JUSTICE
RESEARCH NOTES

Building a Safer Canada

Summary prepared by Tracy Perry
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In May 1994, Cabinet approved a comprehensive National Strategy on Community Safety and Crime Prevention. The Strategy provides a framework for coordinating a range of federal activities, extensive federal-provincial-territorial cooperation, and new or enhanced community safety and crime prevention activities within the Department of Justice Canada and the Ministry of the Solicitor General. The objectives of the Strategy are to:

- foster partnerships and collaboration between all those involved in community safety and crime prevention to support effective and efficient efforts across the country;
- develop greater national consensus on priority actions regarding community and crime prevention; and
- enhance the knowledge and experience of communities to help them address safety and crime prevention issues.

As part of the Strategy, the Research and Statistics Section of the Department of Justice Canada was assigned the task of providing program and project assistance. This component of the Strategy was designed to provide direction to and support for the development of community safety and crime-prevention programs and projects that are tailored to community needs and to increase the knowledge of underlying factors of crime and effective crime-prevention strategies at the community level. The Research and Statistics Section ultimately contracted with Prairie Research Associates Inc. to develop *Building a Safer Canada: A Community-Based Crime Prevention Manual.*

The purpose of *Building a Safer Canada* is to support community action by providing the information necessary for groups to take a leadership role in ensuring public safety. The manual is a plain language document, available in both French and English, that will be useful to

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a wide range of people, from members of community groups to crime-prevention practitioners. The intention is to provide a document that is appropriate for all communities regardless of their size or the nature of their problems.

The manual provides communities with the tools to clearly identify the nature and extent of crime problems in their community, to determine information needs (e.g., type of crime, frequency of crime, seasonality, timing of crime, victims, offenders, victim-offender relationships) and to learn where to obtain this information. The manual also describes how to identify specific measurable objectives, how to organize the community using existing resources and how to develop a plan of action, including monitoring implementation and evaluating the impact of the community safety and crime-prevention strategy.

Building a Safer Canada presents a planning model for designing and carrying out problem-oriented prevention programs. This model identifies four phases broken down into steps that need to be followed to analyze problems and plan programs successfully. In Phase I, the research stage, the community identifies and describes its problems. In Phase II, the strategic planning stage, the community develops an action plan, and in Phase III, the action stage, it carries out the action plan. In Phase IV, the community monitors and evaluates the program to ensure it is implementing the program correctly. This phase also looks for evidence of whether conditions have changed as a result of the program.

Another intention of the manual is to help communities to concentrate on their most important problems so that their solutions, and ultimately their project proposals, will be clearly defined and targeted.

The manual is a practical addition to crime-prevention literature. It embodies the social development approach to crime prevention, a major focus of the National Strategy on Community Safety and Crime Prevention.

The manual gives communities information on implementing programs using existing resources, thereby recognizing the lean economic times facing most communities. Also, the programs the communities develop based on the manual may have more impact, since they will have been designed specifically for and by the communities themselves. The sense of gratification and unity a community may derive from such an undertaking might itself be considered a success and give the community the impetus to continue its efforts.

Building a Safer Canada: A Community-Based Crime Prevention Manual, by Prairie Research Associates Inc. Department of Justice Canada, 1996.

Justice Research Notes is produced by the Research and Statistics Division of the Department of Justice. Its purpose is to provide, in summary form, results of projects carried out under the Department's program of research into various areas of justice policy, as well as information and articles on other socio-legal matters.

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Published by authority of the Minister of Justice and Attorney General of Canada

by

Communications and Executive Services
Department of Justice Canada
Ottawa K1A 0H8

Printed in Canada

ISSN 1181-9243

Medical Costs of Firearm-Related Injuries: A Pilot Project in Alberta

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While the potential benefits of firearm control measures are frequently referred to in terms of crime reduction and public safety, the financial impact of firearm injuries and the potential cost savings are often overlooked. Contributing to this tendency is an absence of relevant research. The Canadian Firearms Centre commissioned this project to determine the direct medical costs of firearm injuries in Alberta during the 1993–94 fiscal year. This project also provided
a unique opportunity to examine the types of firearm injuries that are treated in hospitals. The study consisted of four components:

- a review of the medical costs of firearm injuries in Canada and the United States, and of medical costs of other injuries in Canada;
- the use of primary data (directly from source), supplemented by secondary data (official statistics) and previous research, to examine the direct medical costs of firearm injuries in Alberta;
- an investigation of the incidence of firearm-related injuries by intent of injury (self-inflicted, accidental or assault), the type of firearm used (hunting rifle, shotgun, handgun or military firearm) and associated costs; and
- an examination of the availability of data to assess the medical costs of firearm injuries in other Canadian provinces.

