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# uristat

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## **YOUTH CUSTODY AND COMMUNITY SERVICES IN CANADA, 1998-99**

*by Mary Bess Moldon and Damir Kukec*

### **HIGHLIGHTS**

- In 1998-99, incarceration rates among reporting provinces ranged from 11 young offenders in custody per 10,000 youth in British Columbia to 41 per 10,000 youth in Saskatchewan. Probation rates ranged from 124 young offenders in probation per 10,000 youth in Alberta to 225 per 10,000 in Prince Edward Island.
- During 1998-99, approximately 78,000 youth admissions to custody or probation took place in Canada. Almost 80% of these admissions were male.
- Just over one-half (52%) of admissions were to custody (remand, secure and open custody) while the remaining 48% were to probation.
- The majority of youth custody admissions were to remand (60%), followed by open custody (21%) and secure custody (19%).
- The national rate of youth custody admissions has declined from 182 custody admissions per 10,000 youth in 1997-98 to 164 per 10,000 youth in 1998-99. Among provinces, rates of youth custody admissions ranged from a low of 70 custody admissions per 10,000 youth in Prince Edward Island, to a high of 239 per 10,000 youth in Manitoba.
- Sentenced custody admissions (i.e., secure and open custody) were most likely to be for property offences (43%). Violent offences accounted for 22% of sentenced custody admissions, followed by YOA offences (20%), other *Criminal Code* offences (10%), drug-related offences (2%) and other federal/provincial/municipal offences (2%). A similar offence profile was displayed for probation admissions which were most likely to be for property offences (52%), followed by violent offences (27%), other *Criminal Code* offences (10%), YOA offences (5%), drug-related offences (3%) and other federal/provincial/municipal offences (3%).
- Aboriginal youth were over-represented in the youth correctional system. In the reporting jurisdictions where Aboriginal status was known, Aboriginal youth accounted for 24% of the total admissions to sentenced custody, although they accounted for only 5% of the total youth population in those jurisdictions.
- Almost one-half (45%) of releases from sentenced custody took place within one month. Only 3% of secure custody releases and 2% of open custody releases occurred after one year or more.
- The majority of those admitted to probation received sentences of six months to one year (52%), followed by those sentenced to one to two years (26%).



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## Introduction

The current debate over the proposed *Youth Criminal Justice Act*, which is intended to replace the *Young Offenders Act*, highlights the complexity and importance of youth justice as a policy issue in Canada. The development of new legislation has been attributed to “public frustration with the *Young Offenders Act* and a political determination to *get tough* with young offenders” (Varma & Marinos, 2000). Furthermore, researchers and public opinion polls report that Canadians in general believe that crime and youth crime in particular have increased over time and that the *Young Offenders Act* is unable to stem the tide of youth delinquency (Enviro-nics, 1998; Peterson-Badali, 1996; Hartnagel & Baron, 1995).

However, contrary to public perception, official crime data maintained by the Canadian Centre for Justice Statistics (CCJS) at Statistics Canada show that since 1991 the number of youth charged by police has dropped by 35% to 407 youth charged per 10,000 youth in 1999 (Tremblay, 2000). Although marginal, the rate of youth violent crime has also shown a decline from 1995 to 1998 and police-reported statistics have shown that youth commit proportionately less violent crime than adults (Savoie, 1999). The rate of youth court cases has also followed a downward trend, declining 13%, from 500 per 10,000 youth in 1992-93 to 435 per 10,000 youth in 1998-99 (Carrière, 2000).

In addition to police reported youth crime and youth court data, youth corrections statistics present another view of the youth justice system in Canada. Data from the Youth Custody and Community Services (YCCS) survey, presented in this *Juristat*, provide legislators, policy makers, corrections officials, and the public with new information on youth justice and may inform the on-going evolution of Canada's youth justice system.

The purpose of this *Juristat* is to provide corrections-based data on youth admissions to custodial facilities and to probation, and the daily average number of young offenders in custody and probation across the country. As such, the information describes the case-flow and workload in the youth corrections system. In addition, admission data describe the characteristics of youth admissions to custody and probation by the most serious offence, the length of disposition ordered by the court and releases by length of actual time served. Demographic information is also presented for youth admissions to custody and probation (i.e., sex, age and Aboriginal status).

### Scope of the YCCS survey

Data summarized in this *Juristat* are primarily drawn from the YCCS survey. The scope of the YCCS survey is to collect and analyse information on the application of dispositions under the *Young Offenders Act* from provincial and territorial agencies responsible for youth corrections and programs. The primary unit of analysis for the YCCS survey is the *admission*, which is the commencement of an uninterrupted period of supervision by the Provincial/Territorial Director within a specific status (e.g., secure custody).

The data in this publication are national in scope representing all of the provinces and territories across Canada. Data from Nunavut are not reported in this *Juristat* because the reporting period (1998-99) is prior to the establishment of the new territory. Work is underway to include Nunavut in the next survey cycle.

Jurisdictions provide data on the application of dispositions under the YOA on two levels. Newfoundland, Prince Edward Island, Manitoba and Alberta provide case-specific information which are used to generate the aggregate admission counts reported in this publication. These respondents represent roughly 20% of the national caseload. The remaining jurisdictions report to the survey on an aggregate level. Because of the limited coverage provided by the case-specific survey, analysis in this report has been limited to aggregated data. Future expanded coverage of the case-specific survey will eventually permit more comprehensive analysis of the

characteristics of youth cases in corrections. It should also be noted that as the survey has only previously released one year (1997-98) of data, it is difficult to report on long term trends at this time. For more information on the YCCS survey and its methodology please refer to the methodology and glossary section contained in this publication.

**The National Justice Statistics Initiative**

The data contained in this *Juristat* are the result of a partnership between federal, provincial and territorial governments. This partnership is referred to as the National Justice Statistics Initiative (NJSI) and is essential to reporting national and comparable data on youth crime and its administration. It is important to point out that the application of national and uniform definitions may result in differences between the data contained in this *Juristat* and those found in provincial and territorial reports.

Before presenting the survey data, a description of the youth justice system and the types of dispositions currently available under the *Young Offenders Act* (YOA) will give context to the analysis of the YCCS survey data.

