



**COMMON TRAINING
PROFICIENCY LEVEL FOUR
INSTRUCTIONAL GUIDE**



SECTION 1

EO C401.01 – DESCRIBE THE YOUTH JUSTICE SYSTEM

Total Time: 30 min

PREPARATION

PRE-LESSON INSTRUCTIONS

Resources needed for the delivery of this lesson are listed in the lesson specification located in A-CR-CCP-804/PG-001, *Proficiency Level Four Qualification Standard and Plan*, Chapter 4. Specific uses for said resources are identified throughout the instructional guide within the TP for which they are required.

Review the lesson content and become familiar with the material prior to delivering the lesson.

PRE-LESSON ASSIGNMENT

Nil.

APPROACH

An interactive lecture was chosen for this lesson to describe the youth justice system.

INTRODUCTION

REVIEW

Nil.

OBJECTIVES

By the end of this lesson the cadet shall be expected to describe the youth justice system.

IMPORTANCE

It is important for cadets to describe how the youth justice system fits into Canada's justice structure so they will understand how Canada's just, peaceful and safe society is maintained.

Teaching Point 1**Describe the Youth Criminal Justice Act (YCJA).**

Time: 10 min

Method: Interactive Lecture

The YCJA applies to laws passed by the federal government as they pertain to youths aged 12 to 17 at the time they are said to have broken a federal law. The most important are the criminal and drug laws. Other offences such as careless driving, drinking under age or trespassing are covered by provincial laws—not federal laws. Each province ensures there are consequences for such offences, but they do not fall under the YCJA.

The YCJA contains both a preamble and a declaration of principle to clarify the principles and objectives of the youth justice system.

Preamble

The Preamble, while not legally enforceable, contains significant statements from Parliament about the values on which the legislation is based. These statements can be used to help interpret the legislation and they include the following:

- society has a responsibility to address the developmental challenges and needs of young persons;
- communities and families should work in partnership with others to prevent youth crime by addressing its underlying causes, responding to the needs of young persons and providing guidance and support;
- accurate information about youth crime, the youth justice system and effective measures should be publicly available;
- young persons have rights and freedoms, including those set out in the United Nations Convention on the Rights of the Child;
- the youth justice system should take account of the interests of victims and ensure accountability through meaningful consequences and rehabilitation and reintegration; and
- the youth justice system should reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration.

Declaration of Principle

The Declaration of Principle sets out the policy framework for the interpretation of the legislation, providing guidance on the priority that is to be given to key principles. For example, the legislation makes clear that the nature of the system's response to an offence should reflect the needs and individual circumstances of the young person. However, the needs or social welfare of a young person should not result in longer or more severe penalties than what is fair and proportionate to the seriousness of the offence committed.

The Declaration of Principle provides that:

- the objectives of the youth justice system are to:
 - prevent crime;
 - rehabilitate and reintegrate young persons into society;
 - ensure meaningful consequences for offences; and
 - contribute to the long-term protection of society;

- the youth justice system must reflect the fact that young persons lack the maturity of adults. The youth system is different from the adult system in many respects, including:
 - measures of accountability are consistent with young persons' level of maturity;
 - procedural protections are enhanced;
 - rehabilitation and reintegration are given special emphasis; and
 - the importance of timely intervention is recognized;
- young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence;
- within the limits of fair and proportionate accountability, interventions should:
 - reinforce respect for societal values;
 - encourage the repair of harm done;
 - be meaningful to the young person;
 - respect gender, ethnic, cultural and linguistic differences; and
 - respond to the needs of Aboriginal young persons and of young persons with special requirements; and
- youth justice proceedings require special guarantees to:
 - protect the rights of young people;
 - provide courtesy, compassion and respect for victims;
 - provide the opportunity for victims to be informed and to participate; and
 - ensure that parents are informed and encouraged to participate in addressing the young person's offending behaviour.

CONFIRMATION OF TEACHING POINT 1

QUESTIONS:

- Q1. What two passages in the YCJA clarify the principles and the objectives of Canada's youth justice system?
- Q2. How is the youth justice system expected to take account of the interests of victims and ensure accountability?
- Q3. How does the YCJA Declaration of Principle expect young persons to be held accountable?

ANTICIPATED ANSWERS:

- A1. The Preamble and the Declaration of Principle.
- A2. Through meaningful consequences and rehabilitation and reintegration.
- A3. Through interventions that are fair and in proportion to the seriousness of the offence.

Teaching Point 2**Describe extrajudicial measures provided by the YCJA.**

Time: 10 min

Method: Interactive Lecture

EXTRAJUDICIAL MEASURES**Extrajudicial.** Outside the court system.

One of the key objectives of the YCJA is to increase the use of effective and timely non-court responses to less serious offences by youth. These extrajudicial measures provide meaningful consequences, such as requiring the young person to repair the harm done to the victim. They also allow early intervention with young people and provide an opportunity for the broader community to play an important role in developing community-based responses to youth crime. Increasing the use of non-court responses not only improves the response to less serious youth crime, but also enables the courts to focus on more serious cases.

The YCJA contains many provisions to increase the appropriate use of extrajudicial measures for less serious offences, including the following principles. Extrajudicial measures:

- should be used in all cases of minor violations where they would be adequate to hold the young person accountable;
- are presumed to be adequate to hold first-time, non-violent offenders accountable; and
- may be used even if the young person has previously been dealt with by extrajudicial measures or has been found guilty of an offence.

The YCJA also sets out clear objectives for extrajudicial measures, including:

- repairing the harm caused to the victim and the community;
- providing an opportunity for victims to participate in decisions;
- ensuring that the measures are proportionate to the seriousness of the offence; and
- encouraging the involvement of families, victims and other members of the community.

The YCJA requires police officers to consider the use of extrajudicial measures before deciding to charge a young person. Police and prosecutors are specifically authorized to use various types of extrajudicial measures, to include:

- taking no further action;
- warnings;
- police cautions;
- crown cautions;
- referrals; and
- extrajudicial sanctions.

Taking No Further Action

No further action will be taken if the young person is already seen to be subject to meaningful consequences for an offence.

Warnings

Warnings are informal warnings by police officers and this is also a feature of the adult justice system.

Police Cautions

Police cautions are more formal warnings by the police. The YCJA authorizes provinces to establish police cautioning programs. Police cautions may be in the form of a letter from the police to the young person and the young person's parents or they may involve a process in which the young person and the young person's parents are requested to appear at a police station to talk to a senior police officer.

Crown Cautions

Crown cautions are similar to police cautions but prosecutors give the caution after the police refer the case to them. A crown caution may be in the form of a letter to the young person and the young person's parents.

Referrals

Police officers may refer a young person to community programs or agencies that may help to rehabilitate them. The referral may be to a wide range of community resources, including recreation programs and counselling agencies.

Extrajudicial Sanctions

Sanction. A penalty or reward enacted to enforce obedience to a law or rule.

