

Government of Canada





The Justice System

Inquiry Question for the Unit

- To what extent is the justice system fair and equitable for youth?



Lady Justice



- In your groups discuss:
 - What are some symbols associated with Lady Justice?
 - What could those symbols represent?

Rolling Stone
Rolling Stone
Issue 602 • November 2, 2006 • \$4.95

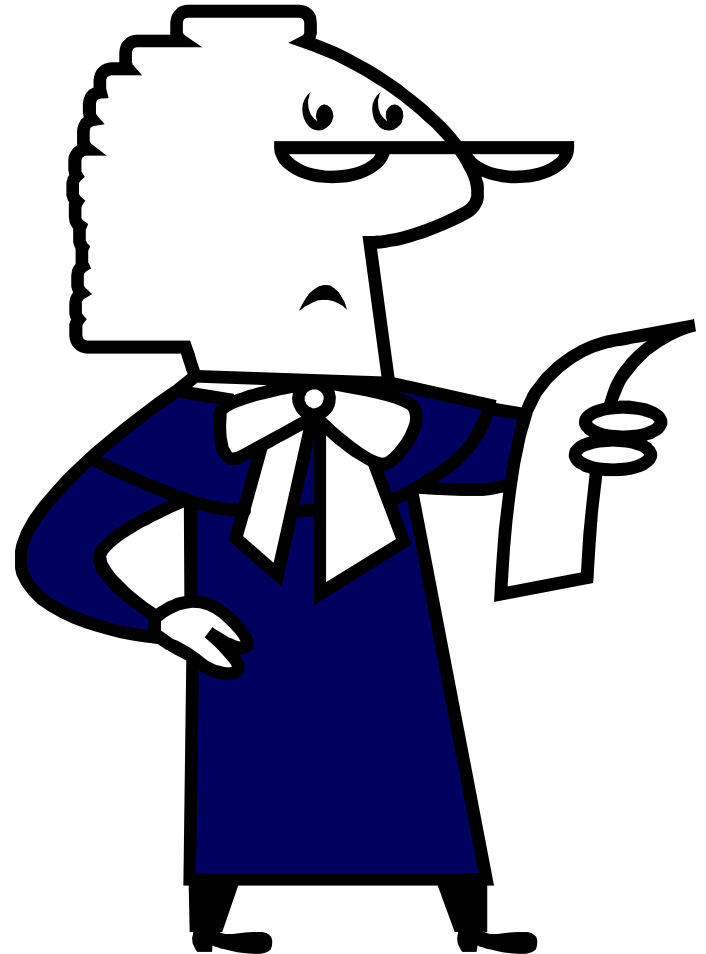
TIME
TO
GO!
INCOMPETENT,
LAZY &
CORRUPT
INSIDE THE
WORST
CONGRESS
EVER

Plus: MEET
THE 10 WORST
CONGRESSMEN



Judicial Branch of Government

- Executive Branch:
 - Puts law into action
- Legislative Branch:
 - Makes the law
- Judicial Branch:
 - Interprets the law
 - Searches for the meaning of a legal document



Fair & Equitable - Definition

Governed by rules that apply to everyone, taking into account individual needs and circumstances.

Interpret Law – What is Fair and Equitable

FROM LAW



TO REALITY



Interpreting the Law

- What is a fair and equitable punishment for stealing?
- How do we keep stealing from happening again?

Offence description	Criminal Code Section	S/H/I	Minimum penalty	Discharge available	Maximum Penalty (\$)	Maximum Penalty (I)
Theft, \$5,000 or less	322, 334(b)	H		yes	6 mos./\$5,000 fine	2 yrs.
Theft over \$5,000	322, 334(a)	I		yes		10 yrs.
Possession of stolen property under \$5,000	354, 355(b)	H		yes	6 mos./\$5,000 fine	2 yrs.
Possession of stolen property over \$5,000	354, 355(a)	I		yes		10 yrs.
Fraud, \$5,000 or less	380(1)(b)	H		yes	6 mos./\$5,000 fine	2 yrs.
Fraud over \$5,000	380(1)(a)	I		yes		10 yrs.
Take motor vehicle without consent	335	S		yes	6 mos./\$5,000 fine	
Theft or forgery of credit card	342(a),(b)	H		yes	6 mos./\$5,000 fine	10 yrs.
Use or possess stolen or forged credit card	342(c)	H		yes	6 mos./\$5,000 fine	10 yrs.
Use revoked or cancelled credit card	342(d)	H		yes	6 mos./\$5,000 fine	10 yrs.
Robbery (without firearm)	343, 344(b)	I				life
Robbery (with firearm)	343, 344(a)	I	4 yrs.			life
Extortion (without firearm)	346(1), (1.1)(b)	I				life
Extortion (with firearm)	346(1), (1.1)(a)	I	4 yrs.			life
Break and enter with intent, committing indictable offence (dwelling house)	348	I				life
Break and enter with intent, committing indictable offence (non-dwelling house)	348	H		yes	6 mos./\$5,000	10 yrs.

