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YOUTH COURT STATISTICS, 2001/02

by Jennifer Thomas

Highlights

- In 2001/02, 85,640 cases were processed in the youth courts of Canada. This is slightly less (2%) than the number of cases processed in 2000/01, but still 16% lower than in 1992/93.
- The number of *Crimes against property* cases heard in youth courts continued its downward trend, dropping 41% over the ten-year period of 1992/93 to 2001/02. However, the number of *Drug-related* cases is 215% higher than in 1992/93.
- Though the proportion of convicted youth cases receiving a sentence to secure custody gradually increased between 1992/93 and 2001/02 (from 12% of convicted cases to 15%), the average length of these sentences got shorter during the same period (from 94 days to 67 days).
- Five offences accounted for over half (54%) of the total youth court caseload in 2001/02. These were theft (15%), failure to comply with a disposition, YOA (12%), common assault (10%), break and enter (9%) and possession of stolen property (7%).
- In 2001/02, over half (53%) of the cases before youth courts involved older youth, aged 16 and 17. Youth aged 15 were involved in 21% of cases while younger adolescents aged 12 to 14 accounted for 24% of cases. The remaining 2% involved adults charged under the *Young Offenders Act*, and age unknown.
- Sixty-one percent of cases heard in youth court resulted in a finding of guilt in 2001/02.
- Probation was the most serious sentence in 54% of all guilty cases while custody (secure and open) was ordered 28% of the time.
- Accounting for multiple sentences in cases, probation is still the most common sentence, ordered in 66% of guilty cases in 2001/02. Probation was most often ordered for cases involving sexual assault (86%), drug trafficking (83%), robbery (80%), major assault (80%), and break and enter (80%).
- In 2001/02, the median sentence length for probation sentences was 360 days. Custodial sentences tend to be much shorter, with a median sentence length of 30 days for orders to secure custody, and 36 days for open custody.
- Almost 7 out of every 10 (69%) youth court cases were concluded within 4 months. Five percent of cases lasted longer than a year.



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Introduction

Providing effective treatment and rehabilitation of young offenders, and ensuring community safety are primary objectives of the youth justice system. The *Young Offenders Act (YOA)*, proclaimed in 1984, introduced rights for adolescents previously guaranteed to adults only. It recognized the special needs that youth have as a result of their varying levels of maturity, the necessity for youth to accept responsibility for unlawful action and the right of society to protection from illegal behaviour. Seventeen years of experience later, new legislation was introduced to reform Canada's youth justice system and provide clearer legislative direction on youth crime. Having received Royal Assent in February, 2002, the *Youth Criminal Justice Act (YCJA)* replaced the *Young Offenders Act* on April 1, 2003.

This *Juristat* presents data obtained from the Youth Court Survey (YCS), which is conducted by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for youth courts. The YCS collects data from youth courts on persons aged 12 to 17 at the time of the offence, who appear in court for federal statute offences. In this report, federal statute offences include offences against the *Criminal Code*, *Controlled Drugs and Substances Act (CDSA)*, *Young Offenders Act (YOA)*, and all other federal statute offences. All youth courts in Canada have reported to the YCS since fiscal year 1991/92.

As not all youth crime is reported to police and not all youth in conflict with the law proceed to court, the YCS focuses on the court process and the response to youth crime rather than the prevalence of youth criminal activity.¹ Therefore these data should not be used as an indicator of total youth criminal activity.

Box 1 - Change made to case unit of analysis

Both the Youth Court Survey (YCS) and the Adult Criminal Court Survey (ACCS) use the case as the primary unit of analysis. In an effort to make the two surveys more consistent, the YCS adopted the ACCS definition of a case commencing in the 2001/02 reference year.

A case is now defined by both surveys as one or more charges against a person disposed of in court on the same day. Previously, case counts for the YCS were based on those charges against a young person that had the same day of first appearance.

This change has produced case counts that are slightly lower than those previously released in *Juristats* and other YCS reports. However, trend data presented in this *Juristat* are based on the new definition to ensure data comparability. Cases are still presented in terms of their most serious charge, as described in the Methodology section.

Ten-Year Trends

Cases before youth courts decreasing

The 85,640 youth court cases processed in 2001/02 represent a slight decrease (2%) from 2000/01. The case volume has been steadily declining over the past ten years (with the exception of a slight increase in 1997/98) (Table 1). The number of cases heard in Canadian youth courts in 2001/02 was 16% lower than in 1992/93.

Marked drop in the number of *Crimes against property* cases

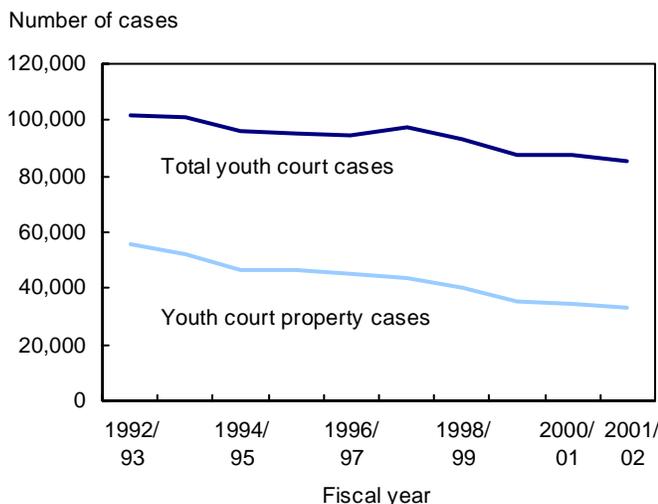
The decline in overall youth court caseload is primarily due to the steady decline in the number of *Crimes against property* cases. The 33,086 *Crimes against property* cases in 2001/02 was 41% lower than the caseload for this category of offences in 1992/93 (Figure 1). More specifically, there have been notable decreases in caseloads for several major offence groups: break and enter (-50%), theft (-41%), and possession of stolen property (-40%).

¹ For further information about charges laid by the police, see Savoie, J., (2002).

The number of cases involving *Crimes against the person* (22,510) in 2001/02 was fairly consistent with the number in 2000/01 (1% fewer). However, this is still 16% higher than in 1992/93. The increase in the overall number of cases involving *Crimes against the person* was primarily due to the increased number of cases involving uttering threats, which went from 1,434 cases in 1992/93 to 3,636 cases in 2001/02 (154% higher).

Figure 1

 **The number of crimes against property cases continues to steadily decrease**



Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

In 2001/02, there were 10,414 cases related to offences under the *Young Offenders Act*. This represents a slightly smaller caseload than in 2000/01 (-3%), however it is 33% higher than in 1992/93.

