

# STEPS TO JUSTICE

## Youth Criminal Justice Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK  
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario



## About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website [ojen.ca/steps-to-justice-workshops-training-video](https://ojen.ca/steps-to-justice-workshops-training-video).

**OJEN** is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit [ojen.ca](https://ojen.ca).

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

**Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.**

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit [cleo.on.ca](https://cleo.on.ca).

# STEPS TO JUSTICE YOUTH CRIMINAL JUSTICE OVERVIEW

Activity (minutes)	Content
Warm-up (5)	<ul style="list-style-type: none"> <li>• Clarify differences between criminal and civil law.</li> <li>• Group quiz on youth criminal justice law (Slides 2-6).</li> <li>• What are the major areas covered by youth criminal justice law? (Slide 7).</li> </ul>
Hook (5)	<ul style="list-style-type: none"> <li>• Advance to Slide 8 and read the demonstration scenario out loud.</li> <li>• Encourage participants to identify potential legal issues in the scenario.</li> <li>• Switch to Slide 9. Explain that the Steps to Justice website is a tool that can help people understand what they need to do when they have legal problems like this one. The group will next use the website to answer questions related to this scenario.</li> </ul>
Introduce Steps to Justice (10)	<ul style="list-style-type: none"> <li>• Distribute the participant handout, "Scenario 1: Demonstration".</li> <li>• Advance to Slide 10. Read the questions about the scenario out loud.</li> <li>• Pull up the Steps to Justice website on the display screen.</li> <li>• As a group, use Steps to Justice to find answers to the questions about the demonstration scenario on the slide.</li> <li>• Use different searching options (sub-topics, front page keyword search and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support.</li> <li>• Ask if anyone has questions.</li> </ul>
Group work (25)	<ul style="list-style-type: none"> <li>• Advance to Slide 11.</li> <li>• Divide participants into groups and cue them to pull up Steps to Justice on phones/computer and to start on the youth criminal law legal topic. It is a subtopic of the criminal law section.</li> <li>• Give each group a scenario worksheet (Scenarios 2-5).</li> <li>• Each group needs at least one device with internet to complete their worksheet.</li> <li>• Circulate and support groups as needed.</li> </ul>
Discussion (15)	<ul style="list-style-type: none"> <li>• Each group has 3-5 minutes to explain their scenario and what they have learned through their investigations. Participants should refer to the completed worksheet for support.</li> <li>• Address questions and issues arising from their reporting.</li> </ul>
Application (Optional)	<ul style="list-style-type: none"> <li>• Advance to slide 12.</li> <li>• Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario.</li> <li>• Participants should comment on it reflecting what they have just learned.</li> <li>• As a group, use the website to answer the scenario questions.</li> <li>• Facilitator's notes are included in this guide to support discussion.</li> </ul>





## Youth Criminal Justice Workshop

**TRUE OR FALSE**

- 1. My boss is allowed to ask me about my youth records. If I refuse to disclose that information, my boss can still access it through private companies.**

**F** – Employers are not allowed to ask whether you have a youth record, and if they do ask, you are not required to answer. Private companies are also not allowed to disclose youth records to employers.
- 2. As a young person charged with a crime, I have the same rights as an adult charged with a crime.**

**T** – A young person has all the same rights as an adult charged with a crime, plus some special rights that only apply to young people (e.g., the right to a free lawyer; jail only allowed as last resort).
- 3. My youth record won't impact my ability to get a job as an adult because everyone knows that youth records are automatically destroyed when you turn 18.**

**F** – Youth records are not automatically destroyed when you turn 18. Depending on the access period, youth records will continue to be accessible after your 18<sup>th</sup> birthday.
- 4. My friends and I were hanging out in the park when two police officers came up to us and started asking us a bunch of questions about a break-in that occurred at a house down the street. They told us that if we don't answer their questions, they could arrest us.**

**F** – Police cannot arrest you for refusing to answer questions. When speaking to young people, police must also inform them of their right to talk to a parent or supportive adult before answering any questions and their right to have a lawyer present while police are asking questions.
- 5. I was just charged with a non-violent offense. I'm really worried about going to jail but my lawyer says that jail is only used as a last resort for youth offenses.**

**T** – One of the principles of youth sentencing is that jail is only allowed as a last resort.



# Facilitator's Package Scenarios



Start on the Steps to Justice question, “How does having a youth record affect me?” under **Youth records**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



## Scenario 1: Demonstration

I'm 17 years old and looking to make some extra money by applying to work part-time at McDonalds. However, I was charged with shoplifting a few years ago and I'm worried that my youth record might affect my chances of getting hired. How can I find out if my youth record will affect my chances of getting a job?

