The Youth Criminal Justice Act:

In the nineteenth century, children as young as seven were subject to the same penalties as adults. Over the years, the idea has developed that children who commit crimes should be treated differently than adults.

In 1908, the *Juvenile Delinquents Act* became law. The assumption was that children who committed crimes did so because they needed stronger guidance from adults. Children who committed crimes, ran away from home, or were sexually active, could, under the terms of the act, be sent to training schools. The theory was that a delinquent could be turned around and guided to give up antisocial ways if given a chance. Although they were designed towards rehabilitation rather than punishment, the training schools often failed to reform the children they were intended to rehabilitate.

As recently as the 1960s, it was possible for a boy of 14 to be convicted of murder and sentenced to hang. This was true in the Stephen Truscott case. Even though Truscott's sentence was commuted to life imprisonment, it was shocking to many Canadians that a boy could be given such a severe sentence.

In 1984, the *Young Offenders Act* was introduced. This was a move away from seeing delinquent youths as misguided and towards seeing them as young criminals, although ones who could hopefully be saved from a life of crime before they got set in their ways. Anyone between the age of 12 and 18 who committed a crime would be considered a young offender. S/He would be held accountable for his/her crimes, although the penalties for committing the same crime would be less severe for the young offender than for an adult. For instance, the maximum sentence that a young offender could receive for murder was three years. That was later amended to 10 years. However, an adult committing first-degree murder would receive a life sentence with no chance of parole for 25 years. The difference between the treatment of a young offender and an adult seemed extreme to many Canadians. In certain cases, a young offender's case could be transferred to adult court where he or she would face the same penalties as an adult.

There was widespread concern that the *Young Offenders Act* was too lenient on youth criminals, so in 2003 it was replaced with the *Youth Criminal Justice Act.* Under this *act*, youths can receive adult sentences in youth court for presumptive offences. As with the *Young Offenders Act,* the *Youth Criminal Justice Act* applies to youths from 12 to 18. Any act committed before the offender turns 18 would be dealt with under the *Youth Criminal Justice Act,* even if the offender is not caught and tried until he is over the age of 18. Once a youth turns 18, he or she is an adult, and any criminal acts committed after that time are subject to the Criminal Code*.*

**Young People's Legal Rights**

* to have a parent or other adult and a lawyer present during questioning
* to remain silent during questioning
* to not have their identities revealed to the public

**Sentences for Young People**

The youth could be sentenced to perform community service or pay a fine. As well, the youth could be put on probation, with conditions. They might have a curfew, or be required to attend school regularly. Failure to meet the conditions of the probation could result in being placed in a youth facility for a period of time. Youths convicted of more serious crimes would be placed directly in some form of custody. They could be put in a youth correctional facility, where they would attend classes and remain confined 24 hours a day. They could also be placed in a group home within a community, or sent to a wilderness camp. The last third of any sentence would be spent under supervision of a youth worker in the community. The maximum sentence a young person can receive under the *Youth Criminal Justice Act* is 10 years for first-degree murder. However, for a presumptive offence a youth over the age of 14 can receive an adult sentence. After the age of 18, a person serving a sentence could be transferred to an adult prison for the remainder of the sentence.

DECIDE: Has the YCGA been a success or not?