



# Juristat

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## ALTERNATIVE MEASURES FOR YOUTH IN CANADA

*By Melanie Kowalski*

### HIGHLIGHTS

- Alternative measures are formalized programs across Canada to which young persons who would otherwise proceed to court are dealt with through non-judicial, community-based alternatives. Typical programs include personal service to a victim; financial compensation to a victim; community service; educational sessions; personal or written apology; and essays or presentations related to the offence.
- In 1997-98, excluding British Columbia, there were 32,872 youth cases that reached agreement to participate in alternative measures in Canada.
- The Prairie provinces had higher rates of youth participating in alternative measures than other provinces and territories.
- Females made up a larger proportion of total participants in alternative measures programs (36%) than the proportion charged or brought to youth court (22% and 21%, respectively).
- Youth participating in alternative measures were predominately 15 years of age or older.
- Youth were most often referred to alternative measures for property-related crime. The most common offence was theft under \$5,000 (57%).
- The most frequent types of alternative measures administered to youth in Canada were community service (22%) and apologies (18%).
- The majority of youth in alternative measures successfully completed all measures agreed to (89%).



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## INTRODUCTION

In Canada, diversion is an alternative to the formal court process which is available to persons in conflict with the law. Diversion can take two forms: police discretion or alternative measures (see Box 1 for a description of police discretion).

Alternative measures, which are the focus of this report, aim to divert persons accused of less serious offences out of the formal justice system. Alternative measures programs provide these persons with the opportunity to avoid the consequences of having a criminal record<sup>1</sup>, while holding them accountable in a manner which is visible to the community. Additionally, by dealing with offenders at an earlier stage of the justice system, alternative measures programs are meant to reduce the number of persons coming into the traditional court system.

For youth, being referred to alternative measures programs may have several beneficial effects. These may include encouraging positive changes in the attitudes of young offenders, increased victim/community satisfaction with the response to youth crime, and a lower rate of youth crime and recidivism among youth participants (Moyer & Associates, 1996).

The purpose of this *Juristat* is to provide descriptive information on policies and procedures, as well as quantitative information on the administration of alternative measures for young persons in Canada. Data are not presented on adult alternative measures because programs are just beginning to be established in the provinces and territories.

This report focuses on information gathered from an Alternative Measures special study conducted by the Canadian Centre for Justice Statistics (CCJS). Data were provided for alternative measures cases involving youth, aged 12 to 17 at the start date of alternative measures. This is the first time that data on alternative measures

**Box 1**

**What is Police Discretion?**

Police discretion is a measure used by police officers to keep persons alleged to have committed a crime from being involved in the formal justice system. If the youth is a first-time offender and the offence is relatively minor, the police officer may decide not to lay formal charges. Instead, the youth may be required to apologize to the victim, or the police may escort the youth home to discuss the incident with his/her parents. The police may also make voluntary referrals to community agencies.

**Box 2**

**Youth Criminal Justice Act**

The *Youth Criminal Justice Act (YCJA)*, announced in March 1999, will replace the *Young Offenders Act*. This new act may increase the use of alternative measures. One proposal in the new act requires police to consider all options, including informal alternatives to the court process, before laying charges and to allow the provinces and territories the flexibility to require Crown counsel to screen charges before they are laid against a youth.

Measures outside the formal court process may include:

- Verbal warnings and cautions from police;
- Informal police diversion programs such as a referral to a "family group conference", a program that involves the youth, the youth's family, the victim and others in addressing ways to account for the youth's offence; and,
- Formal alternative measures programs requiring community service or repairing harm done to the victim.

**Source:** *Department of Justice Canada (1999).*

<sup>1</sup> A record is retained and disclosable for up to 2 years; see s.45(1) Young Offenders Act.

have been collected on a national level. In-depth analysis regarding the number of cases reaching agreement, an examination of seriousness of the offence, type of alternative measure, and outcome of cases is provided for 1997-98. For comparison purposes, information is presented on youth crime and court data. Please refer to the Methodology section for a more detailed discussion on these data sources.

The use of alternative measures differs from province to province. Some young people are diverted into alternative measure programs before they are charged, while others are diverted after they are charged. Furthermore, the types of alternative measures vary, as do the eligibility requirements (e.g. types of offences). Consequently, any comparisons of data on alternative measures should be done with caution.

### What are Alternative Measures?

Youth alternative measures are formalized programs to which young persons who would otherwise proceed to court are dealt with through non-judicial, community-based alternatives. Alternative measures is a process which provides a young person with the opportunity to admit responsibility for criminal behaviour and participate in a program designed to best fit the circumstances. Some of these programs include: personal service to a victim; financial compensation to a victim; community service; educational sessions; personal or written apology; and essays or presentations related to the offence (see Box 3).

#### Box 3

##### Most Common Types of Measures used in Canada

Youth participating in alternative measures may be required to complete one or more measures within a set period of time. The following is an example of some of the most common types of measures used in Canada:

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

**Source:** *Stevenson, Tufts, Hendrick, and Kowalski (1998).*

Generally, youth facing relatively minor charges and without previous records are eligible for alternative measures. The youth must acknowledge responsibility for the offence and agree to participate in the alternative measures process. If

the alternative measures program is completed, the charge is withdrawn, in the case of post-charge alternative measures; or alternatively, in the case of pre-charge alternative measures, the alleged charge is not proceeded with. In either case, there is no permanent record of a guilty finding.