Most notable, however, is the 215% increase in the number of *Drug-related* cases over the ten-year period (from 1,924 cases in 1992/93 to 6,058 in 2001/02). Drug possession and trafficking cases increased 232% and 185%, respectively since 1992/93.

Rate of youth charged by police increased slightly

Youth court caseloads reflect police charging practices. That is, the composition and distribution of offences appearing in youth court are largely determined by the incidents that come to the attention of the police and result in formal charges. However, due to post-charge alternative measures programs and pre-court diversion programs, some young offenders are diverted away from the criminal justice system. In 2001, the rate of youth per 100,000 aged 12 to 17 charged with criminal offences increased slightly (1%) for the second year in a row,² while the youth court case rate declined 3% from 2000/01.

Proportion of convicted youth cases sentenced to secure custody has been gradually increasing

Overall, the relative distribution of convicted youth cases by sentence type showed some stability between 1992/93 and 2001/02. Worth noting, however, is the gradual increase in the proportion of convicted cases sentenced to secure custody over the ten-year reference period (Table 2). In 1992/93, 12% of youth case convictions received a sentence to secure custody. In 2001/02, the proportion was 15%.

Despite the increase in the proportion of secure custody sentences, the average sentence length has been getting shorter (Figure 2). In 1992/93, the average length of a secure custody sentence was 94 days. After 10 years of fairly steady declines, the average sentence length for secure custody was 67 days in 2001/02.

The average length of sentence to open custody has also been getting shorter. In 1992/93, the average open custody sentence was 87 days, compared to 70 days in 2001/02.

In contrast, youth probation sentences are getting longer, moving from 325 days to 368 days between 1992/93 and 2001/02. The average fine is also getting higher. Despite some minor fluctuations during the ten-year period, the average fine imposed on youth increased from \$157 in 1992/93 to \$207 in 2001/02 (Table 3).

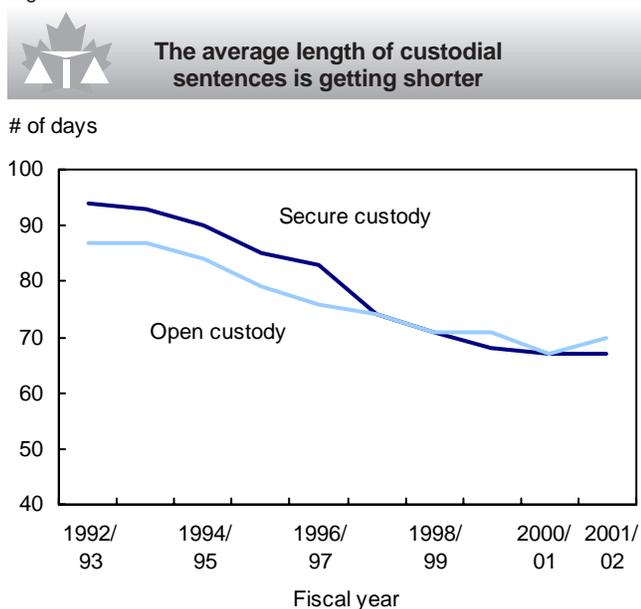
² For further information on the rate of youth charged by the police, see Savoie, J., (2002).

Box 2 - Youth and Youth Crime in Context

- Population – 2001¹
 - total Canadian population was 31.1 million with 2.47 million youth aged 12 to 17 years (8% of total)
 - over the next decade, using an assumption of medium growth, the youth population aged 14 to 17 is expected to increase slightly until 2006, and then decline.
- Persons charged by police in 2001²
 - 501,016 adults and youth were charged with federal offences, excluding traffic crimes
 - 102,313 (20%) of these were youth
- Cases processed in youth court, 2001/02
 - 85,640 cases were heard in youth courts in 2001/02
 - this represents a drop of 16% from 1992/93
- Convictions in youth court, 2001/02
 - 51,952 cases (61%) resulted in a conviction in 2001/02
 - this represents a 2% drop from 1992/93 when it was 63%

¹ Postcensal estimates as at July 1st, 2001, Demography Division, Statistics Canada.
² Uniform Crime Reporting Survey, 2001, Canadian Centre for Justice Statistics, Statistics Canada.

Figure 2



Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Comparisons among the provinces and territories

Differences across the country in the reporting of criminal incidents to police, in procedures and eligibility requirements for police diversion and alternative measures programs, and differences in provincial policy directing Crown discretion will influence the volume and characteristics of cases heard in youth courts. For example, Alternative Measures programs, intended to be alternatives to formal judicial proceedings for youth, differ among the jurisdictions with regard to eligibility criteria (e.g., they may be restricted to first-time offenders), timing (i.e., pre-charge or post-charge) and coverage (e.g., they commonly involve less serious crimes only). Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. Processes such as these serve to keep less serious cases out of the court system and reduce court workload. These factors should be considered when making inter-jurisdictional comparisons.

The national rate of youth court cases shows a gradual decline from 441 cases per 10,000 youth in 1992/93 to 347 in 2001/02 (Table 4). Generally steady declines over the past ten years were found in British Columbia (-48%), Alberta (-44%), Manitoba (-35%), Prince Edward Island (-33%) and Ontario (-20%). In most other jurisdictions, however, the rate tended to fluctuate annually with no discernible pattern. With the exception of New Brunswick, Quebec and Saskatchewan, the youth court case rates were lower in 2001/02 for all jurisdictions than in 1992/93. However, Quebec remains the jurisdiction with the lowest per capita rate of youth appearing in court (184 per 10,000 youth).

Case Characteristics

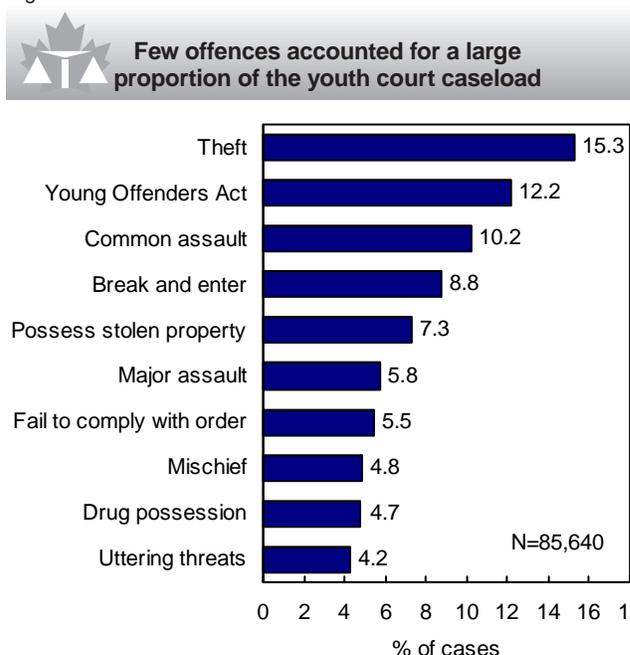
Composition of cases

In 2001/02, the types of cases processed in youth courts most often involved *Crimes against property* (39%) and *Crimes against the person* (26%). Less frequent were cases involving offences under the *Young Offenders Act (YOA)* (12%), offences against the *Administration of Justice* (9%), *Drug-related offences* (7%), *Other Criminal Code offences* (5%), *Criminal Code Traffic* (1%), and *Other federal statute offences* (less than 1%) (Table 5).

