

# FORUM

ON CORRECTIONS RESEARCH

January 1995, Volume 7, Number 1

## Featured issues

### Young Offenders and Corrections

Early  
substance use

Young sex  
offenders

Young offender  
risk assessment

*The Young  
Offenders Act*



Correctional Service  
Canada

Service correctionnel  
Canada

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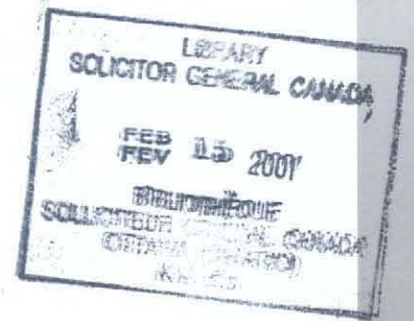
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# FORUM

ON CORRECTIONS RESEARCH



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# Guide for Prospective Authors

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Articles should be written in plain language. Complicated research and statistical terms should be avoided — however, if they are unavoidable, a clear explanation of the meaning of the term should be provided. FORUM reaches about 6,000 individuals in more than 35 countries, including academics, the public, journalists, corrections staff (from front-line staff to senior managers) and members of the judiciary. Our goal is to present reliable research to a **lay audience**.

## Length

Ideally, articles should be 1,000 to 1,500 words in length (six double-spaced pages). Feature articles must be no longer than 2,000 words.

## Figures and Tables

Figures and tables should be on separate pages at the end of the article. When an article has more than one figure or table, these should be numbered consecutively. Figures, if possible, are preferred over tables. A listing of the pertinent data points should be included with all figures.

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# Buyer beware: A consumer's guide to reading and understanding correctional research (Part III)

by *Travis Gee*<sup>1</sup>

*Psychology Department, Carleton University; Faculty of Health Sciences, University of Ottawa*

The "buyer beware" series of articles has attempted to make correctional research more understandable to the average reader (the typical research consumer) by looking at some important, but often neglected, questions that should be asked and answered when examining or using research results. Just like when you're buying a new car or stereo, a little background information can make the product much more understandable and useful to the consumer.

Part II of the series emphasized the theoretical importance (and reality) of **questions** in social science research. In this, the series' final article, we step back a little further and explore the problems faced by researchers **and** research consumers in asking and answering questions.

## Questions, questions, questions...

Research consumers must understand that a good study often raises more questions than it answers. Otherwise, research results will often seem like one step forward that leaves us three steps back. The recognition that a complete answer may require several studies is crucial because an important factor in a study's ability to achieve concrete results is funding.

Research is usually funded by organizations (governments, corporations or both) that have an agenda. This agenda is often directed by a need to find once-and-for-all answers and this leads to time-limited, highly focused research. Therefore, if a study raises some important questions, finding answers to the new questions depends not only on the researcher's ability, but also on the funding agency's agenda.

Correctional research is extremely susceptible to this problem because of close links between correctional and government policy. A

government's political concerns are often rapidly translated into research priorities and equally relevant research may, as a result, be shelved indefinitely, if not permanently.

## Recognizing agendas

Often, very different political agendas underlie different streams of research. These agendas can be spotted in the questions asked by researchers. For example, Stephen Jay Gould's book, *The Mismeasure of Man*,<sup>2</sup> describes how IQ testing was misused in the United States in the earlier part of this century to limit the immigration of certain ethnic groups.

Consider the following two questions:

- Is Race A less intelligent than Race B?
- Why does Race B perform differently than Race A on this test?

The first question assumes that intelligence is what intelligence tests measure. The second question, on the other hand, leaves the door open to examining whether differences in results arise from cultural biases built into the test. If one wishes to "prove" that Race A is more intelligent than Race B, the possibility of cultural bias is simply ignored. If, on the other hand, we only want to understand why the groups differ, then we must remain open to the possibility that the test is biased.

**Research consumers must understand that a good study often raises more questions than it answers. Otherwise, research results will often seem like one step forward that leaves us three steps back.**

In correctional research, we might consider the difference between the following two questions:

- Why are aboriginal offenders so likely to reoffend?
- Why are aboriginal offenders so likely to be reconvicted?

The noticeable difference between these two questions cuts to the heart of this issue.

Is the recidivism rate a result of the innate "criminality" of a particular group? Or, is it the result of law-enforcement and judicial practices in the district(s) where that group tends to be concentrated?

Both are fair questions, but the second question is more likely to be answered fairly. It leaves the door open to the possibility that there is something particular about the group in question, but does not close the door to the possibility that other factors may be at work.

The questions that researchers choose to ask and answer may, therefore, tell us a great deal about their view of the world — more, perhaps, than their results will tell us about how the world works.

### Models of the world

We all operate from a set of assumptions. Our actions, therefore, make sense to others to the extent that those people share our assumptions. For example, if we as a group assume that a certain type of offender cannot be rehabilitated, nobody (apart from the offenders themselves) will question the denial of parole to such individuals.

