

PICK A PATH THROUGH THE YOUTH JUSTICE SYSTEM

OBJECTIVE:

This activity can be used to demonstrate the many different paths a young person could take through the Youth Justice System. The activity can be done individually, in small groups or as a class activity. You can find background information on the Youth Criminal Justice Act, youth rights and youth records on our website: www.youthjusticenb.ca.

INSTRUCTIONS:

Cut out one set of cards for each group and have participants begin with the card titled “Introduction”. The story begins with a common youth crime – shoplifting – and by following the directions on the bottom of the cards and making decisions at key points in the story the participants will create one of 19 variations on the story.



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Once participants have selected a path they can paste the cards in a notebook or on a poster to form a story or they can write out a more detailed version of Jack's Story using the storyline they have created.

RECOMMENDED DISCUSSION QUESTIONS:

- Is it important to have different options available or should everyone who shoplifts get the same treatment?
- Which path is the shortest and which is the longest?
- How long will the police keep a record of Jack's crime?
- Which path will cost the most for Jack? Which path will cost Canadians the most?
- How would your path be different if Jack had used a weapon to rob the store?
- How would your path be different if Jack was 12 years old?

INTRODUCTION

The Youth Criminal Justice System can have many different outcomes based on your age, past behaviour and the nature of the crime.

Choose a path through the system by selecting an option at the bottom of each card until you find an ending. Lay the cards out to create the storyline you have chosen. There are many different paths through the story.

Take time to think about each choice and make notes on what you considered before making your choice.

Go To:

The Crime



THE CRIME

Our story begins with Jack, a 16 year old, who has committed a typical youth crime – theft. Jack is at the mall when a store clerk sees him stealing CDs. The clerk calls the mall security guard who quickly comes to the store.

When Jack tries to leave the store without paying for the CDs, mall security stops him. Jack refuses to empty his bag and argues with the security guard. The security guard calls the local RCMP.

Go To: **Police**



POLICE

When the police arrive they talk to the store clerk and the security guard. They try to talk to Jack but he is rude and tries to get away. The police place Jack under arrest. They must tell him why he is being arrested and read him his rights.

Jack has the right to not say anything to the police and to speak to a lawyer. He can ask to have his lawyer and his parents with him when he answers the questions the police want to ask.

Jack is still fighting with the police and begins to call them names. The police decide to take him to the police station. They call his parents and check the police records to see if Jack has been in trouble with the law before.

Go To: **Jack's First Time In Trouble** OR
Jack Has Been In Trouble Before



JACK'S FIRST TIME IN TROUBLE

When the police check their records they find that Jack has never been in trouble with the law before. The police talk to the storeowner who was the victim and he agrees to give Jack the chance to take responsibility for the crime without going to court.

Jack must decide to either take part in a “Community Justice Forum” where he will have to face the victim and take responsibility for his actions or to be charged with the crime. If he is charged he will be formally accused of stealing and may have to go to court. If he decides he does not want to take part in the Community Justice Forum the police will send his file to the Crown Prosecutor. The Crown Prosecutor is a lawyer whose job it is to prove to the court that someone has committed a crime.

You Choose: **Community Justice Forum** OR **Charges**



JACK HAS BEEN IN TROUBLE BEFORE

When the police check their records they find that this is not the first time Jack has been in trouble with the law. This means he is a “Repeat Offender”. In the past Jack has been given the opportunity to avoid court by taking part in out-of-court alternatives.

The police must decide to give Jack another chance to avoid court and take part in a “Community Justice Forum” where he will have to face the victim and take responsibility for his actions or to charge him with the crime. If he is charged he will be formally accused of stealing and may have to go to court. If the police decide to recommend a charge his file will be sent to the Crown Prosecutor. The Crown Prosecutor is a lawyer whose job it is to prove to the court that someone has committed a crime.

You Choose:

Charges OR **Community Justice Forum**



COMMUNITY JUSTICE FORUM

A Community Justice Forum is a way for a young person to take responsibility for their crime and to make amends without going to court and having a youth court record.

At the forum Jack must face the storeowner, the police, and his parents and admit to the theft. Everyone involved has the chance to say how the crime affected them and everyone works together to come up with consequences that are fair to both Jack and the storeowner. Jack will have the chance to explain what happen, to apologize and to have a say in what he will have to do to make things right.

Once everyone decides on what it is that Jack must do, Jack will be asked to sign an agreement promising to do what he agreed to. Once the agreement is signed it is up to Jack to keep up his part.

You Choose:

Forum Agreement Completed
Forum Agreement Incomplete

OR



FORUM AGREEMENT COMPLETED

The contract or agreement that Jack signed at the Community Justice Forum stated that he would do 20 hours of volunteer work and would not be allowed back to the mall for 2 months.

Because Jack decided keep his part of the deal and did what he said he would his file will be closed and the police will not take any further action. Jack has also avoided having a “Youth Court Record” because he was not charged with theft or made to go to court. The police can keep some information on file for two years from the date he agreed to take part in the program but his case will be closed and no further action will be taken against him.

