



CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL
CROWN COUNSEL POLICY MANUAL

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SUBJECT: <i>Youth Criminal Justice Act – Adult Sentences</i>		CROSS-REFERENCE: YOU 1

POLICY

For all eligible offence categories (presumptive (a), presumptive (b), and eligible non-presumptive offences), Crown Counsel should seek an adult sentence whenever a youth sentence is not adequate to protect the public and hold the young person accountable for his or her actions.

Regional or Deputy Regional Crown Counsel should be consulted on any decision to seek an adult sentence for a non-presumptive offence or to consent to a youth sentence on a presumptive offence.

DISCUSSION

Guidelines

In deciding whether to seek an adult sentence or consent to an application for a youth sentence, Crown Counsel should consider protection of the public and the availability of resources in addition to the statutory factors which the court will consider under section 72(1) of the *Youth Criminal Justice Act*. Crown Counsel should pay particular attention to premeditation, the use of violence and the response of the youth to previous intervention in assessing the need to protect the public.

Eligibility

Adult sentences are available for presumptive (a) offences, presumptive (b) offences and some non-presumptive offences. The court can impose an adult sentence only where the young person is 14 years of age before the offence date and where an adult would be liable to imprisonment for more than two years on the same charge.

Further, under the Supreme Court of Canada decision in R. v. D.B., 2008 SCC 25, before an adult sentence can be imposed for any offence, whether presumptive or not, the prosecution must satisfy the court that a youth sentence “would not have sufficient length to hold the young person accountable for his or her offending behaviour”.

Procedural Alerts

Notice: Several adult sentence procedures require notice to the young person or the court before plea. These are detailed in the Adult Sentence material on the Branch Intranet. All notices apply automatically to convictions on included offences [section 69].

Reports: If the court orders a medical or psychological assessment report under section 34(1) to assist in determining whether to impose an adult or youth sentence, Crown Counsel should request a court order to disclose the report to the youth court worker. In the absence of a disclosure order, the youth court worker is not permitted to review a copy of the assessment [section 119(6)].