The qualification "apart from the offenders themselves" was not just a humorous aside. It points out that the individuals denied parole will not understand why the decision was made.

If an offender feels that "fair" means receiving what everybody else gets, then a serial killer might feel that justice has not been served if a kidnapper serving an equal sentence gets parole after 12 years, and the serial killer does not. Although most people can see some justice

in the imbalance, it simply may not be clear to the serial killer.

Why is there such a difference in perception?

The differences arise from different ideas about justice, which arise, in turn, from conflicting "models of the world." Our hypothetical serial killer's model of the way things work is based on a simple interpretation of justice: "He got life, I got life. I should get out at the same time

he does. It's only fair." A more complex model of justice (the one applied by most people) goes further. It weighs the severity of the crimes and the likelihood of a repeat episode.

Different models of the world can also divide researchers, as can be seen in the literature on the success of rehabilitation programs. Paul Gendreau and Robert Ross recently reviewed the literature,<sup>3</sup> and it is clear that there are two basic streams of thought — rehabilitation either is, or is not, thought to be possible.

Given the evidence, it appears that the authors are justified in asserting that "it is downright ridiculous to say nothing works... The principles underlying effective rehabilitation generalize across far too many

intervention strategies and offender samples to be dismissed as trivial."<sup>4</sup>

Nevertheless, others remain unconvinced. As Gendreau and Ross observe, "we are prone to becoming inextricably bound up in ideologies. All too often, in the face of all contrary empirical evidence, we adhere to theories for political or ideological reasons ... or cavalierly switch ideologies depending upon transient political developments..."<sup>5</sup>

In short, being aware of what is going on behind the scenes (as a research consumer) is the best way to avoid being led to the same conclusions as those dictated by a particular researcher's model of the world.

### What to look for in a model

Social-scientific models have important features that are not always stated clearly in research reports. Three of the most important

**The questions that researchers choose to ask and answer may, therefore, tell us a great deal about their view of the world — more, perhaps, than their results will tell us about how the world works.**

are: assumptions, internal consistency and implications.

Obviously, if an assumption is wrong, or there is some logical inconsistency, the model itself is wrong. For example, a sex offender treatment program designed on the assumption that this group of offenders cannot be rehabilitated would be both unworkable and absurd (not to mention inconsistent with itself).

Similarly, research results may not be consistent with the researcher's conclusions. For instance, if we know that childhood sexual abuse often leads to depression and sexual dysfunction, that is one thing. However, we cannot infer automatically that a person complaining of depression and sexual dysfunction was abused as a child. There are many **other** causes of these symptoms.

Consider an extreme example. Ingesting cyanide invariably causes death. But if somebody dies, we cannot infer automatically that he or she was killed by cyanide. A model relying on this type of illogic would obviously be quite flawed.

Finally, predictions are also vital. If a model says something should happen and it doesn't (or vice versa), the implication is that the model is either wrong or incomplete. For

example, in the Gendreau and Ross article, the "rehabilitation doesn't work" model is contradicted by many successful rehabilitation programs.

### Question the answers to questions

Questions and answers are the essence of research. When we read research reports as research consumers, we must ask our own questions and, perhaps most important, we must evaluate the answers for ourselves. Sometimes authors will leave something out (inadvertently or otherwise) — it is up to the consumer to be aware that something is missing and find it. ■

<sup>1</sup> Department of Psychology, Carleton University, Ottawa, Ontario K1S 5B6.

<sup>2</sup> S. J. Gould, *The Mismeasure of Man* (New York: Norton, 1981).

<sup>3</sup> P. Gendreau and R. Ross, "Revivification of Rehabilitation: Evidence from the 1980's," *Justice Quarterly*, 4, 3 (September, 1987).

<sup>4</sup> Gendreau and Ross, Revivification of Rehabilitation: Evidence from the 1980's.

<sup>5</sup> Gendreau and Ross, Revivification of Rehabilitation: Evidence from the 1980's.

## Why focus on young offenders?

*After all, aren't young offender numbers, offences and sanctions comparatively minor? Regardless of the seriousness of their offences, young offenders are the "front end" of the correctional population — a great majority of adult offenders commit their first offences as youths. Effective young offender treatment and programming can, therefore, go a long way toward stemming the tide of offenders flowing into the adult correctional system.*

# Questions and answers on youth and justice

by Kwing Hung<sup>1</sup> and Stan Lipinski<sup>1</sup>

Senior Statisticians, Statistics Section, Department of Justice

One of the greatest areas of current public concern is a perceived rise in youth crime and, in particular, in violent youth crime. Many of these fears have been generated by media reports of spectacular incidents involving young offenders. But do these spectacular incidents reflect reality?

This article attempts to answer this question by providing answers to some of the most common questions about youth crime in Canada ("youth" refers to young persons aged 12 to 17 inclusive, as defined in the 1984 Young Offenders Act). The following facts and figures<sup>2</sup> illustrate the reality of youth crime in Canada, hopefully clearing up misconceptions and highlighting areas of concern.

