



Victims of crime

» Understanding the youth criminal justice system

What happens after you, the victim, have reported a crime to the police?



If, following a police investigation, a young person has been identified as the main suspect for the crime, the case will be dealt with under the [Youth Criminal Justice Act](#) (YCJA). This federal law sets out the principles, procedural rules and sentences that apply to young persons (aged 12 to 17 at the time of the offence) in criminal proceedings under the Criminal Code or other federal statutes.

The YCJA gives the victim specific rights, such as the right to be given information about the proceedings taken against a young person, and to be given an opportunity to participate and be heard. The Act states that victims should be treated with courtesy, compassion and respect for their dignity and privacy, and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system. In addition, the [Statement of Services Available to Citizens](#) of the Ministère de la Justice du Québec sets out similar objectives concerning victims of crime, such as the need to provide them with adequate information and to make the process of testifying easier.

In the next section, we will look more closely at the stages in the criminal justice process for young persons, and at the rights of the victim at each stage in the process.

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» Extrajudicial measures

Extrajudicial measures are measures outside the court proceedings and can be used in the circumstances described in the Act. The Act provides for two types of extrajudicial measures: those applied by police officers and those applied by the provincial director under the extrajudicial sanctions program. The manner in which the extrajudicial sanctions program is applied is determined by the provincial director, who in Québec is the Director of Youth Protection (DYP).

Measures applied by the police officer

Instead of recommending that appropriate criminal proceedings be instituted, the police officer may, after an investigation and as the situation permits, take no further action, warn the young person, or refer the young person, with his consent, to a program or agency in the community that may assist him not to commit offences. In the latter case, an alternative justice organization (AJO) provides support to the young person and supervises the fulfilling of the obligations imposed by the measure.


If, on the other hand, the police officer considers that court proceedings would be more appropriate in the circumstances, the officer will submit a request to that effect to the criminal and penal prosecuting attorney. The prosecutor will assess the evidence and, in keeping with the extrajudicial sanctions program, submit the case to the provincial director, or institute judicial proceedings.

Measures applied by the provincial director

When the criminal and penal prosecuting attorney submits the case to the provincial director, a youth worker will make a psychosocial evaluation of the young person and, if the case meets certain criteria, may recommend an extrajudicial sanction. An alternative justice organization (AJO) provides support to the young person and supervises the fulfilling of the obligations imposed by the sanction, in cooperation with the youth worker.

The extrajudicial sanction proposed by the youth worker to the young person may include one or more measures, such as a mediation session with the victim, a workshop on developing social skills, or community work.

As the victim of crime, you may be asked to take part in various measures, such as a mediation session. You are under no obligation to participate: you may refuse if you wish.

You may ask the police officer, criminal and penal prosecuting attorney or youth worker involved in the case, or the staff at a [crime victims assistance centre](#)  (CAVAC), for the name of the young person who received the extrajudicial sanction, and the nature of the sanction. Your request must be made within two years from the date on which the young person agrees to the sanction. You may not then reveal the young person's identity, or any information that would serve to identify the young person.

» Judicial measures

Appearance

The young person appears before a judge in the Youth Division of the Court of Québec, or before a justice of the peace. The young person's mother or father will be notified of the appearance and given a copy of the information or indictment.

If the young person is already in custody, a hearing may be scheduled to determine if the young person should remain in custody during the proceedings, placed in the care of a responsible person, or released with or without conditions. The judge may impose as a condition that the young person not contact the victim.

At this stage, as the victim, you will be informed that judicial proceedings have commenced, and will receive information on your recourses and the resources available to help you. You will also be sent the form *Victim Impact Statement*, which you should complete if you wish to inform the court about the impact the crime has had on your life.

You should remember that you may not reveal the identity of the young person, or any information allowing the young person to be identified.

Trial

If the young person pleads not guilty, a trial is held and starts with the presentation of the evidence by the criminal and penal prosecuting attorney. Witnesses are heard and exhibits may be produced. Once the prosecution has presented all its evidence, the young person's lawyer may present a defence. Each party may cross-examine the other party's witnesses. The accused is not required to testify in a defence or to have witnesses called. Defence counsel and the criminal and penal prosecuting attorney then submit their arguments. The judge will render a verdict after examining the evidence.

