

Court referrals for a group of youth and young adults

by Anthony Matarazzo

This article has been adapted from the report “Court Careers of a Canadian Birth Cohort” which is part of the *Crime and Justice Research Paper Series*. For a full list of references, please see the original report which is available free at www.statcan.ca/english/research/85-561-MIE/85-561-MIE2005006.htm.

In 2005, a violent upsurge in deadly shootings took the lives of 52 people in Toronto. The worst attacks took place in the summer and fall, in what residents now call “The Summer of the Gun.” Many of the suspects, as well as their victims, were teens or young adults. On Boxing Day, a running gun battle between young members of rival gangs on Toronto’s busy Yonge Street killed one 15-year-old shopper and wounded six other passers-by.¹ In May 2006, a 12-year-old in Alberta and her 23-year-old boyfriend were charged with first-degree murder in the deaths of her parents and younger brother.

As horrifying as these crimes by young people are, they are so rare that they fall completely outside the range of normal adolescent criminal behaviour. Most of the offences committed by teenagers can be considered part of growing up – acting out, testing limits, trying to win the approval of peers. In fact, the rambunctious behaviour of teenagers has chafed at adults in every generation.

One of the most basic questions about juvenile delinquency is actually the most difficult to answer. What percentage of young people actually commits crimes? Only by knowing the extent of the problem can authorities

develop effective solutions that protect society without throwing away the future of an immature offender.

Through self-report surveys, which rely on respondents to admit to any criminal acts, it appears that adolescent involvement in minor ‘illegal’ behaviour is fairly widespread, but that few are brought to the attention of the police or referred to court for formal processing. For the majority of these young people, this behaviour is temporary and very few go on to become persistent and serious offenders.²

Official data, on the other hand, suggest that a small segment of the youth population has formal contact with criminal justice authorities and that an even smaller proportion is responsible for the majority of criminal activity. Unlike self-report delinquency, official crime data measures illegal behaviour which has first been detected, then reported to authorities, and subsequently dealt with—formally or informally—by the police or courts. As such, these data may be best seen as providing valuable and necessary information on the response of the criminal justice system to illegal activities, as opposed to actual levels of crime in society.

This article examines involvement with the court system of young Canadians born between April 1979 and March 1980. It identifies how large a proportion of them were referred to court and the type of offence with which they were charged. Using data from the Youth Court Survey and the Adult Criminal Court Survey, it follows them as they moved from youth to young adulthood—that is, from age 12 to 21, inclusive.

Almost one in five individuals referred to court by age 21

Almost one in five (18%) Canadians born between April 1979 and March 1980 were referred to youth court or adult criminal court in relation to offences they committed before their 22nd birthday. Males comprised the vast majority of the group of 59,000 offenders and were almost four times more likely to be referred to court, at 28% compared with only 8% of females over the 10-year period.

Of these young individuals who appeared before a judge, 72% were found guilty of the offence with which they were charged. This rate of conviction also varied considerably between the sexes, with nearly three-quarters (74%) of males but 61% of females being found guilty.

While these estimates must be compared with those from other studies with caution, the *overall* prevalence rates for this birth cohort are consistent with those reported in similar studies conducted in Denmark, England, New Zealand, Sweden, and the United States.³

How old are young people committing their first offence?

The relationship between age and crime has become a “staple” in criminological research. Many studies have revealed a pattern that shows a sharp



Just under one in five members of the study cohort appeared in court at least once during the period 1991 to 2001

Birth cohort (April 1, 1979 to March 31, 1980)

	Population *	Number referred to court	% referred to court
Total	323,328	59,000	18
Male	165,900	46,909	28
Female	157,428	12,091	8

* These figures represent the estimated number of 21-year-olds in the six provinces in 2000/01.
Sources: Statistics Canada, Youth Court and Adult Court Statistics, 1991 to 2001; Annual Demographic Statistics, 2003.



