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# A Profile of Youth Justice in Canada



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# A Profile of Youth Justice in Canada

By Kathryn Stevenson, Jennifer Tufts, Dianne Hendrick and Melanie Kowalski

Edited by Sandra Besserer

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# Introduction

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Youth crime is a concern for Canadians, but what are the facts? How many youths are being charged with a crime; what offences are being committed and by whom; and what sentences are young offenders receiving? The purpose of this profile is to answer these types of questions. In so doing, it is hoped that readers will gain a better understanding of the issues and that this profile will be a useful tool for schools, policy makers, program developers, and others working in the justice field.

The report is organized in a similar fashion to the way youths are dealt with by the justice system; it follows youths in trouble with the law from their initial contact with police to their handling by the correctional system. Chapter 1 looks at the history and current state of young offenders legislation in Canada. Alternative measures, a way of dealing with youths other than through the formal justice system, are examined in Chapter 2. Chapters 3 to 5 focus on police-reported crime data – the nature of youth crime, young offenders, and their victims. Youth court cases are examined in Chapter 6 – who appears in court, how many youths are convicted and what sentences do they receive. Chapter 7 examines youth corrections – how many youths are in custody or on probation and for how long. Repeat offending is analyzed in Chapter 8. Finally, Chapter 9 looks at some of the personal characteristics, social conditions and circumstances that may influence the criminal behaviour of young people. To help readers understand what actually happens to youths who come into contact with the justice system, a fictional example has been interspersed throughout the profile. Readers can follow what happens to a young offender beginning with the first encounter with the police.

Most of the statistics used in the profile are provided at the national level only. It should be noted that trends at the provincial or territorial level are not uniform across Canada because, among other things, there are differences in criminal justice programs and priorities. Those wishing more detailed data at the provincial/territorial or municipal level should contact the Canadian Centre for Justice Statistics at 1 800 387-2231.



# Chapter One: Young Offenders Legislation

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The purpose of this chapter is to describe the law that governs how the justice system deals with young offenders. It will be useful to have an understanding of the legislation when the examination of youth crime begins in the chapters that follow.

## How is the current young offenders legislation changing?

The *Young Offenders Act* (YOA) is the current federal legislation dealing with youth crime. However, in May 1998, the Federal Minister of Justice announced her intention to replace the YOA with a new set of laws regulating youth crime in Canada (see **After the YOA**). Until the legislation is officially proclaimed, youth justice data will continue to be collected based on the YOA.

The YOA has been developed around a set of guiding principles that balance the rights and responsibilities of both youths and society. These principles,<sup>1</sup> which guide the way that the YOA is interpreted, can be summarized as follows:

- Society has both the right to be protected from youth crime, as well as the responsibility to take reasonable steps to prevent it. Multidisciplinary approaches to crime prevention that identify and respond to children and youths at risk are essential in order to reduce and prevent crime.
- Young people who commit crimes are responsible for their actions and should be held accountable in a way that is suitable given their age and level of maturity.

### After the YOA

In announcing the government's intention to replace the YOA, the federal Minister of Justice presented three integrated approaches to address public concerns about youth crime:

- implementing community-based crime prevention programs and developing alternatives to the justice system for lower-risk, non-violent young offenders
- establishing meaningful consequences for youth crime, including measures for violent and repeat young offenders
- rehabilitating and reintegrating young offenders into the community.

According to the Minister of Justice, the new legislation will emphasize the distinction between violent and repeat young offenders and the majority of non-violent, lower-risk youths. The new system is expected to promote the use of alternatives to the justice system through community-based options for youths accused of minor offences, expand the offences eligible for adult sentences and allow the publication of names of violent young offenders who qualify for an adult sentence.

**Source:** "A Strategy for the Renewal of Youth Justice" Department of Justice Canada, 1998.

The information in this report provides a profile of the current youth justice system, and will serve as a benchmark to compare future data based on the new legislation.

## What is the *Young Offenders Act*?

The *Young Offenders Act* (YOA) has been in force in Canada since 1984. It prescribes how the police, courts and correctional system handle young people who come into contact with the justice system. This law applies equally across Canada to all youths aged 12 to 17 (up to the 18<sup>th</sup> birthday) at the time the criminal offence is committed. It does not apply to children under 12 years old.

- Youths who commit crimes require supervision and discipline but because they have special needs, they also require assistance. Programs that focus on rehabilitation are the best way to protect society and address the needs of young offenders.
- Alternatives to judicial proceedings should be considered for young offenders. In many cases, this means that youths who commit less serious, non-violent crimes can make amends to victims by apologizing, agreeing to mediation, or doing volunteer work in the community.

<sup>1</sup> See the *Young Offenders Act*, Section 3 "Declaration of Principle".

### Children under 12

Although not covered by the *YOA*, children under 12 are governed by child welfare and mental health legislation. Agencies that administer these laws are specific to each province and territory but generally intervene when children become involved in serious delinquent activities and/or when parents are not able to deal with them. These agencies also become involved in cases of abuse, neglect or parental death. They have access to a wider range of services than the formal criminal justice system and can address the needs of the family and community when dealing with the children's problems (see *Youth Assisting Youth* in Chapter 9).

Very few children under 12 are involved in serious criminal activity. Data are presented in Chapter 4.

- Young people accused of committing crimes have the same rights as accused adults, as set out in the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*. This guarantee of rights means that youths have: the right to be consulted on decisions that affect them; the right to the least possible interference with their freedom (when compatible with the protection of society); and the right to be informed of their rights and freedoms. Previously, the youth justice system was very different from the adult system (see *Before the YOA*).
- Parents are responsible for the care and supervision of their children. Young persons should only be separated from their families when the parents have failed to provide adequate supervision.

### How has the *YOA* changed over time?

Since it was adopted in 1984, there have been three sets of amendments to the *YOA*. The first set focused on the technical and procedural revisions that are common with new laws. The second increased the maximum sentences available to young offenders in youth court from three years to five. The most recent amendments, enacted in 1995, were meant to address increases in violent crime and public concern over perceived shortcomings of the Act, including a perception of lenient sentences.

The 1995 amendments to the *YOA* emphasized the protection of society. This is to be achieved through the rehabilitation of young offenders and the use of crime

prevention programs to address children at risk before they become involved in crime. Prior to these amendments, the rights and responsibilities of accused youths were generally considered the most important.

In addition to philosophical changes, the provision of the Act related to transfers to adult court was also revised. Previously, any youth 14 years or older who was charged with a serious (indictable) offence could be transferred to adult court. Now, in addition to this provision, 16- and 17-year-olds charged with very serious violent offences, like murder and attempted murder, are automatically moved to adult court unless during a hearing, the accused can convince the judge to keep the trial in youth court.

Maximum sentences in youth court for murder were also amended in 1995. First degree murder is now punishable by a 10-year term and second degree murder by a 7-year term.

### What is the public's perception of the *YOA*?

Despite a recent trend showing decreasing crime rates, public concern about the justice system remains high. Nationally, public opinion research shows that crime and justice issues have fluctuated in importance from a low of 2% of the population who saw these issues as the most important in November 1993 to a high of 12% in July 1995 (Angus Reid Group, 1997). In a recent public opinion survey, 89% of respondents believed that youth

<sup>2</sup> See *Juvenile Delinquents Act, Section 38*.

### Before the *YOA*

Before the *YOA*, the *Juvenile Delinquents Act (JDA)* governed the way young people were dealt with by the justice system. The *JDA*, in force beginning in 1908, was based on a set of child welfare principles that viewed youths as misguided but not criminal. Youths were not convicted of offences but rather were classified as "delinquent". They remained under the care of the justice system until the court was satisfied that they had been "cured" of their delinquency. Explicit in the *JDA* was the notion that youths who came into contact with the justice system required "aid, encouragement, help, and assistance."<sup>2</sup>

With the proclamation of the *Canadian Charter of Rights and Freedoms*, the *JDA* came under increased criticism for failing to give young offenders the same rights as adult offenders and for ignoring the procedures of due process. In addition to legal objections to the *JDA*, there had been an on-going shift in public attitudes that called for greater accountability from young offenders and a standard law to deal with all Canadian youths accused of crimes. The maximum age under the *JDA* varied across provinces and territories. For example, the maximum age was 18 in Manitoba and Quebec, 17 in British Columbia and Newfoundland and 16 in the rest of Canada.

## Public Knowledge of the YOA: Work of Public Legal Education and Information Organizations

Despite expressing strong opinions about the YOA, recent studies suggest that very few Canadians have a clear understanding of the law or its recent changes. This lack of knowledge also extends to youths. Research using child and youth respondents has found that relatively few of them “showed a conceptual understanding of what the YOA is, though most understood that age was a relevant factor” (Peterson-Badali, 1996). Findings from this research suggest that other sources, such as the media, strongly affect public perceptions of young offenders and the youth justice system.

In an effort to educate the public, the federal Department of Justice, in cooperation with a number of partners<sup>3</sup> across Canada, has created Public Legal Education and Information (PLEI) organizations. By establishing telephone information lines and producing easy-to-read publications, these organizations are trying to improve the public’s knowledge and understanding of Canadian laws, including the YOA.

crime is increasing and 82% felt that crimes committed by youths should be a high priority for the justice system (Environics, 1998).

Concern about crime and justice is related, in part, to the perceived effectiveness of the justice system. Public opinion surveys have found little confidence in the YOA. In a recent public opinion poll, only 26% of people interviewed were somewhat or very confident in the YOA. Confidence levels were highest in Quebec at 42% and lowest in the Prairie provinces at 13% (Angus Reid Group, 1997).

In addition to low confidence in the YOA generally, many people cite sentencing as a specific concern. A recent study reported that 77% of respondents felt that the sentencing of young offenders is too lenient (Environics, 1998). Several studies conducted prior to the 1995 YOA amendments found that most people wanted increased sentences for violent young offenders (Environics, 1994; Gallup, 1994).

One study found that when asked about young offenders, the public focuses on the high profile, serious and infrequent cases of violent youth crime, particularly murder. When asked about the more common non-violent cases such as theft, respondents called for less time in secure custody and greater use of other penalties (Spratt, 1996). In a 1997 public opinion survey, a strong majority (85%) agreed that non-violent offenders should receive alternative measures instead of a prison term. Three-quarters of respondents believed that “problems that children are having with the law could be solved by the parents and community without involving the legal system” (Angus Reid Group, 1997).

### What is the youth justice process?

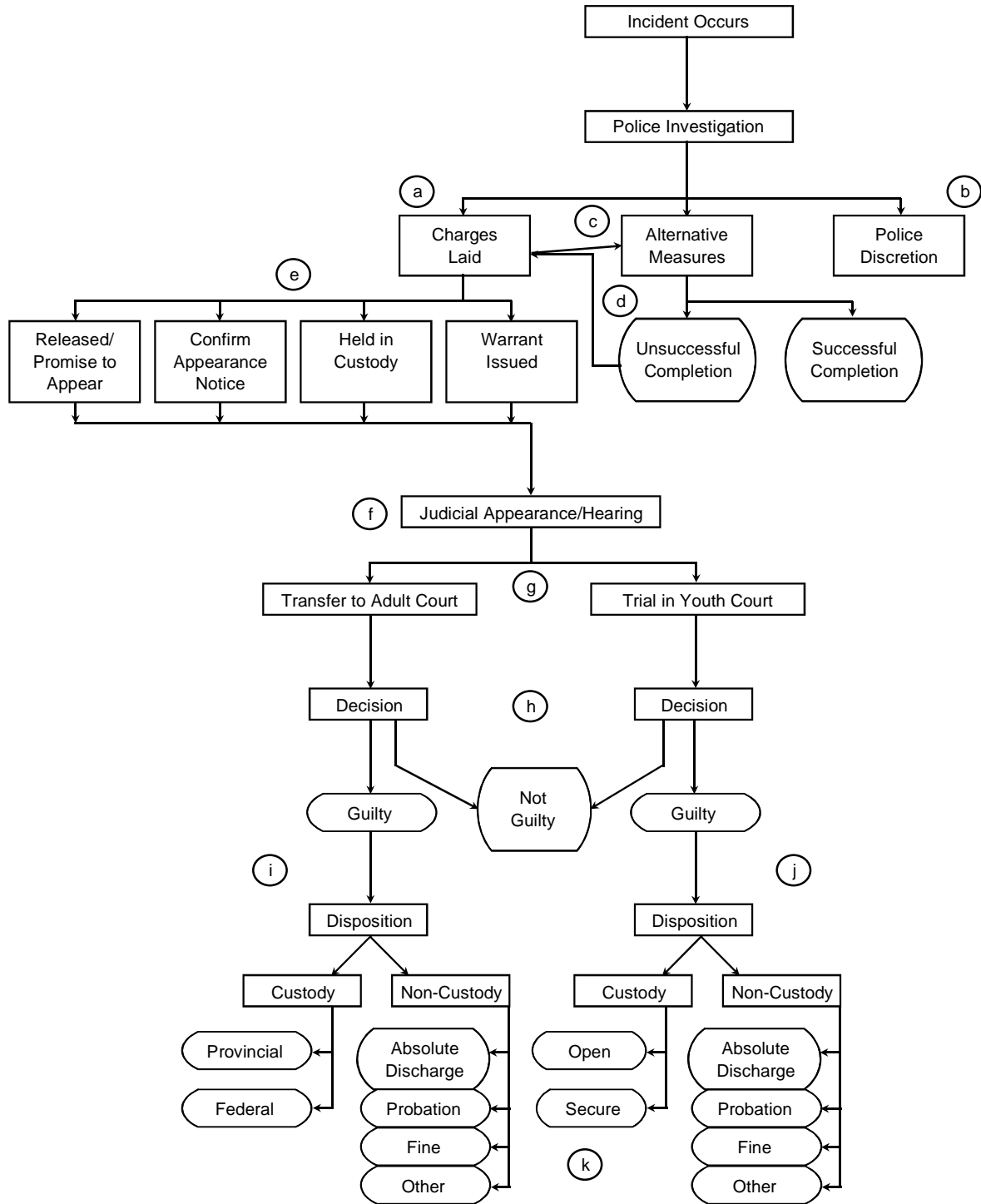
In order for youths to become involved in the justice system, the police must detect or be notified that a crime may have been committed. If the police are satisfied that an offence has occurred, they may use one of three options:

<sup>3</sup> The partners include provincial and territorial governments and community-based groups and agencies.

<sup>4</sup> Special terms are defined in the Glossary.

- (a) the police may charge the youth with a crime;
- (b) if it is a minor offence, the police may use discretion<sup>4</sup> to divert the youth out of the formal justice system. This may involve speaking to the youth’s parents about the incident and/or requiring the youth to apologize to the victim; or
- (c) the youth may be diverted into an Alternative Measures program. The youth will be required to fulfil an alternative measures agreement either before or after charges have been laid. Some alternative measures programs currently in use include apologizing to the victim, counselling and restitution (see Chapter 2).
- (d) Should the youth fail to meet any of the conditions of the agreement, the charges may be reinstated and the case referred back to the formal court process.
- (e) Once charges are laid, a decision will be made about detention. Youths arrested by police on suspicion of a serious crime may be held in custody to await a hearing. A youth accused of a minor crime is likely to be served with an appearance notice at the scene of the crime instructing the youth when to appear in court or released into his or her parents’ custody with a promise to appear at a hearing. An arrest warrant can be issued if the accused is known by police but has not been apprehended. Several factors, including the seriousness of the offence, the criminal history of the accused, and the province or territory within which the offence has occurred will affect what happens at this stage. Although the YOA applies equally across Canada, provinces and territories have different policies and programs.
- (f) Most youths are dealt with in youth courts; these are provincial/territorial courts that have special expertise and facilities. However, depending on the age of the youth, his or her background and the type of crime, a hearing may be conducted to determine if the youth should be transferred to adult court. Any youth aged 14 or over who has been

Figure 1.1  
Flowchart of the Justice Process for Youths



charged with a serious (indictable) offence can be transferred. In such cases, the Crown must apply to have the case moved. All 16- and 17-year-olds charged with a serious violent offence<sup>5</sup> are transferred automatically. However, the individual's lawyer or the Crown can apply to have the case stay in youth court.

- (g) In youth court, all trials are conducted by a youth court judge. The only exception is the offence of murder, where the accused has the option of a judge and jury trial. In adult court, the youth is treated as an adult. For most serious offences, adults can select trial by judge or trial by judge and jury.
- (h) If the court decides that the youth is guilty, the judge will determine an appropriate disposition or sentence.
- (i) If found guilty in adult court, youths face the same sentences as adults, except that youths sentenced to life in prison are eligible for parole earlier. At most, youths serve 10 years before becoming eligible for parole, whereas adults may have to serve up to 25 years.
- (j) Youths found guilty in youth court can be sentenced to *secure custody*, meaning that they serve time in a youth detention/correctional facility. This is the most severe kind of sentence and is generally reserved for violent, repeat and older offenders. A less severe form of incarceration is *open custody*; these sentences are usually served in community group homes. Non-custodial sentences include absolute discharge, conditional discharge, probation,

a fine, compensation for the victim, or community service.

Two years in custody is the maximum penalty for offences not punishable by life under the *Criminal Code*.<sup>6</sup> For offences punishable by life, such as robbery, the maximum penalty is three years in custody. The maximum penalty for second degree murder is 7 years (4 years custody and 3 years supervision) and 10 years (6 years custody and 4 years supervision) for first degree murder.

- (k) Sentences expire when the youth has fulfilled all of the requirements set out by the judge or when the judge changes the sentence at a review hearing (see **The Review Process** in Chapter 7). Otherwise, the youth may be sent back to court for failing to complete the sentence.

Depending on the seriousness and the frequency of the offences, young offenders who do not become re-involved in the justice system for three to five years after successfully completing their sentence will have their criminal records destroyed. For young offenders who become re-involved in the justice system before their three to five year period ends, their records will be considered during sentencing for all subsequent offences, including those committed as an adult.

<sup>5</sup> These offences are first degree and second degree murder, attempted murder, manslaughter and aggravated sexual assault.

<sup>6</sup> Youths found guilty of more than one of these offences can be sentenced to a maximum of three years in custody.

<sup>7</sup> A male youth has been chosen because males accounted for 78% of youths charged in 1997. Theft under \$5,000 has been chosen because it accounted for 23% of all youths charged in 1997.

### Mike's Story – A Fictional Case Study (Part 1)

This is the fictional story of Mike. Mike's story will help to demonstrate how the police, the courts and the correctional system deal with youths accused and found guilty of crimes. Mike is meant to represent the characteristics of a typical youth who becomes involved with the justice system.<sup>7</sup> Throughout this report, Mike's movement through the youth justice system will be traced from the police response through to sentencing.

Mike is 16 years old and is in grade 11. One day Mike was shopping in a department store. While in the electronics section of the store, he picked out a portable CD player that he liked. Instead of paying for it, Mike slipped it under his jacket. Outside the store, a security guard stopped him, took him to the security office and called the police. What will happen to Mike now?





## Chapter Two: Alternative Measures

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The guiding principles of the *YOA* state that alternatives to judicial proceedings should be considered for young people. Diversion is a general term that covers approaches used to keep youths from further involvement in the formal justice system. Diversion can take two forms: discretion or alternative measures. Police use discretion to deal with youths informally, rather than following the formal procedure of laying a charge (see ***What is discretion?***). Alternative measures, the focus of this chapter, are formalized programs that are designed to balance society's right to protection with the needs of youths in conflict with the law.

### How do alternative measures work?

Provisions for the use of alternative measures (AM) are set out in Section 4 of the *YOA*. AM programs (see ***What alternative measures are currently in use?***) vary across Canada according to the needs and philosophies of each province or territory. The *YOA* allows this flexibility as long as the rights of youths are protected. For example, youths must agree with the alternative measure that is being suggested, have the right to consult a lawyer, and have the right to choose to have the case heard in court. AM programs are generally reserved for first-time offenders and are limited to specific types of less serious offences.

Except for New Brunswick, Ontario and Yukon, all AM programs are combined pre- and post-charge programs with the preference, and the general practice to refer youths 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, youths 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 youths to the AM program at the post-charge stage, although, on occasion, they may be referred at the pre-charge stage.

### Who is involved in the delivery of AM programs?

A variety of groups in the justice system and the community are involved in the delivery of alternative measures programs. An overview of the roles played by each group is provided below.

#### The Police

As the initial point of contact when an incident occurs, the police play an important role in the overall delivery of AM. Police have three basic options to consider in deciding how best to proceed:

#### What is discretion?

*Discretion* is a measure used by police officers to keep youths accused of committing crimes from becoming involved in the formal justice system. If the youth is a first-time offender and the offence is relatively minor, the police officer may decide not to lay formal charges. Instead, the youth may be required to apologize to the victim or the police may escort the youth home to discuss the incident with his/her parents.

#### What alternative measures are currently in use?

Youths participating in alternative measures may be required to complete one or more measures within a set period of time. The following is a list of the typical types of measures used across the country:

- *Making Apologies* through written or personal contact with the victim.
- *Producing Essays or Posters* that focus on crime prevention.
- *Making Restitution/Compensation* through financial compensation to the victim.
- *Providing Personal Services* to the victim where appropriate and desired by the victim.
- *Participating in Educational Programs* such as "Stoplift", which is aimed at educating people about shoplifting and its impacts on the community and businesses.
- *Performing Community Service* for a non-profit agency in the community (the maximum number of hours a person may be requested to complete varies across the country from 50 to 120 hours).
- *Other* measures include social skills improvement courses (in Quebec) and, in Manitoba, an option of implementing traditional consequences that focus on culturally-specific measures (particularly in Aboriginal communities).

- exercise discretion not to lay a charge
- lay a charge
- refer cases directly to a formal AM program (in Manitoba, New Brunswick and the Northwest Territories only) or recommend to the Crown Attorney that alternative measures be used.

### **The Crown Attorney**

A Crown Attorney is a lawyer, representing the government, who prosecutes criminal cases. The role of the Crown Attorney is to review each case to determine whether there is sufficient evidence to support a charge and to decide if an AM program is appropriate. This decision takes into account the needs of the young person and the interests of society. When the Crown Attorney decides it is appropriate, the youth will be referred to the person/organization responsible for delivering alternative measures (to be referred to as the “alternative measures provider”).

In most provinces/territories, referrals to alternative measures originate with the Crown Attorney. In some, such as Manitoba, New Brunswick and the Northwest Territories, the police may be designated as referral agents, and in Quebec, all referrals come from the Provincial Director responsible for AM programs.

### **The Victim**

Victim participation varies across the country and sometimes within jurisdictions. Often the process of negotiating an alternative measures agreement helps to define the role of the victim. In Saskatchewan, for example, victim-offender mediation can be used to arrive at an appropriate measure. In such cases, the participation of the victim is significant and necessary.

There are some common practices when involving victims in the process. The alternative measures provider contacts the victim to determine if he/she would like to participate in the alternative measures process and to identify the impact of the alleged offence, including financial or property loss. Quite often, the victim may be asked to recommend ways that the accused could repair the harm done. Although victim participation is desirable, if the victim chooses not to participate the accused will still be eligible for an AM program.

### **The Accused**

The young person’s eligibility to participate in an AM program is assessed according to several criteria, including the evidence in the case, past contact with the criminal justice system, the nature of the alleged offence, and the youth’s attitude. How these criteria are applied varies across Canada. Alternative measures are generally reserved for youths who have come into

contact with the justice system for the first time or who have had no prior involvement within the previous two years. The youth must acknowledge responsibility for the offence and agree to participate in the AM program.

### **The Alternative Measures Provider**

Alternative measures agreements are formed between the youth and a person/organization responsible for the AM program (the alternative measures provider). These persons/organizations, which include non-profit, community-based agencies, probation officers, local justice committees, and community volunteers, assume the responsibility for administering these programs and for monitoring the agreements. Tasks include supervising the youth as he or she completes the conditions of the agreement, and notifying all parties when the agreement conditions have or have not been completed.

### **What types of offences qualify for an AM program?**

There are significant variations in the types of offences that are eligible for alternative measures. In Quebec, for example, all offences can be considered for alternative measures. In the other provinces and territories, offences that are considered ineligible include murder, manslaughter, major assaults, sexual assaults, incidents involving domestic violence, drug offences and offences related to impaired driving. The decision to include or exclude offences is usually a reflection of the needs and wishes of the jurisdiction. In some cases, such as in the Northwest Territories, this decision reflects the specific needs and abilities of local communities.

### **What is an AM agreement?**

Once all parties agree to an alternative measures program, an agreement is drafted. The agreement is a contract between the young person and the alternative measures provider. The terms and conditions of the agreement are tailored to fit the circumstances of the offence, taking into account the attitude and motivation of the person as well as the needs and concerns of the community.

The contract usually contains a mention of the alleged offence(s), the nature of the measures agreed upon, and the duration of the agreement. The contract must be completed within a certain time period depending on the seriousness of the offence. Twelve months is the maximum allowed.

The AM agreement is normally signed by the participating young person and a representative of the alternative measures provider. The parent/guardian may also be required to sign the agreement.

## Participation in Alternative Measures Programs

Alternative measures programs vary widely across the country. Provided below is a sample of information from two provinces on participation in these programs.

In Ontario, AM programs for youths are operated by two Ministries – one for 12- to 15-year-olds and one for 16- and 17-year-olds. The available data for the two age groups cover two different time periods. In 1996-97, a total of 5,579 youths aged 12 to 15 were admitted to alternative measures programs. Over 90% of participants had no previous involvement with the courts. Most youths were charged with relatively minor offences. "Theft under \$5,000" was the most common offence (about 60% of cases), followed by "possession of stolen property under \$5,000 (11% of cases) and "mischief" (8% of cases). About 60% of participants were male. A number of different sanctions were given to the participants. The most popular included writing an essay, writing an apology to the victim, performing voluntary community service, making a charitable donation, and participating in a program (i.e. "Stoplift"). In 1995-96, a total of 1,891 youths aged 16 and 17 were admitted to AM programs. The characteristics of these cases were quite similar to those for the younger age group.

In Manitoba in 1996-97, a total of 2,564 alternative measures cases were opened. Information is available on 1,826 (71%) of those cases. In over 99% of cases, the participant had no previous convictions in court and in 90% of cases, there was no previous participation in an alternative measures program. Most cases (91%) involved property offences and the majority of accused youths (64%) were males. The largest percentage of participants (20%) was 15 years old, followed by 16-year-olds (19%) and 17-year-olds (17%). Almost 93% of AM programs were completed successfully.

*Sources: Ontario Ministry of Community and Social Services; Ontario Ministry of the Solicitor General and Correctional Services; Manitoba Justice.*

## When is the AM program completed?

Once the terms of the alternative measures agreement are fully satisfied, the case is closed and charges (as in the case of post-charge referrals) are withdrawn or dismissed without the need for another court appearance. The AM provider usually forwards notification of completion of the alternative measures to the Crown or the original referral agent.

An AM program is considered incomplete when the youth:

- cannot be located
- shows an unwillingness to complete the terms and conditions of the alternative measures agreement
- refutes his/her earlier acceptance of responsibility or involvement in the alleged offence(s)
- wishes to have his/her case dealt with by the court.

In such cases, the AM provider will refer the case back to the Crown. The Crown may close the case and take no further action, consider another term in alternative measures, or choose to proceed with prosecution of the case.