With respect to youth, provisions for the use of alternative measures are set out in section 4 of the *Young Offenders Act* (see Box 4). 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>.

#### Box 4

##### Section 4 of YOA: The Legal Framework for the Operation of Alternative Measures Programs for Youth

Alternative Measures are authorized by the Attorney General in each province and territory in accordance with s.4 of the YOA.

4 (1) Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings under this Act only if:

- (a) the measures are part of a program of alternative measures authorized by the Attorney General or his delegate or authorized by a person, or a person within a class of persons, designated by the Lieutenant Governor in Council of a province;
- (b) the person who is considering whether to use such measures is satisfied that they would be appropriate, having regard to the needs of the young person and the interests of society;
- (c) the young person, having been informed of the alternative measures, fully and freely consents to participate therein;
- (d) the young person has, before consenting to participate in the alternative measures, been advised of his right to be represented by counsel and been given a reasonable opportunity to consult with counsel;
- (e) the young person accepts responsibility for the act or the omission that forms the basis of the offence that he is alleged to have committed;
- (f) there is, in the opinion of the Attorney General or his agent, sufficient evidence to proceed with the prosecution of the offence; and,
- (g) the prosecution of the offence is not in any way barred at law.

(2) Alternative measures shall not be used to deal with a young person alleged to have committed an offence if the young person:

- (a) denies his participation or involvement in the commission of the offence; or
- (b) expresses his wish to have any charge against him dealt with by the youth court.

With respect to adults, the proclamation of *Bill C-41* in September 1996 provided for the establishment of formal adult alternative measures programs. These programs are authorized pursuant to section 717 of the *Criminal Code (Canada)* and provisions are quite similar to those for youth programs.

<sup>2</sup> *Alternative measures programs for youth in Canada, with the exception of New Brunswick, Ontario and Yukon, are combined pre- and post-charge programs. In New Brunswick, Alberta and Manitoba, alternative measures operate at the pre-charge stage. In Ontario and Yukon, alternative measures are offered at the post-charge stage; although in Yukon, youth are occasionally referred pre-charge.*

The delivery of alternative measures may be through government agencies such as probation services, through non-governmental organizations, or through Youth Justice Committees as allowed by section 69 of the *Young Offenders Act*.

## THE ALTERNATIVE MEASURES PROCESS FOR YOUTH

Figure 1 illustrates the alternative measures process for youth (for a more in-depth discussion of the alternative measures process, refer to MacKillop, 1999). In general, the alternative measures process comprises four basic stages: referral; authorization; agreement; and outcome. The young person may not complete all stages, because in each stage, several factors may influence the young person's actions and the administration of the process (Box 5 provides examples of alternative measures models in Saskatchewan and Ontario).

### Box 5

#### Examples of Alternative Measures Program Models for Youth Saskatchewan

In most instances police refer the case to prosecutors, who review the matter to determine if sufficient evidence exists to proceed to court. Referrals are pre- and post-charge. Young persons participate voluntarily and must accept responsibility for their offence(s). The program exists across the province. Victim-offender reconciliation is universally available, with other models practised in some locations:

- "Stoplift" in Regina and Saskatoon;
- Family Group Conference in Regina; and,
- Forms of Justice Committees on the Onion Lake First Nation and Shaunavon.

Services are delivered by youth workers, community agencies and contracts with individuals. Justice Committee members volunteer their services.

**Source:** *Saskatchewan Social Services.*

#### Ontario

In Ontario, alternative measures programs for youth are operated by two Ministries – one for 12- to 15-year-olds and one for 16- and 17-year-olds. Alternative measures in Ontario are based on a post-charge, Crown prosecutor-referred diversion model, where admission to the program is requested by the young person following the swearing of an information by the police. The Crown prosecutor makes an initial determination of eligibility, based on the review of the Crown Brief and the young person's application for alternative measures, if any. The matter is then referred to the provincial director who determines personal suitability and the appropriate alternative measure.

If the young person fails to complete the alternative measures program, the matter will be referred back to the Crown prosecutor with a report from the provincial director. At that time, the prosecutor may elect to take no further action, or proceed under ss. 579 (2) of the *Criminal Code* to recommence the prosecution.

**Source:** *Ontario Ministry of the Attorney General, Ministry of Community and Social Services; Ontario Ministry of the Solicitor General and Correctional Services.*

### A young person is referred for alternative measures either before or after the police lay a charge

In most provinces and territories<sup>3</sup>, referrals to alternative measures programs originate from the Crown Attorney. However, the police play an important role in the overall delivery of alternative measures programs. When called to investigate a specific incident, police generally have three options to consider in deciding how best to proceed. First, police in all jurisdictions can exercise discretion not to lay a charge, even where an infraction of the law has occurred. In such cases, the police may give a warning, send or accompany the young person home, and/or refer the youth to a community agency. The police also have the option of laying a charge, or completing a Crown Brief in jurisdictions where charge approval rests with the Crown Attorney. The third option that police have is that of recommending a referral to alternative measures.

