



# YOUTH CRIME AND JUSTICE IN ALBERTA

Rhetoric and  
Reality



A study prepared for  
the Parkland Institute by  
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University of Alberta  
11045 Saskatchewan Drive  
Edmonton, Alberta T6G 2E1  
Phone: (780) 492-8558 Fax: (780) 492-8738  
Web site: [www.ualberta.ca/parkland](http://www.ualberta.ca/parkland)  
E-mail: [parkland@ualberta.ca](mailto:parkland@ualberta.ca)

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## About the author

Timothy F. Hartnagel is a Professor of Sociology at the University of Alberta where he has worked since 1971, specializing in criminology. He is a former Associate Chair of the Department and Director of the B.A. (Criminology) program. Professor Hartnagel has twice been appointed as a Visiting Fellow at the Institute of Criminology at Cambridge University; and he will be a Visiting Scholar at the Center for the Study of Law and Society at the University of California, Berkeley from January to May, 2003. He has published widely in a variety of criminology and sociology journals, contributed chapters to several books, and is the author or co-author of three books, including *Canadian Crime Control Policy: Selected Readings*. His current research includes a study of gambling and crime, an evaluation of a crime prevention program for high risk youth, and the study of public attitudes toward crime and criminal justice policy.

# Executive Summary

**T**his paper reviews some of the recent political rhetoric and public opinion on the controversial subject of youth crime and how to deal with it, including the Young Offender's Act of 1984 and the new Youth Criminal Justice Act. The paper also examines how accurately this political rhetoric and public opinion matches the available evidence regarding trends in youth crime and the workings of the youth justice system. It also discusses some of the characteristics of young offenders and the effects of the youth justice system. Finally, the paper provides some information concerning how we can better respond to the problem of youth crime.

As an example of how political rhetoric can cloud rather than clarify the real issues regarding youth crime and justice, the comments of various government leaders and politicians responding to the 1994 murder of Barb Danelesko in her Edmonton home are reviewed, along with the recommendations of various Alberta Government task forces and committees. With that as background, various public opinion polls on youth crime and justice topics are described and analyzed, demonstrating that the public knows little about crime and criminal justice generally, greatly overestimating the amount of violent crime and underestimating the severity of sentences actually given and the time actually served in custody. But there is also evidence that the public's opinions on the youth justice system are more complex than appears on the surface and are not as punitive as some of the simple survey questions suggest.

Recent controversy over youth crime and justice is nothing new. For example, the Young Offender's Act of 1984 took seventeen years to be enacted and continued to be the target of frequent criticism in succeeding years, much of which reflected fundamental differences in the explanations of crime that people attribute to young offenders. These differing views about the causes of crime and the appropriate ways of responding to it represent specific expres-

sions of more fundamental and conflicting ideological assumptions regarding views of human nature, the degree of individual responsibility for behaviour, and the fundamental values of society. The debates surrounding the new Youth Criminal Justice Act continue to reflect these ideological conflicts.

Compared to public perceptions and fears, and much political rhetoric, the official crime data show that in the 1990s the number of youth charged by the police dropped 35%, although this was followed by a slight 1% increase in each of 2000 and 2001. Only a minority of youth are charged with violent crimes, much of which is relatively minor common assault directed at other youth. There has also been a downward trend in youth court caseloads, in part due to the increased use of police diversion and alternative measures for youth committing less serious crimes. Although the public seems to think that youth courts have become more lenient, the distribution of the most serious dispositions imposed by youth courts upon conviction has remained quite stable since 1992/93; and Canada places a higher proportion of young offenders in custody than does the United States, although the incarceration rate has declined in most jurisdictions in Canada in the last five years. Generally, then, there is a substantial gap between much of the rhetoric and the reality of youth crime and justice.

Longitudinal research has demonstrated that a small percentage of offenders commit a disproportionate amount of serious and repetitive criminal acts and has identified the risk factors associated with these offenders. These factors can be used to identify categories of children who have an elevated risk of becoming chronic and serious offenders as they age and to suggest the types of early and targeted prevention efforts of value in reducing such risk. Such efforts at the early prevention of crime are to be preferred to attempts to punish and/or rehabilitate older, identified offenders since research has shown

that putting people into the youth justice system often does not stop future offending and can result in unintended negative consequences for many youth. Substantial cost savings may also be realized if sufficient numbers of chronic, serious offenders can be prevented early on from taking this life course. Examples of such early, targeted social prevention programs include home visits to infants by trained nurses to reduce child abuse and other injuries; certain types of preschool programs; family therapy and parent training about delinquent and at-risk pre-adolescents; and social competency skills curriculums in schools. The paper describes several such model programs that have proven effective in reducing adolescent violent crime, aggression, delinquency, and/or substance abuse. Since not all crime can be prevented, the paper also describes several programs for responding to youth crime for which there is some evidence of effectiveness, such as Family Group Conferences and Youth Justice Committees.

Youth crime and justice in Canada is certainly an important issue that requires serious attention, but it is hardly the crisis that some would have us believe. Much depends upon how the new Youth Criminal Justice Act is actually implemented. Even the best-validated programs will not succeed if not adequately funded and faithfully implemented by competent staff. Stable, long-term funding of well-established and validated model programs is required. So is a change in the focus of a number of politicians and the media from the exceptional crimes and punitive responses which exaggerate the threat to the public, distort public knowledge of and opinions about youth crime and justice, and limit the feasible options for public policy. A failure to alter the usual political rhetoric surrounding youth crime and justice obscures the reality in this area and will contribute to an on-going cycle of controversy that does little to advance efforts at effective crime prevention.

# Introduction

A front-page, headline article in the June 11th, 2002 Edmonton Journal reported that Sonny Head, convicted of second-degree murder and sentenced to life imprisonment without parole eligibility for at least seven years in the 1994 killing of Barb Danelesko in Edmonton's Mill Woods neighborhood, had been granted day parole. Barb Danelesko was fatally stabbed on April 16th, 1994 when three youths broke into her home in a suburb of Edmonton, thinking no one was at home. Hearing a noise in the early hours of the morning, Ms. Danelesko awoke and went to check on her children. She surprised the intruders, whereupon she was fatally stabbed. Her husband awoke to his wife's cries, watched her stumble into the bedroom holding her chest, and then chased the intruders out of the home before unsuccessfully attempting to revive his wife (Kent, 1997). Sonny Head and David Larocque were tried and convicted in adult court after pleading guilty part way through the trial. Larocque was convicted of manslaughter and sentenced to four years without parole eligibility for two years; he has now completed his sentence. The third youth was convicted under the Young Offenders Act and sentenced to three years, the maximum for manslaughter in youth court, for his part in the murder. He spent half of his sentence in closed custody, was granted open custody in September 1996 (Powell, 1997) and was released at the completion of his sentence.

The article about Sonny Head's parole and the reprise of the story of the Danelesko murder recalls the debates that have erupted at various times in Alberta on the controversial subject of youth crime and how to deal with it. The purpose of the current paper is to review some of the recent political rhetoric and public opinion on this topic, along with the controversy surrounding the Young Offender's Act (YOA) of 1984 and the response of the federal government in the new Youth Criminal Justice Act (YCJA). The paper will also examine how accurately this political rhetoric and public opinion matches the available evidence regarding trends in youth crime and the workings of the youth justice system. It will discuss some of the characteristics of young offenders and the effects of the youth justice system. Finally, the paper will provide some information concerning how we can better respond to the problem of youth crime.

# THE RHETORIC

## Politics of Youth Crime and Justice

**D**anelesko's murder sparked widespread outrage by the public and some politicians, as well as calls to change the YOA (Engman, 1994). Rallies were held and petitions were signed demanding tougher laws for youth crime. The Alberta Legislature held an emergency debate on a motion by then Labor Minister Stockwell Day calling on the Federal Government to strengthen the YOA so judges could impose lengthier sentences and transfer youth to adult court more easily. Conservative MLAs called for everything from hanging twelve-year-olds, to boot camps, reinstating the strap, and scrapping the Charter of Rights. Mr. Day told the Legislature that "People want.....to take the law into their own hands.....People (are) saying that they were going to tell their families to get handguns and put them in their house because the government refuses to do anything about people bursting into people's homes and in many cases killing them, let alone robbing them or beating them" (Coulter, 1994). Alberta Premier Ralph Klein called for the death penalty for young offenders convicted of murder in adult court, while Day also voiced support for the death penalty for teenagers convicted of first degree murder. Calgary MLA Jon Havelock stated that parents of young offenders should face prison sentences or fines as punishment for their failings (Schuler and Coulter, 1994). While several Opposition Liberals expressed shock at the comments of some Conservative members and called for greater efforts at crime prevention and rehabilitation, only one refused to support Day's motion; forty-one Conservatives voted in favor (Coulter, 1994).

In an effort to pressure the Federal Government into changing the YOA, in the days following the Danelesko murder the Alberta Government struck a task force of five MLAs to gather Albertans' opinions on youth crime. "The outcry is overwhelming from people concerned with youth crime and the punishment it receives, or, more to the point, the punishment it appears not to receive," Premier Klein told those attending the premier's dinner in making the announcement. But Liberal justice critic Gary Dickson called the decision "foolish" and "irresponsible" because the YOA falls under federal jurisdiction (Johnson, 1994). The Task Force held consultations in June and July of 1994 in 16 communities and invited written submissions. "The Task Force was directed to develop a report outlining proposed changes to the Act which reflected the views of Albertans" and which would form the basis of Alberta's recommendations to the federal government regarding amendments to the Act (The Young Offenders Act Task Force, 1994). The Report of this Task Force indicated that the ban on the publication of young offender identities and the minimum age in the YOA were the two most frequently raised issues in the individual and group submissions. Submissions from individuals focused on the victim: victim rights, compensation and restitution; while the group or "stakeholder" submissions focused upon the root cause of crime: prevention, intervention and rehabilitation of young offenders. The Report then went on to assert that there was support for changes to the YOA which would provide a more effective response to violent and repeat young offenders including, for example, transfer to adult court, minimum sentences to ensure consistent tough responses, and increased use of meaningful restitution and community work service. Increased flexibility in publication of young offender identities and access to their records, measures to increase parental accountability, mandatory treatment, and a mechanism for



dealing with offenders under the age of 12 were also noted as themes relating to all young offenders. A large number of recommendations to amend the YOA reflecting these themes were presented as the consensus of the Task Force members. However, few if any of these recommendations concerned prevention and the rehabilitation of young offenders. A telling note appears on pg 5 of the Report: "The Task Force was careful to avoid an overly optimistic assessment of the ability of the Young Offenders Act to resolve complex social issues. These factors were weighed carefully to accurately reflect the input received during the consultation process while at the same time arriving at meaningful recommendations (The Young Offenders Act Task Force, 1994:5).