## Mike's Story – A Fictional Case Study (Part 2)

As Mike and the security guard wait for the police to arrive, Mike apologizes for trying to steal the CD player and explains that he has never stolen anything before. Unfortunately for Mike, a police officer arrives and recognizes him from a previous incident. It appears that Mike has a history of contact with the police. This is not his first offence. In fact, less than six months ago Mike appeared in youth court charged with theft under \$5,000. At the time, the judge placed him on probation for one year. This meant that Mike had to stay out of trouble for one year or risk a harsher sentence.

The security guard advises the police officer that the store has a strict anti-shoplifting policy that supports formal criminal charges. The police officer nods and leads Mike out to the cruiser. Being on probation means that Mike does not qualify for an alternative measures program and although he asks the police officer for a second chance, the officer has refused to exercise his discretion. By being accused of shoplifting, Mike has violated the terms of his probation. The officer reads him his rights, including his right to be represented by a lawyer, and drives him to the police station.

Now that he is being charged with shoplifting, Mike's parents will have to come down to the station and he will have to appear in court for both the shoplifting charge and the probation violation. Mike has definitely gotten himself into more trouble.



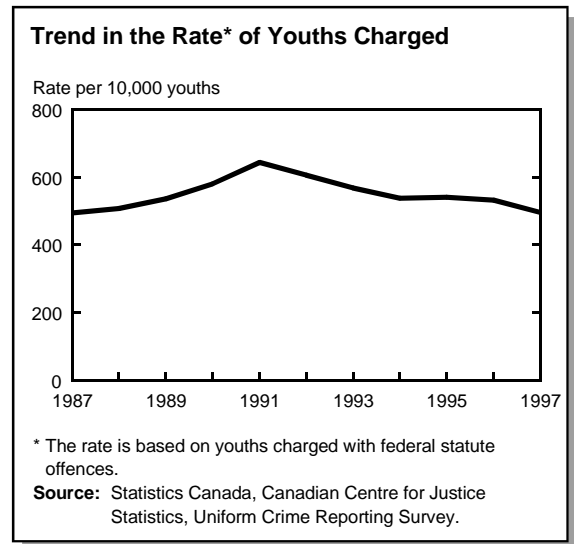
# Chapter Three: Police-Reported Youth Crime

This chapter provides information on the extent of youth crime and trends over time. The information is based on data provided by the police through the Uniform Crime Reporting Survey (see **About chapter 3 data**). It is important to keep in mind that police-reported statistics do not measure the full extent of youth crime. The rate of youths charged only includes youths who have been apprehended and charged by police. A number of factors can affect the police-reported crime rate, including: changes in the law, changes in policing practices, changes in community attitudes toward crime, and willingness of the public to report crimes to the police. One additional factor, which was discussed in the previous chapter, is alternative measures. The use of alternative measures can lead to a lower charge rate because many youths are referred to alternative measures before being charged by police.

## How many youths are charged with a crime?

A small proportion of youths are charged by police with a crime. In 1997, there were 121,122 youths aged 12 to 17 charged with a federal statute offence,<sup>8</sup> yielding a rate of 495 youths charged per 10,000 youths in the population (see **What is a rate?**). In other words, less than 5% of Canadian youths were charged with a federal statute offence in 1997.<sup>9</sup> Youths accounted for 23% of people charged with a *Criminal Code* offence in 1997.

Figure 3.1



<sup>8</sup> It is possible for some youths to be charged (and counted) more than once in a year. As a result, it is likely that the actual number of individual youths is less than 121,122.

<sup>9</sup> The comparison between youth and adult crime rates poses some difficulties. The entire youth population represents a high-risk group for becoming involved in criminal activity. By contrast, the level of risk among adults is not consistent across the entire age group. Almost half of the adult population is 45 years and older; this age group is affected by fewer risk factors and as a result, is rarely involved in crime. A more direct comparison would look at youths and young adults. Unfortunately, data are not currently available to make this comparison.

### About chapter 3 data

In this chapter, the Uniform Crime Reporting (UCR) Survey is the main source of data. This survey counts the number of *Criminal Code* and other federal statute offences reported to the police across Canada. It also counts the number of adults and youths charged by police. When a person is charged with more than one offence, the UCR counts them only once under the most serious offence. As a result, less serious offences are under-represented. The incidents that are counted as crimes have been investigated by police who have concluded that a violation of the law did occur. Data for the UCR are provided to Statistics Canada by police agencies. The survey has been in operation since 1962 and has full national coverage.

A secondary source of data for the chapter is the Revised Uniform Crime Reporting Survey (UCR II). This survey provides more detailed information on criminal incidents reported to a sample of police departments. Readers are cautioned that UCR II data are not nationally representative. In 1997, data were collected from 179 police forces in 6 provinces (New Brunswick, Quebec, Ontario, Saskatchewan, Alberta and British Columbia). The data represent about 48% of the national volume of crime (see *Data Sources* for a more detailed description of the data used in this report).

### What is a rate?

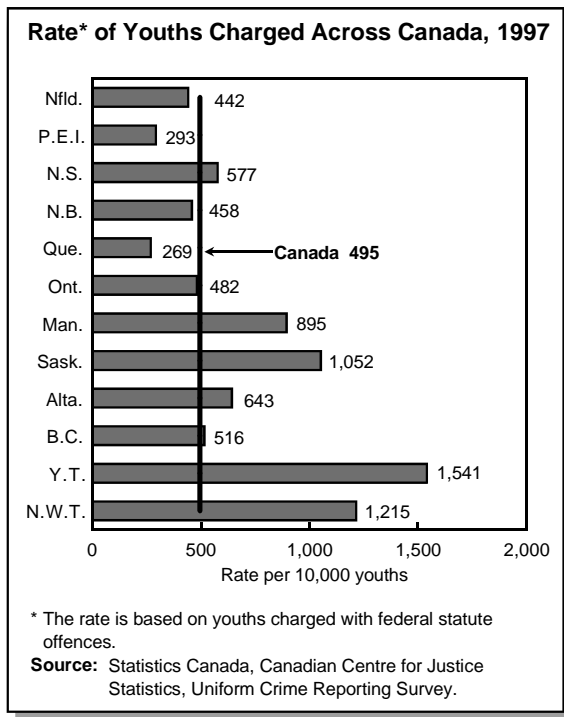
Crime statistics are sometimes expressed in terms of the population size, that is, as a rate. This is done so that valid comparisons of crime can be made over time or among jurisdictions (provinces and territories) without concerns about differences in populations. For example, the number of youths charged with a crime might be falling simply because the youth population is decreasing. A comparison of rates eliminates any differences that are due solely to differences in the population. A table of population figures used to compute rates for this report is included in Appendix A.

Apart from a pause in 1995, there has been a downward trend in the youth charge rate since reaching a high in 1991 of 643 youths charged per 10,000 population<sup>10</sup> (see Figure 3.1). The 1997 youth charge rate was down 7% from 1996 and 23% from the 1991 peak. This decrease brought the rate to almost the same level as 10 years ago.

### How does youth crime vary across Canada?

The number of youths charged by police with a federal statute offence varies considerably across Canada, but generally rises from east to west (see Figure 3.2). In 1997, the territories reported the highest rates at 1,541 youths charged per 10,000 population in Yukon and 1,215 in the Northwest Territories. Rates were higher than the national average in the Western provinces. Ontario hovered close to the national average with a rate of 482 per 10,000. Youth charge rates were lowest east of Ontario, except for Nova Scotia which had a higher than average rate.

Figure 3.2



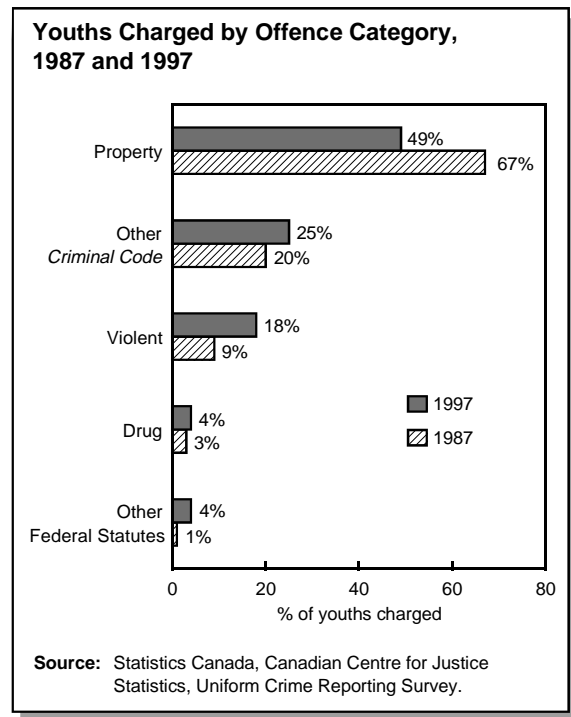
Part of the difference among jurisdictions is no doubt due to the variation in the use of alternative measures. Quebec, for example, usually refers youths to alternative measures before they are charged, meaning that the rate of youths charged would not include any data for youths who participate in alternative measures. The reverse is true for Yukon where youths are usually referred to alternative measures after they have been charged.

<sup>10</sup> Rates are based on the appropriate population; for example, rates for youths are calculated based on the total youth population. For readers wishing to see more detail, the rates for selected offences are provided in Appendix A.

### What offences are youths committing?

Crimes can be categorized into *Criminal Code* (violent, property, other), drug and other federal statute offences (see *How is crime classified?*). Most young offenders commit property offences, such as theft and break and enter. Violent offences, including assault and robbery account for a much smaller proportion of youth crime. In 1997, 49% of youths were charged with property crimes, while 18% were charged with violent offences. Another 25% of youths were charged with “other” *Criminal Code* offences. Drug and other federal statute offences each accounted for 4% of youths charged. This represents a shift in the distribution from a decade earlier, when a larger proportion of youths was charged with property crimes (67%) and a smaller proportion was charged with violent (9%), other *Criminal Code* (20%), drug (3%) and other federal statute (1%) offences (see Figure 3.3). An increase in the use of alternative measures programs for youths involved in property offences may account for this change.

Figure 3.3



The proportion of youths charged with violent crimes is lower than that for adults, while the proportion for property offences is higher. In 1997, the distribution of adults charged was property (35%), violent (27%), other *Criminal Code* (29%), drug (8%) and other federal statute offences (1%).

The most common crime among youths is theft. In 1997, 29% of all youths charged were charged with theft under \$5,000, motor vehicle theft or theft over \$5,000

## How is crime classified?

The main offence classifications used in this report are:

1. **Criminal Code.** Most youths are charged with *Criminal Code* violations. These types of offences can be subdivided into three groups:

- violent**, which includes homicide, assault, sexual assault and robbery. Violent offences involve the use or threatened use of violence against a person. Robbery is considered a violent offence because unlike other theft offences, it involves the use or threat of violence.
- property**, which includes break and enter, theft, possession of stolen property and fraud. Property offences involve unlawful acts to gain property, but do not involve the use or threat of violence against a person.
- other Criminal Code**, which includes prostitution, weapons offences, and failure to appear in court.

For the UCR survey, arson and mischief are considered other *Criminal Code* offences, whereas for the UCR II survey, they are considered property offences.

## 2. Other Federal Statutes.

- Drug offences** include offences for the possession, trafficking, importation and production of illegal drugs. The relevant federal statutes are the *Controlled Drugs and Substances Act*, which came into effect in May 1997, and the previous legislation (*Narcotic Control Act* and the *Food and Drugs Act*).
- Young Offenders Act (YOA).** The *YOA* is primarily concerned with the process for dealing with youths accused of crime. However, youths can be charged under the Act, usually when they fail to comply with court orders.
- Other federal statutes** include all other federal statutes, such as the *Income Tax Act* and the *Immigration Act*. When not presented separately, drug and *YOA* offences are included with other federal statutes.

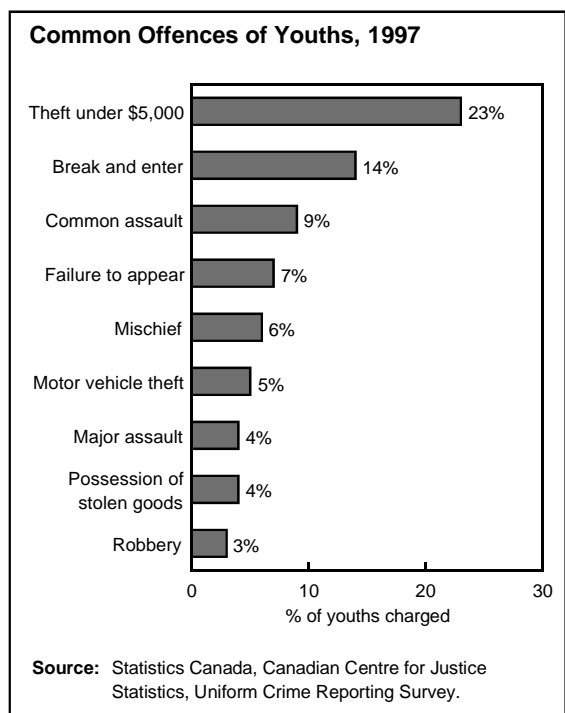
In this report, **assault** is referred to as:

- common assault.** This includes the *Criminal Code* category assault (level 1). This is the least serious form of assault and includes pushing, slapping, punching, and face-to-face verbal threats.
- major assault.** This includes more serious forms of assault, i.e. assault with a weapon or causing bodily harm (level 2) and aggravated assault (level 3). Assault level 2 involves carrying, using or threatening to use a weapon against someone or causing someone bodily harm. Assault level 3 involves wounding, maiming, disfiguring or endangering the life of someone.

The *Criminal Code* offences of "theft under" and "theft over" are referred to as:

- theft under \$5,000.** This includes theft of goods valued at \$5,000 and under. Prior to February 1995, the monetary limit was \$1,000.
- theft over \$5,000.** This includes theft of goods valued at over \$5,000 (\$1,000 before February 1995).

Figure 3.4



(see Figure 3.4). Of the youths charged with theft, the majority (80%) were charged with stealing items valued at under \$5,000. In fact, 53% of youths charged with theft were charged with shoplifting. Break and enter was the second most prevalent offence, representing 14% of all youths charged in 1997.

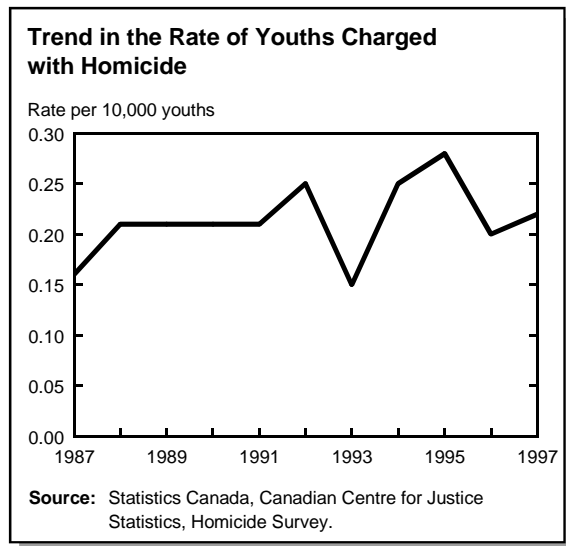
The most common violent crime among youths is assault. In 1997, youths charged with common or major assault accounted for 13% of all youths charged and 71% of those charged with a violent offence. Almost three-quarters of youths charged with assault were charged with common assault, the least serious kind. Youths charged with robbery accounted for 3% of the total charged and 17% of those charged with violent offences.

## Are many youths charged with homicide?<sup>11</sup>

The number of youths charged with homicide is low and represents a small proportion of overall crime. In 1997, out of the 434 people who were charged with

<sup>11</sup> Homicide includes first and second degree murder, manslaughter and infanticide.

Figure 3.5



homicide, 54 (12%) of them were youths. The 54 homicide charges represented less than 0.1% of youths charged with a criminal offence in 1997. Over the last 10 years, the rate of youths charged with homicide has fluctuated considerably (see Figure 3.5). It reached a low of 0.15 youths per 10,000 population in 1993, before climbing to a high of 0.28 in 1995. The actual number of youths charged with homicide ranged from a low of 36 in 1987 to a high of 68 in 1995. Between 1987 and 1997, an average of 51 youths were charged with homicide each year.

### Is youth violent crime increasing?

Unlike the pattern for total youth crime, the rate of youths charged with violent crime climbed steadily between 1987 and 1993 (see Figure 3.6). Recently though, the rate has begun to fall with a 1% drop in 1996 and a 2% decrease in 1997 (see Appendix A for a table of rates). Despite these recent declines, the rate of youths charged in 1997 (91 per 10,000 population), remained more than double what it was a decade earlier.

Changes in the violent crime figures can be partly explained by the growth in youths charged with common assault (see Figure 3.6). Despite decreases in both 1996 and 1997, the rate of youths charged with common assault in 1997 was 119% higher than it was 10 years earlier. The increase in the rate may reflect more aggressive “zero tolerance” strategies on the part of police, schools and others (see **Violence in Schools**).

Increases in the rates of youths charged with major assault and robbery also have contributed to the increase in youth violent crime. The rate of youths charged with major assault increased every year from 1987 to 1994, before levelling off (see Figure 3.6). In spite of this stability, the rate in 1997 stood at 18 youths charged per 10,000 population or 80% above the

<sup>12</sup> This analysis is based on sample data from the UCR II Survey. The UCR II defines schools as grade schools, colleges, universities, business schools and surrounding areas. Readers are reminded that UCR II data are not nationally representative.

<sup>13</sup> See *The Badge and The Book* by F. Mathews, 1995 and *A National Directory of Exemplary School-Based Police Programs to Combat Youth Violence* by C. Ryan and F. Mathews, 1996.

### Violence in Schools<sup>12</sup>

According to a sample of police statistics, in 1997, 9% of all incidents involving youths were committed on school property. Violent offences ranked highest, accounting for 38% of all incidents at schools (compared to 14% at other locations). The proportion of property crime incidents at school (27%) was less than half the figure for incidents occurring at other locations (61%).

The relatively large proportion of violent incidents at schools may reflect zero-tolerance policies<sup>13</sup> toward violence. Where previously, principals dealt with fighting in school, police are becoming involved more often when such incidents occur. In 1997, 67% of violent incidents in schools involved common assault. This was followed by major assault (16%) and robbery (7%).

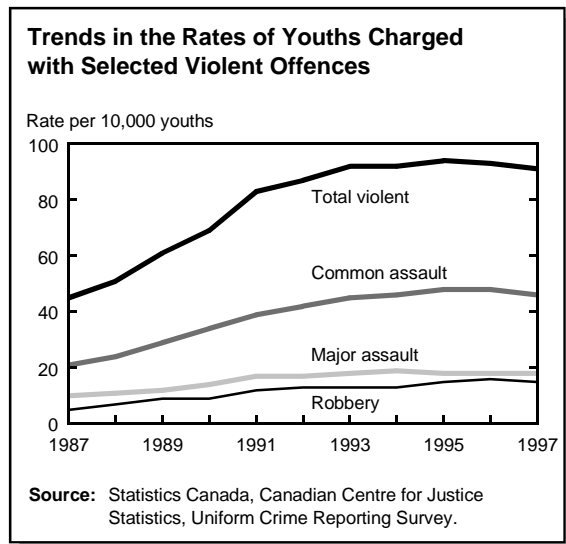
In 1997, 88% of violent incidents in schools did not involve a weapon, a knife was present in 6% of violent incidents, a blunt instrument in 5%, and firearms in 1%. When compared to all locations (see Figure 3.7), weapons were present less frequently in violent incidents occurring at school. Few serious physical injuries resulted from violent incidents occurring at school. Less than 5% of victims reported major physical injuries (requiring medical attention), more than half of victims (52%) reported minor injuries (not requiring medical attention), and 44% reported no injuries.

In 1997, the proportion of male youths accused of a violent crime was slightly higher for incidents occurring on school property. That year, 80% of the youths accused of violent crimes committed on school property were males compared to 77% of accused for incidents committed at other locations. Male youths were also the victims in a higher proportion of school violent crime. In 1997, 54% of all school crime victims were male youths and 26% were female youths. For violent crimes occurring at other locations, male youths accounted for 30% of victims and female youths, 19% of victims.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey (UCR II).



Figure 3.6

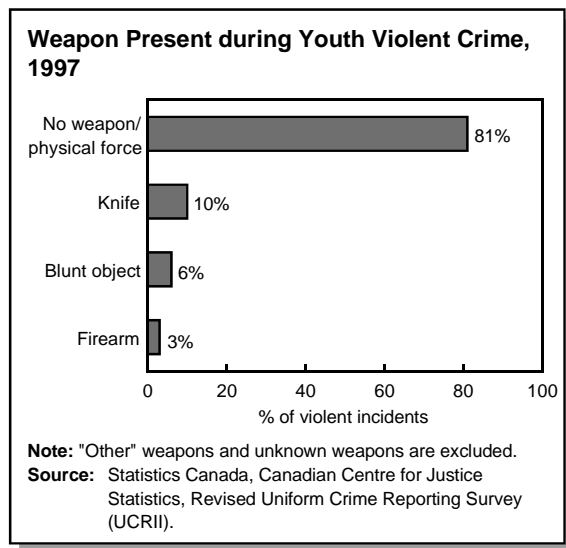


corresponding rate in 1987. The robbery rate has registered even larger increases. In 1997, the robbery rate (15 youths charged per 10,000 population) was three times the 1987 rate.

### How often are weapons involved in youth violent crime?<sup>14</sup>

A weapon was present in 19% of violent incidents involving an accused youth in 1997 (see Figure 3.7). The comparable figure for adults was 17%. One of the reasons that youth violent crime involves a fairly low

Figure 3.7



<sup>14</sup> Data on weapons come from the UCR II Survey. For the analysis, weapons are defined as firearms, knives, and blunt instruments.

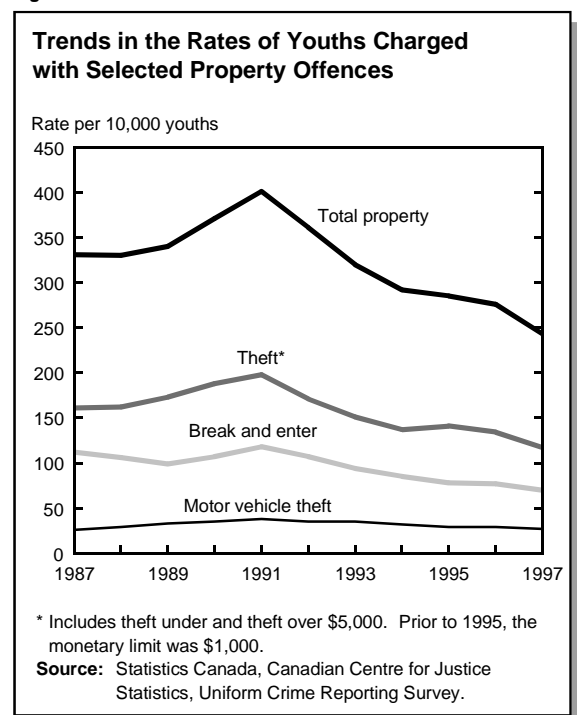
proportion of weapons is the large proportion of common assault charges. In 1997, 51% of all youths charged with a violent offence were charged with common assault. Although many common assault incidents involve injury to the victim, the injury is usually the result of physical force and not a weapon. With common assault incidents eliminated, the proportion of youth violent crime incidents involving a weapon doubles from 19% to 41%.

When a weapon was present during youth violent crime, a knife was the one most frequently reported. Knives were present in 10% of all youth violent incidents, which equates to 53% of violent incidents involving a weapon. The presence of firearms was relatively rare; they were present in 3% of violent incidents, or 16% of incidents involving a weapon.

### Is youth property crime increasing?

While the rate of youths charged with violent crime was increasing in the early 1990s, the rate of youths charged with property crime was decreasing (see Figure 3.8). In fact, from 1987 to 1997, there were only three years (1989, 1990 and 1991) when the rate of youths charged with property crime increased. During the last six years, the rate declined 40%, from a high of 401 youths per 10,000 population in 1991 to the 1997 rate of 243, its lowest level in 10 years (see Appendix A for a table of rates).

Figure 3.8



This overall trend in youths charged with property crime is basically reflected in the trends for the three main offence types (see Figure 3.8). Beginning in 1992, theft rates decreased in five of six years.<sup>15</sup> The rate of youths charged with theft in 1997 (117 per 10,000 youths) was down 13% from the previous year and almost 30% from 10 years earlier. The rate of youths charged with break and enter has been decreasing since peaking in 1991. At 70 youths charged per 10,000 youth population, the 1997 rate was down 9% from 1996 and almost 40% from 1987. Motor vehicle theft declined 8% in 1997. This rate has also been moving downward since reaching a high of 38 youths charged per 10,000 population in 1991. The 1997 rate of 27 was only slightly higher than the 1987 rate of 26.

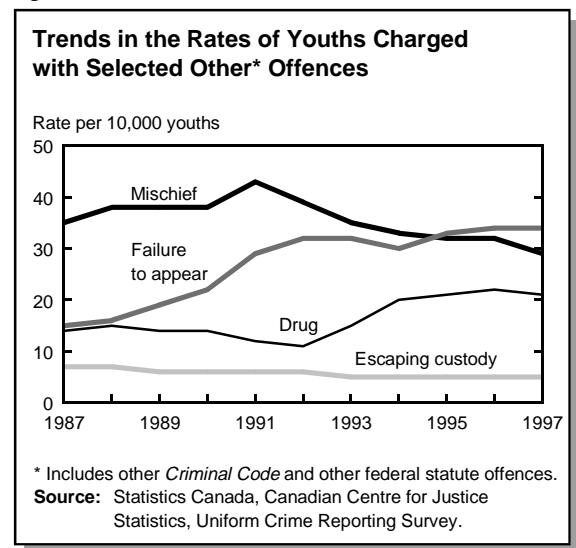
### What are the trends for other youth crimes?

The rate for youths charged with “other offences” (other *Criminal Code* and other federal statutes) moved upward from 1987 to 1991 before beginning to decline. In 1997, the rate was 161 per 10,000 youth population. This was up 36% from 10 years earlier. An examination of four of the principal offence categories included in other offences reveals that two have contributed to the increase and two have not.

The increase in the rate for other offences was partly fuelled by an increase in the rates for youths charged with failure to appear in court and drug offences (see Figure 3.9). In 1997, the rate of youths charged with failure to appear climbed to its highest point in 10 years

<sup>15</sup> This analysis is based on theft under \$5,000 and theft over \$5,000. The two categories had to be combined because the monetary limit was not the same for the entire time span.

Figure 3.9



(34 youths charged per 10,000 population). This was an increase of 129% from 1987. The rate of youths charged with drug offences has also been increasing, particularly since reaching a low of 11 youths charged per 10,000 population in 1992. The 1997 rate (21 youths charged per 10,000 population) was up 44% from 10 years before.

In contrast to these increases, the rates of youths charged with mischief and, to a lesser extent, escaping custody have been declining (see Figure 3.9). The rate of youths charged with mischief was 29 per 10,000 youth population in 1997 – down 31% from the 1991 high and down 34% from 1987. The rate of youths charged with escaping custody was 5 per 10,000 population in 1997 compared to a rate of 7 in 1987.