**Start on the Steps to Justice topic, “Youth records” with the question, “How does having a youth record affect me?”**

- If an employer asks if this person has been convicted of a crime, what is the legally correct answer to that question? (**Landing page**)
- Assume you were found guilty and received an absolute discharge 3 years ago. Based on the table, is your youth record still accessible or has it been sealed? (**Step 1**)
- What sorts of information are accessible on a criminal record and judicial matters check? (**Step 2**)
- Why is it important to get your own background check before applying for new jobs? (**Step 3**)
- Can employers access your youth record during a background check? Why or why not? (**Step 4**)

### Discussion

Being charged with a crime is not the same as being convicted, so this person can lawfully say they have not been convicted. If they had been found guilty, their youth record would be sealed anyways, because it only remains accessible for a year from the date of conviction. The information

that is available through a criminal record and judicial matters check is broader than just a criminal record check because it also reports any criminal matters that led to a discharge or remain open, including outstanding arrest warrants. It is also an offence to share information from someone else's youth record. Even so, if you have had any contact with the criminal justice system it is a good idea to request a check for yourself before applying for a new job because sometimes records aren't sealed as soon as they should be, meaning information may be included incorrectly.





## Scenario 2

My friends and I thought it would be fun to steal some alcohol from my parents' liquor cabinet and drink it in the park. My friends got a little rowdy and started yelling at people in the park. Someone called the police and we ended up being charged with disturbing the peace. I'm only 17 years old and this is my first time being charged with a crime. What are my rights?

**Start on the Steps to Justice topic, "Diversion" with the question, "I'm under 18 and charged with a crime. What are my rights?"**

- What are some of the special youth rights that only apply to young people charged with a crime? **(Landing page)**
- The police spot you drinking alcohol in the park and want to ask you some questions. What must the police tell you before they are allowed to speak with you? **(Step 1)**
- What are some examples of diversion? **(Step 2)**
- Describe the legal relationship between you and your lawyer. Can your parents tell them what to do? **(Step 3)**
- What rights do you have that deal with the media and your privacy? **(Step 4)**

### Discussion

Canada's criminal justice system presumes that young people should be entitled to greater support than older accused persons in trials. As such, there are special rights they have, such as the involvement of a parent or responsible adult, free legal representation in many matters, and stronger privacy rules. As well, incarceration is considered as a last resort only in most instances.

If you are questioned by police as a young person, the police are required to inform you that you have the right to speak with a parent or other supportive adult prior to questioning you and that you have a right to have a lawyer or that person with you during police questioning.

That lawyer should only take instructions from you, not your parents or another adult. Anything you tell your lawyer is confidential, but it does not apply if you tell your lawyer about a plan to hurt someone. In that case, your lawyer can report that information.

Diversion means removing a matter from the criminal court system and dealing with the charges in a less formal way. This might mean attending a program, taking a course, or completing tasks away from the court.

If you are a young person, the media is not allowed to publish your name or any information that may identify you. However, the media is allowed to publish other information about your case such as the nature of the charge and the approximate location where the alleged offense took place.



## Scenario 3

I'm 17 and learning to drive, and my parents bought me a car! I was excited to show off my new Wrangler to all my friends, so I decided to pick them up and go for a joy ride. Wanting to show my friends what my Jeep was capable of, I took in on the highway and got it up to 150 KPH!

Not surprisingly, I was spotted by a police officer and charged with dangerous driving. They say I will be charged under the *Youth Criminal Justice Act*. I don't know what that means. How is this any different from being charged as an adult?

