the file in question.

Location & Contact Information Information for the Calgary Youth Attendance Centre

Calgary Youth Attendance Centre: 403-297-2227 or 403-297-8659

Program Coordinator/CYAC: 403-297-7740

CYAC is located at 3850 Manchester Road SE, off Macleod Trail at 39th Ave SE. The files cannot be forwarded to any other location or to any police or probation office.

Confidentiality of Files

Files stored at home or in another location by a YJC member should not be kept in the open. Keep in mind that the Youth Criminal Justice Act protects the youth in terms of confidentiality.

Referrals

In Calgary, there is no system of 'direct referrals' from the Police to the Extrajudicial Sanctions Program – the Police cannot refer a young person directly to a Youth Justice Committee. They can make a recommendation that a youth be referred to a YJC through the Extrajudicial Sanctions Program, but the final decision is made by the Crown Prosecutor. Local Crown Prosecutors are responsible for referring young persons to the program if they meet the criteria listed below. The Crown Prosecutor's office will make the referral based on an assessment of Police reports, Police recommendations and criminal record information.

Youth Justice Committees can receive two types of referrals from the Crown Prosecutor's Office – Pre-Charge and Post-Charge. In a Pre-Charge referral, the arresting officer makes a recommendation for Extrajudicial Sanctions; it is reviewed by the Crown, and, if eligible, is sent to the Calgary Youth Attendance Centre and then to a YJC. If the youth successfully completes the Agreement, they do not go to court at all.

03 THE LIFE OF A FILE

If the youth is unsuccessful, then a charge will be laid and they will proceed through court. If the arresting officer does not recommend Sanctions, the Crown Prosecutor refers the youth's file to court. A Judge may refer a youth to the Extrajudicial Sanctions Program at this time. This is referred to as a **Post-Charge referral**. In this case, a youth still has to attend their next court date, even if they successfully completes the Extrajudicial Sanctions Agreement. If the youth successfully completes the Agreement, the charges will be withdrawn. If the youth does not complete the Agreement, the youth will proceed through court.

All young persons' files, both 'pre' and 'post' charges, are referred from the Crown Prosecutor's Office to the Extrajudicial Sanctions Coordinator at the Calgary Youth Attendance Centre.

File Extensions

If you require an extension on a file due to unforeseen circumstances, you have received a file that was held up in court & have a short turnaround time or due to a conflict with program or placement dates you can contact **Loray at CYAC 403.297.8659 or loray.dahlin@gov.ab.ca**

It is recommended you chose a program/placement where a youth can complete their consequence by the return date. However, if you feel there is an opportunity that is very important for the youth to attend an extension request can be made.

Extensions are granted on a case by case basis & the length of an extension varies depending on the circumstances (e.g. Program length).

Pre-Charge Files

Must have:

- Youth's First & Last name
- Orca#

Loray is able to process the request immediately.

Remember that Pre-Charge files are time sensitive as, jurisdiction is lost on Pre-Charge files six months after the date of the offence. This means the Police will not be able to lay the charge after six months from the date of the offence.

Post-Charge Files

Must have:

- Youth's First & Last name
- Orca # or Docket #
- Return Court date

The request is sent by Loray to the Crown Prosecutor & then the request is formally presented in court.

***Youth MUST still attend ALL court dates regardless of an extension**

Eligibility for Extrajudicial Sanctions

Federal Offences:

- a. All Criminal Code of Canada offences except the following:
 - i. Offences involving violence or the threat of violence (simple assault in a non-domestic situation, and threats where there is not a reasonable likelihood to believe that the youth presents a danger to others, may be diverted. A domestic situation does not include minor violence between siblings.);
 - ii. Break and enter of a dwelling house;
 - iii. Perjury or contradictory evidence; and
 - iv. All driving related offences.

- b. Simple possession of marijuana or its products contrary to the Controlled Drugs and Substances Act. All other drug offences are excluded.

Provincial Offences:

- a. Section 78 of the Public Health Act (glue and solvent sniffing).

- b. Trespass to Premises Act

- c. Petty Trespass Act

- d. School Act

- e. Gaming and Liquor Act

Information Provided with Referral:

Information including the young person's name, address, age, school/employment, parent(s)' names, etc. will be provided as well as the Police occurrence report, criminal record information (if any) and the Police recommendation. No confidential documents can be shared with the young person or his parent(s)/guardian.

Under the new act (the Youth Criminal Justice Act, 2003), the Crown has discretion to make a referral, even if the offence it is not considered to be an eligible offence. If the Youth Justice Committee members are not comfortable, or do not feel that they have the resources to handle the file, they may return the file to the Youth Attendance Centre, as the Extrajudicial Sanctions Program staff have the resources to deal with more challenging files. If a YJC decides to meet with a youth and if members are faced with threatening behaviour and an uncooperative demeanor on the part of the youth, they may stop the meeting and ask the youth to leave. Panel Members may find that they gather more information at the interview which suggests it would not be appropriate to proceed further.

Some Crowns will refer repeat offenders in a short time frame. Young persons have a 24 month time frame during which they cannot reoffend and be referred to the Extrajudicial Sanctions Program. If they do, their first offence may be brought forward as evidence of a pattern.

Deciding to Take on a File

Your Youth Justice Committee may be referred files which Panel Members are not initially comfortable with. The case may often seem more serious when multiple youth, or co-accused, are involved. The Youth Criminal Justice Act states that the condition for the youth should be proportionate to the crime, and that adequate evidence should be available to take the case to court. Often, we do not have a way of determining the level of involvement of a youth until we speak with them. Sometimes we get caught up in looking at the offence, not at the individual person.

Some Youth Justice Committee members have mediation or social work training and are comfortable taking on more challenging cases due to their training and experience. If there are members of your YJC who have more advanced training, or more panel experience, ask them if they are interested in reviewing the file in question and sitting on the panel.

Remember that Youth Justice Committee members are not expected to be mediators or counsellors. If you and your colleagues are not comfortable with taking on a particular file for whatever reason, you may decline to do so. The Extrajudicial Sanctions Coordinator at the Youth Attendance Centre will handle that file.

If your YJC Members feel that they would benefit from more training, either in interviewing techniques, or in dealing with victim involvement, please contact the Calgary Youth Justice Society to arrange for training for you.

Making an Educated Decision

The following are suggestions of how to gather information to determine to proceed with the handling of a file.

- ✓ **Read the notes of the arresting Police Officer on the Extrajudicial Sanctions Program Notification Form (comments box);**
- ✓ **Read the Police report to the Prosecutor;**
- ✓ **Phone the arresting Police Officer for more information and an explanation of their comments;**
- ✓ **Phone the Crown;**
- ✓

03 THE LIFE OF A FILE

Obtaining More Information on a File

Police

The Police Case # is in the right-hand corner at the bottom of the post-charge pink sheet, or the top right hand corner of the blue sheet (Pre-Charge) - this is the number to give over the phone. Allow a reasonable amount of time to reach the arresting Police Officer, due to changes in shifts. Most Police Officers can be contacted by email and have voicemail.

Crown

The Crown File # ends in a 'D1' (Pre-Charge, Police-recommended referral) or a 'Y1' (Post-Charge, which indicates that the file has gone to court and a follow-up court date has been set). If you are in doubt as to why a case is being referred - for example, in the case of a Post-Charge or a third referral - you are encouraged to call the Crown to request more information.

Report to Prosecutor Cover Sheet and Attached Synopsis

These sheets summarize the crime and the people involved. The 'synopsis' will look at what youth were involved in committing the offence and will split the damages between the youth.