### Mike’s Story – A Fictional Case Study (Part 3)

At the police station, the officer completes a police-report form, recording the details of the incident. Because the store has a policy to prosecute everyone accused of shoplifting, Mike will have to make a court appearance. Many youths are charged with stealing. In 1997, more than 35,000 youths were charged with theft, representing 29% of all youths charged with federal statute offences.

The officer reminds Mike that he has the right to have a lawyer or parent present before making any statements. Mike decides to call his parents. When his mother arrives at the station, she is quite upset that her son is in trouble again. The officer explains the situation to her and releases Mike into her custody. Before being released, Mike has to sign a form, agreeing to appear in court in one month.

# Chapter Four: Characteristics of Young Offenders

Most experts agree that the risk of becoming involved in crime varies according to certain personality factors, as well as, circumstances and social conditions in which youths find themselves. Some of the factors that may affect youth crime (unemployment, dropping out of school, drug and alcohol abuse) will be examined in Chapter 9. This chapter examines two factors that have long been linked to crime – the age and sex of offenders.

## How old are youths who are accused of crime?

As discussed in Chapter 1, the YOA distinguishes among three age groups: 12 to 13, 14 to 15, and 16 to 17 years of age. The oldest, 16- and 17-year-olds, are automatically transferred to adult court for serious violent offences (such as homicide), unless the accused can convince the judge to keep the trial in youth court. Cases involving the middle group may be considered for transfer and the youngest (12- and 13-year-olds) can be tried only in youth court. In 1997, the highest proportion (45%) of accused youths was in the oldest age group, 38% belonged to the middle group, and 17% to the youngest age group.

## Are younger youths accused of different crimes than older youths?

Younger youths appear to be involved in less serious crimes than older youths. This finding is discussed in more detail below.

### Violent Offences

Of all youths accused in 1997, 16% were accused of violent offences. The figures for the three age groups were quite similar, ranging from 18% for the youngest youths down to 14% for the oldest youths (see Table 4.1). The slightly higher figure for 12- and 13-year-olds

**Table 4.1**

**Accused Youths by Age Group and Selected Offences, 1997**

Offence Type	Age of Accused			
	Total	12 to 13 years	14 to 15 years	16 to 17 years
	percentage			
<b>Violent</b>	<b>16</b>	<b>18</b>	<b>17</b>	<b>14</b>
Common assault	8	11	9	7
Major assault	3	2	3	3
Robbery	3	2	3	3
<b>Property</b>	<b>63</b>	<b>69</b>	<b>63</b>	<b>60</b>
Theft under \$5,000	31	43	33	26
Break and enter	12	7	11	15
Mischief	9	12	9	7
Possession of stolen goods	4	3	4	4
Theft over \$5,000	4	2	4	5
<b>Other Criminal Code</b>	<b>14</b>	<b>10</b>	<b>14</b>	<b>16</b>
Failure to appear	6	4	5	7
<b>Other Federal Statutes</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>9</b>
Drug offences	5	2	4	6
YOA	2	1	3	3
<b>Total Federal Statutes</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Source: Statistics Canada, Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey (UCR11).*

relative to the other age groups appears to be related to the fact that they are less involved in other *Criminal Code* and other federal statute offences.

Looking at specific violent offences, younger youths appear to be more involved in less serious violations. For example, 11% of 12- and 13-year-olds were accused of common assault compared with 9% of 14- and 15-year-olds and 7% of 16- and 17-year-olds. By

### About chapter 4 data

Some of the data in this chapter come from the Revised Uniform Crime Reporting Survey (UCR11). Readers are reminded that these data are not nationally representative. Unlike the UCR survey which collects information on persons charged, the UCR11 collects information on accused persons. This includes persons who have been charged, as well as those who have not been charged. Persons are not charged for a number of reasons, including the use of alternative measures, death, being below the minimum age (under 12 years old) and already being incarcerated for a serious crime.

Other data in this chapter come from the UCR. The UCR provides complete information on youths who have been charged, so it is possible to compute rates of youths charged.

contrast, for the more serious offences of major assault and robbery, the youngest group had the lowest proportion of accused youths (2% for both offences).

### Property Offences

For all age groups, property offences represent the largest proportion of accused youths. Overall, 63% of accused youths were accused of a property crime in 1997 (see Table 4.1). The youngest age group (12- and 13-year-olds) had the highest proportion of involvement in property offences (69% of accused youths in that age group), while older youths (16 and 17) had the lowest involvement (60%).

Younger youths seem to be more involved in the less serious types of property crime, such as theft under \$5,000 and mischief. In 1997, 43% of 12- and 13-year-olds were accused of theft under \$5,000. This proportion declined to 33% for the middle age group and 26% for the oldest. Mischief shows a similar pattern with the youngest group having the highest proportion (12%) of accused. The more serious crimes of break and enter and theft over \$5,000 showed the reverse trend. For example, only 7% of 12- and 13-year-olds were accused of break and enter, compared to 11% for the middle group and 15% for the oldest group.

### Other Offences

The category of "other offences" includes other *Criminal Code* and other federal statute offences. In 1997, 21%

of all accused youths were accused of other offences (see Table 4.1). Involvement in these offences appears to increase with age. For example, older youths (16 and 17) had the highest proportion of involvement in other *Criminal Code* offences (16% of accused youths in that age group), while younger youths (12 and 13) had the least involvement (10%). The same was true for other federal statute offences. Some of the violations included under other offences, including failure to appear and breach of probation, stem from a young offender's previous involvement with the justice system (with prior charges). Therefore, it is not unexpected that older youths, who have had more time to become involved with the justice system, appear to be more involved in other offences.

### How many male and female youths are charged with a crime?<sup>16</sup>

As with adults, the majority of youths involved in crime are males. In 1997, of the 121,122 youths who were charged with a criminal offence, 78% were males and 22% were females. The gap between the two sexes has been decreasing with time. In 1987, 84% of youths charged were males, while 16% were females. Males are charged with the majority of crimes in all of the main offence categories (see Figure 4.1).

<sup>16</sup> The analysis in this section is based on UCR data so that rates of youths charged can be computed.

#### Kids under 12

There is much public concern surrounding the criminal activity of children under 12 years old. This is the minimum age of criminal responsibility under the *YOJA*, meaning children under 12 cannot be charged by police. Instead, these children are dealt with under provincial/territorial child welfare laws. They are usually referred to child welfare or mental health agencies that can provide treatment that is age-appropriate and family-oriented.

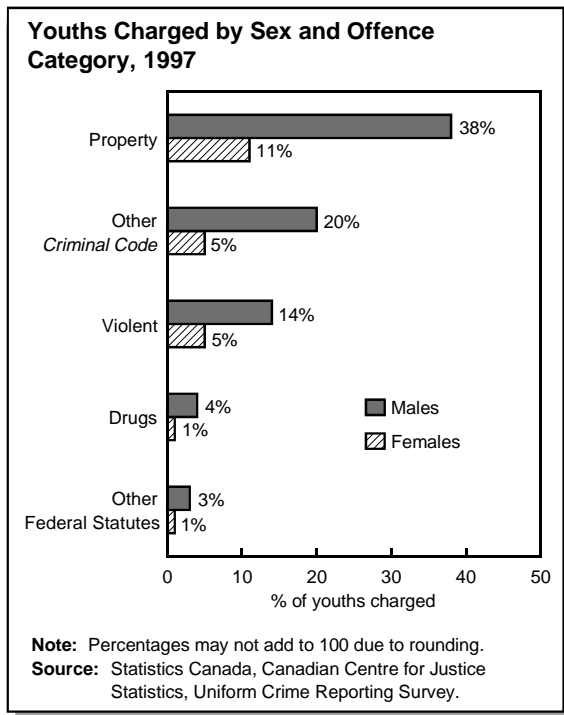
Although the police cannot charge children under 12, they report suspected involvement in criminal activity to the Revised Uniform Crime Reporting Survey. Police statistics do not represent all of the incidents involving children under 12 and it is likely that more serious offences are reported more often than minor incidents. Despite these limitations, police statistics provide a general picture of the criminal activities of children under 12. According to a sample of police records, in 1997, of the persons accused of a crime who were less than 18 years of age, 5% were under 12 and the majority of these were 10- and 11-year-olds.

In comparison to older youths, the under 12 group appear to commit a higher proportion of property crimes and a lower proportion of "other offences". In 1997, more than 80% of suspected children under 12 were suspected of committing property crimes, 16% were suspected of violent offences and 3% were suspected of other offences. (The comparable figures for 12- to 17-year-olds are 63%, 16% and 21%, respectively.) Of the children who were suspected of property crime, 46% were suspected of theft under \$5,000, 35% of mischief and 11% of break and enter. More than 65% of all children suspected of a violent offence were suspected of common assault, 8% were suspected of sexual assaults and 7% of robberies.

Boys made up 82% of suspected children under 12 in 1997, a slightly higher percentage than for youths (12-17)(78%). As with youths, boys were involved in more violent incidents and fewer property incidents than girls. For boys, 80% were suspected of property crimes, 17% for violent and 3% for other offences. For girls, 85% were suspected of property crimes, 12% for violent and 3% for other offences.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey (UCRII).

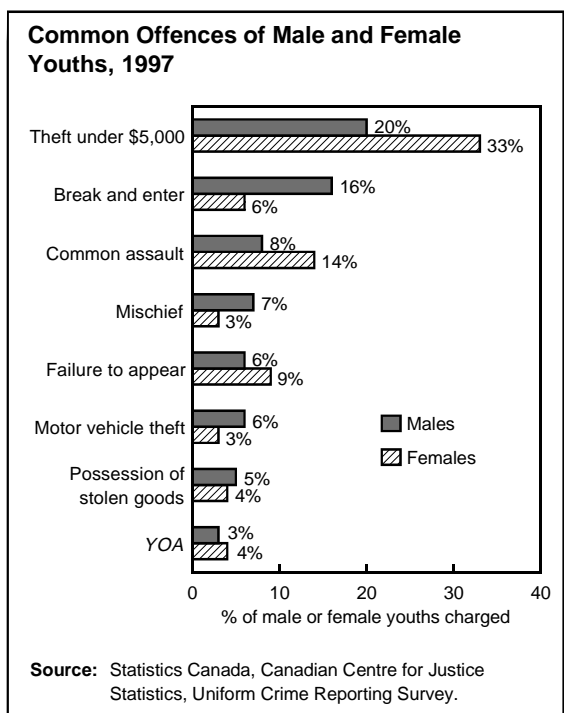
Figure 4.1



### Do male and female youths commit the same types of crimes?

Although males are charged more often than females, male and female youths are charged by police with similar types of offences. There is, however, a difference in the relative importance of these offences. In 1997,

Figure 4.2

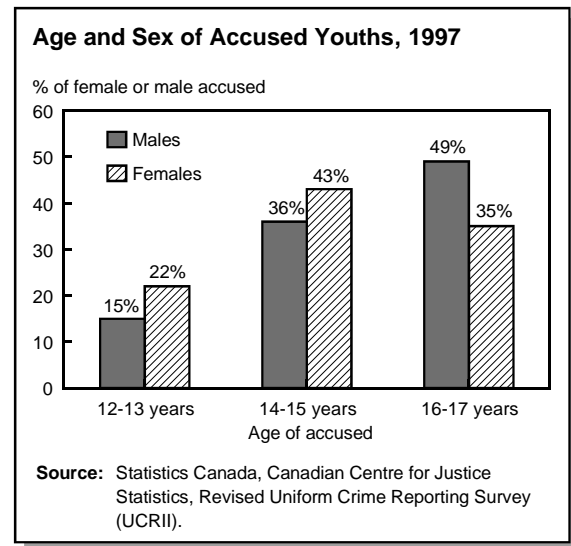


both male and female youths were charged most often with theft under \$5,000. One-fifth of male youths and one-third of female youths were charged with this offence (see Figure 4.2). For female youths, this was followed by common assault (14%), failure to appear (9%), and break and enter (6%). In contrast, the second ranked offence for male youths was break and enter (16%), followed by common assault (8%) and mischief (7%).

### Is age a factor in male and female crime?

According to a sample of police data, the peak age for involvement in criminal activity differs for male and female youths. Accused female youths are more likely to be 14 to 15 years of age, while accused males are more likely to be 16 to 17 years old (see Figure 4.3). In 1997, the lowest proportion (22%) of female youths was 12 to 13 years of age, 43% were 14- and 15-year-olds, and 35% were 16- and 17-year-olds. Like females, the smallest percentage of accused males was 12 to 13 years old (15%), but unlike female youths this proportion continued to climb with age, to 36% for the middle age group and 49% for the oldest. These results suggest that criminal activity among male youths continues as they age, while criminal activity of female youths begins to decline at around age 16.

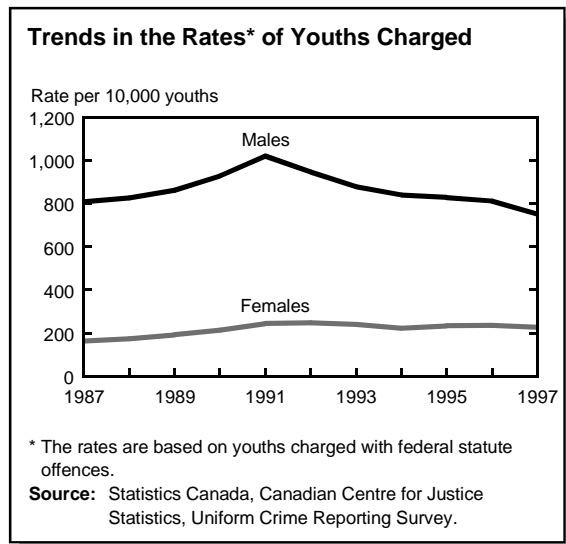
Figure 4.3



### Are crime trends the same for male and female youths?

Overall, the rate of crime for both male and female youths has been decreasing for the last few years, but the decline for males has been much more dramatic (see Figure 4.4). Since climbing to a peak of 1,022 in 1991, the rate of male youths charged with a federal statute offence has declined 27% to its 1997 level of 751 per 10,000 male youth population. The trend in the

Figure 4.4



charge rate for female youths has been fluctuating over the past few years. The 1997 rate (227 per 10,000 female youth population) was down 8% from the high point reached in 1992 (248 per 10,000). Between 1991 and 1997 when the male rate fell 27%, the female rate fell 7%.

The difference in trends for male and female youth crime becomes even more apparent when a longer time frame is examined. In 1997, the charge rate for males was 7% lower than the figure in 1987. For females, however, their 1997 rate was 38% higher than the figure 10 years before. (Trends in male and female rates for the main offence categories are examined below.)

### Violent Offences

Unlike the overall results, over the past 10 years there has been an upward trend in the rate of youths charged with violent offences. This is true for both males and females, but much more so for females (see Figures 4.5 and 4.6). The rate of males charged with a violent crime has levelled off since 1991. In spite of this, however, the rate in 1997 (133 per 10,000 population), was 85% higher than a decade earlier. By contrast, the rate for female youths charged is lower than the rate for males, but it has been increasing at a greater pace over the past decade. In 1997, the rate of female youths charged with violent offences was 47 per 10,000 population. This represented a 179% increase from 1987. One thing to keep in mind when examining trends in the rates of youths charged is that when rates are low, small changes in the rate can translate into large changes in percentage terms.

As discussed in Chapter 3, much of the increase in violent crime can be explained by the rise in common assault charges. The rate levelled off for males but is still climbing for female youths. In 1997, the rate for male

Figure 4.5

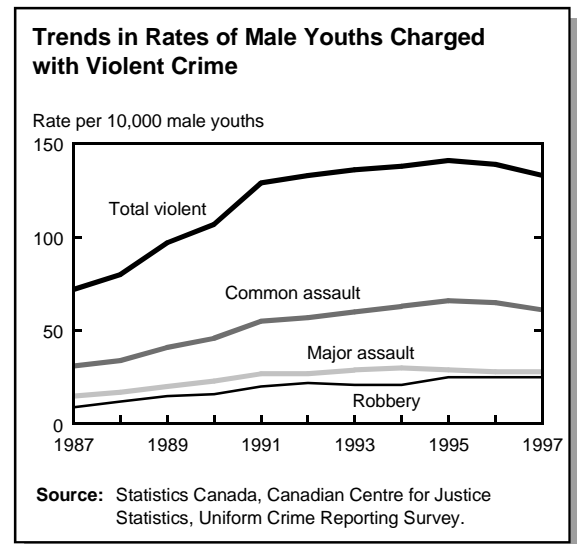
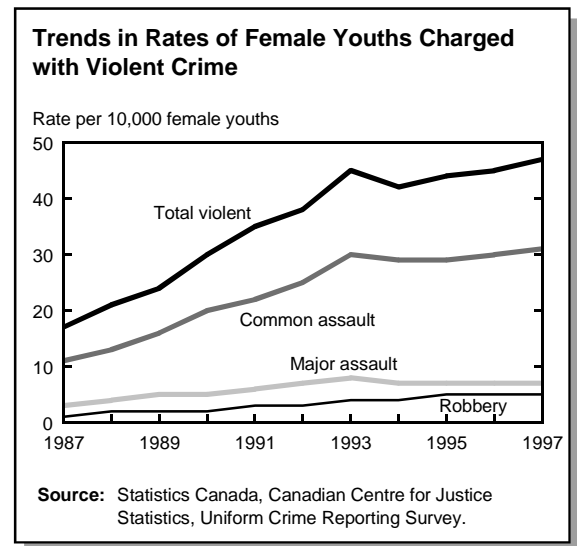


Figure 4.6



youths charged with common assault was 61 per 10,000 population or almost double the 1987 level. Over the same period, the rate of female youths charged with common assault almost tripled from 11 to 31 per 10,000 population.

For both males and females, the trend in the rate of charges for major assault has mirrored the overall pattern for violent crime. The rates climbed steadily between 1987 and 1991 before beginning to level off. However when 1987 is compared to 1997, the rate for females increased 133% (from 3 to 7 per 10,000), while that for males increased 87% (from 15 to 28 per 10,000).

Rates for robbery are low in comparison to common assault, but they have grown considerably since 1987, especially for females. Between 1987 and 1997, the

rate for robbery increased 417% for females (to 5 per 10,000 in 1997) and for males it increased 166% (to 25 per 10,000 in 1997). More recently rates for both males and females have been fairly constant.

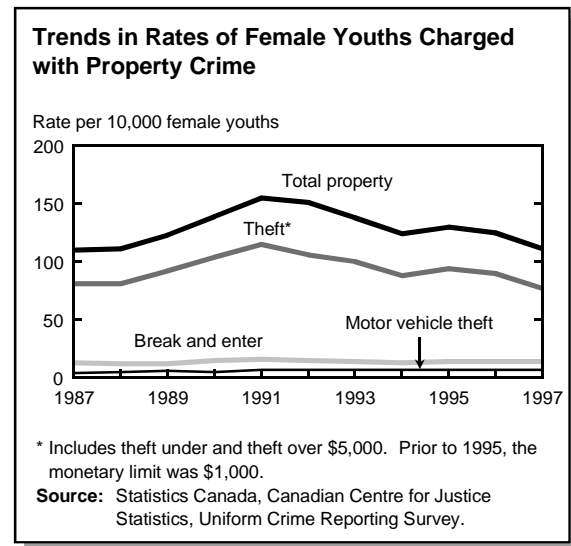
One additional factor that has contributed to the rise in the violent crime rate among female young offenders in particular, is a rise in the rate of "other assaults". These are assaults other than common (level 1) or major (levels 2 & 3), such as assaulting a police officer. Since 1987, the rate of female youths charged with other assaults has climbed fairly steadily from 1.1 females charged per 10,000 in 1987 to reach a peak of 2.5 females charged per 10,000 in 1997. The rate in 1997 was 127% higher than 10 years before. The rate for males in 1997 (6 per 10,000) was 30% above the 1987 figure.

### Property Offences

The rate of males charged with property offences has fallen off significantly in the last few years, while that for females has decreased to a lesser extent (see Figures 4.7 and 4.8). The rate for males climbed to a peak of 635 male youths charged per 10,000 in 1991, before starting to fall. The rate in 1997 (369 per 10,000) was down 42% from the 1991 peak and 32% overall from the level 10 years earlier. The rate of females charged with property offences moved up until 1991 and has been decreasing since then, but in 1997 the rate (111 per 10,000) was virtually the same as in 1987.

As discussed in Chapter 3, much of the decline in the rate of property crime can be explained by a decrease in the number of youths charged with theft, the most common crime for youths in 1997. The rate of male youths charged with theft stood at 155 per 10,000 population in 1997, or almost 35% lower than in 1987. The rate for females is lower, but has not declined as much as the male rate. The rate of female youths

Figure 4.8

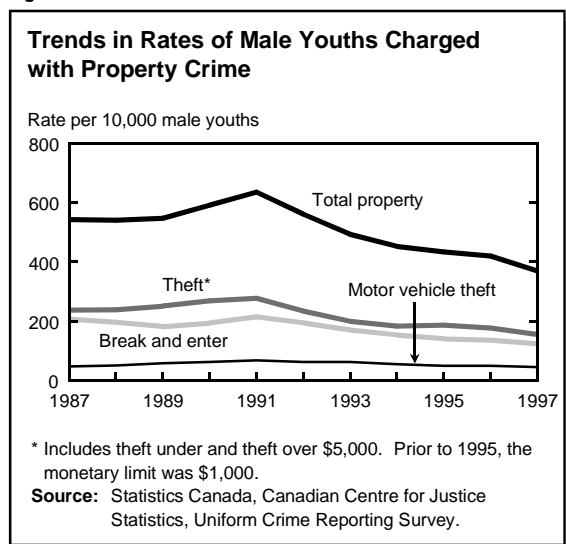


charged with theft was 77 per 10,000 population in 1997, down only 5% from 10 years before.

The female charge rate for break and enter is relatively small and has remained constant over the last few years. In 1987, the rate was 13 per 10,000 population and in 1997 it was 14. The male rate, on the other hand, is larger and has undergone a fairly large decrease. In 1997, the rate of males charged with break and enter was 123 charged per 10,000 population, a decrease of 41% from the 1987 rate.

For females the rate of motor vehicle theft is even smaller than that for break and enter, however, the rate does appear to be increasing. From a level of 4 per 10,000 in 1987, the rate grew to 7 in 1997. The male rate is showing the opposite trend. The rate was 45 per 10,000 in 1997, down 34% from its peak in 1991 and 4% from its level in 1987.

Figure 4.7



### Other Offences

"Other offences" include other *Criminal Code* and other federal statute offences. The overall trend in the rate for this group of offences is upward for both sexes, but the increase for females is greater. The rate of females charged in 1997 was 68 per 10,000 population. This was up 84% from the 1987 rate (37 per 10,000). By contrast, the rate of males charged was 249 per 10,000 in 1997, an increase of 27% from 1987.

Mischief charges are partly responsible for these results. In 1987 the rate of mischief charges for males was 62 per 10,000. The rate climbed to a high of 76 in 1991 before beginning to fall. By 1997 it was down to 50, a decline of 19% over the 10-year period. The rate of female youths charged with mischief has remained fairly flat over the same 10 years, hovering around its 1997 level of 7 per 10,000.

The offence of failure to appear has seen a dramatic rise in rates for both sexes, particularly females. In 1997, the charge rate for females was 20 per 10,000, up 227% from 1987. For males, the rate in 1997 was 48 per 10,000, an increase of 106% since 1987. There has

also been an upward trend in charge rates for drug offences. In 1997 the rates were 35 per 10,000 for males, an increase of 42% since 1987. For females the rate was 6 per 10,000, an increase of 50%.

### **Is bullying a problem?**

Although not an offence under the *Criminal Code*, in some situations bullying can be considered uttering a threat or a common assault. Bullying can also be quite a problem for some children.

One Canadian study, conducted at a Toronto elementary school, concluded that bullying occurs every 7 minutes on the playground and every 25 minutes in class. Boys were more likely to report bullying behaviour than girls and they tended to exhibit more physical forms of bullying. By contrast, girls were more likely to bully through indirect behaviour, such as gossiping. Children in the 11 to 12 year age group were more likely to report bullying than both older (13 to 14) and younger (9 to 10) children (Craig and Pepler, 1997).

Findings from Statistics Canada's National Longitudinal Survey of Children and Youth indicate that across Canada in 1994-95, 14% of boys between the ages of 4 and 11 admitted to regular bullying and 5% reported being the victim of a bully. Fewer girls reported being bullies (9%), while a larger proportion of girls than boys reported being victimized (7%)(Craig et al, 1998).

The bully and the victim are often not the only ones involved in the bullying incident. In 85% of episodes, peers become involved by "joining in, cheering, passively watching, and occasionally intervening" (Atlas and Pepler, 1997; Craig and Pepler, 1997).

In general, male bullies are physically stronger than their victims (Olweus, 1987), whereas female bullies are likely to be weaker than others their age (Roland, 1989). Other characteristics of bullies include being aggressive, hyperactive, disruptive and impulsive (Lowenstein, 1978; Olweus, 1991, 1987).

Although most often occurring in the schoolyard, bullying generally goes undetected by teachers. In a recent study involving playground observation, teachers intervened in only 4% of bullying episodes (Craig and Pepler, 1997). In an effort to address this problem, many schools have implemented peer mediation and enforced strict policies designed to deal with children who bully.

**Sources:** "Bullying and Victimization among Canadian School Children" by W. Craig et al, 1998; National Crime Prevention Centre, 1998.



# Chapter Five: Victims of Youth Violence

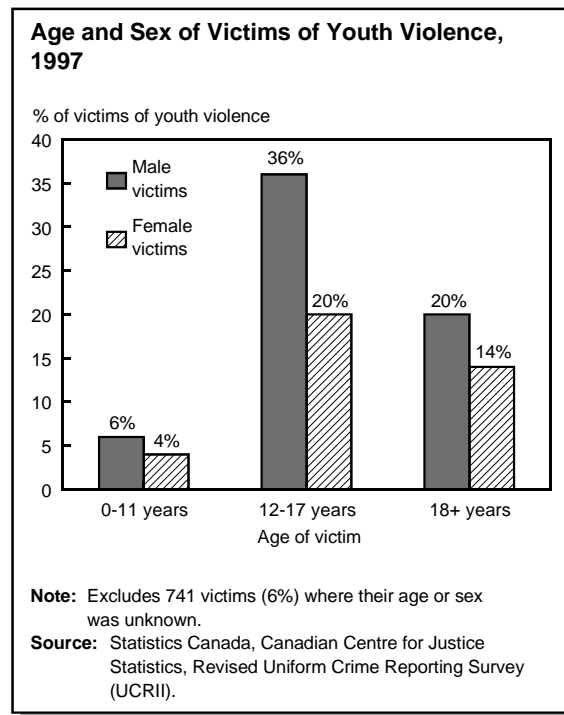
While the previous chapter focused on the characteristics of young offenders, this chapter will focus on the characteristics of people who have been victims of youth violence. Although this is a significant aspect of youth crime, it is important to keep in mind that less than one-fifth of youths charged in 1997 were charged with a violent offence.

