

# Youth Criminal Justice: What Parents Should Know

## Community Leadership Network for Families (CLNF) Project



August 2018



The Community Leadership Network for Families (CLNF) project was managed by World Skills Employment Centre on behalf of the Local Agencies Serving Immigrants (LASI) Coalition. It is funded by Crime Prevention Ottawa and is now delivered by the Somali Centre for Family Services. This project was developed in partnership with several agencies and the information was further enhanced through consultations with community members and service providers.

**The goal of this project is to:**

- Increase understanding and build relationship between immigrant communities, main stream services, and the justice system;
- Promote crime prevention; and
- Increase parents' understanding of their responsibilities and youth rights.

**This booklet will help you:**

- Recognize warning signs and learn ways to prevent youth crime;
- Understand the Canadian criminal justice system; and
- Know the resources available to you.

**This booklet includes general information and should not be used as legal advice. If you need legal advice, please speak with a lawyer.**

**Raising children is hard to do. It is even more difficult when parents face other challenges like living with health conditions, living in poverty, being new to the country, facing racism, or not speaking English or French. This booklet has important information and offers some strategies to consider.**

## **Recognize warning signs and learn ways to prevent youth crime**

Many youth behaviours are normal.

You should be worried if some behaviours persist and develop into a pattern. You can intervene early and get help before your child is in trouble with the law. You can call 211 to ask for information about services in Ottawa.

### **WARNING SIGN #1 – FAMILY PROBLEMS**

**Little parental supervision:** not knowing your children's friends and their families; not knowing where your children spend their time.

**Inconsistent discipline:** punishing a behaviour and ignoring it later; not rewarding good behavior; having little or no routine at home; telling your children to behave differently than you do.

**Difficult family relationships:** family conflict, violence, abuse or neglect in the home; living in a divorced or single parent home; having a parent and /or sibling involved in crime, alcohol and/or drugs.

### **WHAT YOU CAN DO**

**Supervise your children.** Get to know your children's friends and their families. Find out where your children spend their time. Leave your children with a responsible person when you are not at home.

**Know the law about leaving children at home alone.** By law, children under age 12 cannot be left home alone or asked to take care of siblings alone. Depending on the child's maturity, children over 12 years of age can stay home alone and take care of their siblings. (Child and Family Services Act). It is a crime to leave a 10-year-old child at home alone or take care of siblings alone (Criminal Code of Canada).

**Use consistent discipline and consequences.** Discuss rules, expectations, morals and values with your children. Give them emotional support and reward good behavior. Have a routine at home and give your children chores and responsibilities.

**Build relationships and connections within the family.** Show love and affection to your children. Spend positive time together; plan family activities. Be a positive support in the family.

**Be a good role model for your children.** Model behaviour you want your children to learn. Create emotional and financial stability in the family; show respect, kindness and patience to friends and family. Keep a healthy and balanced lifestyle. Get help for yourself if needed through counselling services, parenting classes, or conflict resolution courses.

## WARNING SIGN #2 – BEHAVIOUR PROBLEMS

**Impulsive, risk taking, pleasure seeking behaviours:** involved in fights; driving a vehicle after using alcohol and/or drugs; spending a lot of money and does not have a job; stealing from stores (shoplifting); running away from home; having unprotected and/or casual sex.

**Restless, irritable and aggressive behaviours:**

trouble developing a Canadian identity or keeping an ethno-cultural identity; sudden change in personality, attitudes and/or religious beliefs; argues regularly; sleeping problems; damages property or threatens to hurt you and/or siblings; has a reputation of being a bully; does not explain physical injuries; hides weapons; has been exposed to war/conflict; or, refuses counselling and mental health services.



## WHAT YOU CAN DO

**Be friendly and supportive to encourage your children come to you for help.** Listen to your children and observe their behaviours. Talk with your children in a positive way. Regularly, give emotional support to your children. Try to understand the reasons for your children's behaviour (e.g. mental health issues, abuse, bullying).

