The Jettisoning of Juvenile Justice?

The Story of K

BY KIM PATE

As we close this year, we await the report to Parliament by the Standing Committee on Justice and Human Rights, regarding Bill C-3, the proposed new juvenile justice legislation, the Youth Criminal Justice Act. The Canadian Association of Elizabeth Fry Societies (CAEFS) presented to the Committee in February 2000. While there are some significant positive improvements in the new legislation, CAEFS is extremely concerned about the lack of resources for the implementation of same. Unless community based services are encouraged with the enhancement of resources, the progressive elements of the legislation run the risk of being scuttled in the same manner as were those of the Young Offenders Act.

In addition, the increasing numbers of younger women in the provincial and federal prison systems are of particular concern to CAEFS. Unfortunately, unless the Minister resists the calls for more punitive and regressive scapegoating of Canadian youth, and, instead, embarks upon a public education campaign to inform Canadians about the excessive penalizing and incarcerating of youth in Canada, we are not likely to see much change in the current slide away from justice for young people.

In an effort to encourage the Parliamentary Standing Committee to seriously examine the disastrous impact and untold human costs of jettisoning more young people into the adult system, CAEFS facilitated a presentation by a young woman who had first-hand experience in, and with, the system. A summary of her story follows:

A young woman’s nightmare: K’s story

K is a young Aboriginal woman from Manitoba—the province that has the highest rate of transferring young people from the juvenile into the adult system. K was arrested when she was 16 years old. She was driving in a car from which a young man shot another youth. She was taken into custody and immediately sent to the Portage Jail, a provincial jail for women. As a result of her age, as well as the high profile nature of her case in the province, K was segregated in one of the worst segregation units in the country for almost the entire time that she was remanded in custody awaiting her transfer hearing.

K was initially charged with first degree murder. It is common that the police usually charge with the most serious offence supported by their version of the facts, those young people who they wish to see transferred up to the ordinary or adult court. Evidence that is presented at a transfer hearing is not subject to the same rigorous examination as when it is raised at trial. K was transferred up essentially on the basis of that charge. She was one of seven youth who were involved, and, ultimately, the only young woman charged. Two young men were also charged and the remaining four youth gave evidence against their “friends” in exchange for their freedom.

Once K was transferred to the adult court, the Crown Prosecutor immediately offered her a deal: a recommendation for three to four years in prison if she entered a guilty plea to a reduced charge of manslaughter. Although the Crown argued that K should be sentenced to three to four years in prison, the judge decided to give her a sentence of one year. When K realized this meant she would have to return to the same prison in which she had spent the previous two years of remand, her lawyer was instructed to try and get her sent elsewhere. The result was a request for a prison sentence of two years for the second time, to kill herself. She was

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Kathryn B. Hoyme

Once

Ever since I was a little girl
I was taught to hide
Not from the Boogie Man
Or things that go bump in the night,
But from myself

Lying on my cushioned plateau
I cringed at the touch of a toe
Quickly, I'd whip it away
Always dreading the outcome

Make me love you and I'll touch you
But only if it likes my gaze as well
Sometimes coming, always going
Just watch out for me

Wanting to move on
Can only help you for so long
Then the reality of disguise
Comes over to play

Should I bow, or spit on you face?
Controlled I bend
Alone I stand
Between the spaces of once and forever

Kathryn B. Hoyme is a 19-year-old poet whose work has been published in numerous magazines, web sites, and books. Recently, her work was included in the collection, In Our Own Words: Generation X Poetry, edited by Marlow Weaver.