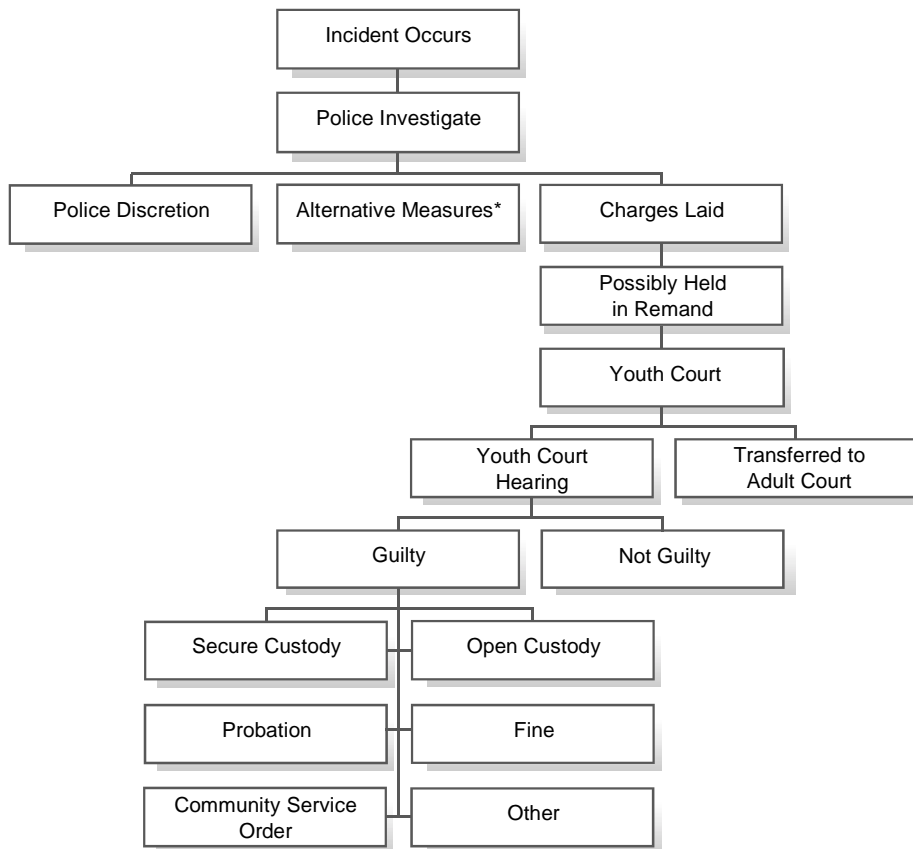
**The youth justice system**

In general, the federal government is responsible for creating federal statutes like the *Criminal Code of Canada*, *Controlled Drugs and Substance Act*, and the *Young Offenders Act*; while the provinces and territories are responsible for the administration of justice across Canada. The YOA provides a set of rules, which are to be applied to young people who are apprehended by police and who may be subsequently charged under federal, provincial or municipal statutes.

Under the YOA, a “young person” is defined as someone 12 years of age or older but under the age of 18 at the time of the offence. As shown in Figure 1, the youth justice process commences once an incident occurs and police investigate. If an offence has been committed and the young person is apprehended, police can use their discretion as to whether or not to charge the youth. Through a referral by either the police or the crown attorney, the youth can be held accountable for his/her actions by being diverted from the formal court process and admitted into an Alternative Measures (AM)

Figure 1

**Youth justice process chart**



\* Within jurisdictions, alternative measures may be offered before charges are laid, after charges are laid, or both.

program.<sup>1</sup> Alternative measures include various requirements such as compensation, the performance of community or personal services and/or other measures considered appropriate. If the youth does not complete an AM program, then the youth may be referred back to the formal judicial process.<sup>2</sup>

Once charges are laid, the youth can be released with a promise to appear in court or the youth may be held temporarily in remand prior to a court hearing. Youth have a status of remand when they are being detained in custody under a “remand warrant” and are typically awaiting a court appearance.<sup>3</sup> If the youth is processed by formal means through the court system, a youth court will hear the youth’s case. If the youth pleads guilty or if the youth court finds the youth guilty, the youth will be given a disposition (sentence) for the offence(s) committed. The youth court judge may give a variety of dispositions ranging from an absolute discharge to secure custody.

### Dispositions under the YOA

If sentenced to custody, young offenders are required to serve their disposition in either a secure or open custody facility. As noted previously, each province and territory is responsible for the administration of justice in Canada. Furthermore, in some provinces, administration of youth corrections is shared between social services and corrections. Therefore, the level of restrictions within secure and open custody may vary from one jurisdiction to another.

In addition to custodial dispositions, the court has the option of ordering a variety of community-based dispositions. These options include probation, community services, personal services, fines, compensation and restitution. Probation dispositions are ordered for a specified period of time and may not exceed two years in length. Additionally, the court may order special conditions of probation such as residing in a specific location, attending school, or refraining from frequenting a certain location. A combination of custodial and non-custodial dispositions may also be ordered.

## YOUTH ADMISSIONS TO CUSTODY AND PROBATION

Youth admission data describe and measure the changing case-flow of young offenders within youth correctional facilities and programs. These data are one indication of workload and provide a profile of program participation within the youth correctional system. An admission occurs when a young offender commences a particular custody type (remand, secure or open) or probation under the authority of the Provincial/Territorial Director responsible for the administration of youth corrections and/or programs. For the YCCS survey, a new admission is counted each time an offender changes status.

In 1998-99, there were 77,959 admissions to youth custody or probation (see Table 1)<sup>4</sup> in Canada. Excluding Saskatchewan (this province was unable to report admissions for the reporting period 1997-98), the total number of admissions to custody or probation declined 6%, from 80,068 in 1997-98 to 75,221 in 1998-99.<sup>5</sup>

### Amendments to the YOA

Since 1984, when the YOA came into force, academic researchers point to a number of factors that led to subsequent amendments of the Act, including public criticism and the perception that the legislation was incapable of effectively addressing youth violent crime (i.e., delays in transferring violent youth offenders to adult court). In 1992, the maximum sentence for murder in youth court was increased to five years less a day and the transfer provisions stipulated that in transfer hearings the protection of the public was to be the paramount consideration.

Another set of amendments, enacted in 1995, reinforced a “get tough” approach and increased the maximum youth court sentence for murder to ten years and facilitated transfer of youth charged with the most serious offences to adult court where longer sentences could be imposed. Additional amendments at this time emphasized the rehabilitative themes of the YOA and attempted to increase the use of community-based dispositions for youths who did not pose a risk of serious harm to the public (Bala, 1997).

As it stands now, the YOA permits youth aged 14 years or older, charged with an indictable offence to be transferred to adult court. The YOA also stipulates that 16 and 17 year-olds charged with serious violent offences such as murder or attempted murder are automatically transferred to adult court unless the accused can convince the youth court judge to keep the trial in youth court.

### Proposed Youth Criminal Justice Act

Bill C-3, the *Youth Criminal Justice Act* (YCJA) was introduced in the House of Commons on October 14, 1999. Intended to replace the *Young Offenders Act*, the bill was developed and based upon *A Strategy for the Renewal of Youth Justice*, released by the federal government in May 1998 as its response to *Renewing Youth Justice*, April 1997 Report to the House of Commons Standing Committee on Justice and Legal Affairs (Douglas & Goetz, 2000). The proposed legislation will:

- expand the offences for which a young person convicted of an offence would be presumed to receive an adult sentence from murder, attempted murder, manslaughter and aggravated sexual assault to include a new category of a pattern of serious violent offences;
- lower the age for youth who are presumed to receive an adult sentence for the above offences to include 14- and 15-year-olds;
- permit the publication of names of all youth who receive an adult sentence;
- create a special sentence for serious violent offenders who suffer from mental illness, psychological disorder or emotional disturbance;
- require all periods of custody to be followed by a period of controlled supervision in the community to support safe and effective reintegration; and,
- allow for and encourage the use of a full range of community-based sentences and effective alternatives to the justice system for youth who commit non-violent offences (Department of Justice Canada, 1999).

<sup>1</sup> Within jurisdictions, alternative measures may be offered at the pre-charge stage (i.e., before the charges are laid), the post-charge stage (i.e., after the charges are laid), or both.

<sup>2</sup> The YCCS survey does not maintain data on AM. For more information on AM, refer to Engler, C. and Shannon Crowe (2000), *Alternative Measures in Canada and MacKillop, B. (1999), Alternative Measures in Canada, 1998.*

<sup>3</sup> Although remand is not defined by the YOA as a disposition, the YCCS survey recognizes remand as a custody status.

<sup>4</sup> The number of admissions excludes probation admissions in Manitoba and remand admissions in Saskatchewan.

<sup>5</sup> The 1997-98 and 1998-99 figures exclude all Saskatchewan admissions, as well as Manitoba probation admissions which were not reported in 1997-98 or 1998-99.

