



CRIME VICTIMS
ASSISTANCE CENTER

Support, Help and Resources

CAVAC offers a wide range of services :

- ... **post-trauma and psychological intervention**, to assess the needs of victims of crime and their resources, following which an intervention is offered to alleviate the consequences of the victimization and allow victims to regain control of their lives;
- ... **information on the rights crime victims have and the remedies available to them**, which encompasses the main stages of the judicial process, the crime victims compensation program, INFOVAC-Plus and any financial assistance measures to which victims may be entitled;
- ... **technical assistance** to assist crime victims in filling out required forms and to enable them to comply with all formalities associated with their situation;
- ... **referring victims to specialized services** such as the appropriate legal, medical, social and community resources capable of assisting victims as they attempt to deal with the problems they face;
- ... **accompanying crime victims** through their dealings with medical and community resources, and providing sustained support throughout the judicial process as the case proceeds.

If you are a witness, a parent, or a relative:
CAVAC's services are also for you.

CAVAC of Montreal – Youth Division
(514) 864-1500

To contact the CAVAC of your area:
1 866 LE CAVAC (1 866 532-2822) Toll free
WWW.CAVAC.QC.CA



Another type of sentence: probation

Probation is a measure intended to promote the rehabilitation of the offender and protect society. It is imposed alone or combined with other measures. Probation implies that the offender is not deprived of freedom but is obliged to meet certain conditions imposed by the court. The term of probation may not exceed two years.

The probation order contains general conditions as well as specific conditions relating to the offence.

General conditions to be met may include the requirement:

- To keep the peace and be of good behaviour;
- To appear in court when requested to do so.

Specific conditions may include the requirement:

- Not to contact the victim;
- To live in a location designated by the court;
- To attend school;
- To respect a curfew;
- Not to possess a weapon;
- Any other condition the court considers appropriate to ensure good behaviour and avoid a repeat offence.

Probation is imposed with or without supervision. In both cases, the offender must abide by certain conditions. However, in the case of probation with supervision, the offender must meet with a probation officer on a regular basis. The purpose of this type of probation is to provide the offender with support and guidance, and make certain that he or she complies with the conditions imposed.

If the offender fails to comply with one or more conditions of the probation order, or if he or she commits a new offence during the probation period, a complaint will be filed against him or her. The offender will then be subject to another order because he or she did not comply with the conditions imposed.

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Custodial sentence: Custody and supervision program

This measure deprives the offender of freedom and requires him or her to reside in a rehabilitation facility. The offender is subject to custody and must comply with various rules.

The **Youth Criminal Justice Act** provides for two types of committal to custody: open custody or secure custody. The difference between these two types lies in the level of security of the facility and the treatment programs offered. To determine the level of custody that will be imposed on the offender, the court will rely on information included in the pre-sentence report and attorneys' submissions.

Whatever the type of placement ordered by the court, the last third of the sentence period will generally be served in the community. The offender will then be under supervision and subject to strict conditions. For example, a six-month open custody sentence would be served as follows:

- Four months in custody
- Two months under supervision in the community

The custody and supervision program is the harshest punishment the court can impose on a young person.

The custody sentence may be served consecutively or intermittently. "Consecutively" means uninterrupted custody.

An intermittent custody sentence involves a placement period interrupted by stays in the community. For example, the offender might be in custody on weekends and live with his or her parents during the week, while participating in some activities in order to improve his or her social skills.



Support, Help and Resources

Towards a clearer
understanding
of sentences with regard
to youth criminal justice

The Youth Criminal Justice Act

The **Youth Criminal Justice Act** applies to any young person between the ages of 12 and 17, inclusively, who is accused of a criminal offence. The Act was developed in order to hold young offenders accountable for their actions, enable them to acknowledge the consequences of their behaviour, and provide them with the means to help them help themselves and reintegrate into society.

After a complaint is filed with a police department, an investigation takes place in order to collect evidence that the criminal and penal prosecuting attorney will need to authorize legal proceedings. The principal role of the criminal and penal prosecuting attorney is to present evidence to the court which will assist in determining that the charges against the accused are valid.

The criminal and penal prosecuting attorney has three options:

- Refer the case to the extrajudicial sanction program
- Authorize legal proceedings
- Choose not to authorize legal proceedings



Extrajudicial sanctions

Extrajudicial sanctions were established to offer alternative measures in dealing with young offender cases. They are intended to make the young offender recognize the seriousness of his or her actions. They can also be used to repair the harm done, without involving the courts, and to provide an opportunity for the family of both the young offender and his or her victim to become involved.

Certain conditions must be met before a case is directed to the extrajudicial sanctions program. First, the young person must acknowledge his or her responsibility for the offence for which he or she was arrested. Then, the decision-maker must be satisfied that the measures provided in the program are in the interests of society. Lastly, such measures must meet the needs of the young person.

Extrajudicial sanctions are implemented if the young person gives his or her consent. A written agreement will then be signed in the presence of his or her parents. The law also provides that the young person is immediately entitled to be represented by counsel, who may also be present at the time the agreement is signed.

The extrajudicial sanctions program prioritizes mediation between the young person and the victim, should the victim agree. Otherwise, there are three principal measures available to the offender:

- Payment of money to a person or organization, in accordance with the young person's financial resources and the harm he or she has caused;
- Volunteer work for the benefit of the community at large, taking into account the young person's level of maturity, skills and interests, as well as the harm done.
- Participation in an activity to improve the young person's social skills.

If the offender does not honour his or her commitment, his or her case will be submitted to the criminal and penal prosecuting attorney in order to have judicial proceedings authorized.

Pre-sentence report

When a young person is found guilty of an offence, the court will impose a sentence as punishment for his or her action.

Before arriving at a decision regarding an offender, the court may request a pre-sentence report to a youth delegate of Batshaw (youth protection). For certain measures or sentences, the law requires such a report to be submitted in writing. The pre-sentence report is filed with the court and copies are given to the young person, his or her counsel, his or her parents and the criminal and penal prosecuting attorney.

This report is intended to provide the judge with overview of the young person's situation. It contains information on the young person's judicial record, situation, and willingness to make amends. It also includes information regarding his or her family and social background. The information included in the pre-sentence report is collected via interviews with the offender or his or her parents or guardians. Under the law, the victim of the offence and any person with information pertaining to the offender's situation must be contacted.

The report includes suggestions as to the most appropriate sentence to impose on the offender.

First type of sentence: Conditional or unconditional discharge

If the court considers that the safety of the victim or of society is not jeopardized, and that this measure is more appropriate for the offender, it may order a conditional or unconditional discharge.

A conditional discharge implies that the offender must comply with certain conditions. These may be of a general nature, such as making a commitment to keep the peace, or more specific, such as making a donation to an organization. These conditions apply for the term set by the court. An unconditional discharge means that there are no conditions imposed on the offender.

A conditional or unconditional discharge implies that the offender is found guilty of the offence. However, he or she will have no police record. This discharge order will prevent the offender from encountering certain problems associated with having a criminal record, except as prescribed by law.

It should be noted that if the offender does not meet the conditions imposed with regard to his or her conditional discharge, he or she will be required to return before the court.