On Parliament Hill, Reform MPs called for tougher action on youth crime, painting the Liberal government as soft on crime (Ha, 1994). The focus on youth crime and comments by politicians from various parties concerning the alleged leniency of the YOA and the need to amend it were also given prominent play in the Alberta media in the run-up to the 1993 federal election. For example, then Federal Solicitor General Doug Lewis was quoted as stating, "I'm told by police officials as I move around the country that they have trouble with repeat offenders who are laughing at the act and giving it a bad name" (Edmonton Journal, 1992). Lewis went on to suggest that repeat offenders should automatically be tried in adult court. The then Alberta Justice Minister, Dick Fowler, agreed with this conclusion, claiming that the youth courts are severely restricted in the punishments they can meet out (Edmonton Journal, 1993).

Youth and the justice system was also a topic considered as part of the public consultation held by the Alberta Government in preparation for the Summit on Justice held in January 1999. An Angus Reid poll conducted in 1997 for Alberta Justice on public confidence in the justice system

reported that compared to the national average (26%), only 13% of Albertans had confidence in the YOA (Alberta Justice, 1998). From May through September 1998, an all party MLA committee held consultations across the province on all aspects of the justice system and heard from individuals as well as representatives of interest groups and organizations. The Committee observed in their report (All-Party MLA Public Consultation Committee, 1998) that the topic most often addressed by individuals was that of youth and the justice system, with young offender accountability and responsibility the two most frequently repeated issues. The Committee noted a difference of opinion among the public, however, as to how youth should best be handled by the justice system: some believed that tougher measures are required while a significant number believed that punitive measures alone don't serve the best interests of the community or the individual offender, calling for proactive, coordinated, restorative justice programs. While the MLA Committee members supported restorative justice approaches, they also called for amendments to the YOA consistent with the recommendations contained in the 1994 Alberta Task Force Report on the Administration of the YOA, namely that: there be easier transfer to adult court for serious and chronic offenders; presume adult court for youths 16 and older who commit serious violent offences not currently addressed in the YOA, and for those with a pattern of violence; allow upon conviction the publication of the identity of chronic repeat offenders and those young offenders convicted of an offence involving serious violence.

The Justice Summit resulted in 519 recommendations in total, some of which dealt with Youth and the Justice System. As would be expected given the format, some of these recommendations are contradictory; but many focused on the need for crime prevention, rehabilitation of young offenders, alternatives to custody and

restorative justice initiatives while also emphasizing the accountability and responsibility of young offenders. The Summit Final Report ([www.gov.ab.ca/justicesummit](http://www.gov.ab.ca/justicesummit)) condensed all of the recommendations into 8 themes and 25 core recommendations, 4 of which touched directly on the subject of young offenders. They called for: more strategies and resources for community-based early childhood intervention, education and prevention programs; strengthening measures to prevent crime through early intervention and social development; more support for various forms of community corrections for youth; and that justice for young offenders focus upon responsibility and accountability using diversion and restorative justice where appropriate and that violent and repeat offenders receive sentences to match the seriousness of their offences. The response of the Alberta Government in May of 1999 to this Final Report spelled out immediate, short and longer term actions. With respect to young offenders these included such actions as: considering the expansion of Youth Justice Committees; an increased use of practical and community work experience; liaising with the Federal Government to develop and implement proposals passed under the new federal youth justice strategy; supporting the Alberta Children's Initiative; cooperating with other government agencies, the Federal Government and community groups in crime prevention efforts; and continuing to focus resources on serious and violent youth crime and to use alternative measures where appropriate. Interestingly, there was no mention of the YOA, perhaps because the Federal Government had already announced its intention to introduce new legislation.

The Annual Report of Alberta Justice for 2000/01 contains a section on youth justice initiatives ([www.gov.ab.ca/just/pub/annrep/2001/results10.htm](http://www.gov.ab.ca/just/pub/annrep/2001/results10.htm)). These include an allocation of \$1 million for 2000/01 in response to the recommendations of the Alberta Children's Forum and the Premier's Task Force on Children at Risk to enhance mental health services for young offenders. Mental health units have been created in the Calgary and Edmonton Young Offender Centres with enhanced staffing to allow more intensive contact with mentally ill offenders. Financial support was also provided to the Safe and Caring Schools Initiative. Also, the Edmonton Youth Attendance Centre offers an intensive support and supervision program for young offenders judged less likely to successfully complete their probation or conditional sentence. A similar pilot program for Aboriginal young offenders was also implemented.

### **Public opinion about youth crime and justice**

Such highly publicized cases as the Danelesko murder, even though atypical, quite likely contribute to an increased concern among Canadians and Albertans about violent crime committed by young people. Various public opinion polls and research studies report that Canadians believe that youth crime has increased over time and the YOA is therefore ineffective (Environics, 1998; Hartnagel and Baron, 1995; Peterson-Badali, 1996). For example, in one survey 89% of respondents believed that youth crime is increasing and 82% felt that crimes committed by youths should be a high priority for the justice system (Environics, 1998). In fact, the development of the Youth Criminal Justice Act, which replaces the YOA, has been attributed to "public frustration with the

Young Offenders Act and a political determination to get tough with young offenders (Varma and Marinos, 2000). In one public opinion poll, only 26% of people interviewed were somewhat or very confident in the YOA, with confidence levels lowest in the Prairie provinces at 13% (Angus Reid Group, 1997). Polls in 1994 and 1998 found that increasing penalties for young offenders, particularly those convicted of violent crimes, was the number one criminal justice priority for Canadians (Roberts, 2000), while an Angus Reid poll (1998) reported that dealing with youth crime was seen by Canadians as a more important priority than health care, education, or balancing the budget!

A 1993 survey in Winnipeg showed that a large majority of the adult respondents agreed that young offenders who commit a second offence should be tried in adult courts (67%); and that youth courts have become too lenient (78%) (Baron and Hartnagel, 1996). A similar survey in Alberta revealed even more punitive views, with 80% agreeing that a second offence should be tried in adult court (Hartnagel and Baron, 1995). However, these punitive attitudes did not appear to be based upon experiences of actual victimization or fear of crime (Baron and Hartnagel, 1996). Survey data from 1997 in Ontario indicated that 64% of the respondents were opposed to a separate youth justice system and more than four-fifths thought that youth court sentences were too lenient (Sprott, 1998). Opposition to a separate youth justice system was related to other punitive attitudes (that youth court sentences were too lenient and that youth should receive the same sentences as adults). Those who opposed a separate system also estimated recidivism rates for youth to be higher than they were in reality, were more likely to think that crime in their province had increased, that crime in their neighborhoods had increased, and were more fearful about walking alone after dark than those who favored a separate justice system for youth.

A survey in Toronto similarly reported that most people believe that youth court dispositions are too lenient; but most of these respondents were thinking of a minority of cases, namely those involving serious, violent, repeat offenders (Sprott, 1996). Respondents also had very little accurate knowledge of the operation of youth courts, underestimating the severity of the dispositions available and believing that the courts were much more constrained than they are in their ability to transfer cases to adult court. In fact, a national survey found that almost half the sample admitted that they were not familiar with the YOA (Decima Research, 1993).

Research concerning the public's opinions and preferences regarding criminal justice penalties and policies has demonstrated that the public knows little about crime and criminal justice generally, greatly overestimating the amount of violent crime and underestimating the severity of sentences actually given and the duration of time actually served in custody (Canadian Sentencing Commission, 1987). When responding to information, members of the public are prone to a number of cognitive errors that can give rise to or maintain incorrect beliefs regarding crime and criminal justice (Roberts, 1992). Four of these are particularly relevant. First is over-generalization: people are overly influenced by information about a single case. Hearing of one particularly lenient sentence gives rise to the perception that most sentences are too lenient. Second, availability: estimates of the frequency or likelihood of an event are determined by the ease with which instances or examples come to mind. The public is likely to overestimate the frequency of murder or violent crime because they are easier to recall, particularly given the disproportionate attention given them by the media. Third, attitudes held with a high degree of confidence are resistant to change; and people who are very confident of their opinions tend to be more susceptible to cognitive errors and respond less objectively to

relevant information. There is evidence that many of the opinions held by the public concerning criminal justice are held with a fair degree of confidence and therefore are not readily changed by objective data. Finally, there is biased cognitive processing of information. Many people have strong views about crime and criminal justice and the strength of these views hinders rational examination of relevant information. People tend to believe what they want to believe, namely information that is congruent with their pre-existing attitudes (Roberts, 1992).

## THE REALITY



et there are hints that the public's opinions on the youth justice system are more complex than appears on the surface. The more information given the public concerning the offender and the offense, the less punitive they become. For example, in one study 80% of those given only a brief description of a manslaughter case thought the sentence was too lenient. But of those who read a more comprehensive account, only 15% thought the sentence given by the court was too lenient. This finding is important since most sentencing stories in the news media—the primary source of information for the public—are brief and lack much detail, as well as being biased toward the more sensational and atypical crimes. In fact, research (Roberts and Doob, 1990) has demonstrated media influences on public attitudes toward sentencing. Subjects who were randomly assigned to read a news media account of a sentencing decision were much more likely to feel the sentence was too lenient than were those who read a summary of the actual court document on the case. The public also lacks information about different sentencing alternatives. When this information is provided, opinions change and support for incarceration declines significantly (Canadian Sentencing Commission, 1987). This body of research tells us that if members of the public were exposed to as much information as was available to the sentencing judge and the different sentencing options available, public satisfaction with sentencing decisions would increase.

In the Alberta survey most respondents did not think that sending young offenders to jail will stop them from committing crimes, while almost two-thirds indicated that rehabilitating a young offender was more important than making him pay for what he had done. When multiple variables such as age, education, victimization,

fear of crime and conservative values were included in an analysis of punitive attitudes toward young offenders, only the latter—particularly conservative social values—were related to greater punitiveness (Baron and Hartnagel, 1996).

