

# Perceptions of the youth criminal justice system: Key findings from the 2022 National Justice Survey

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Perceptions of the youth criminal justice system: Key findings from the 2022 National Justice Survey J4-143/2023E-PDF 978-0-660-49656-6

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#### Introduction

The National Justice Survey (NJS) is a public opinion research survey that is administered on an annual basis to explore the perceptions and knowledge of justice-related issues of people living in Canada. Findings from this survey are used to inform policy and program development.

This report focuses on youth justice-related issues and examines respondents' perceptions and knowledge of the youth criminal justice system (YCJS). The YCJS is governed by the *Youth Criminal Justice Act* (YCJA), which applies to 12-to-17-year olds who come in contact with the criminal justice system. The YCJA was introduced in 2003 to address concerns with the previous legislation, the *Young Offenders Act* (YOA); including that the YOA had led to the overuse of courts and custody in less serious cases, disparities and unfairness in sentencing, and a lack of effective reintegration of young people released from custody. The YCJA is intended to ensure that Canada's youth criminal justice system is fair and effective. It recognizes that while youth must be held accountable for criminal acts, they are still maturing and have unique needs that should be considered in their treatment within the justice system. The YCJA also promotes the use of extrajudicial measures and the rehabilitation and reintegration of youth into the community.

This report first examines respondents' awareness of the YCJA and their level of confidence in the YCJS. The report then examines several topical issues related to the YCJS, including: youth accountability; the involvement of third parties (e.g., family and community members) in the judicial process; the consideration of Indigenous identity and racialized identity during sentencing; and, the use of custodial sentences for youth. The paper uses an intersectional approach to understand how perceptions differ when considering sociodemographic indicators, such as age, gender, Indigenous identity, and racialized identity.

## Methodology

The 2022 National Justice Survey was conducted online from February 15 to March 10, 2022. The final sample consisted of 4,949 people aged 18 years and older living in each of Canada's provinces and territories. Respondents were selected from a pre-approved profiled database via telephone and were sent SMS or email invites to participate in the study. The survey was offered in English and French and the approximate time to complete the survey was 18 minutes.

Results were weighted by age, gender<sup>1</sup>, region, highest level of education, Indigenous identity and ethnocultural identity, using data from the 2016 Census of Population, and are reasonably representative of Canada's total adult population. A profile of the unweighted sample of respondents can be found in Annex 1. A complete methodological report can be found here: <a href="https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice\_canada/2022/100-21-e/POR100-21-Report.pdf">https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice\_canada/2022/100-21-e/POR100-21-Report.pdf</a>.

# **Findings**

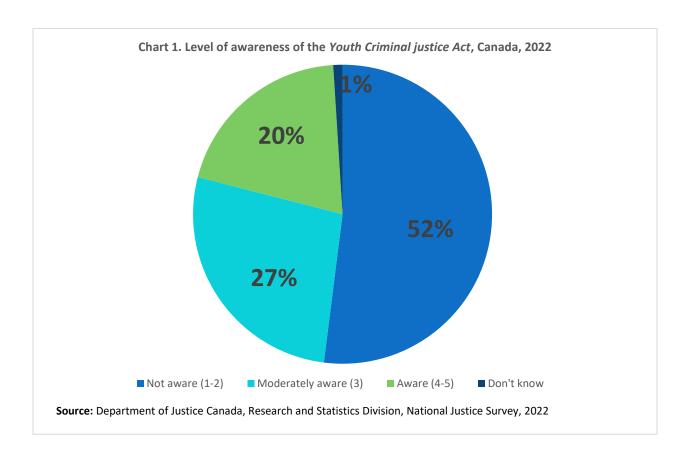
#### Awareness of the Youth Criminal Justice Act

The YCJA is a federal Act that governs the administration of justice for youth aged 12 to 17 who come in contact with the criminal justice system. Respondents were asked about their level of awareness of the YCJA prior to this

<sup>&</sup>lt;sup>1</sup> Respondents were able to select a non-binary option. While non-binary people are included in all totals, data breakdowns are not presented for non-binary people due to small sample sizes.

survey. Responses were measured on a five-point scale, from one (1) meaning "Not aware at all" to five (5) meaning "Very aware."

