

Sociology 3395: Criminal Justice & Corrections
Overheads Class 26: Age and Crime

Today we begin our look at youth crime. Emphasizing the development of legal frameworks, we will review:

- (1) The old Juvenile Delinquents Act
- (2) Youth court procedure under the Young Offender's Act
- (3) The new Youth Criminal Justice Act

(1) Juvenile Delinquents Act & Emergence of the Young Offenders Act:

- * Early 20th century lobbying for separate treatment for youth offenders
- * Separate youth system emerged based on *Parens Patriae*
- * Ontario first provincial law in 1898 / Federal JDA passed in 1908
- * JDA introduced separate court: no criminal responsibility under 7
Provinces set upper limit between 14-17
Issue: whether child needed treatment
Private hearings
Considerable discretion in process (e.g. evidence, sentencing)
- * In 1924 JDA revised to include more offences (e.g. new status offence)
- * Otherwise JDA operated between 1908-late 1960's with little change
- * Criticisms in late 1960's: not enough crime control
Insufficient due process protections
- * Study/ reports /proposed legislation between 1967-1977

- * Four major issues:
 - (1) Rising rate of delinquency (JDA said ineffective)
 - (2) Too much discretionary power in court
 - (3) Net widening
 - (4) High cost of juvenile court/ “radical non-intervention” could save \$

- * Young Offenders Act passed in 1984: Emphasized due process protections (Not rehabilitation)

- * Guiding principles:

- (1) Accepting responsibility
- (2) protecting society
- (3) Providing legal rights/ protections
- (4) Recognizing special needs of youth

- * 1984-1997: Debate, lobbying & amendments strengthening deterrence aspects:

- (1) Increasing sentences for murder
- (2) Introducing victim impact statements
- (3) Allowing conditional supervision
- (4) Enabling police access to records
- (5) Publication of names permitted with court order

- * Additional criticisms of YOA since:

- (1) Insufficient emphasis on prevention
- (2) Inadequate measures for violent offenders
- (3) Overemphasis on custodial sentences

(2) Youth Court Procedure under the Young Offender’s Act

- * Young Offender’s Act (YOA) laid out rights for youth until April 2003

- * Provinces administer / constitute youth court

* If an offence by a “young person” occurs and comes police attention, there are 3 Options:

- (a) Charge
- (b) Diversion
- (c) Alternative measures
- (d) Formal Process (if above alternatives fail)
- (e) Detention/ release determined
- (f) Youth court vs. “raise” hearing to adult court
- (g) Trial
- (h) Sentence
- (i) Adult sentences (same, except life = parole eligibility at 10 years)
- (j) Youth sentences (secure vs. open custody; non-custodial sentences)
- (k) Expiry of sentence

(3) The new Youth Criminal Justice Act:

* 1998: Federal Youth Justice Strategy to address above problems with YOA

* YCJA passed in 2001: in effect April 2003:

Goals: Reduce over-reliance on incarceration for non-violent youth
Emphasize rehabilitation / reintegration
Address repeat/ violent offenders

Integrated approach re: 3 complementary areas:

- (1) Prevention
- (2) Meaningful consequences
- (3) Intensified rehabilitation

* Reworking of procedures in youth justice system to encourage greater use of alternatives compared to YOA

* Key changes:

- Clarified statement of principles re: protection of society
- Emphasis on prevention, meaningful consequences & rehabilitation
- Youth treated differently than adults
- Violent youth treated differently than non-violent youth
- Custodial sentences only for violent/ repeat offenders
- All custodial sentences followed by period of supervision
- Age limit for automatic referral to adult court lowered to 14 from 16
In serious “presumptive” offences
- Names may be published if adult sentence, youth dangerous/at large,
or youth sentence imposed for serious “presumptive” offence
- Victim involvement encouraged in sentencing
- Broader range of community based sentences for non-violent youth

* Canada’s legal framework governing youth crime will continue to evolve over time

Part II:

Gender, Age and Crime:

We will now begin looking at various aspects of youth crime, including:

- (1) Youth court statistics
- (2) Trends in youth crime
- (3) Correlates of delinquency (e.g. gender)

(1) Youth Court Statistics:

* Youth crime increased by 1% in 2001 (but down 31% from 1992-99)

* Breakdown: 40 % property crime (down 23% *since 1996-97*)
22 % violent crime (down 6%)

18% other criminal code offences (No change)
12% YOA offences (up 10%)
7% drug offences (up 30%)
1% other federal statute offences (down 54%)

* Most common offences represent bulk of caseload (theft under \$5000, failure to comply/appear, minor assault, B+E, drugs, mischief, aggravated assault, possession of stolen goods and robbery)

* Common beliefs re: youth crime: -increasing dramatically
-more serious
-getting younger
-lenient sentencing
-number charged increasing

* Not necessarily true: - decrease in charges laid/ serious violent crimes
- perceptions a result of media reporting

* Age a factor in type of youth crime: property crime younger
violent crime older

* Court appearances more likely to involve older youth

* Increasing sanctions used to deal with convicted young offenders (e.g. more custodial sentences/ fewer fines, discharges, etc.)

