

Ontario Justice Education Network

Project: Youth Criminal Justice Workshop



**Classroom Presentation
Resources & Lesson Plan**



Youth Criminal Justice Workshop

Project

In class, youth criminal justice workshops for students.

(The materials featured in this document are adapted from the Youth Criminal Justice Workshop resources developed by students at Western's Faculty of Law, and first delivered at a high-needs urban high school in London).

Target Audience

Secondary school Civics and Law students

Planning Steps

- Identify a lawyer or law student who is willing to deliver the workshop
- Recruit law students or other justice sector volunteers who will assist with facilitating the workshop
- Have all volunteers review the workshop materials. Become familiar with the lesson plan. Add in more examples or other activities if desired.
- Prepare handouts, photocopies etc. prior to the workshop
- Make requests for any additional equipment to the teacher prior to the workshop
- Confirm all details prior to the date
- Ask participants and the teacher to evaluate their experiences
- Debrief with volunteers
- Submit a summary or photos to OJEN for profiling on the website or in the newsletter

Volunteer Roles & Time Commitment

- Presenter – a lawyer or law student who will do the presentation, coordinate with the teacher and recruit facilitator volunteers (2-3 hours + event)
- Facilitators – law students or other justice sector volunteers who can assist on the day of (1 hour + event)
- Teacher – who will prepare his/her class and be the school contact (2 hours + event)

Materials or Supplies

- Photocopies

Timeline

This project requires 2-3 hours of logistical coordination between the lawyer or coordinating law student, teacher and assisting law students, and 2 hours for workshop delivery (can occur over two classes/days).

- Begin organizing about 1 month before the workshop
- Confirm all logistics 1 week before the workshop

Volunteer Recognition

- A small token or thank you letter for volunteers

Strategies for Evaluation

- Verbal or written feedback from participants
- Feedback from the presenters and debriefing with the organizing group
- Follow up with teacher

Adapted from resources
developed by law students at:



Youth Criminal Justice Lesson Plan

- All volunteers and the teacher should familiarize themselves with the lesson plan and handouts ahead of time.
- The lawyer/law student and volunteer facilitators should think of examples to supplement materials below.

Lesson Plan Summary:

Day 1:

1. Introduction

- The presenter introduces herself/himself and volunteers, explains the format, and divides the students into 4 groups for the purposes of small group discussions and debates.

2. Overview of the Law

- Led by the presenter who will provide the students with a general overview of the Criminal Justice System and the principles underlying the *Youth Criminal Justice Act*. Speaking notes are provided.

3. Small Group Activity (4 groups)

- Within small groups, volunteer facilitators will give short lectures. Two of the student groups will hear a lecture on sentencing principles under the *Youth Criminal Justice Act* while the two other groups will hear a short lecture on identification issues under the *Youth Criminal Justice Act*. Speaking notes are provided.
- Volunteer facilitators will lead a discussion on a specific relevant case (notes provided).
- Volunteer facilitators prepare the groups for debate. Two groups will prepare for a sentencing debate. Two groups will prepare for an identification debate.

Day 2:**4. Debate**

- Two 30 minute debates will take place namely one sentencing debate and one identification debate. The presenter will act as moderator during the debates.

5. Wrap up

- led by the presenter who will emphasize the major points of each debate.

Youth Criminal Justice Act

Detailed Lesson Plan:

Day 1:

1. Lecture– Led by the presenter.

- **General Overview of the Criminal Justice System**

Criminal Code

- ***Criminal Code***: This is a compilation of laws enacted by the federal Parliament that specify criminal offences.
- The *Criminal Code* specifies the maximum and minimum punishments that courts can sentence an offender.
- Eg. Theft is a prohibited offence in the *Criminal Code*

Types of Offences

- There are indictable, summary and hybrid offences contained in the *Criminal Code*
- **Indictable**: This is the most serious type of crime. It is a crime which is more serious and has a higher penalty than a summary offence
- Eg. Murder is an indictable offence
- **Summary offence**: This is a less serious crime with a lower penalty than an indictable offence
- Eg. Causing a disturbance is a summary offence
- **Hybrid offence**: Many crimes have the option of being either an indictable or summary offence and it is up to the Crown prosecutor to decide which one is appropriate under the circumstances
- Eg. Theft under five thousand dollars is a hybrid offence

Major Players

- **Crown Prosecutor**: these are government lawyers who lay charges in a criminal matter and conduct proceedings against a person charged with a crime
- At trial, the Crown prosecutor must prove beyond a reasonable doubt that the accused is guilty of committing a crime
- **Defence Lawyer**: This is a lawyer who represents the person charged with the crime.