**Intervene early and get help.** Call 211 for services in counselling, mental health and anger management. Talk to other parents for ideas and support.

**Report missing children to the police.** A missing child under the age of 16 needs protection (Child and Family Services Act).

**Call 911 if you are worried about the IMMEDIATE safety of your children and/or yourself.**

## **Know the law about consent to sexual activity (Criminal Code of Canada)**

- A child who is 11 years old or younger cannot legally consent to sexual activity.
- A child who is 12-13 can give consent to sexual activity if the other person is older but their age is less than a two-year difference.
- A child who is 14-15 can give consent to sexual activity if the other person is older but their age is less than a five years' difference.
- A child who is 16 years of age or older can consent (agree) to sexual activity, except when the other person is in a position of authority (teacher or employer), or the child is in a relationship of dependency or exploitation.

## **WARNING SIGN #3 - SCHOOL AND WORK PROBLEMS AND LITTLE INVOLVEMENT IN POSITIVE ACTIVITIES**

**Loss of interest in school and/or work:** low grades; behavioural problems at school; missing classes, suspension / expulsion, or no participation in after-school activities; difficulty keeping a job or fired from several jobs.

### **Little involvement in recreational and social activities:**

not involved in physical activity; spends a lot of time playing video games; spends a lot of time on the Internet or alone; sudden change in interests/ hobbies; refuses to participate in family and service activities.



## **WHAT YOU CAN DO**

**Know the law about school attendance.** Everyone over the age of 6 must go to school until they graduate or reach 18 years of age (Education Act).

**Get to know the Multicultural Liaison Officer (the settlement worker in the school) and the teachers at your child's school**

Go to parent-teacher meetings and volunteer at school activities.

**Learn the official language at your child's school so your child cannot hide information from you.**

**Encourage your child to have positive relationships in school and to participate in school activities with other students under adult supervision.**

**Encourage your child to use youth employment services.**

**Participate in recreational and social activities with your children.**

## WARNING SIGN #4 - ALCOHOL AND DRUG PROBLEMS

**Drinks alcohol and /or uses illegal drugs:** drinking alcohol, smoking cigarettes and/ or marijuana; using steroids, prescription pain medication, or non-prescription medication from the pharmacy (e.g. Benylin cough syrup, Gravol, caffeine pills); staying out very late or going outdoors for short periods of time during the night; do not explain strange smells on clothing; borrows money often or money and valuable things go missing from the home; sudden changes in personality (e.g. mood swings, depression); sudden weight or skin changes and poor hygiene.



## WHAT YOU CAN DO

**Know the laws about tobacco and alcohol.** It is against the law to sell or give tobacco to a person under 19 years of age (Tobacco Control Act). A person under the age of 19 in Ontario is not allowed to drink, carry, or buy alcohol (Liquor License Act).

**Talk to your children about alcohol and drugs openly.**

**Do not let your children smoke cigarettes, drink alcohol or use drugs in your home.**

**Do not keep unused or leftover pain medication in your home (e.g. Tylenol with Codeine, Fentanyl).** Know the law about public curfews for children. A child under 16 cannot be in a public place or place of public entertainment between 12:00 am and 6:00 am, unless they are with a parent or legal guardian (Child and Family Services Act). Parents can be charged with a provincial offence and fined up to \$1,000 for not following curfew.

**Call 211 for information on addiction services such as the youth and parent program at Rideauwood Addiction and Family Services.**

**Call your Community Police Centre for information on the Neighbourhood Watch program.**

**Call the police or Crime Stoppers to report drug dealing or strange activity in your neighbourhood.**

## DID YOU KNOW?

- There are 11 Local Agencies Serving Immigrants (LASI) in Ottawa
- There are more than 80 Settlement Workers that can help you and your children adjust to living in Canada
- Settlement Workers provide services in many languages.
- LEARN MORE by contacting LASI agencies listed on page 14.