**Start on the Steps to Justice topic, "Sentencing" with the question, "How are adult court and youth court different?"**

- What are some important *YCJA* principles that distinguish it from the *Criminal Code*? (**Landing page**)
- How do you know whether the *YCJA* applies to you? (**Step 1**)
- What are three major differences in the way young persons and adults are treated in the courtroom? (**Step 2**)
- The judge believes that dangerous driving is a serious offense, and you might commit another crime or be dangerous to other people if released. Can they place you in pre-trial detention? (**Step 4**)
- What are the main differences between trials for indictable offenses and trials for summary conviction offenses? (**Step 5**)

### Discussion

The *YCJA* applies to youths ages 12-17. This includes people who are over the age of 17 but are being charged with something they did before they turned 18. If you are under the age of 12 the *YCJA* does not apply but there can still be other legal consequences to your actions

Some examples of the principles that distinguish the *YCJA* from the *Criminal Code* include:

- Young people are more vulnerable than adults, so they need more protection.
- Young people are not fully mature yet, so they must be held responsible in different ways than adults.
- Young people's privacy deserves more protection than adults' privacy.
- Rehabilitation is very important for young people.
- Parents should be involved in helping their children.
- Jail/prison is a last resort for young people.

These principles are reflected in some differences between the trial and other court processes for youth and adults. For example:

- Parents or a supportive adult are often involved.
- Young people have the right to a free lawyer in certain situations, including bail hearings, trials, and sentence reviews.
- There are special privacy rules about your identity in court, who can access your youth record, and whether the information in your youth record can be shared

Despite these differences, the court still has a duty to maintain public safety, so a judge could order that you remain in custody until your trial. In most cases, this is more likely to be considered in the case of indictable (more serious) charges than summary charges, which reflect less serious crimes.



## Scenario 4

Last Victoria Day, some friends and I got a little out of hand with some fireworks and accidentally set a park bench on fire. I'm actually glad it didn't turn into a way bigger problem. I was charged with criminal mischief and I have just been found guilty at my trial. I am now waiting to find out what my sentence will be. I don't understand how this works and I'm worried that I will have to go to jail. This was my first offence, and the charge wasn't even that serious. How does sentencing work in youth criminal court?

**Start on the Steps to Justice topic, "Sentencing" with the question, "How does sentencing work in youth criminal court?"**

- What are 4 ways that sentencing for youth is different than for adults? (**Landing page**)
- Based on the charge, is this person likely to receive a jail sentence? Why or why not? (**Step 1**)
- What are some sentencing principles that judges must follow when sentencing young persons? (**Step 2**)
- Imagine that the judge in this case decides to order a pre-sentence report. What does this mean and why is it important to cooperate with the person writing the report? (**Step 4**)
- What options are available to you if you want to change the sentence you are given? (**Step 5**)

### Discussion

In youth sentencing the judge:

- **must** follow youth sentencing principles (see elaboration below)
- **must** give your parents a chance to speak if they want to say anything
- **can** arrange youth justice conferences to discuss your sentence with others, such as the police, the victim, your parents, your teachers, or community leaders
- **can** order medical or psychological reports about you

In this scenario it is unlikely because jail is only used as a last resort for youth offenses and this was not a violent offense.

A pre-sentence report gives the judge more information about you. It's important to cooperate because if you don't, your lack of cooperation can be used against you and the judge can detain you so that an expert can examine you.

All of this is to be considered in deciding a sentence, and that sentence must follow principles that are specific to youth offenders:

- Your sentence must be lower than the sentence for an adult who committed a similar crime.
- Jail is the last option. The judge **must** first consider if lesser sentences are appropriate.
- Your sentence should make you feel responsible for what you did.
- Your sentence should help you to become a positive member of society by addressing any issues that caused you to commit the crime.
- Your sentence must be similar to sentences for other young people who committed similar crimes in your area.
- Your sentence can encourage you not to commit crimes again

In the event that a person feels a sentence is wrong, they have two options:

- In a **sentence review**, you go back to the same court that gave you the original sentence. The judge can either give you a lower sentence, change your sentence, or can say that the original sentence is still appropriate. But the judge cannot give you a higher sentence.
- In a **sentence appeal**, you go to a higher level court and ask a new judge to decide if the sentence you got was correct. The new judge can give you a higher or a lower sentence, or the judge can say the original sentence was correct.