## Who are the victims of youth violence?

When examining the ages of victims, it is useful to divide them into three groups: children (under 12 years), youths (aged 12 to 17) and adults (aged 18 and older). When youths commit a violent act, other youths are their most likely victims. In particular, male youths are the most likely target. In 1997, more than half (56%) of all victims of youth violence were other youths, while an additional 10% were children (see Figure 5.1). Adults accounted for 34% of victims of violence perpetrated by youths, with more than half (56%) of adult victims in the 18 to 34 age group. Overall, males made up the majority of victims (62% in total) in 1997. Male youths accounted for 36% of all victims.

Victims of adult perpetrators of violence have quite a different profile. In comparison to victims of youths, they tend to be older and are more likely to be female. In 1997, of all the victims of adult violence, 5% were children (under 12), 10% were youths (12-17) and 86%

Figure 5.1



were adults (18+). Females made up 56% of victims. Adult females were the most frequent victims of adult violence, at 49% of total victims.

### About chapter 5 data

Most of the data in this chapter come from the Revised Uniform Crime Reporting Survey (UCRII). In addition to collecting information on accused persons, the UCRII collects information on victims of crime. This refers to anyone who has been the victim of a violent crime. Information that is collected on the victim includes his/her relationship to the accused, injuries sustained during a violent incident, and location of the incident. These concepts are defined below.

Possible relationships of the accused to the victim include family member, close friend, acquaintance and stranger. Family member includes parent, child, spouse, ex-spouse, brother, sister, aunt, uncle, cousin and grandparent. An acquaintance is considered a business or social relationship that may be short- or long-term such as a neighbour, fellow worker or teacher.

Information on injuries is based on police observation at the scene of the crime and refers to the degree of physical injury sustained by the victim during a violent crime. Injuries are defined as major (requiring medical attention), minor (requiring no medical attention) or none.

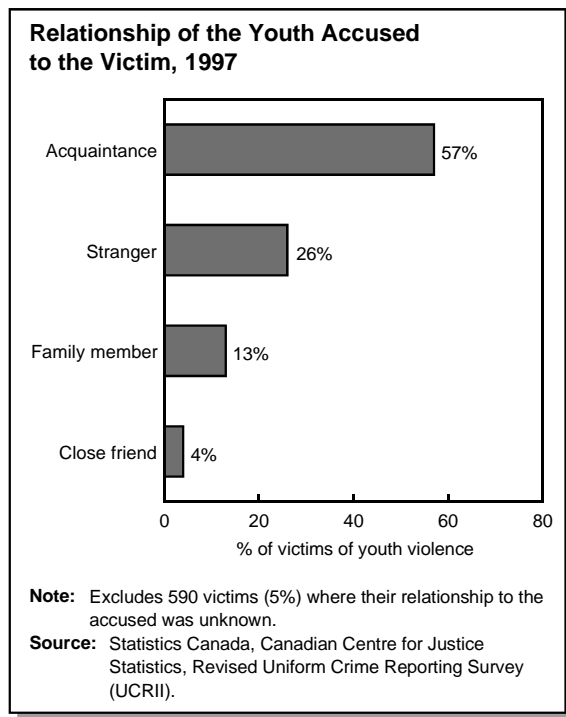
Location includes home, commercial place/public institution, public place and school. Commercial place/public institutions include office buildings, grocery stores, restaurants, government buildings, and hospitals. Public places include parking lots, public transportation, streets and open areas. Schools are grade schools, colleges, universities, business schools and surrounding areas.

## Do victims usually know the accused youth?

Most victims of youth violence know their accused. A sample of police data from 1997 show that 74% of victims knew the youth perpetrator in some way (see Figure 5.2). For the majority (57%) of victims, the accused was an acquaintance, for 13% the accused was a family member, and for 4% of victims the accused was a close friend. For 26% of victims, the accused youth was a stranger.

Most victims of adult violence also know their accused. In 1997, 76% of victims of adults knew the perpetrator, nearly identical to the figure for victims of youths. However, in contrast to youth perpetrators, adult perpetrators were three times more likely to be a family member of the victim and half as likely to be an acquaintance. For 41% of victims in 1997, the adult perpetrator was a family member. This was followed by acquaintance (27%) and close friend (8%).

Figure 5.2



## Are males and females victims of the same offences?

Both males and females are most often the victims of common assault. In 1997, 57% of females and 51% of males were victims of common assault (see Table 5.1). However, that's where the similarity ends. The next most prevalent offences for male victims of youth violence were major assault (21%) and robbery (17%). Females, on the other hand, had a higher proportion of victims of sexual assault (16%), followed by major assault (13%).

Table 5.1

### Victims of Youth Violence by Sex and Offence, 1997

Offence Type	Sex of Victim		
	Total	Female	Male
	percentage		
Common assault	53	57	51
Major assault	18	13	21
Robbery	14	8	17
Sexual assault	8	16	3
Homicide	0.1	0.1	0.1
Other*	7	6	8
<b>Total Victims of Youth</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Note:** Excludes 21 victims (0.2%) where their sex was unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey (UCRII).

\* Includes all other violent offences.

## Does the type of offence suffered vary by the age of the victim?

For all three age groups, children, youths and adults, common assault was the most prevalent offence suffered by victims of youth violence in 1997 (see Table 5.2). However, the relative importance of the various offences differs among the three victim groups. In 1997, children were much more likely to be victims of sexual assault (34%) than were either of the other groups. Youths and adults had a relatively high proportion of major assault victims (17% and 21%) and robbery victims (16% and 13%).

Table 5.2

### Victims of Youth Violence by Age and Offence, 1997

Offence Type	Age of Victim			
	Total	0-11 years	12-17 years	18+ years
	percentage			
Common assault	54	43	55	55
Major assault	18	11	17	21
Robbery	14	9	16	13
Sexual assault	8	34	7	1
Homicide	0.1	0.1	0.0	0.2
Other*	6	3	4	10
<b>Total Victims of Youth</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Note:** Excludes 720 victims (6%) where the age of the victim was unknown.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey (UCRII).

\* Includes all other violent offences.

## Are many victims injured as a result of youth violent crimes?

According to observations made by police at the scene of the crime, most victims of violent youth crime do not sustain serious physical injuries. In 1997, 0.1% of victims

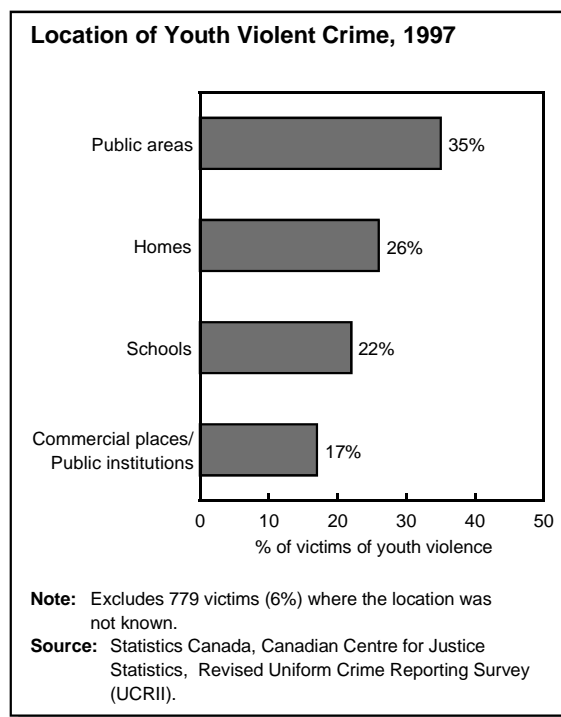
died as a result of a violent youth crime and 5% experienced major injuries (requiring medical attention). About 47% of victims suffered minor injuries (not requiring medical attention) and 49% reported that no injuries resulted from the violent incident. Common assault, the most frequently committed violent offence by youths, resulted in minor injuries in 57% of incidents and no injury in the remaining incidents. Slightly more injuries occur when adults are the accused in a violent incident. In 1997 when an adult was the perpetrator, 0.3% of victims died, 5% suffered major injuries and 49% incurred minor injuries. The remaining 46% of victims reported no injuries.

### Where does youth violence occur?

Most youth violence occurs in a public place, such as a parking lot or public transportation. In 1997, 35% of victims of youths were victimized in a public place, followed by private homes (26%), schools (22%) and commercial places/public institutions (17%) (see Figure 5.3).<sup>17</sup> In contrast, victims of adults are much more likely to be victimized at home. In 1997, 61% of victims of adults were victimized in a home, followed by commercial places/public institutions (21%) and public places (18%).

The location of youth violence varied depending on the type of offence. In 1997, homes were the predominant setting for sexual assaults (60% of victims) and homicides (70% of victims). Public areas were most often the sites for robbery (61% of victims), major assaults (38%) and common assaults (32%).

Figure 5.3



<sup>17</sup> See About chapter 5 data for definitions of these locations.



# Chapter Six: Youth Court Cases

Youth courts were created with the introduction of the *Young Offenders Act (YOA)* in 1984. These courts have special expertise for dealing with young persons and are an important component of the youth justice system. This chapter will examine the caseload of youth courts.

## Do all youths charged with a crime proceed to court?

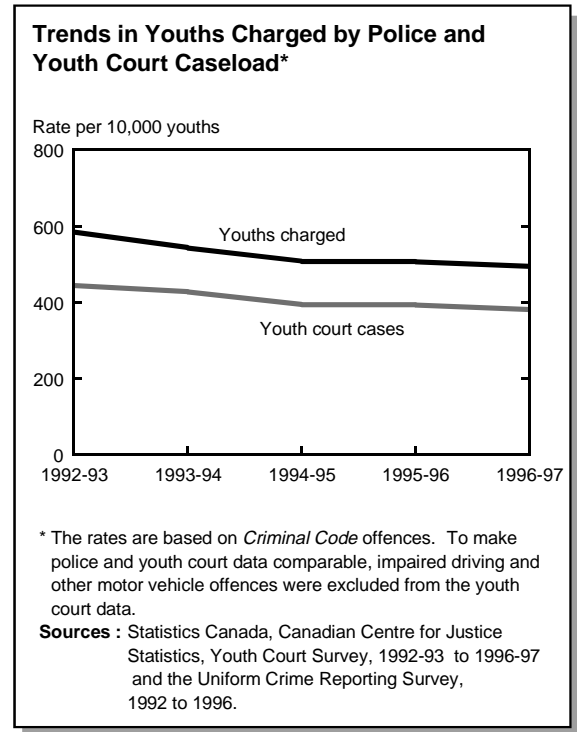
Although there is a significant number of cases heard in youth court annually, not all youths charged with a crime proceed to court. In fact, the rate of youths charged with *Criminal Code* offences by police and the rate of *Criminal Code* cases heard in youth courts are usually quite different (see Figure 6.1). This difference can be attributed to a number of factors, including discretion of the Crown Attorney and alternative measures programs (see Chapter 2). These factors function to keep less serious cases out of court and reduce court workload.

## How many cases are heard in youth court each year?

During the fiscal year 1996-97, youth courts in Canada heard 110,065 cases involving federal statute offences. This represented a slight decrease (less than 1%) from the 111,027 cases heard in 1995-96. In contrast, it is estimated that adult criminal courts heard 4% fewer cases in 1996-97.<sup>19</sup>

When changes in the youth population are taken into consideration, the five-year trend in the youth court caseload is moving downward (see Figure 6.2). In 1996-97 the caseload rate was 455 cases per 10,000 youths. This was 2.3% lower than the previous year and 8.5% lower than the rate in 1992-93. This decline was

Figure 6.1



primarily the result of a drop in the rate for property offences. Between 1992-93 and 1996-97, the property caseload rate fell 21%, while the violent caseload rate remained relatively unchanged.

<sup>18</sup> For example, 1996-97 youth court data refer to information collected within the time period April 1, 1996 to March 31, 1997.

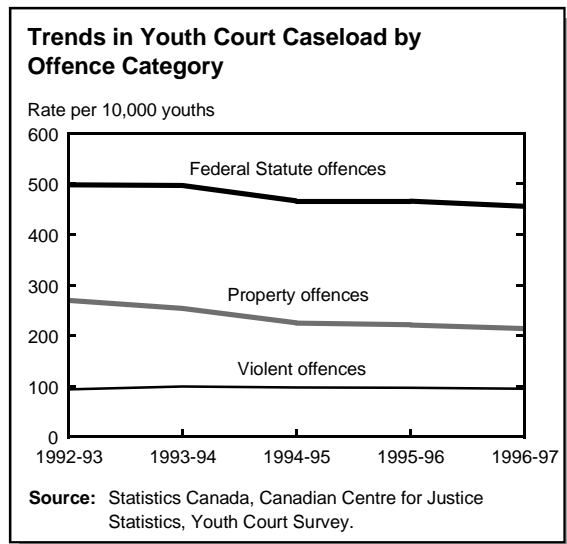
<sup>19</sup> The information on adult criminal court activity is based on data from the *Adult Criminal Court Survey*, Canadian Centre for Justice Statistics. In 1996-97, survey coverage was approximately 80% of the national caseload in provincial/territorial courts. The survey does not cover superior courts. For more information see "Adult Criminal Court Statistics, 1996-97" by Denyse Carrière in *Juristat* (Catalogue no. 85-002-XPE, Vol. 18 No. 7).

### About chapter 6 data

The analysis in this chapter is based on Youth Court Survey (YCS) data collected by the Canadian Centre for Justice Statistics in collaboration with the provincial and territorial government departments responsible for youth courts. The YCS collects data by fiscal year<sup>18</sup> from youth courts on individuals aged 12 to 17 (at the time of the offence) appearing on federal statute offences (see *How is crime classified?* in Chapter 3).

The unit of analysis is the case, which is defined by the YCS as one or more charges laid against a young person, and presented in youth court on the same date. Case counts by type of offence are based on the most serious charge in the case. Consequently, less serious charges are under-represented.

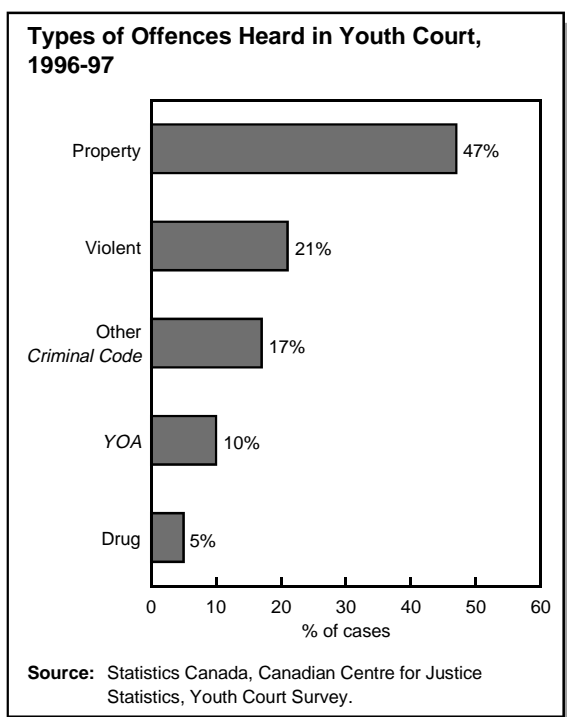
Figure 6.2



### What are the most common offences prosecuted?

Young people are most often charged by police with property crimes (see Figure 3.3). As a result, the largest proportion of cases heard in youth courts in 1996-97 involved property offences. Out of the 110,065 youth court cases heard, 47% (51,767) were property offences, while 21% (23,044) were violent offences (see Figure 6.3). Other *Criminal Code* offences made up 17% of the total caseload and drug offences accounted for

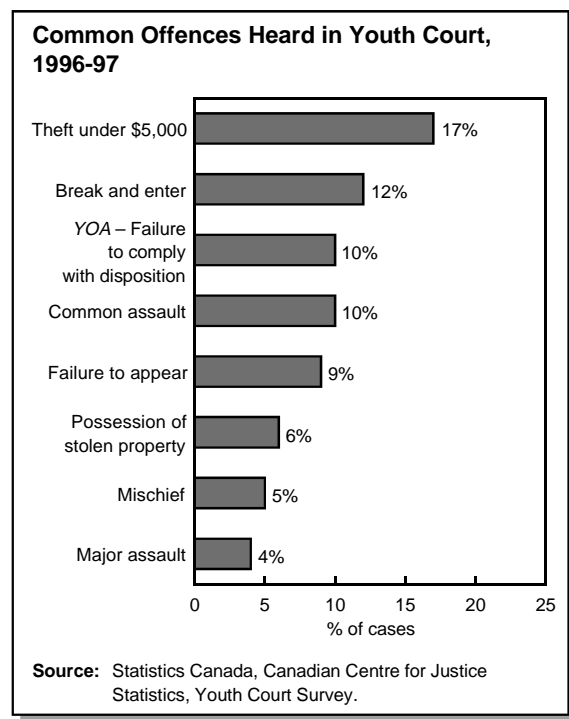
Figure 6.3



5%. YOA offences, the majority of which involve failure to comply with a disposition, made up 10% of all cases heard in 1996-97.

The most common individual offence heard in youth courts in 1996-97 was theft under \$5,000 (see Figure 6.4). It accounted for 17% of the total caseload and about 37% of all property offence cases. Break and enter was the second most common type of case, making up 12% of the total caseload and 26% of the property caseload. Failure to comply with a disposition<sup>20</sup>, along with failure to appear, represented a sizeable portion of the caseload (19%). These two offences are considered administration of justice offences. They are related to the failure of youths to comply with orders of the justice system. The most prevalent violent offence was common assault. This offence, the least serious form of assault, accounted for approximately half (48%) of violent crime cases and 10% of all cases in 1996-97.

Figure 6.4



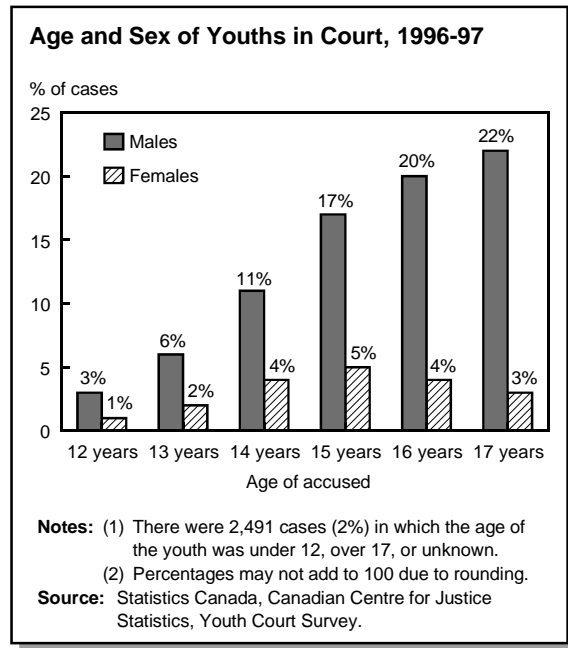
Like youth court cases, adult court cases most often involve property offences. However, property offences made up 27% of adult cases in 1996-97, compared to 47% in youth courts. The most common offences heard in adult criminal courts in 1996-97 were impaired driving (15%), common assault (12%), and theft (11%).

<sup>20</sup> Failure to comply or complete conditions as ordered by the court.

## What are the age and sex of youths in court?

Overall, 16- and 17-year-old youths appear more often in youth court than do younger youths. Approximately half (49%) of the youth court cases in 1996-97 involved 16- and 17-year-olds. The 14- and 15-year-olds accounted for 37%, while 12- and 13-year-olds accounted for 12% of cases. Male involvement with courts increased with age, whereas female involvement peaked at age 15 (see Figure 6.5). This pattern is similar to police statistics for accused youths (see Figure 4.3).

Figure 6.5



Also consistent with police charge statistics, males appear in youth courts much more often than females. This is true for all ages and crime categories. In 1996-97, males accounted for 80% (88,113 cases) of the youth court caseload. The proportion of female young offenders appearing before the courts has increased only slightly in recent years. In 1992-93, females

accounted for 18% of cases heard compared to 20% (21,952 cases) in 1996-97. This increase in the proportion of cases involving females is a result of both an increase in the number of female offenders and a decrease in the number of male offenders.

The types of offences for which youths appear in court vary according to the age and sex of the accused. Twelve and thirteen year-old youths were proportionately more involved in theft under \$5,000, common assault and mischief, whereas 16- and 17-year-olds were more likely to be involved with offences related to drugs, failure to comply with a disposition, and possession of stolen goods.

In 1996-97, females were more likely to appear in court for theft under \$5,000 (24% of cases) and common assault (15% of cases). Males also appeared most often for theft under \$5,000 (16% of cases); however, this was followed by break and enter (14% of cases).

Similar to youth court, males make up a higher proportion of those involved in adult courts. For instance, during 1996-97, males accounted for 85% of the adult criminal court caseload.

## How many youths are transferred to adult court?

Amendments to the YOA that were enacted in 1995 revised the rules relating to transfers from youth court to adult court (see Chapter 1). According to those changes, any youth aged 16 or 17 who is charged with murder, attempted murder, manslaughter, or aggravated sexual assault, will be automatically transferred unless the court decides otherwise. These changes do not appear to have had a large impact on the number of transfers.

The number of cases that are transferred to adult court has remained small. Over the five-year period 1992-93 to 1996-97, the number of transfers each year was less than 1% of the total youth court caseload. During that period, the actual number of transfers rose from a low of 52 cases in 1992-93 to a peak of 123 cases in 1994-95, before beginning to fall again.

### YOA Terminology

There are several terms used in the youth justice system which are distinct from the adult system and are not commonly used by the general public. These include:

- *A finding of guilt.* This is the term used by youth court when the young offender has been judged to be guilty of an offence. *Conviction* is a word commonly used by the general public for adult and young offenders who are found guilty of an offence. Strictly speaking, youth courts do not have the power to convict youths. However, for the purposes of this report *found guilty* and *convicted* have been used interchangeably.
- *Disposition.* Youths found guilty of an offence in youth court are given a *disposition*. The commonly used term is *sentence*. Both *disposition* and *sentence* are used interchangeably in this report.
- The YOA uses the term *ordinary court* to identify the general court system that deals with adults. In this report, *ordinary court* is referred to as adult court.

In 1996-97, a total of 92 youth court cases were transferred to adult court. Violent offence cases accounted for the largest proportion (56%) of the transfers, while 29% were for property offences. The largest number of cases involved break and enter (15), robbery (11) and murder/manslaughter (8). Of the 92 transfers, 95% involved males, and nearly half (49%) involved 17-year-olds.

When youths are found guilty in adult court, the adult court judge uses his or her own discretion when determining the appropriate sentence. However, the maximum penalties laid out in the *Criminal Code* (for adults) are available for use in these cases. Once a youth is sentenced to custody by an adult court, the court determines whether the young person will serve their sentence in a youth custody facility, a provincial adult correctional centre or, if the sentence is two years or more, in a federal penitentiary.

### How often are youths found guilty?

Most of the cases heard in youth court result in conviction. In 1996-97, just over two-thirds (68%) of youth court cases resulted in a finding of guilt. Proceedings were stayed or withdrawn in 28% of the cases, and another 4% resulted in findings of not guilty or dismissal. If a youth is found guilty, the judge chooses a sentence

(or disposition) from a variety of sentencing options (see **Sentences for youths**). Several factors are considered prior to deciding on a sentence. For example, the court looks at details surrounding the offence, the youth's criminal history, the outcome of previous sentences, and the youth's potential for rehabilitation.

Conviction rates in adult and youth courts are similar. In 1996-97, almost two-thirds (64%) of adult criminal court cases resulted in conviction.

### What types of sentences do convicted youths receive?

Probation is the most common sentence ordered for young offenders. In 1996-97, probation was imposed in just over two-thirds (68%) of cases with convictions (see Figure 6.6). Of the other available dispositions, community service was the next most common (30% of convictions). Open custody accounted for 20% of the guilty findings, followed by secure custody at 16%.<sup>21</sup> Youths are often given multiple sentences. For example, in 1996-97, 19% of all convictions resulted in probation and a community service order and 8% of convictions resulted in a term of open custody and probation.

<sup>21</sup> The percentages exceed 100 because the figures are based on total sentences and some cases receive more than one sentence.

#### Sentences for youths

There are two categories of sentences (or dispositions) in youth court: custody-based and community-based.

#### **Custody Dispositions**

Custody dispositions require the young person to spend time in a designated correctional facility. There are two types:

**Secure (Closed) Custody:** the young person is committed to a facility specially designated for the secure detention of young persons.

**Open Custody:** the young person is committed to a community residential centre, group home, child care institution, forest or wilderness camp, or any other similar facility.

#### **Community Dispositions**

Community dispositions can be served in the young person's community. They include a variety of sentences:

**Probation:** the youth must abide by a set of conditions for a maximum period of two years. At a minimum, the youth must keep the peace, be of good behaviour and appear in court when required to do so. Probation is often combined with other types of sentences.

**Fine:** the youth is ordered to pay up to \$1,000 within a set time period. However, credits for work performed in lieu of payment can be earned.

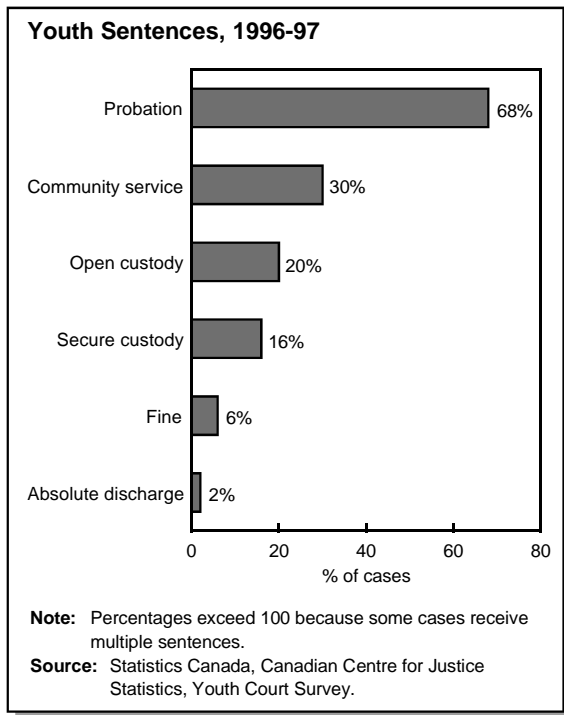
**Community Service:** the young person is ordered to perform community service work (a specified number of hours without pay for the benefit of the community).

**Absolute Discharge:** the young person is found guilty of the offence and is discharged absolutely (does not have to serve a sentence for his/her offence). However, a record is kept of the decision.

**Other:** various dispositions including conditional discharge, compensation, compensation in kind, pay purchaser (money for the innocent purchaser of stolen goods), restitution, prohibition/seizure/forfeiture, essays, apologies and counselling programs may be ordered.



Figure 6.6



Unlike youths, the most frequently imposed sentence in adult courts in 1996-97 (at 49% of cases with convictions) was a combined category including absolute discharge, community service, and a variety of other sentences. Fines were imposed much more frequently in adult court (44% of convictions), while probation was used less frequently (41% of convictions). Adults were sentenced to prison in 33% of convictions.

### What offences are most likely to result in custody?

Youths who do not comply with court orders are dealt with very severely by the courts. In 1996-97, convictions for these “administration of justice” offences were among the most likely to result in a term of custody. These include, being unlawfully at large (89% of convictions), escaping custody (88%), failure to comply with a disposition (48%) and failure to appear before the court (44%) (see Appendix A for detailed tables). As a result, overall custody figures for other *Criminal Code* and other federal statute offences were quite high, at 44% and 38% of convictions, respectively.