What you should know about this study

This study uses the Youth Court Survey and the Adult Criminal Court Survey to trace the path through the court system of all people born between April 1, 1979 and March 31, 1980. Individuals are included in the study population if they had been charged with at least one federal statute offence that was referred to court between April 1, 1991 and March 31, 2001. The data cover six provinces which collectively account for about 78% of Canada’s youth population: Newfoundland and Labrador, Prince Edward Island, Quebec, Ontario, Saskatchewan, and Alberta. Manitoba and British Columbia are excluded from the study because they did not provide the adult court data which is necessary to follow the birth cohort to age 21.

Referral

The term “referral” signifies offences being brought to youth court or adult criminal court which occurred on the same date, whether or not there was a finding of guilt. As such, the terms “offence” and “offenders” used throughout this article refer to offences allegedly committed and alleged offenders.

Study population

Using the court survey data, one cannot track exactly the same group of individuals for ten years—from their 12th birthday up to their 22nd birthday. However, population data by province for each age and sex may be used to estimate the size of the birth cohort for each year as the individuals aged from 12 to 21 years old. For calculating overall prevalence rates, the study used the largest approximate population (the number of 21-year-olds in 2000) as its base; age-specific

rates, on the other hand, simply used yearly population data to determine the approximate population of each corresponding age group.

Classification of offences

Offences are classified into four groups—against the person, against property, against the administration of justice, and other — according to the nature of the most serious charge resulting from the incident. The most serious charge representing the case being referred to court is classified using a seriousness scale developed by the Canadian Centre for Justice Statistics, Statistics Canada. Readers should note that this classification procedure may result in the number of less serious offences being underestimated.

Offences against the person: This category includes homicide, attempted murder, robbery, sexual assault, other sexual offences, major and common assault, uttering threats, criminal harassment and other crimes against the person.

Offences against property: This category includes theft, break and enter, fraud, mischief, possession of stolen property, and other property crimes.

Offences against administration of justice: This category includes failure to appear, breach of probation, unlawfully at large, failure to comply with an order, offences under the *Young Offenders Act*, and other administration of justice offences.

Other offences: This category includes weapons offences, prostitution, disturbing the peace, residual Criminal Code offences, impaired driving and other Criminal Code traffic offences, drug possession, drug trafficking and other federal statute offences.

Males were almost four times more likely than females to be referred to court



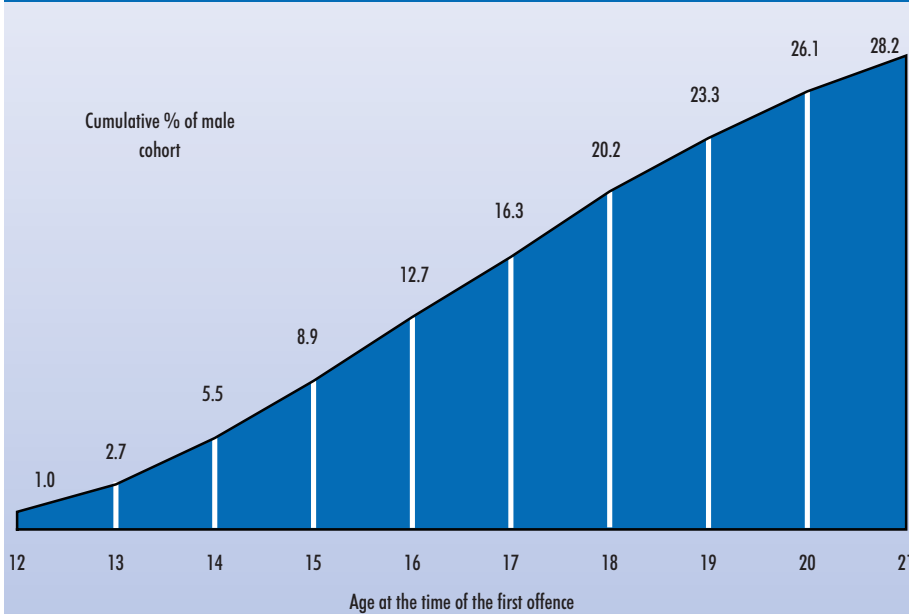
Note: Female axis has been scaled up to highlight differences in male/female age-related prevalence rates
 Source: Statistics Canada, Youth Court Survey and Adult Criminal Court Survey, 1991 to 2001; Annual Demographic Statistics, 2003.

increase in offending activities during early adolescence, with a marked peak in the mid- to late-teen years; this is then followed by a steady decline into adulthood.⁴ When using official court data, the relationship between age and crime may be presented in two different ways – *age-at-onset* and *age-specific prevalence* – depending on the research objective. Age-at-onset identifies the age of the individual at the time of the offence which led to their first court referral; age-specific prevalence highlights each age at which individuals were involved in an incident which resulted in charges being referred to court.

