

# NEW DIRECTIONS IN YOUTH JUSTICE

Social Studies 11 Activity Guide



Second Edition  
Revised 2002

# NEW DIRECTIONS IN YOUTH JUSTICE: Social Studies 11

## CREDITS

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### Statement of Limitation

Any contradiction, dispute or difference between the contents of the resource and the *Youth Criminal Justice Act* or the Criminal Code of Canada should be resolved only by reference to the most recent consolidation of the Criminal Code of Canada and the *Youth Criminal Justice Act*. Provincial or territorial implementation of policies and programs may vary.

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# NEW DIRECTIONS IN YOUTH JUSTICE

## Who Are We?



The Law Courts Education Society of BC (LCES) provides public legal education to children, youth and adults across the province. Our goal is to increase public understanding of the court system and criminal and civil trial procedures. We believe citizens are better able to preserve and respect the justice system with greater knowledge of its operations and goals.

The LCES works with teachers, community educators, schools, community organizations, service agencies and courthouse personnel. We are committed to reducing the legal barrier through ongoing translation projects; *Courtlink* programs for school children and youth; and public forums on important legal issues for the judiciary, legal professionals, educators and the general public. In the past 10 years, over 500,000 individuals have been involved in our programs.

In 1999, the LCES received the Irwin Cantor Award for innovative programming for the culturally sensitive *Parenting After Separation Program* for Chinese and South-Asian communities. In 1993, we received the National Justice Achievement Award from the National Association of Court Management for innovative work on immigrant legal issues and again in 1995 for work on programs for First Nations community groups.

We are an international leader in public legal education. We have pioneered services for those with special needs, including creating educational materials for service agencies and other groups dealing with the needs of mentally challenged individuals. Most recently, we co-created a series of American Sign Language (ASL) videos for the Deaf community on the operation of the justice system in British Columbia.

# *YOUTH CRIMINAL JUSTICE ACT*

## *Teacher's Notes*

# *Teacher's Notes*

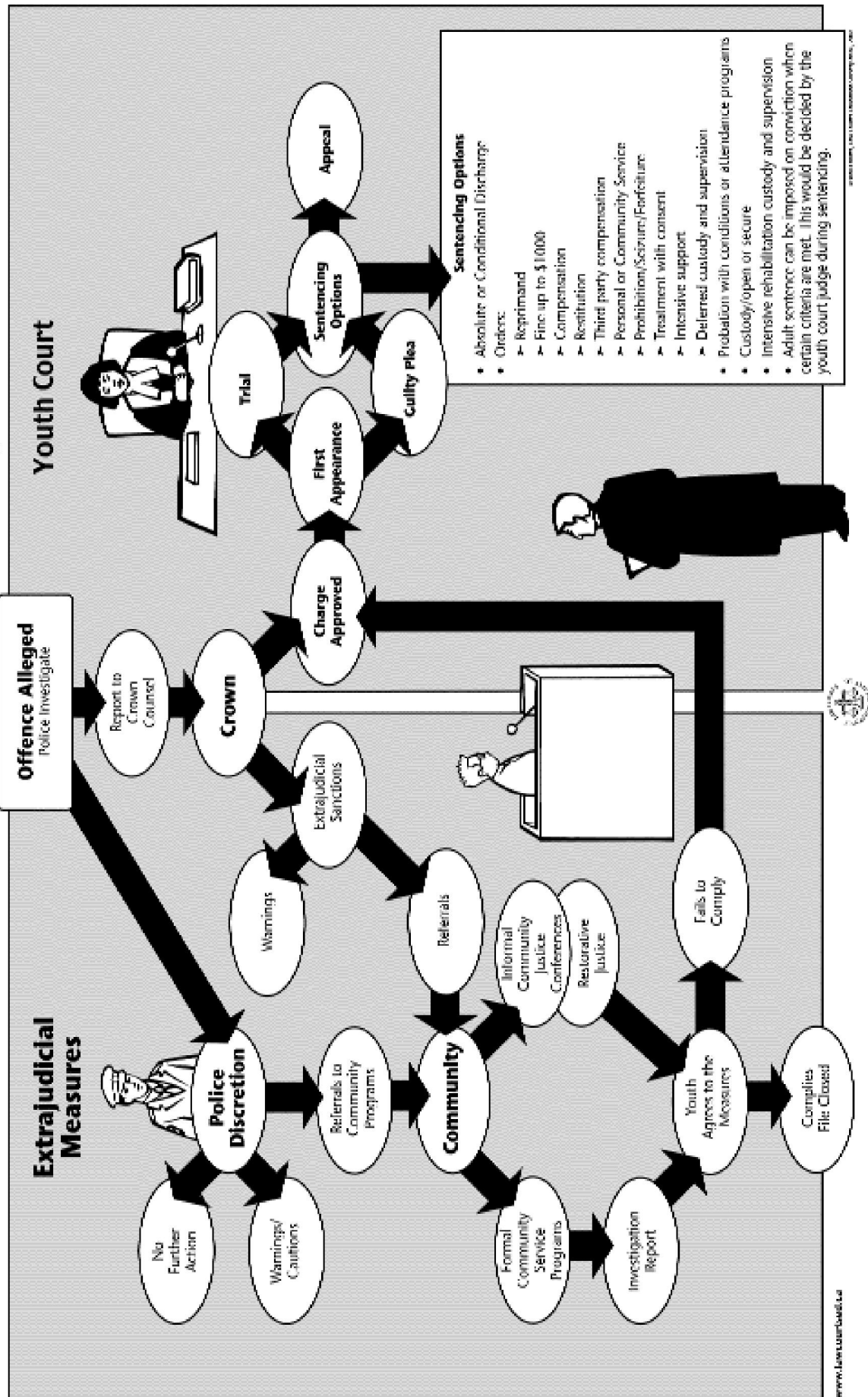
### **Sample Lessons for Grade 11 Social Studies**

#### **RATIONALE**

This material should generate an understanding of the principles of the new directions in youth justice which the federal government has taken by creating the *Youth Justice Renewal Initiative*. The new *Youth Criminal Justice Act (Act)* differs significantly from the old *Young Offenders Act* and is a large part of the Initiative. By having students participate in two meaningful activities, they will become more aware of the breadth and scope of those changes.

Simulations are an excellent way to fully involve the students in gaining an appreciation of the changes. The simulations in this unit involve a conference and a mock trial. They can stand alone as distinct activities or work together as a complete unit. In addition, students can be given appropriate material from the *Youth Criminal Justice Act* including, but not limited to, the handouts included here.

# Youth Criminal Justice Act: The Legal Process



# NEW DIRECTIONS IN YOUTH JUSTICE

## *Basics for Teachers*

# Basics for Teachers

The Federal Government has recently passed the *Youth Criminal Justice Act* (Act) which will come into force April 2003. The principles of the Youth Justice Renewal Initiative (Initiative) and what it accomplishes are set out below as well as a synopsis of the important changes that are part of the new legislation.

Three basic principles of the *Youth Criminal Justice Act* are to prevent crime by addressing the circumstances underlying a young person's offending behaviour, to rehabilitate young persons who commit offences and reintegrate them into society and to ensure that a young person is subject to meaningful consequences for his or her offence. These principles promote the long term protection of the public.

One important point of the new legislation is the distinction between non-violent offenders and violent offenders and between first-time offenders and repeat offenders. Sentencing reflects the plan of the government for the community to become even more involved in the rehabilitation of the young offenders and their reintegration back into the community. This includes more diversion away from the court system by police and the Crown. Community based programs will be an integral and large part of the Initiative. Young people can expect meaningful consequences to be carried out in the community if they become involved in crime. Greater involvement of the victim in the process can help young people to be rehabilitated and reintegrated into the community. However, this will depend on the availability of community programs.