Extrajudicial sanctions are the most formal type of extrajudicial measures. Unlike the other types of extrajudicial measures, they may be used only if the young person admits responsibility for the offence. The Attorney General of the province must determine that there is sufficient evidence to proceed with a prosecution of the offence. The sanctions must be part of an extrajudicial sanctions program designated by the Attorney General and the young person must first agree to be subject to the sanction. If the young person fails to comply with the terms and conditions of the sanction, the case may proceed through the court process. Under the YCJA, an extrajudicial sanction should be used only if the young person cannot be adequately dealt with by a warning, caution or referral. Examples of extrajudicial sanctions that have been used include:

- apologizing to the victim by way of either a verbal or written apology;
- writing an essay on a pre-selected topic that is considered to be appropriate to the situation;
- performing either a personal service for the victim or a community service;
- paying any compensation or restitution to the victim for damages incurred;
- making a charitable donation to a non-profit organization; or
- attending a designated educational or information session.

CONFIRMATION OF TEACHING POINT 2

QUESTIONS:

- Q1. When should extrajudicial measures be used?
- Q2. What objectives does the YCJA give to guide the use of extrajudicial measures?
- Q3. What are extrajudicial sanctions?

ANTICIPATED ANSWERS:

- A1. Extrajudicial measures should be used in all cases of minor violations where they would be adequate to hold the young person accountable.
- A2. The YCJA objectives for guiding the use of extrajudicial measures are:
- repairing the harm caused to the victim and the community;
 - providing an opportunity for victims to participate in decisions;
 - ensuring that the measures are proportionate to the seriousness of the offence; and
 - encouraging the involvement of families, victims and other members of the community.
- A3. Extrajudicial sanctions are penalties that can be used only if the young person admits responsibility for the offence.

Teaching Point 3

Describe conferences provided for in the YCJA.

Time: 5 min

Method: Interactive Lecture

The YCJA authorizes and encourages the convening of conferences to assist decision-makers in the youth justice system.

DEFINITION

Conference. Various types of processes in which effected or interested parties come together to formulate plans to address participants' needs and circumstances involved in youth justice cases.

A conference could be composed of a variety of people, depending on the situation. It could include, for example, the parents of the young person, the victim, others who are familiar with the young person and their neighbourhood, community agencies, or professionals with a particular expertise that is relevant to the circumstances.

APPLICATIONS

A conference brings a group of people together to give advice to a police officer, judge, justice of the peace, prosecutor, provincial director or a youth worker who is required to make a decision under the Act.

A conference provides advice on decisions such as:

- appropriate extrajudicial measures,
- conditions for release from pre-trial detention,
- appropriate sentences, and
- plans for reintegrating a young person back into the community after being in custody.

A conference could be a restorative mechanism that is focused on developing proposals for repairing the harm done to the victim of the young person's offence. It could also be a professional case conference in which professionals discuss how the young person's needs may best be met and how services in the community can be coordinated to assist the young person.

FORMS OF CONFERENCES

Conferences generally operate in an informal manner. They can take the form of:

- family group conferencing,
- youth justice committees,
- community accountability panels,
- sentencing circles, and
- inter-agency case conferences.

Conferences provide an opportunity for a wider range of perspectives on a case, more creative solutions, better coordination of services, and increased involvement of the victim and other community members in the youth justice system.

CONFIRMATION OF TEACHING POINT 3

QUESTIONS:

- Q1. What law authorizes and encourages the convening of conferences?
- Q2. What two issues does a conference address?
- Q3. What forms might a conference take?

ANTICIPATED ANSWERS:

- A1. The YCJA authorizes and encourages the convening of conferences.
- A2. The participants' needs and circumstances involved in youth justice cases.
- A3. A conference may take the form of:
- family group conferencing,
 - youth justice committees,
 - community accountability panels,
 - sentencing circles, and
 - inter-agency case conferences.

END OF LESSON CONFIRMATION

QUESTIONS:

- Q1. How does the YCJA Declaration of Principle expect young persons to be held accountable?
- Q2. When should extrajudicial measures be used?
- Q3. What is the purpose of convening a conference?

ANTICIPATED ANSWERS:

- A1. Young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence.
- A2. Extrajudicial measures should be used in all cases where they would be adequate to hold the young person accountable.
- A3. A conference is intended to assist decision-makers in the youth justice system.

CONCLUSION

HOMEWORK / READING / PRACTICE

Nil.

METHOD OF EVALUATION

Nil.

CLOSING STATEMENT

Canada's criminal justice systems, including the YCJA, affect all Canadians. They are the underpinning of Canada's just, peaceful and safe society in which cadets live.

INSTRUCTOR NOTES / REMARKS

Nil.

REFERENCES

C0-417 Department of Justice. (2008). *The Youth Criminal Justice Act: Summary and background*. Retrieved February 3, 2009, from <http://www.justice.gc.ca/eng/pi/yj-jj/index.html>



**COMMON TRAINING
PROFICIENCY LEVEL FOUR
INSTRUCTIONAL GUIDE**



SECTION 2

EO C401.02 – DISCUSS AGE-BASED LAWS

Total Time:

30 min

PREPARATION

PRE-LESSON INSTRUCTIONS

Resources needed for the delivery of this lesson are listed in the lesson specification located in A-CR-CCP-804/PG-001, *Proficiency Level Four Qualification Standard and Plan*, Chapter 4. Specific uses for said resources are identified throughout the instructional guide within the TP for which they are required.

Review the lesson content and become familiar with the material prior to delivering the lesson.

Obtain current human resources information from Human Resources and Skills Development Canada (HRSDC) regarding age-related laws in the province where this cadet training will take place. The HRSDC website can be accessed at <http://www.hrsdc.gc.ca/> and information regarding minimum age for employment is given at http://www.hrsdc.gc.ca/eng/labour/labour_law/esl/minage.shtml

PRE-LESSON ASSIGNMENT

Nil.

APPROACH

An interactive lecture was chosen for this lesson to present basic information on age-based laws and summarize the teaching points.

INTRODUCTION

REVIEW

Nil.

OBJECTIVES

By the end of this lesson the cadet shall be expected to discuss age-based laws and identify how they affect youth at specific ages.

IMPORTANCE

It is important for cadets to be able to discuss age-based laws so they will know how laws affect youth at specific ages. This will assist in making wise decisions.

Teaching Point 1**Describe age-based laws concerning youth 12 and over.**

Time: 10 min

Method: Interactive Lecture

LAWS CONCERNING YOUTH 12 AND OVER**United Nations Convention on the Rights of the Child**

Canada recognizes the United Nations Convention on the Rights of The Child. This international agreement sets out minimum and basic standards that all people under 18 should be entitled to. These standards include youths' right to protection from abuse and exploitation, and respect for their views.

For the purposes of this discussion, youth are considered to be young people who are 12 to 17 years old, inclusive. Although Canada's Criminal Code applies to all people in Canada, the Youth Criminal Justice Act (YCJA) provides special consideration for youth who break a law.

Criminal Code

For adults, those 18 years of age and over, the Criminal Code applies. Youth are protected from adults by the Criminal Code and many of these protections involve the consent to sexual relations. It is the Criminal Code that forbids sex with anyone less than 12 years of age. After a youth's 12th birthday they can legally consent to sexual activity only with a person who is less than 2 years older.