- At trial, the defence lawyer must question the evidence put forth by the prosecution and may put forth evidence which would help the accused
- **Judge:** This is a person who hears the evidence put forth by the prosecution and the defence
- In order to convict, the judge must believe beyond a reasonable doubt that it was the accused that committed the crime

b) Youth Criminal Justice Act (YCJA)

i) YCJA Overview

- Children under the age of 12 are not held criminally responsible in Canada
- When a person between the ages of 12 – 18 violates the *Criminal Code*, that young person is prosecuted according to the YCJA
- The YCJA sets out the procedures for the youth criminal justice system

ii) Principles of the Youth Criminal Justice Act

Declaration of Principle of the YCJA:

Intention of the youth criminal justice system:

- Promote the long-term protection of the public through:
 - a) Rehabilitating and reintegrating young offenders into society
 - b) Preventing crime by addressing the circumstances which are motivating the young person to offend
 - c) Ensuring that young offenders face appropriate consequences

A Separate Criminal Justice System:

- A criminal justice system for youth emphasizes:
 - a) the rehabilitation and reintegration of young people who offend
 - b) fair sentences that reflects the offenders' young age
 - c) the recognition of young people's rights, including the right to privacy
 - d) timely intervention of young offenders

Accountability

- Sentences given to young people who offend should:
 - a) repair the harm done to the victim and society
 - b) take the young person's needs into consideration
 - c) be meaningful to the offender and if possible, the family, community and social agencies should be involved in the young person's rehabilitation and reintegration

- d) respect the young person's gender, ethnicity, cultural and linguistic characteristics
- e) respect the needs of aboriginal youth and those with special requirements

Proceedings:

- Proceedings against young persons should respect:
 - a) The rights and freedoms of youth, including the right to be heard and participate in proceedings
 - b) The victims of the crime who should be:
 - i) treated with compassion
 - ii) informed about the proceedings
 - iii) allowed to participate and be heard in the proceedings
 - iv) treated with respect for their privacy
 - c) Parents should be informed of the proceedings and measures involving their children

2. Small Group Activity (4 groups) - led by Volunteer Facilitators

Distribute Handout #1: "Youth Criminal Justice Act" - to all students

Group 1 & Group 2 Sentencing

a) Mini-lecture on sentencing under the *YCJA*

Purpose of Sentencing:

- To hold young offenders accountable through fair punishments
- To aid in their rehabilitation and reintegration into society
- Ensure the long-term protection of the public

Sentencing Principles:

- 1) A sentence for a youth should not be harsher than what an adult would receive for the same crime
- 2) Within a region, the sentence given to a young offender should be consistent with that given to other young offenders who committed the same crime
- 3) The sentence must be proportionate to the seriousness of the crime committed
- 4) Where reasonable, punishments other than custody should be considered for all youth, with a special focus on the circumstances of aboriginal youth
- 5) A sentence must be:

- the least restrictive sentence which will achieve the purpose set out above
- most likely to rehabilitate and reintegrate the young offender into society
- one that allows the young offender to realize the harm done to the victims and the community

Factors to be Considered in Sentencing:

The youth justice court must take into account:

- a) the extent of participation of the young offender in the crime
- b) the amount of harm done to the victims and whether it was done intentionally
- c) any attempts by the young offender to compensate the victim or the community
- d) any time the young person has spent in detention
- e) previous crimes committed by the young offender
- f) circumstances which increase or lessen the seriousness of the crime

Adult Sentencing for Youths

- The YCJA recognizes that some youths commit extremely serious offences that present a danger to society and a youth sentence would be inadequate to hold the young offender accountable.