## WARNING SIGN #5 - NEGATIVE BELIEFS AND ATTITUDES TOWARDS THE LAW

**Makes excuses for breaking the law:** blames crime on poverty, friends, police or society; thinks that crime does not hurt anyone.

**Does not respect the law and authorities:** has bad experiences with the police; does not respect the law and authority; believes that being arrested makes a person popular and gives them status; believes that you/other parent/caregiver does not respect the law and authority.

## WHAT YOU CAN DO

**Educate your children about the law, their rights and the role of authorities before your children have contact with police.**

**Encourage your children to develop positive self-identity and self-esteem.**



## GET TO KNOW THE CANADIAN CRIMINAL JUSTICE SYSTEM

**As a newcomer to Canada, you probably know very little about the Canadian criminal justice system and it can be very stressful if your child is charged with a crime.**

The Criminal Code of Canada is the law for most crimes and procedures in Canada. Criminal law is focused on protecting society and keeping communities safe. Only the federal government can make criminal law (provinces and territorial governments are responsible for running the court system). The police, Crown Prosecutors, the courts, and Youth Probation Officers enforce the law. Legal rights are protected by a written Constitution and the Charter of Rights and Freedoms. A person is innocent until proven guilty beyond a reasonable doubt, in a fair and public hearing in court.

## UNDERSTAND THE CANADIAN CRIMINAL JUSTICE SYSTEM

A “youth” is a person between the ages of 12-17. Society has a responsibility to support youth as they grow up. Know the youth criminal justice system before your child is in trouble with the law. This section includes information on the Youth Criminal Justice Act, the rights of your child when accused of a crime, and your rights and responsibilities in the youth criminal justice system.

# THE YOUTH CRIMINAL JUSTICE ACT

*The Youth Criminal Justice Act is the law for the youth criminal justice system in Canada. Youth have special rights and are dealt with separately from adults. There are Youth Justice Courts, Youth Detention Centres, and Youth Probation Services.*

All these services focus on:

- Consequences that help youth understand their actions and fix the harm done to victims and the community;
- Diversion programs to keep youth who have broken the law for the first time and committed less serious crimes out of the court system;
- Serious interventions for the most serious crimes;
- Less imprisonment;
- Helping youth address the reasons for breaking the law (rehabilitation);
- Helping youth return to society (reintegration).

## YOUR RIGHTS AND RESPONSIBILITIES AS PARENTS



Support your child throughout the system during bail hearings, rehabilitation, and reintegration.

You have the right to request an interpreter (see resources on page 14).

You have a right to information about what is happening with your child.

## DID YOU KNOW?

- After a youth completes a diversion program, criminal charges are removed.
- Police officers and prosecutors can recommend a diversion program for a youth.
- A youth can decide to participate in a diversion program or go to court.



## COMMON TYPES OF YOUTH CRIMES

- **Mischief:** damaging property or spray painting public buildings.
- **Theft:** stealing from cars or stores (shoplifting).
- **Uttering threats:** threatening to use violence or putting embarrassing pictures on the Internet.
- **Break and enter:** breaking into a house, shed, or abandoned building.
- **Breach of a Bail Undertaking or Probation Order:** not following a curfew condition; being with friends they are not supposed to be with
- **Possession of substance:** carrying marijuana and / or other drugs.



## MORE SERIOUS, LESS COMMON TYPES OF YOUTH CRIME

- **Assault:** fighting; beating by a group of youth (swarming); possible gang involvement
- **Sexual assault:** unwanted touching or unwanted sex
- **Possession of a weapon for a dangerous purpose:** carrying a knife or a gun
- **Robbery:** Theft by a group of youth who use violence or threaten violence (swarming), possible gang involvement
- **Trafficking in substance:** selling marijuana or prescription pain medication, possible gang involvement.



## CRIME BY ASSOCIATION

Parents should know that a youth can be charged as “a party to an offence” if they are with friends who commit a crime. The youth can receive the same consequences as someone who committed a crime.

### What is a gang?

A gang is a group of three or more people, who may be formally or informally organized. The group may use a special name, sign, or symbol. Gang members are usually involved in street crime and use fear and intimidation in the community.