Fair and Equitable?

News / Canada

Justin Bourque gets 75 years without parole for killing three Mounties

Sentence for convicted killer is harshest in Canada since the last executions were carried out in 1962.

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[VIEW 3 PHOTOS](#)

ANDREW VAUGHAN / THE CANADIAN PRESS FILE PHOTO

Victor Bourque, Justin Bourque's father, leaves court this week.

By: Michael MacDonald The Canadian Press, Published on Fri Oct 31 2014

MONCTON, N.B.—Justin Bourque has been sentenced to serve 75 years in prison before he will be eligible to apply for parole for the June 4 shooting rampage that killed three RCMP officers and wounded two others in Moncton.

Fair and Equitable?

AUGUST 20, 2014

Justin Bieber Escapes Jail Time in DUI Case

+ Share



Pop star Justin Bieber has agreed to a plea deal following a DUI arrest in Miami, Florida earlier this year, which will not include serving any jail time.

In exchange for pleading guilty to careless driving and resisting arrest, the state will drop the DUI charges against Bieber as long as he attends an anger management course and makes a \$50,000 charitable donation, according to reports.

The 20-year-old was arrested in January and charged with drunken driving, resisting arrest and driving without a license after police believe Bieber and a friend were drag-racing in Miami Beach. Police allege that Bieber's security team, and reportedly his father, had blocked off the street for the race.

According to police, Bieber continuously shouted expletives at the arresting officer, which resulted in the resisting arrest charge.

Even though officers claim they observed symptoms of intoxication, such as bloodshot eyes and a flushed face, the results of blood alcohol tests showed Bieber's BAC was actually below the legal limit.

Regardless, in addition to his donation and 12-hour anger management course, which reports show will be held privately to keep fans at bay, Bieber has been ordered to watch online videos of tragic DUI cases.

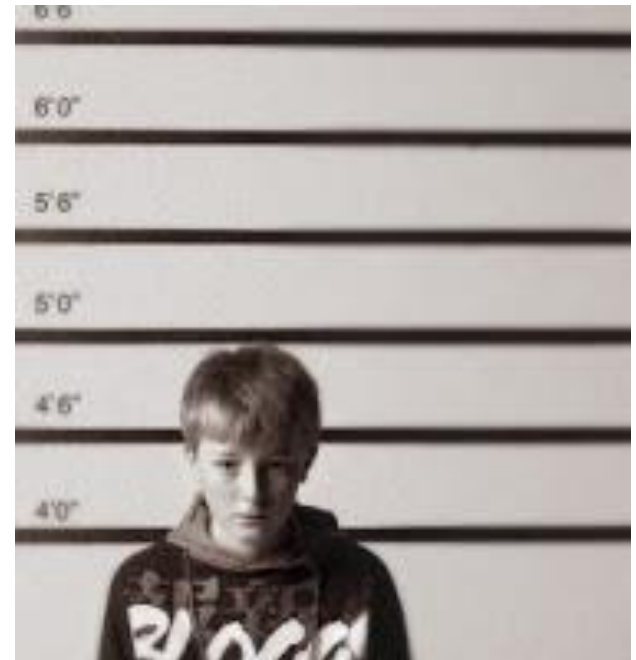


Unit Overview



The Youth Criminal Justice Act (YCJA)

- Passed by parliament in 2003.
- Deals with 12 to 17 year old individuals in trouble with the law.
- Does not allow adult sentences for youths 12 to 14 years of age.
 - Allows adult sentences for young people 14 years of age and older who have **committed serious crimes**.
- The YCJA allows most young offenders to avoid a criminal record.

