



**Legal aid,**  
a network at your service  
[www.csj.qc.ca](http://www.csj.qc.ca)



# Legal Brief\*

Vol. 16

Number 6

July 2024

## What's My Risk?

*Youth Criminal Justice System (Young Offenders)*

Legal aid lawyers regularly represent young persons facing criminal charges in youth court. The following is one of the questions they are asked most frequently during the initial meeting: What sentence am I likely to receive?

To answer that question, it is useful to begin with a brief explanation of the purposes and principles of sentencing under the *Youth Criminal Justice Act*. These are clearly set out in s. 38 of the *Act* and are aimed primarily at rehabilitating and reintegrating young offenders into society. The main purpose of sentencing under the *Act* is therefore to foster the young person's development, while taking protection of the public into account and holding the young person accountable for their actions. Sentencing must be tailored to the particular situation and the specific needs of each young person, while also taking into account the seriousness of the offence committed. The principles of the *Act* include accountability, proportionality, crime prevention, rehabilitation, repair of the harm done and timely intervention. The *Act* also provides that, in certain cases, the sentence can have specific deterrence and denunciation as its objectives.

When it comes to committal to custody (which corresponds to imprisonment for young persons), a court will impose it only as a last resort, after having examined all proposed alternative measures. The court must therefore conclude that no other proposed sentence would be in accordance with the purposes and principles set out in s. 38 of the *Act*.

Finally, returning to the original question of what sentence a young person is likely to receive, there are many elements to consider. An experienced legal aid lawyer will be able to provide a partial answer to this question once they have a complete picture of the client's personal situation and have reviewed the evidence disclosed by the prosecution.

A young person who is required to appear in the Youth Division of the Court of Québec for a criminal offence should always contact a lawyer of their choice in order to obtain guidance through the legal process and be properly represented in court. It's also important to note that all young persons are eligible for free legal aid.

\*\*\*\*\*

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca](http://www.csj.qc.ca).

Original text prepared by  
Mtre Gitane Smith,  
lawyer at the  
Jonquière legal aid office

### Contact Us

Commission des  
services juridiques  
Communications Department  
P. O. Box 123  
Succursale Desjardins  
Montreal, Québec  
H5B 1B3

Telephone: 514-873-3562  
Fax: 514-864-2351

[www.csj.qc.ca](http://www.csj.qc.ca)

\* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.