Over half (52%) of respondents self-reported that they were not aware of the YCJA, while 27% were moderately aware, and 20% were aware (see Chart 1). Indigenous people (29%)—specifically, First Nations (31%) and Métis people (27%)—and Black people<sup>2</sup> (25%) were more likely than White people (19%) to report being aware of the YCJA.



As their main source of information about the YCJS, respondents were most likely to indicate using government websites or publications (32%), followed by popular culture, such as television, movies, radio and magazine (14%), family or friends (11%) and legal professionals (11%).

# Level of confidence in the youth criminal justice system

The YCJA states that special procedures must be implemented to ensure that youth are treated fairly and their rights and freedoms are protected (s. 3(1)b)iii)). Respondents were asked how confident they were that the YCJS is fair and accessible to all people. Responses were measured on a five-point scale, from one (1) meaning "Not at all confident" to five (5) meaning "Very confident."

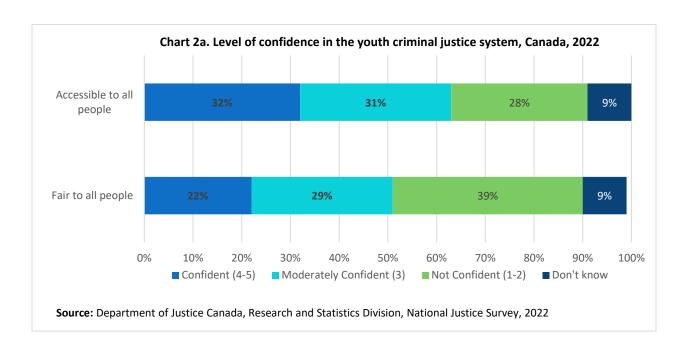
<sup>&</sup>lt;sup>2</sup> Black includes African/African descent, Afro-Caribbean and Afro-Latinx, for example.

#### Fair to all people

Overall, over one in five (22%) respondents reported being confident that the YCJS is fair to all people, 29% reported being moderately confident, and 39% reported not being confident (see Chart 2a). Indigenous people —specifically First Nations people (16%)—were less likely than White people (21%) to report being confident. Racialized people (28%)—specifically East Asian³ (34%), Latinx⁴ (28%), Middle Eastern and North African⁵ (29%) and Southeast Asian⁶ (31%) people—were more likely than White people (21%) to report being confident. Older respondents aged 45 to 54 (24%) and 55 to 64 (27%) were more likely to report being confident than younger respondents aged 25 to 34 (19%) (see Chart 2b). Men (27%) were more likely than women (18%) to report being confident that the YCJS is fair to all people. Additionally, people who were not born in Canada (29%) were more likely to report being confident than those who were born in Canada (20%).

### Accessible to all people

Nearly one-third of respondents (32%) reported being confident that the YCJS is accessible to all people, 31% reported moderate confidence, and 28% reported being not confident (see Chart 2a). Noticeable differences were observed between age groups. Older respondents, aged 45 to 54 (36%), 55 to 64 (37%) and 65 and older (33%), were more likely to report being confident than younger respondents, aged 18 to 24 (24%) and 25 to 34 (27%) (see Chart 2b). In addition, men (37%) were more likely to report being confident that the YCJS is accessible to all people than women (27%).

