



Juristat

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YOUTH COURT STATISTICS 1997-98 HIGHLIGHTS

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Highlights

- In 1997-98, there were 110,883 cases processed in the youth courts of Canada. This volume remains essentially unchanged from the previous year.
- Almost half of all cases involved property crimes. By contrast, one in five cases involved violent crimes; about one-half of violent crime cases were common assaults.
- Sixteen and 17 year olds accounted for 51% of cases, 14 and 15 year-olds for 37%, and 12 and 13 year-olds for 12%. Males accounted for eight in ten cases and they predominated in all age groups.
- Two-thirds of cases heard in youth court resulted in a conviction.
- Probation was the most serious sentence ordered in 48% of all cases with convictions.
- Custody (open and secure) was ordered in one-third of cases with convictions, with three-quarters of these cases having a sentence of three months or less.
- One-half of all youth court cases were dealt with by the courts in two months or less.
- Repeat offenders (defined as youths with at least one prior conviction) accounted for four of every ten convictions.

Six Year Trends

- The rate of youth court cases per 10,000 youths declined by 9% from 1992-93 to 1997-98.
- In each of the years from 1992-93 to 1997-98, the rate of property crime cases decreased annually, dropping 25% over this period. In contrast, the rate of violent crime cases increased by 4% since 1992-93.
- From 1992-93 to 1997-98, the rate of youth court cases for males dropped by 12%, while the rate for females increased by 5%.
- Custodial sentences are getting shorter. Cases with custodial sentences of three months or less accounted for 77% of 1997-98 custody cases compared to 71% in 1992-93.



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Introduction

Providing effective treatment and rehabilitation of young offenders, and ensuring the safety of Canadian communities are primary objectives of the youth justice system. The *Young Offenders Act*, proclaimed in 1984, introduced rights for adolescents previously guaranteed for adults only; recognized the special needs of youths due to varying levels of maturity; the necessity for youths to accept responsibility for unlawful action; and the right of society to protection from illegal behaviour. In response to concerns about the effectiveness of the law, the current *Young Offenders Act* will soon be replaced by new legislation. The Youth Court Survey, through the collection and dissemination of youth court information, continues to assist policy-makers and program managers as they redefine the nature of Canada's youth justice system. The Youth Court Survey captures the court process and response to youth crime rather than the prevalence of criminal activity.¹

Caseload Trends

Youth Court caseload declining

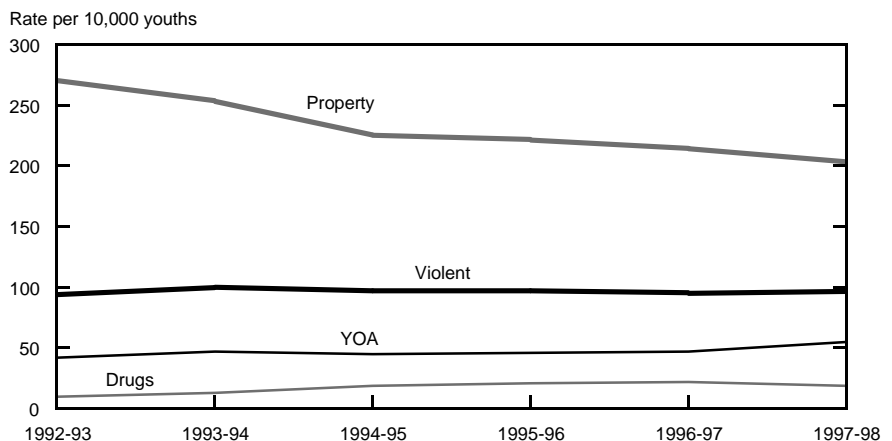
In recent years, the number of cases heard in youth courts has varied little; however, the number processed in 1997-98 was 4% lower than in 1992-93. The 110,883 federal statute cases heard in 1997-98 include cases under the *Criminal Code*, the federal drug laws, and the *Young Offenders Act*.

The types of cases processed under the *Criminal Code* included property crimes (49,602 cases in 1997-98) and violent crimes (23,711 cases) in addition to other types of crimes (19,316 cases), such as the administrative offences of "failure to appear" in court and "escaping custody". Following *Criminal Code* cases, those under the *Young Offenders Act* (13,443 cases) were the most common, while drug crimes (4,549 cases) and other federal statute crimes (262 cases) are less common. (For a description of crime categories, see the end of the report.)

Adjusting for the effects of growth in the youth population, the rate of youth court cases per 10,000 youths decreased by 9% since 1992-93 (Table 1). This decline largely reflects a decrease in the property crime case rate by 25% during these

Figure 1

The rate of property crime cases in youth court has dropped since 1992-93, while the rate of violent crime cases increased slightly



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

¹ Refer to Juristat "Canadian Crime Statistics, 1997" for counts of youths charged by police.

Youth Court Statistics

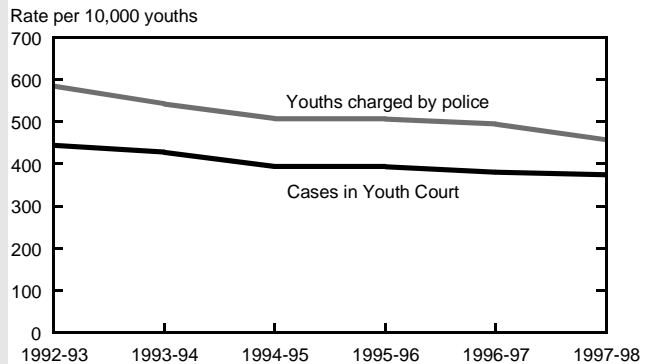
This *Juristat* is based on Youth Court Survey (YCS) data collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for youth courts. The YCS collects data from youth courts on persons aged 12 to 17 appearing on federal statute offences. Federal statute offences in this report include *Criminal Code* offences, drug offences, the *Young Offenders Act* (YOA) offences, and other federal statute offences. As of the 1992-93 reporting year, all youth courts in Canada reported to the YCS.

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

Differences across the country in persons reporting incidents to police, in procedures and eligibility requirements for police diversion, and alternative measures programs, and in provincial policy directing Crown discretion may influence the volumes and characteristics of cases heard in youth courts. For example, alternative measures programs, which are intended to be alternatives to formal judicial proceedings for youths enrolled in a program, differ among the jurisdictions in eligibility criteria (e.g., may be restricted to first-time offenders), timing (i.e., pre-charge or post-charge) and coverage (e.g., less serious crimes only). Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec, and British Columbia. Together, these processes function to keep less serious cases out of court and reduce workload in court. Consequently, these factors must be considered for comparison among jurisdictions. In addition, these data should not be used as an indicator of total youth criminal activity because not all youth crime is reported to police, and not all youths in conflict with the law proceed to court.

A comparison of the rate of youths charged by police and the rate of cases processed by youth courts illustrates the diminishing involvement of youths in the criminal justice system in recent years. From 1992 to 1997, the rate of youths charged with *Criminal Code* crimes declined by 22%, a factor reflected in the rate of cases brought to youth court, which declined by 16% during these years.