THE END

For more information on youth justice in New Brunswick visit
www.youthjustice.nb.ca



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FORUM AGREEMENT INCOMPLETE

The contract or agreement that Jack signed at the Community Justice Forum stated that he would do 20 hours of volunteer work and would not be allowed back to the mall for 2 months. Jack broke his promise and had only completed 5 hours volunteer work when he was spotted by security in another shop in the mall.

Because Jack did not keep his promise, the police decide to send the file to the Crown Prosecutor for a charge.

Go To: **Charges**



CHARGES

If the police decide to recommend a charge they will present the case to the Crown Prosecutors, who are lawyers working for the Provincial government. The Crown Prosecutor will consider the strength of the evidence, the seriousness of the offence, the public interest and recommend to the police whether charges should be laid and what type.

Once the Crown has decided to have Jack charged they can decide to either recommend that Jack be made to go to court or recommend that he be given the opportunity to take part in an “Alternative Measures” program. If Jack completes the Alternative Measures program the charges against him will be dropped and he will not have to go to court.

You Choose: **Court** OR **Alternative Measures**



ALTERNATIVE MEASURES

Jack is given the chance to take part in an “Alternative Measures” program. This means a group of people including counselors, teachers, police and possibly the victim will meet with Jack to decide the best way to deal with Jack’s behaviour. Once the group has made a decision Jack must agree to sign a contract saying he will do what they have suggested.

The group decides that Jack should meet with a school counselor once a week for the next 6 weeks and do 20 hours of community service. Jack feels this is fair and signs the contract.

You Choose:

Alternative Measures Completed OR
Alternative Measures Incomplete



ALTERNATIVE MEASURES COMPLETE

Jack knows that this is his last chance to avoid going to court. He completes his volunteer work and goes to all of his councilor appointments. Once he attends his last session Jack will have the charges against him dropped and he will not have to go to court.

Jack's file will be closed and he will not have a youth court record, however, a record will be kept showing that he took part in the program. This information will last for two years from the date he agreed to take part in the program.

THE END

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ALTERNATIVE MEASURES INCOMPLETE

Jack starts to complete the volunteer work he has agreed to and meets with the counselor a couple of times but does not complete his part of the contract.

His file is sent back to the Crown Prosecutor's office where they prepare to take it to court.

Go To: **Going to Court**



GOING TO COURT

Jack's parents hire a lawyer to represent him in court. The lawyer listens to Jack explain what happened at the store and what has happened since; she carefully reads all of the papers that Jack has brought with him. The lawyer explains that her job is to ensure that Jack is treated fairly and to help tell his side of the story. She explains that Jack must decide whether to plead "guilty" or "not guilty".

If Jack pleads "guilty" he is admitting to the crime and a judge will only have to decide on the consequences Jack receives. The consequences ordered by the judge are called the "sentence". If Jack pleads "not guilty" the Crown will have to prove to a judge that Jack committed the crime. It will be up to a judge to decide, based on the evidence, if Jack committed the crime.

You Choose:

Guilty (Go to Sentencing)

OR

Not Guilty (Go to Trial)



SENTENCING

If Jack plead guilty or is found to be guilty, a judge will have to make a decision on the consequences of the crime. Before the Judge makes her decision both the Crown Prosecutor and Jack's lawyer will be given the chance to tell the Judge what they think would be a fair sentence for Jack.

The Judge will listen to what each side thinks and take into consideration things such as whether this was a first offence or if Jack has repeat offences to come up with a fair sentence.

The Judge decides to order that Jack complete 30 hours of Community Service and spend 1 year on probation. This means he will have to stay on good behaviour and obey the Judge's orders, this may include a curfew or other limitations, not obeying the Judge would be considered a crime.

You Choose:

Guilty (Go to Sentencing)

OR

Not Guilty (Go to Trial)



YOUTH COURT RECORD

Jack's youth record is a record of his involvement in the youth justice system. Being charged with an offence always creates a youth record of some kind whether or not the person is brought to court. How long the record will last depends partly on the outcome of the case and the sentence.

If a young person is found guilty or pleads guilty in youth court they will have a youth court record which generally lasts 3-5 years after they finish their sentence, including probation. Because Jack committed a minor offence his record will stay open for 3 years after he does everything the Judge ordered.

THE END

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TRIAL

After talking with his lawyer, Jack decides to plead “not guilty” to the charges against him. This means the Crown will have to present evidence to the Judge to prove that Jack tried to steal the CDs.

The evidence the Crown uses against Jack involves witnesses like the store employee who saw Jack take the CDs, the security guard, and the police. They also present a video tape from the store’s security camera. Jack’s lawyer will have to try and prove that the information from the witnesses or videotape is either not true or not reliable.

The Judge considers all of the evidence and decides that Jack is guilty of stealing the CDs.

Go To:

Sentencing