Five offences accounted for over half of the total caseload

As Figure 3 illustrates, a very small number of offences accounted for a large proportion of the caseload. Together, five offences represented over half (54%) of the caseload.

Figure 3



Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Three of the five most frequent offences were *Crimes against property*: theft accounted for 15% of the total caseload, while break and enter accounted for 9% and possession of stolen property, 7%. The other most frequent types of cases before youth courts involved failure to comply with a disposition (YOA) (12%) and common assault,³ which accounted for 10% of the total number of cases.⁴

³ "Common assault" refers to the least serious form of assault that includes pushing, slapping, punching and face-to-face verbal threats.

⁴ Totals may not add to 100% due to rounding.

Common assaults most frequent crime against the person

Common assaults accounted for 39% of all *Crimes against the person* followed by major assault (22%),⁵ uttering threats (16%), robbery (12%) and sexual assault (5%). Murder, manslaughter and attempted murder cases together accounted for less than one-half of one percent of *Crimes against the person* cases heard in youth courts. There were 31 cases of homicide and 47 cases of attempted murder in 2001/02.

Half of youth court cases involved 16 and 17-year olds

Sixteen- and 17-year-olds appear more often in youth court than younger accused. In 2001/02, 16-year-olds accounted for 26% of cases and 17-year-olds made up 28%. Cases involving drug offences implicated a high proportion of older youth, with 16 and 17 year-olds comprising almost 7 out of every 10 (69%) of the 6,058 cases in 2001/02. Accused persons aged 15 appeared in 21% of all cases, while those aged 12, 13 and 14 showed proportionately less involvement, accounting for 3%, 7% and 14% of cases, respectively (Table 6).

Males accounted for eight in ten youth court cases

Males accounted for 78% of youth court cases and they predominated in all age groups. While the proportion of cases against males increased with age, cases against 15- and 16-year-old females accounted for the largest proportion of cases against females (24% each). The greatest difference between the sexes was for 17-year-olds, where accused males at this age accounted for 30% of all male cases, while 17-year-old females accounted for 21% of female cases.

Decisions in Youth Courts

Six out of ten youth court cases resulted in a finding of guilt

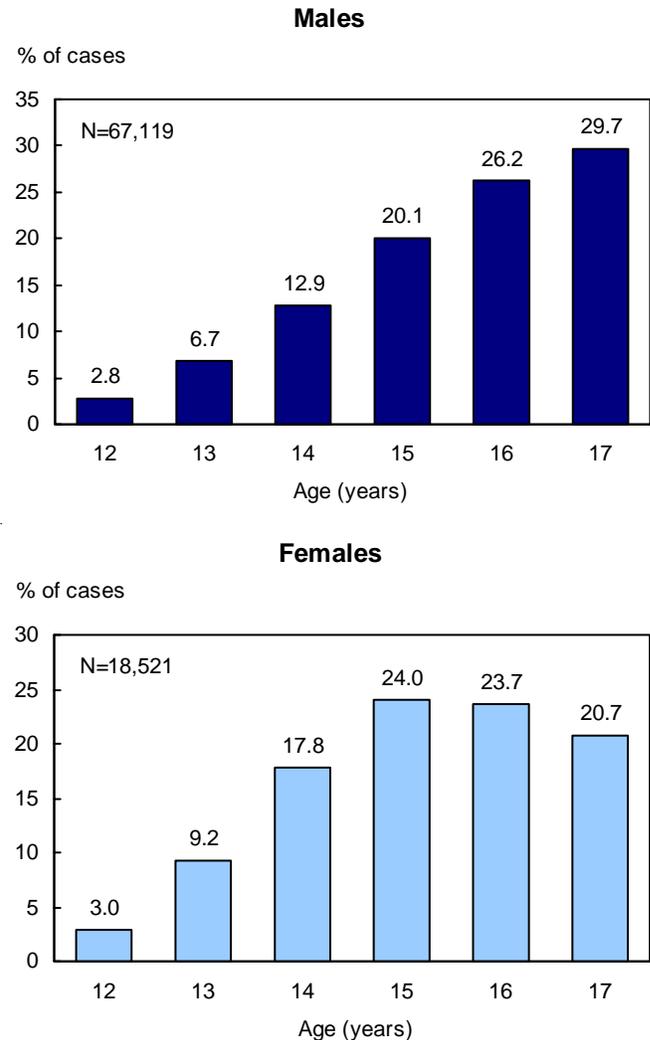
Cases resulting in a finding of guilt for at least one charge accounted for 61% of cases completed in youth court in 2001/02 (Table 7). Twenty-six percent of cases were withdrawn or dismissed. Proceedings were stayed in 12% of cases, and 1% resulted in findings of not guilty.

Revisions to the YOA in 1995 made transfers to adult court the standard response for the most serious violent crime cases involving 16 and 17-year olds, unless otherwise ruled by the court. This provision applies to murder (first or second degree), manslaughter, attempted murder and aggravated sexual assault. For these offences, the onus is on the accused to make an application to have the case heard in youth court. For other crimes, the Crown or defence counsel may apply for transfer to adult court. The condition stipulated in the Act for these transfers specifies a minimum age requirement of 14 years. Transfers to adult court accounted for one-tenth of one percent of the 2001/02 caseload (48 cases).

Of the 48 cases transferred to adult court in 2001/02, the majority involved *Crimes against the person* (30). Of these 30 cases, half were for either robbery (9) or sexual assault (6).

