

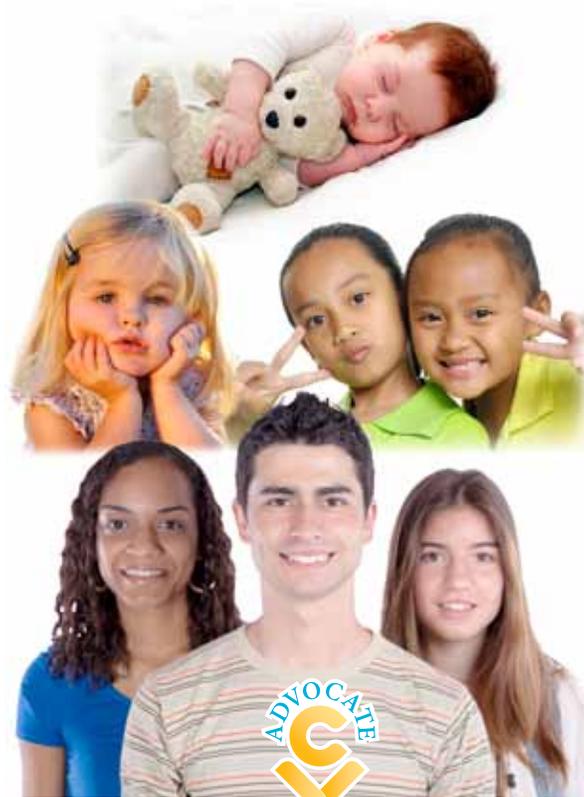


What does it mean to be in custody?

You could be sentenced under the Youth Criminal Justice Act after being found guilty of a crime and you will serve your sentence in a facility.

You may be remanded, which means you are in custody temporarily until you return to court to hear the judge's decision.

A judge may order you to spend time in an open or secure custody facility. The length of time you spend in open or secure custody depends on the crime you committed, your record, and the sentence given to you by the judge.



Contact the  Advocate for Children & Youth if you or someone you know is in need of help:

Phone: (709) 753-3888

Toll Free: 1-877-753-3888

TTY: (709) 753-4366

Fax: (709) 753-3988

Email: office@ocya.nl.ca

Website: www.childandyouthadvocate.nl.ca

Or drop by and speak with someone in our office:

193 LeMarchant Road
St. John's, NL A1C 2H5
8:30 am - 4:30 pm

Youth in Custody:



Your Rights and Responsibilities


CHILDREN & YOUTH
NEWFOUNDLAND & LABRADOR

What is Secure Custody?

- Secure custody is an order that can be made by a Youth Court judge. A youth is usually ordered to secure custody if she or he committed a violent offence that could have endangered the life or safety of another person; or the youth continues to breach the conditions of a supervised sentence in the community.
- Youth ordered into secure custody have their access to the community restricted or removed for a period of time.
- There is only one secure custody facility for youth in this province, it is the Newfoundland and Labrador Youth Center (NLYC) located in the town of Whitbourne on the Avalon Peninsula.
- While in secure custody you may be required to appear in court. During this process you may be detained in a facility other than the NLYC.
- There are Provincial Standards of Care that ensure specific conditions are met while you are detained in a holding facility awaiting court. You should review these standards with your social worker.
- A youth can serve a portion of her or his sentence in closed custody and, depending on the conditions, then be transferred to an open custody facility or placed under community supervision.

What is Open Custody?

- Open custody is an order of Youth Court. A youth will usually spend the first two thirds of the term in open custody and the final one third in the community under supervision. This is not always the case. Please discuss your circumstances with your social worker.
- There are certain rules that a youth must follow when serving an open custody sentence, for example, a curfew may be imposed. If the rules are not followed, some privileges may be removed.
- If the rules are consistently not followed, or the youth breaches conditions of the open custody order the youth may be sent back to court and potentially be placed in a closed custody facility.
- Open custody placements are served in group homes.

Rights of a Young Offender

If you are a young offender some of your rights are affected because you committed a crime. You should speak to your social worker or youth care counselor to discuss your rights. In addition, you may contact the Advocate for Children and Youth.

If you are a youth held in an adult holding facility then the Provincial Standards of Care for temporary detention and secure custody of a youth must be followed by the police and/or guards. Copies of the Provincial Standards are available at each facility.

The NLYC is responsible for contacting you when you are being detained in a holding facility outside the NLYC.



Young Offenders have the right to:

- A safe living environment.
- Have their voices heard.
- Be included in decision making.
- Have their legal rights explained.
- Have an adult help them with any questions regarding their situation.
- A lawyer and know how to get a lawyer.
- Ask for a day or weekend pass (this depends on your conditions).
- Ask a youth corrections social worker for a review of certain decisions regarding their care.
- Be involved in the court process.
- Be told about a transfer and be prepared for it.
- Know the rules that must be followed during their time in custody.

- Be housed separate from adults.
- Have a parent or guardian go to court.
- Know where they will live after their release.
- Exercise and recreation.
- Religious activities.
- Access medical and dental care.
- An education.
- Know how to make a complaint.
- Have balanced meals and clothing.
- Apply for an optional review of the Custody and Supervision Order once they have served a third of the sentence.
- Have a mandatory review if in custody for more than 12 months.
- Be a part of developing a plan for release.
- Contact the Advocate for Children and Youth.

Young Offenders have the responsibility to:

- Take responsibility for their actions.
- Follow the rules of the facility.
- Follow the conditions set out by the judge.
- Respect the rights of the individuals who reside in the same facility.
- Respect the rights of the staff in the facility.

For more information:

Information on youth offences and sentencing can be found in the Youth Criminal Justice Act, Canada.

Acknowledgment:

Special Thanks to the Residents of the Newfoundland and Labrador Youth Centre for their contribution to this pamphlet.