## How extensive is youth crime?

Each year, almost 1 in 10 youths come into contact with police for a violation of the *Criminal Code*<sup>3</sup> or other federal statutes (such as the *Narcotics Control Act* and the *Food and Drugs Act*). This means that since 1986, more than three-quarters of a million youths have been charged by police for *Criminal Code* and other federal statute offences.

Youth crime numbers are also rising. In 1986, approximately 179,000 youths were arrested by police — 113,000 were charged, and 66,000 were dealt with informally (for example, some youths were released to the supervision of parents). By 1992, this number had increased 18% to approximately 211,700 youths — 140,000 charged, and 71,000 dealt with informally (see Table 1).<sup>4</sup>

More to the point, the charge rate for youths has been much higher and has increased faster than the charge rate for adults. In 1986, the youth charge rate (for all offences) was 51 per 1,000 youths — 2.2 times the adult rate of 23. By 1992, the youth charge rate had increased to 63 per 1,000 youths, 2.5 times the adult rate of 25.

It should be noted that while increases in the youth charge rate may reflect an increase in youth crime, it may also reflect an intensification of the charging practices of

police departments. Comparison of youth and adult charge rates should also be made with caution, as the adult group includes older people who generally commit very few crimes.

Table 1

### Youths Charged with *Criminal Code* or Other Federal Statute Offences

	Number
<b>Violent offences</b>	
1986	9,275
1992	20,033
<b>Property offences</b>	
1986	78,862
1992	83,642
<b>Other <i>Criminal Code</i> offences</b>	
1986	20,869
1992	31,673
<b>Other federal statute offences</b>	
1986	4,021
1992	5,036
<b>Total offences</b>	
1986	113,027
1992	140,384

In fact, adult criminal court data indicate that more than half of adult crimes are committed by individuals younger than 35. The young adult (18–34) charge rate is, therefore, possibly as high as the youth charge rate. For example, 18- to 24-year-old adults accounted for just 10% of the Canadian population in 1992, but they were involved in 22% of that year's violent incidents.<sup>5</sup> Adults between 25 and 34 accounted for 17% of the population and a further 33% of the violent incidents. However, persons older than 34 accounted for 65% of the 1992 population and just 32% of the violent incidents.

As for gender, youth crime is predominantly committed by male youths. In 1992, 80% of *Criminal Code* and other federal statute offence charges were laid against male youths. This



number has changed little since 1986 (84%), although female youths have shown an increase relative to the total number of youths charged.

### What type of offences are committed by youths?

Most youth crimes are not violent. In fact, crimes committed by youths are predominantly property offences. In 1992, 60% of youths charged with a *Criminal Code*<sup>6</sup> or other federal statute offence were charged with a property offence, while just 14% were charged with a violent offence (see Table 2). In comparison, 37% of adults charged were charged with a property offence and 24% were charged with a violent offence.

However, the proportion of both youth and adult violent offenders has increased consistently since 1986. In 1986, only 8% of the youths and 18% of the adults charged were charged with a violent offence.

Table 2

#### Percentage of Youths and Adults Charged with Specific *Criminal Code* or Other Federal Statute Offences

	Youth	Adult
<b>Violent offences</b>		
1986	8%	18%
1992	14%	24%
<b>Property offences</b>		
1986	70%	43%
1992	60%	37%
<b>Other <i>Criminal Code</i> offences</b>		
1986	19%	28%
1992	23%	29%
<b>Other federal statute offences</b>		
1986	3%	11%
1992	4%	10%

Youth charge rates are higher than adult charge rates for many offences. In 1992, the youth charge rate for property crimes was almost four times the adult rate, while the youth charge rate for violent crimes was 40% higher than the adult rate (see Table 3).

More specifically, the 1992 charge rate for male youths was 98 per 1,000 (nearly 1 in 10 male youths), more than two times the male adult rate of 44 per 1,000. The charge rate for female youths was much lower (26 per 1,000), but was

still three times the female adult rate of 9 per 1,000. Again, however, comparisons of youth and adult charge rates should be made cautiously.

Table 3

#### Youth and Adult Charge Rates (per 1,000 persons)

	Youth	Adult
<b>Violent offences</b>		
1986	4	4
1992	9	6
<b>Property offences</b>		
1986	36	10
1992	38	10
<b>Other <i>Criminal Code</i> offences</b>		
1986	10	7
1992	14	7
<b>Other federal statute offences</b>		
1986	2	2
1992	1	2
<b>All offences</b>		
1986	51	23
1992	63	25

### What type of violent crime is committed by youths?

Although only 14% of youths charged are charged with violent offences, the types of violent crimes committed by youths are comparable to those committed by adults. More specifically, a higher proportion of youths (15% of youths charged with a violent offence) were charged with robbery than adults (7%) and only a slightly higher proportion of adults were charged with homicide and attempted murder.