Violent and property offence cases had similar figures overall for custody, with about 30% of convictions receiving either secure or open custody in 1996-97. However, certain violent offences were more likely than this to end in a term of custody. In particular, 78% of homicide convictions,<sup>22</sup> 56% of robbery convictions and 37% of sexual assault convictions ended in custody. Certain property offences also had higher than average

custody rates: 45% of theft over \$5,000 convictions, 40% of break and enter, and 37% of possession of stolen goods convictions ended in terms of custody.

A comparison of sentences imposed in adult and youth courts reveals that adults are more likely to be sentenced to prison. For example, in 1996-97 for the offence of robbery, the most serious sentence for adult cases was prison (81% of convictions), probation (16%), fine (1%) and other (2%). The equivalent figures for youth cases were custody (56%), probation (40%), community service (1%) and other (1%). Sentences for other offences, including homicide, major assault, common assault, break and enter and theft exhibited a similar tendency, with adults having a higher proportion of convictions resulting in incarceration. Differences in sentences may be partly explained by the longer and more varied criminal histories of adults.

### Do males and females receive similar sentences?

Conviction rates for young offenders are about the same for both sexes. However, there are some differences in sentences received. In 1996-97, probation was the most common sentence for both sexes, but it represented 57% of most serious dispositions<sup>23</sup> for females and 49% for males (see Figure 6.7). Male youths were more likely than females to receive custody sentences (36% of convictions, compared with 25% for female youths). Males were also more likely to be ordered secure custody than were females: 47% of male custodial sentences were for secure custody, while for females it was 40%.<sup>24</sup>

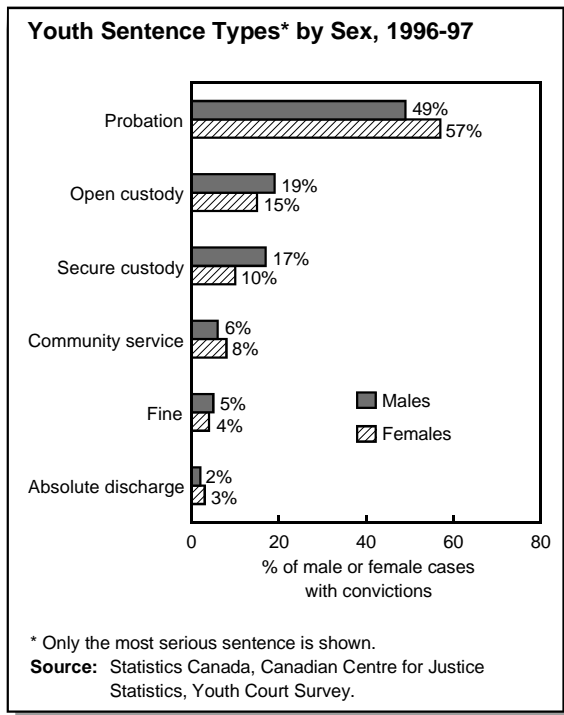
A number of factors could account for the differences in sentencing for male and female youths, including overall differences in the types of offences committed. However, when sentencing for specific offence types is compared, the differences in sentencing remain. For example in 1996-97, for a common assault conviction, probation was the most common sentence in 72% of female cases, but only 64% of male cases. By contrast, male young offenders received a custody disposition in 25% of common assault convictions, while for females it was 17%. Again males were more likely to receive secure custody: 44% of male custodial sentences and only 35% of female custodial sentences were for secure custody. Similar results were observed for other offences common to male and female young offenders (see Appendix A for detailed tables).

<sup>22</sup> Homicide includes first and second degree murder, manslaughter and infanticide. All but one of the remaining cases were sentenced to probation.

<sup>23</sup> Sentences (dispositions) are ordered from most to least serious as follows: secure custody, open custody, probation, fine, community service and absolute discharge.

<sup>24</sup> The percentage of male custodial sentences that were secure custody was calculated by dividing the number of secure custody sentences for males (17) by the sum of the secure and open custody sentences for males (36). The same method was used to calculate the percentage for females (10/25).

Figure 6.7

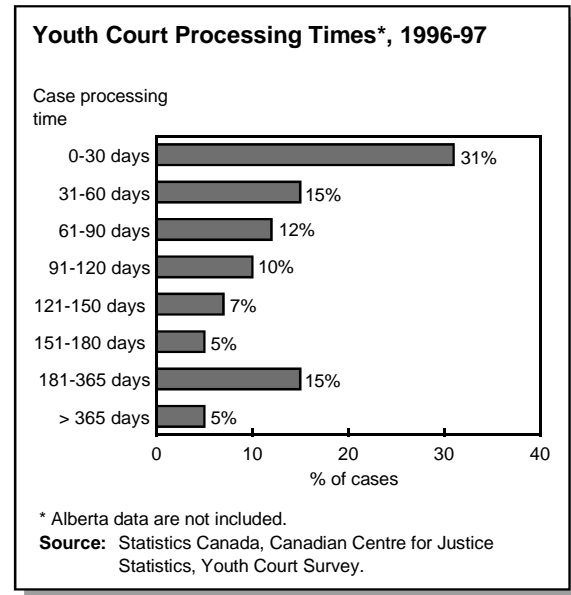


Another factor that may have influenced the different sentencing patterns in males and females is criminal history. This will be examined in more detail in Chapter 8, but repeat offenders are more likely to be males and they are also more likely to receive custodial dispositions.

### How long does it take to process a case?<sup>25</sup>

The Canadian Constitution guarantees a person charged with an offence the right to be tried in a reasonable time. In keeping with this right, youth court cases are usually processed relatively quickly. In 1996-97, almost one-half of cases were completed (from first appearance in youth court to sentencing) in two months or less and only 20% of cases continued longer than six months (see Figure 6.8). The time it takes to process a youth court case has been declining. In 1992-93, the median<sup>26</sup> elapsed time required to process a youth court case was 71 days. This rose to 76 days in 1993-94, but since then has been falling steadily. In 1996-97, the median processing time was 68 days.

Figure 6.8



Case processing time can be affected by a number of factors, including the type of case. Violent offence cases take significantly longer to complete than property offence cases. In 1996-97, the median elapsed time for violent offence cases was 112 days compared to 63 days for property offence cases. This pattern has been consistent since 1992-93. Another factor that affects processing times is "failure to appear". When a youth does not show up for a scheduled court appearance, the case cannot continue until the youth is found. This will, of course, lengthen the eventual time it takes to complete the case. Failures to appear are not uncommon, accounting for 9% of cases in 1996-97.

Court processing of adult cases takes longer than youth court cases. In adult courts in 1996-97, the median elapsed time from the first to the last appearance was 80 days (12 days longer than for youths). Similar to youth courts, adult cases involving violent offences took longer to process than property offences (median of 118 for violent compared with 71 days for property).

<sup>25</sup> The youth court analysis excludes Alberta and the adult court analysis includes eight provinces and territories. For more information see Data Sources section.

<sup>26</sup> The median is the middle value when all values are ordered from lowest to highest.

#### **Mike's Story – A Fictional Case Study (Part 4)**

As promised when released into the care of his parents one month earlier, Mike appears before a youth court judge to have his case heard. Originally, when Mike was found guilty of theft under \$5,000 several months ago, this judge sentenced him to one-year probation. This meant that Mike had to keep out of trouble for the full year. However, because he did not live up to the conditions of the probation order, Mike has been charged with failure to comply with a court disposition, as well as theft under \$5,000 (for shoplifting).

After hearing testimony from the security guard at the store and the police officer who arrested Mike, the judge rules that Mike is guilty of both theft under \$5,000 and violating the conditions of his probation order. The judge has several factors to consider before rendering a sentence. Although the shoplifting is not a serious offence, the violation of the probation order is serious and Mike is now a repeat offender. The judge evaluates the Predisposition Report (PDR) that was submitted by Mike's probation officer. The PDR provides a summary of Mike's background, his personal and family situation, previous criminal history, current circumstances and attitude toward the offence. In considering the original sentence, the failure to comply charge and the new shoplifting charge for which Mike was found guilty, as well as the PDR, the judge decides to send Mike to an open custody facility for 60 days.



# Chapter Seven: Youth Correctional Services

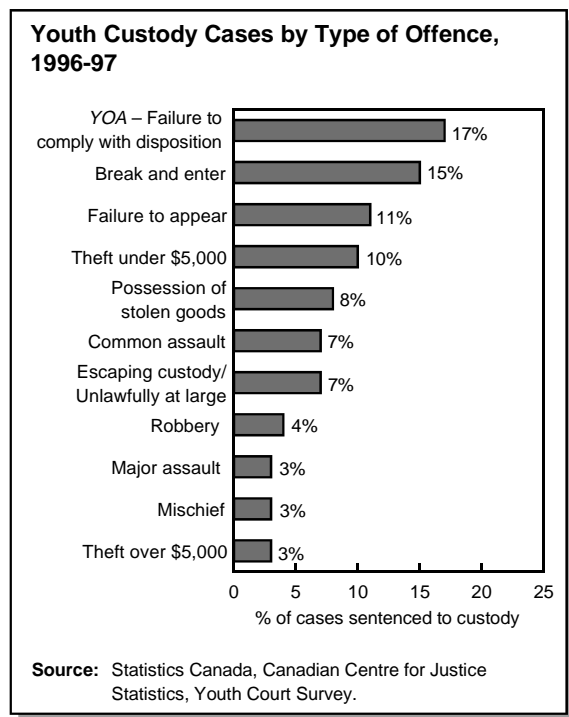
When young offenders are found guilty by the courts, it becomes the responsibility of youth correctional services<sup>27</sup> in the provinces and territories to implement the sentences that have been imposed. One important responsibility of correctional services is to monitor young offenders sentenced to both custody and community-based dispositions (including probation). Young offenders who have been sentenced to probation may be ordered to report to a probation officer. The probation officer will ensure that the young offender complies with the conditions of probation. Those conditions can include keeping a curfew, attending school, or looking for employment.

For offenders ordered to serve custodial dispositions, correctional officials determine the facility where the young offender will be held, permit temporary absences from the facility for education or employment and, with the approval of the court, move the offender from secure to open custody.

A range of dispositions<sup>28</sup> is available for dealing with young offenders, including open and secure custody, probation, fines and community service. However, because the statistical information about community-based corrections is limited, the main focus of this chapter will be youths in custody. In the first section of this chapter, custody will be explored. A discussion of probation and fines will follow.

goods accounted for another third (see Figure 7.1). Common assault, robbery and major assault were the most common violent offences and combined, accounted for 14% of custody cases.

Figure 7.1



## About chapter 7 data

As with chapter 6, much of the analysis in this chapter is based on Youth Court Survey (YCS) data. In addition, data from the "Corrections Key Indicator Report for Adults and Young Offenders, 1996-97" (KIR) is used. The KIR provides statistical information on both adult and youth corrections systems in Canada. The report's primary focus is on average counts of inmates in custody or serving a term of supervised probation.

## How many youths are sentenced to custody?

A minority of convicted young offenders is sentenced to custody. In 1996-97, custody was the most serious disposition ordered for young offenders in 25,278 cases (34% of convictions).<sup>29</sup> Secure (closed) custody cases accounted for 16% of convictions (11,772 cases) and open custody for 18% (13,506 cases). Administration of justice offence cases<sup>30</sup> accounted for slightly more than one-third of custody cases (35%), while theft under \$5,000, break and enter, and possession of stolen

<sup>27</sup> In some provinces, other government departments or agencies (such as Community and Social Services) are charged with this task.

<sup>28</sup> Please refer to the **Sentences for youths** in Chapter 6.

<sup>29</sup> These figures are based on the most serious disposition for the case. Sentences are ordered from most to least serious as follows: secure custody, open custody, probation, fine, community service and absolute discharge. As a result, the figures provided here will differ from those in Figure 6.6.

<sup>30</sup> Administration of justice offences involve a failure on the part of the young offender to comply with a court order. These offences include: failure to comply with a disposition, failure to appear in court, escape from custody and being unlawfully at large.

## How many youths are in correctional facilities on a daily basis?

The correctional services sector houses young offenders sentenced to secure and to open custody. In addition, youths being held temporarily (on remand), awaiting trial or during the trial, are placed in either secure or open custody facilities. Remand is used to ensure that the accused appears in court or to protect the public.

In 1996-97, the average rate of youths held in custody ranged from a high of 93 per 10,000 in the Northwest Territories to a low of 13 per 10,000 population in British Columbia (see Table 7.1). (Data for Quebec and Ontario were not available.) Over the past few years, most jurisdictions have seen an increase in the rate of youths held in custody. Compared to the figures from 1992-93, the rate of youths being held decreased in two provinces: Alberta (-9%) and Prince Edward Island (-19%). Increases were registered in the remaining eight jurisdictions, with Yukon up the most (33%).

The average rate of youths held in custody in Canada (excluding data for Quebec and Ontario) was 24 per 10,000 population in 1996-97. The highest proportion of youths was held in open custody (45%), followed by secure custody (34%). Additionally, more than one-fifth of youths were being held temporarily (remand). Youths being held temporarily accounted for a large proportion of the corrections population in Manitoba, Yukon, Alberta and British Columbia.

A number of factors can affect the size of the corrections population, including the number of youths sentenced to custody and the length of custody terms.

**Table 7.1**  
**Youths in Custody, 1996-97**

	Total Custody		Type of Custody		
	Average number of offenders per day	Rate per 10,000 youths	Secure	Open	Remand <sup>2</sup>
			% of total caseload		
Newfoundland	151	28	40	51	9
Prince Edward Island	40	34	35	50	15
Nova Scotia	174	23	22	67	11
New Brunswick	197	31	35	55	10
Manitoba	314	33	31	37	31
Saskatchewan	360	38	43	41	16
Alberta	551	22	36	37	26
British Columbia	399	13	27	48	25
Yukon	15	53	47	27	27
Northwest Territories	62	93	38	49	11
Total <sup>1</sup>	...	24	34	45	21
Quebec (1995-96)	616	10	43	41	15
Ontario (1993-94)	2,140	26	38	43	19

**Source:** *Corrections Key Indicator Report for Adults and Young Offenders, 1996-97 (Revised).*

<sup>1</sup> Quebec and Ontario are not included in the total.

<sup>2</sup> Remand is temporary custody, for example, for persons awaiting trial.

### What is it like in secure custody?

The daily routines in most youth custody facilities are quite structured. The offenders do not have much free time. The following is an example of a weekday routine in Manitoba:

**6:00 a.m.**  
wake-up  
calisthenics/exercise routine  
sleeping area clean-up and showers  
breakfast

**8:45 a.m.**  
academics  
intervention programs  
group programs  
vocational skills

**12:00 p.m.**  
lunch

**12:45 p.m.**  
academics  
intervention programs  
group programs  
vocational skills

**5:00 p.m.**  
dinner

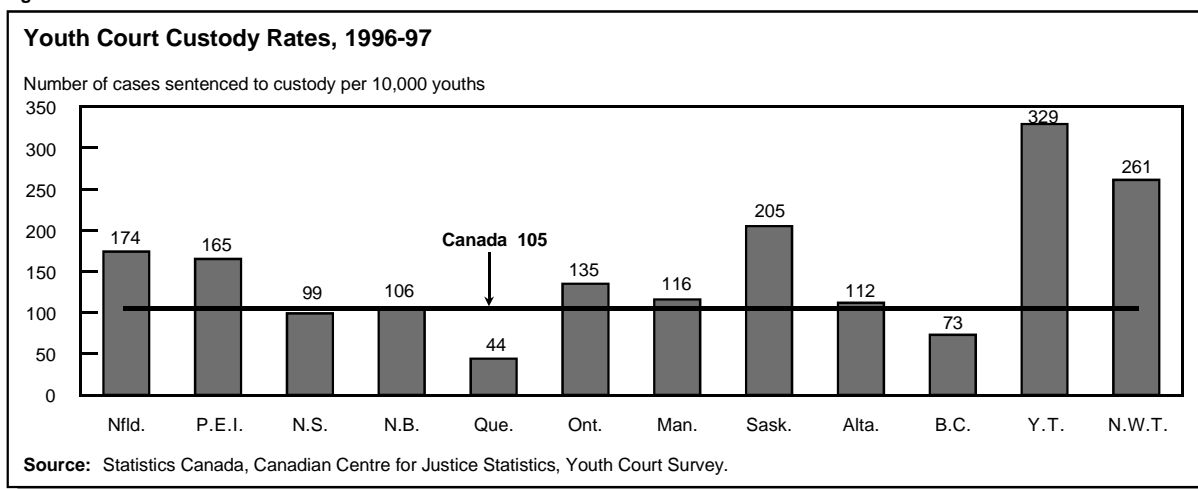
**6:00 p.m.**  
community service work (on or off grounds)  
recreation  
problem solving sessions  
chaplaincy time  
Aboriginal sharing circles  
visiting may occur

**10:00 p.m.**  
lights out

On weekends the schedule is similar, but the morning and afternoon time slots often include: major house cleaning, grounds clean-up, weeding the garden, snow shovelling, community service, recreation, visiting (Sunday), and Aboriginal programs.

**Source:** *Manitoba Justice.*

Figure 7.2



### How do the rates of youths sentenced to custody vary across Canada?

Across Canada, provincial rates of police-reported crime generally rise from east to west, while rates for the territories are traditionally higher. Like crime rates, custody rates<sup>31</sup> for the territories are also high, but custody rates for the provinces display a wide variation, with no clear “east to west” pattern. In 1996-97, the highest rate of young offenders sentenced to custody, at about three times the national rate, was reported by Yukon (329 cases per 10,000 youths) (see Figure 7.2). The next highest rates were reported by the Northwest Territories and Saskatchewan, while the lowest was reported in Quebec.

### What are the age and sex of youths sentenced to custody?

Similar to the profile of youths who appear before youth court (see Figure 6.5), the majority of youths sentenced to custody are 16 or 17 years old. In 1996-97, 16- and 17-year-olds accounted for 52% of custody cases, 14- and 15-year-olds for 39% and 12- and 13-year-olds for 8%. Males accounted for 86% of young offenders sentenced to custody, while females made up 14%. Males sentenced to custody tended to be older than females. Of the males sentenced to custody, 55% were 16 or 17, while for females 36% were aged 16 or 17.

During the past five years the proportion of older youths sentenced to custody has declined, particularly among males. In 1992-93, 60% of males sentenced to custody were 16 or 17 years old compared to 55% in 1996-97. Although females continue to account for a small proportion of custody cases (14% in 1996-97), their numbers have grown from 10% of cases in 1992-93.

### Are youths more likely to be sent to custody now than in the past?

It appears that young offenders are somewhat more likely to be sentenced to custody now than in the past. When results for 1992-93 and 1996-97 are compared, the proportion of young offenders sentenced to custody increased from 31% of convictions to 34% (see Table 7.2). This trend was true for property and other *Criminal Code* offences.

For female youths, in particular, there has been an increase in the proportion of convictions resulting in custody. In 1992-93, one-fifth (19%) of convictions resulted in custody and by 1996-97 that had risen to one-quarter (25%). Similar results were observed for specific offences, for example, 20% of convictions for break and enter resulted in custody in 1992-93 and 26% in 1996-97. Male youths continue to have a larger proportion of convictions resulting in custody (36% overall in 1996-97), but the gap between the two sexes is narrowing.

It appears that younger youths aged 12 to 15 are also being dealt with more severely now. Overall, the proportion of convictions for 12- to 13-year-old offenders that ended in custody increased from 20% in 1992-93 to 24% in 1996-97. For 14- and 15-year-olds, the figures were 31% in 1992-93 and 34% in 1996-97. These increases were evident among property cases rather than violent cases. For 16- and 17-year-olds, there was very little change in the proportion of total convictions resulting in custody. However, there were some shifts for individual offences, such as possession of stolen property.

<sup>31</sup> The custody rate is the number of youth court cases receiving custody sentences per 10,000 youths. Rates are used rather than numbers to eliminate differences due to variations in the population.

Table 7.2

**Youths Sentenced to Custody, 1992-93 and 1996-97**

Offence Type	Total		Male Youths		Female Youths		Youths 12-13 years		Youths 14-15 years		Youths 16-17 years	
	% of convictions		% of convictions		% of convictions		% of convictions		% of convictions		% of convictions	
	1992-93	1996-97	1992-93	1996-97	1992-93	1996-97	1992-93	1996-97	1992-93	1996-97	1992-93	1996-97
<b>Violent</b>	<b>31</b>	<b>31</b>	<b>33</b>	<b>33</b>	<b>18</b>	<b>21</b>	<b>20</b>	<b>20</b>	<b>29</b>	<b>29</b>	<b>35</b>	<b>36</b>
Common assault	22	23	24	25	14	17	17	18	21	23	23	24
Major assault	36	38	38	40	27	27	21	20	33	36	41	43
Robbery	62	57	64	59	43	41	42	32	56	48	69	67
<b>Property</b>	<b>28</b>	<b>30</b>	<b>30</b>	<b>32</b>	<b>11</b>	<b>16</b>	<b>16</b>	<b>20</b>	<b>26</b>	<b>29</b>	<b>32</b>	<b>33</b>
Break and enter	39	40	41	41	20	26	21	27	36	38	46	44
Possession of stolen property	33	37	34	38	16	23	21	25	32	36	35	40
Mischief	18	21	18	21	15	18	11	13	18	22	19	22
<b>Other Criminal Code</b>	<b>41</b>	<b>44</b>	<b>43</b>	<b>46</b>	<b>26</b>	<b>36</b>	<b>35</b>	<b>38</b>	<b>44</b>	<b>47</b>	<b>39</b>	<b>43</b>
Failure to appear	38	44	42	47	27	36	30	34	39	44	40	46
<b>Other Federal Statutes</b>	<b>39</b>	<b>38</b>	<b>40</b>	<b>38</b>	<b>35</b>	<b>38</b>	<b>44</b>	<b>44</b>	<b>46</b>	<b>43</b>	<b>35</b>	<b>34</b>
YOA - Failure to comply with disposition	44	48	45	50	38	42	47	49	50	52	40	45
<b>Total Federal Statutes</b>	<b>31</b>	<b>34</b>	<b>34</b>	<b>36</b>	<b>19</b>	<b>25</b>	<b>20</b>	<b>24</b>	<b>31</b>	<b>34</b>	<b>34</b>	<b>35</b>

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

### Boot Camps: An alternative custody program for youths

Boot camps are a form of incarceration for young offenders. They operate under a military-like routine where offenders are given close supervision while being exposed to a demanding regimen of strict discipline, physical training, drill inspections and physical labour. More recently, boot camp operations have begun to include treatment programs in the curriculum.

The first boot camp programs were established in the United States in 1983, in the states of Georgia and Oklahoma. Since that time, their use has increased dramatically. Currently, there are over 46 boot camps operating in 31 states. In Canada, the use of boot camps is more recent. Manitoba began a program in 1994 and Ontario in 1997.

In Manitoba, all male young offenders who are placed in secure custody for serious crimes are required to take part in a boot camp program. The program includes two phases. The first phase occurs in an austere environment where the offenders must participate in a rigorous regimen that includes highly structured activities, minimal free time and clear expectations and consequences for misbehaviour. The second phase is the Intensive Support and Supervision Program aimed at preventing future criminal activities. The Manitoba Youth Centre in Winnipeg and Agassiz Youth Centre in Portage la Prairie are the two facilities in Manitoba that operate boot camp programs. During the year ending March 31, 1998, 197 male offenders were admitted to the program. A majority (69%) of the participants were 16 or 17 years old.

Ontario's first strict discipline program, "Project Turnaround", is a three-year pilot project. Like the Manitoba program, it is a two-phase program restricted to male young offenders. The first phase can accommodate 32 participants and is a highly regimented, secure custody program of 4-6 months where the youths participate in a highly structured 16-hour day that emphasizes academic programs, development of life skills, problem solving techniques, counselling, and physical fitness. The participants remain in custody at a facility formerly used as a correctional farm camp near Barrie, Ontario.

The second phase can accommodate 30-50 participants; it is focused on an aftercare program of 3-12 months, and is intended for graduates of the first phase. Youths in the second phase are in open custody residences, on probation, or attend voluntarily. They attend a day program in Toronto, where they are assigned to a case worker/mentor. An individual case plan is designed with the youth's needs in mind. For example, the plan might include participation in vocational training, treatment for drug/alcohol abuse, or anger management programs. Youths are closely monitored by the case worker to ensure they are following their plan. Youths from other parts of the province, who cannot attend the Toronto day program, are assigned to outreach workers who closely monitor their progress through direct contact and by co-ordinating rehabilitative programming. Youths who are removed from the program before their secure custody disposition is complete (for example, for poor behaviour) are returned to the young offender facility of origin. Those who complete their secure custody disposition at Project Turnaround, whether they graduate or not, progress to the second phase of the program.

There are a number of criteria that offenders must meet in order to participate in Project Turnaround. For example, they must be males between 16 and 18 years old and have received a minimum youth court disposition of 4 months secure custody. They can't have committed certain offences, including homicide, sexual offences and arson. They also have to be recommended by officials at the facility where they are incarcerated. All young offenders who meet these criteria are eligible to participate. Actual participants are chosen at random from the pool of eligible candidates. During the 12-month period ending August 31, 1998, 68 individuals were admitted to "Project Turnaround".

There are very few data on the success rates of boot camps in Canada. However, there are various studies underway that will evaluate the effectiveness of these programs at reducing recidivism.

Sources: John Howard Society of Alberta, "Alternative Custody Programs for Youths", 1997; John Howard Society of Alberta, "Boot Camps: Issues for Canada", 1996; Manitoba Corrections; Manitoba Justice; Ontario Ministry of the Solicitor General and Correctional Services.



## How long are young offenders in custody?<sup>32</sup>

There are exceptions (see Chapter 1), but for most offences young offenders can be sentenced to custody for a maximum of two years. In 1996-97, 29% of custodial terms (secure and open) were for less than 1 month, 63% were from 1 to 6 months and the remaining 8% exceeded 6 months.<sup>33</sup> The median custodial term was 1.5 months.

In 1996-97, 31% of convictions for a violent offence resulted in a term of custody. The courts tended to order the longest sentences for the more serious violent crimes. For example, the most serious form of assault, aggravated assault (level 3), had a median custody term of six months, for assault with a weapon or causing bodily harm (level 2) it was two months, and for common assault (level 1), the least serious form, it was one month.

For property offences, break and enter and theft over \$5,000 had median terms of three months in custody. A term of two months was ordered in cases of possession of stolen goods. In cases of theft under \$5,000 and mischief, young offenders were ordered to serve a median of one month in custody. A median term of one month was also ordered for common offences relating to the administration of justice.

