



Handout: Case Study

Adam was serving a sentence of two years secure custody followed by one year of supervision in the community after being found guilty of extortion and causing danger to life. The Youth Court Judge had noted that “[t]his is one of those extremely difficult cases dealing with the sentencing of a young person where the offender is not the worst offender, but the offence is one of the worst offences.”

Briefly, the facts that led to the charges are as follows. Adam entered a restaurant and approached the assistant manager to ask whether the restaurant was interested in “protection” for two thousand dollars a month. The assistant manager didn’t take the matter seriously and Adam left. Two days later three bullets came through the front window of the restaurant, narrowly missing people inside. The next morning Adam returned to the restaurant and told the assistant manager that he was responsible for the shooting, exposing a gun underneath his jacket.

The police were called and Adam was arrested, but not without incident. Adam pulled a gun on one of the arresting officers, causing another officer to be hit by a car as he tried to intervene. Following his arrest, the police found a fully loaded handgun in Adam’s possession. At trial, gang activity was alleged, but never proven.

Adam is one of three children from an apparently close and loving family that provided for all of his financial and emotional needs. His youth worker describes his home life as “above average as he comes from a reasonably affluent family.” He had a very poor record of attendance at his school and had received some counselling for mild behaviour problems at school. He was not, however, very interested in counselling and missed most of his appointments. The school noted that despite their efforts, Adam’s parents didn’t have much control or influence over Adam.

During the first twelve months of his sentence, Adam’s family has continued to be supportive. He hasn’t been in any trouble during his time in secure custody. Adam has taken some academic classes but has not willingly participated in any counselling. He admits to using drugs, but doesn’t think that that has anything to do with the trouble that he is in. His worker feels that he has benefited from a more structured environment and is beginning to respect authority.

Activity

Your assignment is to consider both sides of a transfer to an open custody facility through a custodial review.

To do this, form two small groups. Have one group prepare a brief report in support of Adam’s transfer to an open custody facility. Have the other group prepare a brief report in support of Adam remaining in the closed custody facility.

For your report, detail Adam’s progress and related concerns as the basis for your decision.

When you are finished, compare the reports. Discuss the similarities and differences, and why those conclusions were made.