When Ontario residents were asked what is the most effective way to control youth crime, about one-quarter of respondents indicated to make sentences harsher; but approximately one-quarter chose to increase social programs. A further 22% wanted to increase the use of punishments other than imprisonment and 19% chose to reduce unemployment. When asked, then, most people believe that harsher sentences for young offenders are not the best way to make us safer. Even among those who said sentences were too lenient, only 25% would prefer investing money in building more prisons for young offenders rather than sentencing more of them to alternatives to prison, while only 13% preferred spending it on more prisons rather than on programs to prevent crime. Ontarians' support for the use of prisons is soft and decreases when people are reminded that offenders are eventually released or that imprisonment is expensive (Doob, 2000). In another Ontario study, the desire to imprison young offenders in specific cases was not solely the result of a general desire for more punitive responses to youth crime, but was due, in part, to perceptions that alternatives to prison were ineffective (Spratt, 1998). So holding young offenders accountable through more effective community alternatives to custody would appear to satisfy a substantial number of Canadians.

The 1999 General Social Survey conducted by Statistics Canada examined public attitudes toward sentencing in Canada using hypothetical cases for which respondents were asked to choose prison or non-prison for their sentencing preference. For first-time young offenders convicted of either break and enter or minor assault, approximately 72% of respondents favoured the non-prison sentence. For repeat young offenders the

preference for a non-prison sentence drops substantially (to 49% for B&E and 47% for assault), but is still larger than the 44% of respondents preferring prison in these cases. These sentencing preferences were quite similar to the actual sentences imposed by youth court judges, although the public was slightly harsher for cases involving assault (Tufts, 2000). These results demonstrate that the public's attitudes toward punishment are not as punitive as suggested by simple survey questions regarding the harshness of sentences.

## MORE RHETORIC

### The Young Offender's Act

The YOA was under frequent criticism almost from its inception in 1984. Many have argued that the act is too soft on young offenders, with the sentences available too light, particularly for repeat or more serious offences. The minimum age of legal culpability—twelve—is thought to be too high; and the age of adulthood—eighteen—is seen as “molly coddling” young adult criminals (Maxim and Whitehead, 2000). This has fueled calls for easier and more frequent transfers of young offender to adult court. The ban on publicizing names of young offenders has also been criticized for placing the public at greater risk and making it more difficult for police to identify serious offenders, while others claim the YOA exhibits excessive concern for the rights of offenders at the expense of the rights of victims. A primary concern is that youth too easily learn how to manipulate the legal system rather than accept responsibility for their conduct (Maxim and Whitehead, 2000). However, the YOA was also criticized by others for a too-heavy reliance on custody as a response to youth crime and for insufficient attention to the

prevention of crime by young people (Dell, 1999). The formalization and “legalization” of the juvenile justice process has also been criticized for its focus upon establishing legal guilt through elaborate procedures rather than optimal outcomes (Hackler, 2002)

Controversy over society’s response to youth crime is nothing new. Demands for stricter punishment are not confined to recent years but occurred throughout the 19th and 20th centuries (Gillis, 1974). The original Juvenile Delinquents Act of 1908 certainly had its critics; and it took seventeen years and several drafts of the Young Offender’s Act before it was finally proclaimed in 1984, mainly due to disagreement over the conflicting philosophies of welfare, crime control, and due process (Bala, 1994). While the Act contained references to all three approaches, a number of commentators thought it emphasized justice and due process at the expense of the welfare and rehabilitation of young offenders, giving undue attention to public protection over their needs (Archambault, 1991). Yet subsequent amendments attempted to further tighten procedures and enhance crime control and public protection. For example, amendments to the YOA in 1992 increased the maximum sentence for murder from three to five years and specified that youth must be transferred to adult court if both the protection of the public and the rehabilitation of the offender cannot be met by sentences available under the YOA. Further amendments in 1995 specified that youth charged with particular violent offences were to be tried in adult court unless an application was granted to enable the case to be heard in youth court, with the burden of proof on the youth to demonstrate that the protection of the public and the best interests of the youth would both be achieved by a transfer to youth court. The maximum sentence in youth court for first degree murder was also increased to ten years and to seven years for second degree murder. But these amendments also emphasized

that rehabilitation for youth charged with minor offences is best achieved in the community.

However, considerable public criticism and political concern continued to be focused upon certain aspects of the YOA. Some politicians and newspaper editorials called for additional changes to the Act to hold youth more accountable and responsible for their behaviour and to protect the public from violent youthful offenders. The Federal-Provincial-Territorial Task Force on Youth Justice Report in 1996 reviewed the YOA and made a number of recommendations on age limits, serious offenders, alternatives to the courts, transfers to adult court and sentencing. This report was referred to the Commons’ Committee on Justice and Legal Affairs which recommended in April 1997 that the primary purpose of the YOA should be restated as the protection of society, with crime prevention and rehabilitation seen as “reinforcing strategies” for this crime control purpose. In addition, they recommended lowering the minimum age to ten for certain offences and requiring parental/guardian attendance in court, as well as increased federal funding for community crime prevention initiatives and more use of alternative measures such as police cautioning, family group conferencing and circle sentencing. Calls for reform of the YOA continued. At their August 1997 conference, the Premiers (with the exception of Quebec) encouraged the federal government to “move expeditiously to introduce meaningful amendments to the YOA.” They also agreed that the federal, provincial and territorial governments should cooperate to improve preventative and rehabilitative programs for young offenders. In December of 1997 the Ministers of Justice of Alberta, Manitoba, Prince Edward Island and Ontario tabled their proposed amendments to the YOA.

In response, the new Federal Youth Justice Strategy was announced in May of 1998 by the then Minister of Justice, Anne McLellan, with enhanced public protection the principle objec-



tive. The government's strategy focused upon three areas: promoting crime prevention and effective alternatives to the formal youth justice system; ensuring that youth crime is met with meaningful consequences; and emphasizing rehabilitation and reintegration (Department of Justice, nd). Minister McLellan stated the Federal Government's intention to replace the YOA with a new Youth Criminal Justice Act (YCJA) to restore public confidence in the youth justice system. This new act includes a Declaration of Principle which states that the youth justice system can contribute to the long-term protection of society through its objectives of preventing crime, rehabilitation and reintegration of young persons into society and by ensuring meaningful consequences for offences. The Declaration also recognizes that youth lack the maturity of adults and should be held accountable through interventions that are fair and in proportion to the seriousness of the offence. Within these limits of fair and proportionate accountability, interventions should reinforce respect for society's values, encourage repair of the harm done, be meaningful to the young person, respect gender/ethnic/cultural/linguistic differences and respond to the needs of Aboriginal youth. Main features of the YCJA include: increased use of extrajudicial measures of effective and timely responses for less serious offences; decreased use of pre-trial detention; authorization and encouragement for the convening of conferences to give advice concerning various judicial decisions; a statement of purpose concerning youth sentencing, namely that it should hold young offenders accountable through just sentences that ensure meaningful consequences for them and promote their rehabilitation and reintegration into society; custody is to be reserved primarily for violent and serious repeat offenders, with the custodial portion of the sentence being followed by a period of supervision and support in the community; alternatives to custody must be given first consideration and

specific criteria must be met before a custodial sentence can be imposed; the transfer to adult court process is eliminated, with the youth court first determining guilt which may then result in an adult sentence under specified circumstances; repeated serious violent offences are added to the list of offences where an adult sentence is presumed; the age at which such a presumption applies is lowered to 14, but with provinces given the option of raising this to 15 or 16; allowance for the publication of identifying information after a youth court finding of guilt and an adult sentence is imposed, as well as under some circumstances where a youth sentence is imposed for a presumptive offence; and specification of the role of victims at different stages, with a right of access to youth court records. After three drafts and over 150 amendments, the YCJA was passed by the House of Commons on May 29, 2001 and then by the Senate on December 18, 2001 with an amendment referring to alternative sentencing considerations, particularly with respect to the circumstances of Aboriginal youth. The bill with this amendment passed the House on February 4, 2002. Although the new legislation received Royal Assent on February 19, 2002, it does not come into effect until April 2003 so that the provinces and territories have time to develop policies and programs to support its implementation.

Not surprisingly, the proposed legislation drew a barrage of sharply contrasting criticism. Some thought new legislation was unnecessary since the YOA could be easily amended to accomplish the Government's intentions. Others saw in it an overemphasis on punitive responses to serious, violent offenders and a pandering to conservative, right-wing voters. Predictably, a few, particularly from the Canadian Alliance, considered it still too lenient on repeat and serious or violent offenders. The Conservative Government of Ontario, claiming that the proposed Youth Criminal Justice Act failed to protect the public and hold young

offenders accountable for violent acts, went so far as to draft its own proposal for amendments to Ottawa's draft legislation. Called the "No More Free Ride for Young Offender's Act," it proposed over 100 amendments to, among other things, require: that 16 and 17 year olds be automatically tried and sentenced as adults when charged with serious offences; mandatory jail time for weapons offences; and to permit public identification when a young offender is found guilty of a serious offence (Government of Ontario, 2001). The Government of Quebec has referred the Youth Criminal Justice Act to the Quebec Court of Appeal to rule on its constitutionality and adherence to international treaties. The Quebec Government claims the act infringes upon its powers over youth protection and administration of justice, and is too punitive for Quebec's more rehabilitative approach to youth crime.

Most of the criticisms directed toward the YOA and debate over the YCJA reflect fundamental differences of opinion concerning how society should deal with young offenders, which in turn may result from underlying differences in the explanations that people attribute to the criminal behaviour of young offenders. These differing views about the causes of crime and the appropriate ways of responding to it represent specific expressions of more fundamental and conflicting ideological assumptions regarding such issues as the view of human nature, the degree of individual responsibility for behaviour, and the fundamental values of society (Miller, 1973). These ideological assumptions are generally unexamined presumptions that have a strong emotional charge and are relatively resistant to change, exerting a powerful but largely unrecognized influence on criminal justice policy positions. Miller argues that a paramount societal value for some is social order—a society based on a pervasive and binding morality—and the paramount danger is disorder. For others the paramount value is justice—a society based on a

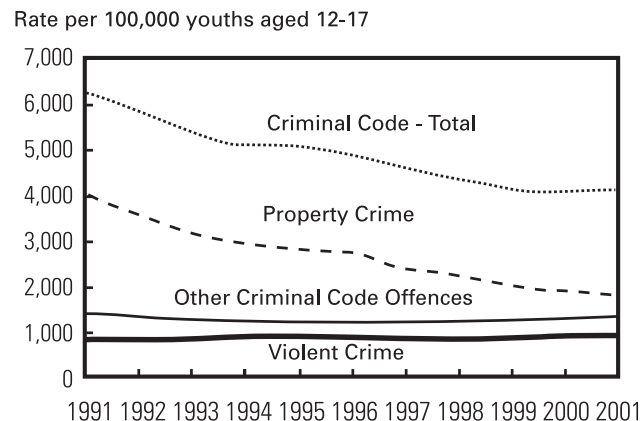
fair and equitable distribution of power, wealth, prestige and privilege—and the paramount evil is the concentration of these valued resources in the hands of a privileged minority. In criminal justice policy the two sides disagree over the relative priority of these two valued conditions: whether order with justice, or justice with order should be the guiding principle. Similarly, while some assume that individuals choose to act on the basis of rational calculation of benefits and costs and therefore are responsible for their own behaviour, others view human behaviour as constrained and influenced by various conditions external to the individual, with correspondingly diminished personal responsibility. These underlying beliefs about the causes of individual behaviour are linked to corresponding views regarding the appropriate responses to crime. The first group believe that offenders deserve punishment and they, along with potential offenders, will be deterred by it. In contrast, the second group emphasizes rehabilitation of offenders and prevention of crime in an attempt to change the conditions thought to cause criminal conduct. These contrasting ideological positions help shape public opinion and political discourse on crime and justice issues and contribute to the formulation of public policy responses to them.



