



Sentencing Considerations

Youth want a criminal justice system (CJS) that shows empathy and takes into consideration the circumstances of individuals before and during sentencing. Youth feel that the CJS should use more alternatives to incarceration that are community based, restorative and place a focus on rehabilitation.

What we also found¹

- Youth believed the two most important factors in terms of sentencing are the offender’s circumstances/history, and the nature of the crime, including the context, severity and motive of the crime.
- A majority of youth highlighted the need for the CJS to recognize the circumstances of vulnerable Canadians, individuals who are racialized, impoverished or those suffering from mental health challenges, when making sentencing decisions.
- Youth felt that the nature of the harm done to a victim (whether that be an individual or a community) as well as the risk they currently pose to society are important considerations when sentencing an offender.
- Many youth agreed that programs that teach life skills should be offered while offenders are incarcerated. There should be opportunities for leadership, wellness, community involvement, and learning while completing a sentence of incarceration.
- Youth want the CJS to better collaborate and partner with social systems and the private sector to ensure that offenders are supported.
- Youth believed that rehabilitation, support services, and healing should be integrated into sentences whenever possible. Youth noted accountability and experiencing healing as very important for successful reintegration to happen.

In more depth

Most young people at the Canada We Want Conference supported the idea of using a combination of different sanctions to better address offenders’ unique issues simultaneously. They saw this as a way to keep offenders accountable, but also support them to address their needs.

Youth strongly supported taking into consideration the broader social context and personal circumstances of racialized people, specifically Indigenous people. Many youth agreed that judges sentencing Indigenous people require additional supports to ensure sentences are fair.

Youth felt that incarceration may exacerbate mental health challenges and that an individual experiencing mental health challenges may benefit from therapy or counselling as part of, or as the entirety of, their sentence. In addition, individuals with cognitive functioning challenges may not understand the consequences of their criminal actions; they may not understand the causal relationship between their actions and their sentence.



Research at a Glance

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While youth were clear that the CJS should take into account individual circumstances, youth also noted that the CJS must be standardized, so justice in one location is the same as justice in another location.

Young people identified that the CJS needs to collaborate increasingly with other areas of government as well as with civil society organizations to ensure that those at risk, those incarcerated, and those re-entering society are properly supported across a number of different dimensions.

Most youth agreed that programs to teach life skills should be offered while offenders are incarcerated. Offenders should leave institutions prepared to re-engage with the community and the work world. There should be opportunities for leadership, wellness, community involvement, and learning while completing a sentence of incarceration.

Young people demonstrated compassion not only for victims, but for offenders; they identified that the CJS needs to provide more supports to address root causes of crime, deal with past and current trauma, rehabilitate, and re-engage offenders in the community in healthy ways. By addressing root causes, both social and individual, and addressing trauma, offenders, victims, and the community could understand one another and move past the harm done.

In their own words,

“[The CJS should] provide [offenders] with the tools to reintegrate into society in a positive way and feel like they are a part of their community. I think there is not and never will be an objective fair way of measuring and giving sentencing [sic] to people because circumstance and background is so important and diverse for each person.”

Method

Justice Canada, in partnership with the Students Commission of Canada (SCC)², conducted youth engagement projects in both 2016 and 2017. Each project explored youths’ views, perceptions and expectations of the criminal justice system. This was done through developing and hosting a Justice Youth Action Committee (YAC)³, gathering opinions through youth-led Community Action Projects (CAPs)⁴, and hosting the Canada We Want Conference.⁵

Youth Engagement on the CJS Project 2016: Fourteen Justice YAC members representing Indigenous, non-Indigenous, rural, urban, and other diverse populations participated in monthly video calls from September 2016 to February 2017. The calls focused on youth perceptions of crime and the CJS, guiding principles and values of the CJS, and the connection between vulnerability, marginalization, and criminalization. YAC members engaged over 350 youth from across Canada in CAPs to gather opinions and perspectives on the CJS. Committee members utilized surveys (hard copy and digital), interviews, and discussion groups to gather youth voice and reported back to the committee facilitators and during committee calls. Following each call, the youth went back to their communities to solicit feedback from other young people on the issues discussed in the calls. Four CAPs were completed. The engagement continued at the Canada We Want Conference, where the **Justice System We Want theme team**, a group of seventeen youth, from six provinces, one territory, representing Indigenous and non-Indigenous, Northern, and a number of other diverse populations, engaged in five days of discussion on the values and objectives that they hope the CJS would uphold in the future.

Youth Engagement on the Criminal Justice System (CJS) Project 2017: Eight Justice Youth Action Committee members representing Indigenous, non-Indigenous, rural, urban, and other diverse populations joined bi-weekly calls from June 2017 to March 2018. This project had an issue-based focus relevant to the work of Justice Canada. Issues covered included: bail and AOJOs, restorative justice, problem-solving justice, overrepresentation of Indigenous persons in the



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CJS, overrepresentation of persons with mental health and cognitive issues in the CJS, performance measurement of the CJS, and the perspectives of victims of crime. During the 2018 Canada We Want Conference the **CJS theme team**, a group of 11 youth and 2 youth facilitators from 2 territories and 5 provinces, representing Indigenous and non-Indigenous, Northern, and a number of other diverse populations, engaged in discussion around justice issues.

Justice Canada and the SCC provided young people with materials that explained the purpose of sentencing, sentencing options, as well as the role of the judge in the Canadian context. The SCC offered a facilitator's guide for those who wanted to collect opinions in-person and created an online survey using Google Forms. Young people were able to share the link through a variety of online tools, such as social media. During the 2018 Canada We Want conference, youth reviewed scenarios that described an offender, their circumstances and the crime(s) they committed as well as provided characteristics of the victim. Over the course of six days, youth learned about sentencing options and explored (using the scenarios as a reference point) the crime and then ultimately suggested a sentence.

For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice's Research and Statistics Division (rsd.drs@justice.gc.ca)

¹ All findings on sentencing considerations span over a two year period. In both years, youth held consistent views.

² The Students Commission of Canada is a national charitable organization with a mission to support young people in putting their ideas for improving themselves and their communities into action. The Centre of Excellence for Youth Engagement is a network of youth, youth organizations and academics focused on providing evidence on the benefits of youth engagement and positive youth development.

³ The Students Commission selected members to join the Youth Action Committee for Justice Canada. The youth selected were from across the country, aged between 12 and 22 years, lived in urban and rural communities, were from diverse backgrounds and cultures, and had varied life experiences.

⁴ Community action projects required YAC (Youth Action Committee) members to go into their communities and gather data from their peers using the survey questions identified on the calls. Youth could deliver a survey, a focus/discussion group, or interviews to collect this data.

⁵ At the "Canada We Want" conference, the *CJS theme team* (a diverse group of youth from across Canada) generated recommendations for policy makers and other young Canadians regarding the criminal justice system.