The trend in police and court counts closely correspond, showing decreasing involvement of youths in the criminal justice system*



* To compare these *Criminal Code* counts from police data (*Uniform Crime Reporting Survey*) and court data (*YCS*), impaired driving cases and other motor vehicle offences were excluded from the YCS counts.
Sources: Youth Court Survey, 1992-93 to 1997-98, and the *Uniform Crime Reporting Survey*, 1992-1997, Canadian Centre for Justice Statistics.

years: in 1997-98, there were 203 property cases heard per 10,000 youths compared to 270 cases per 10,000 in 1992-93. The rate of property crime cases decreased markedly for several large offence groups: fraud (-34%), theft (-27%), breaking and entering (-25%), and possession of stolen property (-25%).

While the rate of violent crime cases has varied only slightly since 1994-95, the rate increased by 2% in 1997-98 over the previous year to 97 cases per 10,000 youths. Large increases occurred in the rate of cases for robbery (+35%) and aggravated assault/assault with a weapon (+16%), while the rate increased slightly for cases of common assault (+3%).

Growth occurred in some administrative offence cases. For example, the rate of "failure to appear" in court increased by 12% since 1992-93.

From 1992-93 to 1997-98, the rate of cases heard under the *Young Offenders Act* increased by 30% to 55 cases per 10,000 youths. Nearly all cases heard in this category dealt with a "failure to comply" with a previous court disposition.

Although the rate of drug cases declined by 16% in 1997-98, the rate nearly doubled from 1992-93 to 1997-98, to 19 cases per 10,000 youths. Most of these drug cases involved possession of a narcotic.

While the rate of youth court cases for Canada declined by 9% since 1992-93, some jurisdictions reported increases: New Brunswick (+15%), Nova Scotia (+13%), Saskatchewan (+8%) and Quebec (+7%). In addition, Yukon showed rapid growth in the rate of cases heard as the small number of cases doubled.

Youth and Youth Crime in Context

- Population – 1997¹
 - total Canadian population was 30.3 million with 2.4 million youths 12 through 17 years of age (8% of total)
 - demographic projections for youths over the next 5 years suggest declines or no change in jurisdictions east of Ontario, and increases in other jurisdictions
- Persons charged by police in 1997²
 - 545,000 adults and youths charged with federal offences, excluding traffic crimes
 - 121,100 youths charged
 - youth represent 22% of all persons charged
- Youths convicted in court, 1997-98
 - 46,000 young offenders (74,000 cases with convictions)
 - 2% of the youth population of Canada were convicted
 - 3% of 16 and 17 year old population were convicted

¹ Post-Censal Estimates, as of July 1st, Demography Division, Census and Demographic Statistics Branch, Statistics Canada.
² Uniform Crime Reporting Survey, 1997, Canadian Centre for Justice Statistics, Statistics Canada.

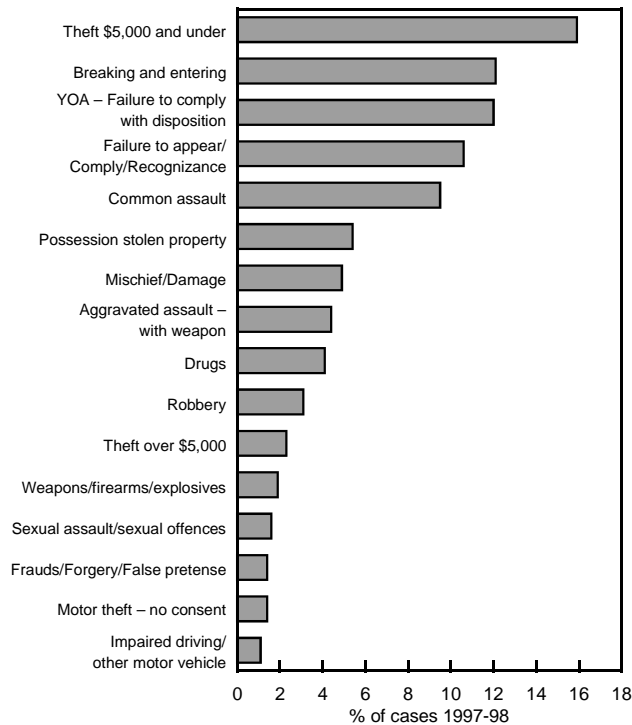
1997-98 Case Characteristics

Property crimes predominate

Of the 110,883 cases heard in youth courts in Canada in 1997-98, property crime cases accounted for 45% of these cases. The most common youth court cases were: theft \$5,000 and under, breaking and entering, the YOA's failure to comply with a court disposition, the *Criminal Code's* administrative offences (i.e., "failure to appear" in court, "failure to comply" with a previous court order, "breach of recognizance") and common assault. Together, these five crime types accounted for 60% of cases (Figure 2).

Figure 2

Property crimes were the most common cases in youth court



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

Cases by Major Crime Category, 1997-98

	% of total cases
Property	45
Violent	21
Other Criminal Code	17
YOA	12
Drugs	4
Other federal	< 1

Source: Youth Court Survey, CCJS.

Common assault cases accounted for almost one-half of violent crime cases

Violent crime cases accounted for 21% of the total youth court caseload in 1997-98. Common assaults² accounted for 44% of violent offence cases, while murder, manslaughter and attempted murder cases together accounted for 1% of violent crime cases heard in youth courts. There were 61 cases of murder and manslaughter, and 74 cases of attempted murder.

Violent crime cases, 1997-98

	% of violent crime cases
Common assault	44
Aggravated assault/with weapon	21
Robbery	14
Weapons/firearms/explosives	9
Sexual assault/offences	9
Murder/manslaughter/attempted murder	1
Other	3

Source: Youth Court Survey, CCJS.

Half of youth court cases involve 16 and 17 year olds

Sixteen and 17 year-olds appear more often in youth court than other age groups. In 1997-98, 16 and 17 year-olds accounted for 51% of cases, 14 and 15 year-olds for 37%, and 12 and 13 year-olds for 12%. The proportion of the caseload for 12 and 13 year-olds has increased slightly in recent years (11% in 1992-93 versus 12% in 1997-98), while

² Refers to the least serious form of assault and includes pushing, slapping, punching and face-to-face verbal threats.

the proportion of cases involving 16 and 17 year-olds has decreased (53% in 1992-93 versus 51% in 1997-98).³

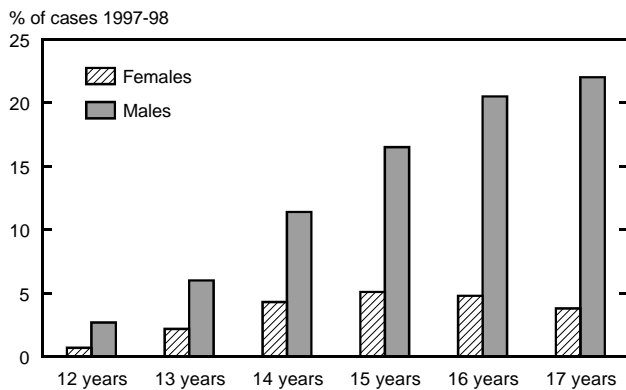
Younger adolescents appeared in youth court for different kinds of offences than older youths. Twelve and 13 year-olds were proportionately more involved in theft of goods valued at \$5,000 and under, common assault, and mischief, whereas 16 and 17 year-olds were proportionately more involved with offences related to failure to comply with a disposition, drugs, and possession of stolen property (Table 2).

Males account for eight in ten youth court cases

Males accounted for eight in ten youth court cases and they predominate in all age groups. Male involvement in crime tended to increase with age, while female involvement peaked at 15 years of age (Figure 3). Among males, 16 and 17 year-olds accounted for 54% of cases, while the comparable figure for females was 41% in 1997-98.