British Columbia has been involved in many of these initiatives. In fact, the *Act* is to some extent, modeled after some B.C. programs that emphasize the notion of restorative justice.

The legislation reserves custody for the most serious and violent offenders or repeat offenders. The seriousness of the consequences will be closely matched to the seriousness of the crime. Youth who are found guilty of attempted murder, murder, manslaughter, aggravated sexual assault, or their third serious violent offence may expect to receive adult sentences. Government services will be implemented by the provinces to increase the likelihood of rehabilitation while in custody and also to ensure that, once released, youth are closely supervised and assisted with their reintegration into society.

### ***Youth Justice Renewal Initiative***

This initiative looks beyond the legislation and the present youth justice system to find ways in which society, as a whole, can address youth crime and its associated concerns.

Canada's youth justice system needs to protect society, command respect and foster values such as accountability and responsibility. It must be made clear to young people that criminal behaviour will lead to serious consequences. Changing the present law is not enough. Canadians must support young people and help them to avoid criminal involvement in the first place or try to help them turn their lives around so they don't become involved in crime.

The Youth Justice Renewal Initiative examines how society and communities can work together to address youth crime by looking, not only at the offenders, but also at the underlying reasons for their involvement in crime.

The Youth Justice Renewal Initiative supports the use of alternatives to the formal court process such as diversion programs. Alternatives can involve the whole community, the person involved, the parents, the teachers, the police and the victims of the crime. Youth will be held accountable and will see the value that the community places on doing something to right the wrong done. These alternatives are called "Extrajudicial Measures and Extrajudicial Sanctions" in the new legislation.

Of course the courts will be used to deal with young offenders who have committed serious offences or young people who are repeat offenders. New and expanded sentences will apply and more emphasis will be placed on their rehabilitation and reintegration.

Community-based court ordered sentences will be encouraged, where appropriate. A community-based sentence could include restitution, compensation for victims and restorative approaches, such as participating in a community justice conference, attendance at rehabilitative programs, community service and community supervision.

Communities will be directly involved with improving the supervision of and the reintegration of violent or repeat young offenders who are released from custody into the community. The new sentences would provide for close supervision and support in the community and would also include attendance orders; intensive support and supervision orders; and deferred custody and supervision orders.

One of the goals of this expanded involvement is to promote safer communities over the long term.

## ***Youth Criminal Justice Act***

This *Act* forms the backbone to the restructuring of the youth justice system. The legislation reinforces the principle that the criminal justice system for young people is different from the one for adults. It provides a clear direction and it establishes a structure for the application of its principles. It also resolves inconsistencies in the present system.

The *Act* recognizes the role of the victim in community based measures as well as in the court process, and includes them in the conference process. The victim's right to information and access to the records of the young offender is established by the *Act*.

## **Key Elements**

### **Principles**

- Prevent crime by addressing the circumstances underlying a young person's behaviour

- Rehabilitate and reintegrate young people who commit offences into society
- Ensure that a young person is subject to meaningful consequences for his or her offence

These principles promote the long term protection of the public.

## Sentencing

Sentencing should reinforce respect for societal values, encourage the repair of harm done to victims and the community, be meaningful for the individual young person and respect the special circumstances of that young person.

- Encourages having fewer young people in the formal justice system and having fewer custodial sentences given for less serious offences
- Creates more options for police and Crown discretion before or during the formal court process. The police and Crown are given statutory authority to refer, caution and warn young people
- "Conferencing" is encouraged where possible to allow the youth to be a participant in a process with victims, family members and others to learn about the consequences of his or her misbehaviour and to develop ways to make amends. Conferences may be convened by the police, the prosecutor, or the judge.
- New sentencing options like a reprimand and intensive support and supervision encourage non-custodial sentences where appropriate and support reintegration
- Wider range of sentencing options to repair harm done
- Encourages community-based referrals to deal with less serious offences
- Provides a clear, consistent and coherent code for youth sentences in order to reflect a fairer approach to sentencing
- Purpose of sentencing is to hold a youth accountable for the offence committed by imposing meaningful consequences and promoting the rehabilitation and reintegration of the youth thereby contributing to the long-term protection of the public
- Punishment imposed must not be greater than the punishment that would be given to an adult in similar circumstances
- Punishment for the same offence, imposed in a region, in similar circumstances should be the same for all youth. The *Act* creates a framework to accomplish this
- Provides that all proceedings against a youth take place in youth court where age-appropriate due process protections apply. A hearing on the appropriateness of an adult sentence will only occur after a finding of guilt and all the evidence about the offence has been heard. The procedure will be speedier, retain age-appropriate due process protections and will be more respectful of the presumption of innocence.
- Presumption that a youth under the age of 18 will serve an adult sentence in a youth facility
- Allows courts to impose adult sentences upon conviction if criteria are met
- Presumes that adult sentences will be given to young people 14 and older who are found guilty of murder, attempted murder, manslaughter, aggravated sexual assault or who are repeat, serious violent offenders, or who have committed an offence for which an adult could receive more than two years in jail. The age limit for the presumption of adult sentences may vary from age 14 to 16 depending on the choice of the province or territory.
- Creates a new intensive rehabilitative custody and conditional supervision sentence (IRCS) for the most violent, high-risk young offenders so that they can get the treatment they need as an alternative to being given an adult sentence. Subject to consent of the Provincial Director for the Ministry of Children and Families.

### Custody and Reintegration

Young people are more likely than adults to be rehabilitated and to become law-abiding citizens. The *Act*:

- Requires that youth be held separately from adults to reduce the risk that they will be exposed to adult offenders
- Requires that all periods of custody be followed by a period of supervision and support in the community to ensure that the youth is closely monitored and that s/he is receiving necessary treatment
- Requires the judge to state in court the portion of time to be spent in custody and the portion of time to be served in the community
- Requires conditions to be imposed on periods of supervision and a reintegration plan for each youth
- States that a youth who breaches the conditions of community supervision could be returned to custody
- Gives flexibility to the provinces when determining the level of security for custody and when to move the young offender who has reach the age of adulthood while in custody to an adult facility
- Encourages continuity between the custody and the community portions of the sentence through increased reintegration planning throughout the whole sentence
- Encourages the community and community agencies to participate in and to take an active role in the reintegration of young offenders

### Publication and Records

The *Act* strives for a balance between transparency in the justice system and the need for young people to be protected from negative publicity during their rehabilitation. Publication of names will be allowed when:

- A youth receives an adult sentence
- When a youth receives a youth sentence for murder, attempted murder, manslaughter, aggravated sexual assault, or has a pattern of convictions for serious violent offences unless the judge rules otherwise
- It is necessary to apprehend a young offender, under court order, who is at large and is a danger to others
- Is permitted only after the young person has been found guilty.

#### Non-Court Responses:

By Police:

#### Extrajudicial Measures

taking no further action

warning

caution

referral to a community based agency

By Crown:

Extrajudicial Sanctions

warning

referral to a community based agency

For more information look on the website [www.lawcourtsed.ca](http://www.lawcourtsed.ca)



## Statistics on Youth Crime

All figures are from the Department of Justice.

### Youth crime is decreasing in Canada

- Convictions for youth crime went down 23 per cent between 1991 and 1997.
- Youth crime was 26 per cent of all crime in 1991. By 1997 it was 20 per cent.
- The rate at which youth are being charged with offences is declining. It went from 71 per 1,000 youth in 1991 to 47 per 1,000 youth in 1997.