If you have been summoned by subpoena to appear as a witness, you must not forget that this is a court order that requires you to attend at the date, time and place indicated to give evidence. Your testimony is an important part of the court case.

Sentencing

If the accused pleads guilty or is found guilty, the judge imposes a sentence. The sentence may include one or more of the following sanctions: the performance of a community service, a probation period with or without supervision, an intensive support and supervision program, an open or secure custody and supervision order, a deferred custody and supervision order, a fine, a conditional or absolute discharge, or a restitution order.

If you wish, you may speak to the criminal and penal prosecuting attorney about the type of sanction you think the young person should receive. If you have completed a *Victim Impact Statement*, the criminal and penal prosecuting attorney will file it with the court to ensure that the impact of the crime is taken into account.

Pre-sentence report

Before imposing a sentence on a young person, the judge may, or must in certain cases, order a pre-sentence report, which will be prepared by a youth worker. The purpose of the report is to provide a portrait of the young person's situation that will assist the court in imposing a sentence.

The contents of the report are prescribed by the Act and must include the results of an interview with the victim, if reasonably possible.

A youth worker may contact you while preparing a pre-sentence report to find out more about the harm you have suffered as a result of the crime, and to ask for your opinion on the measures that should be imposed on the young person. You are under no obligation to answer any of the youth worker's questions.

Imposition of an adult sentence

The criminal and penal prosecuting attorney may, in certain exceptional circumstances, ask the court to consider imposing an adult sentence if a young person is found guilty of an indictable offence for which an adult would be liable to a prison sentence of more than two years, if the offence was committed after the young person reached the age of 14. The young person may contest the prosecutor's application at sentencing.

Appeal


The young person or the criminal and penal prosecuting attorney may appeal the verdict rendered or the sentence imposed by the judge who presided over the trial. However, certain rules of law govern the appeal process; a party cannot appeal simply because it is dissatisfied with the judgment.

Privacy

No person may make public the name of a minor who is the victim of a crime committed by a young person, or the name of a minor who has testified in proceedings under the YCJA, except in certain specific circumstances: when the minor so requests, or when the disclosure is authorized by the court. The prohibition also applies to any information that would serve to identify the minor. The Criminal Code provides for the protection of the identity of victims and witnesses in certain other circumstances.

Assistance for the victims of crime

Victims, their families and witnesses have access to several resources and assistance services. Your local police station, community health and social services centre (CLSC) or crime victims assistance centre (CAVAC) can provide information on the resources best able to meet your needs.

[Crime victims assistance centre](#)  (CAVACs) are community organizations that provide specialized, free and confidential services to victims of crime, their families and witnesses. The range of services available includes post-trauma, psychosocial and psychojudicial counselling, information on rights and recourses, technical assistance, court accompaniment, guidance, and referrals to other services.

» For more information

Preparing to testify:

- [Witnesses: Your role in the Youth Court](#)
- [Witnesses: Your role in Criminal Court](#)




Legal proceedings and sentences:

- [Victims of crime - Understanding the court system and sentencing procedure](#)


The jurisdiction of each court in Québec:

- [The Court System](#)

Laws relating to young people:

- [Youth Criminal Justice Act](#) 
- [The legal procedure](#)
- [Youth Protection Act](#) 
- [Criminal Code](#) 

Association of Québec youth centres (Director of Youth Protection [DYP]):

- [Association des centres jeunesse du Québec website](#)  (in French)

Crime victims assistance centres (CAVACs):

- [CAVAC website](#) 

The objective of the Ministère de la Justice to offer services that are courteous, accessible and of high quality:

- [Statement of Services Available to Citizens](#)

The addresses and telephone numbers of Québec courthouses:

- [Courthouses](#)

The judicial district a municipality is located in:

- [Search for a judicial district](#)

The content of this document is strictly informative and has no legal value.

If you find some of the information difficult to understand, do not hesitate to [contact us](#).
Please note, however, that we cannot interpret the information to apply it to a

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General Information

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Please note: The personnel at the Service de renseignements of the Ministère de la Justice can help you understand the general rules for applying Québec legislation. They cannot, however, interpret these rules to respond to a specific case or situation.

When contacting us by mail or e-mail, please indicate your address and telephone number so that we can contact you when necessary.

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