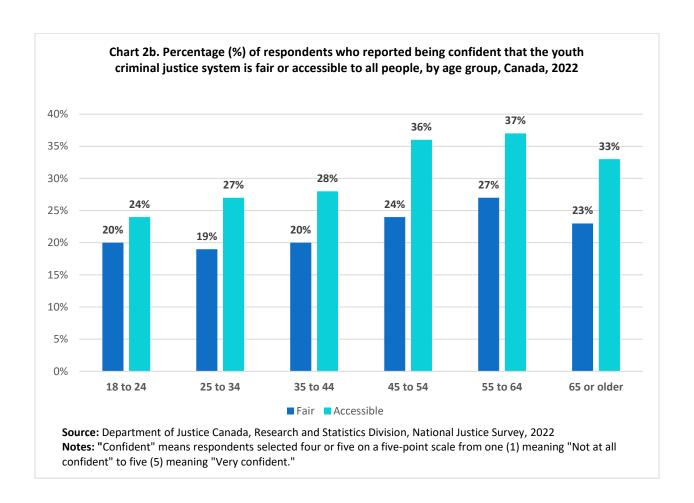


<sup>&</sup>lt;sup>3</sup> East Asian includes Chinese, Japanese and Korean, for example.

<sup>&</sup>lt;sup>4</sup> Latinx includes respondents who self-identified as non-White Latin American descent, also known as Latina/o or Latine. Latinx, like Latine, is a gender-neutral term.

<sup>&</sup>lt;sup>5</sup> Middle Eastern and North African includes Afghan, Iranian, Lebanese, Egyptian and Algerian, for example.

<sup>&</sup>lt;sup>6</sup> Southeast Asian includes Filipino, Vietnamese, Cambodian, Laotian and Thai, for example.



# Perceptions of the youth criminal justice system's principles

The YCJS aims to protect the public by holding youth accountable, promoting rehabilitation and reintegration, and preventing crime (YCJA, s. 3). Respondents were asked whether the YCJS should focus on rehabilitating youth by dealing with issues that can contribute to a youth's criminal behaviour, such as poverty, mental illness, cognitive disabilities, or substance use and addiction issues. Responses were measured on a five-point scale, from one (1) meaning "Strongly disagree" to five (5) meaning "Strongly agree." The majority of respondents (84%) agreed<sup>7</sup> with this statement. Younger respondents aged 18 to 24 (93%) and 25 to 34 (90%) were more likely than older respondent aged 35 to 44 (83%), 45 to 54 (85%), 55 to 64 (79%) and 65 or older (83%) to agree with this statement.

Respondents were also asked whether protecting society should be the focus of the YCJS. Overall, just over half (52%) of people agreed with this statement. Indigenous people (44%) were less likely than White people (51%) to agree that protecting society should be the focus of the YCJS, while racialized people (57%)—specifically South Asian (65%) and Southeast Asian (60%) people—were more likely to agree. Younger respondents aged 18 to 24 (45%), 25 to 34 (41%) and 35 to 44 (48%) were less likely to agree with this statement, relative to older respondents aged 45 to 54 (58%), 55 to 64 (58%) and 65 and older (59%). Women (46%) were less likely than men (59%) to agree that protecting society should be the focus of the YCJS. People born outside of Canada (59%) were more likely than those born in Canada (50%) to agree with this statement.

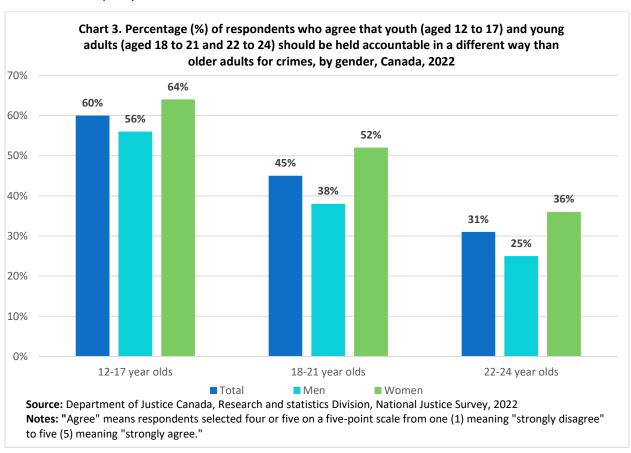
<sup>&</sup>lt;sup>7</sup> "Agreed" means respondents selected four or five on the five-point scale.