Handling 'Red Flag' Cases

If Panel Members feel that a youth may be suicidal they are advised to call the CYJC Operations Coordinator at the Calgary Youth Justice Society. YJC members can also call any youth risk resources. Suggested resources are:

Distress Centre – ConnecTeen

(403) 264-8336 (TEEN)

Answered by trained teen volunteers, who provide peer support from 4 pm – 11 pm daily.

Kids Help Phone Line

1 800-668-6868 (24 hour)

A trained counsellor will listen and offer information and referral to local services (i.e. doctors, clinics, mental health centres)

For young people aged up to 19 years

Other Resources:

- Youth's family doctor, and guidance counselor
- In case of an immediate concern around suicide for any youth seen by a YJC panel, the youth should be taken to the nearest hospital for assessment by either a parent/guardian or the Police.

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File Contents

Each file contains the following pages:

1. Blue sheet – Notification – Extrajudicial Sanctions Program /or Post Charge Youth Extrajudicial Sanctions Program (pink sheet)
2. Report to Prosecutor Cover Sheet
3. Synopsis
4. Offender Information form
5. Extrajudicial Sanctions Agreement form
 - White copy – Crown Prosecutor
 - Yellow copy – District Office
 - Pink copy – Agency
 - Green copy – Accused

General Guidelines for Youth Justice Committees

- Committees usually have between 6 – 8 weeks to work with a file.
- The youth and parents should be contacted within 5 days of receiving the file so they know where things are at.
- In the case of a Post-Charge (pink front sheet), keep in mind the court date. The file should be returned at least 2 weeks prior to that date, whether successful or otherwise.
- In the case of a Pre-Charge (blue front sheet), there is a 6 month time frame from the offence date before loss of jurisdiction (which means that charges cannot be laid). That means that the file must be completely dealt with. Keeping in mind that the 6 months is from the offence date, on average allow 6 weeks to 2 months to completely deal with the file.
- In the case of an unsuccessful file, please thoroughly document why:
- Make notes of when phone calls were made and what was said, when talking to any the parties involved.
- If you are not comfortable dealing with a file, or you are having difficulty pulling together a panel, please let the Extrajudicial Sanctions Coordinator at the Calgary Youth Attendance Centre know.
- In the case of intakes, please fill in all the necessary blanks on the Offender Information sheet, including education and grade, school last attended and ethnic origin.

Drafting an Agreement

At times, the police or the Crown may recommend that the Youth Justice Committee consider a certain **sanction**. The Youth Justice Committee may weigh this advice, but still has the authority to make the final decision, after taking into consideration the information gathered at the Panel Meeting.

It is important to make the Agreement achievable for the youth and set them up for success rather than failure. The **sanctions** in the Agreement should not be more 'onerous' than a sentence that would be handed down in a court of law. If the Agreement is more onerous, there is a good chance that the file will be sent back as unsuccessful, or that the judge may amend the Agreement.

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The Panel Members may give any three of the following conditions outlined on the Extrajudicial Sanctions Agreement form to the young person as part of their Agreement:

- a. Letter of apology
- b. Personal service hours
- c. Community service (Maximum of 60 hours)
- d. Donation to charity
- e. Participation in aboriginal cultural/spiritual activities
- f. Complete an essay or poster
- g. Other sanctions as directed, to attend or participate in.

Damages

The new Act obliges us to look at the issue of damages. Damages can be addressed by giving to the community in terms of service, or attending a program. When deliberating the issue of damages, Panel Members should take into consideration that youth are often not in the position to come up with the money, as they may not be working. The age of the youth and whether they are capable of working should be taken into consideration. Panel Members should not look to make the success of the youth dependent on their parents' involvement (for example, by assigning them a restitution which the youth cannot feasibly pay themselves). The Agreement is between the Committee and the youth.

Panel Members will need to find out what restitution has already been made to the victim, and what the status of any insurance claim is, i.e. has a deductible been paid by the victim?

In the case of restitution being paid to the victim, the Police will usually request that the victim completes a Request for Restitution form at the time of the offence. This form will be attached to the file. If the Request for Restitution form has not been attached to the file by the police, the Committee should still contact the victim to determine a possibility for restitution. If the victim expresses a desire for restitution, the Youth Justice Committee member should ask the victim to submit an invoice or an estimate. The YJC Panel members should keep in mind that the youth may not be able to fully compensate the victim.

In the case of restitution being made by the youth as part of the Agreement, it is important to maintain the victim's confidentiality. The Youth Justice Committee should take a money order made out to "The _____ Youth Justice Committee" from the Young Person, and then write a cheque to the victim. There is a receipt attached to the money order which may be given to the Young Person. A note of restitution paid will also be made by the YJC member in the Young Person's file, on the Agreement form. It is not appropriate to accept cash or cheques.

Consistency of Consequences

Often, two Youth Justice Committees will receive files relating to the same offence, given that the youth involved live in different communities. In such cases, YJC members are encouraged to treat the youth as individuals, but to try to be consistent around the issue of damages.

Construction Site

Two 16 year old boys, who were well known and liked within their community, were on their way home from a football game in August 2002. They decided to cut through the construction site on Glenmore and 18th Street S.E. No one knows for sure what was going on in their minds when they decided to break one of the windows of some construction equipment. The two boys were identified. However, because they had no previous record the case was referred to the local Youth Justice Committee. Each boy was seen by a different group of volunteers, but the process was similar. They each were asked to reflect upon their offence and respond to the concerns of the community and the victim. They both agreed to the following consequences:

-
- **Restitution to the Construction Company (\$332.50)**
 - **10 Hours of Community Service at the local Community Association**
 - **A written apology to the Manager**
-

One month later, Whissell Engineering received a written apology delivered in person by each of the boys. The Operations Manager was very surprised by the fact that the boys personally came down, admitted responsibility, and paid for their damages. He was not aware of Youth Justice Committees and their role, however he feels that this type of consequence and holding the boys accountable directly to the victim was most appropriate and meaningful in this case. The boys were genuinely remorseful and left a tremendous impression on the Manager. He demonstrated this by offering them a job with the Contracting Company the following summer if they need one.

I recently had the opportunity to speak personally with one of the boys this fall about his experience with the Youth Justice Committee. He remains deeply embarrassed by the incident, however feels supported by his community and has learned a lot though this experience.

04

INTERVIEWING

VIEWING

INTERVIEWING
& DETERMINING
SANCTIONS



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The Panel Meeting Process

Contacting Parties

Contacting the Young Person:

1. Within 5 days of receiving a file, a member of the Youth Justice Committee needs to initiate contact with the young person by telephone to arrange a meeting with the Committee.
2. Youth Justice Committee members can use *67 to block their number from appearing on the display of the person they are calling. It is not recommended to provide a victim, witness, Young Person, parent or guardian with your last name. This will ensure confidentiality and prevent future unsolicited contact with all 3 parties. Consider using your YJC email address for contact whenever possible.
3. Tell the young person/parents/victim your name. Use your first name only, and say that you are representing your local Youth Justice Committee.
4. Explain that you are investigating a file you received relating to _____ (name, date and criminal action).
5. In the case of the Young Person stating what the police said to them, explain that it is not the Police or the Crown Prosecutor who is now handling the case, but that it has been referred to a Youth Justice Committee, instead of going to court. It is not the Youth Justice Committee's responsibility to establish guilt in the case, but rather to deal with pending charges at a committee level.
6. Be mindful when scheduling the panel meeting. Try to schedule the meeting around the Young Person's positive or extenuating circumstances, such as attending school, sports, work or other reasonable commitments. These positive influences are important and should be encouraged.
7. Set up a date, time and place for the panel meeting.
8. **In scheduling a meeting with the Young Person, use the following script to advise the Young Person of the process. Please note that you are legally mandated by the Youth Criminal Justice Act to advise the Young Person of points a - d:**
 - a. Participation in the process is voluntary but depends on you accepting responsibility for the alleged offence;
 - b. You are responsible for seeking the advice of legal counsel, if desired;
 - c. There will be 2 other members of the community sitting on the panel as volunteer Youth Justice Committee members;
 - d. Your parents or legal guardians will also be contacted and asked to attend the meeting.