Figure 4

The proportion of caseload increases with age for males while female caseload declines after 16 years of age



Note: Excludes 1,413 cases (1.6%), where the offender was older than 17 or the age was unknown.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

The proportion of guilty cases varies considerably from one jurisdiction to another

The proportion of cases resulting in a conviction ranged from 38% in the Yukon to 87% in New Brunswick (Table 7). There are several possible factors that influence variations in conviction rates. First, some jurisdictions use diversion programs to a greater extent, which affects the number and

⁵ "Major assault" refers to the more serious forms of assault including assault with a weapon, aggravated assault, assaulting a police officer, and unlawfully causing bodily harm.

types of cases that proceed to court. Secondly, the use of stays and withdrawals varies across the country. Cases that are stayed or withdrawn are often indicative of charges set aside pending completion of alternative measures programs, diversion programs, or the systematic use of these decisions for administrative purposes. For example, 61% of cases were stayed or withdrawn in the Yukon, whereas 12% were terminated this way in New Brunswick. Thirdly, the use of pre-charge screening by the Crown may also affect the percentage of convictions through increased vetting of charges.

The proportion of guilty verdicts also varied among offence categories. Cases involving *Criminal Code Traffic* offences had the highest proportion of convictions (71%), while *Drug-related* offence cases recorded the lowest proportion (54%). The lower conviction rate of *Drug-related* offence cases can be explained by the higher proportion of these cases resulting in a stay or withdrawal (e.g., 44% for *Drug-related* offences, compared to 27% for *Criminal Code Traffic* offences).

Sentencing in Youth Court

Some factors considered by judges in sentencing include the type of offence committed, the circumstances in which the offence was committed and the criminal history of the offender. In the case of a custody sentence under section 24(1) of the YOA, “the protection of society” and “the needs and circumstances of the young person” are also considered. Sentencing data are provided in this report in terms of all sentences imposed for a case except for data in Box 3, where only the most serious sentence imposed in a case is shown.

Box 3 - Convicted Cases by Most Serious Sentence ¹ , 2001/02		
	Number of cases	% of cases
Secure Custody	7,720	15
Open Custody	6,735	13
Probation	27,976	54
Fine	3,072	6
Other sentences	6,449	12
Total Convicted Cases	51,952	100

¹ See Methodology section for the definition of most serious sentence.
Source: Youth Court Survey, 2001/02, Canadian Centre for Justice Statistics, Statistics Canada.

Probation ordered in youth cases more than any other type of sentence

In 2001/02, probation was ordered in 66% of all convicted cases, far more than any other type of sentence (Table 8). Community service was the second most frequently ordered type of sentence, ordered in 27% of convicted cases. Overall, a sentence of secure custody was imposed in 15% of convicted cases, while another 14% of cases received a sentence of open custody. A fairly high proportion of convicted cases (31%) received “other sentences”, which comprise the following: compensation, pay purchaser, compensation in kind, restitution, prohibition, seizure or forfeiture, conditional discharge, absolute discharge or some other sentence.⁶

Probation very likely for convictions of some offences

Probation was most often ordered for cases involving sexual assault (86%), drug trafficking (83%), robbery (80%), major assault (80%), and break and enter (80%). Cases where a youth was convicted of being unlawfully at large were least likely to result in a probation sentence (13%).

Overall, probation was ordered most frequently for convicted cases involving *Crimes against the person* (79%) and *Crimes against property* (72%). By comparison, only 38% of convicted cases involving offences against the *Administration of Justice* resulted in a probation sentence.

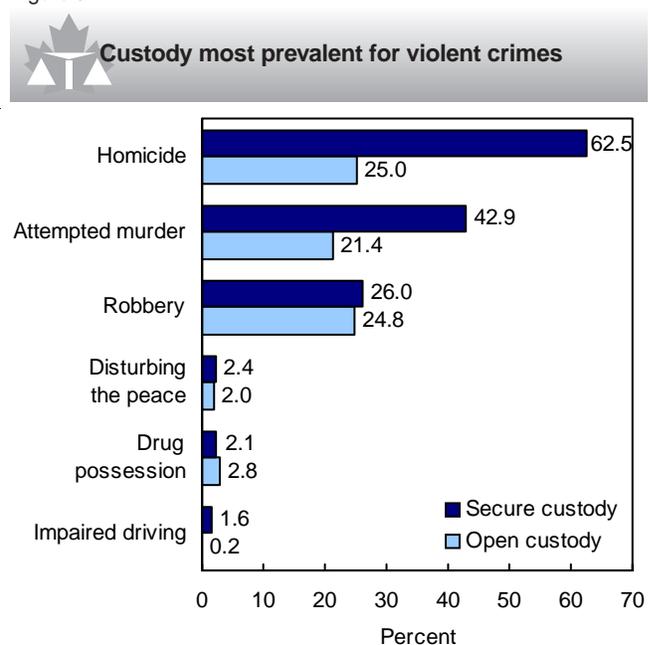
Most probation terms are 12 months or less

Under the YOA, youth courts may sentence a young offender to probation for a maximum of two years. In 2001/02, the median sentence length for probation sentences was 360 days. Of the 34,083 cases resulting in a term of probation, 18% were for a period of 6 months or less, 57% ranged from greater than 6 months and up to 12 months, and 24% were for more than 12 months.

Custodial sentences most prevalent for violent crimes

The use of custody orders is most prevalent for *Crimes against the person* (Figure 5). For example, in 2001/02, 63% of convicted homicide cases resulted in a sentence of secure custody and 25% in open custody. Secure custody was ordered in 43% of attempted murder cases, while 21% of these cases resulted in a sentence of open custody.

Figure 5



Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

⁶ Percentages do not add to 100% because multiple sentences for a case are included.

Robbery cases also frequently resulted in a custody sentence, with 26% receiving secure custody and 25% getting open custody (Table 8).

Alternatively, offences such as disturbing the peace, impaired driving, and drug possession were less likely to result in a custody sentence (Figure 5).

The use of custody varies widely across Canada

The use of secure custody ranged from 2% of cases with convictions in Nova Scotia to 32% in the Yukon (Table 9). The proportion of cases with convictions resulting in open custody was highest in Nova Scotia (29%) and lowest in Alberta (8%). This variation in the use of custody may reflect the influence of several factors. For example, the severity of offences being sentenced can vary from jurisdiction to jurisdiction, rates of recidivism can be different, and the mix of available custodial facilities can vary.

Lengths of sentences for custody

Under the YOA, the maximum length for secure or open custody sentences is generally two years. However, this sentence can be three years if the crime would normally carry a maximum penalty of life imprisonment in adult court. In addition, the most serious crimes (first or second degree murder) carry higher sentences. First-degree murder carries a maximum custodial sentence of six years, followed by four years of conditional supervision. Second-degree murder carries a maximum four-year custodial term followed by three years of conditional supervision. However, not all murder cases first heard in youth court are sentenced in youth court as the YOA transfer provisions to adult court apply.

