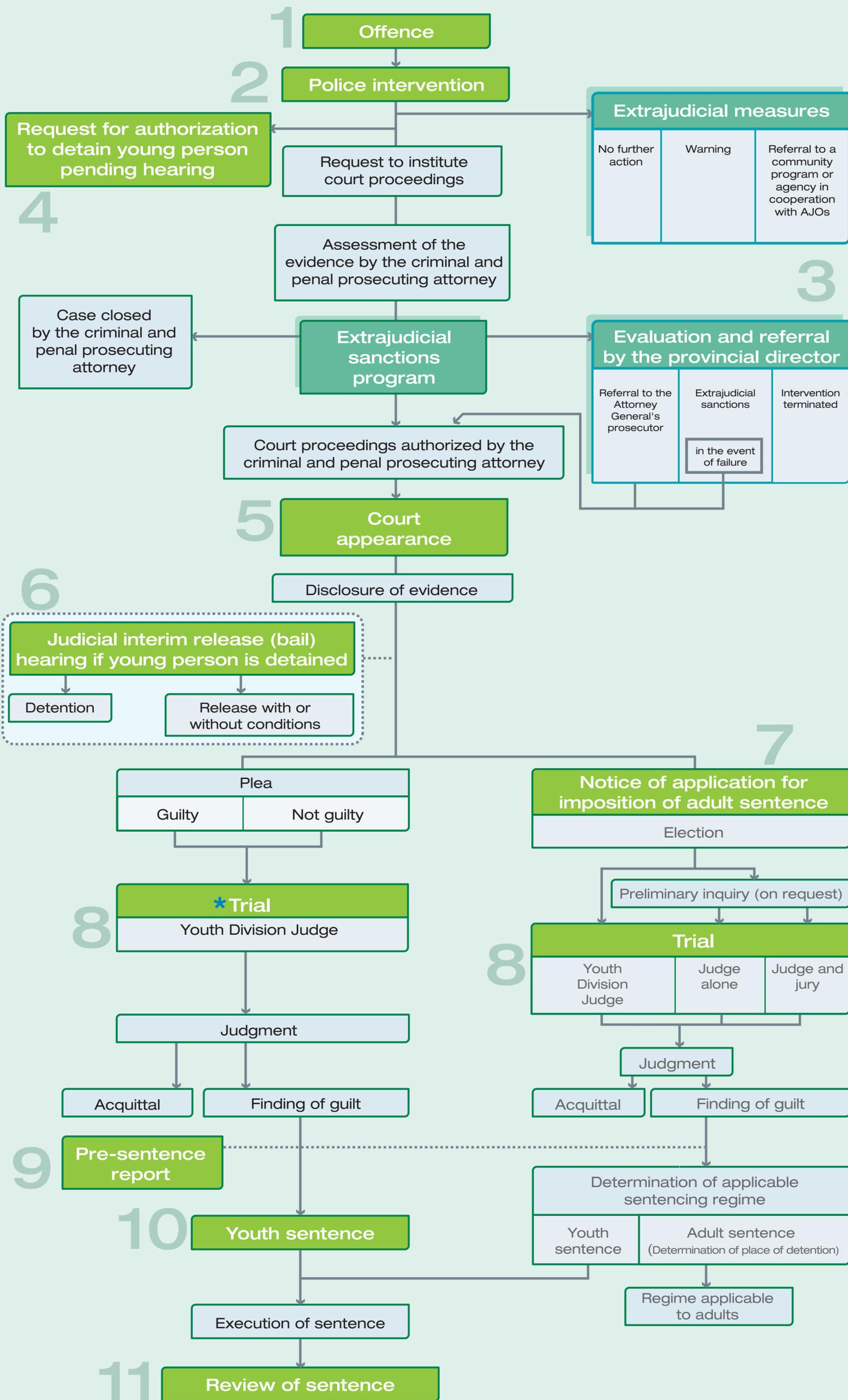


# The Youth Criminal Justice Act

Administration of the Act in Québec



## 1. OFFENSE

The *Youth Criminal Justice Act* sets out the principles, procedural rules and sentences in criminal proceedings under the *Criminal Code*, or other federal laws, that apply to young persons aged 12 to 17 at the time of the offence.

## 2. POLICE INTERVENTION

The young person has the right to legal counsel from the outset of the process. If charged with an indictable offence, the young person may be required to be fingerprinted and photographed.

## 3. EXTRAJUDICIAL MEASURES

Extrajudicial measures are measures outside the court process and can be used in the circumstances described in the Act. The Act provides for two types of extrajudicial measures: those applied by police officers and those applied by the provincial director under the extrajudicial sanctions program in the manner determined by the provincial director. In both cases, an alternative justice organization (AJO) may provide support to the young person and supervise the fulfilling of the obligations imposed by the measure to which the young person has agreed. The provincial director in Québec is the Director of Youth Protection (DYP).

## 4. DETENTION PENDING APPEARANCE

A young person who is arrested cannot be held in custody before the court appearance without the authorization of the provincial director. The young person's parents must be notified. The young person will be detained in a designated rehabilitation centre and must be brought before a youth justice court judge or a justice of the peace within 24 hours.

## 5. APPEARANCE

The young person appears before a judge of the Court of Québec in the Youth Division, or before a justice of the peace. The judge, or the justice of the peace, has the information or the indictment read to the young person and informs the young person of the right to retain and instruct counsel.

## 6. JUDICIAL INTERIM RELEASE HEARING (BAIL HEARING)

If the young person is detained in custody at the appearance, a hearing may be scheduled to determine if the young person should remain in custody during the proceedings, placed in the care of a responsible person, or released with or without conditions.

## 7. IMPOSITION OF AN ADULT SENTENCE

The criminal and penal prosecuting attorney may, in certain circumstances, ask the court to consider imposing an adult sentence if a young person is found guilty of an indictable offence for which an adult is liable to a prison sentence of more than two years and which was committed after the young person turned 14 years old. The young person may contest the prosecutor's application at sentencing.

## 8. TRIAL

If the young person pleads not guilty, a trial is held and starts with the presentation of the evidence by the criminal and penal prosecuting attorney. Witnesses will be heard and exhibits may be produced. Once the prosecution has presented all its evidence, the young person's lawyer may present a defence. Each party may cross-examine the other party's witnesses. The accused is not required to testify in a defence or to have witnesses called. Defence counsel and the criminal and penal prosecuting attorney then submit their arguments. The judge or the jury, as the case may be, will render a verdict after examining the evidence.

## 9. PRE-SENTENCE REPORT

Before imposing a sentence on a young person, the judge may, or must in certain cases, order a pre-sentence report, which will be prepared by a youth worker. The purpose of the report is to provide a portrait of the young person's situation that will assist the court in imposing a sentence in keeping with the principles of the Act.

## 10. YOUTH SENTENCE

If the accused pleads guilty or is found guilty, the court imposes a sentence. The youth sentence may include one or more of the following sanctions: the performance of a community service, a probation period with or without supervision, an intensive support and supervision program, an open or secure custody and supervision order, a deferred custody and supervision order, a fine, a conditional or absolute discharge, or a restitution order.

## 11. REVIEW OF SENTENCE

The Act provides for various types of sentence reviews.

\* A young person accused of first or second degree murder has the right to elect to be tried by a youth court judge without a jury and without a preliminary inquiry, or to be tried by a judge without a jury or by a judge and a jury, with a preliminary inquiry being held in the latter two cases only if requested.

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