The length of sentence ordered by the court may be altered through a review process, resulting in young offenders serving less time in custody than first ordered (see **The Review Process**). This is an important aspect of the youth justice system because unlike adults, parole is not available to young offenders. Adults with prison terms of two years or more are usually eligible for full parole after serving one-third of their sentence and are granted statutory release with conditions after serving two-thirds of the term. In 1996-97, 40% of applications made by adults to the National Parole Board for full parole were approved.<sup>34</sup> So although maximum custody terms for youths are often less than for adults, the time actually served could be similar or more.<sup>35</sup>

### The Review Process

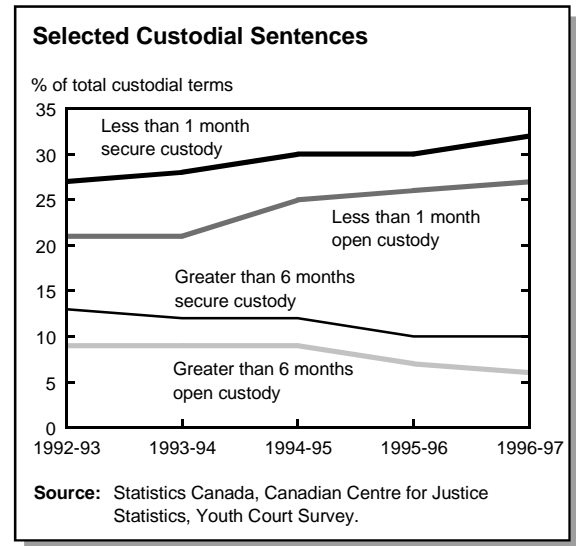
Dispositions imposed on young offenders may be modified through a review process unique to the youth justice system. The YOA sets the provisions for reviews. Requests for a review can be made at any time by the youth (or a parent), although court permission is required if less than six months have been served. Reviews can be requested under other circumstances, for example, the provincial director in charge of custodial placements may ask the court to review the disposition if it is felt that a modification of the sentence would be in the youth's best interests. A review is mandatory for all custodial dispositions after one year.

For the review hearing, the correctional services sector is required to prepare a written progress report and the young offender has the right to be represented by legal counsel. Upon review, the youth court may confirm the original sentence, order the offender to open custody from secure custody, or place the offender under conditional supervision or on probation. The review cannot result in the imposition of a more severe sentence. Also, once a disposition is changed on review, it cannot be reversed.<sup>36</sup>

## Has the length of custody changed over time?

During the past five years, custody terms have become shorter (see Figure 7.3). In 1996-97, sentence lengths of less than one month accounted for 27% of open custody cases compared to 21% in 1992-93. Similarly, secure custody sentence lengths of less than one month accounted for 32% of secure custody cases in 1996-97 compared to 27% in 1992-93. Custody terms of longer than 6 months have decreased as a proportion of the caseload from 9% in 1992-93 to 6% in 1996-97 for open custody and 13% to 10% for secure custody.

Figure 7.3



<sup>32</sup> Since the amount of time served in correctional facilities is not available, time ordered by the youth court is presented.

<sup>33</sup> It is assumed that all sentences in a case are served concurrently as opposed to consecutively because the source of the data (Youth Court Survey) does not distinguish between these two types of sentences.

<sup>34</sup> Three provinces (Quebec, Ontario and British Columbia) have their own parole boards and are not included in this figure. For more information see "Adult Correctional Services in Canada, 1996-97" by Micheline Reed and Julian V. Roberts in Juristat (Catalogue no. 85-002-XPE, Vol. 18, No. 3).

<sup>35</sup> Data on time served are not available.

<sup>36</sup> Although the disposition can change from custody to probation during the sentence review, a young offender who violates a probation order can be returned to custody.

### What happens after custody?

When youths are released from custody they may participate in programs designed to help them develop useful life skills. Participation is sometimes mandatory and can be a condition of probation. In Manitoba, for example, there are a number of programs that offer this type of assistance. Programs include:

#### Post-release program

In Winnipeg, an intensive support and supervision program (ISSP) has been in operation for three years. The ISSP offers aftercare services for all youths released from secure and open custody on temporary releases. An aftercare program provides services to youths for the first three months after release or until their probation ends. The program provides immediate supports and services to help young offenders make the bridge between custody and community living. The length of time youths participate in the program is determined by the risk they present to the community.

#### Follow-up programs

There are a number of programs available to youths during reintegration and post-custody, including:

- employment preparation
- job search
- community service learning
- anger management
- sex offender program

*Source: Manitoba Justice.*

Over time, median lengths of custody have also declined. In 1992-93, for example, the median custody length for secure and open combined was 60 days for all offences. The same was true for the following year. But by 1994-95, the median had dropped to 45 days and it stayed that way for the next two years.

### Do males and females receive the same length of custody?

When median custody lengths for some of the more common offences are compared, terms for males appear to be slightly longer than for females. In 1996-97, the median custody term for male and female young offenders was 1 month for failure to comply, failure to appear, theft under \$5,000, common assault, escapes, and mischief. Break and enter cases ended with a median sentence length of 3 months for both males and females. The median custody term for males exceeded that for females for aggravated assault (6 months compared with 5 months), robbery (4 months compared with 3 months), theft over \$5,000 (3 months compared with 2 months) and possession of stolen goods (2 months versus 1 month). Overall, the median length of custody ordered was 1.5 months for males and 1 month for females.

### How many youths are ordered to probation?

The correctional services sector is also responsible for young offenders ordered to probation by the courts. As seen in Chapter 6, probation is the most frequently ordered sentence (ordered in 68% of convictions in 1996-97). It is not surprising then, that the number of young offenders on probation is more than seven times the number held in custody. In 1996-97, there was a month-end average of 16,289 young offenders on

**Table 7.3**

#### **Youths on Supervised Probation, 1996-97**

	Average number on probation at month end	
	Number	Rate per 10,000 youths
Newfoundland	1,283	241
Prince Edward Island	323	272
Nova Scotia	1,495	197
New Brunswick	1,192	189
Manitoba	2,036	214
Saskatchewan	1,767	184
Alberta	3,315	134
British Columbia	4,429	147
Yukon	135	473
Northwest Territories	314	470
Total <sup>1</sup>	...	173
Quebec	..	..
Ontario (1993-94)	16,584	198

*Source: Corrections Key Indicator Report for Adults and Young Offenders, 1996-97 (Revised).*

<sup>1</sup> Quebec and Ontario are not included in the total.

supervised probation,<sup>37</sup> excluding data from Quebec and Ontario (see Table 7.3).<sup>38</sup> This is equivalent to a rate of 173 youth probationers per 10,000 youths. The use of probation appears to be on the rise – the average monthly rate was up 6% from 4 years earlier when it was 163. Probation rates were highest in the Northwest Territories (470 per 10,000) and Yukon (473) and lowest in Alberta (134) and British Columbia (147).

<sup>37</sup> Supervised probation includes all youths who must report to a probation officer as a condition of their probation. Sometimes for minor offences, a parent or other person will be designated to supervise probation.

<sup>38</sup> This information is based on data from the Key Indicator Report, Canadian Centre for Justice Statistics. For more information see Corrections Key Indicator Report for Adults and Young Offenders, 1996-97 (Catalogue no. 85-222-XPE).

### How long are probation terms?<sup>39</sup>

In 1996-97, there were 37,960 cases in youth court (51%) where probation was the most serious sentence. Probation terms were imposed most often for cases involving common assault, motor vehicle theft and trafficking in drugs (66% of convictions for each of these three offences).

The maximum probation term allowed by the YOA is two years. In 1996-97, the majority of probation terms (56%) were between 7 and 12 months. An equal percentage of terms (22%) were for less than 7 or more than 12 months. The median probation term imposed on young offenders was just under one year.

While custody terms have become shorter since 1992-93, probation terms have become longer. Between 1992-93 and 1996-97, the proportion of probation terms of 7 to 12 months increased from 53% to 56% of the total number of probation terms and terms of 13 to 24 months increased from 18% to 22%. Terms of probation under 7 months decreased from 28% to 22%.

### How many youths are fined?<sup>40</sup>

One disposition that is not overseen by the correctional system is fines. The collection of fines is the responsibility of the courts. In 1996-97, a fine was the most serious sentence in 3,574 cases (5%). Youths convicted of impaired driving were most likely to receive a fine as the most serious sentence (49% of cases).

The maximum fine allowed by the YOA is \$1,000, but in 1996-97, for the cases in which a fine was the most serious sentence, more than half of the fines (55%) were \$100 or less. Another 43% of cases had fines between \$101 and \$500. Impaired driving cases had one of the higher average fines (\$344 compared with an overall average of \$155). The small proportion of fines and the small amount of the fines that are handed out by judges are likely in recognition of the inability of many young offenders to pay such penalties.

<sup>39</sup> The analysis in this section on probation terms is based on cases having probation as the most serious sentence.

<sup>40</sup> The analysis in this section on fines is based on cases having a fine as the most serious sentence.

#### Mike's Story – A Fictional Case Study (Part 5)

Correctional officials decide to place Mike in a group home to serve his open custody sentence. As a result, Mike moves out of his parents' home and into this facility for 60 days. Mike's routine is very structured. During the day, he attends a local school. When not studying, he is offered a variety of programs including anger management, addictions, sexuality, self-esteem, goal setting, and life skills. His participation is voluntary. Medical, psychological and other professional community services are also made available to help Mike deal with his problems.

During Mike's time at the group home he misses his friends and family but he also begins to understand that breaking the law is serious. Everyone is hopeful that during his stay at the group home, Mike has learned some new skills that will help keep him out of trouble once he is released.



# Chapter Eight: Repeat Offenders

Deciding on the appropriate sentence for a young offender can be a difficult task for the courts. Usually, the court considers a number of factors including, a guilty plea, demonstrated remorse, evidence of good character, level of violence in the original incident, family and community support and impact on the victim. Another important factor can be the previous criminal history of the offender. This chapter will examine the nature and extent of repeat offending.

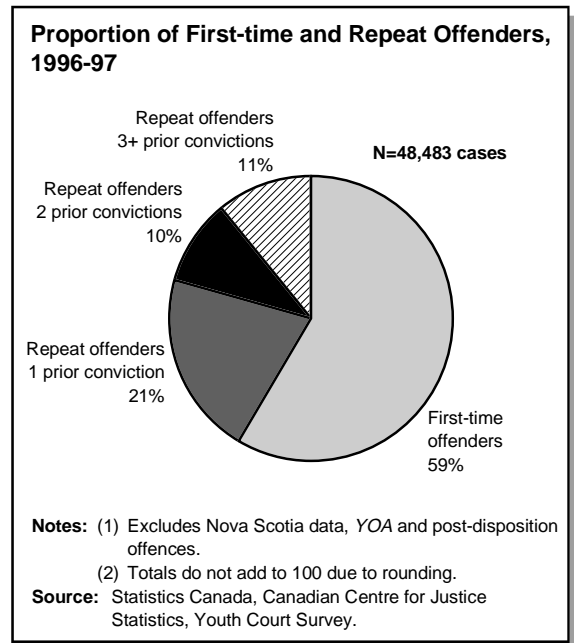
## How many repeat offenders are there?

In 1996-97, youth courts dealt with 48,483 cases involving one or more convictions for a federal statute offence.<sup>42</sup> Repeat offenders represented a substantial proportion of this caseload. Forty-one percent of the cases involved youths with prior convictions: 21% had one prior conviction, 10% had two prior convictions and 11% had three or more prior convictions (see Figure 8.1). A previous study, which examined recidivists in 1993-94, had very similar results.<sup>43</sup>

## What offences are repeat offenders committing?

Similar to first-time offenders, repeat offenders are brought to court most often for property offences. In 1996-97, 59% of cases against repeat offenders involved property offences, followed by violent offences (23%) (see Table 8.1). At first glance, it appears that repeat offenders were involved in less serious offences

Figure 8.1



<sup>41</sup> Recidivist is another term for repeat offender.

<sup>42</sup> This figure does not include Nova Scotia data, or YOA or post-disposition offences (see **What is a repeat offender?**).

<sup>43</sup> For more information see "Recidivism in Youth Courts 1993-94" by Glen Doherty and Paul de Souza in *Juristat* (Catalogue no. 85-002, Vol. 15, No. 16).

### What is a repeat offender?

In this report, a repeat offender is defined as a case in which an accused who was found guilty of at least one federal statute offence during 1996-97 had been previously convicted of an offence since 1991-92. Data from 11 provinces and territories, representing about 97% of the caseload from the Youth Court Survey, were included. Nova Scotia could not be included in the analysis because the data from that province were contained in two separate and incompatible information systems.

*Young Offenders Act (YOA)* and post-disposition offences were also excluded from the analysis. These types of offences (i.e. failure to comply with a disposition, failure to comply with a probation order, and escaping from custody) tend to reflect the experiences of the young offender within the justice system, rather than their criminal behaviour outside the system.

The method used to identify repeat offenders produces a conservative estimate of their number. Variations in youth court practices, the undetected use of aliases, and the movement of young offenders among provinces and territories can result in some recidivists<sup>41</sup> being categorized as first-time offenders. As well, repeat offenders will be undercounted because the data do not include previous offences that were dealt with through alternative measures.

**Table 8.1**

**Common Offences of First-time and Repeat Offenders, 1996-97**

Offence Type	First-time Offenders	Repeat Offenders
	percentage	
<b>Violent</b>	<b>28</b>	<b>23</b>
Common assault	15	11
Major assault	5	4
Robbery	3	3
<b>Property</b>	<b>54</b>	<b>59</b>
Break and enter	16	17
Theft over \$5,000	2	3
Theft under \$5,000	19	19
Possession of stolen property	6	10
Mischief	6	10
<b>Other Criminal Code</b>	<b>10</b>	<b>13</b>
<b>Other Federal Statutes</b>	<b>8</b>	<b>5</b>
<b>Total Federal Statutes</b>	<b>100</b>	<b>100</b>

**Note:** Excludes Nova Scotia data, YOA and post-disposition offences.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

than first-time offenders, since a smaller proportion of their cases involved violent crimes (23% compared to 28%). However, the use of alternative measures and other forms of diversion may partly explain these results. First-time offenders are more likely to be diverted away from court for minor property offences, thus increasing their proportion of court cases for violent offences.

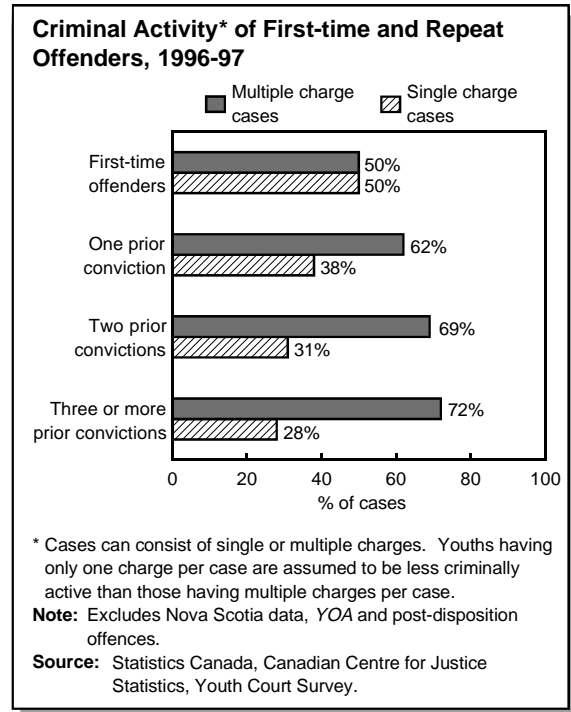
When specific offences are examined, it becomes apparent that repeat offenders appear in court for more serious offences. For violent offences, for example, common assault made up 50% of cases for repeat offenders and 54% of cases for first-time offenders in 1996-97. For the more serious offence of robbery, the figures were 15% of violent cases for repeat offenders and 10% for first-time offenders. This same pattern held true for property offences. For example, the proportion of all property offences for possession of stolen property was 17% for repeat offenders and 12% for first-time offenders. In contrast, for the less serious crime of theft under \$5,000, the proportion of all property offences was 31% for repeat offenders and 35% for first-time offenders.

**How much more criminally active are repeat offenders?**

Using the number of charges per case as a measure of criminal activity, findings indicate that repeat offenders are more criminally active than first-time offenders. Furthermore, as the number of prior convictions increases, there is an increase in the level of criminal activity. In 1996-97, for example, half of first-time offenders were charged with multiple charges (2 or more)

compared to 62% of offenders with one prior conviction, 69% with two prior convictions and 72% of with three or more prior convictions (see Figure 8.2).

**Figure 8.2**



**What are the age and sex of repeat offenders?**

Male youths are more likely than females to be repeat offenders. Of the cases involving male youths who were convicted in 1996-97, 43% were repeat offenders, compared with 32% of female offenders. Males were also twice as likely to be persistent offenders (3 or more prior convictions) as were females. Twelve percent of convicted males had three or more prior convictions compared to 6% of convicted females.

Older youths are more likely to be repeat offenders than younger youths. In 1996-97, the proportion of cases involving repeat offenders increased from 17% of convicted 12-year-olds to 50% of convicted 17-year-olds. Given that older youths have had more time to commit and be convicted of a criminal offence, it is not surprising to find that the proportion of repeat offenders increases with age.

**Do repeat offenders receive harsher sentences?**

Youth courts tend to treat repeat offenders more harshly than first-time offenders. Young offenders with a prior criminal history are more likely to receive custody dispositions compared to first-time offenders. In 1996-97,

23% of repeat offenders were sentenced to secure custody, compared to 5% of first-time offenders and 21% of repeat offenders were sentenced to open custody compared to 7% of first-time offenders (see Figure 8.3). These results were consistent at every age (12 to 17) and for both sexes. In contrast, first-time offenders were more likely to be ordered a probation sentence than repeat offenders. Seventy percent of all first-time offenders were given probation compared to 42% of all repeat offenders. As well, first-time offenders were more likely to be ordered an "other" disposition. (This includes fines, compensation and community service.)

Figure 8.3

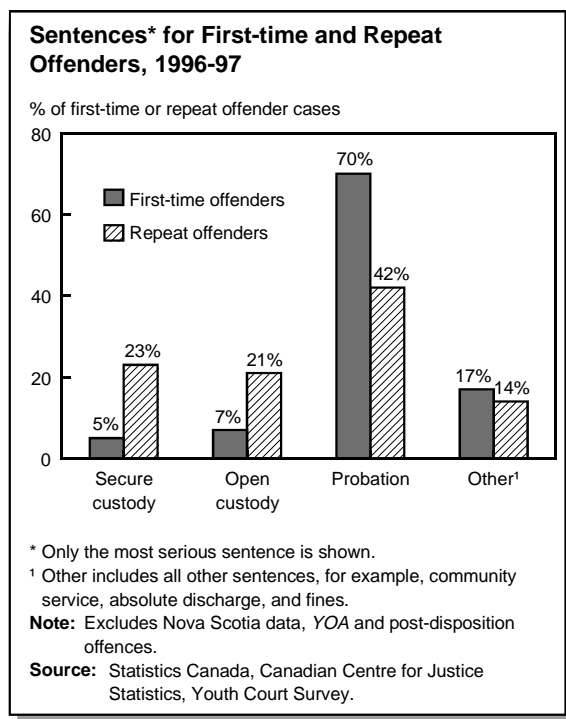


Table 8.2

Custody Sentences for First-time and Repeat Offenders, 1996-97

Number of Prior Convictions	Convictions Resulting in a Custody Sentence		
	Violent Offences	Property Offences	Total Offences <sup>1</sup>
	percentage		
<b>First-time Offenders</b>	<b>16</b>	<b>11</b>	<b>13</b>
<b>Repeat Offenders</b>	<b>51</b>	<b>43</b>	<b>44</b>
1 prior conviction	39	29	31
2 prior convictions	56	48	48
3 or more prior convictions	71	67	65

**Note:** Excludes Nova Scotia data, YOA and post-disposition offences.

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

<sup>1</sup> Includes other Criminal Code and other federal statute offences.

Repeat offenders were more likely to receive a custody disposition than first-time offenders who committed the same type of offence. For example, 43% of repeat offenders convicted of a property offence received a custody disposition compared to 11% of first-time offenders (see Table 8.2). Both first-time and repeat offenders were more likely to receive custody dispositions for violent crimes (16% and 51%, respectively) than for other major offence categories such as property offences and drug offences.

Persistent re-offenders are treated more severely. The proportion of dispositions involving a form of custody increases with the number of prior convictions. In 1996-97, custody dispositions were ordered for 31% of repeat offenders with one prior conviction, 48% of those with two prior convictions and 65% of those with three or more prior convictions (see Table 8.2).

<sup>44</sup> Some additional information on crime prevention programs for youths is presented in Chapter 9.

#### What types of programs are available to reduce future offending?<sup>44</sup>

There are a number of programs that exist in Canada to respond to a young person's needs and which encourage a rehabilitative approach to youth justice. These include: Family Group Conferences, Sentencing Circles and Youth Justice Committees. The main objectives of these programs are to: minimize the involvement of young people in the youth justice system; foster the complementary involvement of other youth-serving agencies; hold the youth responsible for his or her own actions; involve the victim; and encourage community members to develop their own means of dealing with offending behaviour by young persons.

In Newfoundland, for example, the Intensive Intervention Program targets youths that are at high risk of receiving custody sentences and provides an enhanced level of social work intervention to the youths and their families. This program is aimed at individual counselling, multidisciplinary planning and treatment, and family counselling and mediation.

In Calgary, a special program for repeat offenders called "Serious Habitual Offender Program (SHOP)" was implemented in 1989. Based on a U.S. model, the program uses a multi-agency approach to identify and provide special treatment for serious repeat offenders. It co-ordinates the responses of various law enforcement agencies (police, prosecutorial, correctional) and youth-serving agencies (schools, mental health, addictions treatment).

## Do repeat offenders receive longer sentences?

An examination of median sentence lengths indicates that, to a certain extent, repeat offenders receive longer sentences (see Table 8.3). The median sentence lengths for secure custody dispositions reveal that repeat offenders had slightly longer sentence lengths for most crimes. For example, repeat offenders had a median sentence length of 30 days in secure custody for common assault, compared to 21 days for first-time

offenders. For open custody, repeat offenders had longer median sentences for crimes such as theft over \$5,000 and possession of stolen property. In contrast, the median length of open custody for first-time offenders for total violent offences was longer (by 15 days). There were no major differences between median probation lengths for first-time and repeat offenders. The median sentence length for probation dispositions for most offences was 360 days.

**Table 8.3**  
**Sentence Lengths for First-time and Repeat Offenders, 1996-97**

Offence Type	First-time Offenders Median Sentence (days)			Repeat Offenders Median Sentence (days)		
	Secure Custody	Open Custody	Probation	Secure Custody	Open Custody	Probation
<b>Violent</b>	<b>56</b>	<b>60</b>	<b>360</b>	<b>75</b>	<b>45</b>	<b>360</b>
Assault (all levels)	21	30	360	30	30	360
<b>Property</b>	<b>30</b>	<b>53</b>	<b>360</b>	<b>60</b>	<b>60</b>	<b>360</b>
Break and enter	60	90	360	90	90	360
Theft over \$5,000	60	60	360	90	120	360
Theft under \$5,000	21	30	360	30	30	360
Possession of stolen property	30	45	360	60	60	360
Mischief	30	30	360	30	30	360
<b>Other Criminal Code</b>	<b>14</b>	<b>30</b>	<b>360</b>	<b>20</b>	<b>30</b>	<b>360</b>

**Note:** Excludes Nova Scotia data, YOA and post-disposition offences.

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



# Chapter Nine: Understanding Youth Crime

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There are a variety of opinions on the causes of crime. In a recent public opinion survey, 64% of respondents felt that poor parenting/broken homes was a very important factor in crime (EnviroNics, 1998). This was followed by an increase in illegal drugs (63%), a soft justice system (53%), poverty (52%), low moral standards (51%), unemployment (50%), violence on television (49%) and lack of discipline in schools (48%). Experts disagree about motivations for crime and delinquency. However, most would agree that the risk of becoming involved in delinquency varies according to certain personality factors, as well as circumstances and social conditions in which young people find themselves. Examining these factors can help us to understand youth crime and reduce its occurrence through programs designed to deal with specific risk factors.

## How is economic disadvantage related to crime?

Economic disadvantage is a common explanation for delinquency. According to this perspective, although everyone in society is encouraged to aspire to the same goals of success, we do not all have the same opportunity to achieve these goals through legitimate means. Crime can be a relatively easy route to acquiring goods that are otherwise unattainable. The disadvantaged include the poor, ethnic minorities and recent immigrants who do not have the same ease of access to university, connections, inheritance or other means through which to achieve status (Sacco and Kennedy, 1994:48). Once young persons are labeled as “criminal”, their chances of success through legitimate employment may decline dramatically while the risk of continuing illegal activities increases.

## Do some youths learn to be criminal?

Criminal behaviour can also result from exposure to norms and beliefs that support law-breaking. Within certain gangs, for example, violence and other criminal behaviour are expected and acceptable behaviours. Violent behaviour can also be learned through mainstream society as a response to frustration or a technique for achieving goals (Reiss and Roth, 1993; Sacco and Kennedy, 1994:58). For example, there are those who lay the blame for youth violence on easy access and widespread exposure to violence in television, movies, and video games.

## How does social control relate to crime and delinquency?

Delinquency is often explained by the absence of strong bonds to society. People who are “bonded” tend to have strong attachments to others who conform to society’s goals and who participate in conventional work, education and leisure activities. The quality of a young person’s ties to parents, teachers, community leaders and conforming peers are important sources of informal control that can help monitor leisure time and discourage criminal behaviour (Sacco and Kennedy, 1994:64).

Social bonds can be negatively affected by rapid social change, mobility of residents and ethnic diversity. Under these conditions, participation in community activities may be low, friendship networks weaker than in more homogenous neighbourhoods, and informal controls may be less effective in constraining delinquency.

Delinquency among youths is also linked to the fact that commitment to work and other responsibilities is often weaker in adolescence than in adulthood. Young

### What are the causes of crime?

Explanations for crime causation generally fall into two camps: one focuses on the prior experiences and motivations of the person, the other on the environmental conditions that are necessary for crimes to occur. Examples of the former include biological or genetic predisposition, mental illness, alcoholism and drug abuse, and personality and behavioural disorders. On the other hand, environmental conditions include opportunity, social disorganization, social control, and social learning. According to this perspective, crime is a normal reaction to abnormal conditions in a person’s environment. More often, theorists integrate the two perspectives to form general theories of crime.

A few of the more common approaches to explaining crime are discussed in this chapter.

## Opportunities for crime

More than an offender is necessary for a crime to occur. According to one theory, a crime occurs when three things come together simultaneously: a motivated offender, a suitable target and the absence of capable guardians to protect the person or property (Cohen and Felson, 1979). Variations in crime levels are related to the convergence of these three factors in time and space rather than simply the availability of people who are motivated to commit crimes.

Opportunity to commit crimes can be related to the lifestyles of both victims and offenders. Lifestyle encompasses the way people spend their time and energies across work, recreation and family responsibilities. It is affected by personal characteristics such as marital status, age, employment status and income. It is not difficult to see, for example, that a married woman with young children has a much different lifestyle than a male teenager. The teenager has a less structured schedule with fewer social constraints and more leisure time. As a result, the teenager is at greater risk both as a target and as a perpetrator of certain types of crimes.