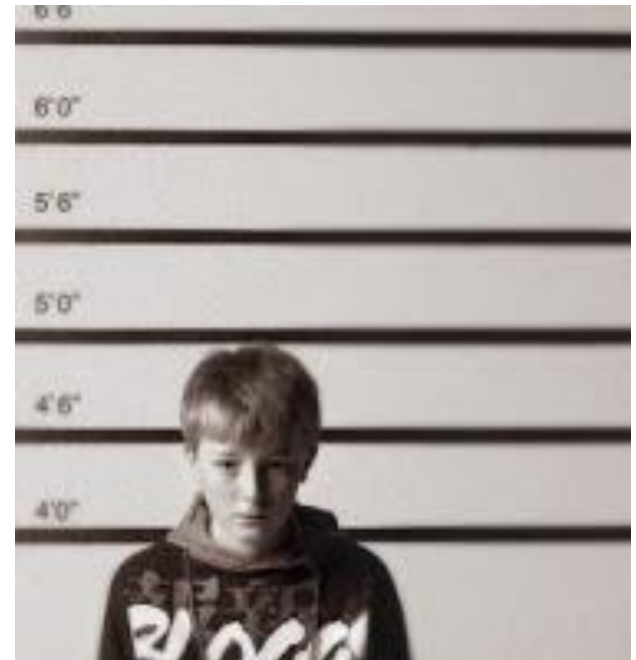


The Youth Criminal Justice Act (YCJA)

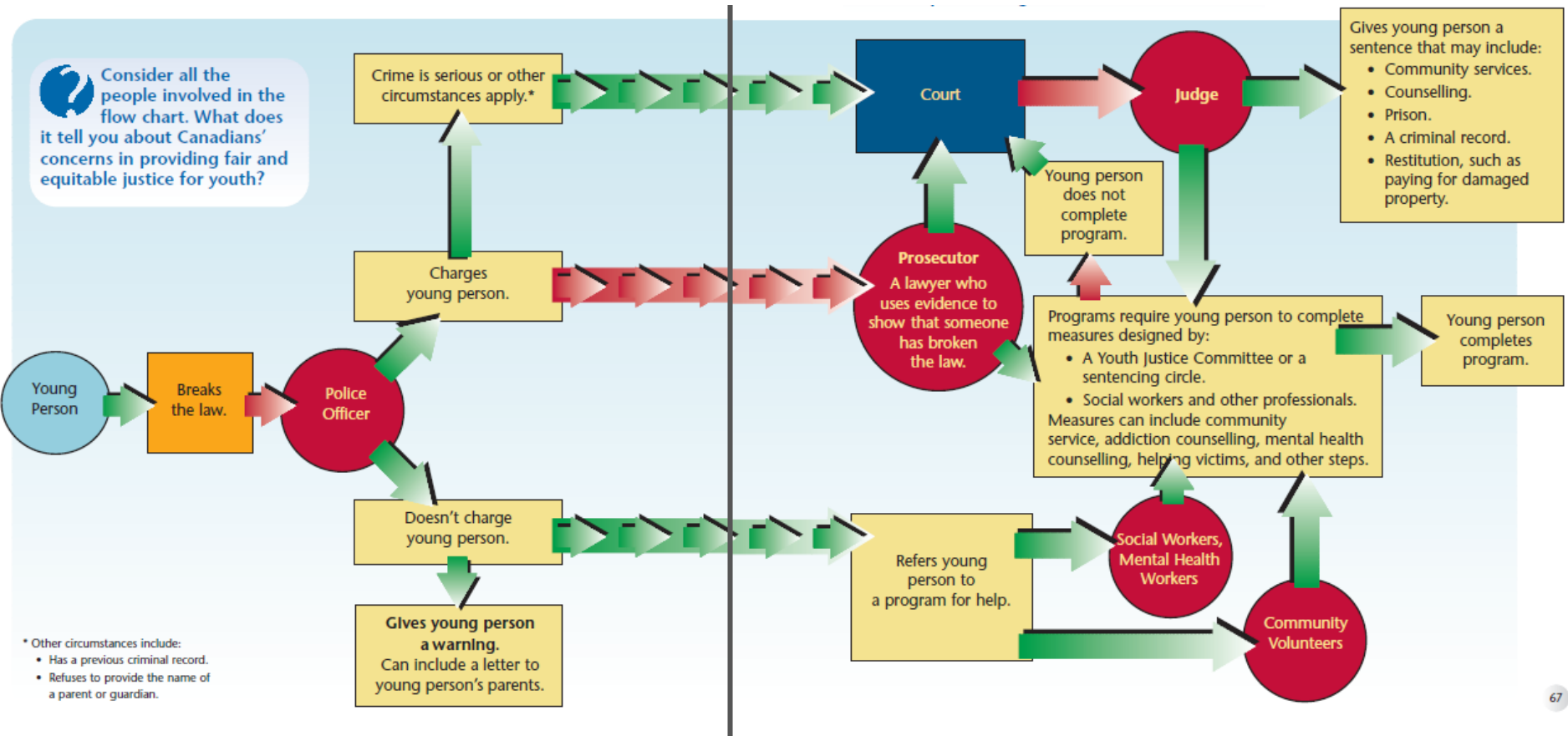
The YCJA allows professionals in the justice system and community decide what happens to each young offender.