# THE REALITY

## Trends in Yout Crime

Fig. 1 **Youths Charged by type of offence, Canada**  
1991-2001



*Revised data*

*Source: Uniform Crime Reporting Survey, CCJS*

*Statistics Canada, Juristat, 85-002-XPE, 22(6), 2002, Pg. 12*

Compared to public perceptions and fears, and much political rhetoric, the official crime data show that in the 1990s the number of youth charged by the police dropped 35% (Tremblay, 2000). The rate of youths aged 12 to 17 charged with criminal offences increased slightly (1%) in 2000, after eight years of decreases. This was followed by a further 1% increase in 2001, although Alberta's rate declined by 1.4% (Savoie, 2002). The overall increase in 2001 was a result of a 6% increase in the rate of "Other Criminal Code" offences (such as mischief and offences against the administration of justice), and a 2% increase in the rate of youth charged with violent crime. This latter increase was driven by a 10% increase in the rate of youth charged with robbery, particularly robberies with a firearm (+35%). However, the number of youths charged with homicide was the lowest in over 30 years. The youth property crime rate—which accounts for 44% of youth crime—dropped by 3% in 2001 (Savoie, 2002).

Of course, other sources of data concerning crime, such as victim surveys and self-report studies, along with studies of the workings of the criminal justice system have taught us that not all crimes committed get reported to the police, that only a fraction of these reported offences are cleared up by arrests and charges laid against an alleged offender, and that police and the courts exercise discretion in their decision-making, particularly with young offenders. From self-report research we know that most youth engage in behaviours which have the potential to land them in youth court if they were caught and processed officially. In fact, some have suggested that there is an infinite supply of youth crime in the community that could be processed by the courts (Doob and Sprott, 1996). However, these official data are useful for tracking trends over a decade-long time span since it is unlikely that large increases or decreases in officially recognized crime during that time result mainly from changes in the public's willingness to report crime

or unrecognized differences in criminal justice system practices. Nonetheless, we do need to be cautious in interpreting officially-produced and other crime data. In particular, the use of alternative measures for young offenders can affect the rate of youth charged, particularly for first-time offenders committing minor offences. Variation by province/territory in the use of alternative measures at the pre- or post-charge stage makes comparisons of the youth charge rate across provinces/territories problematic (Logan, 2001). With this in mind, we can briefly examine additional official data on recent trends in youth crime.

Of youths aged 12 to 17 (the ages covered by the Young Offenders Act) charged with a Criminal Code offence, only a minority are charged with violent crimes; in fact, youth commit proportionately less violent crime than adults. Of all youths charged in 2001, 23% were charged with violent crimes, 44% with property crimes and 33% with Other Criminal Code offences such as mischief and bail or other violations of court orders. The rate of youth charged with property crime peaked in 1991 but has steadily dropped thereafter. The rate of youth charged with violent crime declined by a small amount in the latter half of the nineties, but is considerably higher (+13%) than a decade ago (Savoie, 2002). Common assault-the least serious type including pushing, slapping, punching and threatening-is largely responsible for this overall increase in violent youth crime and is the most frequent violence charge against youth. While a variety of factors have no doubt contributed to this rise in common assault, a decreased tolerance among Canadians for all forms of violence and so-called “zero-tolerance” strategies implemented since the early nineties to deal with school violence have resulted in increased reporting of minor incidents to the police (Savoie, 1999). Alberta’s rate of youths charged with violent crimes in 2001 (1001 per 100,000 youths) is above average for Canada as a

whole (940), with the rates varying from a high of 2110 for the N.W.T. to a low of 545 in Prince Edward Island. In addition to the three territories, Manitoba, Saskatchewan and Ontario all reported higher rates of youth charged with violence in 2001 than Alberta (Savoie, 2002). In contrast to the incidents emphasized in the media, the victims of youth violence are most likely to be other young people of about the same age who are known to them (Savoie, 1999). The rate of youth charged with property crime decreased 3.3% (7.2% in Alberta) in 2001. While Alberta’s rate of youth charged with property crime (2301 per 100,000 youth) was above the Canadian average (1824), it ranked seventh among the provinces/territories.

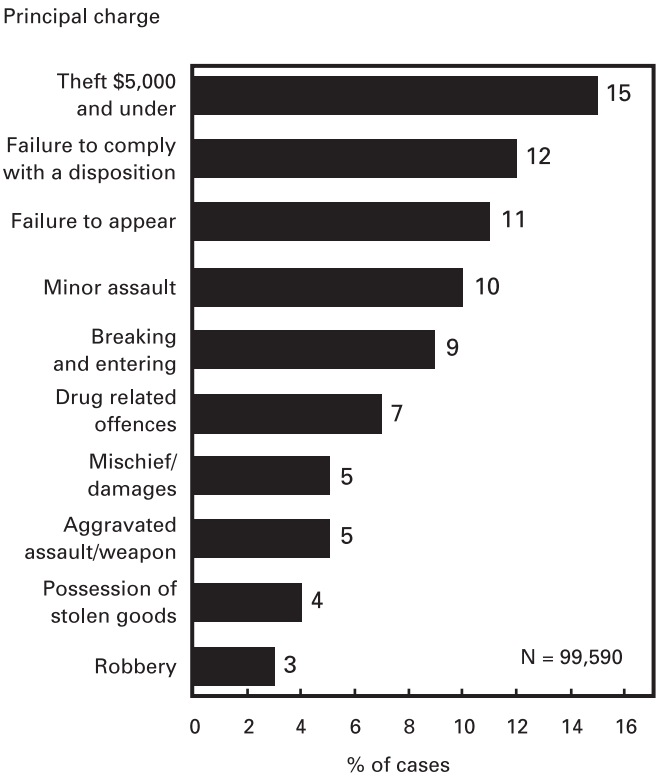
As indicated above, these data on the number or rate of young people charged are influenced by the discretion of the police to charge or deal with an apprehended youth in some other way, such as taking no action, an informal warning or notification of parents, or referral to a pre-charge alternative measures program. “Thus, changes in numbers of young persons charged may confound changes in youth crime with changes in police charging practices (Carrington, 1999:6).” Since the Uniform Crime Reports (official crime data) contain information on both young persons charged and young persons not charged (i.e., incidents in which offenders have been identified but not charged), their combination (i.e., young persons apprehended) is a more valid indicator of changes in the level of youth crime than numbers of youth charged since the total number of youth apprehended is not filtered by the decision to charge (Carrington, 1999). From a comparison of youth apprehended with youth charged for the years prior to the introduction of the Young Offender’s Act (YOA, 1985) and the subsequent years up to 1996, Carrington (1999) concluded there was no basis for public concern about increased levels of youth crime or the supposed failure of the YOA to control youth crime. The

average rate of young persons apprehended by police was 7% higher during the first 11 years under the YOA than during the previous 4 years, due largely to the temporary “hump” in youth crime during the early 1990s. In contrast, the rate of young persons charged was 27% higher, reflecting an immediate post-YOA jump in the proportion of apprehended youth who were charged by police—a drop in the use of police discretion rather than an increase in youth criminal behaviour. Carrington claims that five jurisdictions that under the old Juvenile Delinquents Act were characterized by the charging of relatively low proportions of apprehended youth (high use of police discretion) suddenly and substantially increased the proportion of apprehended youth who were charged following the introduction of the YOA. Therefore, media-driven public concern about increased youth crime and the resulting criticisms of the YOA which have again pushed the federal government to legislate changes to the youth justice system seem largely misplaced.

Another aspect of public concern and media attention concerning youth crime and the YOA concerns the actions of youth courts in responding to cases of young offenders. Corresponding to the decline in the number of youth charged by the police, the number and rate of youth court cases have generally followed a downward trend since 1992/93; the Alberta rate dropped 31% by 1999/2000 compared to a 17% decrease nationally. This is particularly the case for property crime (down 38% nationally). While the total number of youth violent crime court cases

in Canada remained virtually unchanged over this time period, aggravated assault and robbery cases both increased (26% and 23%, respectively), although these crimes accounted for only 15% of the violent crime caseload (Sudworth and deSouza, 2001). As expected, youth courts tend to focus upon the more serious cases of violence. Two percent fewer cases were processed in 2000/01 in the youth courts of Canada than in the previous year. There were 403 cases per 10,000 youth, an 11% decline in the rate since 1996/97. However, the rate varies greatly from province to province, from a low of 170 in PEI to 1,241 in the Yukon; Alberta’s rate, at 632 per 10,000 youth, was above the Canadian average of 403 (deSouza,

Fig. 2 **Few offences accounted for a large proportion of the case load**



Source: Youth Court Survey, Canadian Centre for Justice Statistics  
 Statistics Canada, Juristat, 85-002-XPE, 22(3), 2002, Pg. 4

2002). The downward trend in youth court caseloads may be due in part to the increased use of police diversion and alternative measures for youths committing less serious crimes (Sudworth and deSouza, 2001), including mandatory pre-charge screening by the Crown in some provinces.

The five most frequent offences (together representing 57% of the caseload) heard in youth court in 2000/01 were in order of frequency: theft under \$5,000 (15%), failure to comply with a disposition under the YOA (12%), failure to appear (11%), minor assault (10%), and break and enter (9%). Violent crimes in total represented just 22% of all cases processed and many of these crimes are minor assaults (46%); property crimes represented 40% of all cases (deSouza, 2002). Doob and Sprott (1998) investigated the claim that youth violence in Canada is getting worse but found that, for the five years ending in 1995-96, the increase in the rate of violent cases in youth court was due to an increase in the number of the

most minor assaults; and that there were no changes in the rate of the most serious types of violent youth crime.