As for non-sexual assault, assaults committed by youths are likely to be slightly more serious than adult assaults. More serious assault charges (including aggravated assault, assault with a weapon or assault causing bodily harm) accounted for 20% of all violent charges and 27% of non-sexual assault charges against youths. This compares with 19% of all violent charges and 23% of all non-sexual assault charges for adults.

Sexual assaults committed by youths are also almost as serious as those committed by adults. However, the proportion of more serious sexual assaults (including aggravated sexual assault and sexual assault with a

weapon) is small for both youths and adults, accounting for about 0.4% and 0.6%, respectively, of all violent charges and 4% and 6% of all sexual assault charges.

### **Is youth crime becoming more violent?**

In 1992, 20,000 youths were charged with a violent crime. Among these charges, nearly half (48%) were for "level 1" (minor) assault, up slightly from the 1986 level of 43%. This 5% rise in the proportion of youths charged with minor assault is almost equivalent to the 6% increase in the proportion of youths charged with violent offences of any type.

As for homicides, about 40 to 60 youths are suspected of committing homicides each year. In 1992, there were 58 young persons (aged 12–17) charged with homicide, accounting for 9% of all homicide suspects — slightly higher than the youth 8% population share. This proportion has changed only slightly in the last few years.<sup>7</sup>

Youth homicide suspects are almost as likely as adult homicide suspects to be charged with first degree murder (deliberate murder or homicide in the course of other crimes). From 1986 to 1991, 41% of youth homicide suspects were charged with first degree murder, compared with 43% of the adult suspects. In 1992, 62% of youth homicide suspects were charged with first degree murder, compared with 48% of the adult suspects.

However, the *Young Offenders Act* adjusted the age limits for young offenders in a number of jurisdictions, making it difficult to track young offenders through the pre- and post-Act periods. If you look strictly at offender age (as opposed to "young offender" status), the youth homicide rate has actually decreased over time. From 1974 to 1979, there was an average of 60 youth (ages 12–17) homicide suspects per year. This number slipped to 48 between 1980 and 1984, and then to 46 between 1985 and 1992.

### **How many young offenders are in the correctional system?**

In 1992–1993, an average of 4,700 young offenders were held in custody each day (up from 4,000 in 1988–1989). The overall custodial rate was 21 per 10,000 youths. Of these offenders, about 2,100 were held in open

custody 1,800 were held in secure custody and 900 were held on remand (awaiting trial in youth courts). These totals have all increased since 1988–1989, when there were roughly 1,800 young offenders in open custody, 1,600 in secure custody and 700 on remand.

Interestingly, a large proportion of non-violent youth court cases result in a custodial sentence. In 1992–1993, there were 10,616 cases resulting in a secure custody disposition. Of these, only approximately 17% were for a violent offence. Property offences accounted for nearly half of the custodial dispositions (44%).

As well, more young offenders are now on probation. In 1992–1993, an average of 34,000 young offenders were on probation each day. This is a probation rate of 152 per 10,000 youths, up 12% from 1988–1989's total of 136.

### **Are many young offenders transferred to adult court?**

In 1992–1993, 42 youths were transferred to adult court. Although violent offences are not the only offences for which youths are

transferred to adult court, they do account for most of the cases. More than two thirds of the youths transferred (30) had been charged with violent offences, while seven were charged with property offences and the other five were charged with assorted other *Criminal Code* offences.

### **Do many young offenders recidivate?**

Slightly more than half (54%) of youth court cases involved first-time offenders.<sup>8</sup> However,

**If you look strictly at offender age (as opposed to "young offender" status), the youth homicide rate has actually decreased over time. From 1974 to 1979, there was an average of 60 youth (ages 12–17) homicide suspects per year. This number slipped to 48 between 1980 and 1984, and then to 46 between 1985 and 1992.**

those youths who did reoffend usually had more than one prior conviction.

Recidivism and the age of the offender are clearly related. Almost three-quarters of the 12- and 13-year-old youth offenders were first-time offenders, whereas just 58% of the 14- and 15-year-old offenders and 50% of the 16- and 17-year-old offenders had no prior conviction(s).

Still, recidivists do not appear to be brought to court for significantly more serious offences than first-time offenders. For example, about 16% of recidivists were charged with violent offences, compared with 19% of first-time offenders.

Recidivists did receive more severe sentences than offenders with no prior convictions. For example, a small minority of first-time offenders (14%) convicted of break and enter were sentenced to some type of custody, compared with 53% of recidivists. However, the number of prior convictions was not related to the length of custodial terms, especially with relation to

**Still, recidivists do not appear to be brought to court for significantly more serious offences than first-time offenders. For example, about 16% of recidivists were charged with violent offences, compared with 19% of first-time offenders.**

open custody. This suggests that factors other than prior record influence the length of both open and secure custodial sentences.