### What kinds of crime do youth commit?

- In 1997, 18 per cent of youth crime was violent crime.
- The charge rate for violent crime by youth has fallen slightly. In 1994 it was 11 charges per 1,000 youth. In 1997 it had dropped to 10 charges per 1,000 youth.
- Currently 82 per cent of all youth crime is "non-violent." That includes offences such as car theft, drug possession and shoplifting.
- The charge rate for "property-related" crime by youth has fallen by almost half. In 1991 it was 91 charges per 1,000 youth. In 1997 it had dropped to 52 charges per 1,000 youth.
- The charge rate, for things like prostitution, gaming and disturbing the peace, fell 15 per cent between 1991 and 1997.

*What this means:* The Youth Criminal Justice Act distinguishes clearly between

- serious violent offenders, which are in the minority, and
- non-violent offenders

### At what age do youth commit crime?

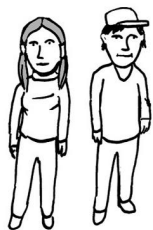
Older youth are more likely to become involved in criminal acts. In 1997, the age breakdown was as follows:

- 24% of crimes committed by youth, were committed by those 17 years of age
- 24% of crimes committed by youth, were committed by those 16 years of age
- 22% of crimes committed by youth, were committed by those 15 years of age
- 15% of crimes committed by youth, were committed by those 14 years of age
- 8% of crimes committed by youth, were committed by those 13 years of age
- 3% of crimes committed by youth, were committed by those 12 years of age

One half of youth crime is committed by youth who are 16 or 17 years of age. The other half involves youth under the age of 16.

### Which youth gender is more likely to commit violent crimes?

Young men are still more than twice as likely to be involved in violent crime than are young women. In 1997, male youth had a violent charge rate of 14 per 1,000 compared with 6 per 1,000 for females.



*What this means:* Although youth crime has decreased generally, violent crime amongst youth is still higher than it was 12 years ago. These figures indicate that the law dealing with youth crime needs to look at different options for different age groups, genders and categories of offences. This is what the new *Youth Criminal Justice Act* does.

# Lesson 1: Comparison of the *Young Offenders Act* to the *Youth Criminal Justice Act*



**Objective:** To compare and contrast the new legislation with the old legislation.

**Time:** One class period.



Students should begin by examining materials included in this unit on the following pages which compare the old *Young Offenders Act* and contrast it with the new *Youth Criminal Justice Act* (pages 2-3). A discussion of the merits of the changes is in order. This helps the students to establish an appropriate criteria against which to measure the new *Youth Criminal Justice Act*. This criteria can be reviewed again at the end of the activities. Use the information about the *Youth Justice Renewal Initiative* and the *Youth Criminal Justice Act* found on pages 4 and 5 as a basis for this discussion.

# NEW DIRECTIONS IN YOUTH JUSTICE

## HIGHLIGHTS OF THE NEW LEGISLATION

Comparison of:	<i>Youth Criminal Justice Act</i>	<i>Young Offenders Act</i>
<b>PRINCIPLE</b>	<ul style="list-style-type: none"> <li>• Has a clear statement of what the Act is about and why it exists. The principles include the protection of society, the prevention of crime, accountability of youth offenders, social values, proportionality of sentences, rehabilitation and reintegration, protection of youth rights and respect for victims.</li> <li>• Includes guidance for police, prosecutors, judges and others at the different stages of the process.</li> </ul>	<ul style="list-style-type: none"> <li>• Contains similar themes but lacks specific principles and guidance at the different stages of the youth justice process.</li> </ul>
<b>MEASURES OUTSIDE THE COURT PROCESS</b>	<ul style="list-style-type: none"> <li>• Creates a presumption that measures other than court proceedings should be used for a first, non-violent offence.</li> <li>• Is clear about why and how to use measures or sanctions as alternatives to the court process.</li> <li>• Encourages use of extrajudicial measures and extrajudicial sanctions when they are adequate to hold a young person accountable.</li> <li>• Authorizes the police to use measures such as warnings, cautions or referrals.</li> <li>• Authorizes Crown to use measures such as cautions and referrals where the offence is less serious.</li> <li>• Authorizes Crown to use extrajudicial sanctions such as cautions and referrals where the offence is more serious or where there is a repeat offender as long as certain conditions are met.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not create a presumption that other measures than court proceedings should be used for minor offences.</li> <li>• Provides less direction on how to use alternative measures to the court process, and when they are appropriate.</li> </ul>
<b>YOUTH SENTENCES</b>	<ul style="list-style-type: none"> <li>• Custody reserved for violent or repeat offenders.</li> <li>• Says that the purpose of youth sentences is to hold youth accountable. Includes other principles, including the importance of rehabilitation and proportionality in sentencing.</li> <li>• New options like a reprimand, intensive support and supervision encourage non-custodial sentences where appropriate and support reintegration.</li> <li>• Other new options, such as intensive rehabilitation custody and conditional supervision are aimed at helping serious violent offenders.</li> </ul>	<ul style="list-style-type: none"> <li>• No restriction on use of custody.</li> <li>• Contains no statement of the purpose of sentencing.</li> <li>• Has no requirement for community supervision following custody.</li> <li>• Does not have the same range of sentencing options.</li> </ul>
<b>ADULT SENTENCES</b>	<ul style="list-style-type: none"> <li>• Courts can impose an adult sentence.</li> <li>• The lowest age for an adult sentence is 14.</li> <li>• An adult sentence is presumed to be appropriate if the youth was 14 or older when he or she committed the serious violent crime. These crimes are called presumptive offences and include murder, manslaughter, attempted murder and aggravated sexual assault.</li> <li>• A pattern of at least three serious repeat violent offences or any offence for which an adult could receive more than two years in jail are factors in adult sentencing.</li> <li>• Attorney general seeking an adult sentence must give notice to youth before plea and with leave of the court before trial.</li> <li>• The Crown can renounce the application of the presumption of adult sentence. In this case, the judge who finds the young person guilty has to impose a youth sentence.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires a court hearing before youth can be transferred to adult court. This can cause lengthy delays before trial.</li> <li>• The courts presume they can give youth 16 or older an adult sentence if they are convicted of a serious offence.</li> <li>• Has no specific provision for considering the pattern of repeat violent offences but the Crown can request an adult sentence for any offence for which an adult could be sentenced to more than two years in custody.</li> <li>• The Crown cannot renounce the application of the presumption of an adult sentence.</li> </ul>

**Comparison of:** *Youth Criminal Justice Act*

*Young Offenders Act*

**PUBLICATION OF OFFENDER'S NAME**

- The youth's name can be published if the youth gets an adult sentence.
- The youth's name can be published if the youth gets a youth sentence for a presumptive offence — unless the judge decides otherwise or the Crown decides not to ask for an adult sentence.
- The youth's name can be published under court order if it is necessary to apprehend the youth who is at large and she or he is a danger to the public.
- Permitted only after the young person has been found guilty.

- The youth's name may not be published if the youth gets a youth sentence, even in cases of repeat or violent offences. If a youth is transferred to adult court then the name can be published.
- Permitted before the youth is found guilty.

**VICTIMS**

- Victims' concerns are now recognized in the principles of the Act.
- Victims have the right to request access to certain youth records.
- Victims have a role in formal and informal community-based measures for the offender.
- Victims have a right to request information about measures or sanctions used for the offender that do not involve going to court.
- Victims have a right to information about proceedings and a right to be given an opportunity to participate and be heard.
- Victim impact statements can be submitted at the time of sentencing.

