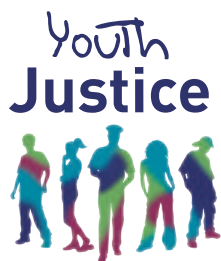




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SENTENCING OF YOUNG PERSONS



When a young person pleads guilty or is found guilty of a criminal offence, the youth court must determine the appropriate sentence. The *Youth Criminal Justice Act* (YCJA) has specific provisions on the sentencing of young offenders that are different from the adult sentencing provisions in the *Criminal Code*.

This fact sheet contains information regarding the sentencing of young persons under the YCJA. This information is of a general nature and is not intended as a substitute for professional legal advice. For more information, see the *Youth Criminal Justice Act: Summary and Background* or the full text of the YCJA.

Youth Sentences – Purpose and Principles

The YCJA sets out a specific purpose and set of principles to guide judges in deciding on an appropriate youth sentence. The purpose of youth sentences is to hold young people accountable by imposing sanctions that have meaningful consequences for them and that promote their rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public.

A key principle of youth sentencing is that a sentence must be proportionate to the seriousness of the offence and the degree of responsibility of the young person. In other words, the sentence should fit the seriousness of the crime and take into account the maturity of the young person involved and the conditions under which the crime was committed.

The YCJA also requires that a proportionate sentence be the least restrictive alternative capable of achieving the purpose of sentencing and the option most likely to rehabilitate and reintegrate the young person. It must promote a sense of responsibility in the young person, as well as an

acknowledgement of the harm done. A sentence may also include the objectives of denouncing the criminal behaviour and deterring the young person from committing further offences.

Finally, when considering whether to sentence a young person to serve a period of time in a youth custody facility, a judge must first consider all available options other than custody that are reasonable in the circumstances, paying particular attention to the circumstances of aboriginal young persons.

Sentencing Options

The YCJA provides youth court judges with many different sentencing options to deal with the full range of youth crime. These include both community-based sentences – where the youth serves his or her sentence in the community, often under strict conditions – and custody and supervision sentences, which include both a period of time in a youth custody facility and a period of community supervision. The maximum length of youth sentences ranges from two to ten years, depending on the offence committed and the type of sentence imposed.



Under the YCJA, custody sentences are intended primarily for violent offenders and serious repeat offenders. The YCJA also allows judges to impose an intensive rehabilitative custody and supervision order if a youth has been found guilty of a serious violent offence and is suffering from a mental, psychological or emotional disorder. In these cases, an individualized plan of treatment and intensive supervision is developed for the young person.

Reintegration

The YCJA recognizes that young people coming out of custody will need assistance in successfully reintegrating into the community. Therefore, every period of custody is followed by a period of supervision and support in the community as part of the young person's sentence. At the time of sentencing, judges must state both the period to be served in custody and the period to be served under supervision in the community subject to conditions. A youth worker helps the young person plan for his or her reintegration into the community and provides support and supervision to help ensure a successful transition back into society.

Adult Sentences

While in most cases judges impose one of the youth sentencing options in the YCJA, the Act does allow judges to impose an adult sentence on a youth who is found guilty of a serious offence and was 14 years of age or older when the crime was committed. In fact, prosecutors are obligated to consider seeking an adult sentence when a youth is found guilty of murder, attempted murder, manslaughter or aggravated sexual assault. However, the Act allows provinces to raise the age at which this obligation applies to 15 or 16.

When a judge decides to impose an adult sentence, the *Criminal Code* penalties for adult offenders are applied to the youth. This can include mandatory minimum penalties and sentences of up to life imprisonment. However, no portion of either an adult or youth sentence can be served in an adult prison while the youth is still under the age of 18.