### A clearer picture

The facts and figures in this article indicate that current fears and perceptions of a steep rise in violent youth crime do not reflect reality, at least not yet. The vast majority of youth offences remain non-violent and the youth homicide rate has decreased consistently since 1974.

However, youth crime is clearly increasing. Both the number of youth arrests and the youth charge rates have increased since 1986. Obviously, this is cause for concern, although the increase does mirror the overall societal increase in crime during this period.

The facts and figures supplied have, however, merely defined

the problem. The more serious question — what to do about youth crime — will be far more difficult to answer. ■

<sup>1</sup> Statistics Section, Department of Justice, 239 Wellington Street, Ottawa, Ontario K1A 0H8.

<sup>2</sup> The data for this article were extracted from a variety of sources. Please refer to these reports from the Canadian Centre for Justice Statistics in Ottawa: *Uniform Crime Report (1986–1992)*; *Revised Uniform Crime Report*; *Homicide Survey 1986–1992*; *Youth Court Survey (1986–1992)*; *Adult Criminal Court Survey*; *Sentencing in Adult Criminal Provincial Courts*; *Youth Court Survey (1986/1987–1992/1993 revised)*; *Young Offender Custodial Key Indicator Survey (1986–1992)*; *Youth Court Survey (1992–1993 revised)*. See also *Post-Censal Population Projection (1986–1992)* (Ottawa: Statistics Canada, 1992). And see *Report on the Demographic Situation in Canada* (Ottawa: Statistics Canada, 1992). And see "Recidivism in Youth Courts (1990–1991)," *Juristat* (Vol. 12, No. 2).

<sup>3</sup> The data in this section do not include *Criminal Code* traffic violations.

<sup>4</sup> These data represent the number of youths arrested by the police for a violation(s) of the *Criminal Code* or other federal statute statutes. Please note that Metropolitan Toronto police converted to the revised Uniform Crime Report system in 1992. Therefore, the numbers for Toronto (and Canada as a result) before 1992 will be slightly inflated.

<sup>5</sup> These data are from the Canadian Centre for Justice Statistics' Revised Uniform Crime Reporting Survey. The survey now reports on 57 police forces in Canada, representing 30% of the national crime volume.

<sup>6</sup> The data in this section do not include *Criminal Code* traffic violations.

<sup>7</sup> Note that the *Uniform Crime Report* data show 53 youths. The new total of 58 is an update.

<sup>8</sup> The data in this section exclude Ontario, Nova Scotia and the Northwest Territories.

# In the shadow of the *Young Offenders Act*: Youths admitted into federal custody since 1978–1979

by Roger Boe<sup>1</sup>

Research and Statistics Branch, Correctional Service of Canada

**T**he 1984 introduction of the *Young Offenders Act* has had a significant impact on the Canadian correctional system. The number of young offenders (younger than 18) sentenced as adults (into adult prisons or penitentiaries under either provincial or Correctional Service of Canada authority) has dropped dramatically.

Although the number of 15- to 17-year-olds admitted to Correctional Service of Canada custody was never large (averaging about 80 offenders each year), these youths formed a significant special needs population and the Service has benefited from being largely relieved of this burden. It appears, however, that the shadow cast by the Act has also shielded a significant number of 18- and 19-year-old offenders from federal penitentiaries.

To quantify these impacts, this article examines Correctional Service of Canada admission trends for 15- to 19-year-old offenders over a 15-year period (from fiscal year 1978–1979 to 1992–1993). The article focuses on the admissions of both 15- to 17-year-old offenders and 18- to 19-year-old offenders, because the neighbouring age groups allow us to see the *shadow* effect described above.

The article then examines selected characteristics of youthful offenders admitted during this period to shed light on some of the qualitative aspects of the changes.

## Background

**A** number of factors can influence the size and composition of annual adult custodial admission counts. The *Young Offenders Act*, in particular, has directly affected adult corrections by establishing a uniform minimum age for adults across Canada<sup>2</sup> (and by restricting the opportunities for raising young offenders to trial in adult courts).

Since the Act was introduced, adult correctional services have been primarily responsible for offenders who are 18 or older. The Correctional Service of Canada is

responsible for offenders who receive a prison sentence of two years or longer, with provincial correctional systems caring for the remainder of offenders.

The initial impact of the uniform age provision varied considerably among provincial and territorial adult correctional agencies due to variations in their legal “adult” ages. Before the introduction of the Act, just two provinces had a minimum adult age of 18 (Manitoba and Quebec). Two other provinces drew the line at 17 (Newfoundland and British Columbia), while the remaining provinces and territories considered an adult to be anyone 16 or older.