The study represented the first attempt to calculate the direct medical costs of firearm injuries in Alberta. It therefore provides baseline information for determining the impact of interventions, such as firearm control policies, designed to decrease firearm deaths and injuries.

A Review of the Literature

An extensive literature review found no primary data source studies that examined the direct medical costs of firearm injuries in Canada. Studies from the United States showed a wide array of average estimated costs for firearm injuries.

The findings of this review indicate that a range of research methodologies have been used: some have focused on direct medical costs, others have examined all medical costs, while others have attempted to assess the overall economic costs incurred. These studies have operated within different time frames, ranging from one year to lifetime costs. Researchers have also used many different estimation techniques, sometimes using data from other countries, because of the limited data available. In a study that compared the costs of treating similar injuries at trauma centres, it was found that the cost for treating firearm injuries in the United States was considerably higher than the cost in Canada. Therefore, it was determined that an original Canadian study was required that accurately represented the costs of firearm injuries.

Study Design

Direct medical costs for a one-year period in Alberta were the main source of empirical data, minimizing estimation procedures. Data were obtained, where possible, from original sources (e.g., ambulance authorities, hospitals, Alberta Health); where data were not available, secondary data were used to formulate estimates. Four areas of study were measured, including ambulance transportation, emergency care, acute hospitalization (admittance for at least one night), and in-hospital physician services. Within each area, the costs were assessed according to the intent of the injury and firearm type. Additionally, data were collected regarding the number of incidents involving firearms.

Research Findings

Hospital Services

Alberta Health reported 202 ambulance trips because of firearm-related injuries in 1993; 168 were by ground transportation and 34 were by air. The study also estimated that there were a total of 274 emergency visits to hospitals due to firearm injuries in 1993–94. Of these, 32% were released from the emergency room; 48% were severe enough to require hospital admission or transfer to a larger hospital; 10% were dead on arrival and 1% died in the emergency room. Data for the remaining 9% were either not provided or unknown.

A review of the data indicates that, in cases of emergency department care and acute hospitalization, patients ranged from 3 to 92 years of age, with the average age being between 30 and 31; 88% to 94% were male. Physicians performed 287 medical procedures on 100 patients.

Costs

The estimate of the total direct costs of firearm injuries in Alberta for 1993–94 was $869,404. This figure does not include non-hospital physician visits, community rehabilitation, medication or long-term care. The cost of in-hospital rehabilitative services is incorporated with acute hospitalization. As might be expected, acute hospitalization accounted for most of the cost (69.7%).

Estimated costs by category

Ambulance Transport	$ 91,698
Emergency Department Services	$ 25,966
Acute Hospitalization Services	$606,325
In-Hospital Physician Fees	$145,415
TOTAL	**$869,404**

Intent of Injury and Firearm Type

The findings for this study indicate that the incidence of firearm-related injuries is generally highest for unintentional injuries; in addition, it reveals that hunting rifles were more predominant than other firearm types in emergency department treatment and acute hospitalization. The acute hospitalization data indicate that the cost to treat an individual firearm injury is related to both the intent of the injury and the type of firearm used; self-inflicted injuries and those involving shotguns were the most expensive to treat. Self-inflicted injuries are more likely to involve vital organs since they are purposeful acts to injure oneself, and shotguns usually discharge a number of pellets (as opposed to a single bullet), thereby inflicting more damage.

Availability of Data in Other Jurisdictions

The nine other provinces participated in telephone interviews to ascertain the availability of data related to the medical costs of firearm injuries. The findings suggest that the same type of study could be replicated, but that it would encounter similar challenges. The authors recommend that databases within provinces be linked as a means of obtaining more accurate estimates of provincial direct medical costs of firearm injuries. Alternatively, data could be collected within a specific population to track the costs of firearm-related injuries.