While the overall pattern of age-at-onset for both males and females resembled the general age-crime curve reported in most studies, this pattern varies between the sexes. Among males in the study cohort, the number committing a first offence leading to a court referral increased continually up to the ages of 16 to 18. This onset peaked at 18, when approximately 4% of male cohort members became first-time offenders.

For females, on the other hand, there was a much sharper increase in the number of first-time offenders at younger ages and a much earlier peak occurring at age 15. At that age, approximately 1% of the female cohort was involved in an incident that led to their first court referral. The female pattern of onset then drops substantially as it seems the maturation process reduces this type of behaviour.

More than 4 in 10 male cohort members who were referred to court first appeared after their 18th birthday



Source: Statistics Canada, Youth Court Survey and Adult Criminal Court Survey, 1991 to 2001; Annual Demographic Statistics, 2003.

Four out of ten cohort members appeared in court after age 18

The majority of individuals in the cohort committed their first offence between the ages of 12 and 17. There were, however, a substantial number of individuals referred to court for the first time at older ages. The literature, generally based on self-report or police data, widely reports that criminal offending usually begins in childhood or early adolescence.

However, this is not borne out when official court data on referrals and warnings is examined.

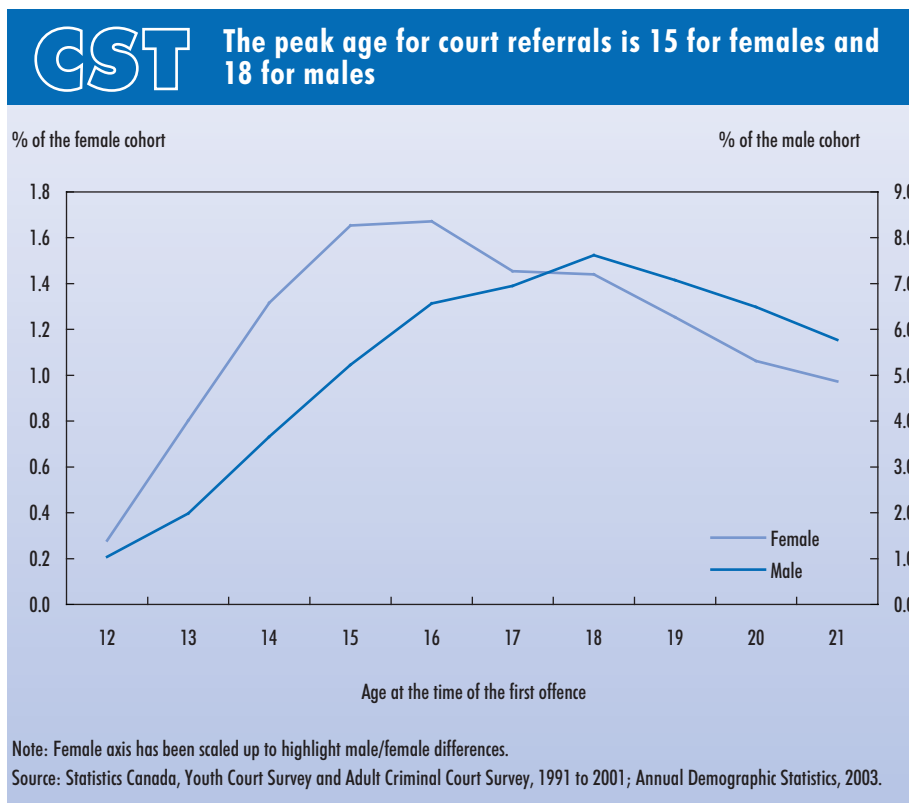
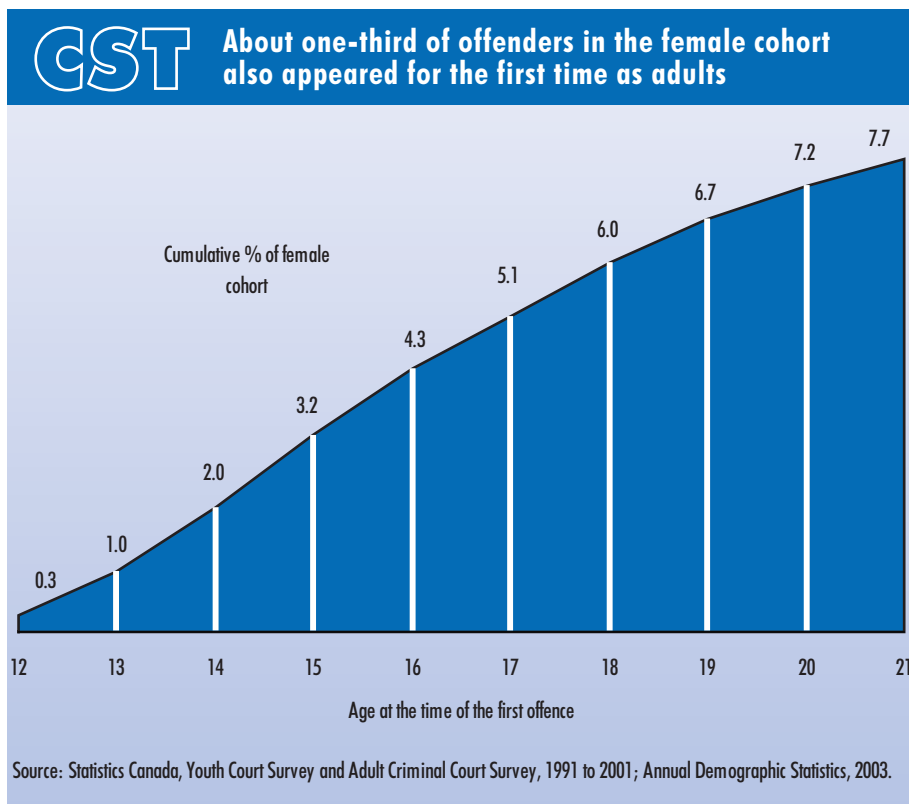
Four out of ten cohort members who were referred to court first went into the system after an incident which occurred after their 18th birthday. This pattern varied between the sexes with 42% of male onset and 34% of female onset occurring after this time. Both of these rates, however, would be considerably higher if cohort members could have been tracked later into adulthood.

This overall pattern may reflect, in part, a tendency for police, prosecutors, and other screening agencies to deal with alleged offenders younger than 18 by means other than the formal court process. Sections of the *Young Offenders Act* specifically encouraged authorities to use alternatives to the formal court process in jurisdictions when it was possible. These alternatives often relied on police discretion to use such measures as warnings, cautions and referrals to community programs. These types of extrajudicial measures allowed for early intervention with young people while reducing the burden on the courts and corrections facilities.