### DID YOU KNOW?

Your child might be involved in gangs when:

- Your child keeps breaking the law;
- Your child has friends involved in gangs;
- Your child has family members involved in gangs; or
- There is gang activity and recruitment in your neighborhood.



## YOUR CHILD’S RIGHTS WHEN ACCUSED OF A CRIME

- Right to an interpreter.
- Right to know the reason (criminal charge) for being arrested and/or detained by police.
- Right to remain silent and not speak with police (even when police are investigating).
- Right to a free phone call to speak with a lawyer, before speaking with police (when the youth is being charged with a crime).
- Right to speak with a criminal defence lawyer. The lawyer represents your child, not you. You can give advice to the lawyer, but the lawyer will only share what your child agrees to share.
- Right to speak with parents, a trusted adult, and/ or a lawyer when the youth is questioned by police, and the right for them to be present when questioned by police.
- Right to have the prosecutor prove the charges before pleading guilty (and getting a youth record)

# ABOUT PLEADING GUILTY

Your child should talk to a criminal defense lawyer before admitting to breaking the law. A criminal record can have serious negative consequences for a youth and affect future opportunities such as: immigration status; working and/or volunteering; admission to university and college programs; or, travelling outside of Canada.

## YOUR RIGHTS AND RESPONSIBILITIES

### 1. Your rights if police have reason to believe your child broke the law

- The right to be told, as soon as possible, when your child is given a ticket, warning or caution, sent to a diversion program, arrested and/or given a court date.
- The right to be told, verbally and/or in writing, when your child is arrested or detained.
  - You will get a document that states: the name of your child; the criminal charge; when and where your child should go to court; and, your child's right to a lawyer.

### 2. Your rights if your child is detained

- The right to be told verbally and/or in writing, when your child is arrested.
  - Usually, your child will be released to you or another responsible adult (which is sometimes called a "surety").
  - If your child is released into your care/custody, you are responsible for supervising your child and making sure that your child goes to court when supposed to and follows the conditions ordered by a judge.

### 3. Your rights if your child has to go to court

- The right to be told, verbally and /or in writing, when your child is arrested.
- The right to go to court with your child.
- The right to ask for access to your child's court records.

## DID YOU KNOW?

- If you have information that will help solve a crime, you can call the police or Crime Stoppers.
- If you call Crime Stoppers, you do not have to give your name or other personal information.
- Crime Stoppers offers cash rewards for information that leads to an arrest.
- LEARN MORE by visiting: [www.crimestoppers.ca](http://www.crimestoppers.ca)

## 4. Your rights if your child is found guilty of committing a crime

- Before a judge can sentence a youth to custody (prison), the judge must consider a pre-sentence report. The report is completed by a Youth Probation Officer who will interview you and other people who are important in your child's life (e.g. counsellors or teachers)
- Victim(s) of your child's crime can sue you (his/her parents) under the parental Responsibility Act. Victims can use court documents to sue you for money in a small claims court. You can be ordered to pay the victim for property that was stolen, damaged, or destroyed by your child.

## DID YOU KNOW?

- If your child does not have a lawyer and has to go to court within 24 hours, your child can speak with a Legal Aid Duty Counsel for free.
- There is a Duty Counsel office on the first floor of the Ottawa Courthouse.
- Your child should speak with duty counsel on the court date, before the court starts.