Table 1

Jurisdiction	Total	Remand	Secure custody	Open custody	Probation
<b>Total reported</b>	<b>77,959</b>	<b>24,061</b>	<b>7,823</b>	<b>8,321</b>	<b>37,754</b>
Newfoundland	1,396	212	195	199	790
Prince Edward Island	163	35	31	19	78
Nova Scotia	2,446	343	62	362	1,679
New Brunswick	1,621	291	279	193	858
Quebec	13,058	2,447	1,299	1,160	8,152
Ontario <sup>1</sup>	37,152	13,626	3,564	3,839	16,123
Ontario MCSS	22,941	8,783	1,880	2,769	9,509
Ontario MSGCS	14,211	4,843	1,684	1,070	6,614
Manitoba	2,322	1,636	238	448	..
Saskatchewan	2,738	..	332	449	1,957
Alberta	7,940	2,851	999	703	3,387
British Columbia	7,971	2,393	660	824	4,094
Yukon	267	93	52	26	96
Northwest Territories	885	134	112	99	540

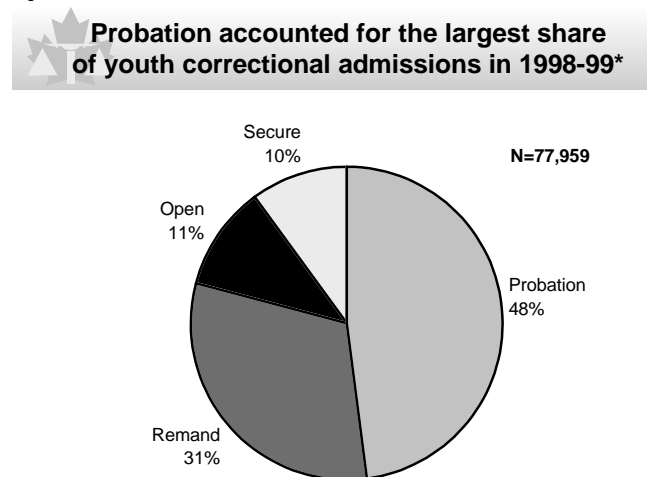
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<sup>1</sup> Ontario is represented by two jurisdictions: The Ontario Ministry of Community and Social Services (Ontario MCSS) is responsible for young offenders between the ages of 12 and 15 and The Ontario Ministry of the Solicitor General and Correctional Services (Ontario MSGCS) is responsible for young offenders aged 16 or 17.

Source: Youth Custody and Community Services Survey, CCJS.

As a proportion of total admissions, probation accounted for close to one-half (48%), followed by remand (31%), open custody (11%) and secure custody (10%) (see Figure 2). Since 1997-98, these proportions have remained relatively unchanged.

Figure 2



\* Saskatchewan was unable to report remand admissions and Manitoba was unable to report probation admissions.

Source: Youth Custody and Community Services Survey, CCJS.

### Initial entries into remand, custody and community services

For the YCCS survey, admission data measure the number of commencements to specific types of programs (i.e., remand, custody and probation) for youth under the authority of the Provincial/Territorial Director. The YCCS survey also reports the initial entry, which is the first commencement to a period of uninterrupted supervision under the authority of the Provincial/Territorial Director.

Generally, most correctional systems report these activities within the concept of a "case", where a unique offender commences a period of uninterrupted supervision and subsequent admissions to different types of programs until they are finally released (i.e., no longer under the authority of the Provincial/Territorial Director).<sup>6</sup>

For those jurisdictions that were able to provide initial entry statistics for 1998-99, there were 42,806 initial entries to youth corrections<sup>7</sup>. Initial entries to remand accounted for 40% of the total reported, followed by initial entries to probation (37%), community services programs (12%), open custody (6%) and secure custody (5%).

<sup>6</sup> For more information on the concept of admission and initial entry, please see the methodology section of this Juristat.

<sup>7</sup> Newfoundland, Prince Edward Island, Ontario MSGCS, Manitoba, Saskatchewan, Alberta, Yukon and the Northwest Territories reported initial entries for 1998-99. Nova Scotia was unable to report community service initial entries and Ontario MCSS was unable to report remand initial entries. New Brunswick and Quebec were unable to report any initial entry data.

## CUSTODY ADMISSIONS

As indicated in the previous section, over one-half (52%) of all youth admissions were admissions to custody in 1998-99. The following section examines custody admissions as remand admissions and sentenced custody admissions. It is important to note that although remand is not a specific disposition under the YOA, because of the custodial nature of remand detention, the YCCS survey includes remand as a custody admission. Furthermore, sentenced custody includes both secure and open custody admissions resulting from a youth court decision.

The first part of this section provides an overview of custody admissions. The second examines the number and characteristics (e.g., length of time served) of youth admissions to remand and compares it to overall custody admissions. The third examines sentenced custody, with some focus on the use of open and secure dispositions. To begin the discussion on custody admissions, a useful way to standardize admission statistics, such that they may be compared over time and across jurisdictions, is by producing rates of custody admissions using youth population figures (or rate per 10,000).

In 1998-99, the total custody admission rate was 164 custody admissions per 10,000 youth in the population (see Table 2). Excluding Saskatchewan, this represents a decrease of 8% since 1997-98 when a rate of 182 admissions per 10,000 youth was reported.<sup>8</sup>

Similar to the findings reported in 1997-98, the highest 1998-99 rates of custody admissions occurred in the Yukon (568 per 10,000 youth) and Northwest Territories (495 per 10,000). Among provinces, Manitoba (239 per 10,000) and Ontario (232 per 10,000) had the highest rates while Prince Edward Island (70 per 10,000 youth) and Quebec (87 per 10,000 youth) had the lowest. This finding for Quebec is consistent

with other youth justice statistics. Youth court data for 1998-99 show that the rate of youth court cases in Quebec was the lowest in the country at 201 cases per 10,000 youth (the national rate was 435 per 10,000) (Carrière, 2000). Research has also shown that Quebec's rate of youth charged with a federal statute offence was much lower than the Canadian average (Stevenson, Tufts, Hendrick & Kowalski, 1998).

Since 1997-98, custody admission rates declined in most jurisdictions, with the exception of Newfoundland (no change), the Northwest Territories (+1%), Nova Scotia and Quebec (both +6%). The most substantial decreases were reported for Prince Edward Island (-38%) and Yukon (-31%).<sup>9</sup>

### Differences among jurisdictions

When examining the data contained in this *Juristat* and the trends and differences between jurisdictions, it is important to consider that these data are as much a reflection of the administration of youth justice across Canada as they are an indication of delinquency.

One factor that may contribute to differing trends is the use of informal (e.g., police discretion) and formal diversion measures (e.g., Alternative Measures) by police and crown. Such diversion methods impact the case-flow and caseload on correctional facilities and programs. For example, research suggests (Doob & Sprott, 2000) that Quebec's frequent use of diversion, away from the formal justice system, may help explain why it recently reported the lowest rate of youth court cases in the country (201 cases per 10,000) (Carrière, 2000); as well as, the second lowest rate of youth correctional admissions (232 per 10,000).

<sup>8</sup> Saskatchewan was unable to report admissions in 1997-98. Therefore, for comparison purposes, the 1998-99 national rate was calculated at 167 custody admissions per 10,000 youth excluding Saskatchewan.

<sup>9</sup> Note that the larger percentage differences reported here could be a reflection of smaller counts of admissions and youth population in these two jurisdictions.