- The principles of the Act do not mention victims.
- Victims must ask for access to youth records.
- There is no formal recognition of the victim's role.
- No right of victims to information on alternate measures taken.

**VOLUNTARY STATEMENTS TO POLICE**

- Voluntary statements can be admitted into evidence, despite technical violations of the protections for young persons.

- Any violation of protections means the statement cannot be admitted into evidence.

**INVOLVING PARTNERS (CONFERENCES)**

- Allows advisory groups or "conferences" to advise police officers, judges or other decision-makers.
- Conferences may include parents of the young person, the victim, community agencies or professionals.
- Conferences may advise on appropriate informal measures, conditions for release from pre-trial detention, appropriate sentences and conditions, and reintegration plans.

- There is no similar provision.

**CUSTODY AND REINTEGRATION**

- The province has more discretion to determine the level of custody. This may make the system more efficient.
- Ensures that all youth with custodial sentences will also serve a period of supervision with conditions in the community. Youth can be returned to custody if they do not keep these conditions.
- Increases planning for the reintegration of youth and encourages the community to take an active role in that reintegration.
- A plan for reintegration in the community must be prepared for each youth in custody.
- Reintegration leaves may be granted for up to 30 days.

- Youth court determines the custody level at the time it imposes the sentence.
- The decision to transfer a youth to a different custody level is made by youth court only.
- Youth with custodial sentences may also serve a period of supervision in the community with conditions, but there is no requirement that there be supervised reintegration after custody.
- No requirement to plan reintegration during custody.
- Temporary leaves may be granted for up to 15 days.

# YOUTH CRIMINAL JUSTICE ACT

## Basics for students



**Introduction:** The *Youth Criminal Justice Act* applies to young people who are 12-17 years old. Offenders are referred to as "young persons". The overall purpose of the *Act* is to make the public feel safe. Young people must be accountable for their actions which means that they must face the consequences for their wrong-doings. The consequence for the crime must be proportionate to the seriousness of the crime. That means that more serious crimes should have more serious consequences.

### Principles of the Act

- Prevent crime by addressing the circumstances underlying a young person's behaviour
- Rehabilitate and reintegrate young people who commit offences into society
- Ensure that a young person is subject to meaningful consequences for his or her offence

These principles promote the long term protection of the public.

**What Does the New Law Do?:** *The Youth Criminal Justice Act* establishes a fair and effective youth justice system. Serious and repeat offenders will be dealt with more severely. There are many choices or options in sentencing. Victims, parents and the community are encouraged to become involved in the process whether it is in court or not.

**Legal Rights:** The accused youth has all the extra protections under the law such as the right to remain silent, the right to know the reason for arrest and the right to retain legal counsel. The youth is entitled to legal counsel at arrest, at trial and when a sanction is being used. As well, a youth is entitled to have an adult or parent present when being questioned by the police. Youth can also waive their rights under the *Act*.



**Violent and Repeat Offenders:** Serious violent crimes occur when someone gets hurt as a result of a crime or if there is a serious risk of someone being hurt. For example, a robbery in which no one was injured could be considered "violent" if a gun, or even a replica of a gun, was used as a threat. A youth is a "repeat offender" if s/he has committed a crime before. An adult sentence can be given to a youth 14-17 years old if that person has been convicted of one of four serious violent offences or if the youth has a pattern of convictions for violent offences, or if the offence is one for which an adult could receive more than two years in jail. This means that when a youth (14, 15, 16 or older) commits attempted murder, murder, manslaughter, aggravated sexual assault or a third serious violent offence an adult sentence shall be imposed if the youth is found guilty. The trial is always held in youth court. A province may fix an age greater than 14 years but not more than 16 years for the purpose of the application of the provisions relating to these presumptive offences. The *Act* can provide for a sentence that includes special supervision if the youth has committed one of the more serious crimes. This special supervision is called "intensive rehabilitative custody." The maximum youth sentence in the *Act* is ten years for first-degree murder, six years served in custody and four years under supervision. The *Youth Criminal Justice Act* states that the media may publish the name of a youth who has been convicted of a serious violent crime and has received an adult sentence. If the youth does get an adult sentence for a serious violent crime then the records are treated in the same way as if the youth were an adult.

**Non-Violent Crime and First Time Offenders:** Most youth who commit crimes are either non-violent or first time offenders. Non-violent and first time offenders will have a range of options other than going to court such as police warnings or police or Crown diversion programs. *Extrajudicial Measures* and *Extrajudicial Sanctions* may place young people who offend into programs that will help address their problems and they may also provide an opportunity for restitution to the community. If they go to court sentences could include doing something for the victim to make up for the crime or doing some form of community service.

**Custody as a Consequence:** Keeping people in custody has been shown not to be the best approach for rehabilitation. When people are released they might commit further crimes because they have not broken their old habits or they have learned bad habits from other offenders. Therefore, alternatives to custody should be considered for youth.

**Alternatives to the Formal Court Process:** "*Extrajudicial Measures* and *Extrajudicial Sanctions*" are designed to solve problems and to keep young people out of the court system by having them take responsibility for their actions and, where appropriate, take other action such as to apologize, to attend counselling, to make restitution, among others. These extra-judicial measures and sanctions are often more meaningful and can help the youth focus on repairing the harm done to the victim and to the community.



**Restorative Justice:** Restorative justice means that those who are involved in a crime - victims, victims' families, youth who offend and the community - are encouraged to reconcile, restore and repair relationships and situations.

**Rehabilitation:** Rehabilitation means that young offenders must take steps to address some of his/her problems. This *Act* believes that young people must be held accountable for their crimes. However, because of their age, young people are less set in their ways and they are more likely to respond to treatment programs and to be successfully rehabilitated and become law-abiding citizens. The *Act* underscores the importance of rehabilitation programs such as drug and alcohol counselling, anger management programs and job training.

**Reintegration:** Reintegration means that the youth must learn to fit back into his/her community. The *Act* makes this a priority. All custodial sentences will include a period of supervision in the community following the period of custody. Reintegration planning will be required for all youth in custody. There may be some rules that the youth must follow. The youth may have to attend school, obey a curfew, not associate with certain people, not use drugs or alcohol and attend anger management or drug and alcohol counselling. If these conditions are followed while the youth is being closely supervised and supported then the youth has a better chance of not committing a crime again during this critical period.

**Consequences of Having a Criminal Record:** The convicted youth would have a criminal record for up to five years after s/he has completed his/her sentence or ten years if a violent offence. If s/he commits another offence within that time period then the previous offence could be addressed in court especially in sentencing. Even a "closed" youth record can be reopened by the court at a later time if more offences are committed. A convicted youth may not be able to travel to another country or secure certain types of employment if they have a record. What youth need to realize is that their young offender criminal record will not automatically disappear after they reach the age of 18. These are serious consequences for youth.

## Lesson 2: Pre Simulation Activities

**Objective:** To research media for a variety of current cases involving youth.

**Time:** Few weeks prior to this for research and one class period for discussion.

### The Newspapers



Students should collect newspaper articles for about a month prior to the conference and the mock trial on youth crime. Students can look at the various events portrayed in the articles and discuss them. Among the points of discussion would be the facts in the case (who, where, why, what, when and how) and whether or not there is enough evidence to proceed to trial. Based on the newspaper articles, students could formulate questions and practice responses to the questions above. They could decide what offence the person would be charged with, how the Crown might proceed and what would be a viable defence. Students could work in pairs or in groups of four in these sessions.