## Perceptions of accountability in youth and young adults

#### Holding youth accountable through the YCJS

The YCJA is based on the principle that youth are presumed to be less morally blameworthy than adults; it acknowledges that youth should be held accountable differently than adults given their lack of maturity and their greater level of dependency (s. 3(1)b)ii)).

Respondents were asked whether youth should be held accountable in a different way than adults for crimes they have committed because they are less emotionally and cognitively mature. Responses were measured on a five-point scale, from one (1) meaning "Strongly disagree" to five (5) meaning "Strongly agree." Overall, 60% of respondents agreed that youth should be held accountable in a different way than adults for crimes they have committed because they are less emotionally and cognitively mature. Younger respondents aged 18 to 24 (80%) and 25 to 34 (71%) were more likely to agree with this statement, compared with older respondents aged 35 to 44 (58%), 45 to 54 (57%), 55 to 64 (48%), and 65 and older (58%). Women (64%) were more likely than men (56%) to agree that youth should be held accountable differently than adults (see Chart 3). Respondents with a higher level of education, such as a bachelor's degree (65%) and a post-graduate degree (72%), were more likely to agree with this statement, compared with respondents with a lower level of education (i.e., a high school diploma or equivalent (56%), a registered apprenticeship or other trades certificate or diploma (53%), a college, CEGEP or other non-university certificate or diploma (58%), and a university certificate or diploma below a bachelor's level (55%).



#### Holding young adults accountable through the adult CJS

Compared with the youth justice system, the adult criminal justice system has limited ability to deal with issues outside the formal criminal justice system, and relies more on custodial sentences to hold adults accountable. Previous research suggests that some people may not reach brain maturity until about the age of 25 (Giedd & al., 1999; Steinberg, 2015). This may result in young adults (aged 18-24) being less emotionally and cognitively mature, less capable of anticipating the consequences of their actions and in greater need of social supports, than older adults.

The NJS asked respondents whether young adults aged 18-21 years old and 22-24 years old should also be held accountable differently than older adults, for instance by receiving services and supports that are tailored to their level of maturity. Overall, 45% of respondents agreed with this statement when applied to young adults aged 18 to 21 years old. Indigenous (49%) and racialized people (50%)—specifically Middle Eastern and North African (57%), Black (56%), and South Asian people (54%)—were more likely to agree that young adults aged 18-21 years old should also be held accountable differently than older adults, compared with White people (44%). Younger respondents aged 18 to 24 (61%) and 25 to 34 (50%) were more likely than respondents aged 35 to 44 (38%) and 45 to 54 (42%) to agree with this statement. Significant differences were also observed based on the gender of respondents. Women (52%) were more likely than men (38%), to agree that young adults aged 18-21 years old should be held accountable differently than older adults (see Chart 3 above).

A smaller percentage of respondents (31%) agreed that young adults aged 22 to 24 years old should be held accountable differently than older adults. Agreement with this statement was more pronounced among Indigenous people (39%)—notably First Nations (43%) and Métis people (36%)—and racialized people (35%)—specifically Black (43%), Middle Eastern and North African (42%) and South Asian people (39%)—compared with White people (29%). Women (36%) were more likely to agree with this statement, relative to men (25%). People born outside of Canada (35%) were more likely than those born in Canada (30%) to agree that young adults aged 22 to 24 years old should be held accountable differently than older adults.

#### Holding young adults accountable through the YCJS

The survey further asked if young adults aged 18-21 years old and 22-24 years old who have been professionally assessed as not having the required level of maturity should be held accountable using the YCJS rather than the adult criminal justice system. Overall, 42% of respondents agreed with this statement when applied to young adults aged 18-21 years, but a smaller percentage (29%) agreed with this statement when applied to young adults aged 22-24 years old. Over one-quarter of respondents (28%) agreed that all young adults aged 18 to 21 (regardless of having an assessment) should be held accountable using the YCJS instead of the adult criminal justice system. Again, a smaller percentage of respondents (18%) agreed with this statement when applied to young adults aged 22 to 24.