Figure 3

Court activity for females peaked at age 15 while male activity continued to increase



Note: Excludes 2,413 cases (2.0%) in which the age of the youth was under 12 or over 17 or unknown.

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

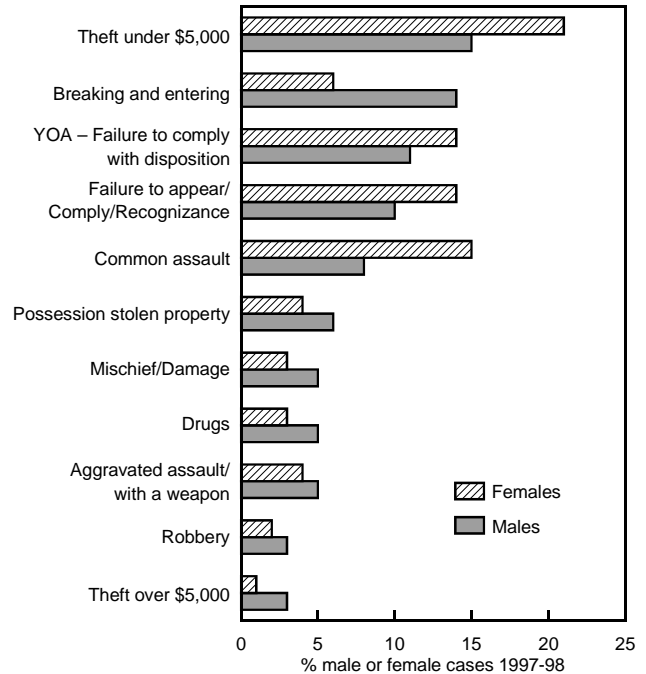
Females appearing in youth court were more likely to be involved in cases of theft under \$5,000 (representing 21% of cases involving females versus 15% of cases involving males) and common assault (15% versus 8%) (Figure 4). Males were most likely to be involved in cases of theft under \$5,000 and breaking and entering. Female involvement has risen slowly, from 18% of cases in 1992-93 to 21% in 1997-98.

Adjusting for the effects of growth in the population, the rate of youth court cases for males dropped by 12% from 1992-93 to 1997-98, while the rate for females increased by 5%.

While males continued to predominate in all types of cases, the rate of violent crime cases varied only slightly for males (-1%) compared to a 25% increase for females from 1992-93 to 1997-98. Among violent crimes, the largest increases for females were in the rates of robbery and assault cases. The rate of robbery cases for males remained four times larger than for females (23 cases per 10,000 males versus

Figure 4

Both males and females were more likely to appear in youth court in cases of theft under \$5,000 than other crimes



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

5 cases per 10,000 females in 1997-98), however, the rate for males moderately increased (+26%) compared to the much larger increase for females (+115%). The rate of common assault decreased by 2% for males compared to a 14% increase for females, yet the rate for males continued to be twice the rate for females (57 cases per 10,000 males versus 28 cases per 10,000 females). The rate of serious assault for males remained four times larger than for females but increased more slowly (+12%) compared to females (+38%).

From 1992-93 to 1997-98, the rate increase for the administrative offence “failure to appear” in court was about five times larger for females than males. The rate of cases for females increased by 29% compared to 6% for males, although the rate for males remained more than twice the rate for females (68 per 10,000 males versus 27 per 10,000 females).

The rate of YOA cases increased for both males and females from 1992-93 to 1997-98; however, the rate for “failure to comply” with a disposition of the court increased by 19% for males (to 80 cases per 10,000 males) and by 46% for females (to 28 cases per 10,000 females).

While the rate of property crime cases decreased for both males (-26%) and females (-18%) from 1992-93 to 1997-98,

³ Excludes cases with age unknown, greater than 17 and less than 12 (2,413 cases).

the rate for females increased in cases of taking a motor vehicle without consent (+10%), mischief/damage (+9%), and breaking and entering (+6%).

The youth population is only one of many factors that influence the volume of cases heard in court (Table 3). For example, Quebec accounted for 24% of the youth population and only 10% of the caseload. The unique approach to justice administration in each province and territory may account for some variation in the nature and volume of the caseload. Ontario requires all youths that participate in an alternative measures program to be charged and appear in court, whereas Quebec and British Columbia do not. Therefore, alternative measures cases have been removed from the caseload, where possible, to increase comparability among jurisdictions. (See Methodology for more information.)

While the rate of youth court cases at the national level in 1997-98 remained stable over the previous year, the rate increased in several jurisdictions: British Columbia (+20%), Manitoba (+11%), Saskatchewan (+6%) and Alberta (+2%). All other jurisdictions reported decreases in the rate of youth court cases ranging from -21% in Newfoundland to -3% in New Brunswick and Québec.

One-half of all cases are processed in two months or less

The successful rehabilitation of a young offender is often reliant on a prompt court process. In 1997-98, one-half of all cases were processed in two months or less from the time of the youth's first court appearance to sentencing, with only 18% of cases lingering longer than six months. In fact, two in ten cases were completed at the first court appearance, and the majority of these cases ended in convictions. Cases dismissed, full trials and cases transferred to adult court have the longest elapsed times. Half of all transfers to adult court spent more than four months in the youth courts prior to the decision to transfer, a reflection of the seriousness of the matter. The median elapsed time for all cases in 1997-98 was 59 days. Manitoba and Ontario had the longest median elapsed times of 84 and 69 days, respectively.

Victims of Youth Violence

The most likely victims of youth violence are other youths and male youths in particular.** In 1997, more than half (56%) of all victims of youth violence were other youths, while an additional 10% were children. (*A Profile of Youth Justice in Canada*, pp. 31) Twelve to 17 year-olds were identified as victims in common assault cases involving young accused as often as adults (55% in both cases) while youths were slightly more often the victims of robbery (16% versus 13%). Children less than 12 years-old were most often the victims of youths in common assault (43%) or sexual assaults (34%).

Six in ten victims of youth violence were male. Males were more often victims of robbery (17% versus 8%) and serious assault (21% versus 13%) compared to females. Three in four victims of youth violence knew the accused. Refer to *A Profile of Youth Justice in Canada* for more information.

** Information on the victims of young offenders is taken from a sample of criminal incidents captured by the Incident-based Uniform Crime Reporting Survey.

In 1997-98, 53% of cases involved only one charge, 38% had two charges, 8% three charges and 1% more than three charges.

Decisions in Youth Court

About two-thirds of youth court cases result in a conviction

Cases that resulted in a conviction (a finding of guilt for at least one charge) accounted for 67% of cases heard in youth court in 1997-98 (Table 4). Proceedings were stayed or withdrawn in 29% of cases, and another 4% resulted in findings of not guilty or dismissal. Transfers to adult court accounted for just one-tenth of one percent of the 1997-98 caseload.

Revisions to the YOA in 1995 made transfers to adult court the standard response for serious violent crime cases involving 16 and 17 year-olds, unless otherwise ruled by the court. This provision applies to the crimes of first and second-degree murder, attempted murder and aggravated sexual assault. For these offences, the onus is on the accused to make an application to stay in youth court. For other crimes, the Crown or defence counsel must apply for transfer to adult court. Conditions stipulated in the Act for these transfers include a minimum age requirement of 14 years of age. Of the 79 cases transferred to adult court in 1997-98, one-half of these involved violent crimes, and one-quarter involved property crimes. Seven in ten transferred cases involved 16 and 17 year-olds.