## Lesson 3: Community Justice Conference



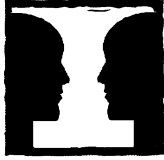
**Objective:** The students will learn about extrajudicial measures as an example of what may happen to a shoplifter under the *Youth Criminal Justice Act*. The goal of this first simulation is for the students to understand the complexities of the situation and then to come up with a plan of action to assist the accused.

**Time:** Two lessons in class and one homework session.



### "The Shoplifters" — A Simulation

**Goal:** to ensure that the girls do not re-offend and to offer restitution to the store owner.



## Fact Pattern “The Shoplifters”

### The Event

Marie and Patricia, both aged 13, were hanging around on a Saturday. They passed the local mall and as they love to go to the mall they went in. Marie had very little money but she and her friend liked to window-shop. Sometimes they also tried on clothes in the stores. One Saturday, in one of the stores, Patricia put on an expensive sweater and covered it with her coat and walked out without paying. The clerk caught her and Marie and called their parents as well as the police.



### Evidence of Anne Rogers, the store clerk

I saw two girls walking into my department at the store. It was on Saturday at about 2 pm. They started trying on clothes and then went out of my sight. They were in the sweater department and when they returned with nothing I was beginning to get suspicious. When they were walking away I saw a sweater hanging down from one of the girl's coats. The sweater cost \$90. Our department is right next to a store exit. I ran outside and yelled at the girls to stop and they did. I called the store security. They admitted they'd stolen the sweater. The store security called the police.

### Group Activity

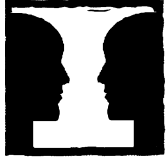
At this point, the class is divided into groups and the question is asked, "What shall we do with the girls?" The teacher asks students to develop the roles for the conference.

Each group comes up with suggestions as well as additions to the situation. Combining the ideas from all the groups creates a composite situation. For example, it might turn out this is not Patricia's first offence or that Marie's family has recently immigrated from Russia. Siblings and classmates may be added to the scenario.

### Homework

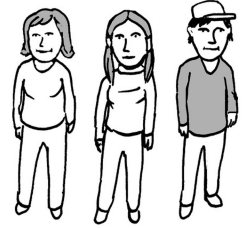
Students take one of the characters in the scenario and create a profile for that person. For the next class, each student should be prepared to participate in a group conference to elicit more information and to determine the fate of the girls.

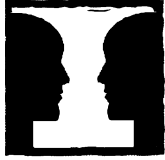
The class can develop profiles of each of the people involved (similar to theatre sports) or the profiles presented here can be used. The variations in the roles may include, but not be limited to parents, siblings, defendant, accomplices and the victim. Roles may include persons over 12 years, under 12, a first-time offender or a repeat offender.



## Examples of Student-Developed Profiles

1. Patricia Blunt, accused. Bright. Unmotivated. Likes excitement.
2. Joseph Blunt, Patricia's Dad. Unemployed accountant. Came from Italy when he was 7. Physically fit. No drugs. Married to Maureen.
3. Maureen Blunt. Patricia's Mom. Librarian. Good cook. Patricia's grandmother also lives with them. Patricia has a dog. Maureen does yoga, likes to read. Patricia has ballet classes. Close family.
4. Bruce Blunt. Patricia's brother, age 23. In trouble with the law. Shoplifting. Drugs. Military school. Just back from a few months in jail. Patricia adores him.
5. Marie Mason: accused. Good student. Well liked by peers. Since father's death has become depressed. Angry at mother who has new boyfriend.
6. Tamera Mason. Marie's mother. Works full time, husband died in industrial accident. Has new boyfriend.
7. Brian O'Neil. Tamera's boyfriend. Works at steel mill. Long days. Busy. Smokes. Lives with Marie's Mom. No time for Marie. Messy but wants someone to keep house clean. Expects Marie to do cleaning.
8. Michelle Dixon, school teacher. Teaches both girls. Patricia is not doing well at school although Michelle feels that she is very capable. Marie is a hard worker and follows Patricia's lead.
9. Catherine Smith, police officer, 29. Married but new to Vancouver. However, has seen Patricia several times regarding thefts.
10. Elizabeth Park, friend of Marie's. Gone to school together since Kindergarten. Both on basketball team. Feels Patricia is a bad influence.
11. Anne Rogers, store clerk, Grade 12 student. Good grades, busy life. However, was able to find an after-school job as a clerk at the mall and to squeeze it into schedule to gather money for university.
12. Elizabeth Guide, school counsellor. Has worked with both Marie and Patricia.



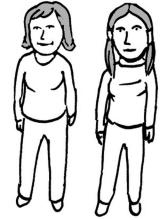


## Facilitating the Community Justice Conference

As this will be a simulation, the situation will develop as the students create it. One of the rules of a simulation is that once someone has declared that a piece of information is so, it becomes a fact and may mean that the other participants must adjust their stories. This simulation can be done as a class, or smaller groups within the classroom can perform the conference. Assign students to perform the various roles they have developed in the composite situation.

**Facilitator:** (Teacher or student)

**Goals:** Restate the two goals: ensure the girls do not re-offend and have them offer restitution to the store manager.



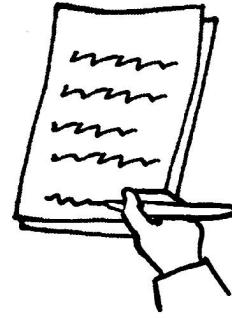
**Circle:** Have the students sit in a circle for the conference. With a larger class assign roles to some of the class and they can sit in the circle. The remaining students can sit behind and act as observers with specific students assigned to observe specific roles.

**Action and Affect:** Each person who is part of the conference will be asked to speak saying who they are and what information they have to offer. The facilitator should ask the two girls to speak first and explain what they have done and that they are sorry and take full responsibility. The facilitator then goes around the circle to have the other participants talk about how the actions of the two girls affected them and what things they had to do as a result. For example, the police officer would have to write a report and also look into the possibility of having a conference as well as having to contact the girls' parents and take detailed witness statements. This might have prevented him or her from dealing with more serious police matters. During this part of the conference, the family tensions will be revealed.

**Meaningful Consequences:** After each person has spoken, the facilitator then goes back to the two girls and asks them what they think they could do to repair the harm done by their actions. The facilitator will also ask all the other participants in the conference to voice their opinions as to what should be done as a meaningful consequence. The students will probably come up with many different alternatives. Some possible resolutions might include:

# The Shoplifters

- restitution to the store and a letter of apology
- compensation to the store for the cost of having to have security people (\$250 is what the stores are charging offenders as an alternative to being sued in civil court)
- service to the store
- community service perhaps in recycling
- treatment programs such as family counselling
- prohibition order regarding sibling and friends
- Marie to boarding school
- Patricia to change schools



The facilitator could also ask for solutions from the rest of the class.

**Formalizing the Consequence:** Once the appropriate consequences have been decided by the group, the facilitator would ask the two girls if they would be willing to accept them. If so, then the consequences would be written down and signed by all the participants in the conference. It would be important to put time lines for completing the consequences in this agreement.

**Closing Discussion:** Do you think the goals of the *Youth Criminal Justice Act* were met by the solution arrived at in the community justice conference? Explain.

**Note:** Under the *Victims of Crime Act*, the store is not considered a victim. In this incident, the clerk would not be considered a victim either.

# Lesson 4: The Gang Wannabes Home Invasion – Mock Trial



## Objective:

- To examine the consequences of a serious violent crime and its impact on youth under the new *Youth Criminal Justice Act*
- To integrate the new materials in a meaningful activity which familiarizes students with the workings of the courts

## Time:

Preparatory lesson and two periods for the mock trial.

