



## Handout: Conferences Under the YCJA

Many factors in a young person's life may contribute to offending behaviour. Substance abuse, poor social skills, learning difficulties, parental neglect or abuse, and other issues may play a part in decisions that can lead to offending behaviour. The principles of the *Youth Criminal Justice Act* clearly indicate that the youth criminal justice system should attempt to prevent crime by addressing the personal circumstances of young persons who offend.

The YCJA provides for gathering people together to help make decisions regarding young persons who are involved in the youth justice system. This is called a "conference." A conference can help identify the needs of the young person so that, where appropriate, these needs can be considered when a decision regarding the young person is made. Generally speaking, the use of conferences can be divided into two categories: conferences used to provide advice to a decision-maker and conferences used to coordinate the use of community services to assist the young person.

Conferences are typically made up of persons such as the young person's parents, other individuals who are familiar with the young person, the victim, and professionals who may be able to offer some expertise regarding the decision to be made.

Conferences can be used at various stages of the procedure and may be called by a police officer, a youth worker, a prosecutor, or a Youth Justice Court Judge. Conferences can be used to help make decisions regarding:

- extrajudicial measures
- pre-trial detention
- conditions for release pending trial
- sentencing
- reintegration into the community

According to Justice Canada:

*Conferences provide an opportunity to increase community involvement in the youth criminal justice system and to develop innovative, community-based responses at various stages of the youth justice process. The conferencing provisions of the YCJA seek to encourage the involvement of appropriate agencies, the young person's family and the community itself to support finding measures of accountability for wrongdoing that are meaningful to the young person and to promote pro-social behaviour. The aim of the conferencing provisions is to provide the decision-maker with informed advice as to the appropriate decisions.*

It is important to note that conferences are only designed to give advice about a decision that must be made under the YCJA. The decision-maker can consider anything that the conference puts forward, but must ultimately be responsible for making the decision and ensuring that it fits with the requirements of the YCJA.

## Discuss

1. How does the concept of conferences fit within the general principles of the YCJA?
2. How could conferences be used by victims of crime?
3. Conferences can consume a lot of time and energy. Should conferences be reserved for more serious matters only? What would be gained by holding a conference? Can this be achieved through other means?
4. The role of a conference is to provide suggestions and advice. The participants cannot dictate what the outcome will be – this must be left with the person who has authority under the YCJA to make decisions. Do you think this limits the effectiveness of a conference? Why might the YCJA impose this restriction?