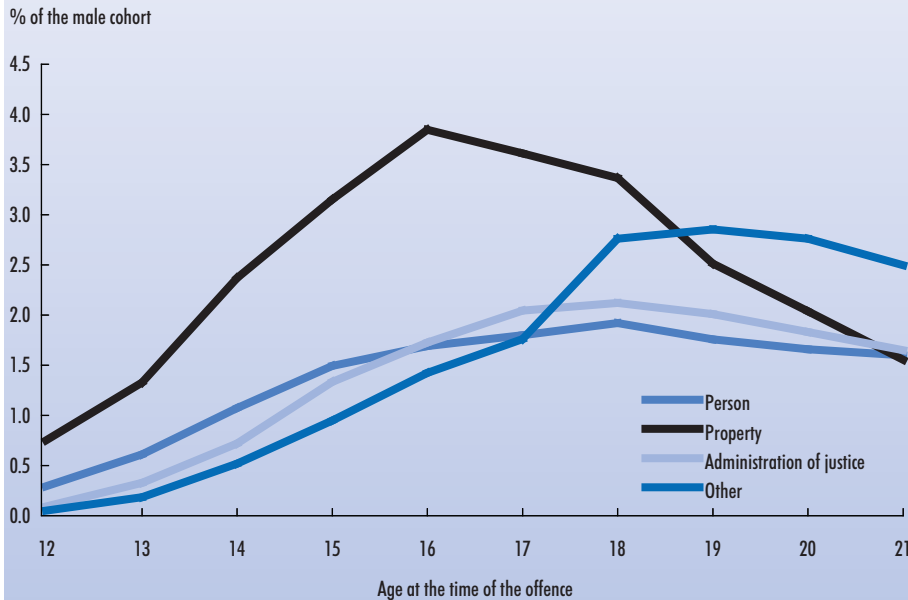
Most young people referred to court for property-related crimes

As with age-at-onset, the overall rates of referral to court at each specific age also resembled the commonly reported age-crime curve. The patterns of referral are similar for males and females, except that prevalence for females rises relatively faster at young ages and peaks earlier at the age of 16, when 1.7% of the female cohort was referred to court. In contrast, the peak age of prevalence for males in the cohort (7.6%) was 18 years.

Up to the age of 16, more males and females are referred to court for property-related incidents than for any other type of offence. The rate then falls quite sharply. (See "What



Court referral rates for offences other than property-related offences peak at 18 and 19 for males



Source: Statistics Canada, Youth Court Survey and Adult Criminal Court Survey, 1991 to 2001; Annual Demographic Statistics, 2003.

you should know about this study” for a list of crimes included in each offence category.)

For males, rates of referral to court for offences against the person and against the administration of justice increase slowly up to age 18 and then remain relatively stable into adulthood. Rates for other related offences, on the other hand, peaks at age 19 when the rate is almost twice as high as those for the remaining categories. This jump may be due partly to the police being less lenient with adults than with adolescents, and partly to higher rates of drinking-driving offences among 18- to 21-year-olds.

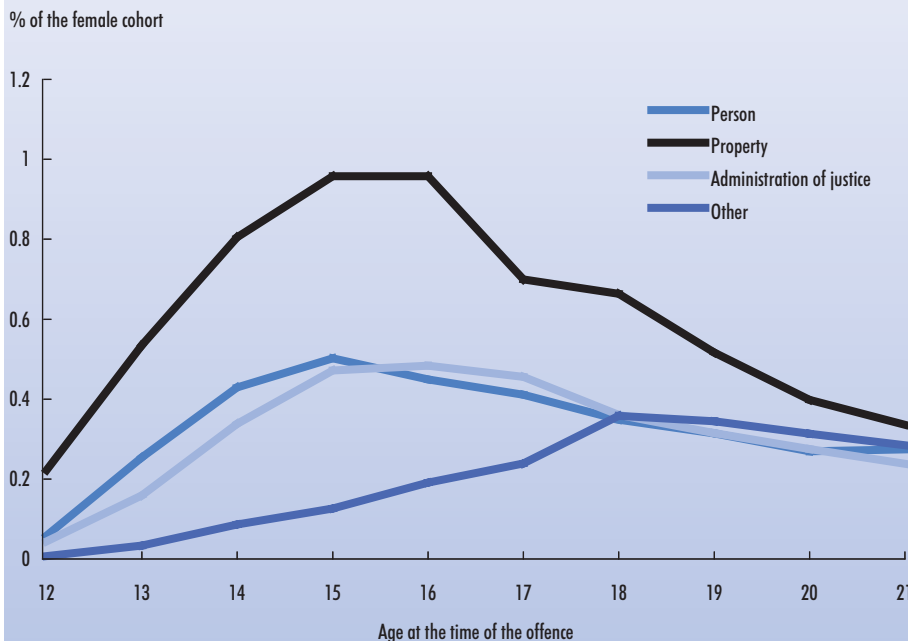
In contrast, females continue to go to court mainly for property-related offences until age 21, at which time the likelihood of referral for each type of offence is approximately equal. The rate of referral for an incident involving an offence against a person also peaks three years earlier for female (age 15) than for male cohort members.