Therefore, when an accused is charged with an offence in respect of a youth who is 12 years of age or more but under the age of 14 years, it is a defense that the youth consented to the activity if the accused is:

- less than two years older than the youth; and
- not in a position of trust or authority towards the youth,
- not a person with whom the youth is in a relationship of dependency, and
- not in a relationship with the youth that is exploitative.

A young person who is 14 or 15 years old can consent to sexual activity with someone who is less than five years older if the older person is not in a position of trust or authority towards the youth, is not a person with whom the youth is in a relationship of dependency and is not in a relationship with the youth that is exploitative. However, a young person under 16 years of age cannot give legal consent to sexual activity with any adult.

A young person over 16 years of age can live with an older person against the wishes of their legal guardian; the older person will not be charged with a criminal offence as long as the older person did not assist the young person in leaving home.

Youth Criminal Justice Act (YCJA)

The YCJA comes into effect when a youth becomes 12 years of age. A young person can then be charged for federal criminal offences (eg, shoplifting, assault and having a weapon or drugs) and the young person's parents will be notified.

Topics of Provincial Jurisdiction

In most provinces:

- A young person can be charged for provincial offences (eg, skipping school, jaywalking and trespassing) and their parents will be notified.
- A young person's consent is required to have their name changed.

- A young person's consent is required if their parents want to place them with a Children's Aid Society.
- If a young person is in the care of a Children's Aid Society, they can apply to the court to have this changed.
- A young person can see a counsellor or therapist without parental knowledge or consent.
- The court can order a young person into a treatment program if they have a mental health issue.
- There may be restrictions on what a young person can do and where they can go.

CONFIRMATION OF TEACHING POINT 1

QUESTIONS:

- Q1. When does the YCJA come into effect?
- Q2. Who is notified if a twelve-year-old is charged with a federal or provincial offence?
- Q3. At what age can a young person see a counsellor or therapist without parental consent?

ANTICIPATED ANSWERS:

- A1. The YCJA comes into effect when a youth becomes 12 years of age.
- A2. The young person's parents.
- A3. Twelve years of age.

Teaching Point 2

Describe age-based laws concerning youth 14 and over.

Time: 5 min

Method: Interactive Lecture

LAWS CONCERNING YOUTH 14 AND OVER

YCJA

A young person can be given an adult sentence in youth court for more serious criminal offences (eg, murder, attempted murder, manslaughter, and sexual assault involving serious violence). Provincial legislation may raise this to age 15 or 16.

Topics of Provincial Jurisdiction

In some provinces, young people over 14 can be employed, though only outside school hours, in work that is considered wholesome and not harmful to health, welfare, or moral or physical development.



Describe the provincial labour-force rules regarding young people. These can be found in the provincial or territorial Employment Standards Act, which can be accessed via Human Resources and Social Development Canada at http://www.hrsdc.gc.ca/eng/labour/labour_law/esl/minage.shtml with further details at http://www.hrsdc.gc.ca/eng/labour/employment_standards/ministries.shtml

CONFIRMATION OF TEACHING POINT 2

QUESTIONS:

- Q1. A young person accused of attempted murder would be charged under which laws?
- Q2. What legislation might raise the age at which a youth can be given an adult sentence?
- Q3. A young person's ability to be hired for a specified job is determined by what legislation?

ANTICIPATED ANSWERS:

- A1. The YCJA.
- A2. Provincial legislation.
- A3. Provincial legislation.

Teaching Point 3

Describe age-based laws concerning youth under 16.

Time: 5 min

Method: Interactive Lecture

LAWS CONCERNING YOUTH UNDER 16

Topics of Provincial Jurisdiction

A young person must attend school in all provinces and territories.

In most provinces:

- Child protection is provided for young persons under age 16 by provincial legislation.
- Curfews for young persons under 16 may be established by provincial legislation.
- Competence of a young person under 16 to appoint and instruct a lawyer for legal proceedings about admission into a facility for people with mental illnesses is determined by provincial legislation.
- The legal guardian of a young person under 16 may exercise rights to privacy and access to information but not in respect of health care, which requires the young person's consent.

CONFIRMATION OF TEACHING POINT 3

QUESTIONS:

- Q1. In Canada, who must attend school?
- Q2. In Canada, what legislation is used to establish curfews for young persons?
- Q3. About what matter can a legal guardian of a young person under 16 years of age not exercise rights, under provincial legislation?

ANTICIPATED ANSWERS:

- A1. Youth under 16 years of age.
- A2. Curfews for young persons may be established by provincial legislation.
- A3. The legal guardian of a young person under 16 may not exercise rights in respect of the young person's health care.

Teaching Point 4**Describe age-based laws concerning youth 16 and over.**

Time: 5 min

Method: Interactive Lecture

LAWS CONCERNING YOUTH 16 AND OVER**Topics of Provincial Jurisdiction**

In most provinces:

- A young person can work during school hours, subject to provincial legislation.
- A young person can withdraw from parental control (leave home), but may lose the right to financial support.
- A young person can apply for a beginner's driver's license subject to provincial legislation.
- A young person can get married with parental consent.
- A young person can change their name with parental consent or a court order subject to provincial legislation.
- A young person may be considered an adult under provincial offences legislation, meaning parents will not be notified about any charges under provincial laws.
- If not married, a young person can apply for and may receive social assistance in special circumstances.
- A young person is protected from age discrimination when looking for housing.
- At age 16, a young person can no longer be brought into the care of a Children's Aid Society.
- A young person has the right to be involved in decisions about their special education needs.
- If a young person has withdrawn from parental control, they may have the right to appeal school-related decisions, such as suspensions and expulsions, subject to provincial legislation.
- A 16-year-old young person can protect their right to privacy of, and exercise access to, their own personal information.
- In case they become incapable of making decisions, a young person can appoint a substitute decision maker for medical treatment and personal care decisions subject to provincial legislation. This person must follow the young person's treatment wishes made after turning 16. A young person can also be appointed as a substitute decision maker for someone else.
- At age 16 a young person is usually considered an adult for the purposes of mental health; that is, the young person can apply for a court order to be placed in a treatment program for mental health issues.
- A young person, if a student, can be employed only a limited number of hours per week.

- A young person's parents may be sued for damages caused by the youth if the parents failed to reasonably supervise and control the youth.
- A young person can be sued on contracts for necessities (eg, housing) and for goods and services if they benefit from the contract.
- A young person requires a litigation guardian (an adult for representation) to sue someone or be sued unless a court orders that the young person is allowed to do so on their own.
- A litigation guardian may be ordered to represent a young person in legal proceedings where the young person is not a party but their interests require separate representation.

CONFIRMATION OF TEACHING POINT 4

QUESTIONS:

- Q1. At 16 years of age a young person has the right to do what during school hours?
- Q2. What does a 16-year-old person require to get married?
- Q3. What might a 16-year-old person lose by withdrawing from parental control and leaving home?

ANTICIPATED ANSWERS:

- A1. Work.
- A2. Parental consent.
- A3. A young person can withdraw from parental control (leave home), but may lose the right to financial support.