Pre-Panel Meeting Checklist

Contact Committee Members for Panel Meeting:

- Confirm date, time and place of hearing
- Indicate date, time and place the committee will prepare for next meeting
- Ensure no obvious conflicts of interest exist.

Contacting Parties Involved:

- Has the meeting location been booked?
- Has the young person been contacted?
- Have the young person's parents been contacted?
- Has the victim been contacted?
- Are you aware of restitution needs?
- Do you understand the offence – who did what?
- If co-accused are involved, do you know what happened to them?

Reconfirm Date/Time/Location with Those Involved in the Process

- Your YJC's time is valuable – sometimes a quick reminder can minimize 'no show's' for your committee.

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Contacting the Parent(s)/Guardian(s):

1. Once a meeting has been established with the Young Person, their parent(s)/guardian(s) need to be asked to attend.
2. In the case of the parent(s)/guardian(s) stating what the Police said to them, explain that it is not the Police or the Crown Prosecutor who is now handling the case, but that it has been referred to a Youth Justice Committee, instead of going to Court. It is not the Youth Justice Committee's responsibility to establish guilt in the case, but rather to deal with pending charges at a committee level.
3. In place of the parent(s)/guardian(s), another responsible adult, who is over the majority age of 18, and may also be a relative, can be asked to attend (except in the case of an older youth or in the case of young married persons who are living independently).

Contacting the Victim(s):

1. In Calgary, a victim will not attend a YJC Panel Meeting. Most YJC's do not have trained members to support the process of a victim offender mediation. However, it is still important to contact the victim where appropriate, to keep them informed and to gather information that might be helpful in the interview. When contacting the victim, it is not necessary to provide detailed information. Ask the victim for a statement and explain that you will be taking that information to the interview, and that it will be used when determining sanctions.
2. In the case of the victim stating what the Police said to them, explain that it is not the Police or the Crown Prosecutor who is now handling the case, but that it has been referred to a Youth Justice Committee, instead of going to Court. It is not the Youth Justice Committee's responsibility to establish guilt in the case, but rather to deal with pending charges at a committee level.
3. Where applicable, the victim(s) should be contacted to determine:
 - a. Interest in receiving personal service, monetary compensation, and/or a personal/written apology from the offender in the event of an agreement being negotiated;
 - b. The amount of financial loss not covered by insurance, which may have resulted from the offence(s) (i.e. insurance deductibles). Proof (receipts) of the costs paid by the victim(s) should be obtained to avoid any argument.

Conducting a Successful Interview

Interviewing Techniques:

The real goal of the Panel Meeting is that the Youth Justice Committee finds out how the young person really feels and thinks. That way, the Youth Justice Committee is best able to come up with the most suitable agreement. To achieve this, the Committee needs to work hard to maintain a proper interview climate.

Be aware of your body language. Pay attention to your tone of voice in order to establish a non-threatening environment for the interview.

The young person is most likely to share important information when the Committee works as a 'team', creating an atmosphere where the offender feels comfortable sharing thoughts, feelings and perceptions. It helps to have pre-established areas of focus (e.g. education; goals; work; family).

Focus on asking open-ended questions (questions to which a person cannot give a 'yes' or 'no' answer). This will encourage the young person to share information.

Suggested Open-Ended Questions:

- Start at the beginning and tell us what happened that day...
- Tell us a bit about yourself...
- What made it right for you to do this?
- What is your understanding of why this happened?
- I'm not sure I understand what you mean by that - please tell me more...
- Please share more about what causes you to feel that way...
- What has changed since the offence?
- What kinds of friends do you have? How would you describe them?
- I would like to hear a little more about...
- Where would you like to be 5 years from now?
- Anything else?

INTERVIEW TIPS:

- **Be cautious about asking 'why' questions, as some people can feel pressured to defend their comments.**
- **Don't be afraid to repeat a question if the person appears not to understand it, or misinterprets it. Take care to rephrase a 'yes' or 'no' closed-ended question. Hearing the question a second time may provide clarification for the listener.**

PERSONAL LISTENING INVENTORY

Keep the following points in mind as you prepare to participate in a Panel Meeting. Check-in with this page after a hearing to do a personal assessment of how well you practised effective listening. Remember that developing this skill is a lifelong process, and acknowledge how well you did, as well as where you have room for improvement!

Once you begin to acknowledge random acts of kindness – both the ones you have received and the ones you have given, you can no longer believe that what you do does not matter.

– Dawna Markova

Effective Listening means to:

- ✓ **Show acceptance** of the other people in the room; sensing this acceptance, other parties will feel more inclined to open up;
- ✓ **Clear your mind**; leave other issues that are taking up thinking space aside. Give your total focus and concentration to what is being said;
- ✓ **Set your personal agenda aside**; try not to listen with a pre-set agenda, wondering as you listen, how you can achieve certain results, or re-direct the conversation;
- ✓ **Paraphrase** – briefly re-state what the person has said to clarify your understanding or to show interest;
- ✓ **Be curious** – seek to show interest and to understand the other person’s point of view;
- ✓ **Affirm** – listen for the positives in the conversation and acknowledge them;
- ✓ **Check for understanding** – ensure that the young person understands key points by asking them for an example. If he/she is unable to give a definition, then give them one;
- ✓ **Re-phrase** (re-state using different words) a question to the listener to help them understand what type of information you are looking for. Re-phrase an answer if you are not sure you have been understood;
- ✓ **Watch your body language** – remember that the importance of creating a setting conducive to obtaining a positive outcome depends on how you set the stage. Pay attention to creating balanced seating – make sure people are seated at the same level (one person is not standing while others are seated). Pay attention to maintaining eye contact with your audience and to using open body postures;
- ✓ **Pay attention to your tone of voice** – remember that how someone receives what you say depends not just on the words you use but also on how you deliver them.

The Panel Meeting Interview

Welcome

- Introduce Panel Members;
- State objective of the meeting - to discuss what happened, why it happened, and to work out an Extrajudicial Sanctions Agreement.

Important Facts to Cover:

- Volunteers are community residents;
- All have taken an Oath of Confidentiality;
- Young persons', parents' and victims' identities are kept confidential;
- Youth Criminal Justice Act principles govern the meeting;
- Explain that we are authorized by Section 18 of the Youth Criminal Justice Act to offer an alternative to the formal court process by way of the Extrajudicial Sanctions Program;
- The young person has a right to legal counsel if desired;
- Participation in this program is voluntary;
- It must be stressed that the young person must clearly accept responsibility for their actions.

Confirm Before Continuing:

- The young person clearly accepts responsibility for their actions;
- The young person gives free consent to participate in this program.

Outline the Format of Interview:

- Panel Member will go over Police report and discuss offence;
- Panel will discuss incident with young person and ask questions to better understand why they offended;
- An Agreement will be drawn up between the young person and the Panel.

Check Young Offender Information Sheet:

- Confirm the information on the Offender Information sheet, such as the address, date of birth etc.
- If the young person has no phone number, is there another family member who has a phone who would be willing to relay messages?



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Discussion about Offence Related Issues

- Go over Police report;
- Ask youth for their version of events.

Suggestions for Areas of Inquiry:

1 Offence:

- Describe in your own words what happened.
- What was happening before you decided to do this?
- How do you feel about what you did?
- How could you have avoided getting into trouble?
- How do you think the victim was affected?

2 Home:

- How are things going at home?
- Were consequences imposed by your parents?
- How did your siblings react?

3 Friends:

- How did they influence your offence?
- What do you and your friends do when you get together?
- What about your classmates?