According to Statistics Canada, more than half of all 1992–1993 youth court cases involved 16- or 17-year-olds, and these young offenders account for about 64% of the secure custody dispositions handed down annually. Therefore, the new minimum adult age had the greatest impact on jurisdictions where both 16- and 17-year-old offenders were subtracted from the adult system, a lesser impact where just 17-year-old offenders had to be removed, and little impact where

no change had to be made.<sup>3</sup>

**A number of factors can influence the size and composition of annual adult custodial admission counts. The *Young Offenders Act*, in particular, has directly affected adult corrections by establishing a uniform minimum age for adults across Canada (and by restricting the opportunities for raising young offenders to trial in adult courts).**

## Study period

This study examines admissions over a 15-year period (from fiscal year 1978–1979 to 1992–1993)

because many Correctional Service of Canada electronic admission files date to 1978–1979 and, more important, because it is a sufficiently long period to observe clear trends in admissions before, during and after the implementation of the *Young Offenders Act*.

The 15-year time frame also allows admissions to be grouped into three time periods, each covering five years of admissions: the pre-*Young Offenders Act* period, the transition period and the post-*Young Offenders Act* period.

### Youth admission trends

Offenders younger than 25 have, for many years, made up the Correctional Service of Canada's largest admission age group (they typically constitute 40%–50% of all annual offender admissions). Within this group, only a small fraction have been younger than 18. For example, between 1970 and 1985, offenders aged 18–24 made up 40%–45% of total offender admissions, but offenders younger than 18 accounted for just 1%–3% of the total.

**Immediately after the implementation of the *Young Offenders Act*, however, admission numbers for offenders younger than 18 dropped dramatically. In fact, annual admissions for this group fell close to zero, while the number of 18- and 19-year-old offenders also declined significantly.**

Immediately after the implementation of the *Young Offenders Act*, however, admission numbers for offenders younger than 18 dropped dramatically. In fact, annual admissions for this group fell close to zero, while the number of 18- and 19-year-old offenders also declined significantly (see Figure 1).

More specifically, “under-18” admissions declined from 440 during the first five-year period (the pre-Act period) to 213 during the transition period, to just 20 admissions during the post-Act period (see Table 1).<sup>4</sup> As a proportion of total youth (15–19) admissions, their numbers fell from 16.6%, to 10.6%, to 1.8%, respectively.

Further, the number of 18- and 19-year-old offenders admitted also declined significantly after the introduction of the uniform adult age. The total 18- and 19-year-old admission count for the pre-Act period was 2,205 youths, which decreased to 1,789 for the transition period and to 1,091 for the post-Act period.

It should be noted that Correctional Service of Canada annual admission counts increased over this entire period, from 4,844 offenders in 1978–1979 to 7,733 offenders in 1992–1993.

It is clear, therefore, that the *Young Offenders Act* has had a noticeable impact on the number of 18- and 19-year-old admissions into the federal adult correctional system. This “shadow” effect is likely the result of extinguishing a youth’s criminal record at age 18. Any crime committed on, or after, reaching this birthday becomes, by definition, an offender’s first adult offence. A conviction for a first offence is much less likely to result in a custody sentence. It usually takes offenders a couple of years to put together the type of criminal history that will earn a federal custodial sentence, and by that time offenders are often into their twenties.