The proportion of cases resulting in a conviction ranged from 55% in Manitoba, 59% in Yukon, and 61% in Ontario to 87% in both Prince Edward Island and New Brunswick, and 81% in Quebec (Table 4). These variations can in part be explained by differences in charging practices. For example, Manitoba recorded the highest proportion of cases stayed (43%) while Ontario reported 29% of cases withdrawn. High proportions of cases stayed or withdrawn may be indicative of charges set aside pending completion of alternative measures programs, or the systematic use of these decisions to correct or amend administrative records. (For more details, see the Methodology section.)

Dispositions in Youth Court

Most youth court dispositions are served in the community

Probation was the most serious disposition in one-half of cases with convictions (48% in 1997-98). The next most serious sentence was open custody in 18% of cases, followed by secure custody in 16%, a community service order in 7%, and fines in 6%. An additional 2% of cases ended in an absolute discharge, and 3% received another type of sentence (Table 5).

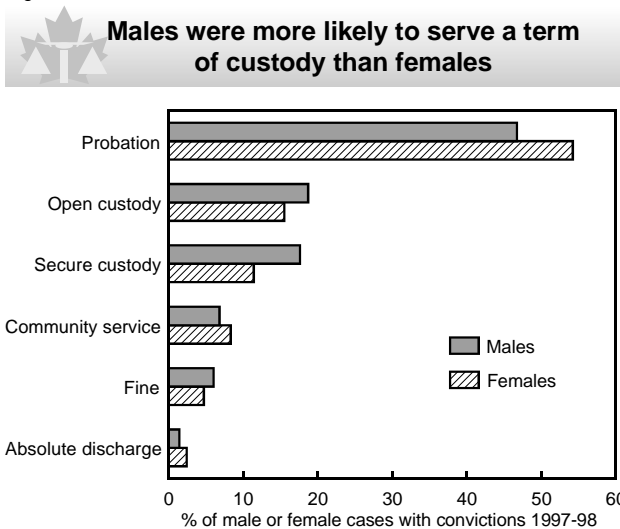
The percentage of cases with a community service order appears low because, in most cases, these orders are used as a condition of probation or in conjunction with a more

significant disposition. In fact, 30% of all cases resulting in a conviction included a community service order in 1997-98.

Many cases result in more than one sentence for a young offender. In 1997-98, 51% of all cases with a conviction involved only one disposition, 38% resulted in two sentences, and 10% involved three or more sentences. For those cases ending in multiple sentences, the most frequent combinations include probation and a community service order (46%), open custody and probation (22%), and secure custody and probation (14%).

About one-half of convictions for both males and females ended in a term of probation, although females were more likely than males to be ordered probation in 1997-98 (54% versus 47%). The differences between male and female young offenders were even more apparent for custody sentences. Thirty-six percent of cases for males ended in a term of custody compared to 27% for females. Differences for other types of dispositions were slight. Factors considered in sentencing include the type of offence committed, the circumstances in which the offence was committed, the criminal history of the offender and, in the case of custody under section 24(1) of the YOA, "the protection of society" and "the needs and circumstances of the young person".

Figure 5



Note: Excludes other dispositions including conditional discharge.
Source: Youth Court Survey, Canadian Centre for Justice Statistics.

The use of most types of sentences has varied little in recent years. The custodial sentences, fines, and absolute discharges have shown some variation (Table 6). While custody sentences have increased, fines and absolute discharges have decreased.

Custody sentences are ordered in one-third of cases with convictions

In 1997-98, secure and open custody orders were the most serious sentences in 34% of cases across Canada. The jurisdictions varied widely in the use of custody, ranging

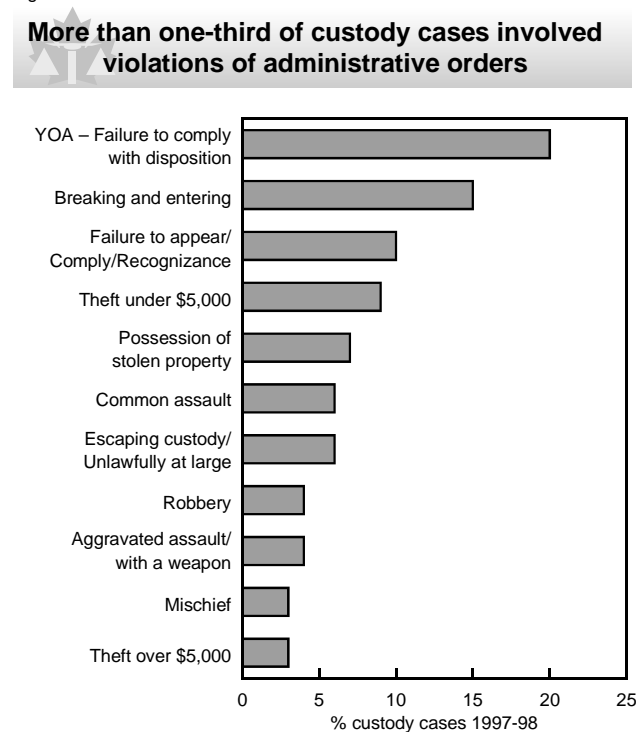
from more than one-half of convictions in Prince Edward Island to one-quarter in Alberta (Table 7).

Statistics about custody provide an insight into two important questions. First, how likely is a particular offence to result in a term of custody? Custody was the most common sentence ordered in cases involving murder/manslaughter (93%), attempted murder (93%), aggravated assault (70%), and robbery (51%). As well, certain administrative offences tended to result in terms of custody. These included escape from custody/being unlawfully at large (91%) and failure to comply with a court disposition (48%).

The second, and slightly different question is, what types of crimes account for the majority of custody sentences? This information is useful for program planning by correctional officials and informs the public about the majority of offenders occupying custodial facilities. In 1997-98, the administrative offences accounted for just over one-third of custody cases: failure to comply with a disposition of the court accounted for 20%, failure to appear for 10% and escaping custody for 6% (Figure 6). Property crimes accounted for an additional one-third of custody cases, including breaking and entering (15%), theft under \$5,000 (9%), and possession of stolen property (7%). Common assault, the most common violent crime, accounted for 6% of custody cases, while all violent crime cases accounted for 17%.

Under the YOA, the maximum sentence to secure or open custody is generally two years. However, this sentence can be three years if the crime would normally carry a maximum penalty of life imprisonment in adult court. In addition, the

Figure 6



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

most serious crimes (first or second degree murder) carry higher sentences. First-degree murder carries a maximum custodial sentence of 10 years, however, the last four years may be served in the community under conditional supervision. Second-degree murder carries a maximum seven year custodial term where the final three years may be under conditional supervision. However, not all murder cases first heard in youth court are sentenced in youth court as the YOA transfer provisions to adult court would apply.

Sentence Review

The length of sentence ordered by the court may be subject to revision under conditions stipulated in section 28 of the *Young Offenders Act*. The court must review all custodial dispositions after one year and may reduce the term or type of disposition at that time. Otherwise, the initial sentence ordered is to be served. There is no parole or statutory release in the *Young Offenders Act*. All custodial types of dispositions are subject to review upon request by the parent, young offender, or provincial director (principal correctional service administrator). Although permission must be granted by the court if an insufficient amount of time has been served.