## Perceptions of third party involvement in the youth criminal justice system

The YCJA encourages the involvement of the youth's parents, the victim and the community when addressing the youth's offending behaviour. They can be involved during the implementation of extrajudicial measures, 8 the youth's rehabilitation and reintegration process into the community, and more generally during any other type of court proceedings in which the youth is involved (YCJA, s. 3(1)c) and d)). Respondents were asked if they

<sup>8</sup> Extrajudicial measures are defined as a way to hold youth accountable for less serious offences without traditional court processing. Examples of these measures include formal/informal warnings, cautions, and referrals. They also include traditional diversion programs such as community service, compensation to the victim, or counselling.

agree with giving these groups the opportunity to be involved in the process when dealing with a youth involved in the YCJA. Responses were measured on a five-point scale, from one (1) meaning "Strongly disagree" to five (5) meaning "Strongly agree."

Overall, two-thirds of respondents (66%) agreed<sup>9</sup> that the youth's family should be involved. Racialized people (70%)—specifically Latinx (74%) and South Asian and Southeast Asian people (73% each)—were more inclined to agree with this statement, compared with White people (65%). People who were not born in Canada (72%) were more likely to agree with this statement compared with those who were born in Canada (64%).

Most respondents (66%) agreed that the victim or the victim's family should be involved in the process. Racialized people (70%)—specifically South Asian (76%) and Southeast Asian people (73%)—were more likely than White people (64%) to agree with this statement. People who were not born in Canada (71%) were more likely to agree with this statement compared with those who were born in Canada (64%).

Over half (54%) of respondents agreed that members of the youth's community should be involved. However, Indigenous people (58%)—specifically Inuit (77%) and Métis people (59%)—as well as racialized groups (63%), were more likely than White people (52%) to agree that the community should be involved in the process. People who were not born in Canada (62%) were more likely to agree with this statement compared with those who were born in Canada (52%).

# Perceptions of judge's consideration of Indigenous identity during sentencing

The YCJA states that particular attention must be given to the circumstances of Indigenous youth during sentencing (s. 38(2)d)). Respondents were asked if they agree that judges should consider the circumstances of Indigenous youth during sentencing when a youth is found guilty of 1) a minor offence<sup>10</sup> and 2) a serious offence. Responses were measured on a five-point scale, from one (1) meaning "Strongly disagree" to five (5) meaning "Strongly agree."

Most respondents (64%) agreed with this statement in the case of minor offences (see Chart 4a). Indigenous people (71%)—specifically First Nations people (76%)—were more likely than White people (63%) to agree. Black people (73%) were also more likely than White people to agree that judges should consider the circumstances of Indigenous youth during sentencing when a youth is found guilty of a minor offence. Additionally, respondents aged 18 to 24 (75%) and 65 or older (71%) were more likely to agree with this statement than those aged 25 to 34 (64%), 35 to 44 (56%), 45 to 54 (62%), and 55 to 64 (60%). Woman (70%) were more likely than men (56%) to agree that judges should consider the circumstances of Indigenous youth during sentencing when a youth is convicted of a minor offence. Education was also related to perceptions of whether the circumstances of Indigenous youth should be considered at sentencing. Respondents with some post-secondary education (not completed) (68%), a bachelor's degree (73%), and a post graduate degree above bachelor's level (75%) were more likely to agree with this statement, relative to respondents with some high school (52%), a high school diploma or equivalent (59%) and a registered apprenticeship or other trades certificate or diploma (51%).