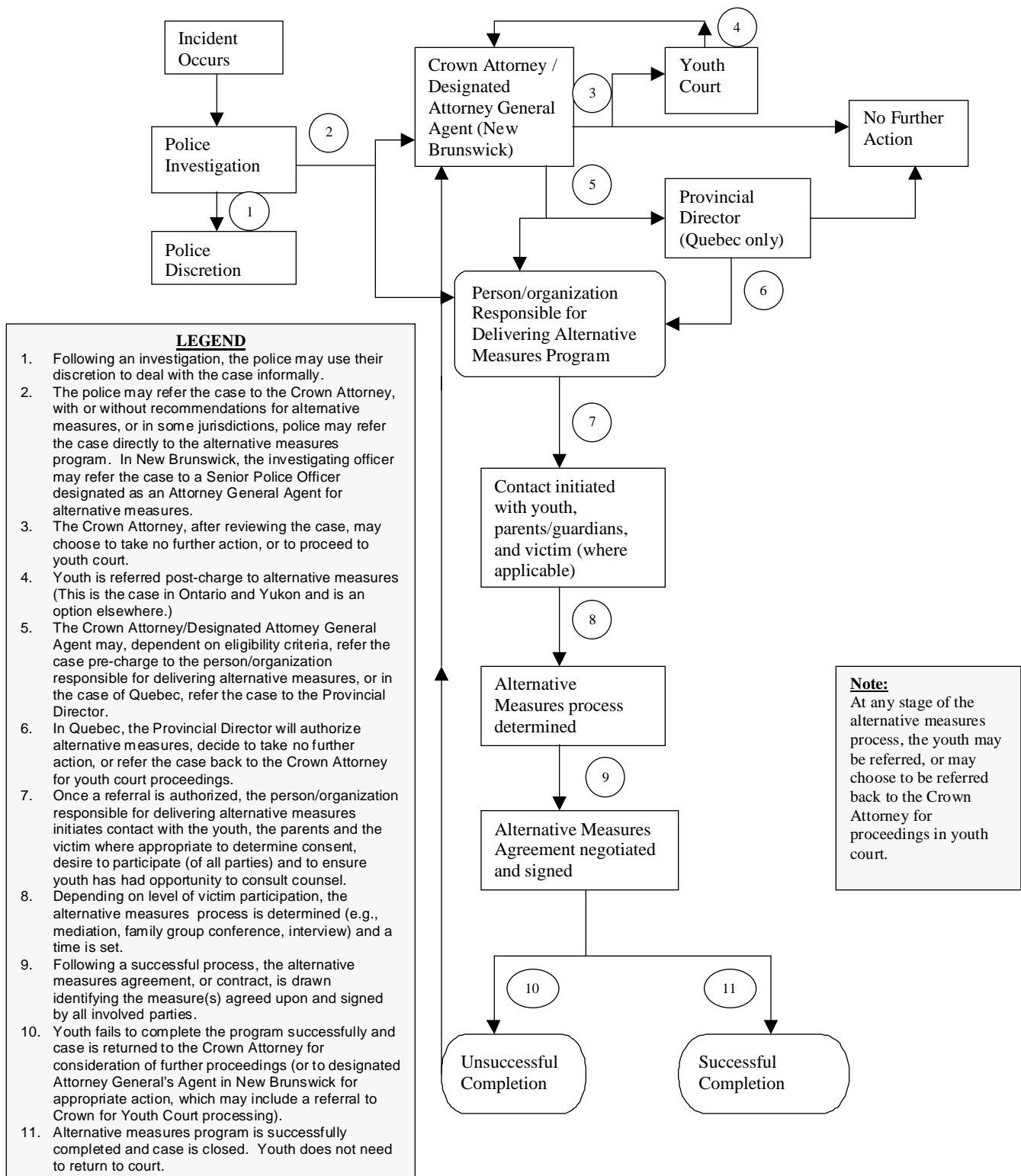
### Authorization for alternative measures depends on the Crown Attorney determining whether an alternative measures program is appropriate

The role of the Crown Attorney in the alternative measures process is to review the case to determine whether there is sufficient evidence to support a charge and decide if an alternative measures program is appropriate. When the Crown Attorney is satisfied that the person should be referred to alternative measures, he/she will proceed with a referral to the appropriate organization responsible for delivering alternative measures. If the referral from the Crown Attorney is at the post-charge stage, as is always the case in Ontario and is an option in other jurisdictions, the Crown Attorney will usually enter a stay of proceedings (a temporary halt to court proceedings) until the process is completed.

Although victim participation is not a prerequisite to a person's participation in alternative measures, the victim's input is usually sought by the organization responsible for delivering alternative measures. The extent of victim participation in the alternative measures process and the role they play differs across the country and often within jurisdictions. Quite often, the process used to negotiate an alternative measures agreement in part defines the role of the victim. In Saskatchewan, for example, victim-offender mediation is often the process chosen to arrive at an appropriate measure. In such cases, the participation of the victim is significant and necessary, and in fact, should the victim choose not to participate, a surrogate victim (i.e. a person substituting for and/or taking the role of the victim in the alternative measures process, for example, Ontario uses probation officers) may be used so that the offender still derives the benefits of experiencing this type of mediation and victim awareness. In other jurisdictions where the process of negotiating an alternative measure consists of an interview with the offender, the victim may not be required to be present.

<sup>3</sup> In Manitoba and the Northwest Territories, the Crown Attorney may delegate the authority to refer persons to alternative measures to the police. In New Brunswick, police officers are designated attorney general agents for the purpose of alternative measures, and in Quebec, all referrals come from the Provincial Director.