The majority of custodial sentences are for three months or less

Of the 25,440 cases resulting in a custodial disposition (open and secure) in 1997-98, 31% were sentenced to less than one month, 46% from 1 to 3 months, 16% from 4 to 6 months, and 7% were for more than 6 months in custody. The median custodial sentence for custodial cases was 1 month.

Murder and manslaughter (13 cases) had the highest median custodial sentence length of 24 months, followed by attempted murder (14 cases) at 17 months, and aggravated assault (108 cases) at 5 months. Breaking and entering and theft of goods valued over \$5,000 resulted in median sentence lengths of 3 months, followed by motor vehicle theft and possession of stolen property at 2 months, and theft under and mischief cases at 1 month.⁴

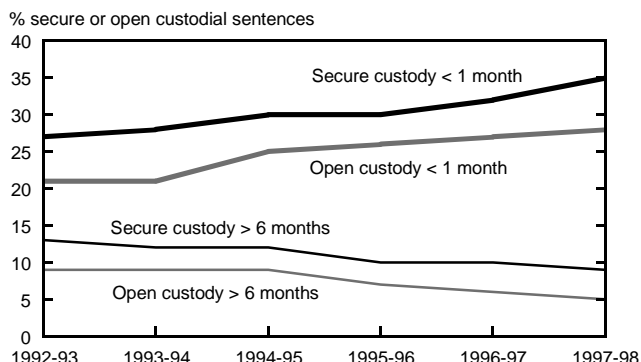
The proportion of cases with short custodial sentences (three months or less) has increased from 71% of custody cases in 1992-93 to 77% in 1997-98. Of the cases ordered to open custody in 1992-93, 21% were for terms of less than one month, compared to 28% in 1997-98 (Figure 7). For secure custody cases, the proportion with orders of less than one month increased from 27% in 1992-93 to 35% in 1997-98.

Four in five probation terms are 12 months or less

Under the YOA, youth courts may sentence a young offender to probation for a maximum of two years. In 1997-98, a probation order was the most serious sentence for 48% of convictions. Of the 35,913 cases resulting in a term of probation as the most serious sentence, 23% were for a period of 6 month or less, 56% ranged from 7 to 12 months, and 22% were for more than 12 months. The median sentence length for a probation disposition was just under 1 year.

Figure 7

Length of custody continues to decrease



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

Probation, as the most serious sentence, was ordered most often for cases involving sexual assault/offences (65%), common assault (64%), and motor vehicle theft (60%). The median sentence length for each of these categories was 12 months. Sexual assault level 1 cases had one of the longest median terms of probation at 18 months.

One-half of fines are \$100 or less

Under the YOA, a young offender may be ordered to pay a fine with a maximum of \$1,000. In 1997-98, only 4,295 cases or 6% of convictions ended in a fine as the most serious sentence. Over half of the cases ended in fines of \$100 or less (55% of cases), and 43% were between \$101 and \$500, and 2% were over \$500. The average dollar amount was \$167.

Fines, as the most serious sentence, were ordered most frequently in cases involving the impaired operation of a motor vehicle (49% of impaired operation convictions). Conviction for this offence had one of the highest average fines (\$366). The two most common cases heard in youth courts ended in lower fines, an average of \$222 for breaking and entering and \$125 for theft under.

Repeat offenders are involved in four in ten convictions

As in previous years, approximately 43% of cases with convictions involved repeat offenders in 1997-98.⁵ In comparison to first-time offenders, repeat offenders tended to be brought to court more often for property crimes and

⁴ The YCS does not distinguish between consecutive and concurrent sentences and does not include sentencing revisions made under review by the court. In multiple disposition cases, for example, the sentence length may be underestimated because of the assumption of concurrent sentences for all charges and may not reflect actual time ordered.
⁵ The repeat offender analysis excludes Nova Scotia for all years, Ontario prior to 1991-92 and NWT prior to 1989-90. All offences under the YOA and post-disposition offences under the Criminal Code (e.g. escapes) are also excluded.

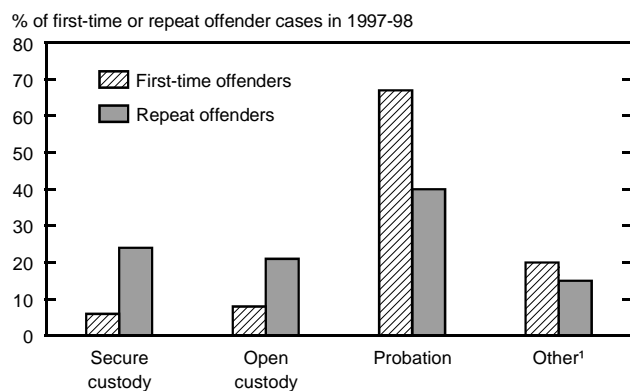
conversely, less often for violent crimes than first-time offenders. In 1997-98, for repeat offenders, 59% of cases involved property crimes and 23% violent crimes. Comparable figures for first-time offenders were 52% and 30% respectively. The use of police diversion and alternative measures programs for first-time offenders of minor property crime may have contributed to this difference.

Males were more likely to be repeat offenders than females. In 1997-98, 45% of male offender cases involved repeat offenders versus 33% of female offender cases.

First-time offenders were most likely to be given a term of probation (Figure 8). In 1997-98, 67% of convictions for first-time young offenders ended in probation compared to 40% for repeat offenders.

Figure 8

Repeat offenders were three times more likely than first-time offenders to be given custody terms



¹ Other includes all other sentences, for example, community service, absolute discharge, conditional discharges and fines.

Notes: Only the most serious sentence is shown.

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

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

for repeat offenders. Repeat offenders were three times more likely to be ordered to serve a term of custody (45%) than first-time offenders (13%). This wide gap was apparent for both violent crime cases (52% convictions to custody for repeat offenders versus 17% for first-time offenders) and property crime cases (44% versus 12%).

The most troublesome offender for the criminal justice system is the persistent offender, that is, the young offender who has been through the system many times. In 1997-98, persistent offenders, defined here as offenders with at least three prior convictions, accounted for 12% of convictions. Again, males were more likely to be persistent offenders than females (13% of the male caseload versus 6% of the female caseload). As young offenders move towards persistent reoffending, the number of charges per case increases. In addition, repeat offenders received harsher sentences as the number of prior convictions increased.