Figure 1

**Youth (15–19) Admissions into the Federal Adult Correctional System (1978/1979 — 1992/1993)**

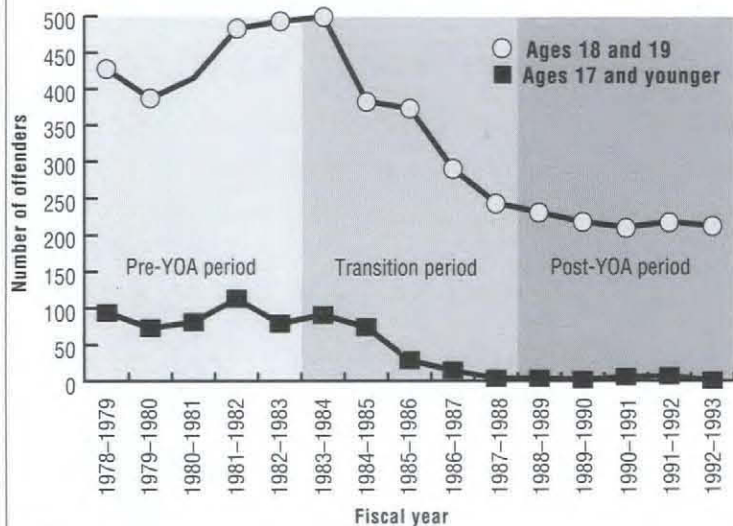


Table 1

## Youth (15-19) Admissions to the Federal Adult Correctional System

Fiscal year	17 and younger		18- and 19-year-olds		Total youth (15-19) admissions
	Number	Proportion of total youth admissions	Number	Proportion of total youth admissions	
1978-1979	94	18.0%	427	82.0%	521
1979-1980	73	15.9%	387	84.1%	460
1980-1981	81	16.3%	415	83.7%	496
1981-1982	113	19.0%	483	81.0%	596
1982-1983	79	13.8%	493	86.2%	572
<b>Pre-YOA period totals</b>	440	16.6%	2,205	83.4%	2,645
1983-1984	91	15.4%	499	84.6%	590
1984-1985	74	16.2%	383	83.8%	457
1985-1986	29	7.2%	373	92.8%	402
1986-1987	15	4.9%	290	95.1%	305
1987-1988	4	1.6%	244	98.4%	248
<b>Transition period totals</b>	213	10.6%	1,789	89.4%	2,002
1988-1989	4	1.7%	231	98.3%	235
1989-1990	2	0.9%	218	99.1%	220
1990-1991	6	2.8%	211	97.2%	217
1991-1992	7	3.1%	218	96.9%	225
1992-1993	1	0.5%	213	99.5%	214
<b>Post-YOA period totals</b>	20	1.8%	1,091	98.2%	1,111
<b>Total</b>	673	11.7%	5,085	88.3%	5,758

### Admission status and gender

The characteristics of youths sentenced to adult federal custody do not appear to have been changed significantly by the *Young Offenders Act*. Only nominal changes were found when examining several key offender characteristics during the 15-year study period.

More specifically, when youths enter the adult federal system, virtually all are sentenced there by a court (649 of 673 admissions of youths 17 or younger, or about 96%). The rest are admitted for revocation of conditional release or under transfer agreements with another province or country.

As for gender breakdown, youth offender admissions reflect the composition of the general prison population — about 98% of total youth admissions are male offenders. This proportion has not changed during the past 15 years. Over the entire study period, only

nine female youths (15-17) were admitted into the adult system (compared with 664 male youths).

### Major admitting offence

There was also no obvious change in the type of "major admitting offence" (the principal offence for which offenders were serving their sentences) committed by youths transferred to the federal correctional system during the 15-year period. It appears, therefore, that the *Young Offenders Act* has had little direct impact on the type of crimes for which youths typically receive a federal prison sentence.

More specifically, homicides have accounted for just 4% of all youth admissions, with annual numbers varying from year to year with no evident trend (see Table 2). Robbery and break-and-enter offences have consistently

accounted for the majority of admissions (about 65% of the total for each of the three periods), while other violent offences (such as manslaughter and sexual assault) have shown just a small increase in recent years.

### A direct yet shadowy impact

The introduction of the *Young Offenders Act* has had two major effects on the admission of young persons into adult federal corrections. First, offenders younger than 18 have almost disappeared from the annual adult admission rolls. On average, only five 15- to 17-year-old offenders are admitted annually, compared with 42 per year between 1983 and 1988, and 88 per year between 1978 and 1983.

The Act also appears to have cast a shadow on the admission of 18- and 19-year-old offenders into the federal system. The number of annual

Table 2

## Major Admitting Offences for Youth Admissions into the Federal Adult Correctional System

	Homicides and attempts	Other violent offences	Robbery	Break and enter	Other property offences	Other offences	Total offences
<b>Ages 15-17</b>							
Pre-YOA period	16	55	146	143	25	55	440
Transition period	10	43	72	63	7	18	213
Post-YOA period	3	6	6	4	0	1	20
Total	29	104	224	210	32	74	673
<b>Ages 18 and 19</b>							
Pre-YOA period	64	240	821	668	153	259	2,205
Transition period	71	231	538	632	108	209	1,789
Post-YOA period	61	202	339	306	42	141	1,091
Total	196	673	1,698	1,606	303	609	5,085

admissions from this age group has been cut in half since 1985. Part of this decrease is attributable to a general decline in the 18- and 19-year-old populations across Canada,<sup>5</sup> but the larger part seems to result from the sheltering shadow cast by the *Young Offenders Act*.

Despite these changes, there is no indication that the Act has changed the character of the youth population admitted to the adult system. The characteristics examined reveal no significant changes, other than those observable in the general offender population. ■

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<sup>2</sup> The *Young Offenders Act* came into force on April 1, 1984, but the uniform adult age provisions were not implemented until April 1, 1985, to allow jurisdictions the time to implement necessary court systems.

<sup>3</sup> The risk of incarceration for youths appears proportional to age. For example, young offenders aged 16 and 17 made up 57% of all custody dispositions in 1992-93 and 63.9% of all

secure custody dispositions. See *Youth Court Statistics 1992-93*, Statistics Canada (Cat. 85-522 annual).

<sup>4</sup> There were significant variations in year-to-year admission counts.

<sup>5</sup> According to Statistics Canada census information, the absolute size of the 18-29 population group peaked in about 1981, and has since declined both proportionally and absolutely. For more information on the aging of the Canadian population, please see Mary Sue Devereaux, *Canadian Social Trends* (Winter, 1987).