**Figure 1: Alternative Measures Process for Youth**



Across the country, there are some common policies with respect to the role of the victim(s). Generally, the organization responsible for delivering the alternative measures program assumes the responsibility for contacting the victim. This is often done to determine if the victim would like to participate in the alternative measures process and to identify the impact of the offence, including financial or property loss, and any other implications the offence has had on the victim. Quite often, the victim may be asked for recommendations concerning ways in which reparation could be made. Although victim participation is desirable in alternative measures, if the victim chooses not to participate this will not affect the eligibility of an offender for the program.

### An agreement is reached with the young person

Once all parties (e.g., local justice committee, probation officer, the youth, community-based agency or other persons delivering the alternative measures program) agree to an alternative measures program, an agreement is drafted. The terms and conditions of the agreement are tailored to fit the circumstances of the offence, taking into account the attitude and motivation of the person as well as the needs and concerns of the community.

### A youth case is closed if the terms of the alternative measures agreement are fully satisfied

When the terms of the alternative measures agreement are fully satisfied, the case is closed and charges (if it is a post-charge referral), which were previously stayed, are withdrawn at another court appearance. The organization responsible for delivering alternative measures usually forwards notification of completion of the alternative measures to the Crown or the original referral agent.

## CASE CHARACTERISTICS

As mentioned earlier, three things can happen to a youth who is suspected of a criminal offence: the youth can be diverted through police discretion, referred to alternative measures, or processed through the courts. The use of these three measures is interrelated. For example, the use of police-based discretion to divert youth will mean a smaller number of cases to resolve through alternative measures or youth court. But a post-charge referral to alternative measures will mean that a case is counted twice – once as a youth court case and once as an alternative measures case.

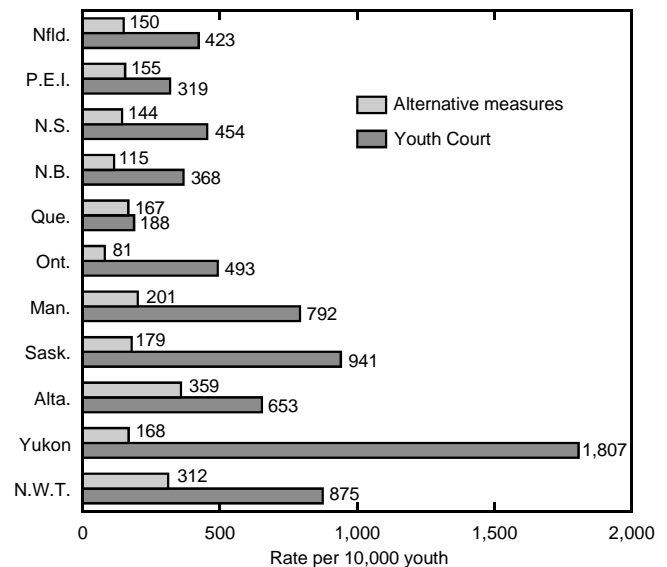
In 1997-98, excluding data from British Columbia<sup>4</sup>, there were 32,872 youth cases in alternative measures in Canada<sup>5</sup>. This means that, for every 10,000 youth in Canada in 1997-98, 134 participated in alternative measures. In comparison, 430 youth per 10,000 were charged in 1997 (Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey, 1998) and 400 cases per 10,000 were brought to youth court in 1997-98 (Canadian Centre for Justice Statistics, Youth Court Survey, 1999)<sup>6</sup>.

### The Prairie provinces had higher rates of youth participating in alternative measures than other provinces and territories

Among the jurisdictions, the Prairie provinces tended to have higher rates of participation in alternative measures than other provinces and territories (see Figure 2). Alberta had the highest youth participation rate in alternative measures<sup>7</sup>. For every 10,000 youth in Alberta, 359 reached an agreement for alternative measures. The Northwest Territories had the second highest rate (312), followed by Manitoba (201) and Saskatchewan (179). Ontario (81)<sup>8</sup> had the lowest youth participation rate in alternative measures.

Figure 2

### Participation in Alternative Measures and Youth Court, by Jurisdiction<sup>1</sup>, 1997-98



<sup>1</sup> Excludes British Columbia.

**Sources:** Canadian Centre for Justice Statistics. *Alternative Measures Special Study (1997-98) and the Youth Court Survey (1997-98)*. Statistics Canada, Demography Division (1998). *Post-Censal Estimates, as of July 1st, Ottawa*.

<sup>4</sup> British Columbia is not included in the national figures because complete data were not available (i.e. there was no information on caution letters).  
<sup>5</sup> For the purpose of the report, analysis will be based on cases that have reached agreement to participate in the alternative measures process. An agreement can be signed or unsigned by the youth and more than one agreement can be reached for a case at the same time. A youth who has reached at least one agreement is counted as one case reaching agreement. This count is the number of cases opened.  
<sup>6</sup> For comparison purposes, British Columbia has been excluded.  
<sup>7</sup> Alberta's high rate of youth participation is partly explained by their use of caution letters, which accounted for 21% of their active caseload in 1997-98.  
<sup>8</sup> Post-charge alternative measures cases are counted twice (as a alternative measures case and a court case) which inflate the rates presented.

As also illustrated in Figure 2, in all jurisdictions there were higher rates of youth brought to court than were participating in alternative measures. The ratio was about 3 to 1. However, the extent of this difference varied among the jurisdictions. The largest difference (11 to 1) was in Yukon, which had the highest rate of youth being brought to court (1,807 per 10,000 youth), but a fairly low youth participation rate in alternative measures (168). In contrast, Quebec had similar rates for youth in court and alternative measures (188 and 167, respectively), meaning Quebec had the greatest use of alternative measures relative to courts.