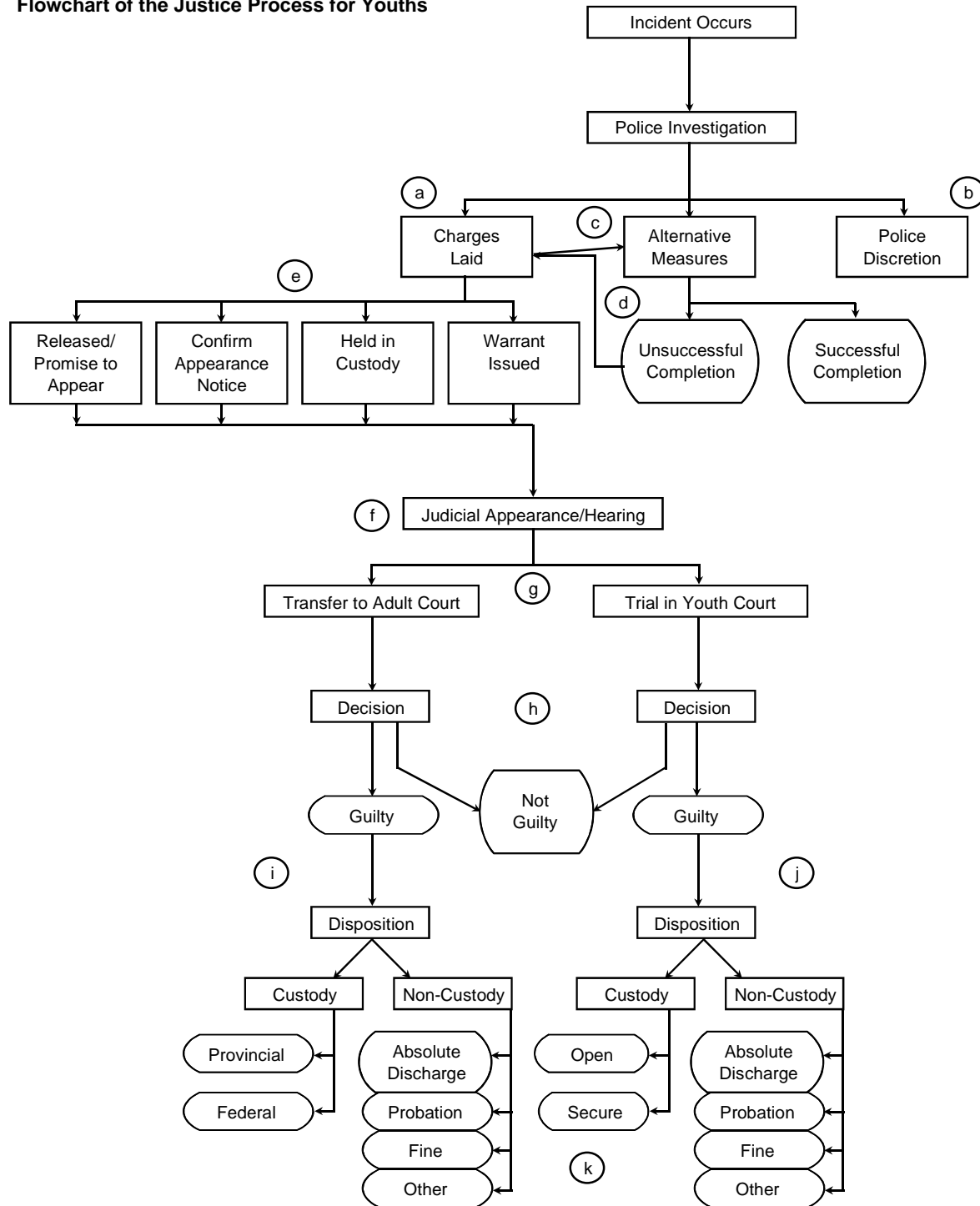
Number of Prior Convictions	Violent Crime Cases	Property Crime Cases	Total Cases ¹
	%		
First-time offenders	17	12	13
Repeat Offenders	52	44	45
1 prior conviction	40	30	32
2 prior convictions	58	48	48
3 or more prior convictions	69	67	65

¹ Includes other Criminal Code and other federal statute offences.
 Note: Excludes Nova Scotia data, YOA and post-disposition offences.
 Source: Youth Court Survey, Canadian Centre for Justice Statistics

Justice Process for Youths

Presented below is a model of the criminal justice process for youths under the *Young Offenders Act*. The process is mapped by a flowchart and labelled (a to k) to identify the corresponding description which is presented below the chart.

Flowchart of the Justice Process for Youths



What is the youth justice process?

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

- (a) the police may charge the youth with a crime;
- (b) if it is a minor offence, the police may use discretion to divert the youth out of the formal justice system. This may involve speaking to the youth's parents about the incident and/or requiring the youth to apologize to the victim;
- (c) the youth may be diverted into an Alternative Measures program. The youth will be required to fulfil an alternative measures agreement either before or after charges have been laid. Some alternative measures programs currently in use include apologizing to the victim, counselling and restitution.
- (d) Should the youth fail to meet any of the conditions of the agreement, the charges may be reinstated and the case referred back to the formal court process.
- (e) Once charges are laid, a decision will be made about detention. Youths arrested by police on suspicion of a serious crime may be held in custody to await a hearing. A youth accused of a minor crime is likely to be served with an appearance notice at the scene of the crime instructing the youth when to appear in court or released into his or her parents' custody with a promise to appear at a hearing. An arrest warrant can be issued if the accused is known by police but has not been apprehended. Several factors, including the seriousness of the offence, the criminal history of the accused, and the province or territory within which the offence has occurred will affect what happens at this stage. Although the YOA applies equally across Canada, provinces and territories have different policies and programs.
- (f) Most youths are dealt with in youth courts; these are provincial/territorial courts that have special expertise and facilities. However, depending on the age of the youth, his or her background and the type of crime, a hearing may be conducted to determine if the youth should be transferred to adult court. Any youth aged 14 or over who has been charged with a serious (indictable) can be transferred. In such cases, the Crown must apply to have the case moved. All 16- and 17-year-olds charged with a serious violent offence (first degree and second degree murder, attempted murder, manslaughter and aggravated sexual assault) are transferred automatically. However, the individual's lawyer or the Crown can apply to have the case stay in youth court.
- (g) In youth court, all trials are conducted by a youth court judge. The only exception is the offence of murder, where the accused has the option of a judge and jury trial. In adult court, the youth is treated as an adult. For most serious offences, adults can select trial by judge or trial by judge and jury.
- (h) If the court decides that the youth is guilty, the judge will determine an appropriate disposition or sentence.
- (i) If found guilty in adult court, youths face the same sentences as adults, except that youths sentenced to life in prison are

eligible for parole earlier. At most, youths serve 10 years before becoming eligible for parole, whereas adults may have to serve up to 25 years.

- (j) Youths found guilty in youth court can be sentenced to secure custody, meaning that they serve time in a youth detention/correctional facility. This is the most severe kind of sentence and is generally reserved for violent, repeat and older offenders. A less severe form of incarceration is open custody; these sentences are usually served in community group homes. Non-custodial sentences include absolute discharge, conditional discharge, probation, a fine, compensation for the victim, or community service.

Two years in custody is the maximum penalty for offences not punishable by life under the *Criminal Code*. (Youths found guilty of more than one of these offences can be sentenced to a maximum of three years in custody.) For offences punishable by life, such as robbery, the maximum penalty is three years in custody. The maximum penalty for second degree murder is 7 years (4 years custody and 3 years supervision) and 10 years (6 years custody and 4 years supervision) for first degree murder.
- (k) Sentences expire when the youth has fulfilled all of the requirements set out by the judge or when the judge changes the sentence at a review hearing. Otherwise, the youth may be sent back to court for failing to complete the sentence.

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

Methodology

The Youth Court Survey (YCS) is a census of *Criminal Code* and other federal statute offences heard in youth court for youths aged 12 to 17 (up to the 18th birthday) at the time of the offence. Though every effort is made by respondents and the Canadian Centre for Justice Statistics (CCJS) to ensure complete survey coverage, slight under-coverage may occur in some jurisdictions. Refer to the annual publication *Youth Court Statistics* for more information on data collection, editing, and compilation.