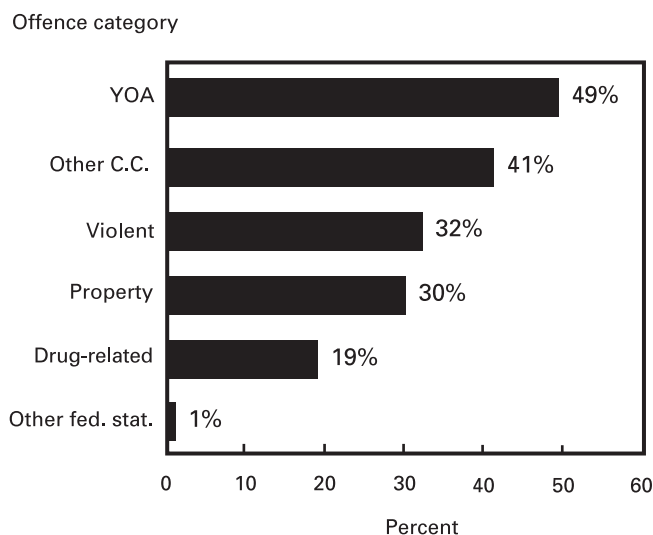
Sixty percent of all cases disposed of in youth court in 2000/01 resulted in a conviction, while cases were stayed or withdrawn in 36% and another 4% resulted in findings of not guilty or dismissal. Provincial figures for the proportion of charges withdrawn or stayed vary considerably, with high proportions often indicative of charges set aside pending completion of alternative measures programs or the systematic use of these decisions for administrative purposes (deSouza, 2002).

In 2000/01, probation was the most significant sentence in 48% of cases with convictions; custody was the next most frequent sentence, comprised of secure custody (17%) and open custody (17%); then community service (7%), fines (6%), absolute discharge (2%), and other sentences (3%) (deSouza, 2002). The distribution of the most significant sentence types has varied little since 1992/93 (Canadian Centre for Justice Statistics, 2001).

As Figure 3 indicates, cases involving offences against the YOA (49%) and Other Criminal Code offences (41%) have the highest proportion of cases with custody as the most significant sentence. Thirty two percent of violent crime and 30% of property crime offences result in a custody sentence (deSouza, 2002).

Although the public seems to think that youth courts have become more lenient, Markwart's (1992) analysis of the use of incarceration in youth courts before and after the passage of the YOA disputes this view. For example, the average daily sentenced population in the third year after implementation of the YOA was 148% greater than in the last year under the Juvenile Delin-

**Fig. 3 Proportion of cases resulting in a custody sentence by type of offence**



Source: Youth Court Survey, Canadian Centre for Justice Statistics  
Statistics Canada, Juristat, 85-002-XPE, 22(3), 2002, Pg. 6

quents Act. Markwart concludes that “It is difficult to arrive at any other conclusion but that the implementation of the YOA has apparently been associated with a substantially increased reliance on incarceration (1992:247). Furthermore, in contrast with adult incarceration rates, Canada places a higher proportion of young offenders in custody than does the United States (Hornick, et al., 1995). However, incarceration rates declined from 1995/96 to 2000/01 in most reporting provinces, perhaps at least partly due to the large financial costs of incarceration.

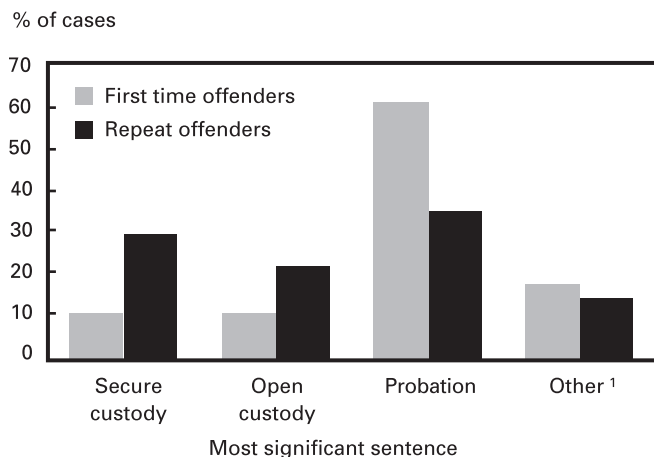
Approximately 21% of cases with convictions in 2000/01 involved repeat offenders; and they were more likely than first-time offenders to be sentenced to a term of custody. Repeat offenders in 2000/01 were over two times more likely to be ordered to serve a term of custody (51%) than were the first offenders (20%). This wide gap was apparent for both violent crime cases (59% versus 24%) and property crime cases (50% versus 18%) (deSouza, 2002). As would be expected, repeat offenders tend to receive harsher

sentences as their number of prior convictions increase. For example, while 17% of cases involving first-time offenders resulted in custody in 1999/00, this increased to 30% with one prior conviction, and to 63% with three or more convictions (Sudworth and deSouza, 2001). While, overall, youths convicted of violent offences were only slightly more likely than those convicted of property crime to receive a term of custody, this is due in large measure to the fact that nearly half of all violent offence convictions were for minor assaults; and the fact that a greater number of youths convicted of property offences have prior criminal convictions which increases the likelihood of incarceration (Sanders, 2000). Offenders facing multiple charges or those with previous custody dispositions were more likely to receive a custody sentence. So youth courts sentence more severely those offenders involved in more serious crimes, as well as repeat offenders (Sanders, 2000). Furthermore, although it would appear from their higher incarceration rates for a number of common offences that adults are

punished more severely than youths, the latter are frequently sentenced to longer periods of incarceration for the same offence. This is a surprising result since adult offenders are more likely to have lengthier criminal histories that could increase their sentences (Sanders, 2000).

To keep these figures on convictions and sentences in context, however, it is important to recognize that, for example, in 1999/00 only 2% of the Canadian youth population was convicted of an offence. But we incarcerate certain types of offenders, particularly property offenders, at rates as high or even higher than does the United States (Sprott and

**Fig. 4 Repeat offenders are three times more likely than first-time offenders to serve terms of custody and much less likely to receive probation**



<sup>1</sup> Other includes all other sentences

Source: Youth Court Survey, Canadian Centre for Justice Statistics

Statistics Canada, *Juristat*, 85-002-XPE, 22(3), 2002, Pg. 8

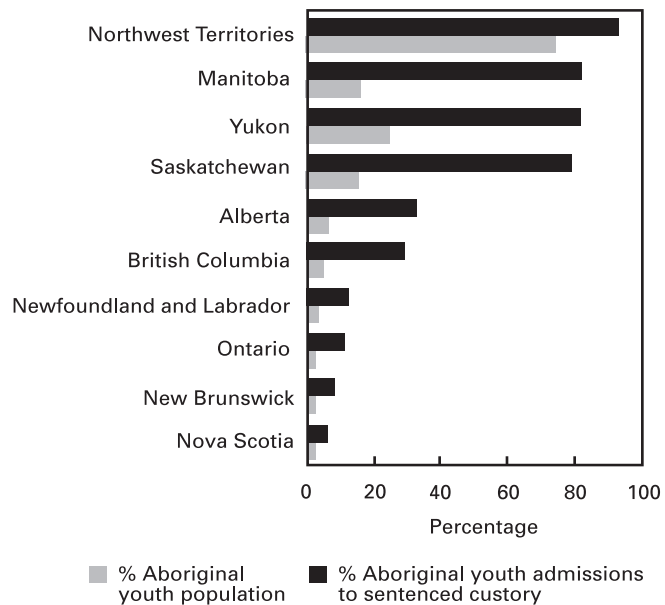
Snyder, 1999). The combined use of either open or secure custody as a sentence in 2001/02 ranged from 26% in Alberta to 57% in the NWT. The availability and capacity of custodial facilities may have some impact on the use of custody orders across the country (deSouza, 2002). Thirty-four percent of cases resulting in a custodial sentence in 2000/01 were for terms of less than one month and only 6% were for more than 6 months; the use of short custodial sentences (3 months or less) has increased somewhat in recent years (deSouza, 2002).

Secure custody admissions accounted for 47% of sentenced custody admissions in 2000/01 compared to 53% for open custody (Marinelli, 2002). Four in ten (39%) sentenced custody admissions resulted from property offences. Break and Enter, Other Criminal Code (e.g., mischief, failure to appear and disorderly conduct), and YOA offences (e.g., failure to comply with a previous disposition) accounted for one half of admissions to secure and open custody. Incarceration rates (average daily count of young offenders in custody per 10,000 youth population) varied among reporting provinces from a low of 9 in British Columbia to a high of 36 in Saskatchewan; Alberta had the second lowest rate in 2000/01. From 1996/97 to 2000/01 incarceration rates declined in all reporting jurisdictions except for New Brunswick; Alberta's rate decreased by 33% over this time period (Marinelli, 2002).

## Who are Young Offenders?

Consistent with what we know about most types of crime, young males accounted for eight in ten youth court cases in 2000/01 and they predominated in all youth age categories. Among males, 16 and 17 year olds accounted for 54% of cases, while the comparable figure for females was 42%. Overall, 16 year olds accounted for 25% of cases and 17 year olds 26%, whereas 12 year olds represented only 3% of all cases (deSouza, 2002). Correctional admission data also reflect these sex and age patterns. As Figure 5 demonstrates, Aboriginal youth are over-represented in remand, secure and open custody compared to their proportion in the general population, particularly in the western provinces. While Aboriginal youth constituted about 5% of the youth population, they accounted for 26% of admissions to remand and 24% of admissions to

Fig. 5 **Aboriginal youth are overrepresented in open and secure custody**



Note: Excludes Prince Edward Island, Quebec and Nunavut

Source: Youth Custody and Community Services Survey, Canadian Centre for Justice Statistics, Statistics Canada, 1996 Census: Aboriginal Population.

Statistics Canada, Juristat, 85-002-XPE, 22(8), 2002, Pg. 5



sentenced custody in 2000/01 (Marinelli, 2002). In Alberta, the typical young offender in custody is male, between 15 1/2 and 16 1/2 years of age, is incarcerated for property offences, and has an average sentence length of 110 days (Alberta Justice Communications, 1998).