It is assumed the students have participated in lessons 1 to 3 as a way of familiarizing them with the *Youth Criminal Justice Act*.



## The Roles of the Participants

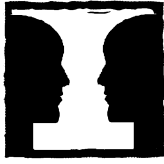
The defendants can be tried separately or together. If it is a large class, the teacher may wish to have two trials.

There are roles for 27 students. These include two Crown lawyers, four Crown witnesses, two defence lawyers, four defence witnesses, a judge, a court clerk, the sheriff and the twelve people of the jury. More witnesses could be added if more roles are needed.

Each witness is responsible for developing a witness statement. The goal of this trial is to give the students experience participating in a mock trial. Therefore the students may develop the statements or the statements given here may be used. However, these should not be restrictive and there should be ample room in the trial for the imagination of the students to come into play.

The lawyers work with their witnesses to develop the lines of questioning. Each side shares information with the other in disclosing what will be discussed. Witness statements should be exchanged.

The trial itself proceeds as on the following handout.

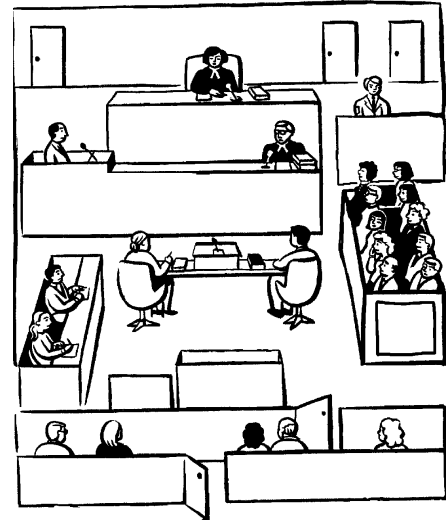


# Criminal Mock Trial – Non-Scripted



## *Regina v. Louis Warn and Brian Kent*

**Issue:** Are Louis Warn and Brian Kent guilty of break and enter and manslaughter?



### (A) Participants

#### Required:

- 1 Judge
- 1 Court clerk
- 10 – 12 Jury members
- 2 Crown counsel  
(lawyers for the government)
- 2 Defence counsel  
(lawyers for the accused)
- 4 Crown witnesses:
  - Edith Montgomery ..... home owner / wife of victim
  - Jenny McDonald ..... tenant in basement
  - Dr. Bruce Gelfer ..... pathologist
  - Constable Martin Lum .... police officer / gang expert
- 4 Defence Witnesses:
  - Sylvia Wang ..... paramedic
  - Vanessa Kent..... mother of accused
  - Arthur Grimes ..... vagrant
  - Brian Kent ..... the accused

#### Optional:

- Sheriffs
- Journalists
- Court artist

### (B) Exhibits Required

- Scale model of house or drawings

### (C) Parts

- (1) Indictment
- (2) Instructions to Teacher
- (3) Theory Sheet
- (4) Trial Procedure Sheet
- (5) Witness Evidence Sheets
- (6) Examination of Witnesses
- (7) Exhibit (to be provided by defence counsel)
- (8) Sentencing: Victim Impact Statement of Mrs. Montgomery

CC991410

IN THE SUPREME COURT OF BRITISH COLUMBIA

CANADA  
PROVINCE OF BRITISH COLUMBIA/  
PROVINCE de la COLOMBIE-BRITANNIQUE  
CITY OF VANCOUVER / VILLE DE VANCOUVER

HER MAJESTY THE QUEEN/SA MAJESTÉ LA REINE

AGAINST/CONTRE

LOUIS WARN

And

BRIAN KENT

INDICTMENT  
ACTE D'ACCUSATION

**Louis Warn and Brian Kent stand charged /sont inculpés**

**COUNT 1:** THAT, at or near the City of \_\_\_\_\_, Province of British Columbia, on or about the 19th day of November, 20\_\_, they did break and enter a place, a dwelling place, situated at \_\_\_\_\_ Street, with intent to commit an indictable offence therein, contrary to Section 348(1)(b) of the *Criminal Code of Canada* and against the peace of our Lady the Queen her Crown and Dignity.

**COUNT 2:** THAT, at or near the City of \_\_\_\_\_, Province of British Columbia, on or about the 19th day of November, 20\_\_, they did unlawfully kill Howard Montgomery and thereby commit manslaughter, contrary to Section 236(b) of the *Criminal Code of Canada* and against the peace of our Lady the Queen her Crown and Dignity.

**DATED this/Fait le** \_\_\_\_\_ **day of/jour de November, 20\_\_, at the City of Vancouver/Ville de Vancouver, Province of British Columbia /Province de la Colombie-Britannique.**

\_\_\_\_\_  
**Crown Counsel and Agent of the  
Attorney General of British Columbia  
Agent du procureur general pour la  
province de la Colombie-Britannique**

## INSTRUCTIONS FOR THE TEACHER

- (1) All students involved should receive a copy of the **Trial Theories** and the **Trial Procedure**.
- (2) Select students for roles in the trial or select teams and let the students decide which roles they will play.
- (3) Provide each student with the appropriate copy of the witness role sheet for the part she or he is to play. All "witnesses" should be asked to review this information and be prepared to answer questions from both Crown and defence counsel during the trial. They can memorize their evidence or read from the sheet and can develop the story of that witness with the help of counsel and the teacher.
- (4) Provide each student who is a Crown or defence counsel with a copy of all witness role sheets and exhibits. Decide which witnesses each counsel will be questioning in either direct or cross-examination.
- (5) The student playing the part of the judge should receive a copy of his or her **Role sheet**, the **Trial Procedure** and the **Trial Theories**. An opening statement and charge to the jury should be prepared by the judge. The judge should also prepare appropriate sentences if the accused are found guilty.
- (6) The student playing the part of the court clerk should receive the **Trial Procedure** and his or her **Role sheet** and also know the names of each witness.
- (7) The jury members should receive their **Role sheets** but otherwise keep the facts of the case from them so that the trial will be more realistic.
- (8) The gender of all witnesses may be either male or female, as indicated throughout the following pages. You can change the names of the witnesses if necessary.
- (9) Instruct the class briefly on the techniques of direct examination and cross-examination. Remind the students that leading questions may not be asked during direct examination but they may be asked during cross-examination. Essentially, "leading questions" are those questions that put the answers to the witness.



## Trial Theories

Before reading the role sheets of the witnesses in this trial you should know the two opposing theories of the Crown and the defence.

### Crown Theory

Crown counsel (lawyers for the government) will present witnesses to show the two accused did unlawfully break and enter Mr. Montgomery's home and kill him. The evidence will show that once inside, the two accused encountered and struggled with Mr. Montgomery and he fell to the ground and died. The two were seen by Mrs. Montgomery leaving the house. The evidence will show the injuries to Mr. Montgomery were received while fighting and are not consistent with a fall. Another witness will also state the two accused were near the house on the night of the incident. The police officer will testify that Louis Warn is a member of the Wannabes gang.

### Defence Theory

Defence counsel will present a separate case for each of the accused.

Brian Kent will testify that he and Louis entered the house through an open window looking for food and he did not see either of the Montgomeries. Louis Warn will not testify and offer an excuse. The defence will call the paramedic to say the injuries were consistent with a fall. A vagrant will also say he found a ski mask similar to the one used in the break and enter but he found it before he saw the two accused that night. Evidence of the layout of the inside of the house will be presented to show that Mrs. Montgomery could not have seen the two accused leave the house.

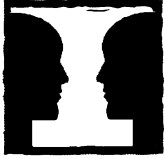
Students playing the part of counsel should study each of the witnesses' role sheets. Counsel should prepare a list of questions to ask their own witnesses to help prove their theory as set out above.