# USE THE RESOURCES AVAILABLE TO YOU



## COMMUNITY SERVICES: LOCAL AGENCIES SERVING IMMIGRANTS (LASI)

- Catholic Centre for Immigrants >> 613 232-9634 [www.cciottawa.ca](http://www.cciottawa.ca)
- Immigrant Women Services Ottawa >> 613 729-3145  
[www.immigrantwomenservices.com](http://www.immigrantwomenservices.com)
- Jewish Family Services >> 613 722-2225 [www.jfsottawa.com](http://www.jfsottawa.com)
- Lebanese & Arab Social Service Agency >> 613 236-0003 [www.lassa.ca](http://www.lassa.ca)
- Le Conseil Économique et Social d'Ottawa Carleton >> 613 248-1343  
[www.cesoc.ca](http://www.cesoc.ca)
- Ottawa Chinese Community Services Centre >> 613 235-4875  
[www.occsc.org](http://www.occsc.org)
- Ottawa Community Immigrant Services Organization >> 613 725-0202  
[www.ociso.org](http://www.ociso.org)
- Somali Centre for Family Services >> 613 526-2075 [www.scfsottawa.org](http://www.scfsottawa.org)
- World Skills >> 613 233-0453 [www.ottawa-worldskills.org](http://www.ottawa-worldskills.org)

## LEGAL INTERPRETATION AND TRANSLATION SERVICES (FEE FOR SERVICE)

- Cultural Interpretation Services for Our Communities  
>> 613- 237-0502 / After hours >> 613 261-7834
- Language and Interpretation Services (IWSO)  
>> 613 729-1393 / After hours >> 613 784-0066
- Languages of Life Inc. >> 613-232-3770

## COMMUNITY REFERRAL AND INFORMATION SERVICES

- Newcomer Information Centre (YMCA-YWCA) >> 613 788-5000  
[www.ymcaywca.ca/Adults/nic/](http://www.ymcaywca.ca/Adults/nic/)
- 211 Ontario Helpline >> Dial 211 for community  
and social services in Ontario [www.cominfo-ottawa.org](http://www.cominfo-ottawa.org)
- City of Ottawa >> Dial 311 for community services in Ottawa

## EMERGENCY AND SAFETY SERVICES

- Ottawa Police Service >> Dial 911 for emergencies  
>> For non-emergencies >> 613 236-1222 [www.ottawapolice.ca](http://www.ottawapolice.ca)

## LEGAL REFERRAL SERVICES

- Law Society Referral Service >> 1-800-268-8326 [www.lsuc.on.ca](http://www.lsuc.on.ca)
- Legal Aid Ontario >> 613 238-7931 / 1-800-668-8258  
[www.legalaid.on.ca](http://www.legalaid.on.ca)
- Ottawa Legal Information Centre >> 613 842-7462  
[www.centreinfojuridique.ca/en/](http://www.centreinfojuridique.ca/en/)

## MORE INFORMATION

- Stepping Stones – Ministry of Children and Youth Services  
(English and French) [www.children.gov.on.ca](http://www.children.gov.on.ca)
- Ottawa Gang Strategy (English and French)
- Crime Prevention Ottawa [www.crimepreventionottawa.ca](http://www.crimepreventionottawa.ca)
- Gang Prevention – A Parent’s Quick Reference Guide (Many Languages);  
City of Surrey [www.surrey.ca/community/12408.aspx](http://www.surrey.ca/community/12408.aspx)
- End Gang Life, understanding Youth and Gangs, A Parent Resource  
(Many Languages)
- Combined Forces Special Enforcement British Columbia  
[www.cfseu.bc.ca/en/end-gang-life](http://www.cfseu.bc.ca/en/end-gang-life)
  
- Community Legal Education Ontario (CLEO) [www.cleo.on.ca](http://www.cleo.on.ca)
- Connecting Ottawa [www.connectingottawa.com](http://www.connectingottawa.com)
- Justice for Children and Youth [www.jfcy.org](http://www.jfcy.org)
- Department of Justice Canada [www.justice.gc.ca](http://www.justice.gc.ca)
- Ministry of the Attorney General [www.attorneygeneral.jus.gov.on.ca](http://www.attorneygeneral.jus.gov.on.ca)

## **World Skills Employment Centre**

300-219 Argyle Avenue, Ottawa ON, K2P 2H4

613-233-0453 [www.ottawa-worldskills.org](http://www.ottawa-worldskills.org)

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**For more information contact**

**Somali Centre for Family Services at: 613-526-2075**

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