To reiterate a point made earlier, most youth commit some act or acts which could bring them to the attention of the authorities. But relatively few youth engage in serious and/or repetitive criminal acts. Wolfgang et al.'s (1972) Philadelphia study showed that just 6% of this male sample accounted for 52% of all of the arrests in the cohort born in 1945 and followed through their eighteenth birthday in 1963. Similarly, in the Cambridge Study of Delinquent Development, about 6% of the boys had about 50% of all the criminal convictions in the sample (Farrington, 1986). A recent pilot analysis of recidivism among convicted youth and young adults in Canada found that incarceration rates were higher for repeat offenders with an early age of onset: 59% among recidivists who were age 12 at the time of their first conviction compared to 35% for recidivists whose age of onset was 17 years of age (Thomas et al., 2002). Early age of onset recidivists also had a larger number of prior convictions, more charges per case, and a shorter time to re-conviction after controlling for years of exposure. This type of research demonstrates the potential value of early and targeted prevention efforts. Delinquency peaks in mid-adolescence and then declines in young adulthood so that most young people stop engaging in criminal acts as they mature (Hartnagel, 2000). So it makes good sense to concentrate our limited criminal justice resources on the much smaller number of more serious offenders. Better yet, if we could predict in advance at an early age which individuals were likely to later engage in serious crime or to persist in lawbreaking into their adult years, we might be able to intervene more effectively to prevent this course of events. Unfortunately, our prediction

methods are not accurate enough for this type of precise targeting of interventions.

However, from several longitudinal research studies, we do have a good idea of the risk factors which are associated with a much increased likelihood of serious, repetitive crime. Farrington (1990) has identified six categories of variables that independently predicted offending and which should be the target of prevention efforts: impulsivity, low intelligence, poor parenting, an antisocial family, socioeconomic deprivation, and early childhood antisocial behaviour. These factors can be used to identify categories of children who are at high risk of becoming chronic and serious offenders as they age and suggest the types of early intervention that would reduce such risk. For example, teenage pregnancy, substance use in pregnancy, and perinatal complications such as low birth weight, especially in conjunction with poverty, tend to be followed by a variety of undesirable outcomes, including low intelligence and educational attainment, hyperactivity and impulsivity, child conduct problems and aggression. Prevention programs targeting these risk factors should be implemented as early in a child's life as possible (Farrington, 1998). Farrington (1994) pointed out that the worst offenders were drawn from the poorest families in the worst housing; and that of all the factors measured at ages 8 to 10, low family income was the best predictor of general social dysfunction at age 32. Therefore, he recommended that more economic resources should be targeted selectively at the poorest families to improve their economic circumstances. Aboriginal youth in Canada are especially at risk for frequent and serious involvement in crime because they are more likely to experience a number of these general risk factors. For example, based on 1996 census data approximately one-third of Aboriginal children under 15 years of age live in a lone-parent family, 54% had not received a high school diploma compared to 35% of the non-Aboriginal population, the

unemployment rate for Aboriginal youth, at 32%, was almost twice the already high rate for other youth, and in 1995 Aboriginal children off-reserve were twice as likely as non-Aboriginal children to live in a low income family (Stevenson, et al., 1998). Since the size of the Aboriginal youth population is growing, we can expect an increasing proportion of Aboriginal youth to be at higher risk of involvement with the youth justice system.

### **What are the effects of the Youth Justice System?**

**T**he substantial percentage of repeat offenders convicted in youth court gives some indication that the current youth justice system often fails to deter and/or rehabilitate identified offenders. Given their continued involvement in offending, the fact that repeat offenders tend to receive harsher penalties than first time offenders casts further doubt on the effectiveness of the current system. But it is quite difficult to control for all of the other factors, in addition to the official criminal justice processing, which can affect the probability of re-offending. The Cambridge longitudinal Study of Delinquent Development is an example of the type of research that is required to examine this issue. This study followed the same group of boys from early childhood into adulthood and examined the effects of different events they experienced on their history of offending. Using both official records from the police and the courts as well as the boys' self reports of offences they had committed which did not result in police involvement, the research compared those who had been apprehended and officially processed for offending with a similar group of boys who reported committing the same number of offences but who had not been caught by the police. The results showed that those who had been apprehended

were more likely to re-offend than those who had not been caught and processed by the police (Farrington et al., 1978). After examining several studies on this topic, Doob et al. (1995:88-89) concluded that "We should not expect, overall, that criminal justice processing will reduce subsequent offending. In a number of studies which look at 'criminal justice processing' from a number of different perspectives, it is clear that putting people into the youth justice system will not stop future offending." Individual deterrence is not an effective justification for bringing youth to court and processing them officially.

Rhetoric surrounding the issue of youth crime implies that people's behaviour is affected by the consequences they expect to experience from that behaviour. Applied to offending behaviour this is the notion of general deterrence: potential offenders will be inhibited from committing crimes by the threat of legal punishment. This principle of general deterrence frequently gets translated into a demand for stiffer penalties on the grounds that increasing the legal penalty for crime will stop those who contemplate such acts from actually engaging in them. But there are a number of assumptions behind this concept. It assumes that crime is the result of rational deliberation and choice that carefully weighs the benefits and costs, short and long term, of crime and its alternatives. It assumes that individuals know what the existing penalties are, as well as the likelihood of actually experiencing them. It assumes that the severity of the penalty is its most important component, that all crimes and potential offenders are equally deterable by legal penalties, that anticipated penalties are more important than anticipated benefits, and that legal consequences are more important than other social consequences. There is also sometimes a failure to distinguish between the "objective" consequences (e.g., the minimum penalty in law) and the perceived consequences (e.g., what an



individual thinks the minimum legal penalty is or believes the penalty would be).

There is by now a sizeable and complex research literature on the general deterrent effectiveness of legal punishment. In reality, this literature quite consistently has shown that increasing the severity or degree of legal penalties will not affect the amount of crime or delinquency. However, the perceived personal likelihood (certainty) of being apprehended can influence the occurrence of some types of offences (Doob et al., 1995). Unfortunately for general deterrence, the likelihood that a young person will be apprehended by the police, particularly for the types of offences most frequently committed by youth, is very low. Not surprisingly, so-called “impulsive” crimes are less deterable than “instrumental”, means-to-an-end kinds of crime. Furthermore, there is wide agreement among criminologists that informal sanctions—the interpersonal and community consequences of offending—are of much greater significance than the justice system’s consequences in influencing young people’s chances of offending.

Since official processing of young offenders in the judicial system can have unintended negative consequences for youth and actually increase their chances of re-offending, the guiding principles of the YOA state that alternatives to judicial proceedings should be considered for young people. Diversion refers to these efforts to keep youth from further involvement in the formal youth justice system and it can involve informal means—such as the use of discretion by the police not to lay formal charges but to handle the case informally—or more formal alternative measures as specified in Section 4 of the YOA. These programs vary by province but are generally reserved for first offenders, who must admit to having committed the act in question, and are limited to specific types of less serious offences. Typical alternative measures in use in Canada

include: making restitution or providing personal services to the victim, participating in crime prevention educational programs, or performing community service. These programs involve a contractual agreement with a specified duration. Once completed the case is closed and the charges (in the case of post-charge referral) are withdrawn or dismissed. If the program is not completed within the specified time frame, the Crown may close the case, consider another term in alternative measures, or choose to proceed with prosecution of the case (Stevenson et al., 1998).

There are few systematic evaluations of the effects of diversion or alternative measures programs on subsequent offending. This is largely due to the fact that youth who are diverted are by definition at lower risk of re-offending and therefore cannot simply be compared to those processed through the court system. However, LeBlanc and Beaumont (1991) conducted an experiment in which they examined the records of a sample of adolescent boys who had been apprehended in Montreal for offending, roughly half of whom were diverted from the court while the other half were brought to court in the usual way. They found no significant differences between the two groups in their subsequent offending as youth or as adults. Among the diverted group there was no difference between those required to engage in some type of alternative measures and those simply released. As Doob et al. (1995) note, sometimes “doing nothing” may be as effective in reducing recidivism as “doing something.”

## How can we better respond to youth crime?

The reality is that crime prevention is to be preferred over the criminal justice system when it comes to a public policy for responding to youth crime. Preventing crime from occurring or lowering the amount of crime that does happen will, of course, avoid some of the likely negative effects of criminal justice system processing experienced by young offenders. There is some truth to the notion that youth detention facilities are “schools for crime” in the sense that relatively naïve incarcerated young offenders get exposed to the influence of more seasoned offenders, with the possibility of learning better “tricks” for “successful” crime, as well as the beliefs and attitudes that justify and condone such conduct. Youth justice system processing can also bring about counter-productive changes in some youths’ self image, causing them to think of themselves as delinquents, cutting them off from ties to conventional activities and conforming peers, giving them a “reputation” in the eyes of others. This may boost their interest in and attraction to delinquent peers, pushing them further away from conventional behaviour. It is also more difficult to change an established pattern of behaviour than it is to prevent it from becoming established to begin with. So prevention is also to be preferred over trying to “treat” or rehabilitate committed offenders. It’s likely to be particularly difficult to successfully rehabilitate adolescent offenders since many in this age category are unlikely to be thinking of their long-term future or may be otherwise in rebellion against authority and conventional institutions. Gaining their participation and cooperation in rehabilitation activities is therefore problematic.

There can also be cost savings from crime prevention activities. This is particularly likely when the focus of such prevention is chronic, serious offenders. As indicated earlier, most

adolescents engage in some behaviours that have the potential to result in some official justice system response. Fortunately, for most this is fairly trivial, episodic and limited to their adolescent years. Most do not come to the attention of the justice system or are diverted from it by the police with some type of informal response. Chronic, serious offenders, on the other hand, tend to start earlier, to commit more offences and more serious ones, and to persist in their law breaking into their adult years. Therefore, substantial cost savings are feasible if sufficient numbers of such individuals could be prevented early on from taking this life course. Estimates of such cost savings are difficult to determine and involve various assumptions. But we do know that the direct youth and adult criminal justice system costs involved in deterring, detecting, processing, sentencing and controlling offenders are significant. For example, the National Crime Prevention Council of Canada (1996) estimated that it costs up to \$100,000 a year to incarcerate a juvenile offender; and the spending on police services, the courts, legal aid and corrections in Canada was \$9.7 billion in 1994/95. These figures do not include the costs to victims of crime, as well as the indirect costs to the individual and society. When both system costs and costs of the results of crime are taken into account, the total costs and expenditures are estimated at \$46 billion annually.

Since individuals at risk of becoming chronic, serious offenders are typically also at high risk for other social problems (e.g., mental health, substance abuse, welfare dependency, unemployment, etc.), substantial savings to a wide variety of social agencies could be obtained through successful early intervention efforts. Economic evaluations of crime prevention programs that encourage the social development of children, youth and families have shown reductions in delinquent behaviour with returns ranging from \$1.06 to \$7.16 for every \$1 spent; while efforts to

reduce the opportunities for victimization have produced returns from \$1.83 to \$7.14 for every \$1 spent (Sansfacon and Welsh, 1999). A RAND Corporation study (Greenwood et al., 1996) compared four different crime prevention approaches—high school graduation incentives, parent training, intensive supervision of delinquents, and home visitation/daycare—with California’s “three strikes and you’re out” law. The first two prevention programs were dramatically more cost effective than the three strikes law in terms of serious crime prevented per dollar expended. Only the home visitation/daycare intervention was less cost effective than three strikes; however, reduction in child abuse and other favorable results in such areas as child health and development, educational achievement and economic well-being which generate other than criminal justice cost savings were not included.