Next, counsel should prepare a list of questions to ask the other side's witnesses to show the other side's theory is incorrect.

### Sentencing

During the sentencing, victim impact statements can be provided to the court. Under the *Victims of Crime Act*, the deceased victim's family can complete a victim impact statement. Please refer to the sample of Edith Montgomery's victim impact statement (page 22). Also, Mrs. Montgomery and her family could apply for Criminal Injuries Compensation to cover such things as burial expenses and counseling.

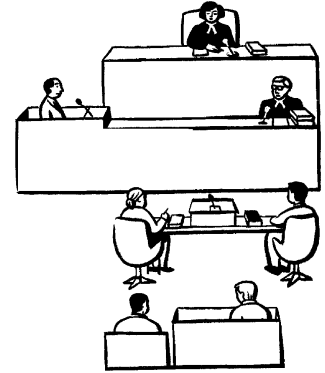
Review "The *Youth Criminal Justice Act* — The Legal Process" on page iii for sentencing options.



## Criminal Trial Procedure

Courtroom - prior to the trial: counsel—Crown and defence, sheriff, accused, court clerk

1. Jury enters and is seated in the jury box by the sheriff.
2. The case starts with the sheriff calling "**Order in court. All Rise.**"  
Everyone stands. The judge enters and takes his or her seat. Everyone sits down.
3. The court clerk calls the case: "**Regina versus \_\_\_\_\_**" (names or name of the accused).
4. Crown counsel and defence counsel introduce themselves to the judge.



**"My Lord/Lady, Jim Jones appearing for the Crown. Jones spelled J-O-N-E-S, initial J. for the record."**

5. The court clerk stands and says to the accused, "**Please stand.**"  
The charge/s (the indictment) is read: "**You \_\_\_\_\_ and \_\_\_\_\_ (accused name/s) stand charged that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, you did unlawfully \_\_\_\_\_ (read the Indictment). Having heard the charge how do you plead, guilty or not guilty?**"
6. Each of the accused pleads "**Not guilty.**"
7. The court clerk says to the accused, "**Be seated.**"
8. The judge makes the opening address to the jury and then asks the Crown to proceed.
9. The Crown makes an **opening statement** (overview of case: theory, evidence and witnesses) to the jury.
10. The Crown calls his or her first witness by saying: "**The Crown wishes to call Mrs. Montgomery to the stand, My Lord/Lady.**"
11. The deputy sheriff will say: "**Mrs. Montgomery to the stand.**"
12. The court clerk swears in the witness who is standing in the witness box by saying: "**Do you swear that the evidence you shall give shall be the whole truth and nothing but the truth, so help you God?**"  
Or by affirming the witness as follows: "**Do you solemnly affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth.**"
13. The witness will say: "**I do**" or "**I affirm.**"
14. The court clerk will say: "**State your name and spell your last name for the record.**" After the witness spells his/her name the court clerk will say: "**You may be seated.**"

# Mock Trial

15. Crown counsel will conduct the direct examination and when finished will say: "**No further questions, My Lord/Lady.**"
16. Defence counsel will cross-examine the witness and when she or he is finished, will say: "**No further questions, My Lord/Lady.**"
17. The same procedure is followed with **Jenny, Dr. Gelfer and Constable Lum** and when all the Crown's witnesses have testified, Crown counsel will say: "**That concludes the Crown's case.**"
18. Defence counsel makes an **opening statement** to the jury.
19. Defence counsel calls witnesses **Sylvia, Vanessa, Arthur and Brian** to stand in similar manner to the Crown. The Crown will cross-examine each of those witnesses after the direct examination by defence counsel.
20. Defence and Crown counsel each make a **closing statement** (summary of testimony given at trial and how it either proves that the accused is guilty or innocent.) Defence counsel goes first followed by the Crown.
21. The judge instructs the members of the **jury** on their responsibilities, the evidence and the law.
22. The deputy sheriff says "**All rise**" and the judge and jury leave. The jury goes to the jury room to decide on a verdict.
23. When the jury is ready with the verdict the deputy sheriff says, "**Order in the Court, all rise.**" The jury returns to the courtroom and then the judge enters.
24. The court clerk asks for the verdict by saying: "**Mr./Madam Foreperson, what is your verdict as to the accused \_\_\_\_\_ on Count 1 and Count 2?** (Ask for it on other counts if there is more than one.)
25. The **jury foreperson** responds with the verdict to the court clerk who then says to the judge: "**The jury finds the accused \_\_\_\_\_ not guilty/guilty.**"
26. The clerk then says: "**Members of the jury, hearken to your verdict as the court doth record it. You find the accused \_\_\_\_\_ not guilty/guilty. This is your verdict, so say you all. Please stand to confirm your verdict.**" (The members of the jury stand.)
27. The judge thanks the jury for their involvement in the trial process and releases them from their obligations.
28. If the verdict is **not guilty**, the accused may go free. If the verdict is **guilty**, the Judge asks Crown counsel and defence counsel to **speak to sentence** by telling the judge any special circumstances and what they feel would be a reasonable sentence.
29. The judge then **sentences** the accused.
30. The court clerk says, "**Order in court, all rise.**" Everyone stands, the judge leaves and the trial ends.



## Witness Evidence Sheets

### The Event

Two youths (ages 14) participate in a home invasion. One is a repeat offender and one is involved for the first time. An elderly couple is at home during the invasion and attempts to defend the property. During the course of the invasion, one of the elderly people is killed. Subsequent exploration reveals that the repeat offender is a gang member and the other youth wishes to join his gang. Under the *Youth Criminal Justice Act*, the youth could receive an adult sentence if convicted.



### The Defendants

- **Louis Warn**, 14, a gang member, only child, lives with foster parents. Often gets kicked out of home. Has been in lots of trouble at school and on the streets but it's all crime against property, not against people.
- **Brian Kent**, 14, a gang member wannabe, lives at home with parents and sister. Grades slipping. Has been spending more and more time with Louis whom he greatly admires.

### For the Crown

#### Lawyers

- **Danielle Williams**, 32 years old. Married 3 years, no children. Dedicated. Experienced lawyer.
- **Rita Kong**, 27 years old. Single. First case. Always wanted to be a lawyer. Intends to prove both the accused are guilty of both crimes.

#### Witnesses

- **Edith Montgomery, wife of Howard Montgomery, the deceased.** "We were upstairs in our den when we heard noises downstairs. My husband went to investigate. I heard noises and a scuffle. I called out for Howard and when he did not respond, I went downstairs. It was then that I saw the defendants fleeing from my house. I called 911. My husband died shortly after the paramedics arrived.
- **Jenny McDonald.** Tenant in the basement. Heard noises. Called police. Did not know the Montgomerys before she moved in but would now say she was quite familiar with their habits and routines.
- **Dr. Bruce Gelfer**, performed the autopsy. Convinced the deceased suffered his wounds in a fight and did not fall.
- **Officer Martin Lum**, 37. Has been with the Vancouver Police force for 10 years. Officer on duty that night. Has had dealings with Louis before. Often deals with gang-related incidents.

## For the Defence

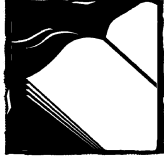
### Lawyers

- **Johnny Madsen.** New to Vancouver but has great experience in defending gang members.
- **Julio Rabino,** 45 years old. Experienced trial lawyer but most of his work has been in fraud.

The lawyers have prepared a scale model of the house to be used in the proceedings. The intent is to show that Mrs. Montgomery could not possibly have seen the accused from her vantage point on the stairs.