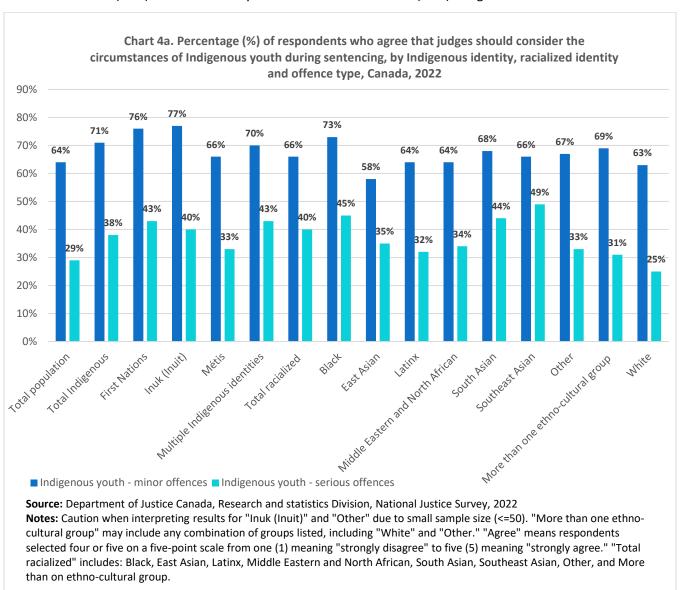
A smaller percentage of respondents overall (29%) agreed with this statement in the case of serious offences (see Chart 4a). Indigenous people (38%)—specifically First Nations (43%)—and racialized people (40%)—specifically Black people (45%) and Southeast Asian people (49%)—were more likely than White people (25%) to

<sup>&</sup>lt;sup>9</sup> "Agreed" means respondents selected four or five on the five-point scale.

 $<sup>^{\</sup>rm 10}$  For example, minor offences include theft and uttering threats.

<sup>&</sup>lt;sup>11</sup> For example, serious offences include assault and murder.

agree that judges should consider the circumstances of Indigenous youth during sentencing in the case of serious offences. Women (32%) were more likely than men (25%) to agree with this statement. People born outside of Canada (36%) were more likely than those born in Canada (27%) to agree with this statement.



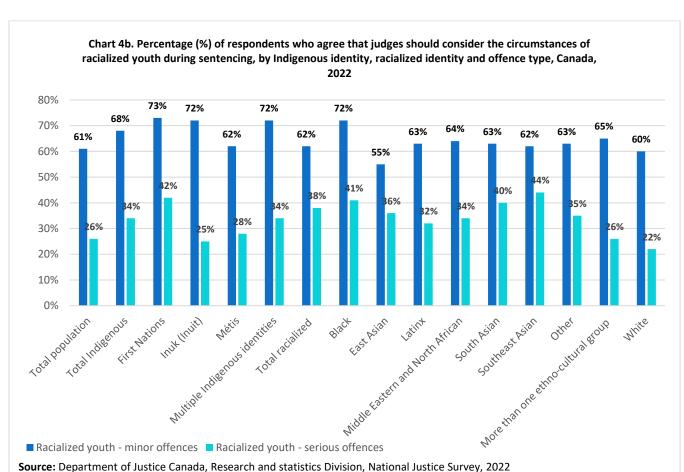
#### Perceptions of judge's consideration of racialized identity during sentencing

The YCJA states that, within the limits of fair and proportionate accountability, the measures taken against youth who commit offences should respect ethnic, cultural and linguistic differences (s. 3(1)c)). Respondents were asked whether judges should impose sentences that take into consideration the circumstances of racialized youth by first considering options other than custody for 1) minor offences and 2) serious offences. Responses were measured on a five-point scale, from one (1) meaning "Strongly disagree" to five (5) meaning "Strongly agree."

<sup>&</sup>lt;sup>12</sup> For example, serious offences include assault and murder.

The majority of respondents (61%) agreed with this statement in the case of minor offences (see Chart 4b). A higher percentage of respondents who agreed with this statement was observed among Indigenous people (68%)—specifically First Nations people (73%)—and Black people (72%), relative to White people (60%). Respondents aged 18 to 24 (69%) and those aged 65 and older (68%) were also more likely to agree that judges should impose sentences that take into consideration the circumstances of racialized youth by first considering options other than custody for minor offences, compared with respondents aged 35 to 44 (55%), 45 to 54 (59%), and 55 to 64 (57%). Women (67%) were more likely than men (53%) to agree with this statement.