Changes in routine activities can affect opportunities for crime. Consider certain trends: as women become more involved in paid employment outside the home, remain in school longer and delay marriage, families have become smaller and homes are more likely to be unoccupied during the day (absence of guardians). The rapid rise in affordable high-tech equipment, such as computers, VCRs, and stereos means an increase in lightweight property that is easy to steal and easy to sell (increase in suitable targets). The shift in routine activities away from the home has also meant increasing vulnerability of people to dangers outside the home.

people who have weak bonds to education or the workplace may feel they have little to lose by involvement in criminal activity. Involvement in criminal activity tends to drop off as these attachments develop and strengthen in adulthood.

## What is happening in Canada that may affect youth crime?

There are many ways to identify youths at risk in Canada. A growing youth population, the changing nature of families, school drop-out rates, unemployment, increasing diversity in society and social problems such as alcohol and drug abuse are a few of the variables that can affect the level of youth crime. Some of these factors are examined below.

### Growth in the Youth Population

Current and future populations provide an indirect way to measure and anticipate crime levels because as the number of youths increases, it is likely that the amount of youth crime will also increase. This does not mean that a higher percentage of youths will become involved in crime, simply that there will be a larger pool of young people who are the population at highest risk of delinquency.

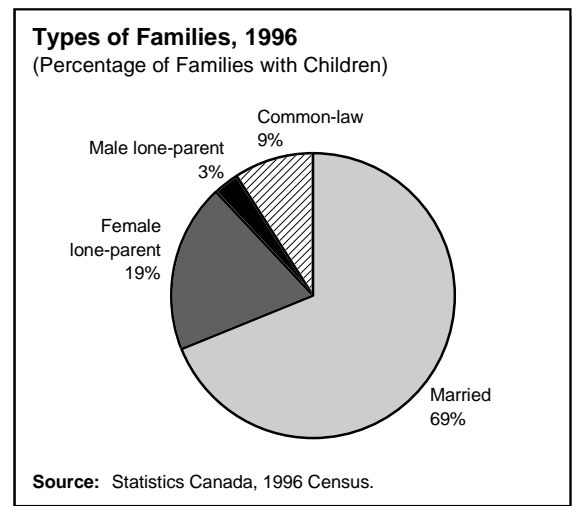
In 1997, youths between the ages of 12 and 17 numbered 2.4 million, or about 8% of the total population. Over the next decade, the youth population is expected to increase slightly and then decline.<sup>45</sup> For example, there are currently 2,024,088 youths in the 15 to 19 age group. By the year 2006, this number is expected to increase 9.4% to 2,213,700 before dropping off to 2,194,800 in 2016.

<sup>45</sup> Population projections are determined based on birth and death rates, immigration and emigration levels, the number of non-permanent residents living in Canada and the number of returning Canadians. For more information see Population Projections for Canada, Provinces and Territories, 1993-2016 (Catalogue No. 91-520).

## Growth in the Number of Lone-Parent Families

In addition to changes in the composition of society, family structure in Canada is also changing. Although the two-parent family is still the norm, there were more than 1.1 million lone-parent families in 1996, accounting for almost one-quarter of families with children (see Figure 9.1). Between 1991 and 1996, the number of lone-parent families increased 19% while the proportion of these families changed from 20% to 22%.

Figure 9.1



In 1996, 17% of children under 18 lived with a lone parent; in more than 4 out of 5 cases it was a mother. Many of these mothers were divorced. Based on 1991 divorce rates, almost one-third of all couples married that year are expected to divorce. However, a growing number of single mothers have never been married. Almost one-quarter (22%) of female lone parents have never been married. In 1994, almost 25,000 babies were born to teenage mothers; over 80% of these teens were single.

### Help for single mothers – “Youville Centre”

Youville Centre, located in Ottawa, provides comprehensive services for young, single mothers (aged 15 to 20) who need help to break out of the cycle of poverty, complete their education and learn appropriate parenting skills. By supporting young mothers, the Centre hopes to prevent psychological, behavioural and social problems in their children.

The services offered by the Centre include a high school program, residential and housing services, legal and medical help, parenting and life-skills courses for the mothers, and daycare and a pre-school program for the children. Youville Centre also offers programs to address substance abuse, promote non-violent approaches to problem-solving, and address the needs of the fathers/boyfriends.

As of November 1996, 86% of graduates from Youville Centre (91 women) were employed or pursuing post-secondary education.

**Source:** National Crime Prevention Centre, 1998.

Many children who grow up in lone-parent families are economically disadvantaged. This puts them at greater risk of becoming involved in criminal activity. For some lone parents, the desire to register their children in sports and community activities is surpassed by the more basic needs of food and decent shelter. As a result, these children have more unstructured and unsupervised free time. There is more opportunity for them to become involved with a negative peer group, or to participate in deviant behaviour such as smoking or drug and alcohol use. Findings from Statistics Canada's National Longitudinal Survey of Children and Youth (NLSCY) suggest that children from lone-parent families are at greater risk of emotional, behavioural, academic and social problems than children from two-parent families.<sup>46</sup> Much of this increased risk is attributed to the large percentage of lone-parent families who live in low-income households.

### Low Income and Persistent Unemployment

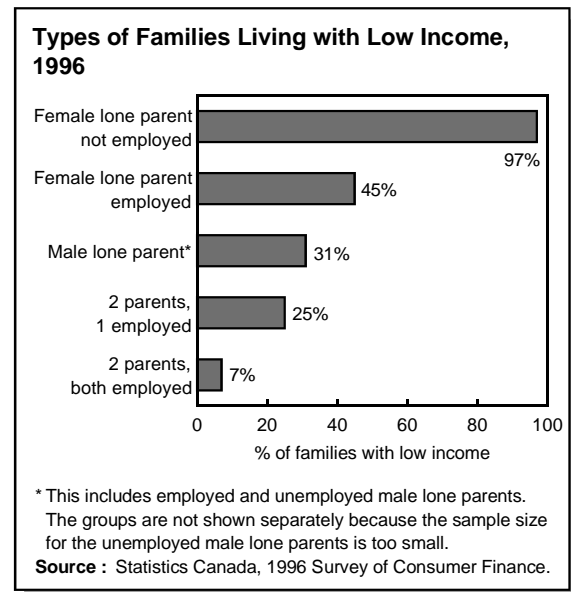
In 1996, more than 1 in 5 children under 18 were living in a low-income family; that represents 1.5 million children.<sup>47</sup> Female lone-parent families are particularly susceptible to low income. In 1996, 45% of lone-parent families headed by a working mother were considered low income (see Figure 9.2). Virtually all (97%) lone-parent families where the mother wasn't employed were classified as low income. Almost one-third of families headed by a male lone-parent<sup>48</sup> were in a low-income situation. Not only children in single parent families live in a low-income situation, however. Fully one-quarter of two-parent families with one employed parent were considered low income, compared to 7% of families where both parents were employed.

<sup>46</sup> See “Growing Up in Canada” National Longitudinal Survey of Children and Youth, 1996 (Catalogue no. 89-550-MPE).

<sup>47</sup> Low-income families are defined as those that usually spent 55% or more of their income on food, shelter and clothing. Based on Statistics Canada's 1992 Family Expenditure Survey, the low income cut-off (LICO) for a family of four living in an urban area with a population of 500,000 or greater was \$32,000. For more information see Low Income Persons, 1980 to 1996 (Low Income Cut-offs 1992 base) (Catalogue no. 13-569).

<sup>48</sup> This includes both employed and unemployed male lone parents. The groups are not shown separately because the sample size for the unemployed male lone parents is too small.

Figure 9.2



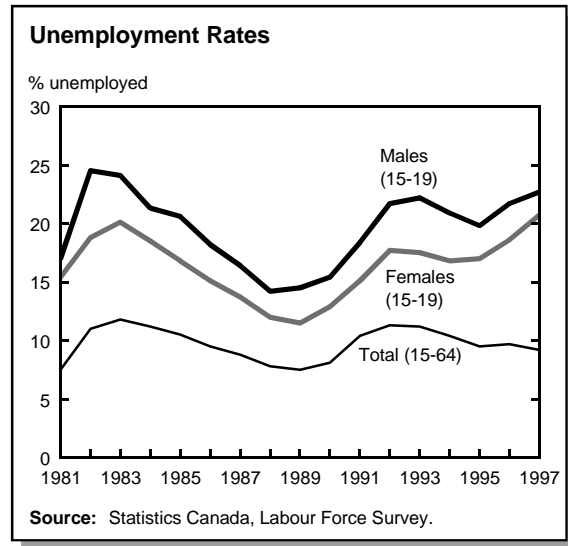
For many families, having a low income is the result of unemployment or job instability. With a recession plaguing the Canadian economy for much of this decade, the number of people looking for work has remained quite high. In 1997, more than 1.4 million people were looking for work, yielding a national unemployment rate of 9.2% (see Figure 9.3). As well, it took almost six months for the average unemployed person to find a new job. This situation can produce a prolonged period of hardship for families.

For people who do find work, keeping the job is a concern. Job stability has become an issue as businesses shift their hiring toward contract, temporary and part-time work. In many cases, people work part-time hours out of necessity and not by choice. Statistics Canada's 1995 Survey of Work Arrangements found that almost 30% of part-time workers would prefer to work more hours. Statistics Canada's Labour Force Survey reports that the average new job created over the past decade has lasted less than four years.

## What is the unemployment rate?

The unemployment rate is an estimate of the percentage of the labour force not employed who are seeking work. The measure does not include those who report that they would like to work but who have stopped searching because they believe that no work is available.

Figure 9.3



Children living in low-income households can be affected by low quality housing and being forced to live in transient, run-down neighbourhoods. They can also experience parental frustration that can lead to substance abuse and violence in the home.<sup>49</sup> The lack of supervision and consistent parenting that can result from financial stress, place children at risk of becoming involved with a delinquent peer group and potentially criminal activity. Findings from the NLSCY indicate that living in a low-income household puts children at risk of indirect and physically aggressive behaviour that may persist from early childhood through adolescence.<sup>50</sup>

### Youth Unemployment and Lack of Job Experience

Rates of youth unemployment are consistently higher than the overall rate (see Figure 9.3). The 1997 unemployment rate for youths aged 15 to 19 was 22.7% for males and 20.7% for females. By comparison, the overall rate was less than 10%. Although the 15 to 24 age group comprises 8% of the total working age population, it accounts for 30% of all unemployed Canadians.

Part of the problem has been the prolonged recession of the early 1990s.<sup>51</sup> Job creation has been reduced and many adult workers are hanging on to entry-level jobs that have generally been available for youths. Furthermore, without job security or seniority, youths are primary targets for lay-offs during corporate restructuring.

Difficulties in finding work are not limited to youths who are not in school. Summer jobs for students have also been hard to find. In July 1996, for example, the unemployment rate for 15- and 16-year-olds stood at 28% (Labour Force Survey). The inability to secure summer employment can affect job prospects after graduation. The percentage of youths without job experience has skyrocketed over the past decade. In 1997, more than 40% of youths in the 15 to 19 age group had no previous job experience, more than twice the percentage in 1989.

Unemployment may lead to criminal activity when youths have no legitimate means of earning money, for example, to save for university and college, to purchase consumer goods or for recreational activities. Being unemployed also reduces formal involvement in community life and can lead to an abundance of unstructured time. Youths in this situation are at higher risk of becoming involved in deviant or criminal activity.

### Premature School Leaving

In addition to unemployment, lack of attachment to school is a significant risk factor in youth crime. Students who leave school prior to graduation do so for many reasons, including: boredom, the perception that school rules are too strict, associations with non-student friends who place little value on education, and in the case of many teenage girls, pregnancy. Statistics Canada's School Leavers Survey (SLS) interviewed one group of respondents at two points in time (1991 and 1995) to measure how many had left school without graduating.<sup>52</sup> According to the 1991 SLS, there were approximately 184,000 youths or 16% of all 18- to 20-year-olds who left high school without graduating. Although some of these youths returned to complete their diploma, by 1995, 14% or some 160,000 still had not returned to school.

Almost 40% of school leavers were 16 years old or younger when they left and 32% had a grade nine education or less. The number of school leavers was highest in the Eastern provinces and lowest in the West (see Figure 9.4). The rate was also higher for men (18%) than for women (10%).

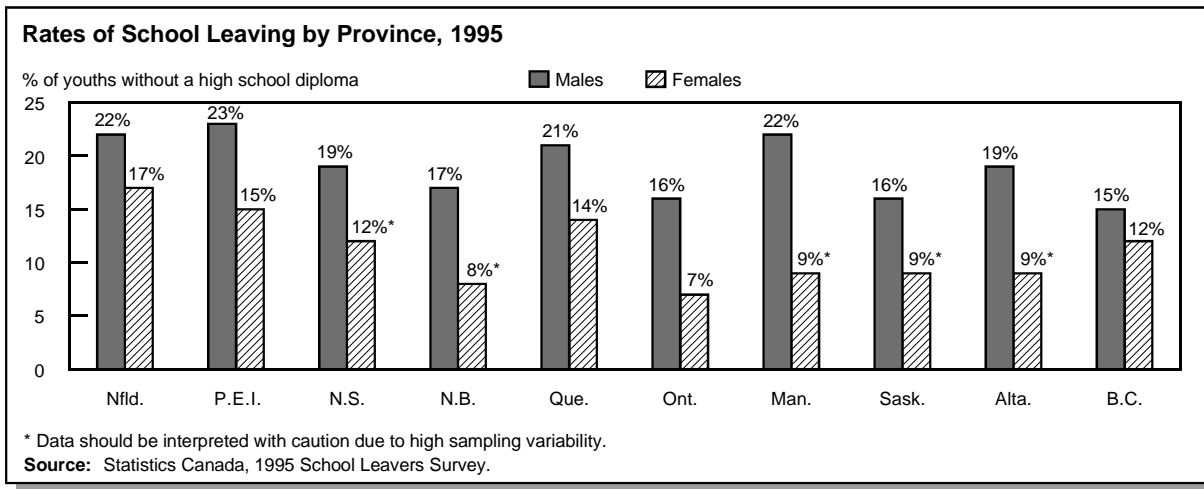
<sup>49</sup> See "Ontario incidence study of reported child abuse and neglect" by N. Trocme et al., 1994 and "Social support and the prevention of child maltreatment" by R.A. Thompson, 1994.

<sup>50</sup> See "Do Children in Canada Become More Aggressive as They Approach Adolescence?" by Richard E. Tremblay et al., 1996.

<sup>51</sup> See "Labour Force Update: Youths and the Labour Market" by Geoff Bowlby, Jean-Marc Lévesque and Deborah Sunter, 1997 (Catalogue no. 71-005-XPB).

<sup>52</sup> See "Leaving School" by Sid Gilbert et al., 1993 and "After High School: The First Years" by Jeffrey Frank, 1996.

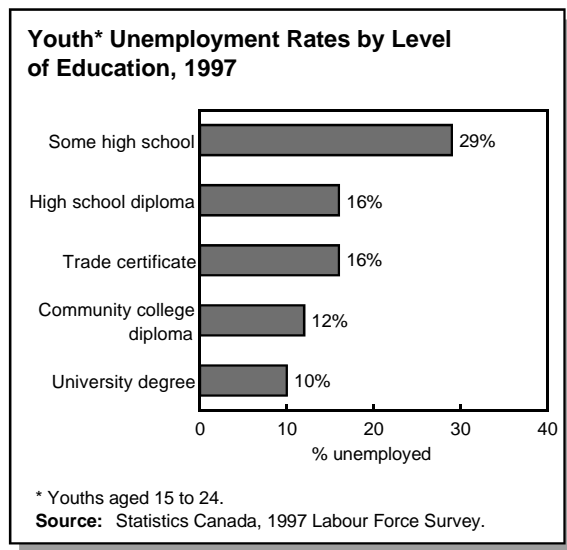
Figure 9.4



Leaving school is a significant risk factor because these youths are more likely to become involved in other high-risk behaviour associated with crime. For example, according to results from the School Leavers Survey, school leavers were more likely than graduates to report regular consumption of alcohol and drug use.<sup>53</sup>

School leavers also experience higher rates of unemployment than graduates (see Figure 9.5). In 1997, unemployment rates for youths without a high school diploma were almost two times higher than the corresponding rates for high school graduates and three times higher than for university graduates.

Figure 9.5



### Canadian Society More Diverse

The increase in immigrants and people from visible minority groups<sup>54</sup> highlights the growing diversity of Canadian society. In communities with rapid migration and immigration, friendship and family networks are

often weak or missing; this can result in weakened controls over youths. This phenomenon may be heightened for recent immigrants, especially people with a mother tongue other than English or French, who may have difficulty adapting, finding employment and integrating into mainstream culture. This does not suggest that youths from these groups are or will become delinquent. In fact, they may be more apt to become victims of crime, as they struggle to reconcile the culture and traditions of their parents with those of the dominant society.

The make-up of the youth population has changed dramatically in recent years. According to the 1996 Census, the number of people who belong to a visible minority group has almost doubled since 1986. They now represent 11% of the total population and 13% of the youth population. Some 308,000 youths between 12 and 17 years old belong to a visible minority group. The youth populations in British Columbia and Ontario have the largest proportion of visible minority youths (see Figure 9.6). Most live in Toronto and Vancouver.

Rising immigration levels and a growing number of ethnic groups have meant an increase in the number of people whose mother tongue is not English or French. The 1996 Census shows that there were almost 5 million people whose mother tongue was not English or French, representing 17% of the population. This represents a 15% increase from 1991.

<sup>53</sup> Eighteen percent of school leavers reported regular alcohol consumption compared to 11% of graduates. Thirty percent of school leavers reported soft/prescription drug use compared to 16% of graduates. Seven percent of school leavers reported hard drug use compared to 2% of graduates.

<sup>54</sup> The Employment Equity Act defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in color". Groups considered visible minorities are Chinese, South Asians, Blacks, Arabs and West Asians, Filipinos, Southeast Asians, Latin Americans, Japanese, Koreans and Pacific Islanders.

## Help for high-risk children – “Youth Assisting Youth”

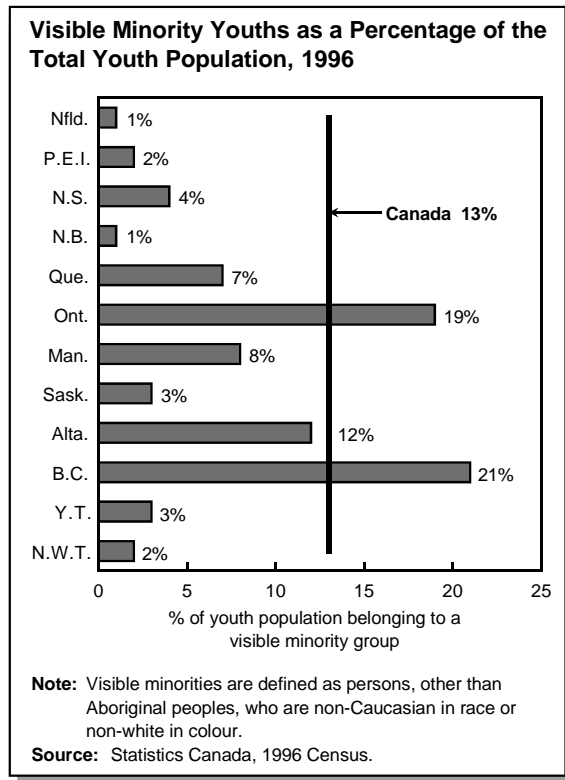
In 1976, the Youth Assisting Youth (YAY) program was established in Toronto through a joint effort by the Ministry of Corrections, Big Brothers and social workers. This program matches high-risk children aged 6 to 15 with a youth volunteer aged 16 to 24. Children who are having problems at home or in school are referred to the program by doctors, principals or social workers. Both the child and his or her home environment are assessed to determine if the child is at risk of criminal involvement because of emotional, behavioural, cultural and/or social difficulties. Before being matched with a child, youth volunteers participate in workshops on multiculturalism, substance abuse and sexual abuse.

The pair spends at least three hours a week together participating in recreational activities. The youth volunteer provides friendship, support and encouragement to help the child become a more responsible, positive member of society. Parents of these at-risk children also receive support and information through the program.

Since 1976, more than 6,000 children have participated in the YAY program. A study conducted in 1985 found that less than 2% of YAY children needed probation care as a result of criminal activity and then, only after they had left the program.

**Source:** National Crime Prevention Centre, 1998.

Figure 9.6



## Other Indicators

In addition to the indicators discussed above, there are other factors that can put youths at risk. These factors, which are much more complicated to measure, include: physical and sexual abuse, television violence,<sup>55</sup> and poor parenting.<sup>56</sup> In many cases, by the time youths become involved in the criminal justice system, they have already exhibited warning signs. Inappropriate behaviour in young children often foreshadows problems during adolescence. Without appropriate early intervention, at-risk

youths are more likely to become involved with a delinquent peer group and put less effort into school and other organized activities. This increases the possibility that they will become involved in delinquent behaviour.

## Why are Aboriginal youths considered a population at risk?

Aboriginal youths are considered an “at-risk” population because they are younger overall, they experience higher rates of unemployment and low income, they have lower levels of education, and they are more likely to live in lone-parent families than the non-Aboriginal population. Current conditions of Aboriginal people as well as growth projections indicate that without significant changes to their social conditions, Aboriginal youths will remain a high-risk population. They are at risk of becoming involved in the criminal justice system both as offenders and victims.

In 1996, there were almost 800,000 Aboriginal people in Canada, about 40% of whom were under 18 years old. In comparison, only 24% of the non-Aboriginal population fell into that age group. With an average age of 25.5 years, the Aboriginal population was 10 years younger than the total population.

The Aboriginal population continues to have higher birth rates than the total population of Canada.<sup>57</sup> As a result of the high number of births, the size of the Aboriginal youth population is expected to increase dramatically over the next decade. Youths in the 15 to 24 age group numbered approximately 144,000 in 1996. By 2006, that

<sup>55</sup> See “Television Violence: A Review of the Effects on Children of Different Ages” by Wendy L. Josephson, 1995.

<sup>56</sup> See “Yes, Parenting Does Make a Difference to the Development of Children in Canada” by Sarah Landy and Kwok Kwan Tam, 1996.

<sup>57</sup> Birth rates are calculated based on the number of live births per 1,000 females 15 to 44 years old.

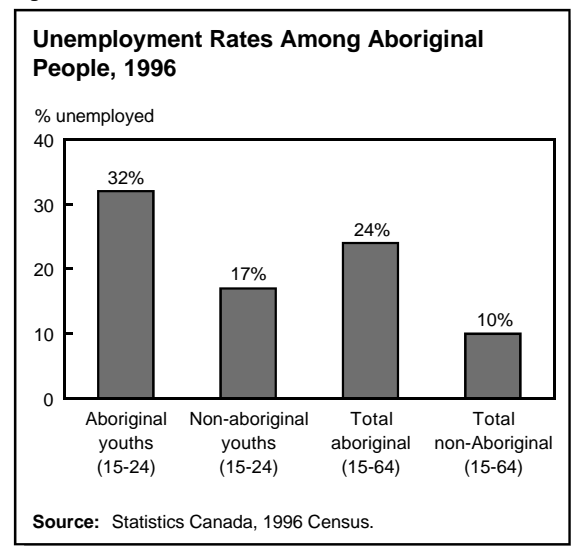
figure is expected to increase by 26% to 181,000. Within the next 15 years, Aboriginal people will represent a substantial share of the youth population in some provinces. In Saskatchewan, for example, Aboriginal people will account for almost one in four children in the 0 to 14 age group and one in five 15- to 19-year-olds.

Almost one-third of Aboriginal children under 15 years old live in a lone-parent family. This is twice the rate of the general population. In cities like Winnipeg, Regina and Saskatoon, half of all Aboriginal children live in a lone-parent family.

According to the 1996 Census, 54% of the Aboriginal population aged 15 and older had not received a high school diploma, compared to 35% of the non-Aboriginal population. Only 4.5% of the Aboriginal population were university graduates, compared to 16% of the non-Aboriginal population. The highest level of education attained has been improving over the past 15 years, however. For example, the percentage of the Aboriginal population aged 20 to 29 with some post-secondary education has increased from 19% to 23% and the percentage with less than high school has dropped from 59% to 45%. Despite these improvements, Aboriginal people in this age group were half as likely as the non-Aboriginal population to have a post-secondary degree or diploma, one-fifth as likely to have graduated from university and over twice as likely not to have completed high school.

Aboriginal people have significantly higher unemployment rates than their non-Aboriginal counterparts. At 32%, the unemployment rate for Aboriginal youths was almost twice the already high rate for non-Aboriginal youths. Rates for the entire workforce indicate that the situation does not improve with age. In 1996, one in four Aboriginal people in the 15 to 64 age group were unemployed and looking for work, compared to one in ten non-Aboriginal people (see Figure 9.7).

Figure 9.7



In 1995, the average employment income of Aboriginal people, at \$17,000, was 34% lower than the national average. Most worked part-time or part-year, only one-third worked full-time for the full year. Income for Aboriginal people living on-reserve was 24% lower than for those living off-reserve.

In 1995, 44% of the Aboriginal population off-reserve<sup>58</sup> lived in a low-income household. Aboriginal children off-reserve aged 6 to 14 were twice as likely as non-Aboriginal children to live in a low-income family.

As a result of many social and economic difficulties, a high proportion of Aboriginal youths is at risk of involvement with the youth justice system. With a growing Aboriginal youth population, the problems at-risk youths face are likely to persist.

<sup>58</sup> Excludes both Aboriginal people living on reserve and those living in the territories.

### Help for Aboriginal Youths – “Bent Arrow”

Bent Arrow is a 16-week program in Edmonton, Alberta targeting Aboriginal youths aged 16 to 24 who are not working or in school. Using the guidance and teachings of Native Elders and The Medicine Wheel, Aboriginal youths learn to develop the skills required to make and maintain positive lifestyle changes. The program includes components such as anger and stress management, personal and family relationships, self-esteem, career development and job search skills, and educational preparation. Bent Arrow also assigns participants to a work placement for five weeks in order to apply their new skills.

Source: National Crime Prevention Centre, 1998.