Summary

As teenagers make the transition into early adulthood, many may be involved in behaviour which could be considered “law-violating”. For many, however, this behaviour goes undetected and simply represents a regular part of “growing up”. For others, not only is this behaviour detected but it is also reported, marking their first contact with the formal criminal justice system and setting a different pathway in this *life course* transition.

For most young people, these contacts are for very minor types of infractions and are often isolated to the early years of adolescence. Prevalence rates of court referral provide some indication of the nature and extent of these behaviours, and highlight the “size of the problem” from the perspective of the criminal justice system. More importantly, however, they also highlight the number of young lives in which

Court referrals for females committing property crimes peak at age 16



Source: Statistics Canada, Youth Court Survey and Adult Criminal Court Survey, 1991 to 2001; Annual Demographic Statistics, 2003.

Canadian courts have an opportunity to intervene and set back onto the right path to adulthood.



Anthony Matarazzo is a senior research analyst with the Canadian Centre for Justice Statistics, Statistics Canada.

1. <http://www.canadafreepress.com/2005/toronto123005.htm>. Accessed May 18, 2006.
2. Le Blanc, M. and M. Fréchette. 1989. *Male Criminal Activity from Childhood Through Youth: Multilevel and Developmental Perspectives*. New York: Springer-Verlag.
3. Comparisons of prevalence estimates must be made with caution because studies differ in many ways: for example, the historical period when the population was observed, the period of their lives when the population was observed, the indicator of criminal behaviour which was used (e.g. police contact, arrest, apprehension, or charging; referral to court, or conviction), the range of illegal behaviour which was included (e.g. traffic violations, juvenile status offences such as truancy, etc.) and the juvenile and criminal justice process in effect in the jurisdiction(s) studied—particularly the screening and diversion practices for young persons, which might significantly reduce official reports of offending.
4. Piquero, A.R., D.P. Farrington and A. Blumstein. 2003. "The criminal career paradigm." *Crime and Justice. A Review of Research*. Vol. 30. M. Tonry (ed.).

Need more information from Statistics Canada?

Call our National inquiries line:

1-800-263-1136

To order publications:

National order line: 1-800-267-6677

Internet: infostats@statcan.ca

National TTY line: 1-800-363-7629

Accessing and ordering information

Canadian Social Trends

Print format, semi-annual (twice per year)*

(Catalogue no. 11-008-XPE) \$24 per issue, \$39 per annual subscription

PDF/HTML format, 2 articles (every 6 weeks)

(Catalogue No. 11-008-XIE/XWE): **Free**

* The CST quarterly will be issued for the last time in June 2006. Beginning in December 2006, a CST anthology will be issued twice a year. The anthology will contain all the CST articles released in the previous six months, and the subscription price will remain the same.

Education and Library Discount: 30% discount (plus applicable taxes in Canada or shipping charges outside Canada)

Standards of service to the public

Statistics Canada is committed to serving its clients in a prompt, reliable and courteous manner and in the official language of their choice. To this end, the Agency has developed standards of service which its employees observe in serving its clients. To obtain a copy of these service standards, please contact Statistics Canada toll free at 1-800-263-1136. The service standards are also published on www.statcan.ca under About us > Providing services to Canadians.

If you're on the move...

Make sure we know where to find you by forwarding the subscriber's name, old address, new address, telephone number and client reference number to:

Statistics Canada
Finance Division
R.H. Coats Bldg., 6th Floor
100 Tunney's Pasture Driveway
Ottawa (Ontario) K1A 0T6

or by phone at 1-800-263-1136 or 1-800-267-6677; or

by fax at 1-877-287-4369;

or by Internet at infostats@statcan.ca.

We require six weeks advance notice to ensure uninterrupted delivery, so please keep us informed when you're on the move!