Discussion

The present study has methodological advantages over previous attempts in Canada and the United States to estimate the direct medical costs for a large geographically defined population. Moreover, the cost estimates are based on the actual services and the actual or estimated costs associated with these services; previous studies have tended to estimate firearm injuries based on a proportional calculation.

While the findings are important and significant, it must be recognized that the study was intentionally limited and specific in scope. The study examined only direct medical costs; therefore, a number of equally important costs were not included (such as coroners' costs, police services, and personal and economic costs to individuals, families, businesses and society).

This study highlights a unique perspective on firearm misuse and injuries. Although the majority of firearm deaths are the result of suicide or homicide, this study revealed that most firearm injuries requiring hospitalization are caused unintentionally. Recent data on firearm deaths reveal that 5% are accidental, 15% are homicides and 80% are suicides. This sharply contrasts with the findings of this study. When injury, not death, is the key variable, very different findings emerge. Of the persons who required emergency care, 47% were accidental, 19% were the result of an assault, and 32% were attempted suicides. This difference may arise because unintentional injuries are less likely to result in death and are therefore more likely to result in hospitalization.

Conclusion

One of the main intentions behind the Government of Canada's recent firearms legislation was the reduction of crime and the protection of public safety. A corollary benefit of the legislation is a possible reduction in health care costs. This study was an important initial step in monitoring the impact of this legislation.

Medical Costs of Firearm-Related Injuries: A Pilot Project in Alberta, by the Injury Prevention Centre. Department of Justice Canada, Technical Report [TR1996-1e], 1996.

Criminal Harassment

Summary prepared by Louise Savage
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Department of Justice Canada

In August 1993, the federal government passed a bill criminalizing the intimidating behaviour commonly called "stalking." Section 264 of the *Criminal Code* of Canada makes it an offence knowingly to engage in conduct that causes another person to fear for his or her own safety or the safety of someone else. The *Criminal Code* mentions the following acts: repeatedly following or communicating with the target person; watching or besetting the home or workplace of the target person; and engaging in threatening conduct toward the target person or a member of his or her family.

Section 264 was designed to improve the protection of women from intimidation and physical attack; however, it is also useful against politically motivated harassment and intimidation that is linked not to violence against women, but rather to business or personal matters.

The Department of Justice Canada recently undertook an implementation review of Section 264. In a six-city study, 601 criminal harassment cases handled by the police, Crown and courts between 1993 and 1996 were examined. Also, police, Crown prosecutors, social service providers and a small number of victims were interviewed.

The study debunks a popular view of criminal harassment — namely, that the perpetrator is a stranger who lurks at corners to stalk his innocent prey. Although almost all accused were men who harassed women, the accused and the victims were almost always acquainted — in fact, most victims were partners or former partners of the accused. Only 12 percent of the cases in our sample involved strangers, and only four cases involved the stalking of a public figure. It is therefore more useful to consider criminal harassment as a form of systemic male violence, specifically domestic violence against women.

Although charge statistics seem to indicate that police and Crown prosecutors use Section 264 frequently, 58 percent of the criminal harassment charges in the study sample were stayed or withdrawn before trial. In cases of stayed or withdrawn charges, about 40 percent of the accused agreed to a peace bond as part of the resolution of the case. Of the other cases in the study sample, about 35 percent resulted in convictions (this group includes guilty pleas). In these cases, 25 percent of the offenders were sentenced to jail (usually less than four months) and 94 percent received probation.

Most people who work in the criminal justice system see Section 264 as an improvement on previous legislation; it covers most forms of harassing behaviour and it permits prosecutors to present the offence in the context of the relationship between the accused and the victim. However, the data on case outcomes indicate that the justice system does not deliver the intended message – that harassment is a serious, intolerable offence.

The study identified several barriers to effective prosecution, including: lack of adequately trained police and Crown resources for investigating and preparing criminal harassment cases; lack of victim support services; and systemic sexism that results in weak dispositions by the courts and reinforces other barriers.

The criminal justice system's first response to the findings of this study should be to identify its objective in prosecuting criminal harassment.

It should then decide how it will determine the desired result in specific cases. Until these steps are taken, Crown offices should systematically reduce the rate of withdrawal and staying of charges and resolution of cases by peace bond, and raise standards for sentencing recommendations, especially when negotiating guilty pleas. Goals should be set, and Crown prosecutors should be held accountable for reaching them. Police, Crown prosecutors and judges all need training in handling criminal harassment and guidelines to follow when investigating, prosecuting and trying these cases.