Table 2

	Youth population	Remand		Secure		Open		Total		% change from previous year
		#	Rate (per 10,000 youth)	#	Rate (per 10,000 youth)	#	Rate (per 10,000 youth)	#	Rate (per 10,000 youth)	
		<b>Total<sup>1</sup></b>	<b>2,451,946</b>	<b>24,061</b>	<b>98</b>	<b>7,823</b>	<b>32</b>	<b>8,321</b>	<b>34</b>	
Newfoundland	49,576	212	43	195	39	199	40	606	122	-
Prince Edward Island	12,102	35	29	31	26	19	16	85	70	-38
Nova Scotia	75,401	343	45	62	8	362	48	767	102	6
New Brunswick	61,812	291	47	279	45	193	31	763	123	-14
Quebec	562,937	2,447	43	1,299	23	1,160	21	4,906	87	6
Ontario	906,498	13,626	150	3,564	39	3,839	42	21,029	232	-10
Manitoba	97,334	1,636	168	238	24	448	46	2,322	239	-9
Saskatchewan	96,609	..	..	332	34	449	46	..	..	..
Alberta	261,015	2,851	109	999	38	703	27	4,553	174	-14
British Columbia	318,687	2,393	75	660	21	824	26	3,877	122	-11
Yukon	3,009	93	309	52	173	26	86	171	568	-31
Northwest Territories	6,963	134	192	112	161	99	142	345	495	1

.. figures not available

- nil or zero

\* In order to compare the 1997-98 and 1998-99 national rates, Saskatchewan was excluded (Saskatchewan did not report admissions in 1997-98). Excluding Saskatchewan, the 1998-99 national rate was calculated at 167 custody admissions per 10,000 youth.

<sup>1</sup> Note that the total number of remand admissions and total number of custody admissions do not include Saskatchewan remand admissions.

Source: Youth Custody and Community Services Survey, CCJS and Annual Demographic Statistics, 1998, Demography Division, Statistics Canada.

## Remand Admissions

Although remand represents the bulk of custody admissions, the “temporary nature” of remand denotes a relatively short period of detention. More specifically, youth held in remand awaiting a trial on a specific set of charges are considered innocent until the youth court has made a determination. This contributes to the relatively short period of time served in remand compared to sentenced custody.

Youth are generally admitted into remand because the youth court has denied them bail (i.e., release prior to court hearing) which is usually based on the determination that the youth poses a danger to society or there may be a chance that they will not appear for their court hearing. As such, most youth held in remand are awaiting a court hearing, or they may be awaiting sentencing.

Youth admissions to remand have declined slightly (-5%) since 1997-98. In 1998-99, there were 24,061 remand admissions, accounting for 60% of total youth custody admissions.<sup>10</sup> As Figure 3 shows, Western Canada reported a greater proportion of custody admissions to remand than Eastern Canada. Manitoba had the highest proportion of remand admissions (70%) while Newfoundland had the lowest (35%). For each jurisdiction, remand admissions, as a proportion of total custody admissions, were similar to what was reported in 1997-98.

Expressed as a rate, in 1998-99 there were 98 youth admissions to remand per 10,000 youth population (refer to Table 2). Among provinces, the highest rate of remand admissions was reported in Manitoba (168 per 10,000 youth) followed by Ontario (150 per 10,000). The lowest rates were reported in Prince Edward Island (29 per 10,000) and Newfoundland and Quebec (both 43 per 10,000).

For the YCCS survey, if a youth is being held for multiple offences related to a single incident, only the most serious

offence (MSO) is reported within an admission. Therefore, more serious offences will be reported than those that are less serious in nature. In those jurisdictions that were able to report admissions by MSO<sup>11</sup>, property offences accounted for the highest proportion of remand admissions (37%). Violent offences (23%), other *Criminal Code* (18%) and YOA (18%) offence admissions followed. These results are similar to those seen in 1997-98 and support other research that has shown that youth tend to commit more property offences than other types of offences (Stevenson et al., 1998).

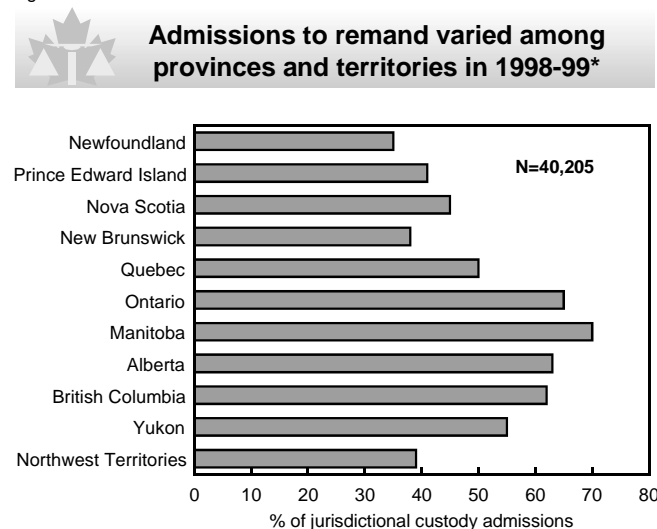
Within most jurisdictions, property offences accounted for the largest part of the admissions to remand. However, in Nova Scotia, other *Criminal Code* offences accounted for the largest share (44%) while in British Columbia, YOA offences accounted for the largest share (33%) of remand admissions. In New Brunswick, other *Criminal Code* offences were just as common as property offences (each 31% of the total).

## Male remand admissions out-numbered females four to one

It is generally understood that, as with adults, the majority of youths involved in crime are males. For example, of those youth charged with a *Criminal Code* offence in 1999, 77% were male and 23% were female (Tremblay, 2000). Similarly, youth court data showed that in 1998-99, eight in ten youth court cases were male (Carrière, 2000). Admission data also reflect this pattern. In 1998-99, 79% of all admissions to remand were male and 21% were female. Jurisdictions reported similar proportions by sex. At the time of admission to remand, 70% of males and 57% of females were 16 or 17 years of age.

The YCCS survey also collects self-reported data on Aboriginal status. The data from 1998-99 show that Aboriginal youth were over-represented among youth admitted to remand. Of reporting jurisdictions where Aboriginal status was known<sup>12</sup>, Aboriginal youth admissions made up 37% of the total admissions to remand. In comparison, Aboriginal youth made up only 7% of youth aged 12 to 17 in those jurisdictions. The most disproportionate representation was evident in the western provinces. In Manitoba, for example, 69% of youth admissions into remand were identified as being Aboriginal, whereas only 16% of Manitoba’s youth population were Aboriginal. In Alberta, 33% of youth remand admissions were Aboriginal, compared to 6% of the youth population. In comparison, Aboriginal youth accounted for 4% of youth remand admissions and 2% of the general youth population in the reporting eastern provinces (Newfoundland, Prince Edward Island and Nova Scotia).

Figure 3



\* Saskatchewan was unable to report remand admissions.  
**Source:** Youth Custody and Community Services Survey, CCJS.

<sup>10</sup> This figure excludes Saskatchewan remand admissions, which were not reported.

<sup>11</sup> Reporting jurisdictions include Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario MSGCS, Manitoba, Alberta, British Columbia, Yukon and the Northwest Territories. Ontario MCSS, Quebec, Saskatchewan and Yukon were unable to provide data on remand admissions by MSO.