4 School:

- Are you attending school?
- How are your marks?
- Are you involved in clubs?
- What about intramural activities or programs?
- What are your career ambitions?

5 Special Skills/Talents:

- What special skills or talents do you have?
- Do you participate in any community activities or programs?
- Have you full or part-time employment?

6 Limitations:

- Do you have any health concerns?
- Are there any other concerns which would affect your participation?

7 Restitution:

- Have you or your parents made restitution?

8 Parents:

- Are there any problems at home?
- Is your child attending school regularly?
- Are there any problems with behaviour/school?
- What do you think of your child's friends?
- Is there anything else you would like to add?
- Have you seen any positive changes since the offence?

9 Victim (if present):

- How did this young person's actions impact you (if present)
- If not present, share the victim's sentiments and restitution needs.



I CAN'T RESIST USING THE METAPHOR OF ROOTS TO DESCRIBE OUR WORK WITH YOUNG PEOPLE.

I came across an interesting fact, this time about bamboo. The first several years of tending the growth of bamboo requires much attention be given to develop its strong root structure. This yields very little initial satisfaction; as progress above ground appears slow, with little to show for the gardeners efforts. The payoff occurs years later, when it can shoot up 20 metres in less than 4 months. Investing in our young people by cultivating their strengths (or roots) provides a strong foundation for growth that we will likely not see in the short time that we spend with them. But they will be stronger having had your influence in their lives, just wait...and see.

Denise Blair

Extrajudicial Measures Contract

- The Extrajudicial Measures Agreement is a contract between you (a representative of the Youth Justice Committee program), the Alberta Justice and Solicitor General and the Young Person.
- After we talk about what sanctions to assign, we will determine the period that these sanctions must be completed in.

Unsuccessful Completion:

- If the conditions are not completed in the time period agreed upon, then the matter will be referred back to the Extrajudicial Sanctions Coordinator and the Crown.
- In the case of a Pre-Charge, inform the young person that the originating Police Officer can lay a formal charge and a court date will be set.
- In the case of a Post-Charge, inform the young person that when they attend their court date, the Crown will proceed with the charge at that time.

Satisfactory Completion:

- If the conditions are completed satisfactorily in the specified time, then the contract is sent back to the Extrajudicial Sanctions Coordinator. The Young Person will not receive a formal court disposition or a formal youth record if the Young Person remains crime free for 2 years.

Formulating the Agreement:

- Does the Young Person have any ideas for sanctions?
- Do the parents have any concerns or suggestions that would help the panel determine sanctions?
- Request that Young Person and parents wait outside while the Panel Members draw up the Agreement .

Finalizing the Agreement:

- Ensure that Young Person understands that this program gives them an opportunity to accept responsibility for their actions, make restitution, and that when they have fulfilled the terms of their Agreement, they will not have a criminal record.
- Outline the terms of the Agreement in detail, starting with the duration of the Agreement (1 – 3 months) and the date that all conditions must be met by.
- Let the Young Person know that you will be contacting them periodically to see how things are going. If there are any difficulties with any part of the Agreement, they can be dealt with at that time.
- Ensure that they understand the Agreement before signing it.
- The Agreement is then to be signed by the Young Person and the Panel Chair. Give a copy of the Agreement to the youth.
- Emphasize Young Person's responsibility to fulfil conditions.

Thank everyone for their commitment to the Extrajudicial Sanctions Program.



04 INTERVIEWING & DETERMINING SANCTIONS

Suggested Interview Script

The panel you are working with will most likely sit down and come up with their own questions for interviewing. Here are some suggestions, formatted within the following interview script, which you may want to consider. All points marked by an asterisk are ones that you are legally mandated to mention to the young person according to Section 18 of the Youth Criminal Justice Act.

As a guideline, Panel Meetings usually last around one hour. Meetings that are any longer in duration risk going past the 'least intrusive' clause of the Youth Criminal Justice Act.

For the purpose of this script, the Young Person is referred to as 'Johnny'.

N.B.: It is extremely unusual for a lawyer to be present at a Panel Meeting. If this should happen, please advise the Young Person that this is a quasi-judicial hearing (i.e. although it is not a formal court hearing, what the panel decides has legal consequences for the young person). It is the Youth Justice Committee, which is in charge of the Panel Meeting. The Committee is not there to deliberate on innocence or guilt, but to formulate an Extrajudicial Sanctions Agreement with the youth. Please request of the lawyer that they remain present in the capacity of an observer only.

The Youth Justice Committee ultimately decides on the conditions of the Agreement. It is of course preferable that the youth is also in agreement, as they will then be more likely to follow through on the terms of the Agreement. It is also preferable that the parents and victims feel positively about the Agreement reached. However, the primary focus of the Panel Meeting is to formulate an agreement between the panel and the young person.

Introductions

Chairperson:

Hello.....my name is....and I will be chairing the Panel Meeting this evening. My co-panelists are....I would like to welcome you, Johnny and your parents.

To give you an idea of why we are here:

- We are members of the Calgary "X" Youth Justice Committee, and we reside in this community with you.
- We, as a Panel, are here to administer the Extrajudicial Sanctions Program. We are all volunteers.
- The Extrajudicial Sanctions Program allows a young person to be accountable and to face the consequences of their actions without going through the formal court process and being convicted of an offence.

[cont.]

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- In order to be accepted into the program, you must:
 - Accept responsibility for, and understand your action as wrong;
 - And that you voluntarily agree to participate.
- The Extrajudicial Sanctions Program is sanctioned under Section 18 of the Youth Criminal Justice Act, and reflects the content of the Act.
- I would like to state here that this program is a privilege extended to you, Johnny, and provides you with an opportunity to deal with your offence outside of the court system, thereby preventing you obtaining a criminal record.
- (To, Johnny) You have been advised of your right to legal counsel, is that correct?

Johnny:

- Yes

Chairperson:

- Good, now, Johnny, what is your understanding of the Extrajudicial Sanctions Program?
(Johnny answers – usually youth have very little or no understanding at all)

The Extrajudicial Sanctions Program is an alternative to court. The goal behind the Extrajudicial Sanctions Program is that the young person learns from the process and does not re-offend. As we have already said, participation in the process is voluntary and we will jointly come up with an Agreement. It is not up to the Youth Justice Committee to decide if you are guilty or innocent. Our Youth Justice Committee works within the framework of the Youth Criminal Justice Act and cannot give you a heavier sentence than a Judge would give to you.

All of the Youth Justice Committee members have taken an Oath of Confidentiality. This means that the information shared in this room cannot be used in any court hearings related to this offence which may occur at a later date. The information shared here stays in this room.

Chairperson:

- Do you understand what has been said so far?

Johnny:

- Yes

Chairperson:

- Do you accept responsibility for your actions?

Johnny:

- Yes

[cont.]

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Chairperson:

- Do you agree to fully participate in this program?

Johnny:

- Yes

Chairperson:

(To other panel members)

- Does anyone have any questions or comments they would like to add?

Introduce Offender Information Sheet and Extrajudicial Sanctions Agreement

Chairperson:

- Now that you have stated that you understand your role and have agreed to participate, we'll take a few minutes to fill out the necessary paperwork (bring out the Offender Information sheet and fill in the name, address, phone number, school, employment and charge). In addition, we will be completing an Extrajudicial Sanctions Agreement at the conclusion of this proceeding. (Bring out Extrajudicial Sanctions Agreement form and fill out the portion). This contract is sanctioned by the Youth Criminal Justice Act and recognized by the Courts as a legally binding document.

- Anything said and discovered through this process cannot be used against you in a Court of Law.

