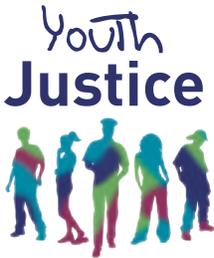




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VICTIMS



Victims of youth crime have an important role to play under the *Youth Criminal Justice Act* (YCJA). It is important that victims understand their role at each stage of the youth justice process.

This fact sheet contains general information regarding victims of youth crime 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.

For more information on the role of victims in the criminal justice process, as well as programs and services available to assist victims, visit the Policy Centre for Victim Issues website at www.justice.gc.ca/victims.

Victims and the Youth Criminal Justice System

The YCJA says that victims should be treated with “courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system.” These principles should guide the actions of everyone the victim encounters in the youth justice system.

Stages in the Youth Criminal Justice Process

In most cases, the stages in the youth criminal justice process unfold as follows:

1. A Crime Is Reported to the Police

The victim reports the crime to the police.

2. Police Gather Evidence

Police talk to the victim about what happened and what he or she saw or heard. Police may also ask other people (e.g., witnesses) what they saw and heard.

3. Police Identify a Suspect

Police identify a person they have reasonable grounds to believe committed the offence, based on the evidence collected.

Being identified as a suspect is not the same as being found guilty of the offence in court. In Canada, any “person charged with an offence has the right to be presumed innocent until proven guilty.”

4. Response to the Crime – Deciding How to Hold the Youth Accountable

The YCJA gives the police and the Crown (government prosecutors) several options on how to proceed when a young person is suspected of having committed an offence.

- *Extrajudicial measures* include informal measures such as warnings, cautions and referrals. They aim to hold young persons accountable without involving the courts and are presumed to be adequate to hold first-time, non-violent offenders accountable.



- *Extrajudicial sanctions* are applied through more formal programs set up by the provinces and territories. They may be used when more informal measures are not sufficient to hold a youth accountable and the young person accepts responsibility for the crime.
- *Judicial measures* are formal court proceedings. In court, the young person may plead:
 - Guilty, in which case they will be sentenced; **OR**
 - Not guilty, in which case the matter will go to trial.
 - At trial, each side presents its case before a youth court judge.
 - A judge will then decide whether or not there is proof beyond a reasonable doubt that the young person committed the offence.

If a young person pleads guilty or is found guilty, judges have a broad range of sentencing options they can use to hold the youth accountable. The sentencing principles in the YCJA guide judges in making this decision.

Victim Involvement and Participation

Under the YCJA, victims should have access to information about relevant justice processes and be given opportunities to participate in them. For example, victims may:

- Learn the identity of the young person accused of the crime, although this information may not be published or shared with others;
- See relevant court records;
- Be informed about extrajudicial sanctions;
- Testify during the young person's trial;
- Participate in youth justice conferences and committees; and
- Prepare a "Victim Impact Statement" on the harmful effects of the crime, which is shared with the court prior to sentencing.