END OF LESSON CONFIRMATION

QUESTIONS:

- Q1. Beginning at age 12 for a young person, what is required in most provinces to place the young person with a Children's Aid Society?
- Q2. A young person's ability to be hired for a specified job is determined by what legislation?
- Q3. Under what circumstances can a young person be sued on contracts for necessities and for goods and services?

ANTICIPATED ANSWERS:

- A1. A young person's consent is required to place the young person with a Children's Aid Society.
- A2. Provincial legislation.
- A3. A young person can be sued on contracts if they benefited from the contract.

CONCLUSION

HOMEWORK / READING / PRACTICE

Nil.

METHOD OF EVALUATION

Nil.

CLOSING STATEMENT

A young person needs to be aware of the changes in legal status that take place as aging and maturity occur because, as a young person grows older, society's expectations tend to become higher. They are becoming more responsible / accountable for their actions.

INSTRUCTOR NOTES / REMARKS

Nil.

REFERENCES

C0-421 Justice for Children and Youth. (2008). *Age-based laws*. Retrieved February 3, 2009, from <http://www.jfcy.org/>

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**COMMON TRAINING
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SECTION 3

EO C401.03 – DISCUSS GOVERNMENT JURISDICTIONS

Total Time:

30 min

PREPARATION

PRE-LESSON INSTRUCTIONS

Resources needed for the delivery of this lesson are listed in the lesson specification located in A-CR-CCP-804/PG-001, *Proficiency Level Four Qualification Standard and Plan*, Chapter 4. Specific uses for said resources are identified throughout the instructional guide within the TP for which they are required.

Review the lesson content and become familiar with the material prior to delivering the lesson. Instructors will need to research and prepare adequately for the group discussion on municipal bylaws in TP3.

Photocopy the handouts at Attachment A for each cadet.

PRE-LESSON ASSIGNMENT

One week before this lesson, instruct the cadets to learn the names and responsibilities of the town council members or local officials, as appropriate to the local area.

APPROACH

An interactive lecture was chosen for TPs 1–2 to present basic information on federal and provincial jurisdictions and to summarize the teaching points.

A group discussion was chosen for TP 3 as it allows the cadets to interact with their peers and share their knowledge, experiences, opinions, and feelings about common municipal bylaws. This helps develop rapport by allowing the instructor to evaluate the cadets' responses in a non-threatening way while helping them refine their ideas. A group discussion also helps the cadets improve their listening skills and develop as members of a team.

INTRODUCTION

REVIEW

Nil.

OBJECTIVES

By the end of this lesson the cadet shall be expected to discuss government jurisdictions and identify each area of legislative power.

IMPORTANCE

It is important for cadets to be able to discuss government jurisdictions so they will be able to identify each level of government's area of legislative power and participate actively as a valued member of a community.

Teaching Point 1**Discuss exclusive powers of the Parliament of Canada.**

Time: 5 min

Method: Interactive Lecture

One of the main characteristics of a federal state such as Canada is the distribution of legislative powers between two or more orders of government. In Canada, there are two orders of government; the federal government and provincial governments. The exclusive powers of Canada's Parliament concern matters of national interest. They include the following:

- defence,
- criminal law,
- census,
- money and banking,
- transportation, and
- citizenship.

DEFENCE

The federal government's defence portfolio comprises a number of organizations, including:

- Department of National Defence (DND),
- Canadian Forces (CF),
- National Search and Rescue Secretariat (NSS),
- Defence Research and Development Canada (DRDC),
- Communications Security Establishment (CSE),
- Canadian Cadet Movement (CCM) and Junior Canadian Rangers (JCR), and
- Judge Advocate General (JAG).

CRIMINAL LAW

Society uses criminal law to shield its members from destructive, hurtful and socially unacceptable behaviours that undermine everyone's right to live in a just, peaceful and safe society. As such, criminal law is a deterrent and primarily punitive. A person found guilty of a criminal offence may lose their liberty and face consequences that have a profound effect on personal freedoms and choices. The federal government's criminal law power is therefore our society's most extreme tool to use to control behaviour that society, through Parliament, has determined to be undesirable.

Canadian law recognizes that a person accused of a crime is innocent until proven guilty in a court of law and that proof of the crime must be made beyond a reasonable doubt. These principles protect all citizens from the arbitrary use of the state's powers of arrest, detention and punishment.

Youth justice

Special considerations come into play when young people commit acts that are considered criminal. This is why Parliament passed the Youth Criminal Justice Act (YCJA) in 2003. It applies to young people aged 12 to 17 years, inclusive. The Act recognizes that young persons must be held accountable for criminal acts, although they need not always be held accountable in the same manner or to the same extent as adults. It is in

society's interest to ensure that as many young offenders as possible are rehabilitated and become productive members of society.

CENSUS



The *Canadian Oxford Dictionary* defines census as: an official count of a population or of a class of things, often with various statistics noted.

Every five years (2016, 2121, etc.) Statistics Canada takes a census of population. The census provides a comprehensive collection of facts about people in Canada. For example, people are asked questions about their age, sex, marital status, education, employment, income, ethnic origin, language, and other subjects. The need for this kind of information increases as our society becomes more complex.

The Canadian Census of Population is a major undertaking whose planning and implementation spans a period of more than eight years. Statistics Canada generally works on two and even three censuses at any given point in time. Before the final results of one census are published, planning and systems development are already well under way for the next one.

MONEY AND BANKING

The federal government's Department of Finance responsibilities include:

- preparing the federal budget;
- preparing tax and tariff legislation;
- managing federal borrowing on financial markets;
- administering major federal transfers to the provinces and territories;
- developing regulatory policy for the financial sector; and
- representing Canada within international financial institutions.

TRANSPORTATION

Transport Canada is responsible for transportation policies and programs. It ensures that air, marine, national highways and rail transportation are safe, secure, efficient and environmentally responsible.

CITIZENSHIP

Citizenship and Immigration Canada was created to link immigration services with citizenship registration. Citizenship and Immigration Canada promotes Canadian ideals and helps build a stronger Canada.



Distribute the handout at Attachment A to each cadet and advise them to read this material for homework.

CONFIRMATION OF TEACHING POINT 1

QUESTIONS:

- Q1. To what portfolio do both the Cadets and Junior Canadian Rangers, and the JAG belong?
- Q2. What Canadian laws are primarily punitive?
- Q3. For what four modes of transportation is Transport Canada responsible?

ANTICIPATED ANSWERS:

- A1. The federal government's defence portfolio.
- A2. Criminal law.
- A3. Air, marine, national highway and rail transportation.

Teaching Point 2

Describe exclusive powers of provincial legislatures.

Time: 10 min

Method: Interactive Lecture

There is a clear constitutional distinction between provinces and territories. While territories exercise delegated powers under the authority of the Parliament of Canada, provinces exercise powers in their own right. The exclusive powers of provincial legislatures, listed in the Constitution Act of 1867, concern matters of a local nature. They include the following:

- property and civil rights,
- administration of justice,
- natural resources and the environment,
- education, and
- health and welfare.