Half of custodial sentences are less than one month

Of the 15,059 cases resulting in a custodial sentence (open and secure) in 2001/02, 54% were for terms of less than one month. Twenty-six percent were for terms of 1 to 3 months, 14% were for greater than 3 months and up to a 6 month term, and 6% were for terms longer than 6 months.⁷ The median sentence length for cases resulting in secure custody was 30 days, while for open custody, it was 36 days. The average sentence length was 67 days for secure custody and 70 days for open custody.

Fines and other types of sentences used especially for traffic offences

Fines and 'other' sentences were imposed most often in case convictions involving *Criminal Code Traffic* offences, with 49% of these cases receiving a fine, and 73% receiving some type of sentence other than custody, probation, fine or community service. Within this category, impaired driving cases had the highest proportion of fines imposed (68%)(Table 8).

One-half of fines are \$150 or less

Under the YOA, a young offender may be ordered to pay a fine not exceeding \$1,000. In 2001/02, a fine was ordered in 3,719 cases or 7% of convicted cases. Fines of \$100 or less were most often ordered (43%), followed by fines from \$101 to \$300 (41%), \$301 to \$500 (10%), and over \$500 (7%). The median dollar amount of fines was \$150.

Case Processing

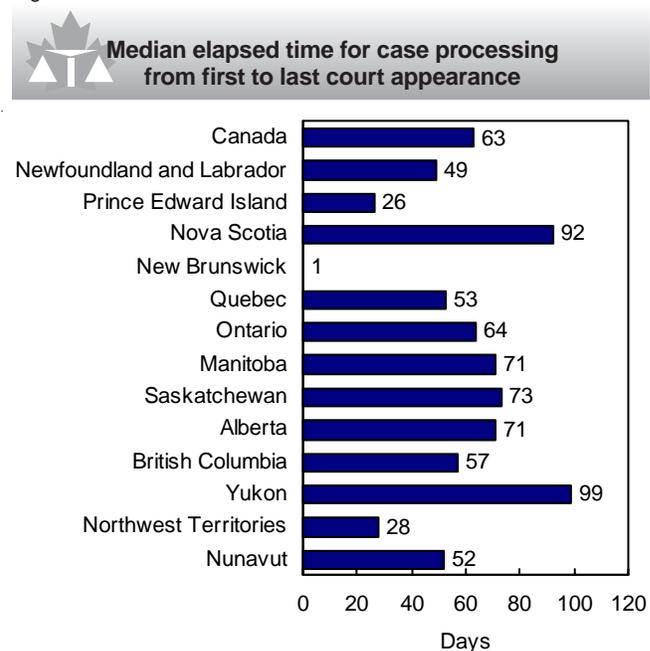
One-half of cases processed in two months or less

In 2001/02, almost seven out of every ten cases (69%) were processed in four months or less (from the time of the youth's first court appearance to the date of decision or sentencing), with only 5% of cases taking longer than a year. In fact, 17% of cases were completed at the first court appearance. The median elapsed time for all cases was 63 days. The Yukon had the longest median elapsed time at 99 days, followed by Nova Scotia (92 days), Saskatchewan (73 days), and Alberta and Manitoba (both 71 days). New Brunswick had the shortest median elapsed time (1 day), meaning that over half the cases were completed on the first appearance (Figure 6).

Box 4 - Sentence Review

The length of sentence ordered by the court may be subject to revision under conditions stipulated in the *Young Offenders Act*. The court must review all custodial sentences after one year and may reduce the term or type of disposition at that time. Otherwise, the initial sentence ordered is to be served. There is no parole or statutory release in the *Young Offenders Act*. Sentences are subject to review upon request by the parent or young offender, although permission must be granted by the court if less than six months have been served. The principal correctional service administrator (Provincial Director) may ask the court for a review hearing if a revision to the sentence would be in the youth's best interest.

Figure 6



Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

⁷ The YCS cannot distinguish between consecutive and concurrent sentences and does not include sentencing revisions made under review by the court. In multiple sentence cases, for example, the sentence length may be underestimated because of the assumption of concurrent sentences for all charges and may not reflect actual time ordered.

In 2001/02, 48% of cases involved only one charge, 24% had two charges, 11% three charges and 17% had more than three charges. The number of charges did not seem to have a significant impact on the median amount of time taken to process a case in court.

No matter the number of charges, *Crimes against the person* cases tended to take longer to complete, with a median completion time of 100 days. The shortest case completions were in cases where the most serious offence was against the *Administration of Justice*, with a median completion time of 22 days.

Methodology

The Youth Court Survey (YCS) is a census of *Criminal Code* and *Other federal statute* offences heard in youth court for persons aged 12 to 17 years (up to the 18th birthday) at the time of the offence. Every effort is made by respondents and the Canadian Centre for Justice Statistics (CCJS) to ensure complete survey coverage.

The primary unit of analysis is the case, defined as one or more charges against a young person disposed of on the same day. Since a case is identified by a single charge, in cases with more than one charge it is necessary to determine the charge that will represent the case. In multiple-charge cases, the “most serious decision” rule is applied. Decisions are ranked from the most to least serious as follows: transfer to adult court; guilty; other decision (e.g., not fit to stand trial); stay of proceedings; charge withdrawn; or transfer to other jurisdiction; and not guilty or charge dismissed. In cases where two or more offences have resulted in the same decision (e.g., guilty), the “most serious offence” rule is applied. All charges are ranked according to a seriousness scale based on the average length of prison sentence imposed on convicted charges between 1994/95 and 2000/01. If two charges have equal results according to this criterion, information about the sentence type (e.g., prison, probation and fine) is considered. If the representative charge for the case still cannot be determined, the magnitude of the sentence is considered.

The most serious sentence is determined by the effect that the sentence has on the young person. Sentences are ordered from most to least significant as follows: secure custody, open custody, probation, fine, compensation, pay purchaser (a dollar amount paid back to the innocent purchaser of stolen goods), compensation in kind, community service order, restitution, prohibition/seizure/forfeiture, other sentences, conditional discharge and absolute discharge.

The reader is advised that the use of the decisions ‘stay’ and ‘withdrawn’ for administrative purposes (e.g., to reduce charges or to correct details on an information) vary by jurisdiction. To terminate and recommence a case for administrative purposes has been found to inflate the total number of cases reported to the Youth Court Survey. Ontario, Manitoba, Alberta, British Columbia and Yukon are most affected by this practice. Consequently the reader is encouraged, where possible, to analyze cases with guilty findings (convictions) to increase comparability among the jurisdictions.