### Witnesses

- **Sylvia Wang, paramedic.** "I was called to the scene and when I got to the house, I saw an elderly man on the floor lying on his back. There was blood coming out of the back of his head. We tried to help him but the patient had already lost too much blood. With his aged physical condition, we did not have enough time to transport him into the ambulance before his heart stopped functioning. The patient died about three minutes after our arrival. If the ambulance was called minutes earlier, there would have been a greater chance that we would have been able to help him. I also noticed there were traces of blood on the corner of a table that was right beside the man. From my past experiences, I can tell that the patient must have hit his head on the corner of the table and then fallen on the floor. The cause of the patient's fall is out of my expertise but a forensic expert should be able to tell us about that."
- **Vanessa Kent, mother of Brian.** "My son has been friends with Louis for a long time but Louis got into a gang. My son wanted to follow but I wouldn't allow him to go. His last report card was very bad. So, he ran away, and I didn't see him until the day in question. My husband and I have another daughter, Victoria, who is 20 years old and is a good student."
- **Arthur Grimes, 44, vagrant.** "I was just trying to get money for food, and I was out and about on the night in question. I found an old hat that I put on. It was sort of a ski mask. Later, the police told me that it was used in the robbery. I did see the boys that night but it was long after I found the hat/mask."
- **Brian Kent, 14, accused.** Of course, the accused does not need to take the stand, but Brian wants to take an active part in clearing his name (Louis does not want to take the stand). "I am 14 years old and really admire Louis but I did not kill anybody. I'm a good student and excel at sports. I realize that Louis is probably a bad influence on me but I like him a lot. Louis talked me into running away from home. He said that I didn't need to listen to that stuff from my mom. Louis and I hung out on the streets for two days. We went hungry. Arthur Grimes showed us how to get food. It was Arthur who told us that an old couple always kept a full fridge, so, yeah, we just went over to take a look. They shouldn't have left the window open if they don't want people to come in. We only took some peanut butter and bread and a few apples. We never saw the old couple and certainly didn't harm anyone."



## The Examination of the Witnesses

### Crown

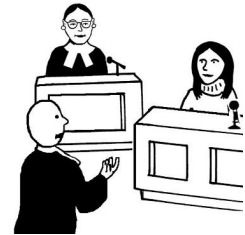
1. In examining the first witness, **Edith Montgomery**, the Crown will attempt to prove:
  - eye witness was there who can identify the boys

The defence will counter with:

- her stress during the situation
- her poor vantage point vis a vis the boys
- the lack of light in the house

The students proceed with who, what, when, where, why, and how questions. Good phrases include: "Please tell the court what you know..." and "Isn't it true that..."

2. **Jenny McDonald, tenant.** In her testimony, the quality of the neighbourhood can be discussed. It may be brought out that she felt it was deteriorating because of the activity of gang members.



3. **Dr. Bruce Gelfer, doctor.** This witness can discuss the wounds and why he is convinced that he was beaten and did not fall. (The paramedic will contradict this testimony.)
4. **Officer Lum.** This witness can be used to bring out all the problems associated with gangs in the neighbourhood.

### Defence

1. **Sylvia Wang:** Wounds were consistent with fall.
2. **Vanessa Kent:** Brian is a good boy.
3. **Arthur Grimes:** Was with the boys; may be able to produce an alibi.
4. **Brian Kent:** Describe how Louis has led him astray.

Once all the evidence has been presented, the Crown and the defence make their summations to the jury and the judge gives the charge to the jury. It must be remembered that the charges must be proven beyond a reasonable doubt if the boys are to be convicted.

## VICTIM IMPACT STATEMENT OUTLINE

In describing the effect the crime has had on you, you may wish to consider the following:

- 1. Emotional Impact** - Has the crime affected your:
  - emotions and reactions;
  - lifestyle and activities;
  - relationship with your partner, spouse, friends, family or colleagues;
  - ability to work or study; or
  - need for counselling or emotional support.
  
- 2. Physical Impact** - Have you suffered any physical injuries or disabilities as a result of the crime?
  - have you suffered pain, discomfort, illness, scars or physical restriction?
  - was any medical treatment, hospitalization, surgery, physiotherapy and/or medication required?
  - will any further treatment be needed?
  
- 3. Financial Impact** - What financial or property losses have resulted from the crime?
  - the cost of any property that was damaged, lost, or destroyed and the cost of repairs or replacement;
  - the amount of any insurance deductible you paid;
  - loss of income, medical, counselling or treatment expenses not covered by insurance
  - if you and the accused lived in the same household and the crime caused you to leave that household, include details of any expenses for moving, such as temporary housing, food, child care and transportation.

Note: If an order for repayment is requested, the amount must be clearly related to the offence and easily determined by the judge. Please attach copies of any bills, receipts, estimates or letters from employers that will help verify the amount of loss. **If any of these documents have personal information that you do not want others to know, such as your address or credit card numbers, you should delete that information before attaching the document.**

- 4. Other Comments or Concerns** - Are there other matters not yet covered?
  - other ways your life may have changed; or
  - how you feel about contact with the accused.

Complete the attached cover page and use it as the front page of your Victim Impact Statement. Make sure that you have put a page number on each completed page of your Victim Impact Statement, that it is signed and that the cover page is dated.

If you need more space than is provided, you may add pages. Please number and sign each of these pages so that it is clear where they belong in your Victim Impact Statement.

Although you are not required to submit a Victim Impact Statement, the information that you provide is valuable to the Crown Counsel who is prosecuting the case and to the judge who will sentence the accused, if the accused is convicted.

If you need help in completing your Victim Impact Statement or have any questions about it, you may contact Crown Victim/Witness Services or the victim serving agency which has been assisting you.

# Victim Impact Statement

(Cover Page)

Victim Impact Statement of: Edith Montgomery  
(name of victim)

ORIGINAL Oct 16, 2000  
(date)

UPDATE \_\_\_\_\_  
(date)

## CASE IDENTIFICATION

Regina v. WAN / KENT  
(name of accused)

COURT FILE #: 10 2109

CV/WS FILE #: \_\_\_\_\_

**Please sign your Victim Impact Statement, attach it to this page and mail, fax, or bring it to:**

I, \_\_\_\_\_ have completed this statement on behalf of the victim, because  
(Name)

\_\_\_\_\_

\_\_\_\_\_

My relationship to the victim is: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Crown Counsel is required by law to provide a copy of your Victim Impact Statement to defence counsel or to the accused. You may be required to testify about the contents of this document.**

Your Victim Impact Statement may also be requested by the National or Provincial Parole Boards, and the federal or provincial corrections authorities. It may be considered when the offender becomes eligible for release or used in the preparation of reports for the judge prior to sentencing. Please sign below to give your permission for this form to be given to these authorities. (Your permission is not needed if the Victim Impact Statement is filed in Court.)

Signature: Edith Montgomery

Regina v. WAN / KENT  
(name of accused)

Name of Victim: Edyth Montgomery

Since the death of my husband Howard my life is completely changed. I cry every day, I am afraid to go outside and afraid to be inside. I feel that I cannot trust anyone that I don't know and I am especially nervous around young men.

Coming to court to testify was harder than I thought it was going to be - I didn't sleep for weeks before the trial.

My whole world has changed. Howard and I enjoyed working in the garden, talking walks and playing cards with old friends every Wednesday afternoon.

I can't understand why this happened - Howard was a good man loved by many family and friends. He will be sadly missed by all.

Edyth Montgomery  
Signature of Victim

(If you need more space, please attach and sign additional pages)

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