PROPERTY AND CIVIL RIGHTS

Property and civil rights law is a powerful provincial constitutional provision. In practice, this gives the provinces authority over numerous matters related to property rights and rights related to civil law, including contractual rights, labour relations, professions, intra-provincial marketing schemes, advertising, trade securities, manufacturing, and industry.

ADMINISTRATION OF JUSTICE

Authority for the judicial system in Canada is divided between the federal government and the ten provincial governments. The provinces are given jurisdiction over "the administration of justice" in the provinces, which includes "the constitution, organization and maintenance" of the courts, both civil and criminal, as well as civil procedure in those courts. However, this jurisdiction does not extend to the appointment of the judges of all of these courts. The power to appoint the judges of the superior courts in the provinces—which includes the provincial courts of appeal as well as the trial courts of general jurisdiction—is given to the federal government.

NATURAL RESOURCES AND THE ENVIRONMENT

Under the Canadian constitution, responsibility for natural resources belongs to the provinces, not the federal government.

In each province, the legislature may exclusively make laws in relation to:

- exploration for non-renewable natural resources in the province;
- development, conservation and management of non-renewable natural resources and forestry resources in the province; and
- development, conservation and management of sites and facilities in the province for the generation of electrical energy.

EDUCATION

Education is exclusively within the jurisdiction of provincial and territorial governments and has been since 1867 when Canada's Constitution Act, then known as the British North America (BNA) Act, provided that the legislature of each province may exclusively make laws in relation to education.

HEALTH AND WELFARE

Health

Canada's national health insurance program, commonly referred to as "Medicare", is designed to ensure all residents have reasonable access to medically necessary hospital and physician services, on a prepaid basis. Instead of having a single national plan, Canada has a national program that is composed of 13 interlocking provincial and territorial health insurance plans, all of which share certain common features and basic standards of coverage.

Welfare

Canada's Charter of Rights and Freedoms regulates interactions between the state (federal, provincial and territorial governments) and individuals. It is, in some respects, Canada's most important legislation because it can render invalid or inoperative any laws that are inconsistent with its provisions.



The *Youth guide to the Canadian Charter of Rights and Freedoms* can be accessed at <http://www.jhcentre.org/dnn/Portals/0/Publications/Youth%20Guide.pdf>

ACTIVITY

Time: 5 min

OBJECTIVE

The objective of this activity is to have the cadets share their knowledge of the exclusive powers of provincial legislatures.

RESOURCES

Nil.

ACTIVITY LAYOUT

Arrange the classroom for the entire group to be standing.

ACTIVITY INSTRUCTIONS

1. Tell the cadets they are to share their knowledge of provincial jurisdiction with another cadet.
2. Have the cadets walk about the classroom mingling.
3. On command of the instructor, each cadet will find another cadet to form a pair.
4. Give the group ten seconds to remember the areas of provincial jurisdiction.
5. The member of each pair with the earliest birthday will name one area of provincial jurisdiction.
6. The other member of each pair will respond with a second area of provincial jurisdiction.
7. Repeat until all areas of provincial jurisdiction are named, to include:
 - property and civil rights,
 - administration of justice,
 - natural resources and the environment,
 - education, and
 - health and welfare.
8. Repeat Steps 2 and 3 to form new pairs.
9. Give the entire group ten seconds to remember a fact about an area of provincial jurisdiction.
10. The member of each pair with the latest birthday will name a fact about an area of provincial jurisdiction.
11. The other member of each pair will respond with a second fact about an area of provincial jurisdiction.
12. Continue this sharing while time permits.

SAFETY

Nil.

CONFIRMATION OF TEACHING POINT 2

The cadets' participation in the activity will serve as the confirmation of this TP.

Teaching Point 3

Describe examples of common municipal bylaws that affect youth.

Time: 10 min

Method: Group Discussion



The point of the group discussion is to draw the following information from the group using the tips for answering / facilitating discussion and the suggested questions provided.

BACKGROUND KNOWLEDGE

Municipal government is not a constitutional order of government. Municipalities are established by the provincial legislatures, which delegate some of their powers to municipal governments. Municipalities are governed by municipal councils. The job of municipal councils is to make decisions about municipal financing, services and other bylaws. Councils must regulate behaviour as demanded by the majority of citizens. Since such demands are a reflection of local values and needs, they vary in detail between locations. It is a civic responsibility for each citizen to know what rules are in local bylaws.



Have the cadets brainstorm a list of the names and responsibilities of the town council members or local officials, as appropriate to the local area.

NOISE LIMITATIONS

Most municipalities limit noise that is irritating. At certain times, noise is completely forbidden in some municipalities.

CURFEWS

Safety requires that children not wander the streets at night. As well, law enforcement is made more difficult at night if youth are at large. Municipalities sometimes pass bylaws that require persons under a specified age to not be in a public place at certain times. Typical exceptions to curfew might include situations in which the young person is:

- involved in an emergency as defined by the bylaw;
- in a motor vehicle travelling from one point to another without detour;
- employed;
- acting in a volunteer capacity;
- attending an organized school or sporting event;
- at a religious, cultural or recreational activity; or
- at any other time as determined by a Peace Officer.

CONTROL OF SKATEBOARDS AND BICYCLES

Sharing roads and pathways with vehicles and pedestrians poses safety hazards for skateboards and bicycles—hazards that municipal bylaws are intended to control. Municipalities may designate areas where skateboards and bicycles may not be used and also specify how they are to be used if allowed. Such a bylaw will usually specify fines for contravening the bylaw and methods of disposal of the offending equipment. Every cyclist or skateboarder should first become familiar with the pertinent municipal bylaws.

GROUP DISCUSSION



TIPS FOR ANSWERING / FACILITATING DISCUSSION:

- Establish ground rules for discussion, eg, everyone should listen respectfully; don't interrupt; only one person speaks at a time; no one's ideas should be made fun of; you can disagree with ideas but not with the person; try to understand others as much as you hope they understand you; etc.
- Sit the group in a circle, making sure all cadets can be seen by everyone else.
- Ask questions that will provoke thought; in other words avoid questions with yes or no answers.
- Manage time by ensuring the cadets stay on topic.
- Listen and respond in a way that indicates you have heard and understood the cadet. This can be done by paraphrasing their ideas.
- Give the cadets time to respond to your questions.
- Ensure every cadet has an opportunity to participate. One option is to go around the group and have each cadet answer the question with a short answer. Cadets must also have the option to pass if they wish.
- Additional questions should be prepared ahead of time.

SUGGESTED QUESTIONS:

- Q1. Why are municipalities established?
- Q2. How might curfew bylaws sometimes make youth feel?
- Q3. Why should everyone become familiar with municipal bylaws?
- Q4. Why might legislation be needed to regulate interactions between a provincial government and an individual?
- Q5. Why is municipal government not a constitutional order of government in Canada?



Other questions and answers will develop throughout the group discussion. The group discussion should not be limited to only those suggested.



Reinforce those answers given and comments made during the group discussion, ensuring the teaching point has been covered.

CONFIRMATION OF TEACHING POINT 3

The cadets' participation in the group discussion about government jurisdictions will serve as the confirmation of this TP.