Police should be working with women's shelters to develop an approach to identifying individuals at risk of becoming stalkers or victims of stalkers by recognizing abusive behaviour in relationships. Criminal harassment cases should be systematically followed up to prevent escalation of violence and to ensure that police jurisdictions share information about offenders. Also, many more victim support services are needed.

Finally, Crown prosecutors in criminal harassment cases should record their actions and decisions systematically, perhaps on a simple case-record sheet. This practice would improve the quality of information on Crown policy and practices that is available to the decision-making process.

A Review of Section 264 (Criminal Harassment) of the Criminal Code of Canada, by R. Gill and J. Brockman. Department of Justice Canada, Working Document [WD1996-7e], 1996.

Review of the Saskatchewan Victims of Domestic Violence Act

Summary prepared by Scott Clark
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Department of Justice Canada

On February 1, 1995, the Government of Saskatchewan proclaimed the *Victims of Domestic Violence Act*. The first legislation of its kind in Canada, the Act was designed as a complement to the *Criminal Code*.

Besides broadening the range of responses to domestic violence available in the *Criminal Code*, the legislation gives victims of domestic violence access to three remedies in civil law: the Emergency Intervention Order, the Victim's Assistance Order and the Warrant of Entry. A person who breaches any of these orders commits a criminal offence and can be arrested and charged.

The *Victims of Domestic Violence Act* has the following objectives:

- promoting the message that the justice system considers domestic violence a serious concern;
- increasing victims' access to legal tools, including longer-term ones, to fill gaps in the justice system's response to family violence;
- helping victims of domestic violence who cannot act on their own; and
- increasing the attention paid to assisting victims of domestic violence, as well as to the offence or violation and the punishment of the offender.

At the request of Saskatchewan Justice, the Research and Statistics Section of the Department of Justice Canada contracted with Prairie Research Associates Inc. for a review of the implementation of the Act. The consultants also made recommendations intended to improve procedures and increase the likelihood that the objectives of the Act will be met in the long term.

Criminal justice system respondents to the study indicated that the Emergency Intervention Order complements older legislation and provides important additional benefits: immediacy, accessibility and focus on the victim. Most Emergency Intervention Orders are obtained to help abused wives, although the Act also applies to husbands, common-law spouses of both sexes, children and parents.

The study indicated that the Victim's Assistance Order is rarely used; lawyers are more comfortable with more familiar remedies that they understand better. When the study was done, no requests had been received for a Warrant of Entry.

At present, the Act does little for victims of domestic violence who live on reserves. The provisions relating to possession of the home cannot be enforced on a reserve unless the band enacts a by-law and, at the time of the study, only three bands had done so. However, other elements of the Act may prove valuable on reserves.

Police, mobile crisis personnel, justices of the peace, judges, lawyers, staff of victim-serving agencies and shelter workers generally work together. They expressed some concerns about how much the general public knows about the Act, and how well justice system staff understand its fine points. Saskatchewan Justice is running a continuing education program that should correct this problem.

At this relatively early stage of implementation, the Act seems to be widely accepted and to be reducing victimization in the domestic context. It is too early to draw conclusions about how much it benefits victims, but already the Act seems to help victims when prosecution is unlikely. Both service providers and victims of domestic violence are particularly enthusiastic about the Emergency Intervention Order.

Review of the Saskatchewan Victims of Domestic Violence Act, by Prairie Research Associates Inc. Department of Justice Canada, Working Document [WD1996-6e], 1996.

Spousal Assault and Mandatory Charging in the Yukon: Experiences, Perspectives and Alternatives

Summary prepared by Scott Clark
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In December 1983, the Minister of Justice and the Solicitor General issued directives on investigating and prosecuting spousal assault that relieved victims of the responsibility for initiating criminal charges and instructed police and prosecutors to give priority to cases involving spousal violence. In the RCMP, these directives were reinforced by national and divisional policies.

Since that time, the Department of Justice and the Ministry of the Solicitor General have sponsored extensive research into intervention in spousal assault by police and the courts; however, until 1995 when the Yukon study was conducted, no one had examined the extent to which the charging directives are implemented, their impact or their effectiveness.