## Scenario 5

This kid at school always picks on me during the lunch break. He even steals my lunch. A few weeks ago my friends and I decided to get back at him by egging his house. We drove to his house and started pelting it with tons of raw eggs until the whole house was covered. It turned out to be a bad idea because one of his neighbours saw us and wrote down my license plate. Instead of charging me with vandalism, the police are offering me something called Extrajudicial measures (EJM). I don't know what this means or whether it's a good idea. What is it?

**Start on the Steps to Justice topic, "Diversion" with the question, "What is diversion for youth crimes?"**

- Who can offer you diversion? Do you have to accept it? (**Landing page**)
- What are some examples of EJM offered by the police? (**Step 1**)
- What is an "open access period" for EJM? How long does it last? (**Step 2**)
- List 5 important questions to ask before deciding to accept EJM. (**Step 3**)
- What happens once you complete your EJM? (**Step 4**)

### Discussion

"Diversion" in criminal cases means allowing an accused person to participate in some kind of activity outside the court system instead of having a trial or pleading guilty to a crime. In youth matters it is often called "extra-judicial measures", because it is apart from the justice system. It can be offered to an accused person by either the police or the prosecutors for the government, who are called "Crowns". They are sometimes also called "extra-judicial sanctions" (EJS).

Police have a variety of diversions they can offer, including a verbal warning, a written warning or caution, or a referral to a community program. No matter what the details of the EJM are, there is generally a period of time during which the information about what you were accused of and other details are available to the public. This is called the **open access period**, and usually ranges from about 2 months to 2 years.

This means that EJM can impact your ability to do things like travel and get a job. You should understand what you are agreeing to before you accept EJM. Look into questions like:

- How long will your record last?
- Do you have to admit you did something wrong before you can participate in the diversion program?

- Do you have to meet in person with the victim?
- Will the diversion program be practical for you?
- Is there a better informal diversion option available?

Once the Crown is satisfied that your EJM, EJS, or informal diversion is complete, you go back to court so that the case can be closed. This means there is no trial and you are not found guilty.





## Scenario 6

I was arrested for assault and have been in police custody for 5 hours! I am Indigenous but I'm afraid to tell the police because I don't have any identification papers and I don't think they will believe me. I've never been arrested before, and I don't know what to do if the police end up charging me. I know I have certain rights as an Indigenous person, but I don't know what they are.

**Start on the Steps to Justice topic, "Indigenous Youth" with the question, "What are my rights as an Indigenous person in youth criminal court?"**

- Who should you tell about your Indigenous status? **(Step 1)**
- What are Indigenous diversion programs designed to do? **(Step 2)**
- Telling the court about your Indigenous status may allow you to get help from an Indigenous court worker who can help you to make a release plan. What is the purpose of a release plan? **(Step 3)**
- What sort of information goes into a Gladue Report? **(Step 4)**
- What sort of services can an Indigenous organization provide? **(Step 5)**

### Discussion

It's important to tell everyone dealing with your criminal court case that you're Indigenous, including your lawyer, the judge, the crown prosecutor, the police, and other court workers. Indigenous diversion programs are designed to respond to your needs as an Indigenous person in a respectful way. They use some Indigenous justice principles to help you take responsibility, and to heal and repair harm.

A release plan is an example of this approach. The purpose of the release plan is to outline the community resources that are available to you while you're on bail waiting for your trial, and to give details about where you will be living. For example, the plan might suggest Indigenous supports for mental health, trauma, addictions, or homelessness. It might also include suggestions for participation in cultural activities.

In a similar way, Gladue reports are used in the sentencing phase of criminal matters involving Indigenous defendants. These try to give a picture of your life, and how hardships you have faced linked to systemic racism contributed to your offense. This might include things like:

- Where you live and grew up, and whether this was on or off a reserve or First Nation
- Who raised you

- Your current family status
- Whether anyone in your family went to a residential school
- How racism affected your life
- Whether you or any family members experienced abuse or violence
- Whether you or any family members suffer from alcohol or drug abuse
- Whether you experienced mental health issues or medical issues, and if you responded to treatment
- Your educational goals
- Your connections with your Indigenous community

Many Indigenous organizations can help. They can provide you with an Indigenous court worker and get you into a community diversion program. They can also help you write Gladue reports.