There are different types of crime prevention strategies. One scheme is to differentiate developmental, community and situational crime prevention (Tonry and Farrington, 1995). Developmental refers to interventions designed to prevent the development of criminal potential in individuals, especially targeting the risk and protective factors discovered in studies of human development. Community crime prevention is any intervention designed to change the social conditions that influence offending in residential communities; while situational includes interventions designed to prevent the occurrence of crimes, especially by reducing the opportunities and increasing the risks of detection. Community crime prevention would encompass such activities as Neighborhood Watch, community-based after school recreation programs, and urban enterprise zones in areas of very high unemployment. Situational crime prevention covers a variety of very specifically-targeted interventions such as redesigning the layout of retail stores, “target-hardening” and improved home security such as

better lighting, locks and surveillance, or extra police patrols in high crime “hot spots.” Developmental crime prevention targets children and their families at high risk of developing into the chronic, serious offenders for whom the greatest crime reduction benefits can be obtained by improving their life chances. Examples would include home visits to infants by trained nurses to reduce child abuse and other injuries, certain types of preschool programs, family therapy and parent training about delinquent and at-risk pre-adolescents, and social competency skills curriculums in schools (Sherman et al., 1998).

Developmental crime prevention programs attempt to reduce the risk factors and increase the protective factors of those receiving these interventions. Interventions aimed at providing support for families and assistance to youth in succeeding in school have shown long-term benefit, with successful programs sharing some elements in common: a focus upon multiple risks; broadly based interventions; a focus on urban, low-income families; interventions of two to five years in length; early intervention, taking place in the first five years of life (Yoshikawa, 1994). While there are a large number of programs which adopt a developmental approach, few have been rigorously evaluated to determine their effectiveness. A recent review (Mihalic et al., 2001) of over 500 such programs used three critical selection criteria for identifying effective programs: evidence of a deterrent effect using a strong research design (experimental design with random assignment or quasi-experimental design with matched control groups); sustained program effects beyond treatment and from one developmental period to the next; and replication of results in multiple sites. Using these criteria, this review identified 11 model programs or “blue-prints for violence prevention” that have met this high standard and have proven effective in reducing adolescent violent crime, aggression, delinquency, and/or substance abuse. Here we

can provide only selected examples.

Prenatal and infancy home visitation by nurses has been demonstrated to modify such risk factors for early development of antisocial behaviour as adverse maternal health-related behaviours during pregnancy, child abuse and neglect, and troubled maternal life course. This program sends nurses to the homes of low-income, first-time mothers during pregnancy and until the child is two years old, promoting the physical, cognitive and social-emotional development of the children and providing general support and instruction in parenting skills. Fundamental to program effectiveness are trained and experienced nurses with strong interpersonal skills and a maximum caseload of 25 families visited every 1 to 2 weeks, with the nurses focusing simultaneously on the mother's personal health and development, environmental health, and quality of care-giving. Adolescents whose mothers received nurse home visits more than a decade earlier were 60% less likely to have run away, 55% less likely to have been arrested, 80% less likely to have been convicted of a crime, and exhibited fewer behavioural problems related to alcohol and drug use than adolescents whose mothers did not receive such visits (Olds et al., 1998). When the program focuses on low-income women, program costs are recovered by the time the child reaches age 4 (Olds et al., 1993); and once the child reaches age 15 the estimated cost savings are four times the original investment because of reductions in crime, welfare expenditures, and healthcare costs and as a result of taxes paid by working parents (Karoly et al., 1998).

The Incredible Years Parent, Teacher and Child Training Series is designed to promote social competence and prevent, reduce and treat conduct problems in young children ages 2 to 8. There are several training components; for example, one teaches parents interactive play and reinforcement skills, nonviolent discipline techniques, logical and natural consequences, and

problem solving strategies, while the child training component emphasizes skills related to developing emotional literacy, having empathy with others or taking their perspective, making and keeping friends, managing anger, solving interpersonal problems, following school rules and succeeding at school. In six randomized trials the parent training component reduced conduct problems and improved parenting interactions, with these improvements sustained up to three years after the intervention. The cycle of aggression appears to have been halted for approximately two-thirds of families whose children have conduct disorders and who have been treated in clinics (Webster-Stratton, 1990). The child training component resulted in significantly improved social skills and positive conflict management strategies with peers and reduced child behaviour problems at home and school (Webster-Stratton and Hammond, 1997).

A final example of a Blueprints model program is Functional Family Therapy, a short-term intervention that has been successfully applied to a wide range of problem youth and their families in various contexts. On average, participating youth attend twelve one hour sessions spread over three months, with three different treatment phases: 1. engagement and motivation-techniques to address maladaptive perceptions, beliefs and emotions, reduce resistance to treatment, and overcome the intense negativity that can prevent change; 2. behaviour change-develop and implement intermediate and long-term behaviour change plans tailored to the unique characteristics of each family member; 3. generalization-help families apply positive family change to other problem areas, maintain changes and prevent relapses through links to community resources. Success has been demonstrated and replicated for more than 25 years through controlled comparison studies with follow-up periods of 1, 3 and 5 years showing significant and long-term reductions in youth re-offending and in sibling entry

into high-risk behaviours (Mihalic et al., 2001).

Crime prevention in Canada was given a boost in 1993 by a report of the Commons' Standing Committee on Justice and the Solicitor General which, among other recommendations, called for the establishment of a national crime prevention council and for 5% of the then current criminal justice budget to be spent on prevention activities (Standing Committee on Justice and the Solicitor General, 1993). A National Crime Prevention Council was established by the federal government in 1994, but without the recommended budget figure. Its focus was on the root causes of crime prevention through social development, with particular concern for children and youth (National Crime Prevention Council, 1995). Over subsequent years the Council assisted with local prevention initiatives across the country and the Ministry of Justice has provided seed money for a variety of programs. For example, since Aboriginal children face particular hardships and disadvantages, the Aboriginal Head Start Initiative attempts to assist parents of preschool age children in contributing to their children's mental, emotional, and social development. There are now over 100 of these programs modeled after the U.S. Head Start program operating across Canada using a social development approach to long-term crime prevention.

The Report of the Task Force on Children at Risk (nd) and the Alberta Children's Initiative ([www.child.gov.ab.ca/acyi](http://www.child.gov.ab.ca/acyi)) suggest that the Alberta Government has grasped the importance of early intervention for children and families at risk for the prevention of a variety of later problems, including crime and violence. The Alberta Children's Initiative was introduced in 1998 as a collaboration of several government ministries working together on issues affecting children and youth to support their healthy development. This has been a Government policy priority since 1999/00 involving five key initiatives: children's mental health, early childhood

development, fetal alcohol syndrome, protection of children involved in prostitution, and student health. Among the expected outcomes of this collaboration are: children and youth are safe from abuse or neglect, parents are provided with the resources to meet the needs of their children, the social consequences of poverty on the family are minimized, and children are ready to learn when they start school and succeed in school.

The Federal Government's Youth Justice Strategy announced in 1998 included crime prevention as a key element in the protection of society and the new Youth Criminal Justice Act identified crime prevention, along with meaningful consequences and rehabilitation, as the key elements to protect the public and promote safer communities. However, it remains to be seen how well this aspect of the act will be implemented, including the commitment of funds to support crime prevention activities across the country on more than a temporary or "demonstration" basis and with a rigorous evaluation of substantive and cost effectiveness.

Of course, the reality is that not all crime can be prevented. Therefore, it is necessary to have in place policies for responding to the crimes of young offenders. These policies will no doubt continue to be guided by a varying mix of the multiple goals we set for the youth justice system: retribution to balance the harm committed, deterrence (individual and general) of future crime, incapacitation of the truly dangerous for societal protection, symbolic reaffirmation of our collective values, rehabilitation of the offender, and the restoration of harmony between victim and offender in the community. While a discussion of specific policies and programs to accomplish each of these goals is beyond the scope of this paper, a few general principles can be identified and selected policies and programs described. First of all, we should recognize that

these multiple goals of youth justice can easily conflict with one another, creating dilemmas around how best to respond to youth crime and contributing to ineffectiveness in the system of youth justice. For example, retribution may require only a minor response but one which may not contribute to restoration of harmony with the victim or rehabilitation for the offender; or what would be sufficient for deterrence may not be so for retribution; and so forth. Second, we should recall that most youth crime is fairly trivial and most young offenders mature out of their criminal conduct as they move out of their adolescent years. Therefore, the formal procedures of youth court should be invoked sparingly and most apprehended youth dealt with through informal procedures that divert them from the youth justice system early on. Community-based programs for serious juvenile offenders are at least as successful as custody, while offering a more humane and cost effective but less intrusive approach (Loeber and Farrington, 1998). Third, we need to be vigilant to ensure that such diversion programs do not have the unintended effect of widening the net of formal social control to encompass those youth who previously would merely be warned and released or ignored completely. Fourth, we need to minimize the use of custody, reserving its use for those relatively small number of youth who are dangerous to themselves and/or others. Even in these cases, the focus should be on appropriate treatment to rehabilitate and reintegrate the youth back into the community rather than mere incapacitation since almost all will in fact return to the community at the expiry of their sentence. Fifth, the effectiveness of legal punishment as a deterrent is limited, particularly as far as sentence severity is concerned. Sixth, since crime occurs in a community context and almost all young offenders will continue living in or soon return to this community, serious efforts should be made to involve the community, including the specific victim, into the justice process. With these

principles in mind, we can turn to a brief description of several programs for responding to youth crime which embody aspects of these principles and for which there is some evidence of effectiveness.