The Yukon study was co-funded by the Department of Justice Canada and the Ministry of the Solicitor General of Canada. Yukon Territory was chosen for several reasons:

- the relatively small population of Yukon permitted a territory-wide study of key players;
- the federal government has both police and prosecutorial jurisdiction over the entire territory (RCMP and Department of Justice respectively);
- the territory has a significant First Nations population; and
- both the territorial government and the First Nations were willing to participate in the study.

The study examined the progress of spousal assault cases through all stages of the criminal justice system, from the initial police report to disposition, sentencing and corrections. The information was gathered from respondents in all components of the criminal justice system and from victims, who were interviewed in their communities.

The Yukon study was guided by the Yukon Project Advisory Committee, which approved the report. The committee was chaired by a representative of the Department of Justice Canada and included representatives of all federal and territorial bodies involved in Yukon criminal justice, community service workers, communities, and the Council for Yukon First Nations.

Five themes emerge from the findings of the Yukon study.

Support for mandatory charging only with a flexible approach to prosecution

All respondents indicated agreement in principle with mandatory charging. This response arose from the belief that spousal assault is a serious, intolerable crime; that the government must communicate this fact in all its dealings around spousal assault; and that society is obligated to protect actual and potential victims of spousal assault.

However, the respondents were deeply divided over whether all persons charged with spousal assault should necessarily be prosecuted. About 50 percent of the respondents said that, after charges are laid, a flexible approach, based on a range of factors, would be appropriate when deciding whether to prosecute.

Mandatory charging does little to meet victims' primary needs

When they seek help from the criminal justice system, most victims need safety, respect and concerned interest in their situation; they also usually want help in establishing a non-violent relationship. They do not necessarily want the assaultive partner punished. Although most respondents strongly supported mandatory charging, a criminal charge was not the primary goal for many victims — especially First Nations victims. Their primary needs — safety and respect — were clearly not met by prosecution of the assaultive spouse.

Little evidence that mandatory charging encourages reporting of spousal assault

Respondents to the study said little to suggest that mandatory charging has encouraged reporting of spousal assault. Roughly 70 percent of community respondents said that, during its decade of implementation, the policy has been applied consistently, although the evidence indicates continuing discretion and inconsistency. At the same time, the respondents strongly agreed that spousal assault is still frequently unreported. Furthermore, of the victims surveyed for the study, two thirds had not reported earlier assaults, and a small percentage said that the treatment of their case by the RCMP, the Crown, the courts or probation officers would reduce the likelihood that they would report future assaults.

If this pattern is related to the primary needs reported by victims, and if the mandatory charging policy was designed to encourage reporting, an implementation approach in which the system "takes over" is counterproductive. A more effective approach would be to make victims feel that it is safe and helpful to discuss their problems with the RCMP, service providers, family and friends, and to ensure that victims are heard *and understood*. This approach would let a victim create a "safety zone" in which to consider options — such as reporting the assault to the police.

Differences in responses from First Nations and non-First Nations participants

The responses of First Nations and non-First Nations participants in the study were consistently different in a variety of ways. This pattern indicates that a policy that is implemented uniformly across the territory is unlikely to meet the needs of all communities.

Resource access in smaller communities

Participants' responses indicated that the justice system's approach to spousal assault is weakest in speed of court processing, enforcement of probation orders and providing treatment for both victims and offenders. These weaknesses are most detrimental in small communities.

The consultants suggested a three-pronged approach to resource support in communities that should be considered in light of community respondents' overwhelming preference for handling spousal assault cases outside the criminal courts.

All respondents (victims, community service workers and criminal justice system personnel) generally agreed that Yukon should maintain the mandatory charging policy, but they disagreed significantly over whether *prosecution* should be mandatory. Respondents strongly advised diversion programs where possible and, in cases that must be prosecuted, sentencing alternatives. They also recommended that Yukon adopt the "restorative justice" concept.

Such steps would do much to meet the need of First Nations communities for culturally appropriate responses to spousal assault.

Spousal Assault and Mandatory Charging in the Yukon: Experiences, Perspectives and Alternatives, by Tim Roberts, Focus Consultants. Department of Justice Canada, Working Document [WD1996-3e], 1996.