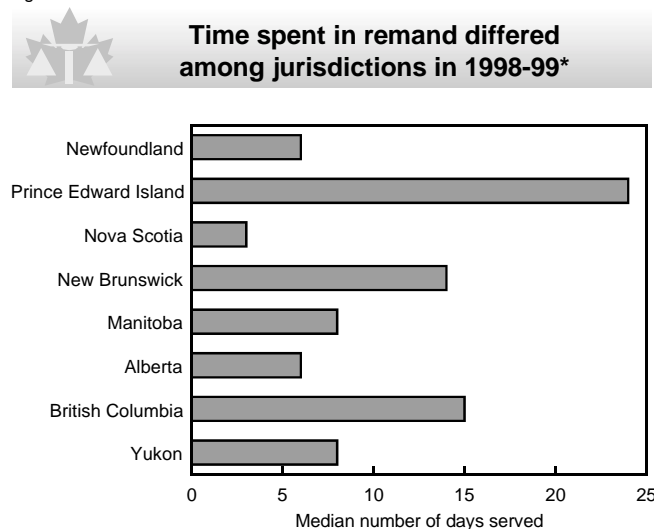
<sup>12</sup> Newfoundland, Prince Edward Island, Nova Scotia, Manitoba, Alberta, British Columbia, Yukon and the Northwest Territories reported remand admissions by Aboriginal status. New Brunswick, Quebec and Saskatchewan were unable to report remand data by Aboriginal status. Ontario was excluded from the analysis because Ontario MCSS was unable to provide remand admissions by Aboriginal status.

### Time spent in remand was generally less than one month

Youth can be transferred from remand into another form of supervision (sentenced custody or probation) or they can be found not guilty and released. In 1998-99, the majority of youth remand releases occurred after one week or less (53%), followed by those that spent between one week and one month (29%). Only 1% of youth remand releases took place after a period of more than 6 months – not surprising given that remand is generally considered a temporary custody status.

Jurisdictional differences appear when comparing length of time spent in remand (see Figure 4). Prince Edward Island, for example, reported the longest period of stay (median time served was 24 days), while Nova Scotia had the shortest median time served (3 days).

Figure 4



\* Quebec and Saskatchewan were unable to report releases from remand. Ontario and Northwest Territories were unable to fully report remand release data.

Source: Youth Custody and Community Services Survey, CCJS.

### Sentenced Custody Admissions (Secure and Open)

In 1998-99, there were 16,144 admissions to sentenced custody (i.e., secure and open custody) or 66 admissions for every 10,000 youth in Canada. They accounted for 40% of all custody admissions (open custody, 21% and secure custody, 19%). Excluding Saskatchewan<sup>13</sup>, sentenced custody admissions have decreased by about 11% since 1997-98.

At the national level, secure and open admission rates were similar at 32 and 34 admissions per 10,000 youth respectively (refer to Table 2). However, there was a great deal of variation among provinces in terms of admission rate.<sup>14</sup> Secure custody admission rates ranged from 8 per 10,000 youth in Nova Scotia to 45 admissions per 10,000 youth in New Brunswick.

### Dispositions for murder

Under the YOA, a youth court judge can sentence a youth found guilty of an offence to custody for a period not exceeding two years for a single offence and not more than three years for multiple offences except in the case of first-degree or second-degree murder. For first-degree murder, a young offender can receive a period of supervision of up to ten years, up to a maximum of six years in custody. In the case of second-degree murder, the maximum period of supervision is seven years with a limit of four years in custody. The most severe disposition a young offender can receive is a sentence to secure custody, while open custody is considered less restrictive.

Open custody admissions ranged from 16 per 10,000 youth in Prince Edward Island to 48 per 10,000 youth in Nova Scotia. Within most jurisdictions, secure and open custody admission rates tended to be similar.

### Property offences accounted for the majority of sentenced custody admissions

Similar to remand admissions, for reporting jurisdictions where MSO was known,<sup>15</sup> youth admissions to sentenced custody were most likely to be for property offences (43%). Break and enter accounted for close to one-half of all property offences (43%), followed by theft \$5,000 and under (20%), possession of stolen goods (17%), other property offences (14%), and theft over \$5,000 (5%). Violent offences accounted for the second largest share of all sentenced custody admissions (22%), followed by YOA offences (20%), other Criminal Code (10%), drug-related (2%) and other provincial/municipal and other federal offences (2%). This pattern follows that of cases processed through youth courts. In 1998-99, youth court cases most often involved property crimes (43%) and violent crimes (22%) (Carrière, 2000).

Figure 5 provides a further breakdown of sentenced custody admissions by specific MSO category. YOA offences (20%) and break and enter offences (18%) were most common. The least common offences included theft over \$5,000 (2%), drug related (2%), provincial/municipal and other federal (2%) and sexual assault offences (1%).

Admissions to sentenced custody (both secure and open) by MSO varied among provinces. New Brunswick, for instance, reported the lowest proportion of violent offences (13%) while Manitoba reported the highest (32%). Property offence admissions ranged from 30% of all sentenced custody admissions in British Columbia to 53% in Newfoundland.

<sup>13</sup> Saskatchewan was excluded because 1997-98 admissions data for this jurisdiction were unavailable.

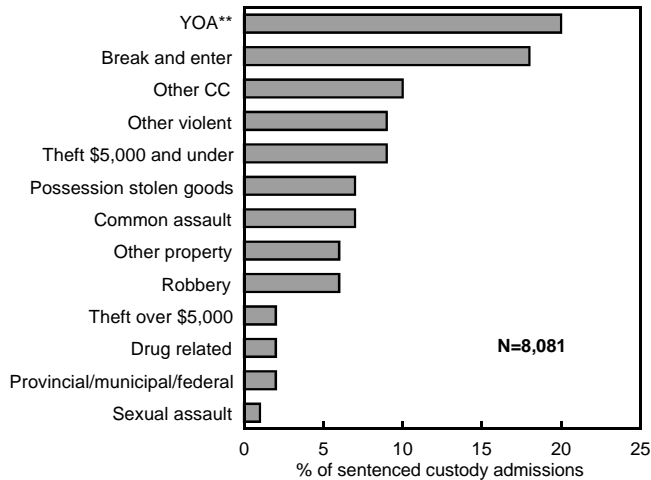
<sup>14</sup> It is important to note that the administration of youth justice and the way secure and open custody facilities are used varies significantly across the country. Please refer to the glossary section for a more detailed explanation.

<sup>15</sup> Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario MSGCS, Manitoba, Alberta, British Columbia and Yukon were able to report secure and open custody admissions by MSO. Quebec, Ontario MCSS and Saskatchewan were unable to fully report secure and open custody admissions by MSO. The Northwest Territories was able to report open custody admissions by MSO but not secure custody admissions.



Figure 5

**Two most serious offences accounted for more than one-third of sentenced custody admissions in 1998-99\***



\* Reporting jurisdictions include Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario MSGCS, Manitoba, Alberta, British Columbia and Yukon.

\*\* YOA offences include offences such as failure to comply with a disposition, and contempt against youth court. Youth can be charged under the YOA usually when they fail to comply with a court-ordered disposition.

Source: Youth Custody and Community Services Survey, CCJS.

**Almost five times as many male sentenced custody admissions than female**

Similar to remand, the majority of sentenced custody admissions were male. In 1998-99, 83% of reported sentenced custody admissions were male and 17% were female<sup>16</sup>. Both secure and open custody admissions showed a similar breakdown by sex.