Requirements for an adult sentence:

- The youth must be at least 14 years old
- If a youth is sentenced to an adult sentence, there are provisions under the *Criminal Code* which provide that if convicted of murder, which carries a sentence of life in prison, that youth will be eligible for release by parole earlier than an adult convicted of murder
- It is possible for a youth to receive an adult sentence for any indictable offence that an adult may be jailed for more than two years.
- It is up to the Crown to prove that an adult sentence is appropriate

b) Discussion of “Bathtub Murders Sisters” Case

Facts:

- On January 18, 2003, two teen girls, aged 15 and 16 called 911 to say they had found their mother dead in a bathtub full of water
- The coroner ruled that the alcoholic woman had drunk too much alcohol and accidentally drowned in the bathtub
- The police closed the investigation and the two girls were about to collect the life insurance policy
- However, in October, 2003 the police re-opened the case after a family friend went to police claiming the sisters had confessed to the crime

- The friend secretly taped conversations in which the sisters confessed to drugging their mother with Tylenol 4 and when she was unconscious, one sister held her mother's head underwater while the other sister watched
- A new autopsy revealed an overdose of codeine, an ingredient in Tylenol 4 and the two sisters were charged with murder

Trial:

- At trial, the two teenage sisters were found guilty of first degree murder

Sentencing:

- In the case of murder, It is up to the judge to decide whether to hand out an adult sentence or a youth sentence
- Adult Sentence: If the sisters had been given an adult sentence they could have received a life sentence in jail with no possibility of parole for 25 years, the minimum sentence would have been 10 years in an adult jail
- Youth Sentence: The maximum youth sentence would be 10 years in custody
- In this case, the judge sentenced the girls to six years in a detention centre and four years in a halfway house
- Note that once the girls turn 20 they are transferred to an adult prison, one sister who is 20, is already in jail

c) Preparation for Debate

Group 1:

- Explain that the group will be arguing that the sisters should have received an adult sentence
- b) Appoint one or two people to be the speakers in the debate in the following week and explain that the speaker must take notes in this class

Group 2:

- Explain that the group will be arguing that the sisters should not have received an adult sentence
- c) Appoint one or two people to be the speakers in the debate in the following week and explain that the speaker must take notes in this class

d) Distribute appropriate Handout

Group 1: Handout #2: Sentencing Debate – Pro Adult Sentence

Group 2: Handout #3 – Sentencing Debate – Anti Adult Sentence

Group 3 & Group 4 Identification

a) Mini – lecture on Identification:

- Under the *YCJA*, the name or any identifying information about a young person in the justice system cannot be published

Exceptions:

- If a young person is convicted and receives an adult sentence
- If the police are trying to apprehend a young person who is considered a danger to the public, an order can be made in youth justice court allowing publication
- If a youth has reached 18 years of age and wants his or her identity to be published
- A court order may be obtained to release the name of a young offender to a specific community in which the offender will be released

Rationale

- The rationale for not identifying all young offenders is to try to reduce the stigmatization of youths and reduce the risk of re-offending
- The *YCJA* tries to prevent the offender from being forever labeled as a criminal
- The purpose of not publishing the identity is also to prevent the offender from having difficulty interacting among the offender's family, peers and community as a stigma can have long lasting effects

"Toronto Bomb Plot" Case

- The Canadian Security Intelligence Service (CSIS) investigated an alleged bomb plot of the CN Tower and the Toronto Stock Exchange
- The investigation began when CSIS intercepted a suspicious discussion among a group of people on an internet chat room
- The RCMP intercepted the group's order for fertilizer, which is a common ingredient in bombs
- The RCMP replaced the fertilizer and substituted it with a harmless powder
- Twelve adult men and five young males were arrested and charged with participating in a terrorist group
- The five young men could not be identified because of the *Youth Criminal Justice Act's* prohibition on publication

b) Preparation for Debate

Group 3:

- Explain that the group will be arguing that that the young men accused of being terrorists should be identified by the media
- Appoint one or two people to be the speakers in the debate in the following week and explain that the speaker must take notes in this class

Group 4:

- Explain that this group is arguing that the young men accused of being terrorists should not be identified by the media
- Appoint one or two people to be the speakers in the debate in the following week and explain that the speaker must take notes in this class

c) Distribute appropriate Handout

Group 3: Distribute Handout #4: Identification Debate – Pro Identification

Group 4: Distribute Handout #5: Identification Debate – Anti Identification

Day 2:

1. Debate:

- Two debates: each 30 minutes long
- The desks face each other with the remaining class watching
- The presenter acts as the moderator
- The questions which were discussed in the small groups will form the basis of debate
- The person(s) appointed as speakers represent their respective groups

2. Wrap Up – led by presenter

- The presenter wraps up the workshop by emphasizing the major points of the debate

HANDOUT #1

Youth Criminal Justice Act

- The *Youth Criminal Justice Act* (YCJA) applies to those between the ages of 12 - 18 who are accused of committing crimes
- The following cases demonstrate two controversial elements of the *Youth Criminal Justice Act*: sentencing and identification
- This first case demonstrates a well-publicized case in Toronto in which two teenage girls received a youth sentence of 10 years in custody for the murder of their mother
- The second case focuses on five young men who are charged with participating in a terrorist group but cannot be identified under the YCJA

