

Chapter 2: Creating a Juvenile Justice System: Then and Now

MULTIPLE CHOICE

1. Which of the following represents the correct order of legislation introduced to deal with young offenders in Canada in chronological order?
- a. Juvenile Delinquents Act, Young Offenders Act, Youth Criminal Justice Act
 - b. Juvenile Delinquents Act, Youth Criminal Justice Act, Young Offenders Act
 - c. Youth Criminal Justice Act, Young Offenders Act, Juvenile Delinquents Act
 - d. Young Offenders Act, Youth Criminal Justice Act, Juvenile Delinquents Act

ANS: A PTS: 1 REF: 34, 69-70 BLM: Remember

2. According to the text, what was of central concern to the Victorian reformers in the creation of a juvenile justice system?
- a. the rise in criminal behaviour of children and youth
 - b. the desire to save children from harmful family influences
 - c. the protection of middle-class Victorians from the poor, working class
 - d. the conflicts between the emerging capitalist system and traditional family supports

ANS: B PTS: 1 REF: 35 BLM: Remember

3. Who was the lawyer and president of the Ottawa Children's Aid Society who drafted the Juvenile Delinquents Act?
- a. J.J. Kelso
 - b. W.L. Scott

- c. Arthur Lancaster
- d. Bernard Schissel

ANS: B PTS: 1 REF: 35-37 BLM: Remember

4. Which of the following models of juvenile justice best summarizes the principles of the JDA?
- a. justice
 - b. welfare
 - c. restorative
 - d. crime control

ANS: B PTS: 1 REF: 37 BLM: Higher Order

5. Under the JDA, how were youth who were charged with an offence to be treated?
- a. as criminals
 - b. the same as adult offenders
 - c. as citizens under the law
 - d. as misdirected and misguided children

ANS: D PTS: 1 REF: 37 BLM: Remember

6. What does the “*parens patriae*” philosophy of the Juvenile Delinquency Act translate to mean?
- a. keeper of the peace
 - b. role model

- c. parenting by probation officers
- d. parent of the country

ANS: D PTS: 1 REF: 37 BLM: Remember

7. In opposition of the JDA, what new principle was introduced by the YOA?

- a. youth responsibility
- b. protection of the child
- c. individual rehabilitation
- d. parental responsibility

ANS: A PTS: 1 REF: 43-46 BLM: Remember

8. Which of the following is one of the new concepts introduced to the youth justice system by the YCJA?

- a. reintegration
- b. special needs
- c. rehabilitation
- d. limited accountability

ANS: A PTS: 1 REF: 53 BLM: Remember

9. Which of the following justice model principles did the YOA shift toward after subsequent amendments to the legislation?

- a. justice model
- b. restorative model

- c. crime control model
- d. modified-justice model

ANS: C PTS: 1 REF: 48–49 BLM: Remember

10. According to the YCJA, what is the sole purpose of the youth justice system?

- a. rehabilitation
- b. restorative justice
- c. protection of the public
- d. meaningful consequences

ANS: C PTS: 1 REF: 51–52 BLM: Remember

11. In 2006, why did the Supreme Court of Canada rule that deterrence, general or specific, could not be used as a justification for sentencing youth?

- a. It is not a stated principle of sentencing anywhere in the YCJA.
- b. It is not a stated principle of sentencing anywhere in the YOA.
- c. It is not a stated principle of sentencing in the Criminal Code of Canada.
- d. Children have limited accountability so deterrence will not have an effect.

ANS: A PTS: 1 REF: 57 BLM: Remember

12. Which of the following amendments was contained in Bill C-10, entitled the Safe Streets and Communities Act?

- a. It made rehabilitation a primary goal of the act through changes to the YCJA principles.

- b. It requires police to destroy records of when extrajudicial measures are used so that the courts cannot use this information during a case.
- c. It requires courts to ensure the names of young offenders are not published.
- d. It requires all young offenders under 18, even those sentenced as adults, to serve their sentences in youth facilities.