– **In the case of a Pre-Charge:**

- You will be required to provide evidence that you have followed through with the agreement made with the Youth Justice Committee.
- If you are successful in your participation in the Extrajudicial Sanctions Program, then charges will not be laid against you, and the legal matter will be resolved without having to go through the formal court process regarding the alleged offence.
- If you are unsuccessful with the agreement that we draw up, the charges will be laid against you, and the case will proceed through Court.

***In the case of a Post-Charge:**

- You will be required to provide evidence of follow-through on the agreement made with the Youth Justice Committee.
- If you are successful, you will still have a return court date at which evidence of your success will be provided, and charges will be withdrawn at that point.
- If you are unsuccessful in completing the agreement drawn up with the Youth Justice Committee, your charge will proceed through Court.

Johnny:

- Yes

[cont.]

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Interview

Chairperson:

- Mr and Mrs Smith (parents), we appreciate your presence here this evening.

(All Panel Members, not just the Chairperson can initiate the following dialogue):

- What led up to the incident?
- Tell me what took place...
- Was anyone else involved?
- Tell us what made it right to commit this offence?
- How do you view this incident today – as opposed to when it happened?
- What has changed since then?
- What effect did it have on you? And on other family members?
- What have been the consequences that you faced at home?
- Has any restitution already been made? If so, what?
- Chairperson (to other panel members)
- Are there any more questions? (Before moving on, make sure that the rest of the Panel Members have a good understanding of the incident, the charge, and are satisfied with the youth's answers).

Chairperson:

- Johnny, you've heard about us and the Extrajudicial Sanctions Program...now tell us more about yourself. Tell us about your family situation, friends, your interests, talents and hobbies, school. (See Section 2 for possible questions).

Johnny gives a brief overview of what he's about.

Parents

Chairperson:

- Mr and Mrs Smith, at this time, we would like to hear what you have to say regarding this situation.

Finish Interview

Chairperson:

- Are there any specific concerns or needs you have Johnny, or you, Mr and Mrs Smith, which would help the Panel determine the conditions for Johnny's Extrajudicial Sanctions Agreement?

[BREAK]

[cont.]

04 INTERVIEWING & DETERMINING SANCTIONS

Chairperson:

- *(If required)* We will now take a 15minute break to allow the Panel a brief discussion period. We will meet back here to finalize the terms of the contract at X o'clock.

Finalize Contract

Chairperson:

- Before we begin, I would like to point out once more, this program is a privilege, Johnny. It provides you with an opportunity to accept responsibility for your actions, and when you have fulfilled the terms of the Extrajudicial Sanctions Agreement, you will have no criminal record. Do you understand that?

Johnny:

- Yes.

Chairperson:

- Okay. The Panel has determined the following terms of your Agreement. First, the duration of the contract will be (length of time – 1 – 3 months).
- The terms are: *(The following terms are examples that can be used):*
 - An apology letter to...*(state the name of the individual the letter is addressed to) to be completed by (the date)*
 - An essay on *(state the topic, length and date for completion)*
 - Community Service (state the number of hours, whom it is with, and a contact number and name). Once your community service hours are completed, I will require written proof of hours served.
 - Donation to a registered charity in the amount of *(state the amount of the donation)*. We will require proof of donation.
 - Restitution in the amount of *(amount of money to Mrs Jones by the due date of this contract)*.
- Do you have any questions? (Once everything is clear, the Panel Chair signs and the Young Person signs the contract. The Young Person is provided with his copy. Be sure everyone is clear about the call-back date). If you are experiencing any difficulties with any part of your Agreement, we can address them at that time.

[cont.]

Closing

Chairperson:

- I would like to thank you Johnny for showing commitment and responsibility by being here tonight. Mr and Mrs Smith, it's been a pleasure to meet you. Thank you for participating.

Panel:

- *At this point, any member may make positive remarks to the youth and perhaps share their observations.
The purpose is to encourage the youth, to end on a positive note, and to have everyone leave with a good feeling about the process.*
- Set up a time and place for the follow-up meeting with the youth, at which they will be required to sign the Extrajudicial Sanctions Agreement.



Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.



– Leo Buscaglia



Designing Creative Sanctions

The Extrajudicial Sanctions Agreement that is reached by the Panel Members, after interviewing the youth and the parents/guardians, should be logical and meaningful. This is the objective of the sanctions given.

'Logical' means that the sanctions fit with the crime, and 'meaningful' implies that the sanctions hold value for the youth and their further development.

The more research your Panel does on the Police Report and the options available for programming or services that the youth may be able to access, the more likely it is that the Agreement will reflect logical and meaningful sanctions.

It is often a challenge for Committees to come up with community service that is meaningful to the Young Person. The great challenge here is the timeframe with which YJCs are dealing. The time during which a file is referred by the Crown and returned to the Crown, is around 6 - 8 weeks. Often, a YJC's turnaround time for processing a file and having the youth complete the Agreement is 5 weeks. It is therefore challenging to find programming opportunities to offer to a youth within that timeframe.

Some Committees have suggested overcoming the concern of having one creative sanction which may be perceived as 'fun', by implementing two sanctions, one that may require established skills and the other that may be more introspective in nature.

In creating sanctions for the Young Person, it is important to tap into your own community resources. A sanction will be more logical and meaningful if it is carried out within the young person's own community. Bearing in mind that community service hours must be carried out through a non-profit or a government agency, see which organizations in your own community may be willing to supervise community service hours. Be sure to check the cyjs.ca website for sanction suggestions.

04 INTERVIEWING & DETERMINING SANCTIONS

Youth Justice Committee Email Addresses

Each member is encouraged to use the cyjs.ca email address that has been developed for each specific Youth Justice Committee.

An additional benefit of using an email address to electronically submit forms lies keeping centralized records. YJC members can verify the date & time of form or document submission at any time by checking the 'Sent' folder in their accounts. A further benefit is the added layer of security and confidentiality of having young persons' emails and documents on a remote server. Should a YJC laptop is lost or stolen, no information on files can be retrieved without authorization.

A back-up of passwords and other information is kept with the Calgary Youth Justice Society in the event that an email address is compromised.

05

MANAGING COMMITTEE CONFLICT

MANAGING
COMMITTEE
CONFLICT



05 MANAGING COMMITTEE CONFLICT

Youth Justice Committee Members are part of a team, which works to achieve a common goal. Some members have roles which are interdependent, that is, members are dependent upon each other, and must work cooperatively together in order to be successful. It is therefore important that any problems or differences are dealt with so that the group can work together effectively to achieve their goals.

The following are some strategies, which you may find helpful when dealing with conflict in your Youth Justice Committee setting.

Defining Roles and Responsibilities

Defining the roles and responsibilities of each Committee Member from the outset can avoid misunderstandings or a lack of accountability down the road. Make sure each Committee Member has a job description, detailing what the expectations of their role are. The Calgary Youth Justice Society has developed a resource document on volunteer management policy and procedures and would be pleased to help you draft job descriptions for your YJC, or to offer training in this area for your members.

Five Point Problem Solving

Define the issue

What do both of you see as the issue? Do you have different perceptions of the issue in hand?
Are you both in agreement as to what you see the problem to be before you discuss it any further?

Talk about your feelings

Create empathy with your partner by talking about how the situation impacts you and how you feel about it. Have your partner share their perspective.

Brainstorm solutions

Come up with as many potential solutions as you can. Do not judge or evaluate solutions at this point. Write potential solutions down on a piece of paper.

Evaluate solutions

Go through all of your solutions and discuss the advantages and disadvantages of each one.

Choose a solution

Pick a solution you can both live with. Affirm your partner, and agree on a time and a place to carry out the solution. Make sure you talk about when to meet again to discuss how the solution is working.

Some Rules of Thumb for Handling Conflict

Make sure that solutions are mutually consensual, that is that they are acceptable to you and to the other person involved in the dispute. This is important as you are both YJC Members, and will still have an inter-dependant relationship with each other after the dispute is settled. If you are going to be working together, the solution must be agreeable to both of you, as you will both have to implement it.