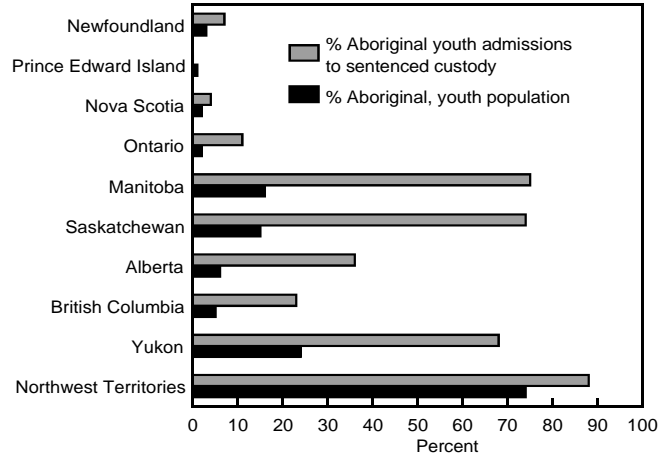
Female sentenced custody admissions tended to be younger than male admissions. One-half (50%) of male sentenced custody admissions were 16 or 17 years of age compared to 40% of female admissions. Little variation existed in terms of age and sex among the jurisdictions.

**Aboriginal youth over-represented in sentenced custody admissions**

In the reporting jurisdictions where Aboriginal status was known, Aboriginal youth admissions accounted for nearly one-quarter (24%) of the total admissions to sentenced custody<sup>17</sup>. As Figure 6 shows, with the exception of Prince Edward Island, Aboriginal youth were over-represented in each reporting jurisdiction, particularly among the western provinces. In Manitoba, for example, three-quarters (75%) of sentenced custody admissions were identified as Aboriginal even though 16% of Manitoba's youth population were Aboriginal. The situation in Saskatchewan was similar, where 74% of youth admissions were Aboriginal, while only 15% of the youth population in that province were Aboriginal.

Figure 6

**Representation of Aboriginal youth admissions to sentenced custody and in the general Canadian youth population, 1998-99\***



\* New Brunswick and Quebec were unable to report sentenced custody admissions by Aboriginal status. Figure excludes Unknown numbers.

Source: Youth Custody and Community Services Survey, CCJS and Statistics Canada, 1996 Census: Aboriginal population.

**Sentence lengths for open and secure custody admissions varied by jurisdiction**

The YOA outlines the type and length of disposition, which the youth court may impose on a youth for specific types of offences. This to some extent impacts how the data on sentence length (and time served) are reported by the YCCS survey. In the case of custodial dispositions, with the exception of first and second degree murder and other offences subject to life imprisonment, the maximum disposition length the youth court may impose is two years. Furthermore, corrections officials have noted that most custody admissions progress from secure custody to a period of open custody.

Admission data for 1998-99 show that jurisdictions differed widely in the length of sentence for secure custody admissions compared to open custody admissions. British Columbia, for instance, reported similar median sentence lengths for both secure and open custody (30 days each). In comparison, Alberta reported a median sentence length of 30 days for secure custody and 75 days for open custody.

When examining sentence lengths, it is important to note that admissions to custody by sentence length and releases from custody by time served are two different types of statistics. When a youth court judge sentences a youth, a period of

<sup>16</sup> New Brunswick and Quebec were unable to report sentenced (both secure and open) custody admissions by sex and age.

<sup>17</sup> In those jurisdictions that reported "Aboriginal status", 7% were unknown. In 1997-98, there was a much larger proportion of unknowns, 24%. A comparison of the 1998-99 data with that of 1997-98, therefore, was not included. New Brunswick and Quebec were unable to report sentenced custody admissions by Aboriginal status.

custody is stipulated. Events such as appeals, reviews, escapes, administration of new dispositions and the like can affect the amount of time served. It is also important to note that the median sentence lengths (and actual time served), presented separately for secure and open custody, underestimate the total length of time sentenced and served by youth in custody, given the frequent combination of open custody following secure custody.

In 1998-99, there were 6,237 secure custody releases reported and 6,985 open custody releases reported.<sup>18</sup> Similar to 1997-98, time served in secure custody was less than that served in open custody during 1998-99, a median of 31 days served compared to 90 days, respectively.<sup>19</sup> Longer secure custody periods were reported in Nova Scotia (a median of 85 days) and Manitoba (92 days) compared to British Columbia (29 days). For open custody, New Brunswick reported the highest median number of days served (126), in contrast to the lowest median number of days served in British Columbia (29).

The absence of sentence remission (time off for good behaviour) and parole for young offenders under the YOA means that they normally serve the majority of their sentence. A comparison between sentence lengths for admissions (i.e., what is ordered by the court to be served) and actual time served within jurisdictions, showed little difference between the two.

**Time served for male releases was higher than that for female releases**

In 1998-99, the overall median number of days served in secure custody was 45 days for male releases, compared to 21 days for female releases.<sup>20</sup> In open custody, the median time served for males was 90 days compared to 60 days for females. Only 6% of female releases and 12% of male releases from sentenced custody occurred after a period longer than 6 months.

Several factors can help explain the longer time served by male youth, including overall differences in the types of offences committed and re-offending. Males tend to commit more serious offences than females. The rate of male youth charged with violent crime, for example, has been shown to be close to three times that of female youth (Savoie, 1999; Stevenson et al., 1998). Another contributing factor to sentence length is prior offence convictions and males tend to re-offend at a higher rate than females. Of the cases involving male youth who were convicted in 1998-99, 44% had been previously convicted, compared with 34% of female offenders (Carrière, 2000).

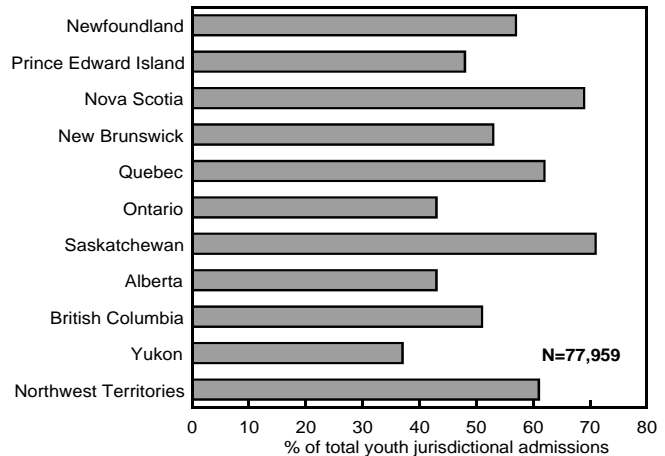
**PROBATION ADMISSIONS**

As was seen earlier in Figure 2, almost one-half (48%) of all youth admissions were to probation in 1998-99.<sup>21</sup>

Probation admissions varied among provinces from a low of 43% of total youth admissions in Ontario and Alberta, to a high of 71% in Saskatchewan (see Figure 7).<sup>22</sup> Generally, probation admissions data were largely unchanged from 1997-98.

Figure 7

**In most jurisdictions, probation accounted for more than one-half of all youth admissions in 1998-99\***



\* Manitoba was unable to report probation admissions. Note that the total number of youth admissions in Saskatchewan does not include remand admissions.

Source: Youth Custody and Community Services Survey, CCJS.

Again, when examining probation in terms of most serious offence (MSO), property offences accounted for the majority of probation admissions (52%), followed by violent offences (27%). Break and enter accounted for almost one-fifth of probation admissions (18%), followed by theft \$5,000 and under (13%), common assault (13%) and other *Criminal Code* offences (10%) (see Figure 8).

In 1998-99, the majority of reported probation admissions were male (77%). Twenty-three percent were female, a slightly higher proportion than those admitted to remand or sentenced custody.

Male probation admissions were most likely to be 16 or 17 years of age (47%) whereas 40% of female admissions fell into this age group.