The patterns in youth court were similar to that found for alternative measures. Most Prairie provinces had higher rates of youth being brought to court than other jurisdictions. Yukon had the highest rate of youth cases brought to court (1,807) followed by Saskatchewan (941), the Northwest Territories (875), Manitoba (792) and Alberta (653). These jurisdictions also had the highest rates of participation in alternative measures.

**Females made up a larger proportion of total participants in alternative measures than the proportion charged or brought to youth court<sup>9</sup>**

Even though females represent a small proportion of the total number of young offenders, proportionately they were more likely than their male counterparts to participate in alternative measures than to be charged with a federal statute offence or to be brought to youth court. Females accounted for 36% of youth cases in alternative measures compared to 22% of youth who were charged and 21% of cases brought to youth court. This proportion (36%) was similar across jurisdictions, with the exception of the territories. Females accounted for 11% of the youth cases involved in alternative measures in the Northwest Territories, and 25% in Yukon.

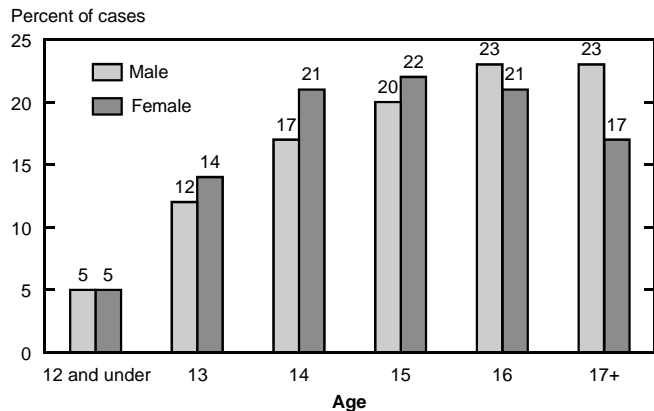
**Almost two-thirds of youth participating in alternative measures were 15 years of age or older**

According to a non-representative sample of police data (Canadian Centre for Justice Statistics, Revised Uniform Crime Reporting Survey, 1997), the peak age for involvement in criminal activity differs for male and female youth. The largest proportion of female youth accused of an offence are 14 to 15 years of age (43%). Accused male youth are most likely to be 16 or 17 years old (49%).

The median age for youth in alternative measures in Canada was 15<sup>10</sup>. Approximately two-thirds (63%) of youth in alternative measures were 15 years of age or older. This pattern was similar across provinces and territories. As shown in Figure 3, the age of males and females in alternative measures differed. The largest proportion of males were 16 (23%) or 17 years of age or older (23%). Females were slightly younger, with similar proportions aged 14 through 16 years

Figure 3

**Age and Sex of Youth in Alternative Measures, 1997-98<sup>1</sup>**



<sup>1</sup> Data unavailable for Quebec.

Source: Canadian Centre for Justice Statistics, *Alternative Measures Special Study (1997-98)*.

of age in alternative measures (21%, 22% and 21%, respectively).

**The representation of Aboriginal youth in alternative measures is similar to that of youth admitted to custody**

Aboriginal youth are disproportionately represented at all levels of the criminal justice system, including in alternative measures programs. While representing 4% of the Canadian youth population, Aboriginal youth accounted for 12% of alternative measures cases in jurisdictions that were able to provide data<sup>11</sup>. In comparison, Aboriginal youth represented 15% of youth admitted to open custody facilities, 16% to secure custody facilities and 15% of youth on probation (Canadian Centre for Justice Statistics, Youth Custody and Community Services Survey, 1999).

As illustrated in Figure 4, the largest proportion of Aboriginal youth participating in alternative measures was in Saskatchewan. Aboriginal youth accounted for 15% of the youth population, while accounting for 36% of alternative measures cases. Aboriginal youth were over-represented in all jurisdictions with the exception of Prince Edward Island.

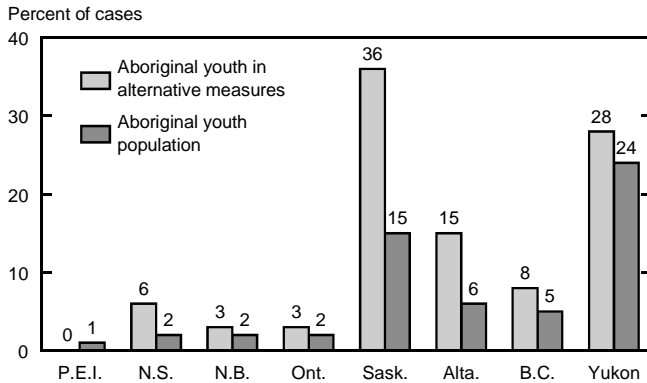
<sup>9</sup> Data unavailable for Quebec.

<sup>10</sup> The age of the young person is recorded at the start date of alternative measures.

<sup>11</sup> Data were unavailable from Newfoundland, Quebec, Manitoba and the Northwest Territories. Therefore, population data also exclude these jurisdictions.

Figure 4

**Proportion of Aboriginal Youth in Alternative Measures and Aboriginal Youth Population, by Jurisdiction, 1997-98<sup>1</sup>**



<sup>1</sup> Data unavailable for Newfoundland, Quebec, Manitoba and the Northwest Territories.