Focus on talking about your 'interests'. Avoid power contests and talking about 'rights', both of which are adversarial ways of resolving differences. Ask yourself 'What do you really want?' – that's your real interest in the situation, not whether you 'win' or 'lose'.

Try to 'reframe' the situation and understand it from someone else's viewpoint. This will enable you to see other angles to the problems and other solutions. We each have our own 'frame' of a situation which causes us to have certain perceptions about what is true about the conflict and what solutions are possible.

Deal with the conflict in a timely manner, do not avoid the issue by walking away or distancing yourself from the problem.

Avoid 'you statements', or blaming the other individual. Focus on the behaviour, which is the problem, not on the personality, involved. Seek common ground to come to a solution.

// **When you do a kindness for others with the purest of intentions, you are letting its essence trickle out of you. If you do it enough it becomes a river. And I'm betting that its source is endless.**

I don't think you have to worry about giving too much of it away. //

– Author: Dave, Community Organizer, FL

Conflict Resolution Made Simple – by Daniel Dana

1

Step One: Find A Time To Talk

Before you can sit down to talk out the problem, you need to have a conversation with the other individual about having the actual conversation! Make sure you don't get dragged into discussing the issue there and then.

The Approach: Approach the other person about finding a time to sit down and talk about the issue at hand. Put the issue into neutral as much as you can – think of it as a business problem to be resolved.

The Issue Statement: Talk about the reason why it's important that you talk.

The Request: Request that the other person meet with you.

The Sale: Acknowledge the objection the person may have in meeting with you. Outline the benefits of the meeting, and make the request again.

Cardinal Rules: Outline the Cardinal Rules of the meeting: Let's not quit talking until we find a solution; Let's not push a one-sided solution.

Time and a Place: Set up a time and place to meet. Make sure there will be no interruptions.

2

Step Two: Plan the Context

- When and where will the meeting take place?
- Is it private? Can you ensure no interruptions?
- Will you have enough time? Are you free of scheduling conflicts?
- Will you have enough energy?
- Have you thought about seating, noise, temperature, water etc?

3

Step Three: The Meeting

Express Appreciation

Express Optimism

Enforce the Cardinal Rules: Let's not quit talking until we find a solution; Let's not push a one-sided solution.

State the Issue

The Invitation: "Help me understand you." Avoid the temptation to tell the other person about your solutions, until you have heard theirs.

- Keep the process going
- Support and acknowledge any affirmation, encouragement or positive notes in the other person's conversation – accentuate the positive and ignore the negative. Seize every opportunity to do this.
- Keep talking with the other person and wait for a breakthrough!

4

Step Four: Make a Deal

The deal should be:

- Balanced – a 'both-gain' solution whereby each person benefits
- Specific
- Recorded
- Have a deadline attached
- Have a date for a follow-up meeting attached

06

BUILDING YOUR SKILLS

BUILDING
YOUR
SKILLS



06 BUILDING YOUR SKILLS

Look at how you might play a part in keeping your committee's meetings interesting and in initiating training opportunities for the members of your YJC.

Be a leader for your YJC, and commit to increasing your knowledge and resources around areas connected to the work of Youth Justice Committees.

CYJS Advanced Training Opportunities

CYJS regularly offers an array of training opportunities. Check the CYJC website for current opportunities or contact the CYJC Operations Coordinator.

Resource Meetings

The Calgary Youth Justice Society holds Resource meetings regularly. The aim of these meetings is to facilitate networking and an exchange of ideas between different YJCs. Partnership Organizations are invited to provide greater detail about their programs and referral options. Dates for these meetings are communicated through emailed CYJC Newsletters and Chairperson Checklists.

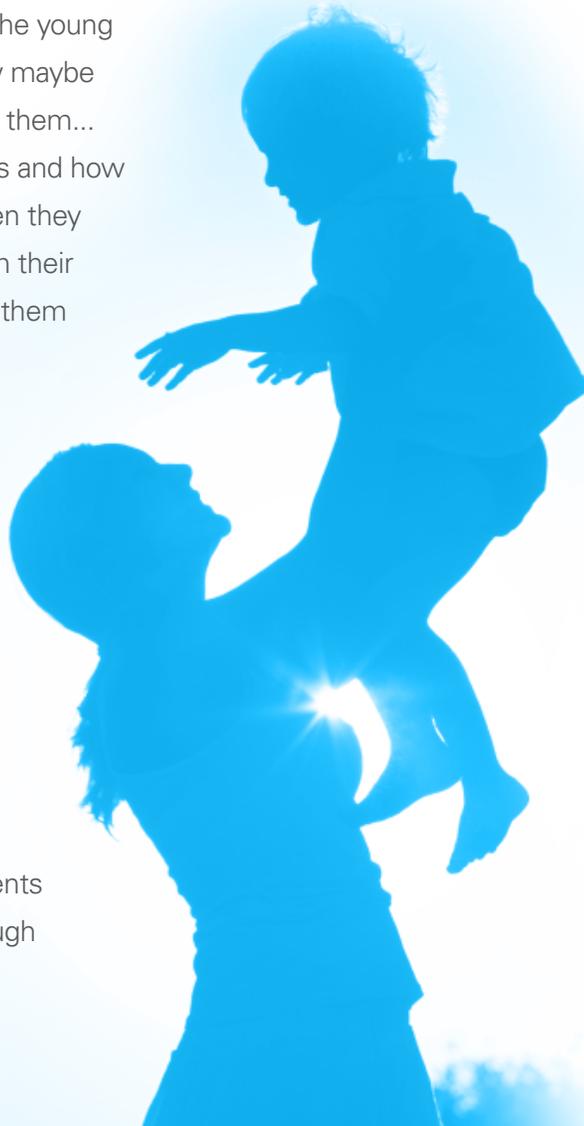
Volunteer Management Resources

The Calgary Youth Justice Society has staff with an expertise in volunteer management issues who can provide assistance to your Committee on all areas of volunteer management, including: supervising volunteers; evaluating volunteers; recognizing volunteers' contributions.

I CAME ACROSS A LITTLE
SAYING ON A PLAQUE IN A
CARD STORE THAT SAYS:

**They say it takes village to
raise a child, but no one ever
tells you where it is or how
to get there.**

It was funny to me at first. I mean, as parents... can't we all at times identify with that! Then I thought about the parents of the young people we work with and how maybe this feels like a stark reality for them... wondering where this village is and how to get to it. And then, just when they least expect it, volunteers from their community step in to support them through a troubling time. If it takes a village to raise a child, then we must also contemplate what it takes to raise the village. I am so proud to say that as Youth Justice Committee volunteers, you are doing much more than providing a service for our young people; you are creating a village. And so, on behalf of the many parents who have found a village through your support, guidance and understanding, thank you!



07

FREQUENTLY ASKED QUESTIONS

FREQUENTLY
ASKED
QUESTIONS



07 FREQUENTLY ASKED QUESTIONS

FAQs

1 What can we do when the timeline to get the young person into and complete a program conflicts with the date when the file needs to be returned?

File Extensions – If you require an extension on a file due to unforeseen circumstances, you have received a file that was held up in court & have a short turnaround time or for a conflict with program or placement dates you can contact Loray @ CYAC 403.297.8659 or loray.dahlin@gov.ab.ca

It is recommended you chose a program/placement where a Young Person can complete their sanctions by the return date. However, if you feel there is an opportunity that is very important for the Young Person to attend an extension request can be made.

Extensions are granted on a case by case basis & the length of an extension varies depending on the circumstances (e.g. Program length).