ANS: D PTS: 1 REF: 58-60 BLM: Remember

13. Canadians' perception of children has changed over the last several centuries. During the colonial era to the 19th century, how were children viewed?
- a. possessions and subject to parental authority
 - b. subjects with rights of their own
 - c. vulnerable and in need of state protection
 - d. no longer property of parents but individuals in their own right

ANS: A PTS: 1 REF: 62 BLM: Remember

14. What two features of the YCJA place Canada in violation of Articles 16 and 37 of the UN Convention on the Rights of the Child?
- a. reparation and reintegration
 - b. deterrence and denunciation
 - c. adult sentences and release of information
 - d. pretrial detention and extrajudicial measures

ANS: C PTS: 1 REF: 63–64 BLM: Remember

15. Which of the following terms is used to describe the continual process of law reform common in Western society that has resulted in more punitive reactions to youth crime?
- a. parens patriae
 - b. denunciation
 - c. bifurcated system
 - d. cycle of juvenile justice

ANS: D

PTS: 1

REF: 65

BLM: Remember

SHORT ANSWER

1. Define “probation” and outline why W.L. Scott saw probation officers as playing such a key role under the JDA.

Answer:

Probation—a sentence of the court that involves supervision in the community and sets conditions that must be adhered to if the person is to remain in the community.

Important role of probation officers

- Could conduct investigations for the court, and could represent the interests of the child in court
- Were responsible for supervising children sentenced to probation
- Reform the child and “the whole family” through working with the child in the home, school, and workplace

REF: pg. 39-40

2. Summarize the three distinct stages in Canadians’ perceptions of children.

Answer:

First stage (colonial era to 19th century)

- Children viewed as possessions and subject to parental authority
- Children entitled to the necessities of life but only by default as parents were required by common law to provide for their children

Second stage (Confederation to early 1900s)

- Children viewed as individuals in their own right who were vulnerable and required state protection (*parens patriae*)
- Still viewed as objects in need of care, rather than as individuals with a right to care and protection

Third stage (mid-20th century)

- Children viewed as subjects with entitlements and rights of their own
- Children under the age of 19 are entitled to special protections and the best interests of the child are paramount with regard to protection and rights

REF: 60-62

ESSAY QUESTIONS

1. Compare and contrast the four different models of juvenile justice in terms of their focus, philosophy and view of crime/ delinquency. Which model of juvenile justice do you think is the most effective at reducing crime and why?

Answer:

Welfare model

- Focus: on the individual offender's needs

- Philosophy: best interest of the child and family (*parens patriae*)
- View of crime/delinquency: determined by social, psychological, and environmental factors

Justice model

- Focus: individual rights
- Philosophy: minimal interference with freedoms, right to due process
- View of crime/delinquency: free will, individual responsibility

Crime control model

- Focus: protection of society
- Philosophy: law and order in society are paramount; state responsibility for maintaining order
- View of crime/delinquency: responsibility, accountability, determinate

Restorative model

- Focus: harm caused by crime, repair harm done to victims, reduce future harm by crime prevention
- Philosophy: peacemaking, reparation of past harms, reconciliation between victims, offenders, and communities
- View of crime/delinquency: a violation of people and relationships

REF: 37-38

2. Briefly explain the seven main principles of juvenile justice introduced by the Young Offenders Act.

Accountability

- Young people who commit criminal offences have to assume responsibility for their behaviour.
- Children and youth are held accountable by the justice system, but in limited manner compared to adults.

Protection of society

- This guiding principle of juvenile justice was further entrenched when a 1995 amendment stated that it is a primary objective of criminal law.

Special needs

- Young people have “special needs” because of their immaturity and dependency relative to adults.
- These social and psychological needs of a child are: a safe and secure home environment, parents or guardians who are willing and able to provide for the child’s psychological and physiological needs.

Alternative measures

- Expresses the principle of diversion: where the protection of society is not compromised, measures other than formal court processing should be considered.

Rights of young persons

- In addition to the rights and freedoms guaranteed under the Canadian Charter of rights and Freedoms and the Canadian Bill of Rights, young people have the right to legal representation and the right to be informed as to their rights and freedoms under the act.
- Rules governing statements made to “persons in authority” including police officers, teachers and principals but parents were not usually considered “persons in authority.”

Minimal interference with freedom

- The principle of “least possible interference” encouraged the use of alternative measures/ diversion and it encouraged police officers to divert youth from the system altogether.

Parental responsibility

- Addressed parental involvement with youth and justice proceedings.
- Parents or guardians were required to be notified of their child’s arrest and of youth court proceedings, and they could be ordered to attend court.
- If parents were not considered “responsible” the court could remove children from their parents’ guardianship.

REF: 44-48