A smaller percentage of respondents (26%) agreed with this statement in the case of serious offences (see Chart 4b). Indigenous people (34%)—specifically First Nations people (42%)—as well as racialized people (38%)—notably Southeast Asian (44%) and Black people (41%)—were all more likely than White people (22%) to agree that judges should consider the circumstances of racialized youth during sentencing in the case of serious offences. Women (28%) were more likely than men (23%) to agree with this statement. Respondents born outside of Canada (32%) were more likely to agree compared with those who were born in Canada (24%).



**Notes:** Caution when interpreting results for "Inuk (Inuit)" and "Other" due to small sample size (<=50). "More than one ethnocultural group" may include any combination of groups listed, including "White" and "Other." "Agree" means respondents selected four or five on a five-point scale from one (1) meaning "strongly disagree" to five (5) meaning "strongly agree." "Total racialized" includes: Black, East Asian, Latinx, Middle Eastern and North African, South Asian, Southeast Asian, Other, and More than on ethnocultural group.

## Perceptions of the use of custodial sentences

The YCJA states that a custody sentence should be imposed as a last resort and that all available sentences, other than imprisonment, should be considered (s. 38(2)d)). Respondents were asked under which conditions, if any, should youth be sentenced to custody. Most respondents (73%) reported that youth should be sentenced to custody when they commit a violent offence or when they are repeat offenders (70%). A small percentage of respondents said that youth should never be sentenced to custody (5%). For youth cases involving violent offences, Indigenous (70%) and racialized people (66%)—specifically Latinx (65%), East Asian (61%), Middle Eastern and North African (57%), and South Asian people (64%)—were less likely than White people (76%) to say that youth should be sentenced to custody. Respondents who were born outside of Canada (68%) were less likely than those who were born in Canada (75%) to say that youth should be sentenced to custody. Additionally, younger respondents aged 25 to 34 (66%) and 35 to 44 (69%) were less likely than older respondents aged 45 to 54 (76%), 55 to 64 (80%) and 65 and older (76%) to say that youth should be sentenced to custody.

Indigenous (7%) and racialized (6%) people were also more likely than White people (4%) to say that youth should never be sentenced to custody. Additionally, younger respondents aged 18 to 24 (11%), 25 to 34 (8%) and 35 to 44 (7%) were more likely than older respondents aged 45 to 54 (2%), 55 to 64 (2%) and 65 and older (3%) to report that youth should never be sentenced to custody.

#### Conclusion

The 2022 NJS findings highlighted that many people living in Canada are unfamiliar with the YCJA; over half of respondents reported that they were not aware of the Act. Respondents' knowledge of the YCJA varied when considering sociodemographic characteristics. For instance, Indigenous and Black people reported a higher level of awareness than White people. These findings may be indicative of Indigenous and Black people's differential experiences and treatment as both victims/survivors and accused/convicted of a crime in the criminal justice system (Saghbini & Paquin-Marseille, 2023; Department of Justice Canada, 2019; Department of Justice Canada, 2022).

The findings further show that people living in Canadas are more confident in the accessibility of the YCJS than its fairness. Over one in five respondents reported being confident that the YCJS is fair to all people, while nearly one-third of respondents reported being confident that the YCJS is accessible to all people. Younger respondents were less likely than older respondents to report being confident that the YCJS is fair and accessible to all people. These results may show cause for concern as studies show that lack of confidence in public institutions, such as the YCJS, may undermine the quality of services provided by the institution (Jang, Lee, & Gibbs, 2015). That said, respondents' low level of confidence in the YCJS may be further explained by their level of awareness and understanding of the YCJA; as half of respondents reported being unfamiliar with the YCJA.

The majority of people living in Canada agreed that youth (aged 12-17) who commit crimes should be held accountable differently than adults, given their lack of maturity. Although fewer, close to half of respondents, agreed that young adults (aged 18 to 21) should be held accountable differently than older adults, given their lack of maturity. Women as well as younger respondents, were consistently more likely than men and older respondents to agree with these statements. These results suggest that there is public support for a different and separate legal system to govern criminal cases that involve youth, and to a certain extent young adults.