END OF LESSON CONFIRMATION

The cadets' participation in the activity and group discussion will serve as the confirmation of this lesson.

CONCLUSION

HOMEWORK / READING / PRACTICE

Instruct the cadets to explore the additional details in the handout located at Attachment A.

METHOD OF EVALUATION

Nil.

CLOSING STATEMENT

The distribution of legislative powers in Canada is a result of Canada's Constitution Act of 1867 (BNA Act) and subsequent constitutional conferences. Negotiating the distribution of legislative powers in Canada is an ongoing process that allows Canada to adapt to a changing world.

INSTRUCTOR NOTES / REMARKS

Nil.

REFERENCES

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THE DEFENCE PORTFOLIO

The Defence Portfolio comprises the Department of National Defence (DND), the Canadian Forces (CF) and a number of related organizations, all of which are the collective responsibility of the Minister of National Defence. In addition to DND and the regular and reserve components of the CF, related organizations include:

National Search and Rescue Secretariat (NSS)

NSS acts as a liaison for Search and Rescue (SAR) agencies and all partners involved in Canadian search and rescue. Their combined efforts give Canada one of the most effective national search and rescue programs in the world. The Minister of National Defence is the lead minister for Search and Rescue.

Defence Research and Development Canada (DRDC)

DRDC is an agency operating within DND. DRDC provides science and technology services to DND and the CF. It conducts research and development (R&D) activities to contribute to the success of Canadian military operations and performs ongoing technology assessment to enhance CF preparedness. Many of the cutting-edge products (eg, artificial blood substitute and the first anti-gravity flying suit) developed by DRDC generate thousands of jobs and millions of dollars in export sales for Canada.

Communications Security Establishment (CSE)

The Communications Security Establishment (CSE) is a cryptologic agency that collects foreign intelligence that can be used by the government for strategic warning, policy formulation, decision-making and day-to-day assessment of foreign capabilities and intentions. It produces intelligence reports based on electronic emissions and advises the government in the area of security for its telecommunications and automated information systems.

Cadets and Junior Canadian Rangers

Cadets

Cadets Canada is the largest federally sponsored youth program in Canada. It is a national program for young Canadians ages 12 to 18 who are interested in participating in a variety of challenging and rewarding activities, and learning more about the CF. The Cadet Program:

- promotes teamwork, leadership and citizenship;
- helps develop decision making skills; and
- increases self-confidence and physical fitness.

The Cadet Program contains three separate elements: sea, army and air. While all three elements share common training, each program also has its own distinct focus:

- Sea Cadets focus on seamanship and learning to sail;
- Army Cadets focus on outdoor adventure; and
- Air Cadets focus on principles of aviation and learning to fly.

The aim of the Cadet Program is to develop in youth the attributes of good citizenship and leadership, promote physical fitness and stimulate the interest of youth in the sea, land and air activities of the Canadian Forces.

Citizenship. The development of responsible and caring citizens is one of the most important aspects of the Cadet Program. Throughout the year, cadets participate in citizenship activities in cities and towns across Canada.

Leadership. The Cadet Program encourages youth to be fair and ethical leaders. Cadets learn to take responsibility for their actions and motivate their peers to follow their example.

Physical Fitness. Cadets develop an understanding of the benefits of a healthy lifestyle. Participation in fitness activities results in a positive attitude that enables cadets to take on new challenges.

Stimulate Interest in the Activities of the Canadian Forces. Exposure to the sea, land and air activities of the Canadian Forces is a unique part of the Cadet Program identity, distinguishing it from other youth development programs.

Junior Canadian Rangers (JCR)

JCR is the only organized youth program available in many remote and isolated Canadian communities. The JCR programme offers young people in such communities across Canada a unique opportunity to participate in a variety of fun and rewarding activities in a formal setting. Under the supervision of the Canadian Rangers, these young Canadians (ages 12 to 18) become active and engaged citizens of their local communities.

Junior Canadian Rangers are taught traditional skills, life skills, and Ranger skills. With traditional and life skills included in the curriculum, the community can infuse cultural norms, local language, regional skills, and social needs into the programme.

Ranger skills include:

- applying first aid;
- volunteering and being a good role model;
- using small boats, snowmobiles and all-terrain vehicles (ATVs); and
- using rifles safely.

Traditional skills can include:

- hunting and fishing;
- living on the land;
- learning about spirituality, language, music and art; and
- discussing customs and traditions with elders.

Life skills can include:

- living in a healthy way;
- preventing harassment and abuse;
- speaking in public; and
- protecting the environment.

Judge Advocate General (JAG)

The JAG acts as the legal advisor to the Governor General, the Minister of National Defence, DND and the CF. The JAG is also responsible for the administration of military justice in the CF.

CRIMINAL LAW

Society uses criminal law to shield its members from destructive, hurtful and socially unacceptable behaviours that undermine everyone's right to live in a just, peaceful and safe society. As such, criminal law is a deterrent and primarily punitive. A person found guilty of a criminal offence may lose his or her liberty and face consequences that have a profound effect on personal freedoms and choices. The federal government's criminal law power is therefore our society's most extreme tool to use to control behaviour that society, through Parliament, has determined to be undesirable.

Canadian law recognizes that a person accused of a crime is innocent until proven guilty in a court of law and that proof of the crime must be made beyond a reasonable doubt. These principles protect all citizens from the arbitrary use of the state's powers of arrest, detention and punishment.

Youth justice

Special considerations come into play when young people commit acts that are considered criminal. This is why Parliament passed the Youth Criminal Justice Act (YCJA) in 2003. It applies to young people aged 12 to 17 years, inclusive. The Act recognizes that young persons must be held accountable for criminal acts, although they need not always be held accountable in the same manner or to the same extent as adults. It is in society's interest to ensure that as many young offenders as possible are rehabilitated and become productive members of society.

CENSUS

Conducted every five years, the Canadian Census of Population is a major undertaking whose planning and implementation spans a period of more than eight years. Statistics Canada generally works on two and even three censuses at any given point in time. Before the final results of one census are out, planning and systems development are already well under way for the next one.

MONEY AND BANKING

The federal government's Department of Finance responsibilities include:

- preparing the federal budget;
- preparing tax and tariff legislation;
- managing federal borrowing on financial markets;
- administering major federal transfers to the provinces and territories;
- developing regulatory policy for the financial sector; and
- representing Canada within international financial institutions.

TRANSPORTATION

Transport Canada is responsible for transportation policies and programs. It ensures that air, marine, national highways and rail transportation are safe, secure, efficient and environmentally responsible.

Transport Canada reports to Parliament and Canadians through the minister of Transportation, Infrastructure and Communities.

Air Transportation

Canada is recognized as having one of the most successful and safest civil aviation programs in the world. Transport Canada works with many partners both in Canada and around the world to protect and maintain our air safety and security record, and to make air travel more environmentally responsible.

Marine Transportation

Transport Canada promotes efficient marine transportation and safe, secure and sustainable marine practices; oversees marine infrastructure; regulates the safe transportation of dangerous goods by water; and helps protect the marine environment.