Differences in data over time and across jurisdictions result from a number of factors that reflect how the YOA has been implemented. Pre-court screening procedures may affect the number of youth appearing in court. The Crown Attorney, for example, may decide not to proceed with a charge, or the initial charge may be changed. Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. A youth may also be diverted from the court process into an Alternative Measures program (either before or after police lay charges), a police or Crown diversion program.

Alternative Measures (AM) programs are generally reserved for first-time offenders and are often limited to specific types of less serious offences, although young offenders committing more serious offences can be considered for acceptance in the program in most jurisdictions. Except for New Brunswick, Ontario and Yukon, all AM programs are combined pre-and post-charge programs where the preferences, and the general practices, are to refer youth at the pre-charge stage (i.e. before charges are laid). In New Brunswick, the AM program operates at the pre-charge stage only. In Ontario, youth are only referred to AM programs at the post-charge stage (i.e. after charges are laid). In Yukon, the general practice is to refer youth to the AM program at the post-charge stage, although, on occasion, they may be referred at the pre-charge stage. Alternative measures cases are excluded from the Youth Court Survey data either in the jurisdiction or at the CCJS, if they are identified. Nevertheless, differences in procedures and eligibility requirements of these programs influence the volume and characteristics of cases heard in youth courts.

References

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Youth Court Survey, 2001/02, Canadian Centre for Justice Statistics, Statistics Canada.

Table 1

 Cases heard in Youth Courts, Canada, 1992/93 to 2001/02											
Offence category	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	% change from 1992/93 to 2001/02
Total cases											
number	101,691	101,144	96,247	95,462	94,931	97,161	92,867	87,600	87,617	85,640	
% change in the number of cases*	-4	-1	-5	-1	-1	2	-4	-6	0	-2	-16
Crimes against the person											
number	19,402	21,087	21,043	21,082	21,485	22,935	23,204	22,432	22,674	22,510	
% change in the number of cases*	8	9	0	0	2	7	1	-3	1	-1	16
Crimes against property											
number	55,892	52,288	46,921	46,345	45,194	43,749	40,148	35,518	34,694	33,086	
% change in the number of cases*	-9	-6	-10	-1	-2	-3	-8	-12	-2	-5	-41
Administration of Justice											
number	8,013	8,118	8,105	8,213	7,983	8,491	8,154	7,551	7,917	7,698	
% change in the number of cases*	-1	1	0	1	-3	6	-4	-7	5	-3	-4
Other Criminal Code offences											
number	6,519	6,522	6,200	5,757	5,223	5,120	4,791	4,566	4,506	4,525	
% change in the number of cases*	-1	0	-5	-7	-9	-2	-6	-5	-1	0	-31
Criminal Code Traffic											
number	1,712	1,527	1,406	1,370	1,306	1,411	1,240	1,238	1,166	1,211	
% change in the number of cases*	-10	-11	-8	-3	-5	8	-12	0	-6	4	-29
Drug-related offences											
number	1,924	2,525	3,757	3,881	4,249	4,071	4,300	4,956	5,767	6,058	
% change in the number of cases*	0	31	49	3	9	-4	6	15	16	5	215
YOA offences											
number	7,829	8,756	8,641	8,596	9,219	11,142	10,916	11,217	10,766	10,414	
% change in the number of cases*	2	12	-1	-1	7	21	-2	3	-4	-3	33
Other federal statute offences											
number	400	321	174	218	272	242	114	122	127	138	
% change in the number of cases*	27	-20	-46	25	25	-11	-53	7	4	9	-66

* refers to the previous year

... not applicable

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 2



Youth Case Convictions, by Type of Sentence, Canada, 1992/93 to 2001/02

	Convicted cases (#)	Type of sentence ¹ (%)					
		Secure custody	Open custody	Probation	Fine	Community service	Other ²
2001/02	51,952	15	14	66	7	27	31
2000/01	53,283	15	16	65	8	27	26
1999/00	55,534	15	15	64	8	29	38
1998/99	59,385	15	16	65	8	30	27
1997/98	60,713	15	17	64	8	33	19
1996/97	60,188	14	16	68	7	33	21
1995/96	58,757	13	17	65	8	32	18
1994/95	60,631	14	17	65	9	31	18
1993/94	63,773	13	16	64	10	30	18
1992/93	63,646	12	15	49	10	29	23

¹ 'Type of Sentence' includes all sentences that were handed out for a particular case, therefore the percentages do not add to 100%.

² 'Other' includes compensation, pay purchaser, compensation in kind, restitution, prohibition, seizure, forfeiture, conditional discharge, absolute discharge, essays, apologies and counselling programs.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 3



Mean (average) and median length or amount of sentence, convicted cases, Canada, 1992/93 to 2001/02

	Mean				Median			
	Secure custody	Open custody	Probation	Fine	Secure custody	Open custody	Probation	Fine
	# of days			\$	# of days			\$
2001/02	67	70	368	207	30	36	360	150
2000/01	67	67	367	208	30	30	360	150
1999/00	68	71	362	193	30	40	360	150
1998/99	71	71	363	181	30	42	360	125
1997/98	74	74	358	185	30	45	360	150
1996/97	83	76	368	169	30	45	360	100
1995/96	85	79	364	180	35	50	360	128
1994/95	90	84	361	180	40	60	360	125
1993/94	93	87	354	171	45	60	360	100
1992/93	94	87	325	157	45	60	360	100

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 4



Cases before Youth Courts, Rate per 10,000 Youths, 1992/93 to 2001/02

	Rate of cases per 10,000 youths										% change from 2000/01	% change from 1992/93
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02		
Canada	441	434	408	400	393	398	379	357	357	347	-3	-21
Newfoundland and Labrador	382	336	332	286	480	385	370	324	323	379	17	-1
Prince Edward Island	363	387	313	248	332	278	246	238	145	244	68	-33
Nova Scotia	369	381	402	434	433	410	404	366	359	339	-6	-8
New Brunswick	295	350	358	373	336	331	300	338	309	306	-1	4
Quebec	171	169	180	167	184	195	188	188	175	184	5	8
Ontario	499	510	470	471	441	441	419	386	419	399	-5	-20
Manitoba	721	763	719	648	591	620	632	521	493	466	-6	-35
Saskatchewan	744	735	690	728	737	796	682	746	761	789	4	6
Alberta	779	725	644	620	588	531	535	474	452	433	-4	-44
British Columbia	423	353	323	299	296	352	306	303	252	220	-13	-48
Yukon	916	1,107	1,091	1,704	1,432	1,386	1,114	970	965	769	-20	-16
Northwest Territories*	910	970	1,468	1,293	1,354	758	889	903	692	883	28	...
Nunavut* ¹	...	...	...	...	...	...	...	386	659	644	-2	...