Once again, probation admissions show an over-representation of Aboriginal youth, particularly among the western provinces. However, the degree of Aboriginal over-representation within probation is less than that shown in custody (remand and sentenced custody). In jurisdictions that were able to report both custody and probation

<sup>18</sup> Reporting jurisdictions include Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba, Alberta, British Columbia, Yukon and Northwest Territories. Quebec and Saskatchewan were unable to report release data.

<sup>19</sup> Only those jurisdictions which submitted micro-data were used in determining the overall median sentence lengths: Newfoundland, Prince Edward Island, Manitoba and Alberta.

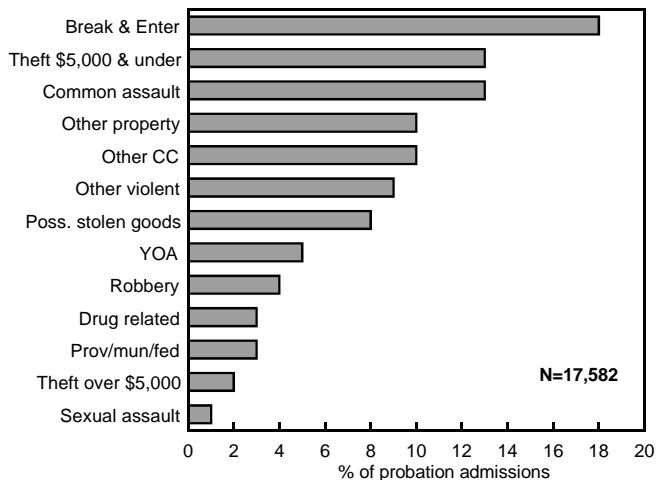
<sup>20</sup> Only those jurisdictions which submitted micro-data were used in determining the overall median sentence lengths: Newfoundland, Prince Edward Island, Manitoba and Alberta.

<sup>21</sup> Manitoba was unable to provide probation data for 1998-99.

<sup>22</sup> Note that the total number of youth admissions in Saskatchewan does not include remand admissions.

Figure 8

**In 1998-99 admissions to probation were most common for the most serious offence of break and enter\***



\* Quebec, Ontario MCSS, Manitoba, Saskatchewan and Northwest Territories were unable to report probation admissions by MSO.

Source: Youth Custody and Community Services Survey, CCJS.

admissions by Aboriginal status<sup>23</sup>, Aboriginal youth accounted for 18% of probation admissions (compared to 26% of custody admissions). In these jurisdictions, Aboriginal youth accounted for only 5% of the general youth population. Differences between Aboriginal and non-Aboriginal youth in the type of offences committed, the number of offences, past criminal history, and so on, may exist and may explain the varying degrees of over-representation. However, further exploration of these factors is required.

**Most probation admissions sentenced to more than six months**

The majority of probation admissions received sentences longer than six months (84%). Similar to 1997-98, the overall median number of days sentenced was 365,<sup>24</sup> however some variation did exist between jurisdictions. British Columbia (360), Yukon (320 days), New Brunswick (316) and Alberta (273) reported lower median sentence lengths.

Overall, males had longer probation sentences than females (a median of 365 days compared to 270 days).<sup>25</sup> Conversely, in Prince Edward Island the reported median number of days sentenced for females was 545, compared to 365 days for male probation admissions.

<sup>23</sup> Newfoundland, Prince Edward Island, Nova Scotia, Alberta, British Columbia and Yukon were able to report both custody (remand and secure and open custody) and probation admissions by Aboriginal status in 1998-99.

<sup>24</sup> The overall median is based on only those jurisdictions that submitted micro data: Newfoundland, Prince Edward Island, Manitoba and Alberta.

<sup>25</sup> The overall medians for males and females are based on only those jurisdictions that submitted micro data: Newfoundland, Prince Edward Island, Manitoba and Alberta.

**Youth Key Indicator Data**

Youth key indicator data provide a different view of the youth correctional system when compared to admission data. While admission data represent the movement of young offenders in and out of supervision (or case-flow), the Key Indicator Report maintains data on the "daily average counts" (or caseload), which measure the volume of offenders held in custody or on probation at a given point in time. Although the key indicator data are rather general in nature, they are an important and well-established management tool for corrections officials. The use of such indicators is particularly important for monitoring trends in correctional populations and to assist policy makers and corrections officials in decision making. These data are also used by academics to study trends in the youth correctional system over time and across jurisdictions by examining incarceration and probation rates (per 10,000).

Custody and probation counts, as well as custody incarceration rates and probation rates for 1998-99 are summarized in Table 3.

Table 3 shows that among reporting jurisdictions, the average number of young offenders on probation at any given time is much higher than the average number of young offenders in custody. This finding was not unexpected given that youth sentenced to probation tend to receive longer sentences than those sentenced to custody; and as a result, are more likely to be included in the daily counts.

The table also reveals that both custody incarceration rates and probation rates varied across the country. In British Columbia, for example, there were 11 young offenders in custody for every 10,000 youth. In comparison, the custody rate in Saskatchewan was 41 young offenders per 10,000 youth. Probation rates ranged from 124 young offenders in probation per 10,000 youth in Alberta, to 225 per 10,000 in Prince Edward Island.

**Five-year trend: custody<sup>26</sup>**

From 1994-95 to 1998-99, most jurisdictions reported decreases in their custodial counts. Prince Edward Island reported the largest decrease (-36%) from an average of 36 young offenders in custody in 1994-95 to 23 in 1998-99. On the other hand, Saskatchewan, over the same period, reported a 13% increase, from an average of 351 to 398 young offenders in custody.

Over this period, only one reporting jurisdiction experienced an increase in custody incarceration rate, Saskatchewan (+12%).

**Five-year trend: probation<sup>27</sup>**

Between 1994-95 and 1998-99, five of nine reporting jurisdictions reported decreases in their probation counts. Prince Edward Island (-43%) reported the largest decrease, followed by Newfoundland (-14%), New Brunswick (-12%), and Nova Scotia and British Columbia (both -7%). Saskatchewan reported the largest increase in probation count (+26%), followed by Manitoba (+15%), Alberta (+6%) and Ontario (+3%).

Over this period, most jurisdictions reported decreases in their youth probation rates. The most substantial decline occurred in Prince Edward Island (-43%), followed by British Columbia (-16%). Saskatchewan (+24%) and Manitoba (+12%) were the only jurisdictions to experience increases in the youth probation rate over this period.

<sup>26</sup> Average count data for Quebec were not available from 1996-97 to 1998-99. Remand/temporary detention data for 12-15 year olds for Ontario are not available from October 1993.

<sup>27</sup> Probation count data were not available for Quebec from 1994-95 to 1998-99, for Northwest Territories from 1997-98 to 1998-99 and for Yukon from 1998-99.

Table 3

**Average number of young offenders, custody and probation, 1998-99**

Jurisdiction	Average Count				Custody incarceration rate/10,000 youth	Probation Count	Probation rate/10,000 youth
	Secure custody	Open custody	Remand/temporary detention	Total custody			
Newfoundland	50	51	13	114	23	1,085	219
Prince Edward Island <sup>1</sup>	11	9	3	23	19	272	225
Nova Scotia	21	101	25	147	20	1,340	178
New Brunswick <sup>2</sup>	57	74	12	144	23	1,036	168
Quebec	..	..	..	..	...	..	...
Ontario <sup>3</sup>	809	922	282	2,013	22	18,136	200
Manitoba	84	123	96	303	31	2,021	208
Saskatchewan	187	135	75	398	41	2,026	210
Alberta	157	175	133	465	18	3,194	124
British Columbia	108	153	98	359	11	4,102	129
Yukon	8	3	3	14	48	..	...
Northwest Territories	23	16	6	44	64	..	...