Sources: Canadian Centre for Justice Statistics. *Alternative Measures Special Study (1997-98)*. Statistics Canada, Demography Division (1998). *Post-Censal Estimates, as of July 1st, Ottawa*.

**Over one-half of the cases involved theft under \$5,000**

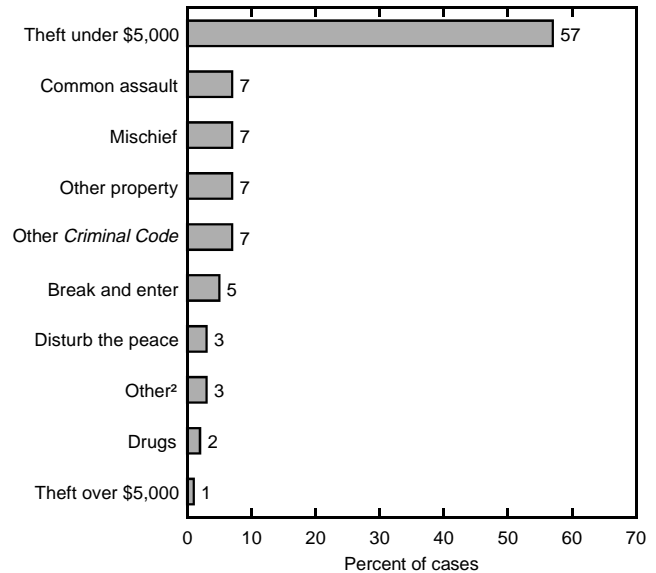
Generally, alternative measures have been used for less serious offences. However, with respect to the offences that are considered eligible for alternative measures, there is considerable variation across the country. In Quebec, for example, all offences are eligible for consideration for alternative measures. In New Brunswick and British Columbia, lists of offences for alternative measures have been developed. In the other provinces and territories, offences that are generally considered ineligible for alternative measures include murder, manslaughter, major assault, sexual assault, offences involving domestic violence, drug offences and offences related to impaired driving. The decision to include or exclude offences for consideration is usually a reflection of the needs of the jurisdiction. In some cases, such as the Northwest Territories, this decision reflects the specific needs and abilities of a local community as identified by the local justice committee.

In the majority of alternative measures cases in Canada for which data were available, the most serious offence was for a property-related crime<sup>12</sup> (70%). A further 8% of youth had committed violent offences, and 17% committed other *Criminal Code* offences (e.g., mischief). The remaining 5% involved other federal statute offences or other offences. Detailed offence categories revealed that theft under \$5,000 accounted for the largest proportion of crimes (57%) committed by youth in alternative measures (see Figure 5). The next largest proportion of offences (7%) were common assault, other property (e.g., arson, stolen goods and fraud) and other *Criminal Code* offences. This is similar to the offending patterns for youth court cases. These findings were consistent

among the provinces and territories, with the exception of British Columbia. In British Columbia, the largest proportion of youth in alternative measures had committed “other” *Criminal Code* offences (44%) – mostly, mischief.

Figure 5

**Youth Alternative Measures Cases, by Most Serious Offence, 1997-98<sup>1</sup>**



<sup>1</sup> Data unavailable for Quebec, Ontario (16 and 17 year olds) and the Northwest Territories.

<sup>2</sup> ‘Other’ includes offences such as offences against the administration of law and justice, impaired operation/related violations, firearms, other offensive weapons, etc.

Source: Canadian Centre for Justice Statistics. *Alternative Measures Special Study (1997-98)*.

**In Prince Edward Island, Manitoba, Alberta and Yukon, the majority of youth participating in alternative measures were first-time offenders**

Only a few jurisdictions were able to provide data on prior criminal history<sup>13</sup>. In these jurisdictions, less than 1% of youth participating in alternative measures had prior findings of guilt. Similarly, only 2% of youth had prior experience in alternative measures. This is not surprising since alternative measures are typically aimed at first-time offenders.

Of the youth participating in alternative measures, most had committed only one offence (89%) in relation to the current case<sup>14</sup>. Nine percent had committed two offences, and 2% had committed more than two offences.

<sup>12</sup> Quebec, Ontario (16 and 17 year olds) and the Northwest Territories were unable to provide data for the “most serious offence”.

<sup>13</sup> Data on prior findings of guilt were available from Prince Edward Island, Manitoba, Alberta and Yukon. Data on prior alternative measures experience were also available from New Brunswick and Alberta.

<sup>14</sup> Data were available from Prince Edward Island, Ontario (12 and 15 year olds), Alberta and Yukon.



### Alleged offences were most often committed against a business rather than a person

Information on the type of victim for alternative measures cases was available from only a few jurisdictions. The type of victim is based on the most serious offence<sup>15</sup>. In Newfoundland, New Brunswick, Yukon and Prince Edward Island, about one-half of the victims were a business (55%, 50%, 50% and 43%, respectively). The next largest category of victims in these jurisdictions were persons (20%, 29%, 39% and 40%, respectively). In Saskatchewan, the most common type of victim was a person (63%), followed by a business (29%).

### Community service was the most common alternative measure administered to youth in Canada<sup>16</sup>

The alternative measures agreement identifies the terms and conditions of the young persons participation in alternative measures (see Box 6 for an example of alternative measures). A youth may be requested to complete one or more measures for varying periods of time in the community. The organization responsible for delivering alternative measures also has the option of imposing no measures, particularly in cases where the offender has already made reparation to the victim or where the parents have imposed some sanctions on the young person.