... not applicable

* Due to the creation of Nunavut from the Northwest Territories, data collected prior to 1999/00 cannot be compared to data collected after that date for these jurisdictions.

¹ Reliable data are not available for the first year of reporting in Nunavut.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 5


Youth Court Charges and Cases, Canada, 2001/02

	Charges		Cases	
	#	%	#	%
TOTAL OFFENCES	206,647	100.0	85,640	100.0
Crimes Against the Person	37,168	18.0	22,510	26.3
Homicide	37	0.0	31	0.0
Attempted murder	73	0.0	47	0.1
Robbery	4,573	2.2	2,789	3.3
Sexual assault	2,139	1.0	1,103	1.3
Other sexual offences	1,226	0.6	595	0.7
Major assault	7,498	3.6	4,948	5.8
Common assault	13,546	6.6	8,708	10.2
Uttering threats	6,634	3.2	3,636	4.2
Criminal harassment	423	0.2	202	0.2
Other crimes against persons	1,019	0.5	451	0.5
Crimes Against Property	78,230	37.9	33,086	38.6
Theft	28,770	13.9	13,103	15.3
Break and enter	14,512	7.0	7,522	8.8
Fraud	4,305	2.1	1,578	1.8
Mischief	14,398	7.0	4,128	4.8
Possess stolen property	15,244	7.4	6,243	7.3
Other property crimes	1,001	0.5	512	0.6
Administration of Justice	27,486	13.3	7,698	9.0
Fail to appear	3,209	1.6	1,070	1.2
Breach of probation	914	0.4	286	0.3
Unlawfully at large	1,895	0.9	1,249	1.5
Fail to comply with order	20,606	10.0	4,685	5.5
Other admin. justice	862	0.4	408	0.5
Other Criminal Code	13,867	6.7	4,525	5.3
Weapons	4,654	2.3	1,518	1.8
Prostitution	68	0.0	24	0.0
Disturbing the peace	1,038	0.5	424	0.5
Residual Criminal Code	8,107	3.9	2,559	3.0
Total Criminal Code (excluding traffic)	156,751	75.9	67,819	79.2
Criminal Code Traffic	3,461	1.7	1,211	1.4
Impaired driving	1,722	0.8	669	0.8
Other Criminal Code traffic	1,739	0.8	542	0.6
TOTAL CRIMINAL CODE	160,212	77.5	69,030	80.6
Other Federal Statute Total	46,435	22.5	16,610	19.4
Drug possession	6,676	3.2	4,058	4.7
Drug trafficking	3,559	1.7	2,000	2.3
Young Offenders Act	36,005	17.4	10,414	12.2
Residual federal statutes	195	0.1	138	0.2

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 6



Cases Heard in Youth Court by Offence Category and Age¹ of Accused, Canada, 2001/02

Offence category	Total cases	12	13	14	15	16	17	Other ²
	#	%	%	%	%	%	%	%
Total Offences	85,640	3	7	14	21	26	28	2
Crimes Against the Person	22,510	4	10	16	22	23	24	1
Crimes Against Property	33,086	3	8	15	22	26	25	1
Administration of Justice	7,698	2	6	12	20	26	31	3
Other <i>Criminal Code</i> Offences	4,525	2	5	11	20	28	34	1
<i>Criminal Code</i> Traffic	1,211	0	1	4	9	26	58	1
Drug Offences	6,058	1	3	9	18	30	39	1
<i>Young Offenders Act</i>	10,414	1	4	13	22	27	29	5
Other Federal Statutes	138	1	3	7	16	30	40	3

¹ Age of the accused is at the time of the offence.

² "Other" includes 1,413 cases (1.6%), where the offender was older than 17 or the age was unknown.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 7



Cases before Youth Courts by Most Serious Decision, 2001/02

Jurisdiction	Total cases	Transfer to adult court	Guilty	Not guilty	Stayed	Withdrawn/dismitted	Other ¹
	#	%	%	%	%	%	%
Canada	85,640	0	61	1	12	26	0
Newfoundland and Labrador	1,706	0	71	0	4	24	0
Prince Edward Island	301	0	60	3	26	11	0
Nova Scotia	2,580	0	56	2	0	42	0
New Brunswick	1,831	0	87	1	1	11	0
Quebec	9,939	0	71	6	10	12	0
Ontario	37,682	0	57	0	9	34	0
Manitoba	4,648	0	56	1	42	0	0
Saskatchewan	7,494	0	56	0	13	30	0
Alberta	11,601	0	64	1	2	33	1
British Columbia	7,050	0	64	2	33	1	0
Yukon	223	0	38	0	31	29	1
Northwest Territories	362	1	64	0	5	30	0
Nunavut	223	0	55	1	15	29	0

¹ "Other" includes transferred to another province/territory, unfit to stand trial and other decisions.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 8


Youth Court Cases with Convictions by Type of Sentence, Canada, 2001/02

Sentences	Total convicted cases	Secure custody	Open custody	Probation	Fine	Community Service	Other ¹
	#	%	%	%	%	%	%
TOTAL OFFENCES	51,952	15	14	66	7	27	31
Crimes Against the Person	13,798	14	15	79	2	25	33
Homicide	8	63	25	50	0	0	50
Attempted murder	14	43	21	79	0	21	64
Robbery	1,767	26	25	80	1	26	45
Sexual assault	662	11	15	86	1	16	26
Other sexual offences	288	9	14	88	0	15	24
Major assault	3,073	16	17	80	2	27	40
Common assault	5,651	10	10	78	3	27	29
Uttering threats	2,030	14	13	78	1	19	27
Criminal harassment	104	6	16	83	5	34	32
Other crimes against persons	201	17	23	83	1	32	35
Crimes Against Property	19,779	12	13	72	5	33	32
Theft	7,815	10	10	68	7	34	32
Break and enter	5,265	16	18	80	2	33	28
Fraud	1,009	10	11	72	7	29	42
Mischief	2,298	6	4	71	5	36	45
Possess stolen property	3,101	17	16	68	5	28	28
Other property crimes	291	10	14	85	1	45	26
Administration of Justice	4,489	30	19	38	9	15	19
Fail to appear	513	20	15	40	15	18	21
Breach of probation	122	17	16	57	11	20	16
Unlawfully at large	1,110	63	28	13	1	4	11
Fail to comply with order	2,463	19	17	45	10	17	23
Other admin. justice	281	13	8	63	10	30	22
Other Criminal Code	2,534	12	9	69	7	27	35
Weapons	854	11	9	71	6	24	50
Prostitution	11	9	9	55	0	18	27
Disturbing the peace	255	2	2	64	15	25	32
Residual Criminal Code	1,414	14	11	70	7	29	27
Total Criminal Code (excluding traffic)	40,600	15	14	70	5	28	31
Criminal Code Traffic	859	7	6	43	49	22	73
Impaired driving	508	2	0	30	68	19	87
Other Criminal Code traffic	351	15	13	63	20	26	54
TOTAL CRIMINAL CODE	41,459	15	14	70	5	28	32
Other Federal Statute Total	10,493	16	16	49	14	26	25
Drug possession	2,008	2	3	56	22	30	41
Drug trafficking	1,282	11	10	83	9	43	50
<i>Young Offenders Act</i>	7,112	21	21	41	12	22	16
Other federal statutes	91	1	0	23	59	26	12