# Appendix A

**Table A-1**  
**Youths Charged in Selected Federal Statute Offences, Canada, 1987-1997**  
(rate per 10,000 youths)

Offence Type	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
<b>Total Violent</b>	<b>45.0</b>	<b>50.8</b>	<b>61.4</b>	<b>69.4</b>	<b>82.8</b>	<b>86.5</b>	<b>91.7</b>	<b>91.6</b>	<b>94.0</b>	<b>93.2</b>	<b>91.0</b>
Homicide	0.15	0.21	0.21	0.22	0.21	0.23	0.15	0.22	0.26	0.20	0.22
Sexual assault	5.4	5.5	6.6	7.1	8.3	9.0	9.1	8.0	6.6	6.5	6.1
Major assault	9.5	10.6	12.2	14.1	16.9	17.1	18.8	19.0	18.4	17.9	17.9
Common assault	20.9	23.5	28.9	33.6	39.2	41.5	45.1	46.1	48.2	48.0	46.3
Other assaults	2.8	3.2	3.8	4.0	5.0	4.5	4.4	4.1	4.5	3.8	4.1
Robbery	5.3	6.9	8.7	9.1	12.0	12.8	12.8	12.7	14.8	15.5	15.4
<b>Total Property</b>	<b>330.7</b>	<b>330.4</b>	<b>339.8</b>	<b>370.5</b>	<b>401.2</b>	<b>361.0</b>	<b>320.3</b>	<b>291.9</b>	<b>285.3</b>	<b>275.9</b>	<b>243.4</b>
Break and enter	112.0	106.2	98.7	106.5	117.7	106.9	93.7	84.7	78.1	76.7	70.1
Motor vehicle theft	25.9	28.6	32.6	35.2	38.4	35.1	35.1	31.7	28.8	29.0	26.6
Theft	161.0	161.7	173.2	188.1	197.9	171.2	150.8	136.5	141.4	134.3	116.7
Possession of Stolen Property	21.0	22.3	23.4	26.5	32.0	32.3	30.0	29.2	27.3	26.4	21.9
<b>Total Other Criminal Code</b>	<b>100.7</b>	<b>107.3</b>	<b>115.2</b>	<b>120.0</b>	<b>138.9</b>	<b>136.8</b>	<b>130.0</b>	<b>123.2</b>	<b>126.2</b>	<b>124.9</b>	<b>122.5</b>
Failure to appear	15.1	15.6	19.0	21.6	28.9	31.6	31.6	29.9	33.4	34.5	34.5
Escape custody	6.6	6.5	6.0	6.4	5.8	6.3	5.2	5.4	5.5	5.4	5.1
Mischief	34.6	38.4	37.8	38.3	42.6	39.2	35.1	32.6	32.4	31.8	29.2
<b>Total Other Federal Statutes</b>	<b>17.8</b>	<b>18.6</b>	<b>19.2</b>	<b>20.4</b>	<b>20.1</b>	<b>21.9</b>	<b>26.0</b>	<b>31.6</b>	<b>34.1</b>	<b>37.8</b>	<b>38.4</b>
Drug offences	14.4	14.5	13.9	13.7	11.5	11.5	14.6	20.3	21.2	22.5	20.8
<b>Total Federal Statutes</b>	<b>494.2</b>	<b>507.1</b>	<b>535.6</b>	<b>580.3</b>	<b>643.0</b>	<b>606.2</b>	<b>568.0</b>	<b>538.4</b>	<b>539.6</b>	<b>531.7</b>	<b>495.3</b>

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Homicide Survey.

Table A-2

**Male Youths Charged in Selected Federal Statute Offences, Canada, 1987-1997**

(rate per 10,000 male youths)

Offence Type	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
<b>Total Violent</b>	<b>71.7</b>	<b>79.6</b>	<b>96.6</b>	<b>107.2</b>	<b>128.7</b>	<b>132.5</b>	<b>136.5</b>	<b>138.4</b>	<b>141.3</b>	<b>139.0</b>	<b>132.8</b>
Homicide	0.21	0.38	0.37	0.30	0.35	0.41	0.27	0.40	0.41	0.37	0.34
Sexual assault	10.2	10.4	12.4	13.5	15.8	17.0	17.0	15.1	12.6	12.4	11.4
Major assault	15.4	16.7	19.5	22.9	27.3	27.2	29.2	30.2	28.8	28.3	28.0
Common assault	30.8	33.7	41.4	46.5	55.3	56.9	59.8	62.7	66.3	65.1	60.7
Other assaults	4.4	5.0	5.7	6.0	7.6	6.9	6.5	5.9	6.5	5.4	5.7
Robbery	9.4	11.9	15.4	15.7	20.5	21.7	21.5	21.5	24.6	25.4	25.1
<b>Total Property</b>	<b>542.0</b>	<b>540.4</b>	<b>546.7</b>	<b>591.2</b>	<b>635.4</b>	<b>560.6</b>	<b>493.4</b>	<b>451.7</b>	<b>432.9</b>	<b>419.5</b>	<b>369.5</b>
Break and enter	206.8	196.2	181.3	194.1	214.8	194.1	169.8	152.5	139.6	136.4	123.4
Motor vehicle theft	46.7	51.4	58.4	63.4	68.3	61.7	61.5	55.2	49.7	50.2	45.0
Theft	237.3	238.5	251.0	268.3	277.2	233.6	198.6	182.8	186.2	177.0	155.0
Possession of Stolen Property	35.7	38.4	39.6	45.3	55.0	52.9	49.0	48.2	44.8	42.9	35.3
<b>Total Other Criminal Code</b>	<b>166.3</b>	<b>176.3</b>	<b>188.3</b>	<b>198.2</b>	<b>226.5</b>	<b>219.3</b>	<b>207.9</b>	<b>198.6</b>	<b>199.5</b>	<b>194.3</b>	<b>189.3</b>
Failure to appear	23.4	23.7	28.6	32.1	42.7	45.6	45.9	44.0	48.4	48.9	48.3
Escape custody	10.9	10.8	10.3	11.3	10.2	11.3	9.0	9.3	9.3	8.9	8.4
Mischief	61.9	69.0	67.1	68.6	75.9	68.6	61.5	57.0	56.6	54.4	50.3
<b>Total Other Federal Statutes</b>	<b>30.1</b>	<b>30.6</b>	<b>31.6</b>	<b>32.5</b>	<b>31.2</b>	<b>34.2</b>	<b>41.7</b>	<b>51.0</b>	<b>55.2</b>	<b>60.3</b>	<b>60.0</b>
Drug offences	24.8	24.6	23.5	22.9	18.7	18.6	24.6	34.5	36.7	38.6	35.1
<b>Total Federal Statutes</b>	<b>810.1</b>	<b>826.8</b>	<b>863.2</b>	<b>929.2</b>	<b>1021.8</b>	<b>946.6</b>	<b>879.4</b>	<b>839.6</b>	<b>829.0</b>	<b>813.0</b>	<b>751.5</b>

*Sources: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Homicide Survey.*

Table A-3

**Female Youths Charged in Selected Federal Statute Offences, Canada, 1987-1997**

(rate per 10,000 female youths)

Offence Type	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
<b>Total Violent</b>	<b>16.9</b>	<b>20.8</b>	<b>24.5</b>	<b>29.8</b>	<b>34.6</b>	<b>38.1</b>	<b>44.7</b>	<b>42.4</b>	<b>44.3</b>	<b>45.1</b>	<b>47.2</b>
Homicide	0.10	0.04	0.05	0.13	0.07	0.04	0.03	0.03	0.11	0.03	0.10
Sexual assault	0.3	0.5	0.5	0.4	0.5	0.5	0.8	0.6	0.4	0.4	0.6
Major assault	3.5	4.3	4.5	4.9	6.0	6.5	8.0	7.1	7.4	7.1	7.3
Common assault	10.6	12.9	15.9	20.1	22.3	25.3	29.7	28.7	29.1	30.1	31.2
Other assaults	1.1	1.3	1.8	1.9	2.4	2.0	2.2	2.1	2.4	2.2	2.5
Robbery	1.0	1.6	1.6	2.1	3.1	3.4	3.7	3.5	4.5	5.0	5.4
<b>Total Property</b>	<b>109.6</b>	<b>110.8</b>	<b>123.4</b>	<b>138.9</b>	<b>155.2</b>	<b>151.0</b>	<b>138.1</b>	<b>123.8</b>	<b>130.2</b>	<b>125.2</b>	<b>111.4</b>
Break and enter	12.7	12.2	12.2	14.5	15.8	15.0	13.7	13.4	13.6	13.9	14.2
Motor vehicle theft	4.2	4.8	5.7	5.5	7.0	7.1	7.2	6.9	6.8	6.7	7.3
Theft	81.1	81.4	91.8	104.0	114.7	105.6	100.5	87.8	94.4	89.5	76.5
Possession of Stolen Property	5.6	5.4	6.4	6.7	8.0	10.6	9.9	9.2	8.9	9.0	8.0
<b>Total Other Criminal Code</b>	<b>32.1</b>	<b>35.2</b>	<b>38.6</b>	<b>37.9</b>	<b>46.9</b>	<b>50.0</b>	<b>48.0</b>	<b>44.0</b>	<b>49.1</b>	<b>52.0</b>	<b>52.5</b>
Failure to appear	6.4	7.2	8.9	10.6	14.3	16.9	16.7	15.1	17.7	19.4	19.9
Escape custody	2.2	2.0	1.5	1.3	1.2	1.2	1.3	1.4	1.5	1.6	1.6
Mischief	6.1	6.4	7.1	6.4	7.6	8.2	7.2	6.9	7.1	8.1	7.2
<b>Total Other Federal Statute</b>	<b>5.0</b>	<b>6.1</b>	<b>6.2</b>	<b>7.6</b>	<b>8.4</b>	<b>8.9</b>	<b>9.6</b>	<b>11.3</b>	<b>11.9</b>	<b>14.1</b>	<b>15.7</b>
Drug offences	3.6	3.9	3.8	4.1	4.0	4.0	4.1	5.4	5.0	5.5	5.8
<b>Total Federal Statutes</b>	<b>163.6</b>	<b>172.9</b>	<b>192.7</b>	<b>214.2</b>	<b>245.2</b>	<b>248.0</b>	<b>240.3</b>	<b>221.6</b>	<b>235.5</b>	<b>236.4</b>	<b>226.8</b>

*Sources: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Homicide Survey.*

Table A-4

## Most Serious Sentence for Youths, 1996-1997

Offence Type	Cases with Convictions						
	Secure Custody	Open Custody	Probation	Fine	Community Service	Absolute Discharge	Other
	percentage						
<b>Violent</b>	<b>15</b>	<b>16</b>	<b>61</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>
Homicide	48	30	19	0	0	0	4
Sexual assault	16	19	62	0	1	1	2
Major assault	19	18	57	1	3	1	2
Common assault	10	13	66	2	4	2	2
Robbery	33	23	40	0	1	0	1
<b>Property</b>	<b>13</b>	<b>17</b>	<b>57</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>2</b>
Break and enter	19	21	55	1	3	0	1
Theft over \$5,000	21	24	48	1	3	1	2
Theft under \$5,000	8	12	58	6	10	3	2
Possession of stolen property	18	19	53	2	5	2	1
Mischief	8	12	61	3	8	3	5
<b>Other Criminal Code</b>	<b>22</b>	<b>22</b>	<b>38</b>	<b>7</b>	<b>5</b>	<b>2</b>	<b>5</b>
Unlawfully at large	57	32	5	1	1	1	3
Escaping custody	63	25	8	0	1	0	2
Failure to appear	18	26	38	5	6	2	5
<b>Other Federal Statutes</b>	<b>17</b>	<b>21</b>	<b>36</b>	<b>10</b>	<b>9</b>	<b>3</b>	<b>3</b>
Drug offences	8	9	55	13	7	6	3
YOA - Failure to comply with disposition	22	26	29	8	10	2	3
<b>Total Federal Statutes</b>	<b>16</b>	<b>18</b>	<b>51</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>3</b>

*Note:* Only common offence types are shown.

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

Table A-5

## Most Serious Sentence for Youths by Sex, 1996-1997

Offence Type	Male Youths				Female Youths			
	Secure Custody	Open Custody	Probation	Other	Secure Custody	Open Custody	Probation	Other
	percentage							
<b>Violent</b>	<b>17</b>	<b>17</b>	<b>58</b>	<b>8</b>	<b>8</b>	<b>12</b>	<b>70</b>	<b>10</b>
Major assault	20	19	54	6	13	14	66	7
Common assault	11	14	64	11	6	11	72	11
Robbery	36	23	38	3	18	23	55	4
<b>Property</b>	<b>14</b>	<b>18</b>	<b>55</b>	<b>13</b>	<b>6</b>	<b>10</b>	<b>65</b>	<b>19</b>
Break and enter	19	22	54	5	11	15	68	6
Theft over \$5,000	22	25	46	7	8	14	72	6
Theft under \$5,000	9	14	56	20	3	8	64	25
Possession of stolen property	19	20	51	10	9	14	64	13
Mischief	8	12	61	18	6	12	63	19
<b>Other Criminal Code</b>	<b>24</b>	<b>22</b>	<b>35</b>	<b>19</b>	<b>15</b>	<b>21</b>	<b>47</b>	<b>18</b>
Unlawfully at large	57	32	5	6	55	35	5	5
Escaping custody	64	25	7	4	59	27	14	1
Failure to appear	20	27	35	18	11	25	47	17
<b>Other Federal Statutes</b>	<b>18</b>	<b>20</b>	<b>35</b>	<b>26</b>	<b>15</b>	<b>22</b>	<b>39</b>	<b>23</b>
Drug offences	8	9	55	28	7	7	57	28
YOA - Failure to comply with disposition	23	26	26	24	17	25	36	22
<b>Total Federal Statutes</b>	<b>17</b>	<b>19</b>	<b>49</b>	<b>15</b>	<b>10</b>	<b>15</b>	<b>57</b>	<b>17</b>

*Note:* Only selected offence types, common to both sexes are shown.

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

**Table A-6****Population Estimates for Youths (12-17), Canada, 1987-1997**

Year	Male Youths	Female Youths	Total Youth Population
1987	1,156,195	1,104,700	2,260,895
1988	1,149,700	1,099,800	2,249,500
1989	1,148,400	1,097,400	2,245,800
1990	1,157,300	1,102,800	2,260,100
1991	1,170,200	1,114,600	2,284,800
1992	1,187,400	1,128,300	2,315,700
1993	1,200,500	1,140,800	2,341,300
1994	1,210,000	1,150,800	2,360,800
1995	1,223,200	1,163,800	2,387,000
1996	1,238,000	1,179,600	2,417,600
1997	1,251,427	1,193,930	2,445,357

**Note:** Population estimates were adjusted October 21, 1997.

**Source:** Statistics Canada, Census and Demographic Statistics, Demography Division.

1987-1990: Revised intercensal estimates at July 1; 1991-1995: final postcensal estimates at July 1; 1996-1997: updated postcensal estimates at July 1.

# Glossary

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**Absolute Discharge** – A disposition wherein a young person is found guilty of the offence for which he or she was charged and is discharged absolutely pursuant to s.20(1)(a) of the *Young Offenders Act*. The court keeps a record of the decision.

**Accused** – A person who has been identified by police as an offender in an incident and against whom a charge may be laid in connection with that incident.

**Adult** – A person 18 years of age or older at the time of the offence.

**Alternative Measures** – Actions other than judicial proceedings used to deal with a young person alleged to have committed an offence. Participants in alternative measures may or may not have been charged by police.

**Case** – As defined by the Youth Court Survey, a case is one or more charges against a young person which are first presented in court on the same date.

**Census Metropolitan Area (CMA)** – Represents an urbanized core of at least 100,000 population and includes adjacent urban and rural areas that have a high degree of economic and social integration.

**Charge** – A formal accusation that a person has committed a specific crime.

**Common Assault** – This includes the *Criminal Code* category assault (level 1). This is the least serious form of assault and includes pushing, slapping, punching and face-to-face verbal threats.

**Community-Based Disposition** – A sentence that can be served in a young offender's community, examples include probation, fines, community service orders and conditional discharge.

**Community Group Homes** – These are open custody facilities for young offenders that are government-owned or privately run facilities. They are staffed on a 24-hour basis and maintain structured programming and schedules for the participating offenders.

**Community Service Order** – A disposition wherein the young person is ordered to perform community service work pursuant to s.20(1)(g) of the *Young Offenders Act*.

**Compensation** – A disposition wherein the young person is ordered to pay a fixed amount to any person by way of compensation for loss or damage suffered as a consequence of an offence pursuant to s.20(1)(c) of the *Young Offenders Act*.

**Compensation in Kind** – A disposition wherein the young person is ordered, by way of personal service, to repair the loss, damage or injury suffered as a consequence of the offence pursuant to s.20(1)(f) of the *Young Offenders Act*.

**Conditional Discharge** – A disposition wherein a young person is found guilty of the offence for which he or she was charged, and discharged on such conditions as the court considers appropriate pursuant to s.20(1)(a.1) of the *Young Offenders Act*.

**Criminal Code** – A federal law that sets out most criminal offences in Canada; violent, property and other *Criminal Code* (arson, prostitution, weapons offences). Some criminal offences (such as drug offences) are described in other federal laws.

**Crown Attorney** – The lawyer representing the Crown (i.e. the Government). At the trial, they present evidence to prove that the accused committed the crime.

**Custody-Based Disposition** – A sentence that requires the young offender to spend time in a designated correctional facility, either in secure custody or open custody.

**Discretion** – This is an option that police officers may use to keep youths suspected of committing crimes from becoming involved in the formal justice system.

**Disposition/Sentence** – A youth court sentence ordered upon finding a young person guilty of an offence. Sentences include secure custody, open custody, probation, fine, conditional discharge, absolute discharge, restitution, community service and others.

**Diversion** – A term that covers approaches used to keep both youths and adults from further involvement in the formal justice system. It includes discretion and alternative measures.

**Homicide** – Include first and second degree murder, manslaughter and infanticide.

**Immigrant** – Refers to people who are, or have been, landed immigrants in Canada. A landed immigrant is a person who has been granted the right to live in Canada permanently by immigration authorities. Some immigrants are recent arrivals, while others have resided in Canada for a number of years.

**Juvenile Delinquents Act (JDA)** – This law, enacted in 1908, governed the way young people were dealt with by the justice system prior to the implementation of the YOA.

**Major Assault** – This includes more serious forms of assault under the *Criminal Code*, i.e. assault with a weapon or causing bodily harm (level 2) and aggravated assault (level 3).

**Median** – This is the middle value when all values are ordered from lowest to highest.

**Most Serious Offence** – When classifying a case by type of offence, cases that involve more than one offence are counted against the most serious offence. Violent charges are given the first priority in the selection process, followed by drug and narcotic offences, property offences, other *Criminal Code* offences, offences under the YOA and other federal statutes. Offences are prioritized within these categories.

**Most Serious Sentence/Disposition** – This is the most serious sentence given to a young offender. Dispositions are ordered from most to least serious as follows: secure custody, open custody, probation, conditional discharge, fine, compensation, pay purchaser, compensation in kind, community service order, restitution, prohibition, seizure or forfeiture, other disposition, absolute discharge. The seriousness is based on the effect the disposition has on the youth.

**Other Criminal Code** – Incidents involving *Criminal Code* offences that are not classified as violent or property (excluding traffic offences). These offences include, failure to appear, escape custody, disturbing the peace, prostitution and offensive weapons.

**Open Custody** – A disposition wherein the young person is committed to a community residential centre, group home, child care institution, forest or

wilderness camp, or any other like facility designated as such by the Lieutenant Governor in Council or his delegate pursuant to s.20(1)(k) and s.24.1(1) of the *Young Offenders Act*.

**Other Federal Statute** – Include violations under federal statutes other than the *Criminal Code*, for example, the *Controlled Drugs and Substances Act*, the *Narcotic Control Act*, the *Food and Drugs Act*, the *Young Offenders Act*, and the *Immigration Act*.

**Pay Purchaser** – A disposition wherein the young person is ordered to pay an innocent purchaser of stolen property the amount paid for the property pursuant to s.20(1)(e) of the *Young Offenders Act*.

**Probation** – A common type of community-based disposition where the offender is placed under the supervision of a probation officer or other designated person. The youth must follow conditions set out in the probation order. Their behaviour is monitored and they receive help to prevent re-offending.

**Promise to Appear** – A person who has been accused of a minor crime may be issued a promise to appear notice by police. By accepting this notice, the person agrees to appear in court for a hearing on a specific date.

**Property offences** – Incidents that involve unlawful acts with the intent of gaining property but do not involve the use or threat of violence against an individual. These include theft, break and enter, fraud and possession of stolen goods.

**Rate** – A statistic expressed in terms of the population size, for example, the youth crime rate may be expressed as 495 youths charged per 10,000 youth population. This is done so that valid comparisons of crime can be made over time or among jurisdictions (provinces and territories). Consider that the number of youths charged with a crime in Quebec won't be the same as the number for Prince Edward Island, but a comparison of rates eliminates any difference due solely to differences in the population.

**Recidivism** – Is the process of repeat offending.

**Recidivist** – Is a repeat offender, i.e. a young person who has been previously found guilty of a federal statute offence.

**Remand** – To hold a person temporarily in custody pending a court hearing (judicial interim release hearing), or to ensure that the accused appears in court, or to protect the public.

**Restitution** – The act of paying the crime victim for any loss, damage or injury through monetary payment or through the performance of specified services for the victim.

**Secure Custody** – A disposition where the young person is committed to a facility specially designated for the secure detention of young persons pursuant to s.20(1)(k), s.20(1)(k.1), s.241(1) or s.24.5(1) of the *Young Offenders Act*.

**Stayed Proceedings** - A halt by the Crown in the judicial proceedings where the court will not take further action until the occurrence of some event. A stay can be temporary or permanent but has a one year time limit. The effect is to suspend the proceedings rather than to terminate them altogether.

**Suspended Sentence** – Where an accused pleads guilty or is found guilty of an offence, other than one which carries a minimum sentence or is punishable by 14 years or life imprisonment, a sentencing court may suspend the passing of sentence and direct that the offender be released upon the conditions prescribed in a probation order. This sentencing option allows the court to later impose any sentence that could have been imposed if the passing of sentence had not been suspended, a decision which may be taken if the offender violates his/her probation order.

**Transfer to adult court** – When a youth court case is moved to ordinary court for the trial proceedings. The accused youth is then treated in a similar manner to an adult accused.

**Unemployment Rate** – An estimate of the percentage of the labour force not employed who are seeking work. The measure does not include those who report that they would like to work but who have stopped searching because they believe that no work is available.

**Violent offences** – Incidents that involve unlawful acts in which the perpetrator uses or threatens to use violence against a person. These include homicide, attempted murder, sexual and non-sexual assault, robbery and abduction.

**Visible Minorities** – Persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour. The visible minority population includes the following groups: Chinese, South Asian, Black, Arab/ West Asian, Filipino, Southeast Asian, Latin American, Japanese, Korean and Pacific Islander.

**Wilderness Camp** – A type of custody program for young offenders sentenced to open custody. The offenders participate in an organized outdoor program that focuses on co-operative learning, physical challenge, and survival tactics. The primary goal is the development of self-confidence and socially acceptable coping mechanisms for the participants.

**Youth Court** – A court established or designated to hear cases under the federal *Young Offenders Act*.

**Youth/Young Person** – With the proclamation of the *Young Offenders Act* in 1984, the minimum age of young persons in all jurisdictions for the purposes of criminal responsibility was established at 12. In 1985, the maximum age was set at 17. Under the *YOA*, a young person is, therefore, defined as someone 12 years of age or older but under the age of 18 at the time of the offence.

Prior to April 1985, the upper age limits defining a juvenile varied across the country. The maximum age was 17 in Quebec and Manitoba, 16 in British Columbia and Newfoundland and 15 in all other jurisdictions.





## Data Sources

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Unless otherwise noted, the data used in this report come from Statistics Canada Surveys. Those surveys that produce justice-related data are operated by the Canadian Centre for Justice Statistics at Statistics Canada. The main data sources are described below.

### **Adult Criminal Court Survey (ACCS)**

The ACCS collects detailed information on appearances, charges, and cases heard in adult criminal courts in Canada. In 1996-97, adult provincial/territorial courts in seven provinces and one territory contributed data to the survey. This represented approximately 80% of the national adult criminal court caseload.

The primary unit of analysis for the survey is the case, which is defined as one or more charges laid against and individual and disposed of in court on the same day. Individuals include persons 18 years or older and youths who have been transferred to adult court.

### **Corrections Key Indicator Report for Adults and Young Offenders, 1996-97**

The Key Indicator Report provides statistical information on both the adult and youth corrections systems in Canada. The report's primary focus is on average counts of offenders imprisoned or serving a sentence in the community.

### **Homicide Survey**

This survey provides police-reported information on the characteristics of homicide victims, homicide incidents, and those accused of homicide. The survey has collected detailed information on all homicides in Canada since 1961. It was revised in 1991 in order to improve and expand upon the information being collected.

### **Revised Uniform Crime Reporting Survey (UCR II)**

In 1984, the UCR survey (see below) was redeveloped to expand the information collected. This new survey, called the Revised Uniform Crime Reporting Survey (UCR II), is an incident-based survey that provides detailed information on criminal incidents reported to the police. Information includes the age and sex of the accused and the victim, the relationship of the victim to the accused, the location of the incident, and the presence of a weapon. The 1997 data were collected from 179 police departments in six provinces (New Brunswick, Quebec, Ontario, Alberta, Saskatchewan

and British Columbia) and represented about 48% of the national volume of crime. The data are primarily from urban police departments and are not nationally representative.

An accused person refers to any person who has been identified by police as having been involved in a criminal incident and against whom an information could be laid. Accused persons include those charged as well as those not charged. Persons are not charged for a number of reasons, including diplomatic immunity, use of alternative measures or diversion, and death.

A victim refers to anyone who is the victim of a "violation against the person". These include all violent violations and traffic violations that cause bodily harm. Information on injuries suffered by the victim is collected. It is based on police observation at the scene of the crime and refers to the degree of physical injury sustained by the victim during a violent crime. Injuries are defined as major (requiring medical attention), minor (requiring no medical attention) or none. Information on possible psychological or emotional injury is not collected.

The UCR II collects information on the relationship of the accused to the victim. Possible relationships include family members, close friends, acquaintances and strangers. Family members include parents, children, spouses, ex-spouses, brothers, sisters, aunts, uncles, cousins and grandparents. Acquaintances are considered business or social relationships that may be short- or long-term such as neighbours, fellow workers or teachers.

The UCR II identifies the location of criminal incidents, for example, homes, commercial places/public institutions, public places and schools. Commercial places and public institutions include office buildings, grocery stores, restaurants, government buildings, and hospitals. Public places include parking lots, public transportation, streets and open areas. Schools are grade schools, colleges, universities, business schools and surrounding areas.

For violent incidents only, the UCR II identifies the most serious weapon present, regardless of whether or not it was used. For this profile weapons are defined as firearms, knives, blunt instruments and other (including fire, explosives, and poison). Physical force was not included as a weapon.

### **Uniform Crime Reporting Survey (UCR)**

The UCR is a summary or aggregate-based survey that records the number of criminal incidents reported to the police. The survey does not gather information on the victims, but does collect information on the number of persons charged by sex and by an adult/youth breakdown. For all violent crimes (except robbery), a separate incident is counted for each victim. For non-violent crimes, one incident is counted for each distinct occurrence. Incidents that involve more than one infraction are counted under the most serious violation. As a result, less serious offences are under-counted. The survey has been in operation since 1962 and has full national coverage.

The UCR Survey records the total number of adults and youths (aged 12 to 17) charged by sex. When a person is charged with more than one offence, they are counted only once, under the most serious offence.

### **Youth Court Survey (YCS)**

The Youth Court Survey collects information on federal statute cases heard in youth courts across Canada. Federal statutes include the *Criminal Code*, *Narcotic Control Act* and the *Young Offenders Act*. Information is collected on charges, cases and accused persons aged 12 to 17 (up to the 18<sup>th</sup> birthday) at the time of the offence.

Most analysis is based on the case, which is defined as one or more charges against the same person and presented in court on the same date. Cases are classified according to the most serious charge in the case, resulting in an undercounting of less serious offences. Violent charges are given the first priority in the selection process, followed by drug and narcotic offences, property offences, other *Criminal Code* offences, offences under the *YOA* and other federal statutes. Offences are prioritized within these categories. If two or more charges have the same priority, the charge resulting in the most serious decision is selected.

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