Pre-Charge Files

Must have:

-Youth's First & Last name

-Y# (File#)

We lose jurisdiction over Pre-Charge files six months after the date of the offence.

Loray is able to process the request immediately.

Post-Charge Files

Must have:

-Youth's First & Last name

-Y # (This is the File #) or D# (This is the Docket #)

-Return Court date

The request is sent by Loray to the Crown & the request is formally presented in court.

*Youth MUST still attend ALL court dates regardless of an extension

2 When we return files as unsuccessful, how can we avoid a Judge overturning them?

It is important to provide the Judge with relevant information to help them make a decision. Make detailed case notes, including your justification for signing the Agreement as unsuccessful. For example, document how many times you tried to contact the youth, and what their response was (if any). When the case comes to Court, sometimes the Crown or lawyers present new information that volunteers weren't aware of or circumstances that have changed. Did you know that you, as a YJC member, can attend Youth Court on the date that the Judge will be deciding the case?

There was a situation a few years ago where a Judge asked a couple of adults sitting in youth court what their reason was for being there. When they responded that they were YJC members and interested in the outcome for a particular Young Person, the Judge was very pleased that they were present and he spoke to them in his chambers after his decision. Judges see a wide range of young people, and are well aware of the impact Youth Criminal Records have on Young People. If the Committee has accurately described their interaction with the Young Person, then they need to trust the Crown and Judges in their judgement as to how to proceed with unsuccessful EJS files.

07 FREQUENTLY ASKED QUESTIONS

3 What kinds of programs are available for immigrants?

There are 7 organizations that offer services specifically for immigrants:

- Calgary Bridge Foundation for Youth <http://calgarybridgefoundation.com/>
- Calgary Catholic Immigration Society <http://www.ccis-calgary.ab.ca/>
- Calgary Immigrant Educational Society <http://www.immigrant-education.ca/>
- Calgary Immigrant Women's Association <http://ciwa-online.com/>
- Centre for Newcomers <http://www.centrefornewcomers.ca/index.shtml>
- Immigrant Services Calgary <http://www.immigrantservicescalgary.ca/>
- Momentum <http://www.momentum.org/>

Their programs are for youth and/or adults in the areas of:

- employment services, computer training,
- counselling, health & mental health, family services, youth programs,
- legal assistance, racism/discrimination,
- community outreach,
- children's services, seniors programs, parenting programs, men's programs.

CYJS can be contacted for specific assistance or you can phone 211.

4 What information do youth get in schools about youth crime and Youth Justice Committees? Shoplifting – do youth know that it is a criminal offence and has consequences before they are caught?

In Grade 9, beginning in 2009, all students take a chapter on Justice in their Humanities curriculum, which focuses on understanding the laws in Canada including the Youth Criminal Justice Act. (more information at <http://education.alberta.ca/media/445775/pub9.pdf>)

The Criminal Justice Education Program of the John Howard Society also delivers programs to Grade 6, junior and senior high students in public, Catholic, charter and community schools. In 2010, they gave 600 presentations in 151 schools in Calgary and area. Of these, the majority were to junior high students (297 1-1 ½ hour presentations). In addition, they gave 145 3-hour presentations to Grade 6 students and 67 to senior high students. An additional 51 presentations were in charter and community schools. The presentations focuses on laws, talks about sanctions and the impact of crime on victims and community. They use a video which shows a young man going through sanctions and mentions Youth Justice Committees. They don't talk about specific crimes, such as shoplifting.

07 FREQUENTLY ASKED QUESTIONS

5 What resources are available for addictions issues for youth?

Examples of creative sanctions are:

- Research the options for counselling and treatment including costs. Figure out which type of counselling or treatment would suit you best.
- Research the difference between substance use, abuse and addiction.

If you want to educate yourself more about drug and alcohol addiction, here are two online resources:

- Information about drugs, physical and psychological impact of drug use, relevant laws <http://johnhoward.ab.ca/teachers/online-resources/drugs/>
- An overview of risk and protective factors for adolescent substance use and gambling activity: A review of the literature for The Alberta Youth Experience Survey 2008 <http://www.albertahealthservices.ca/AddictionsSubstanceAbuse/if-res-tayes-2008-literature-review.pdf>

6 How do we handle the sign off occasion when a youth brings cash or a cheque made out to the committee instead of a money order? This was a sanction for the Young Person to donate to a specific organization.

It is the Extrajudicial Sanctions Program's policy not to accept cash or personal cheques unless certified. This is a protection for the volunteer and for the Young Person. Ask the Young Person to get a money order or a certified cheque made out to your Youth Justice Committee.

Deposit the cheque to the Youth Justice Committee's account. New cheques or money orders may be made payable to the victim(s) in the corresponding amount. By acting as the intermediary, you ensure payment, protect the victim and no unnecessary costs are placed upon the offending youth. CYAC will send the cheque to the victim via Certified Mail.

7 What, if any, is the policy regarding Committee members volunteering to drive youth to or from a certain program?

The policy is that Committee members are NOT allowed to drive youth anywhere. It makes the volunteer, the youth and CYJS vulnerable – e.g. to allegations of abuse or harassment and to lawsuits in the event of a car accident. YJC members may use their annual funds at their discretion - provision of funds for transportation to the young person is an option.

8 What I find the hardest is getting the files back to either the chair or to you. Perhaps pre-paid confidential envelopes so we can just throw them in the mail box?

We understand your frustration over the transportation of files – Calgary is a large city and coming to the CYAC office can be challenging, especially during the daytime. Unfortunately, mailing files is not a feasible solution.

9 What do we do if we suspect a young person is being abused?

Abuse or *suspected* abuse of children and youth 18 years of age and under **must** be reported immediately.

- Anyone who has reason to believe, that a child has been, or there is substantial risk that he or she will be abused or neglected by a parent/guardian, has a legal duty under the Child, Youth and Family Enhancement Act to promptly report the matter to a Alberta Children & Youth Services caseworker.
- If you are uncertain about whether to report, call and discuss the situation with a caseworker. It is not up to you to determine whether your observations are sufficient evidence for an assessment. That decision is made by the caseworker in consultation with a supervisor.
- A child (anyone under 18 years of age) is in need of intervention services if there are reasonable and probable grounds to believe the child's survival, security or development is endangered by the action or inaction of the parent/guardian.
- The duty to report child abuse overrides any right of confidentiality or privilege a person may claim. The exception is the privileged relationship between lawyers and their clients.
- Children engaged in prostitution are victims of sexual abuse and require protection.

Call Calgary **Child Intervention Services Intake Line at (403) 297-2995**.

This line is available 24 hours a day, seven days a week.

If you are unable to reach the Calgary office, call the **Child Abuse Hotline at 1-800-387-5437**.

The caseworker:

- determines whether the child can benefit from family enhancement services or protection services
- contacts the police if a criminal investigation is required
- coordinates a response with other agencies, if necessary

Your report should include:

- your name, telephone number and relationship to the child (this information remains confidential)
- any immediate concerns about the child's safety
- the location of the child
- the child's name
- the child's age
- information on the situation
- any other relevant information concerning the child and/or family

Following notification of the Children's Services office, volunteers should inform their Chairperson and the Calgary Youth Justice Committee Operations Coordinator (403-828-2616) and the EJS Program Coordinator at the Calgary Youth Attendance Centre (403-297-7740).



Youth Records¹

Information about Youth Records

One of the biggest differences between the Youth Justice System and the Adult Justice System is that young people's privacy is protected and their personal information kept confidential. Under the Youth Criminal Justice Act (YCJA), publishing any information that would identify a youth is not allowed. Youth records are sealed or destroyed after a specific period of time has passed, as long as the youth has not re-offended. As well, during the period that the record is open, only certain people are allowed access to it.