Youth Justice — What Have We Learned?

Summary prepared by Shelley Trevethan
Senior Research Officer
Department of Justice Canada

In 1994, the Department of Justice Canada and a host of government and community agencies developed the concept of the Youth Justice Education Partnership (YJEP). YJEP is a network for building partnerships to provide education about youth justice in Canada. YJEP links youth, communities, organizations and governments to:

- promote equitable, appropriate and effective treatment of youth;
- contribute to the prevention of youth crime;
- promote social responsibility;
- enhance the capacity of communities, organizations and justice services to address youth justice issues;
- ensure that Canadians have accurate information about the youth justice system; and
- enhance understanding of youth justice in Canada.

After identifying information gaps, the department decided to undertake some research projects. The objective was to examine what programs or services are available for youth in education and in treatment-based programs for high-risk youth; evaluations of programs; and what youth know and don't know about the justice system. The following four projects were conducted to answer these questions.

Youth Law-related Education Survey

A national survey of individuals who work with youth in school, at risk or in custody was conducted to determine how young Canadians are being informed about their legal rights and responsibilities, what services or resources are available, which ministries assume responsibility for law-related education, and how this mandate is carried out. Based on the information received, the researchers developed a listing of programs offered in each province and territory and an inventory of materials that inform young people about the law. The report also discusses what programs or materials appear to be the most effective.

The survey found that there is a pressing need for schools to provide children with information about the law and the legal system. However, few schools in Canada provide such learning opportunities on a structured and consistent basis. In addition, educators find it difficult to get the training or find the resources that would help them integrate legal understanding in their classrooms.

Youth who are not in school also need justice-related information. Interministerial organizations are in a position to reach the greatest number of youth, since they can provide information to youth in different situations and locations. Offices in places where young people gather, such as schools, malls and recreation centres, could distribute pamphlets describing legal rights and responsibilities and directing young people in need of assistance to the appropriate agencies. When such offices are staffed by knowledgeable young people, they are more likely to attract youth at risk. In addition, general information about the law and the

Young Offenders Act would reach more youth at risk if it were broadcast on contemporary radio and television stations.

The authors conclude that there is a need to develop resource packages and distribute them nationwide to give specific instruction for teachers at each grade level on what should be taught and how it should be presented as part of their regular curricula. This, combined with a national promotional campaign designed to arouse the interest of young people, will be the most effective way of educating for responsible citizenship.

Educational Programs that Alter Knowledge, Attitudes and Behaviour of Youth

This report discusses programs that do not have a specific justice focus, but that may influence youth's behaviour or attitudes. The objective was to provide "lessons learned" from other areas and to investigate whether other program models may be transferable to law-related education (e.g., anti-smoking programs). The report describes a number of programs and behaviour-modification approaches for youth in school, youth out of school and adults.

The report suggests that, to have an impact on attitude or behaviour, communication variables (i.e., source of the message, message being conveyed, mechanism used to convey the message, receiver of the message) need to be taken into account. Anyone developing a program should consider the following:

- identifying a target group that the program will focus on (e.g., only boys of a certain age);
- determining whether there may be different optimum ages for various kinds of behaviour modification;
- ensuring that individuals understand the facts about the behaviour;
- providing instructor training;
- using peer leaders to make a program more effective;
- using group interaction to make a program more effective;
- focusing on peer pressure resistance skills; and
- repeating a behaviour-modification program.

Delinquency Treatment and Intervention

This report presents an overview of the social context and history of youth crime, and describes how legal and non-legal mechanisms interact in the attempt to reduce youth crime. It discusses current delinquency treatment and prevention programs and possible strategies for developing research aimed at prevention, control and rehabilitation of delinquent behaviour.

Programs designed to prevent or reduce delinquency range from pre-delinquent interventions to secure custody. Since the early 1980s numerous programs have been evaluated, in an attempt to prove that something works in rehabilitation. This report argues that the major correlates of delinquency have been identified, as have the programs that are most likely to reduce future delinquency. The findings suggest that delinquency represents many diverse phenomena and there are no uniform behaviour patterns or simple causes. Therefore, delinquent behaviour should be addressed through varied and multifaceted approaches, targeting both the

types of offences and the needs of offenders. In addition, interventions should target specific risk factors where possible.