They consider factors such as:

- The seriousness of the offence.
- The history of the individual.
- The attitude of the individual.
- The circumstances of the individual.
 - They may benefit more from support from a social worker than consequences from the justice system.



Consequences



YCJA Video Activity

- Watch the videos posted to the blog and answer the questions on your sheet.
- After you will write a reflection about the YCJA. The prompt for this is on your handout.

Retribution vs. Rehabilitation



Retribution:
Punishment given to
someone for a wrong
or criminal act.

Rehabilitation: the action
of restoring someone to
normal life through training
and therapy after
imprisonment.



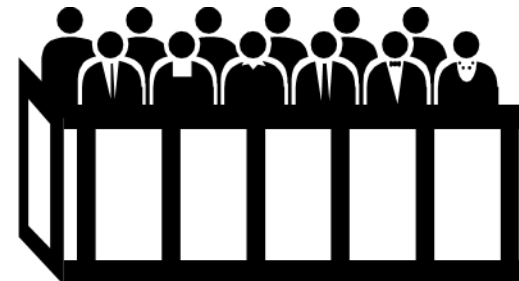
Objectives of the YCJA

- Prevent Crime
 - Ex. Youth may need counselling
- Rehabilitate and reintegrate
 - Help youth develop skills that will help them make positive choices and participate in their community.
- Hold the young person accountable and provide them with meaningful consequences.
- Keep the criminal justice system for young people separate from the adults.

A Citizen's Role in the Legal System?

What is a Jury?

- A body of people sworn to give a verdict in a legal case based on evidence submitted to them in court.
- Usually made up of 12 people.
- The decision must be unanimous.



Who is eligible for Jury Duty?

- Serving on juries is considered a duty of Canadian citizens.
- Must be 18 years of age and older
- A Canadian citizen
- People convicted of some crimes are not eligible.

Jury Duty

- If you are summoned for Jury Duty:
 - It's your responsibility to appear at the courthouse on time.
 - You must make whatever arrangements are necessary for transportation, time off work or classes, and rebooking appointments.
 - Employers have to give you time off for jury duty, but don't have to pay you.
 - People are excused from jury duty only if they can demonstrate that it would cause them undue hardship.

Important Terms

- Prosecutor: Evidence that supports the guilt of the accused.
- Defence: Includes evidence that supports the innocence of the accused person. A lawyer who represents the accused person represents the defence.
- Sequester: Means to remove from contact. A jury is sequestered to ensure that they only consider evidence in a court room.

YCJA Jury

- Under the YCJA, a person 14 years of age or older may choose to be tried by a judge and jury for certain serious offences, such as assault or murder.

Scenario

- Read pages 80 to 81 and be ready for discussion.
- Based on what you read, what is jury duty like?
- What happens when the jury cannot come to an agreed upon decision?

Jury Duty Selection Process



Jury Duty Selection Process

- What is the process like?
- Do you see any problems with this process?
- What is the difference between “challenges for cause” and “peremptory challenges”?

Problems with Jury Selection



Justice Advocacy Groups



Justice Advocacy Groups

Organizations that work independently from the government trying to solve the underlying reasons for crime.

Justice Advocacy Groups

- Canada has two major Justice Advocacy groups:
 - the John Howard Society
 - the Elizabeth Fry Society.
- These organizations are run by citizens (not the government).
- They educate the public about laws and the justice system, including the Youth Criminal Justice Act.
- They work with individuals who have broken the law to help rehabilitate them.
 - For example help them find jobs and places to live.
- They advocate (stand up) for the rights of youths and adults accused of crimes and to improve the fairness of the justice system

The John Howard Society



The John Howard Society

- Educates the public about the justice system.
- Provides services to people going through the justice system – aiming for rehabilitation and reform.
- There are branches and offices in communities across Canada.

The Elizabeth Fry Society



The Elizabeth Fry Society

- Provides practical programs, basic necessities and connections to community resources, to women going through the criminal justice system.

Sentencing Circles

- When a group of individuals in the community gather together to discuss and determine a sentence for the offender.
- Aligns with traditional aboriginal practices.

Sentencing Circle