In this *Juristat*, the unit of analysis is the case, which is defined by the YCS as one or more charges laid against a young person and presented in a youth court on the same date. Case counts are categorized by the most serious charge, most serious decision and most serious disposition. Consequently, less serious charges, decisions and dispositions are under-represented.

The determination of the most serious charge at the beginning of court proceedings is by the ordering of charges from most to least serious. Violent charges are given first priority in the ordering process, followed by drug and narcotic offences, property offences, other *Criminal Code* offences, offences

under the *Young Offenders Act* (YOA), and other federal statute offences. Offences are further ranked within these offence categories. Refer to the annual publication *Youth Court Statistics* for more information on the ordering criteria.

Since a case with more than one charge may have more than one type of decision, the “most significant decision” has been selected for analysis on the basis of the following order from most to least serious: transfer to adult court; guilty; other decision (e.g., not fit to stand trial); stay of proceedings; charge withdrawn; or transfer to other jurisdiction; and not guilty or charge dismissed. The case is described by the most serious or “significant” charge in the case, which is associated with the court decision.

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

The reader is advised that the use of the decisions ‘stay’ and ‘withdrawn’ for administrative purposes (e.g., to reduce charges or to correct details on an information) vary by jurisdiction. To terminate and recommence a case for administrative purposes has been found to inflate the total number of cases reported to the Youth Court Survey. As much as 30% of the national caseload is stayed or withdrawn and a proportion of these are the result of administrative procedures. Ontario, Manitoba, Saskatchewan and British Columbia are most affected by this practice. Consequently the reader is encouraged to analyze cases with guilty findings (convictions) to increase comparability among the jurisdictions, where possible.

Differences in data over time and across jurisdictions result from a number of factors that reflect how the YOA has been implemented. Pre-court screening procedures may affect

the number of youth appearing in court. The Crown Attorney, for example, may decide not to proceed with a charge, or the initial charge may be changed. Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. A youth may also be diverted from the court process into a program such as Alternative Measures (either before or after police lay charges) or a police diversion program.

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

References

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- Stevenson, Kathryn, Jennifer Tufts, Dianne Hendrick and Melanie Kowalski. *A Profile of Youth Justice in Canada*. Catalogue no. 85-544-XPE, Ottawa: Statistics Canada, Canadian Centre for Justice Statistics, 1998.
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Description of crime categories

Violent Crime: Murder; Manslaughter; Attempted Murder; Aggravated Sexual Assault; Sexual Assault/Weapon; Sexual Assault Level 1; Rape/Indecent Assault; Aggravated Assault; Assault with a Weapon; Cause Bodily Harm/Intent; Assault Level 1 (common assault); Unlawfully Cause Bodily Harm; Assaulting Peace Officer; Other Assaults; Robbery; Dangerous Use of Weapon; Possession of a Weapon; Other Weapon Offences; Infanticide and Other Related; Kidnapping/Hostage Taking; Extortion; Other Sexual Offences; Criminal Negligence

Property Crime: Break and Enter; Arson; Taking a Vehicle without Consent; Theft over \$5,000; Theft under \$5,000; Theft Unspecified; Theft Other; False Pretences; Forgery; Fraud; Other Fraudulent Transactions; Possession of Stolen Property; Mischief/Damage

Other Criminal Code: Impaired Operation; Escape Custody; Unlawfully at Large; Failure to Appear; Breach of Recognizance; Failure to Comply; Attempt/Accessories/Conspiracy; Disorderly Conduct/Nuisances; Abduction; Procuring; Bawdy House; Soliciting; Other Motor Vehicle Offences; Gaming and Betting; Against the Administration; Currency Offences; Exposure/Nudity; Public Morals; Public Order; Offences against the Person; Other Criminal Code

Narcotic Control Act, Food and Drugs Act, Controlled Drugs and Substances Act: Importing/Exporting; Trafficking in Narcotics; Possession of Narcotics; Failure to Disclose Rx; Cultivation; Trafficking in Drugs; Possession of Drugs; Other FDA.; Importing/Exporting; Trafficking in Controlled Drugs; Possession of Controlled Drug

Young Offenders Act: Failure to Comply with a Disposition; Failure to Comply with Undertaking; Contempt against Youth Court; Assist/Interfere/Other

Table 1

Cases Heard in Youth Court by Major Crime Category of the Serious Charge, Canada, 1992-93 to 1997-98¹

	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	% change 1992-93 to 1997-98
Violent crime							
number	21,653	23,374	23,010	23,084	23,044	23,711	
% caseload change*	...	7.9	-1.6	0.3	-0.2	2.9	9.5
rate per 10,000	94	100	97	97	95	97	
% rate change*	...	6.8	-2.4	-0.8	-1.4	1.7	3.7
Property crime							
number	62,456	59,138	53,007	52,743	51,767	49,602	
% caseload change*	...	-5.3	-10.4	-0.5	-1.9	-4.2	-20.6
rate per 10,000	270	253	225	221	214	203	
% rate change*	...	-6.3	-11.1	-1.6	-3.1	-5.3	-24.8
Other Criminal Code crime²							
number	18,517	18,918	18,327	19,173	18,285	19,316	
% caseload change*	...	2.2	-3.1	4.6	-4.6	5.6	4.3
rate per 10,000	80	81	78	80	76	79	
% rate change*	...	1.1	-3.9	3.5	-5.8	4.4	-1.2
Drug crime							
number	2,331	3,130	4,522	4,897	5,353	4,549	
% caseload change*	...	34.3	44.5	8.3	9.3	-15.0	95.2
rate per 10,000	10	13	19	21	22	19	
% rate change*	...	32.8	43.3	7.1	7.9	-16.0	84.8
YOA crime							
number	9,780	11,024	10,704	10,906	11,335	13,443	
% caseload change*	...	12.7	-2.9	1.9	3.9	18.6	37.5
rate per 10,000	42	47	45	46	47	55	
% rate change*	...	11.5	-3.7	0.8	2.6	17.2	30.2
Other federal statute crime							
number	450	365	173	224	281	262	
% caseload change*	...	-18.9	-52.6	29.5	25.4	-6.8	-41.8
rate per 10,000	2	2	1	1	1	1	
% rate change*	...	-19.8	-53.0	28.1	23.9	-7.8	-44.9
Total cases							
number	115,187	115,949	109,743	111,027	110,065	110,883	
% caseload change*	...	0.7	-5.4	1.2	-0.9	0.7	-3.7
rate per 10,000	497	495	465	465	455	453	
% rate change*	...	-0.4	-6.1	0.1	-2.1	-0.4	-8.8


* refers to previous year.

... not applicable.

¹ Most serious charge refers to the principal charge in the case.² Includes traffic crime cases.