It is suggested that the most cost-effective way of dealing with youth crime is to try to eliminate delinquency before it occurs. In addition, programs that have had the greatest success have had community support. However, it is argued that such programs need built-in evaluation conducted by neutral third parties. The authors make the following suggestions:

- Target high-risk families and intervene with appropriate educational tools to produce healthy children, prepare parents for the job of parenting, strengthen the family, and ensure a bond between the family and the community.
- Institute early intervention on a broader scale to reduce violence at an early age.
- Identify and categorize delinquency intervention programs in Canada as a first step in determining which programs need to be evaluated.
- Implement "comprehensive program" models that identify risk factors and use programs that focus on these factors.
- Implement flexible programming to meet individual needs.
- Conduct a study of the effectiveness of probation.
- Develop techniques for identifying the "core" of delinquents who do the most damage, so that they can be targeted for interventions based on "graduated sanctions."
- Implement community-based treatment programs in lieu of secure custody for less serious offences.
- Use secure custody institutions for only those few cases who need the intensive supervision and security provided by such facilities. Within the institutions, emphasize individualized treatment.
- Provide guided re-entry into the community after release from any program.

Students' Knowledge and Perceptions of the *Young Offenders Act*

There is a growing recognition in the legal community that young people need certain cognitive capacities to effectively and meaningfully participate in the legal system. Therefore, it is necessary to evaluate whether young people have enough knowledge of the *Young Offenders Act* (YOA) to participate meaningfully in Canada's juvenile justice system. The purpose of this study was to examine what young people know, and what they think they know or do not know, about the legal system.

Through a questionnaire and interview, the study assessed students' knowledge of a number of facts about the YOA, such as age boundaries, dispositions, youth court records, transfer to adult court and legal personnel. Students were also asked their opinion about some of these issues, and their perceptions of youth crime more generally. More than 700 students from Edmonton, Toronto, Ottawa, Montreal, Sherbrooke and Charlottetown were involved. They were divided into five age groups: 10–11, 12–13, 14–15, 16–17, and young adults.

Overall, students' knowledge varied depending on the issue addressed. For example, they showed good knowledge of the difference between youth and adult court, who has access to youth court records, and the role of certain court personnel (e.g., judge, police). They showed poor knowledge of the age boundaries of the YOA, what happens to a youth court

record once a young offender turns 18, the role of defence counsel and the meaning of some terms (e.g., charged, convicted). They also overestimated the percentage of violent youth crime. Finally, few students showed a conceptual understanding of what the YOA is, although most understood that age was relevant.

Older students tended to define the YOA in a more conceptual way than younger students. However, even where overall age differences were evident, the pattern varied by question. For example, in some cases the 10- to 11-year-olds differed from the rest, while in other cases the age differences followed a smoother, linear trend. In addition, in several cases, significant age differences occurred between the under- and over-16 subjects.

Regional differences were apparent in some questions, the most striking being the distinction between Quebec and other provinces. Differences were found in opinions about the YOA as well as knowledge. For example, more students from Quebec rated youth dispositions as "about right," while those from other cities tended to think that they were "often too easy." These differences cannot be attributed to language, since the Montreal sample was anglophone or allophone. One possibility is that there are differences between Quebec and other regions of Canada in the underlying philosophy toward youth justice and procedures for administering justice. The most significant implication of this is that law-related education must be tailored to the judicial system that is in place in a given region.

There were relatively few significant effects of law-related education on students' knowledge of the YOA. However, where significant effects did emerge, it was the students who reported having received some law-related education who performed better than those who did not. The effects of law-related education were specific to the knowledge questions, and appeared to have no effect on students' perceptions of youth crime or opinions about the YOA. Undoubtedly a primary goal of law-related education is to improve students' knowledge of the legal system. It is therefore important to evaluate legal education programs specifically targeting youth justice education to further explore the effect of education on knowledge, as well as the relative contributions of age and education.