As demonstrated in Figure 6, the most frequent type of alternative measure administered to youth in Canada was community service (22%), followed by apologies (18%), and 'other' alternative measures (13%). Personal service and counselling tended to be given the least frequently (2% and 1%, respectively). It should be noted that more than one type of alternative measure can be identified, so it is possible that some alternative measures, such as apologies, were given in conjunction with other types of alternative measures.

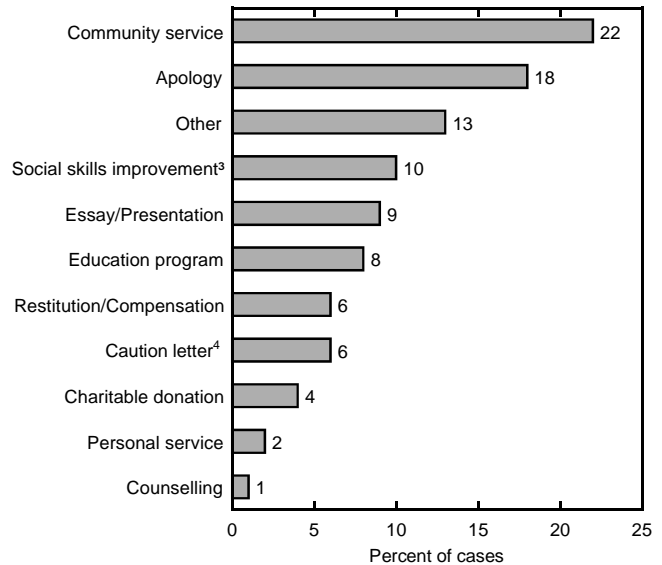
There was some variation among the jurisdictions in the type of alternative measures administered. For instance, in Yukon, the most common type of alternative measure administered to youth was supervision (32%). In Quebec, a fairly large proportion of youth were given social skills improvement courses (40%). Quebec was the only jurisdiction which administered social skills improvement courses as part of alternative measures. In Manitoba, the most frequent alternative measure administered to youth was a parental action letter (30%). Alberta<sup>17</sup> and British Columbia also administer a similar type of letter, referred to as a caution letter.

There were no substantial differences in the type of alternative measures administered to males and females.

Community service and personal service hours were collected to determine the average time that a youth participates in alternative measures<sup>18</sup>. For those jurisdictions that provided data, the majority of youth performing community services spent between 1 and 49 hours (95%). This was similar for youth participating in personal services (94%).

Figure 6

### Alternative Measures Assigned to Youth, 1997-98<sup>1,2</sup>



<sup>1</sup> More than one type of alternative measures can be recorded per case.

<sup>2</sup> Data unavailable for Ontario (16 and 17 year olds); and excludes 15% of cases for which the type of alternative measures is unknown.

<sup>3</sup> Social Skills Improvement program is only offered in Quebec.

<sup>4</sup> Excludes British Columbia.

Source: Canadian Centre for Justice Statistics. *Alternative Measures Special Study (1997-98)*.

#### Box 6

##### Community Service - An Example of Alternative Measures

Community service programs (as with personal service to the victim) are an opportunity for the youth to personally and directly make an effort to provide restitution. The accused person completes a specific number of volunteer hours at an approved community agency as specified in the alternative measures agreement. The real value of community service may be realized when:

- A community placement agency feels a genuine commitment to working with youth;
- The youth has a genuine understanding of the meaning of, and their own responsibility for making restitution;
- Work is real and not demeaning;
- Work is demanding without being punitive; and,
- Parents take an active interest in the youth's community service placement and actually visit the site.

Source: Montgomery (1997).

<sup>15</sup> In cases where the alleged offence took place in a small business, which was housed in a private dwelling, this is scored as a place of business.

<sup>16</sup> Type of alternative measures data were unavailable for Ontario (16 and 17 year olds).

<sup>17</sup> In Alberta, the type of alternative measure, other than caution letters, was not available (the type of alternative measure was unknown for 80% of cases).

<sup>18</sup> Data were not available from Newfoundland, Nova Scotia, New Brunswick, Quebec, Ontario, Alberta, Yukon and the Northwest Territories. As well, British Columbia was unable to provide data for personal service.

The amount of money that youth were required to pay for restitution/compensation and charitable donations was also examined<sup>19</sup>. Among those jurisdictions that were able to provide data, the largest proportion of youth ordered to pay restitution/compensation were required to pay \$150 or more (36%). A further one-third (34%) were ordered to pay less than \$50. Of those youth required to donate to a charity, the largest proportion paid less than \$50 (74%).

**The majority of cases in alternative measures were successfully completed**

A youth is considered unsuccessful in alternative measures at two distinct points in time: when the youth does not enter into an agreement for whatever reason; or, when the youth does not complete the terms and conditions of his/her agreement (e.g. when the youth: cannot be located; shows an unwillingness to complete the terms and conditions of the alternative measures agreement; refutes his/her earlier acceptance of the responsibility or involvement in the alleged offence(s))

Of the cases that were closed in 1997-98, 89% of youth successfully completed all measures agreed to<sup>20</sup>. Another 1% partially completed their measures. Equal proportions of males and females successfully completed alternative measures (88% and 89%, respectively).