¹ Includes absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs and conditional discharge.

Note: Totals may not add to 100% due to rounding.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 9



	Total convicted cases (#)	Type of sentence (percent ¹)					
		Secure custody	Open custody	Probation	Fine	Community service	Other ²
Canada	51,952	15	14	66	7	27	31
Newfoundland and Labrador	1,211	20	13	75	5	23	22
Prince Edward Island	181	22	23	73	10	0	41
Nova Scotia	1,442	2	29	73	6	28	12
New Brunswick	1,584	18	14	69	6	0	20
Quebec	7,081	14	10	75	5	46	33
Ontario	21,323	16	16	69	4	23	32
Manitoba	2,597	13	15	66	10	20	47
Saskatchewan	4,175	20	11	59	6	36	15
Alberta	7,431	14	8	44	20	24	40
British Columbia	4,486	12	21	73	5	32	27
Yukon	85	32	13	47	1	18	33
Northwest Territories	233	19	26	52	15	25	12
Nunavut	123	13	10	83	2	4	13

¹ Percentages do not add to 100% because multiple sentences for a case are included.

² Other includes compensation, pay purchaser, compensation in kind, restitution, prohibition, seizure, forfeiture, conditional discharge, absolute discharge, essays, apologies and counselling programs.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 10

Year		Type of decision					
		Total cases	Guilty	Acquitted	Stay	Withdrawn / dismissed	Other ¹
2001-02	No. of cases	85,640	51,952	1,132	10,114	22,024	418
	Rate/ 100,000	3,465	2,102	46	409	891	17
	% of total cases	100	61	1	12	26	0
2000-01	No. of cases	87,617	53,283	1,186	10,282	22,511	355
	Rate/ 100,000	3,572	2,172	48	419	918	14
	% of total cases	100	61	1	12	26	0
1999-00	No. of cases	87,600	55,534	1,163	9,921	20,482	500
	Rate/ 100,000	3,575	2,266	47	405	836	20
	% of total cases	100	63	1	11	23	1
1998-99	No. of cases	92,867	59,385	1,334	10,233	21,505	410
	Rate/ 100,000	3,791	2,424	54	418	878	17
	% of total cases	100	64	1	11	23	0
1997-98	No. of cases	97,161	60,713	1,571	12,255	22,279	343
	Rate/ 100,000	3,983	2,489	64	502	913	14
	% of total cases	100	62	2	13	23	0
1996-97	No. of cases	94,931	60,188	1,557	11,502	21,369	315
	Rate/ 100,000	3,927	2,490	64	476	884	13
	% of total cases	100	63	2	12	23	0
1995-96	No. of cases	95,462	58,757	1,494	12,400	22,504	307
	Rate/ 100,000	4,000	2,462	63	520	943	13
	% of total cases	100	62	2	13	24	0
1994-95	No. of cases	96,247	60,631	1,779	8,884	24,679	274
	Rate/ 100,000	4,080	2,570	75	377	1,046	12
	% of total cases	100	63	2	9	26	0
1993-94	No. of cases	101,144	63,773	1,726	8,655	26,723	267
	Rate/ 100,000	4,339	2,736	74	371	1,146	11
	% of total cases	100	63	2	9	26	0
1992-93	No. of cases	101,691	63,646	1,726	9,093	26,943	283
	Rate/ 100,000	4,412	2,761	75	394	1,169	12
	% of total cases	100	63	2	9	26	0

¹ Other includes transfers to another jurisdiction, transfers to adult court, unfit to stand trial and not guilty by reason of insanity.

Note: Totals may not add to 100% due to rounding.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 11


Sentence Type¹ in Youth Courts, 1992/93 to 2001/02

Year		Type of sentence				
		Total cases	Secure custody	Open custody	Probation	Fine
2001/02	No. of cases	51,952	7,720	7,339	34,083	3,719
	Median (days/\$)		30	36	360	150
	% of total cases		15	14	66	7
2000/01	No. of cases	53,283	7,978	8,269	34,435	3,984
	Median (days/\$)		30	30	360	150
	% of total cases		15	16	65	7
1999/00	No. of cases	55,534	8,102	8,509	35,554	4,484
	Median (days/\$)		30	40	360	150
	% of total cases		15	15	64	8
1998/99	No. of cases	59,385	8,855	9,637	38,285	4,700
	Median (days/\$)		30	42	360	125
	% of total cases		15	16	64	8
1997/98	No. of cases	60,713	8,943	10,037	38,692	4,945
	Median (days/\$)		30	45	360	150
	% of total cases		15	17	64	8
1996/97	No. of cases	60,188	8,167	9,737	40,652	4,413
	Median (days/\$)		30	45	360	100
	% of total cases		14	16	68	7
1995/96	No. of cases	58,757	7,631	9,739	38,157	4,874
	Median (days/\$)		35	50	360	128
	% of total cases		13	17	65	8
1994/95	No. of cases	60,631	8,377	10,028	39,263	5,379
	Median (days/\$)		40	60	360	125
	% of total cases		14	17	65	9
1993/94	No. of cases	63,773	8,443	10,165	40,678	6,094
	Median (days/\$)		45	60	360	100
	% of total cases		13	16	64	10
1992/93	No. of cases	63,646	7,606	9,279	31,368	6,055
	Median (days/\$)		45	60	360	100
	% of total cases		12	15	49	10

¹ Sentence Type includes all sentences that were handed out for a particular case, therefore the percentages do not add to 100%.

Source: Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Canadian Centre for Justice Statistics

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