The results of this study can be used in several ways. This study indicates that young people's understanding of various aspects of the YOA depends on age, and information about age differences can be useful in gearing law-related education efforts in a developmentally appropriate way. Information about regional differences may be useful in developing programs for the specific communities sampled. Information regarding levels of knowledge can assist educators in determining where students can benefit from more specific information or where they show gaps in knowledge or misconceptions that need to be addressed. For example, regardless of age, students' knowledge of significant age boundaries of the YOA is poor, as is their understanding of what it means to have the right to retain counsel. Perhaps law-related education aimed at youth should include a unit on Charter rights and the protections specific to young people. However, simply informing youth about facts of the YOA is not enough. Ensuring that they understand the information they have been given involves educating them about the relevant context surrounding that information so that they have a sense of its function and importance.

What Have We Learned?

Taken together, these studies provide a good indication of what programs or services are available in Canada for youth generally, youth at risk and young offenders. In addition, they provide a better understanding of what knowledge and perceptions youth have regarding the YOA. Based on this information, areas that need specific law-related educational programs can be targeted.

Youth in school

- Few schools in Canada provide information about the law and the legal system in a structured and consistent manner. However, it is obvious that there is a need for this information, particularly at the primary school level. Across the country, teachers at each grade level need resource packages that give specific instruction on what should be taught and how it should be presented as part of their regular curricula. This requires participation from provincial and territorial ministries of education. Some curriculum packages are being developed already.
- Students' knowledge of the YOA varies depending on the issue. Students appear to have fairly good knowledge in some areas, but poorer knowledge in others. Therefore, law-related curricula need to focus on certain areas.
- Law-related education efforts must be tailored to the judicial system that is in place in a given region. One standard curriculum may not be useful for all areas in Canada.
- When developing programs to alter knowledge, attitudes and behaviour of youth, effective programs from areas other than justice can be useful prototypes (e.g., the format of some health-related programs).
- It is important to examine law-related education programs to further explore the impact of education on knowledge, attitudes and behaviour. Such a study is currently under way.

High-need youth

- There are no uniform behaviour patterns or simple causes of delinquent behaviour. Therefore, delinquent behaviour should be addressed through varied and multi-faceted approaches, targeting both the types of offences and the needs of offenders.
- Early intervention is key for reducing delinquency (e.g., targeting high-risk families and intervening with appropriate educational tools, or identifying youth early and intervening with appropriate programs).
- Secure custody should be used only for those cases who need intensive supervision and security. Community-based treatment programs should be used for less serious offences.
- There is a need to examine the effectiveness of various programs for youth and to have built-in evaluations conducted by parties not associated with the program.

The community

- Programs for youth that have had the greatest success have had community support and involvement.
- The popular media (e.g., contemporary radio and television stations) should be used to bring the law to the attention of young Canadians.
- Interministerial organizations are in the best position to reach the greatest number of youth. Offices in places where young people gather could distribute information about legal rights and responsibilities, and direct young people to agencies designed to help them.

Some suggestions for further research

- Examine the effectiveness of various law-related education programs in schools.
- As a first step in evaluating effective programs, identify and categorize delinquency intervention programs in Canada.
- Conduct a general information survey of service providers throughout Canada to examine whether there are communities that have developed strategies for dealing with youth, and to identify inter-agency links and barriers.
- Conduct a survey to examine various diversion, alternative measures and probation programs.
- Conduct a study of young offenders' knowledge and perceptions of the YOA to compare with the study that examined students.

Youth Law-Related Education Survey, by the Legal Services of British Columbia, S. Kuehn, R. Yates, F. Mainville, and G. Fortin. Department of Justice Canada, Working Document [WD1995-9e], 1995.

Educational Programs that Alter Knowledge, Attitudes and Behaviour of Youth, by P. Ellis. Department of Justice Canada, Working Document [WD1995-6e], 1995.

Delinquency Treatment and Intervention, by R. A. Silverman and J. H. Creechan. Department of Justice Canada, Working Document [WD1995-7e], 1995.

Students' Knowledge and Perceptions of the Young Offenders Act: Final Report, by M. Peterson-Badali. Department of Justice Canada, Working Document [WD1996-2e], 1996.

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- ☐ *Educational Programs that Alter Knowledge, Attitudes and Behaviour of Youth*, by P. Ellis. Department of Justice Canada, Working Document [WD1995-6e], 1995.

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☐ *Youth Law-Related Education Survey*, by the Legal Services of British Columbia, S. Kuehn, R. Yates, F. Mainville, and G. Fortin. Department of Justice Canada, Working Document [WD1995-9e], 1995.

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