1. Sentencing

“Bathtub Murder Sisters” Case:

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- The coroner ruled that the alcoholic woman had drunk too much alcohol and accidentally drowned in the bathtub
- The police closed the investigation and the two girls were about to collect the life insurance policy
- However, in October, 2003 the police re-opened the case after a family friend went to police claiming the sisters had confessed to the crime
- The friend secretly taped conversations in which the sisters confessed to drugging their mother with Tylenol 4 and when she was unconscious one sister held her mother’s head underwater while the other sister watched
- A new autopsy revealed an overdose of codeine, an ingredient in Tylenol 4 and the two sisters were charged with murder

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Sentencing:

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- In this case, the judge sentenced the girls to a youth sentence of six years in a detention centre and four years in a halfway house
- Note that once the girls have turn 20 years old they are transferred to an adult prison, one sister who is 20 is already in jail

2. Identification:

- Under the *YCJA*, the name or any identifying information about a young person in the justice system cannot be published, although there are exceptions

"Toronto Bomb Plot" Case

- The Canadian Security Intelligence Service (CSIS) investigated an alleged bomb plot of the CN Tower and the Toronto Stock Exchange
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- The RCMP intercepted the group's order for fertilizer, which is a common ingredient in bombs
- The RCMP replaced the fertilizer and substituted it with a harmless powder
- Twelve adult men and five young males were arrested and charged with participating in a terrorist group
- The five young men could not be identified because of the *Youth Criminal Justice Act's* prohibition on publication

HANDOUT #2

Sentencing Debate – Pro Adult Sentence

Questions for Discussion

1. In a taped confession, the sisters explained that they had killed their mother because she was an alcoholic who was making their daily life miserable.

They stated they felt the only other option would have been to kill themselves.

Does this justify a youth sentence being handed out?

2. The sisters went out for dinner after they had killed their mother in order to create an alibi.

After the murder they covered it up and were set on receiving money from a life insurance policy, until a friend turned them in to the police.

At the sentencing, one sister stated: "Taking my mother's life was ...the defining mistake of my life."

The other sister wrote "There's no justifying what I've done... no matter how many times I say "I'm sorry" it won't bring my mother back."

Do you feel they have shown the appropriate remorse that justifies the judge giving a youth sentence?

3. If the sisters had been given an adult sentence they would have spent more years in prison.

Would more time in jail make the sisters more likely or less likely to commit murder again and why?

HANDOUT #3

Sentencing Debate – Anti Adult Sentence

Questions for Discussion

1. In a taped confession, the sisters explained that they had killed their mother because she was an alcoholic who was making their daily life miserable.

They stated they felt the only other option would have been to kill themselves.

Does this justify a youth sentence being handed out?

2. The sisters went out for dinner after they had killed their mother in order to create an alibi.

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The other sister wrote "There's no justifying what I've done... no matter how many times I say "I'm sorry" it won't bring my mother back."

Do you feel they have shown the appropriate remorse that justifies the judge giving a youth sentence?

3. If the sisters had been given an adult sentence they would have spent more years in prison.

Would more time in jail make the sisters more likely or less likely to commit murder again and why?

HANDOUT #4

Identification Debate – Pro Identification

Key Discussion Questions

1. These five young men have not yet been found guilty. For the following questions please assume that they have been found guilty and given a youth sentence so their identity will not be published.

a) Do you think that the five men will be less likely to re-offend in the future if their identity remains a secret?

b) Is it fair to the general public that the identity of these young men who are guilty of joining a terrorist group are kept a secret?

c) Is justice achieved by keeping the identity of these young men a secret?

2. For the following question please assume all 12 adult men and 5 young men are found not guilty.

a) If a not guilty verdict is received for all 12 people only the youths' identity will remain a secret, is that fair to the adults?

HANDOUT #5

Identification Debate – Anti Identification

Key Discussion Questions

1. These five young men have not yet been found guilty. For the following questions please assume that they have been found guilty and given a youth sentence so their identity will not be published.

a) Do you think that the five men will be less likely to re-offend in the future if their identity remains a secret?

b) Is it fair to the general public that the identity of these young men who are guilty of joining a terrorist group are kept a secret?

c) Is justice achieved by keeping the identity of these young men a secret?

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