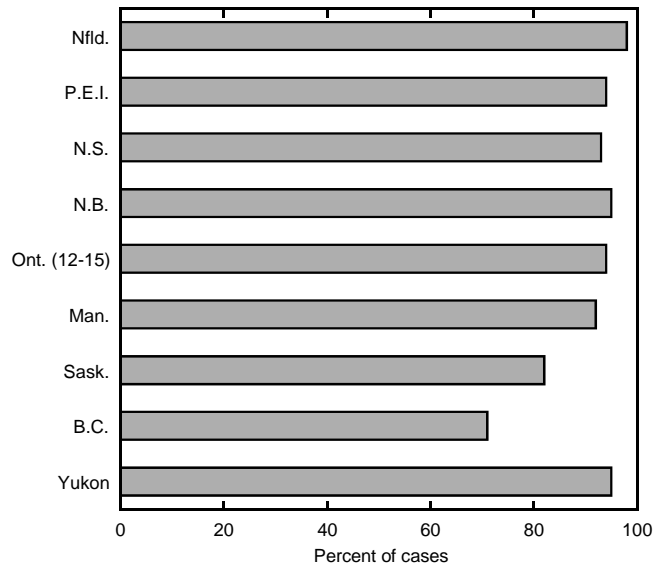
Successful completions varied among provinces and territories. As demonstrated in Figure 7, the proportion of youth who successfully completed alternative measures ranged from 71% in British Columbia<sup>21</sup> to 98% in Newfoundland.

Detailed information examining the completion rate by type of alternative measure was available for Manitoba and Ontario (12- to 15-year-olds). All youth in Manitoba who received parental action letters had successful completions. Personal services to the victim and charitable donations were the most common alternative measures with successful completions in Ontario (97% each). These findings were similar among males and females, with the exception of restitution or compensation to the victim in Ontario. Ninety-five percent of males participating in restitution or compensation to the victim successfully completed the alternative measures program compared to 86% of females. There were no significant differences for successful completions among age groups or for Aboriginal youth.

Procedures for non-compliance vary across Canada. If a youth is alleged to have committed a new offence while in alternative measures, this may not affect the young person's right to continue with the current alternative measures, except in cases where custody is required. In a case where the young person is no longer willing to complete the alternative measures, the supervising agency may close the case without any further action, or refer it back to the Crown Attorney. The Crown may consider another term in alternative measures, prosecute the case in court, or close the case and take no further action.

Figure 7

**Successful Completions of Alternative Measures, by Jurisdiction, 1997-98<sup>1</sup>**



<sup>1</sup> Data unavailable for Quebec, Ontario (16-17), Alberta and the Northwest Territories.

Source: Canadian Centre for Justice Statistics. *Alternative Measures Special Study (1997-98)*.

**METHODOLOGY**

**Alternative Measures Survey**

The information presented in this *Juristat* is derived from an Alternative Measures survey developed by the Canadian Centre for Justice Statistics. The survey was developed to provide statistical information on the administration of alternative measures for youth in Canada. The survey collected aggregate and micro-data, depending on the capabilities of jurisdictions. All provinces and territories responded to the survey. Manitoba and Ontario were the only jurisdictions that provided micro-data, and the latter only for 12 to 15-year-olds.

The unit of analysis that is used in the Alternative Measures survey is the case. A case refers to one person's activity in the alternative measures program for an incident. An incident

<sup>19</sup> Data were not available from Newfoundland, Nova Scotia, New Brunswick, Quebec, Ontario, Alberta, and the Northwest Territories. As well, Manitoba does not use this type of measure.

<sup>20</sup> Data were not available from Quebec, Ontario (16 and 17 year olds), Alberta, and the Northwest Territories.

<sup>21</sup> The lower success rate in British Columbia may partly be explained by the exclusion from the data of caution letters and no further action (where, by definition, there is 100% compliance).

is a specific event wherein the person is alleged to have committed one or more related offences, with or without victims. "Related" refers to a sequence of criminal actions which occur at the same location or where one action led to the occurrence of another. The focus of this survey is on cases for which an agreement for alternative measures has been reached. A case reaching an agreement refers to a case in which a young person agrees to participate in the alternative measures process.

Discussions of offences are based on the seriousness of an offence according to the type of offence and its potential impact on the person as per the Revised Uniform Crime Reporting (UCR) Offence Seriousness Index. One "most serious offence" (MSO) is counted for each case reaching agreement. In a case where there is only one offence, that offence is the most serious. In a case where there is more than one offence, the MSO is determined by the most serious offence severity scale.

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

The UCR Survey has been collecting summary information on crime from police agencies across Canada since 1962. This survey records the number of criminal incidents that come to the attention of the police. It includes the number of reported offences and the number of actual offences (excluding those that are unfounded), the number of offences cleared by charge, the number of persons charged by sex and by adult/youth breakdown.

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

The UCR II Survey captures detailed information on individual criminal incidents reported to the police, including characteristics of victims accused persons and the incidents. In 1997, 179 police forces in six provinces reported to the UCR II. The data represent 48% of the national volume of crime, and the reader is cautioned that these data are not nationally representative.

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

Another data source used in this *Juristat* is the Youth Court Survey (YCS). The survey includes *Criminal Code* and other federal statute offences heard in youth court for youth aged 12 to 17 at the time of the offence. The unit of analysis used for the YCS is the case, which is defined as one or more charges lay 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.

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## Canadian Centre for Justice Statistics

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