However, in some situations, identifying a youth or releasing records is allowed. For example, a youth can be identified if he or she has received an adult sentence. In fact, if a youth receives an adult sentence, his or her record will be treated in the same way as an adult record. The limitations on publication and access that apply to youth records do not apply to adult records.

If you have a youth record, there are some things you should know.

What is a youth record?

A record is anything that contains information created or kept for the purposes of the YCJA or for investigating an offence that could be prosecuted under the YCJA. Almost any contact with the justice system creates a record. This includes arrests, charges and sentences. A record may contain information provided by family members, neighbours, school authorities and victims.

Will my record be destroyed when I turn 18?

Not necessarily. Your record may be closed before you are 18, stay open after you turn 18, or even become an adult record – which is permanent. How soon your record will be destroyed depends on the sentence, how serious the crime is, and whether you commit another crime while your record is still open. The period during which a record is open is called the access period.

1. <http://www.justice.gc.ca/eng/pi/yj-jj/information/rec-dos.html>

07 FREQUENTLY ASKED QUESTIONS

Who has access to my record?

The following are some of the people, agencies and organizations who may have access to a youth record under the YCJA:

- you, your lawyer, your parents or other adults who the court says can assist you in court, have access at any time;
- the Crown Prosecutor;
- any judge, court or review board have access for any reason relating to the proceedings against you;
- police officers have access for law enforcement purposes or for any reason relating to the case during proceedings or during the sentence;
- directors of correctional facilities where you serve your sentence;
- those participating in a youth justice conference;
- the victim has the right to access youth court records, and may be given access to other records (e.g. government or police records); victims also have the right to know if you have been given extrajudicial sanctions, which are arranged outside court;
- a privacy or information commissioner who is investigating a complaint to which the record relates;
- a coroner or a child advocate;
- a person acting under the Firearms Act;
- a person from a department or agency of the Government of Canada who is performing duties such as supervision, investigation, considering an application for release, or administering a youth sentence, or for statistical purposes under the Statistics Act;
- a person carrying out a criminal record check for employment with a municipal or provincial government or with the federal government;
- any person that a youth court judge determines to have a valid interest in the record has access in special cases by court order.

Can I travel outside Canada if I have a youth record?

Other countries do not have access to your youth record except in very limited circumstances. However, if another country does obtain the information, they may decide to keep it in their files well after the access period. Only in Canada does your youth record have to be closed after a certain time.

Any record, no matter how minor the offence, can keep a person from getting into other countries. For example, in the United States, it is often up to the individual border guard where you are crossing to decide whether you get in. If you have a youth record and it has been shared with the U.S., it is impossible to know when you might be refused entry. The U.S. is one of the countries where you may need a travel waiver to enter if you have a record. It is best to verify with the immigration office of the country before visiting.

07 FREQUENTLY ASKED QUESTIONS

Can having a youth record affect employment?

The police will not give any employer, except a government employer, information about your record – even if you say they can. However, an employer can ask you to go to the police and get proof that you have no record. You have the right to refuse to do this, but a criminal check may be required for some jobs.

It is not illegal for an employer to refuse to hire you because you have a record, as long as it is still open. Once your record is closed, it is against the law for an employer to refuse to hire you for having committed a crime as a youth. Under the YCJA, once you have finished your sentence, including probation, it is as if you had never been charged or found guilty. After your record is closed, you no longer have a record.

Also, an employer may ask whether you have been convicted of a crime. However, under the YCJA, you are not convicted of a crime, but rather, found guilty.

If you commit another crime before your record is closed, it makes your record for the first crime stay open longer. If you are under 18 when you commit the second crime, the record for the first crime will stay open as long as the record for your second crime does. If you are over 18 when you commit the second crime, your record for the first crime will become part of your permanent adult record, and people are then allowed to access it.

How do I find out if I have a youth record?

You can ask the local police to check the Royal Canadian Mounted Police files to see whether your record has been destroyed, since the RCMP is required to do so when the time comes. Your local police, unlike the RCMP, do not have to destroy their copy, but they do have to close it and not let anyone see it without a court order.

What about getting a pardon?

You do not need to apply for a pardon for a youth record, because your record will be destroyed or sealed. However, if you were found guilty and received an adult sentence, or if you committed a crime as an adult while your youth record was still open, your youth record becomes part of your adult record, and neither will go away without receiving a pardon.

For information on pardons, see the National Parole Board's Web site at:
http://www.npb-cnrc.gc.ca/pardons/servic_e.htm

07 FREQUENTLY ASKED QUESTIONS

The following table provides information on what happens to a youth record according to the type of consequence or sentence given and/or the type of offence committed.

Sentence/Offence	Record will be sealed or destroyed and cannot be disclosed:
Acquittal	Two months after the time allowed to file an appeal, or, if an appeal is filed, three months after all proceedings related to the appeal are completed
Not guilty by reason of a mental disorder	Record stays open indefinitely
Dismissal or withdrawal	After two months
Finding of guilt for which the youth received a reprimand	After two months
Charge is stayed	On the expiry of one year, if no further court proceedings have been taken in a year
Extrajudicial Sanction	Two years after the youth agrees to participate in the extrajudicial sanction program
Absolute discharge	One year after the youth has been found guilty
Conditional discharge	Three years after the youth has been found guilty
Summary conviction offence Subsequent summary conviction offence	Three years after the sentence is completed (unless another offence is committed during this period) Three years after all sentences made in respect to that offence are completed
Indictable offence	Five years after the sentence is completed (unless another offence is committed during this period)
Subsequent indictable offence	Five years after all sentences made in respect to that offence are completed
Serious offences such as murder, manslaughter, attempted murder, aggravated sexual assault or repeated violent offences	Record may be retained indefinitely.*
Violent offence other than those mentioned above	Record will be kept for an additional five years.*
A person over 18 found guilty of another crime before the mandatory crime-free period for a youth record has expired	Youth record will become part of the adult record and the rules applicable to adult records prevail.

*There are special provisions relating to these offences, and it is best to contact a lawyer for advice.

Date Modified: 2009-09-04

<http://www.justice.gc.ca/eng/pi/yj-jj/information/rec-dos.html>

JUST BEFORE YOU GO

A Story about Yuri Age 16

Yuri and his family had recently moved to Calgary and Yuri was successful in landing a job at a retail outlet. He was doing well in his job and he liked the money he was making however he, for whatever reason, found a way where he could steal more money from his employer. In fact, he stole \$1600!

He was caught and had to own up to what he had done. His parents were very supportive and before the family came before the Panel, Yuri had already written a sincere letter of apology. Yuri's dad worked as a truck driver and started work at 5:30 every morning. For a three month period, his dad took Yuri with him to work. Yuri was none too thrilled about getting up that early but realized that some sort of punishment was necessary. Once before the Panel, Yuri appeared truly remorseful and said that he had learned a lesson from this embarrassing experience.

As Yuri had saved quite a bit of money from his job, Yuri, his parents and the Panel Members all thought he should pay back the money he had stolen. That was done and Yuri presented a letter from his former employer acknowledging receipt of the money and the letter of apology. The retail outlet wished him well in his future endeavors.

As another consequence, Yuri agreed to work one evening working at a not-for-profit agency who feed the hungry. This was completed within a week and a 3-page, typed, thoughtful essay was turned in describing his experience. What was neat about this consequence was that his parents decided to also volunteer at the same not-for-profit agency where Yuri was going to work. So, as a family, they all put in an evening feeding the hungry and they all learned from their experience. Yuri's parents were very supportive of Yuri and, before coming to the Panel, they had already addressed this matter as a family.

By working together through this situation, they all said they had become closer as a family and they had all benefited from getting out in the community meeting new people. The panel was very confident that Yuri would not come before another Panel. As a final note, Yuri's dad expressed interest in joining our Youth Justice Committee.



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