

Handout: Pre-sentence Reports



The Youth Justice Court Judge is a Provincial Court Judge who decides cases under the *Youth Criminal Justice Act*. The role of the Judge is to listen to the evidence at the trial. Then, after the Crown Prosecutor and the lawyer for the young person argue their positions, the Judge must decide what happened and apply the law to the facts that they have heard.

If the Judge decides the young person is guilty, or if the young person admits guilt, the Judge must decide what action to take. The lawyers from both sides will give the Judge information about the young person and about the crime that was committed. Then the Judge will decide an appropriate sentence for the young person. Under the *Youth Criminal Justice Act*, youth sentences are to:

hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his or her rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public.

The Judge usually needs to know more about the young person before deciding on a sentence. The Judge can order a pre-sentence report to gather background information that would be useful in this regard. A Community Youth Worker interviews the young person, their parents or guardians, and where appropriate, members of the young person's extended family. The Community Youth Worker will write a pre-sentence report based on this investigation and provide it to the Court.

If the Judge is considering making an order that the young person be kept in custody, the Judge must order and consider a pre-sentence report, unless the Crown and defence agree otherwise. Pre-sentence reports must also be requested when the Court is deciding on whether or not to impose an adult sentence. In other situations, the Judge may or may not order a pre-sentence report.

A copy of the pre-sentence report will be provided to the Crown and the young person, their lawyer, and parents of the young person involved in the process. The pre-sentence report includes the following information:

- information from the interview with the young person and the young person's family
- information provided by the victim
- any recommendations from a conference held to gather information about an appropriate sentence

The report may also include other relevant information, such as:

- the age, maturity, character, behaviour, attitude of the young person, and willingness to make amends
- any plans put forward by the young person for rehabilitation
- the young person's prior contact with the formal youth justice system
- the young person's response to prior contact with the formal youth justice system, including extrajudicial sanctions



- the availability and appropriateness of community services for young persons, and the willingness of the young person to avail him or herself of such services
 - the relationship of the young person with their family or extended family and their ability to supervise and control the young person
 - school attendance and performance
 - employment history
 - drug and alcohol use
 - after-school activities and friends
 - the young person's attitude towards the offence
- any medical and psychiatric history
 - any other information that might help the Court to determine whether there is a reasonable alternative to a custody order