## Display: *Large Group Practice* Scenario 7

My friends and I were riding our bikes around town when we came upon an abandoned warehouse. We thought it would be fun to go inside and check it out. We hopped the fence and broke a window to get inside. As we were leaving, we ran into the owner and he was really mad. He had already called the police and had us all charged with destruction of property under the *Youth Criminal Justice Act*.

Our case was handed over to the Crown office. The Crown is considering a diversion program. The Crown lawyer said that he was offering us something called Crown EJM where he will agree to withdraw the charges against us except for extra judicial sanctions (EJS). The Crown lawyer says the EJM will consist of attending a two-month program. I do not know what EJM is or what a EJS is. Also, the Crown lawyer told us that we must accept his offer, or we will go to jail.

I don't know what to do. Me and some of my other friends are Indigenous youths, but the I heard we need documents to prove it. I don't have any documents that prove my Indigenous status. My family is also planning a vacation 8 months from now to Cuba. The Crown lawyer says I won't be able to go on the vacation with my family because I will have a criminal record. Is this true? What are my options?

### Discussion

Students can draw from their learning to identify potential legal issues and questions to investigate. The main issues here pertain to 1) youth diversion; 2) Indigenous youth in criminal court; and 3) how a youth record will impact travelling outside of Canada. Students should explore these issues separately to conclude that (1) they are not required to accept the Crown lawyer's offer of diversion, (2) they do not need to prove their Indigenous status with government documents, and (3) they will likely be able to go on their family vacation to Cuba in 8 months.

**Start from the topic "What is diversion for youth crimes?" Consider questions like:**

- What does "youth diversion" mean?
- What is meant by EJM and what are some examples of types of EMJ offered by the crown?
- Are you required to accept the Crown lawyer's offer of EJM?
- If you do accept this EMJ offer to complete a two-month program, how long will it be until your record will be sealed?

**Start from the topic “What are my rights as an indigenous person in youth criminal court?” Consider questions like:**

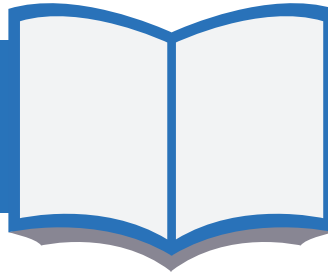
- Do you require any government documents to prove your Indigenous status?
- What special rights and options do you have as an Indigenous person?
- Who should you tell about your Indigenous status?

**Start from the topic “Will a youth record affect me if I want to travel outside Canada?” Consider questions like:**

- Will your record be accessible by the time your family goes on vacation 8 months from now?
- How do you check to make sure that your record is sealed?

## Participant Handouts

# Scenarios



## Scenario 1 Worksheet: Demonstration

I'm 17 years old and looking to make some extra money by applying to work part-time at McDonalds. However, I was charged with shoplifting a few years ago and I'm worried that my youth record might affect my chances of getting hired. How can I find out if my youth record will affect my chances of getting a job?

**Start on the Steps to Justice topic, "Youth records" with the question, "How does having a youth record affect me?"**

- If an employer asks you if this person has been convicted of a crime, what is the legally correct answer to that question?
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- What sorts of information are accessible on a criminal record and judicial matters check?
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- Can employers access your youth record during a background check? Why or why not?



## Scenario 2 Worksheet

My friends and I thought it would be fun to steal some alcohol from my parents' liquor cabinet and drink it in the park. My friends got a little rowdy and started yelling at people in the park. Someone called the police and we ended up being charged with disturbing the peace. I'm only 17 years old and this is my first time being charged with a crime. What are my rights?

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- What are some of the special youth rights that only apply to young people charged with a crime?
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## Scenario 5 Worksheet

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## Scenario 6 Worksheet

I was arrested for assault and have been in police custody for 5 hours! I am Indigenous but I'm afraid to tell the police because I don't have any identification papers and I don't think they will believe me. I've never been arrested before, and I don't know what to do if the police end up charging me. I know I have certain rights as an Indigenous person, but I don't know what they are.

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