.. figures not available  
 ... figures not appropriate or not applicable  
<sup>1</sup> Prince Edward Island: Probation data include alternative measures.  
<sup>2</sup> New Brunswick: Secure custody counts are daily counts; open custody counts are weekly counts.  
<sup>3</sup> Ontario: Remand/temporary detention data for 12-15 year olds are not available.  
**Note:** Due to rounding, figures may not add to totals. The data on this table represent yearly averages.  
**Source:** Corrections Key Indicator Report for Adults and Young Offenders, 1998-99, Canadian Centre for Justice Statistics, Statistics Canada.

## Methodology

This *Juristat* contains data collected from two different sources (i.e., Youth Custody and Community Services (YCCS) survey and the Key Indicator Report). The YCCS survey maintains both micro and aggregate level data, which are collected by provincial and territorial agencies responsible for the delivery of youth corrections and young offender programs.<sup>28</sup> These data are collected annually on a fiscal year basis (April 1 to March 31). This is the second time these data have been released to the public.

Jurisdictions providing aggregate data complete a set of standard data tables, which are used to compile national data on admissions and releases. Micro data, on the other hand, are extracted directly from provincial operational systems, through the use of interface programs. The interface programs are designed to extract specific data elements and values identified in the National Data Requirements developed by provincial/territorial and federal members of the National Justice Statistics Initiatives. Micro data received by the YCCS survey staff are processed by the YCCS Central System, which edits and loads clean micro data onto the YCCS database. The loaded data are later used to generate admission counts, which are tabulated in the aggregate standard data tables.

It is important to note that for both aggregate and micro level respondents, once the data are processed and compiled into the standard data tables, these data are analysed and returned to the jurisdictions for final verification. The participation of the jurisdictions in the survey process is vital to ensuring data quality and understanding of the differences in provincial and territorial youth justice/correctional systems.

The Key Indicator Report data measure the average number of youth in custody (remand, secure, and open) and on probation. The data are collected annually on a fiscal year basis (April 1 to March 31). Jurisdictions submit monthly counts in aggregate format which are compiled by Correctional Services Program staff. Average counts include all youth on remand and temporary detention, sentenced offenders and other young offenders who are legally required to be at a facility and are present at the time the count is taken by correctional facility officials. Average counts for young offenders on probation include young offenders on supervised probation at the end of the month.

The YCCS standard data tables and the Key Indicator Report data are available in the *Youth Custody and Community Services Data Tables, 1998-99* publication (catalogue number 85-226-XIE).

<sup>28</sup> Those jurisdictions that submitted micro data were: Newfoundland, Prince Edward Island, Manitoba and Alberta. Nova Scotia, New Brunswick, Quebec, Ontario, Saskatchewan, British Columbia, Yukon and the Northwest Territories provided aggregate data only.

### Calculating the unit of analysis

The YCCS survey generates two levels of data that describe the case-flow of youth within correctional facilities and programs: initial entry data and admission data.

Initial entry data indicate at what point or type of supervision the youth first enters the youth corrections system. The second level, admission data, measures the movement of young offenders as admissions to different types of supervision. The following example provides an illustration of how admissions for a unique young offender are calculated by the YCCS survey.

e.g. remand + secure + open + probation (all served consecutively, within one fiscal year)

- i) initial entry: 1 initial entry to remand
- ii) admissions: 1 admission to remand  
1 admission to secure custody  
1 admission to open custody  
1 admission to probation

In this example, the individual youth would generate one initial entry to remand. Typically, one unique youth should always be associated with one initial entry in a given reporting year. However, it is important to point out that if a young offender completes his/her disposition and once again re-enters the system after re-offending in the same reporting year, he/she will generate more than one initial entry.

Four admission counts would be generated in this case: one admission to remand; one admission to secure custody; one admission to open custody; and, one admission to probation. Again, one unique youth could have multiple admissions to similar and different levels of supervision in one reporting period.

It is also important to point out that youth transferred from one facility to another while still under the same level of supervision are not counted as a new admission. As well, new admissions are not counted for young offenders placed in secure custody facilities for a period not exceeding 15 days following an administrative transfer from open custody, or for youth returning from a period of temporary absence.

### Glossary of terms:

**Aboriginal Status:** Indicates whether the youth is Aboriginal. Aboriginal status includes both individuals registered under the *Indian Act* and those that are non-registered. Please note that this variable is self-reported and data availability varies among jurisdictions.

**Admission:** Refers to the youth's commencement of an uninterrupted period of supervision by the Provincial/Territorial Director within a specific status (i.e., remand, secure and open custody and probation). For the YCCS survey, a new admission is counted each time an offender changes status.

**Admission Facility:** The facility to which a young offender is admitted into custody. Please note that the YCCS survey does not track facilities beyond the admitting facility (e.g., administrative and other transfers) unless the offender's status changes. When comparing jurisdictions, please note the following:

- a) facilities may be secure or open custody facilities according to the local designation, the level of supervision, and the extent to which the youths are detained through security measures;
- b) secure facilities in some jurisdictions may be comparable to open facilities in others and vice versa; and
- c) in some jurisdictions, secure custody, open custody and remand are all dealt with at the same facility.

**Custody:** A status that requires the young offender to spend time in a designated correctional facility, either in secure custody, open custody or remand as ordered by the youth court.

**Disposition:** A youth court orders a disposition upon finding a young person guilty of an offence. The type of dispositions include the following:

- a) Custodial dispositions: include secure custody and open custody; and
- b) Community Service dispositions: include probation, community service order, personal service order, compensation, restitution, pay purchaser, fine, prohibition/seizure/forfeiture, other disposition deemed appropriate.

**Initial entry:** Refers to the point or type of supervision that a youth first enters the youth corrections system regardless of supervision status.

**Most Serious Offence:** The YCCS survey categorizes "most serious offence" according to the offence classification scheme currently being used by the Youth Court Survey. Offence types are categorized from most to least serious, as follows: violent, drug related, property, other *Criminal Code*, YOA, and provincial/municipal or other federal offences.

**Open custody:** The *Young Offenders Act* (YOA) defines open custody as "custody in (a) a community residential centre, group home, child care institution, or forest or wilderness camp or (b) any like place or facility". A facility is considered "open" when there is minimal use of security devices or perimeter security.

**Probation:** A common type of community-based disposition where the offender is placed under the supervision of a probation officer or other designated person. This includes both supervised and unsupervised probation.

**Release:** Refers to the completion of an uninterrupted period of supervision by the Provincial/Territorial Director within a specific status (i.e., remand, secure and open custody and probation). For the YCCS survey, a new release is counted each time an offender changes status.

**Remand:** To hold a young person temporarily in custody, pursuant to a Remand Warrant, while awaiting trial or sentencing, or prior to commencement of a custodial disposition.

**Reporting Period:** The subject time period (e.g., fiscal year – April 1 to March 31) during which a youth must be active in order to be extracted for YCCS survey purposes. A youth is active if he/she is under the supervision of the Provincial/Territorial Director of youth corrections (e.g., serving a disposition).

**Secure Custody:** Under the *Young Offenders Act* a facility is considered secure when youths are detained by security devices, including those which operate with full perimeter security features and/or where youths are under constant observation.

**Sentenced custody:** Refers to both secure and open custody.

**Status of supervision:** The status in which the young offender is serving a sentenced disposition (e.g., secure custody, open custody, probation or other community service) as ordered by a youth court or is held temporarily in remand before a court hearing.

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