Source: Youth Court Survey, Canadian Centre for Justice Statistics

Table 2



Cases Heard in Youth Court by Most Serious Charge and Age, Canada, 1997-98¹

	All Ages ²		12-13		14-15		16-17	
		%		%		%		%
Theft \$5,000 and under	17,634	16	2,678	21	6,877	17	7,958	14
YOA	13,443	12	841	7	5,067	13	6,750	12
Breaking and entering	13,409	12	1,536	12	5,077	13	6,683	12
Failure to Appear/Comply/Recog.	11,705	11	1,147	9	4,062	10	5,885	11
Common assault	10,535	10	1,861	15	4,121	10	4,351	8
Possession stolen property	5,938	5	506	4	2,132	5	3,243	6
Mischief/Damage	5,463	5	898	7	2,000	5	2,517	5
Aggravated assault/with weapon	4,897	4	600	5	1,686	4	2,554	5
Drugs	4,549	4	196	2	1,312	3	2,997	5
Robbery	3,398	3	361	3	1,357	3	1,617	3
Theft over \$5,000	2,591	2	197	2	971	2	1,401	3
Weapons/firearms/explosives	2,113	2	190	2	724	2	1,175	2
Escapes/Unlawfully at large	1,904	2	138	1	711	2	1,004	2
Sexual assault/Sexual offences	1,818	2	452	4	704	2	625	1
Frauds/Forgery/False Pretense	1,596	1	78	1	435	1	1,055	2
Motor theft-no consent	1,566	1	160	1	684	2	706	1
Impaired driving/other motor vehicle	1,269	1	4	--	98	--	1,151	2
Other crimes ³	7,055	6	752	6	2,416	6	3,769	7
Total cases	110,883	100	12,595	100	40,434	100	55,441	100

-- amount too small to be expressed.


¹ Most serious charge refers to the principal charge in the case.

² Includes 2,413 cases for which the age of the accused was unknown, greater than 17 or less than 12.

³ Includes violent, property, and Criminal Code crimes not listed above, and other federal statute crimes.

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

Table 3




Cases in Youth Court, Rate per 10,000 youths, 1997-98

	% youth population	% cases in youth court	Case rate per 10,000 youths	% rate change over 1996-97	% rate change over 1992-93
	%	%	%	%	%
Newfoundland	2	2	423	-21	-1
Prince Edward Island	--	--	319	-17	-23
Nova Scotia	3	3	453	-3	13
New Brunswick	3	2	367	-3	15
Quebec	24	10	188	-4	7
Ontario	37	40	493	-7	-15
Manitoba	4	7	792	11	-2
Saskatchewan	4	8	942	6	8
Alberta	10	15	653	2	-26
British Columbia	13	12	423	20	-8
Yukon	--	--	1,745	--	70
Northwest Territories	--	1	875	-5	-14
Canada	100	100	453	--	-9

-- amount too small to be expressed.

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

Table 4



Cases by most serious decision, 1997-98

	Total	Guilty	Dismissed/ Not Guilty	Stayed/ Withdrawn	Other ¹
	(100%)	%	%	%	%
Newfoundland	2,197	80	4	16	--
Prince Edward Island	376	87	--	13	-
Nova Scotia	3,472	73	12	15	1
New Brunswick	2,303	87	2	11	--
Quebec	10,881	81	8	10	1
Ontario	44,185	61	3	36	--
Manitoba	7,615	55	1	44	--
Saskatchewan	9,115	70	4	25	--
Alberta	16,579	70	3	26	1
British Columbia	13,059	70	3	28	--
Yukon	506	59	8	32	2
Northwest Territories	595	78	1	21	--
Canada	110,883	67	4	29	--


- nil or zero.

-- amount too small to be expressed.

¹ Includes transfer of jurisdiction and other decisions.

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

Table 5



Youth Court Cases with Guilty Findings by Most Serious Disposition and Most Serious Charge¹, Canada, 1997-98

	Total guilty findings	Secure custody	Open custody	Probation	Fine	Community Service	Absolute discharge	Other ²
	(100%)	%						
Murder/manslaughter	14	86	7	-	-	--	-	-
Attempted murder	15	67	27	-	-	-	-	--
Robbery	1,979	27	25	43	--	3	--	2
Sexual assault/offences	950	13	16	65	--	3	1	3
Aggravated assault/weapon	2,654	19	19	56	1	3	1	2
Common assault	7,001	10	13	64	3	6	2	3
Weapons/firearms/explosives	1,201	14	15	56	3	5	3	4
Total violent crime	14,273	15	16	58	2	5	1	3
Theft \$5,000 or less	10,658	9	13	57	7	11	2	2
Motor theft - no consent	1,067	11	15	60	4	7	1	2
Theft over \$5,000	1,477	25	22	46	1	4	--	2
Breaking and entering	9,782	18	21	54	1	4	--	2
Possession stolen property	4,771	18	21	48	4	6	1	2
False pretense	1,079	12	14	57	4	6	1	5
Mischief/Damages	3,859	10	12	60	3	8	2	5
Total property crime	33,506	14	17	55	4	7	1	3
Failure to appear/comply/recog.	6,618	18	22	38	8	8	2	5
Escapes/unlawfully at large	1,778	62	29	5	--	1	--	2
Impaired driving/other vehicle	1,079	8	7	27	48	8	--	3
YOA crime	10,702	22	26	28	10	10	1	3
Failure to comply with disposition	10,577	22	26	27	10	10	1	3
Drug crime	3,076	7	8	55	14	8	5	2
Other crimes ³	12,971	21	19	36	10	7	2	5
Total cases with guilty findings	74,528	16	18	48	6	7	2	3

- nil or zero.

-- amount too small to be expressed.


¹ Refers to the most serious charge with the sentence that has the greatest effect on the young person.

² Includes restitution, prohibition, compensations, pay purchaser, essays, apologies, counseling programs and conditional discharges etc.

³ Includes other Criminal Code and federal statute crimes not listed above.

Source: Youth Court Survey, Canadian Centre for Justice Statistics


Table 6



	Secure custody	Open custody	Probation	Fine	Community Service	Absolute discharge	Other
				%			
1992-93	14.6	17.0	49.1	6.9	6.7	3.7	1.9
1993-94	15.2	18.0	48.5	6.6	6.2	3.5	2.0
1994-95	15.7	18.4	48.2	6.0	6.6	3.3	1.9
1995-96	14.9	18.5	49.1	5.8	6.9	2.9	2.1
1996-97	15.7	18.1	50.8	4.8	6.1	2.0	2.6
1997-98	16.4	18.1	48.2	5.8	7.1	1.6	3.0

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

Table 7



	Total guilty findings	Custody		Percentage of custody cases ¹						
		(100%)	%	Failure to comply with a disposition	Breaking and Entering	Failure to Appear/ Comply/ Recog.	Possession of Stolen Property	Common Assault	Escapes/ Unlawfully at large	Other cases
Newfoundland	1,755	657	37	13	22	9	4	7	6	39
Prince Edward Island	328	177	54	20	21	5	4	3	1	46
Nova Scotia	2,523	769	30	23	16	9	5	8	1	37
New Brunswick	2,005	602	30	28	16	5	5	6	8	33
Quebec	8,861	2,561	29	14	22	3	2	4	7	47
Ontario	27,033	10,990	41	19	13	11	8	8	6	35
Manitoba	4,173	1,277	31	15	14	15	8	6	4	37
Saskatchewan	6,415	2,084	32	11	19	13	8	4	14	31
Alberta	11,594	3,236	28	26	14	13	9	4	5	29
British Columbia	9,082	3,007	33	30	11	9	7	5	3	35
Yukon	297	138	46	34	13	9	6	2	7	29
Northwest Territories	462	172	37	12	42	6	2	8	8	22
Canada	74,528	25,670	34	20	15	10	7	6	6	35

¹ Refers to the most serious charge with the sentence that has the greatest effect on the young person.

Source: Youth Court Survey, Canadian Centre for Justice Statistics

Canadian Centre for Justice Statistics

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