Rail Transportation

With 48 000 kilometres of track, Canada has one of the largest rail networks in the world. Transport Canada regulations, standards and programs work to make our railway system safe, secure, accessible, competitive and more environmentally responsible.

Road Transportation

Transport Canada works to make Canada's national highways, and international and interprovincial bridges safe, as well as to keep our border crossings secure and efficient for drivers, passengers and the communities they travel through.

CITIZENSHIP

Citizenship and Immigration Canada (CIC) was created to link immigration services with citizenship registration. CIC promotes Canadian ideals and helps build a stronger Canada. CIC responsibilities include:

- admitting immigrants, foreign students, visitors and temporary workers who help Canada's social and economic growth;
- resettling, protecting and providing a safe haven for refugees;
- helping newcomers adapt to Canadian society and become Canadian citizens;
- managing access to Canada to protect the security and health of Canadians and the integrity of Canadian laws; and
- helping Canadians and newcomers to participate fully in the economic, political, social and cultural life of the country.



**COMMON TRAINING
PROFICIENCY LEVEL FOUR
INSTRUCTIONAL GUIDE**



SECTION 4

EO C401.04 – DISCUSS COMPUTER CRIME

Total Time:

30 min

PREPARATION

PRE-LESSON INSTRUCTIONS

Resources needed for the delivery of this lesson are listed in the lesson specification located in A-CR-CCP-804/PG-001, *Proficiency Level Four Qualification Standard and Plan*, Chapter 4. Specific uses for said resources are identified throughout the instructional guide within the TP for which they are required.

Review the lesson content and become familiar with the material prior to delivering the lesson.

PRE-LESSON ASSIGNMENT

Nil.

APPROACH

An interactive lecture was chosen for TPs 1 and 2 to present basic information on computer crime and to summarize the teaching points.

A group discussion was chosen for TP 3 as it allows the cadets to interact with their peers and share their knowledge, experiences, opinions, and feelings about computer crime. This helps develop rapport by allowing the instructor to evaluate the cadets' responses in a non-threatening way while helping them refine their ideas. A group discussion also helps the cadets improve their listening skills and develop as members of a team.

INTRODUCTION

REVIEW

Nil.

OBJECTIVES

By the end of this lesson the cadet shall have discussed computer crime.

IMPORTANCE

It is important for cadets to discuss computer crime so they will be able to identify unacceptable behaviour and help reduce the frequency of such activities.

Teaching Point 1**Describe copyright laws regarding downloading.**

Time: 10 min

Method: Interactive Lecture

THE PURPOSE OF COPYRIGHT

Copyright means the right to copy. Only the owner of copyright, very often the creator of the work, is allowed to produce or reproduce the work in question or to permit anyone else to do so. Copyright law rewards and protects creative endeavours by giving the copyright owner the sole right to publish or use the work in any number of ways. A copyright owner may also choose not to publish a work and to prevent anyone else from doing so.

Copyright applies to all original literary, dramatic, musical and artistic works. Each of these general categories covers a wide range of creations.

Copyright also applies to three other kinds of subject matter in addition to the works listed above:

- **Performer's performance.** Performers such as actors, musicians, dancers and singers have copyrights for their performances.
- **Communication signals.** Broadcasters have copyrights for the communication signals that are broadcast.
- **Sound recordings.** Makers of recordings, such as records, cassettes, and compact discs, which are called "sound recordings" in the Copyright Act, are also protected by copyright.



Cadets can find detailed information about copyright at the Canadian Intellectual Property Office web page at <http://cipo.ic.gc.ca>

PEER-TO-PEER (P2P) FILE SHARING

When used properly, P2P file sharing is an exciting new technology. Unfortunately, P2P networks are often used improperly—usually for the illegal distribution of copyrighted content.

Internet file-sharing involves millions of unauthorized music files at any one time. A large majority of unauthorized files are being made available by a small minority of P2P users.

The Perils of P2P

Due to global and anonymous connectivity, P2P users are exposed to a variety of security and privacy hazards. This is often made worse by software flaws that provide easy access to hackers and can result in machine crashes and loss of privacy.

Spyware can be embedded with a "Trojan Horse", an executable code that may leak information, corrupt files or allow system commandeering by a hacker. Viruses, too, are spread via file-sharing networks. Users become contaminated when downloading infected files.

CONSEQUENCES OF INTERNET PIRACY**Physical Music Piracy**

Physical music piracy is the making or distribution of copies of sound recordings on physical carriers without the permission of the rights owner. The term piracy refers to activities that are of a commercial nature, including activities that cause commercial harm. The packaging of pirated copies may or may not be different from the

original. Pirated copies are often compilations, such as the "greatest hits" of a specific artist, or a collection of a specific genre, such as dance tracks.

Bootlegs

Bootlegs are the unauthorized recordings of live or broadcast performances. They are duplicated and sold—sometimes at a premium price—without the permission of the artist, composer or record company.

Internet Piracy

Internet piracy is commonly used to refer to a variety of unauthorized uses of music or other creative content on the internet. It refers to acts of infringements on the Internet that are of a commercial nature—not necessarily due to the motivation of the perpetrator. While some Internet pirates generate income from their activity, many people engage in such acts for other, non-commercial reasons, but they all can cause enormous commercial damage.

The term is also often used to refer more generally to any use of creative content on the Internet that violates copyright, whether via websites, P2P networks, or other means.

THE BERNE CONVENTION

The Berne Convention for the Protection of Literary and Artistic Works was first adopted in 1886 as an agreement to honour the rights of all authors who are nationals of countries that are party to the convention (including Canada). It was updated by the Paris Act of 1971. The convention is administered by the World Intellectual Property Organization (WIPO), a specialized agency of the United Nations.

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations. It is dedicated to developing a balanced and accessible international intellectual property (IP) system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest.

CONFIRMATION OF TEACHING POINT 1

QUESTIONS:

- Q1. What is the purpose of copyright law?
- Q2. What problems arose from illegal P2P file sharing and distribution of copyrighted content?
- Q3. What is generally referred to as Internet piracy?

ANTICIPATED ANSWERS:

- A1. Copyright law rewards and protects creative endeavours.
- A2. Huge staff layoffs and lost career opportunities for artists.
- A3. Any use of creative content on the Internet that violates copyright.

Teaching Point 2**Explain authorized use of DND / CF Internet connections, unauthorized access to restricted websites, and consequences of misuse of computers.**

Time: 5 min

Method: Interactive Lecture

There should be no expectation of privacy when using DND and CF electronic networks and computers as they are subject to monitoring for purposes of system administration, maintenance and security, and to ensure compliance with DND, CF and Treasury Board policies.

AUTHORIZED USE OF DND / CF INTERNET CONNECTIONS

Internet acceptable-use policies cover Internet connections created for the use of—or on behalf of— DND / CF, whether or not they are used in support of the Cadet Program. This applies whether these connections are made using a personal or a DND / CF computer or other equipment. Only authorized personnel shall use such Internet connections and only for legitimate activities. Internet use shall conform to Government of Canada and DND / CF policies.