Before doing so, however, we should point out that “alternative measures” are already authorized by the YOA. Alternative measures aim to divert persons accused of less serious crimes out of the system to non-judicial, community-based alternatives (Engler and Crowe, 2000). The individual must first acknowledge responsibility for the offence and the Crown must decide if an alternative measures program is appropriate and make the referral. Typical programs include personal service to a victim, financial compensation to a victim, community service, educational sessions, personal or written apologies, and essays or presentations related to the offence. Terms and conditions of the agreement are tailored to fit the circumstances of the offence, the offender and the needs and concerns of the community and the victim. In Alberta, alternative measures are pre-charge only. When all the terms of the agreement are met, the case is ‘completed successfully.’ In both 1997/98 and 1998/99 Alberta had the highest youth participation rate in alternative measures, partly due to the use of caution letters which accounted for 16% of the active caseload in 1998/99. The rate of youth brought to court in Alberta in 1998/99 (671 per 10,000 youth) was approximately 1.7 times the rate of youth participating in alternative measures in the Province (384 per 10,000 youth); this compares to the Canadian average ratio of 3.2, with Quebec having the most similar rates (ratio of approximately 1.2 court cases to alternative measures). Youth who committed property offences were more likely to be referred to alternative measures (73%), with only 8% of cases involving violent offences; the largest proportion of alternative measures cases involved theft under \$5,000 (57%), with mischief next at 11%. The most frequent types of alterna-



tive measures were community service (22%) and apologies (17%). Of cases closed in 1998/99, 93% of youth successfully completed all measures agreed to (Engler and Crowe, 2000).

Family Group Conferences are an example of an innovative response to youth crime which employ restorative justice principles in an attempt to reintegrate young offenders into the community in ways acceptable to it and to the victim (Varma and Marinos, 2000). Based on the theory of reintegrative shaming (Braithwaite, 1989) as opposed to stigmatization and ostracism of offenders, Family Group Conferences have several objectives: divert young offenders from the court system; provide victims with an opportunity to participate actively in the process of seeking reparation; arrange compensation for material damage where appropriate; make young offenders aware of the consequences of their behaviour; and involve the family and close friends or the 'community of care' of a young offender in the process of dealing with the consequences of the young offender's behaviour (LaPrairie, 2000). The offender must admit to the crime prior to the conference, the core of which involves the participants' stories, and victim participation in the process is crucial to establish the harm done and to elicit the offender's recognition and acknowledgment of the effects of the criminal behaviour (LaPrairie, 2000). A coordinator guides the process and formalizes the mutually agreed upon outcome. Morris and Maxwell (1997) have pointed to a number of beneficial outcomes from such conferences, including lower recidivism, a high degree of satisfaction with the process by victims, greater participation by the family and the community, and meaningful consequences for the young offender. These conferences are capable of activating informal social controls from family and friends which are much more effective deterrents to future offending than formal court sanctions (Varma and Marinos, 2000). The National Crime Prevention

Centre is promoting versions of Family Group Conferences in several Canadian sites.

Youth Justice Committees, first established in Alberta in 1990 in Fort Chipewyan and subsequently expanded to 93 communities across the Province, share some of the restorative justice features of family group conferences. These Committees are officially recognized by Alberta Justice and follow two basic models. The pre-court diversionary model-73 Committees—receives referrals from the police or the Crown before a court appearance. The Committee administers the Alternative Measures Program and negotiates an agreement for the offender to make amends for the crime, addressing the needs of the community, the victim and the offender. The Committee then monitors the carrying out of the agreement. The court-based model-20 Committees—is used primarily by Aboriginal communities and receives cases from the judge for sentencing recommendations once a guilty plea is entered. Offenders, their families, victims and other involved parties are given an opportunity to voice their concerns and opinions, and the Committee submits a recommendation to the judge. On June 13, 2002 the Alberta Government announced an increase in the budget for these committees from \$170,000 in 2001/02 to \$300,000 in 2002/03, in part to provide training for the volunteer committee members to accommodate the expectations of the new Youth Criminal Justice Act for an expansion of conferencing between young offenders and their victims.

Alternatives to incarceration typically involve placement in a group home setting which can facilitate further association with delinquent peers, a strong predictor of future offending. One of the Blueprints for Violence Prevention programs—Multidimensional Treatment Foster Care (MTFC)—offers a viable and cost-effective alternative to such group care (Mihalic et al., 2001). MTFC recruits, trains, and supervises foster families to provide participating youth with

close supervision, fair and consistent limits and consequences, and a supportive relationship with an adult. Parent training emphasizes behaviour management methods to provide youth with a structured and therapeutic living environment with close supervision and discipline for rule violations at home, in the community, and at school. A case manager and the MTFC parents develop an individualized daily program for each youth that specifies a schedule of activities and behavioural expectations. Youth progress through three levels of supervision based upon their compliance. Routine consultation and ongoing supervision of MTFC parents is a cornerstone of the program and the youth's biological family is taught to use the same system for when the youth returns home. Evaluations of MTFC youth show they had significantly fewer arrests during a 12 month follow-up than a control group of youth who participated in residential group care programs; and the MTFC youth spent significantly fewer days in lockup during the first two years after program completion, resulting in a savings of \$122,000 in incarceration costs for the program. In addition, significantly fewer MTFC youth were ever incarcerated following treatment (Chamberlain, 1990).



## Conclusion

Youth crime and justice in Canada is certainly an important issue that requires serious attention. But it is hardly the crisis that some would have us believe. However, our youth justice system is clearly in a period of change and much depends upon how the new Youth Criminal Justice Act is implemented. In particular, the nature and extent of the cost-sharing and other agreements to be negotiated between the federal and provincial/territorial governments will have a large impact upon the future development of programs for prevention and treatment of youth crime. Even the best-validated program will not succeed if not adequately funded and faithfully implemented by competent staff (Cornell, 1999). While legislation is important, the specific types of treatment and prevention programs that are established and how they are actually implemented by provincial governments, police officers, Crown prosecutors, judges and community members will be of much greater importance for affecting the level of youth crime and impacting upon the lives of individual youth. For example, when a judge wishes to sentence a convicted young offender to some type of community-based treatment program as an alternative to custody, if such a program is not available the judge may then have little option but to impose a term of custody. Sufficient numbers of staff must be hired and adequately trained in the procedures of successful programs for such programs to function as intended and maintain their effectiveness (Cornell, 1999).

There is a tendency for governments to fund “demonstration” programs for a relatively short period of time. There is a reluctance to commit funds for longer-term programming beyond the existing budget cycle. Consequently, program staff must very quickly turn their attention to fund-raising and proposal-writing in order for a

program to be sustained, detracting from program implementation and administration. Unfortunately, community-based programs targeting young children and their families face unstable funding, particularly by the Provincial Government (Ohara, 2002). For example, the Ma’Mowé Capital Region Child and Family Services Authority terminated contracts in February 2002 for 22 early intervention programs and reduced funding for another 7 programs for a total of \$2.8 million in budget cuts. Many of these programs provided services to high risk Aboriginal youth (Simons, 2002). Often programs are not rigorously evaluated to determine their effectiveness in reducing crime before funding runs out. In most instances we would do better to adopt a “best practices” approach using already well-established and validated model programs, such as those noted in the Blueprints for Violence Prevention, with stable funding over a number of years rather than attempting to “reinvent the wheel” with short-term, inadequately funded experimental programs.

Our review of the political discourse and public opinion, along with the actual trends in youth crime and justice, demonstrated a substantial gap between much of the rhetoric and the reality of youth crime and justice. In some sense the new legislation will change little of the current situation unless a number of politicians and the media change their usual approach to the subject of youth crime. If they fail to resist the temptation to focus upon the exceptional crimes and instead exaggerate the threat to the public and continue to focus almost exclusively upon punitive responses, public knowledge of and opinions about youth crime and justice issues will continue to be distorted. We are then likely to see another round in the on-going cycle of controversy regarding this topic. The new YCJA appears to be a political compromise by the Federal Government, which was under pressure from some opposition politicians and provincial

governments, as well as from public concerns about “serious” youthful offenders, to be seen as doing something to hold them accountable and to enhance public safety, while at the same time wanting to decrease the use of custody and encourage an increase in community-based alternatives for the large majority of young offenders. The effectiveness of the YCJA in satisfying these varying concerns remains to be seen.

There is also often a gap between the “tough talk” and punitive rhetoric of Alberta Tory politicians on issues of youth crime and justice and the reality of the youth justice system in the province. We have seen that Alberta is far from the top of youth crime statistics in Canada and that it has one of the lowest rates in the country for the use of custody for young offenders. Furthermore, the Justice Summit failed to endorse a strongly punitive approach to youth crime; and the Alberta Government has expanded financial support for Youth Justice Committees and shown signs of approving a preventative approach. The ability of the provincial government to directly affect the punitiveness of the youth justice system is limited. Of course, it is easy for provincial politicians to criticize areas of federal jurisdiction and legislation, a frequent political ploy in Alberta, and the YOA was no exception. The Provincial Government also has no direct influence over the sentencing decisions of youth court judges, although it can determine the availability of custodial and non-custodial placements through its budgetary decisions. Undoubtedly, the punitive rhetoric reflects a belief in the underlying ideology that Miller (1973) characterized as “conservative” and which assumes that offenders have rationally chosen to commit crime and deserve punishment which will act as a deterrent for future crime. However, this rhetoric also functions to exploit public fears and influence public discourse on issues of crime and justice, thereby limiting the feasible options for public

policy. The development of the YCJA fits this pattern.

It remains to be seen how the Alberta Government responds to the opportunities available in the YCJA for developing and supporting creative alternatives for responding to youth crime. A close examination of actual expenditures to determine the amount of new spending on youth justice programming and the types of initiatives funded will be required when the YCJA comes into force. In the meantime, the province should follow-up on the recommendations of the Justice Summit, especially by developing additional strategies and devoting more resources to extend the availability of social prevention and community-based correctional programs to additional locations throughout Alberta and also increase the accessibility of alternative measures to a larger number of young offenders. Although Alberta’s ratio of young offenders brought to youth court compared to those in alternative measures is below the Canadian average, there is room to reduce this further by broadening the eligibility criteria to include more repeat and minor violent offenders. But in addition to increasing the numbers of participants in such alternative measures, more effort should be devoted to incorporating more restorative justice elements into these programs. The additional funds for training of Youth Justice Committee volunteers is a positive step in the direction of expanding their work to incorporate more of this approach. The Alberta Government could also support efforts to better educate the media and the public about the realities of youth crime and justice. Finally, in anticipation of the future occurrence of some terrible crime by youth similar to the Danelesko murder, the Government should develop a more measured and informed policy for communicating its condemnation of the crime while recognizing the complexities of why such acts occur and how best to respond in both the short and longer term.

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11045 Saskatchewan Drive,  
Edmonton, Alberta  
T6G 2E1  
Phone: (780) 492-858  
Email: [parkland@ualberta.ca](mailto:parkland@ualberta.ca)  
Website: [www.ualberta.ca/parkland](http://www.ualberta.ca/parkland)

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