* Controversy over increasing violence by female youth

* Youth court caseloads have declined since 1992 (10% since 1996-97)

* In 2001: 60% of cases ended in conviction (Note: provincial variations)
36% charges stayed/withdrawn
4% acquittals

* Sentences: 48% probation

17% secure custody
17% open custody
7% community service
6% fines
2% absolute discharge
3% other

- * Probation slightly more common for females/ custody for males
- * Custodial sentences: median length 1 month (much longer for violent crimes). The use of shorter custodial terms has increased since 1992-93)
- * Repeat offenders represent 45% of youth court cases (more often property crimes than first time offenders, who are diverted). More often receive custodial sentence
- * YOA alternative measures (e.g. service to victim, compensation, community service, apologies or educational sessions):
 - 20% diverted from youth court
 - most often first time offenders/property offences
 - discontinued under YCJA in favor of “Extrajudicial measures”

(2) Trends in Youth Crime:

- * Did the Young Offenders Act result in an increase in youth crime?
- * Earlier research compared prior rates and concluded youth apprehensions similar, but more young persons charged now (but could be result of new inclusion of 16-17 year olds in many provinces).
- * Carrington (1999) conducted an “interrupted time series experiment” comparing UCR data on young persons apprehended and charged between 1977-1996.

* Youth apprehensions:

- Rose by 7% from 1980-83 to 1986-96
- No jump after 1984-85, and no increase in period immediately prior
- Spike in early 1990's half a decade later/ mirrored in other countries
- No clear correlation between YOA and increased apprehensions

* Provincially:

- Atlantic Canada: increasing pre-existing trend
- Quebec: lower figures after YOA
- Ontario: lower figures after YOA
- Manitoba, Alberta and B.C: only 1986 “hump” in B.C.
- Saskatchewan: large 55% jump in 1986.
- Territories: no jump after 1985.

* Ultimately, no clear link in youth apprehensions to YOA.

* Youths charged by police:

- Sudden jump in charges across the board in 1986
- Average charge rate 1986-96 is 27% higher than 1980-83
- Appears to be due to introduction of YOA

* Provincially:

- Quebec (fewer charged - unique legislation)
- 10-30% increases (B.C., Manitoba, Newfoundland and Territories)
- 70-110% increases (other provinces except Sask.)
- charge rate tripled in Saskatchewan

* In the end:

- No basis for public concern over YOA failure to control youth crime
- There should be more concern about “net widening”

- While YOA encourages “least possible interference” in young person’s lives, does not do so in practice

(3) Correlates of Delinquency: A look at Gender Differences:

* Early theoretical approaches:

- Female delinquency: a focus on personal/family problems
- Female delinquency: relatively rare/ less serious offences
- Male delinquency: a focus on peers, social class, lack of educational/ occupational resources
- Male delinquency: more common/ more serious offences
- Risk factors for males not evaluated for females

* More recent research:

- Sex ratio is no more than 3:1
- Female youth involved in broad range of offences (but less aggression)
- Broader focus on personal, interpersonal and structural factors
- Increasing interest in female delinquency
- Including both genders in research samples

* Present study (Simourd & Andrews (1994):

- “Meta analysis” of 60 delinquency studies from 1960's to 1990's
- Questions:
 - (1) What are the important risk factors for each gender?
 - (2) Are specific risk factors more important for a particular gender?
- male and female youth examined on same risk factors
- 464 correlations between delinquency and risk factors
- grouped into 8 general risk factors

- * Findings: Most important risk factors for female youths:
 - Antisocial peers or attitudes
 - Temperament or misconduct problems
 - Educational difficulties
 - Poor parent-child relations
 - Minor personality variables

- * Personal distress, family structure and social class not strongly related to delinquency

- * No statistical differences across gender: same risk factors important for male youth

- * Introducing control variables did not affect overall ranking of risk factors

- * What about other factors not captured above?
 - Researchers grouped 96 other correlations into 10 additional factors
 - Two further categories of risk emerged:
 - (1) Lack of attachment to convention
 - (2) Sexual behavior
 - Sex role orientation found unrelated to delinquency
 - Data inconclusive on:
 - Victimization
 - Illegitimate opportunity
 - Lack of hobbies/ involvement
 - Accommodation problems
 - Self-concept issues

- * In the end:

- These findings challenge the value of early delinquency theories
- Support current social-psychological approaches
- Further research needs to be done on inconclusive factors
- While suggestive, further research needs to be done to see whether gender specific or gender neutral theories of delinquency needed