Unauthorized and / or illegal use of the Internet includes, but is not limited to:

1. disseminating, displaying, mailing, posting, receiving or soliciting for the reception of illegal material (eg, obscene, threatening, intimidating or harassing material, hate propaganda, or child pornography). Making public to any users any such materials or direct links to such locations elsewhere on the Internet is also illegal;
2. use of the Internet to libel or slander other users, individuals or institutions;
3. extortion (obtaining by threats, force or persistent demands);
4. violation of copyrights or trade secrets, or infringement of any patent or other proprietary interest, including any activity that supports illegal distribution of software, otherwise known as pirating;
5. gaining or attempting to gain unauthorized access to any kind of network, service, information, communications, or computing facility or resource through use of the DND / cadet unit Internet connection / computer (also referred to as hacking);
6. damaging / destroying the integrity of a computer system, or the data or programs stored on a computer system;
7. misrepresentation of oneself or DND / CF;
8. attempting to disable or circumvent security mechanisms or access restrictions, or uncover security loopholes, or circumvent information / data protection schemes in order to gain unauthorized access;
9. disrupting service by using the Internet connection / computer as to interfere with or disrupt network resources, users, services or equipment;
10. propagation of computer viruses or other malicious code;
11. sending electronic chain letters or wide distribution e-mail;
12. making large numbers of article posts to inappropriate newsgroups (referred to as spamming); and
13. uploading, downloading, modifying or removing files from a remote computer for which proper authorization was not granted.

UNAUTHORIZED ACCESS TO RESTRICTED WEBSITES

Criminal Code 184. (1): Everyone who, by means of any electro-magnetic, acoustic, mechanical or other device, willfully intercepts a private communication is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.



Cadets can explore the meaning of these terms, relative to the Internet, at the Criminal Code Part VI, Invasion of Privacy: Interception of Communications on the Department of Justice website: <http://laws.justice.gc.ca/en/showtdm/cs/C-46>

CONSEQUENCES OF MISUSE OF COMPUTERS

Failure of a cadet to comply with DND / CF Internet acceptable use policy may result in compulsory termination of cadet membership.

CONFIRMATION OF TEACHING POINT 2

QUESTIONS:

- Q1. Why should there be no expectation of privacy when using DND and CF electronic networks and computers?
- Q2. Who can use DND / CF Internet connections and for what purposes?
- Q3. What might be the consequence of a cadet's failure to comply with DND / CF Internet acceptable use policy?

ANTICIPATED ANSWERS:

- A1. DND and CF electronic networks and computers are subject to monitoring for purposes of system administration, maintenance and security, and to ensure compliance with DND, CF and Treasury Board policies.
- A2. Only authorized personnel shall use such Internet connections and only for legitimate activities.
- A3. Failure of a cadet to comply with DND / CF Internet acceptable use policy may result in compulsory termination of cadet membership.

Teaching Point 3

Conduct a group discussion on acceptable use of the Internet.

Time: 10 min

Method: Group Discussion

BACKGROUND KNOWLEDGE

THE NEED FOR CAUTION AND SOUND JUDGEMENT

CF members, civilian instructors, personnel volunteering in support of the Cadet Program and cadets shall:

- be expected to exert caution and sound judgment when using the Internet;
- ensure online activities are of a professional, ethical and legal manner and shall not diminish the public image of the Cadet Program;

- not represent personal views over the Internet as being the policy of DND / CF, the Government of Canada or the Canadian Cadet Organization;
- not express themselves in an abusive, sexist or racist manner over the Internet; and
- not violate public affairs policy through their use of the Internet.

PROFESSIONALISM WHEN USING CADET-RELATED MATERIAL

Grievances and personal dissatisfactions with the Cadet Program or individuals involved with the Cadet Program shall not be posted over the Internet. Established procedures exist for the resolution of grievances at all levels.

All members of the cadet movement should consult with their chain of command before publishing cadet program-related information and imagery to the Internet on other than official cadet websites in accordance with the related regulations. The regional Public Affairs Officer should be consulted if there is any question about the content to be posted. It is incumbent upon all members of the cadet organization to consider the potential for creating risk to themselves, their families, their peers and the cadet program by publishing information to the internet.

GROUP DISCUSSION



The point of the group discussion is to draw the following information from the group using the tips for answering / facilitating discussion and the suggested questions provided.



TIPS FOR ANSWERING / FACILITATING DISCUSSION:

- Establish ground rules for discussion, eg, everyone should listen respectfully; don't interrupt; only one person speaks at a time; no one's ideas should be made fun of; you can disagree with ideas but not with the person; try to understand others as much as you hope they understand you; etc.
- Sit the group in a circle, making sure all cadets can be seen by everyone else.
- Ask questions that will provoke thought; in other words avoid questions with yes or no answers.
- Manage time by ensuring the cadets stay on topic.
- Listen and respond in a way that indicates you have heard and understood the cadet. This can be done by paraphrasing their ideas.
- Give the cadets time to respond to your questions.
- Ensure every cadet has an opportunity to participate. One option is to go around the group and have each cadet answer the question with a short answer. Cadets must also have the option to pass if they wish.
- Additional questions should be prepared ahead of time.

SUGGESTED QUESTIONS:

- Q1. Why are cadets expected to exert caution and sound judgment when using the Internet?
- Q2. How can cadets ensure that their Internet activities are of a professional, ethical, and legal manner and do not diminish the public positive image of the program?
- Q3. How might cadets inadvertently represent personal views over the Internet as being the policy of DND / CF, the Government of Canada or the Canadian Cadet Organization?
- Q4. How might someone express themselves in an abusive, sexist or racist manner over the Internet?
- Q5. What harm might result from posting grievances and personal dissatisfactions on the Internet?



Other questions and answers will develop throughout the group discussion. The group discussion should not be limited to only those suggested.



Reinforce those answers given and comments made during the group discussion, ensuring the teaching point has been covered.

CONFIRMATION OF TEACHING POINT 3

The cadets' participation in a discussion about acceptable use of the Internet will serve as the confirmation of this TP.

END OF LESSON CONFIRMATION**QUESTIONS:**

- Q1. What is the purpose of copyright law?
- Q2. Why should there be no expectation of privacy when using DND and CF electronic networks and computers?
- Q3. What must cadets ensure about their online activities?

ANTICIPATED ANSWERS:

- A1. Copyright law rewards and protects creative endeavours.
- A2. DND and CF electronic networks and computers are subject to monitoring for purposes of system administration, maintenance and security, and to ensure compliance with DND, CF and Treasury Board policies.
- A3. Cadets must ensure that their online activities are of a professional, ethical and legal manner and that they do not diminish the public positive image of the Cadet Program.

CONCLUSION

HOMEWORK / READING / PRACTICE

Nil.

METHOD OF EVALUATION

Nil.

CLOSING STATEMENT

Although computer crime has been a problem as long as there has been information stored on computers, such crime was once in the uncommon domain of specialists. Now that computers are in widespread use, computer crime affects everyone with very dangerous social and economic consequences.

INSTRUCTOR NOTES / REMARKS

This lesson may be delivered by a subject matter expert from the community, such as a police officer.

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