Most people living in Canada agreed that judges should take into account the circumstances of Indigenous and racialized youth found guilty of minor offences during sentencing. Fewer respondents agreed with this statement in the case of serious offences. In both cases, Indigenous and racialized people were consistently

more likely than White people to agree. These findings suggest that most people living in Canada, and more notably Indigenous and racialized people, understand the impact that colonialism, systemic racism and discrimination, and socio-economic marginalization may have on the lives of young Indigenous and Black people and that they are in favour of the criminal justice system responding in a way that takes into account the unique history and experiences of these groups.

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Youth Criminal Justice Act, SC 2002, c 1.

# Annex 1. Unweighted sample

Age	Sample
n=	4949
18 to 24	3.5%
25 to 34	14.7%
35 to 44	21.3%
45 to 54	20.2%
55 to 64	21.9%
65 or older	18.4%

Gender	Sample
n=	4949
Man	49.7%
Woman	48.3%
Another gender	0.9%
Prefer not to answer	1.2%

Indigenous identity	Sample
n=	4949
First Nations	6.5%
Inuk (Inuit)	0.6%
Métis	7.9%
Multiple Indigenous identities	1.1%
Not First Nations, Inuk (Inuit), or Métis	81.5%
Prefer not to answer	2.6%

Racialized group	Sample
n=	4160
Black	8.2%
East Asian	3.8%
Latinx	6.5%
Middle Eastern or North African	6.4%

South Asian	6.5%
Southeast Asian	3.7%
White	42.6%
More than one of the groups above	3.2%
Other	0.7%
Prefer not to answer	2.4%

Education level	Sample
n=	4949
Grade 8 or less	0.4%
Some high school	2.0%
High School diploma or equivalent	8.6%
Registered Apprenticeship or other trades certificate or diploma	6.2%
Some post-secondary (not completed)	7.9%
College, CEGEP or other non- university certificate or diploma	18.5%
University certificate or diploma below bachelor's level	7.7%
Bachelor's degree	25.3%
Post graduate degree above bachelor's level	22.0%
Prefer not to answer	1.6%

Employment status	Sample
n=	4949
Working full-time, that is, 30 or more hours per week	53.6%
Working part-time, that is, less than 30 hours per week	5.5%
Self-employed	9.9%
Unemployed, but looking for work	3.2%
A student attending school full-time	2.8%
Retired	16.4%
Not in the workforce (disability, full-time homemaker, unemployed and not looking for work)	4.9%
Not listed	1.7%
Prefer not to answer	1.9%

Household income	Sample
n=	4949
Under \$20,000	4.3%
\$20,000 to just under \$40,000	8.9%
\$40,000 to just under \$60,000	11.5%
\$60,000 to just under \$80,000	12.0%
\$80,000 to just under \$100,000	12.8%
\$100,000 to just under \$120,000	11.9%
\$120,000 to just under \$150,000	9.9%
\$150,000 and above	18.5%
Prefer not to answer	10.1%
Type of community	Sample
n=	4949

Urban (town, city, suburb)	84.6%
Rural (small or sparsely populated community, with fewer than 5,000 or so residents, usually with considerable open/	11.8%
Remote (at least 2 hour drive from an urban centre and lacks reliable transportation links)	0.9%
On reserve	0.6%
None of the above	1.1%
Prefer not to answer	0.9%

Province/territory of residence	Sample
n=	4949
Alberta	14.5%
British Columbia	10.1%
Manitoba	6.1%
New Brunswick	1.2%
Newfoundland & Labrador	0.5%
Northwest Territories	0.4%
Nova Scotia	4.3%
Nunavut	0.1%
Ontario	39.5%
Prince Edward Island	0.3%
Quebec	19.2%
Saskatchewan	3.1%
Yukon	0.2%
Prefer not to answer	0.6%