## Thank you, Thank you, Thank you...

*Thanks to all of our FORUM readers who returned their mailing list update cards so promptly. This update process will allow us to get FORUM to you more efficiently than ever. We encourage any stragglers to return their cards quickly so we don't inadvertently remove anybody from the mailing list who wants to continue to receive FORUM.*

# Early substance use and its impact on adult offender alcohol and drug problems

by Susan A. Vanderburg,<sup>1</sup> John R. Weekes<sup>1</sup> and William A. Millson<sup>1</sup>  
Research and Statistics Branch, Correctional Service of Canada

The link between substance abuse and offending is widely acknowledged and has been of considerable interest to both researchers and correctional agencies.<sup>2</sup> In fact, current data indicate that 55% of federal offenders reported that they were under the influence of alcohol, drugs or both on the day they committed the offence(s) for which they are now incarcerated.<sup>3</sup>

However, it is likely that current offender alcohol and drug problems begin during their younger years and, along the way, become entwined in their lifestyle, and social and behavioural patterns.<sup>4</sup> This article investigates the origins of adult offender substance abuse problems through an examination of a number of characteristics of their early alcohol and drug use.

More specifically, the article examines offender responses to questions about substance use prior to 18 years of age within the Computerized Lifestyle Assessment Instrument<sup>5</sup> (a comprehensive assessment tool that examines the nature and severity of substance use). The responses were compared with the offenders' present substance abuse problems as measured by the Alcohol Dependence Scale<sup>6</sup> and the Drug Abuse Screening Test<sup>7</sup> — both of which are standardized substance abuse measures.

## Sample description

The sample for this study was made up of 8,850 male offenders in Correctional Service of Canada institutions across Canada. These individuals completed the Computerized Lifestyle Assessment Instrument as part of their assessment after admission to an institution. The average offender age at the time of the assessment was 30.7 years (ranging from 18 to 75).

Of these offenders, 48% reported no alcohol problems (as measured by the Alcohol Dependence Scale), 36.4% reported low-level

alcohol problems, 8.7% reported intermediate-level alcohol problems and 6.9% reported severe problems with alcohol.

The Drug Abuse Screening Test further indicated that 51% of the offenders had no drug problems, 20.2% had low-level drug problems, 12.9% had intermediate-level drug problems and 15.9% had severe drug problems.

To determine the overall level of alcohol and drug problems, offenders were categorized according to the highest level of alcohol or drug problem they reported. For example, if an offender had a severe alcohol problem and a low-level drug problem, he was considered to have a severe substance abuse problem. The results indicated that 31% of offenders reported no substance abuse problems, 32% reported low-level problems, 17% reported intermediate-level problems and 20% reported severe problems.

## Alcohol, drugs and criminality before the age of 18

The average age at which the offenders first tried alcohol was 14.

Of those that tried alcohol, 29% (2,455) were preteens (12 or younger) when they first tried alcohol, 55% (4,582) were teenagers (between the ages of 13 and 17) and 16% (1,370) were adults (18 or older). This means that 84% of those who had tried alcohol reported that they had had their first drink by the age of 18.

Of these offenders, 59% admitted to drinking alcohol regularly (at least once a week) — 13% began drinking alcohol regularly during their

**The average age at which the offenders first tried alcohol was 14. Of those that tried alcohol, 29% (2,455) were preteens (12 or younger) when they first tried alcohol, 55% (4,582) were teenagers (between the ages of 13 and 17) and 16% (1,370) were adults (18 or older).**



preteen years and 87% began drinking regularly as teenagers.

The average age at which offenders first tried either prescription or nonprescription drugs for nonmedicinal purposes was 16. More specifically, 65% of the offenders who had tried drugs did so before their 18th birthday — 18% (1,347) were preteens when they first tried drugs and 47% (3,519) were teenagers.

Further, approximately 75% of the offenders who tried drugs before the age of 18 used drugs regularly — 16% of these offenders began using drugs regularly during their preteen years and 84% began using drugs regularly as teenagers.

As for crime, approximately 58% of the overall sample reported that they had been involved in illegal activities before the age of 18. However, offenders who first tried alcohol in their preteen years became involved in illegal activities at a significantly younger average age (15.8 years) than those who first tried alcohol as teenagers (18.8 years) or as adults (24.9 years).

The result patterns were identical when first regular use of alcohol, first use of drugs and first regular use of drugs was examined. This suggests that offenders who used alcohol or drugs at an earlier age also became involved in illegal activities at an earlier age.

A second set of analyses focused on the 58% of the sample who were involved in illegal activities before the age of 18, to determine if age of first conviction was related to age of first alcohol or drug use, and first regular use of these substances.

Almost 90% of this subsample had been convicted of a crime as a young offender. Not surprisingly, the offenders who first used alcohol or drugs at a very early age had been convicted of a crime at a significantly younger age than offenders who first used alcohol or drugs as a teenager or as an adult. For example, offenders who were younger than 13 when they first tried alcohol had an average first conviction age of 15.6 years, compared with 17.5 years for those who first tried alcohol as teenagers and 20.8 for those who first tried alcohol as adults.

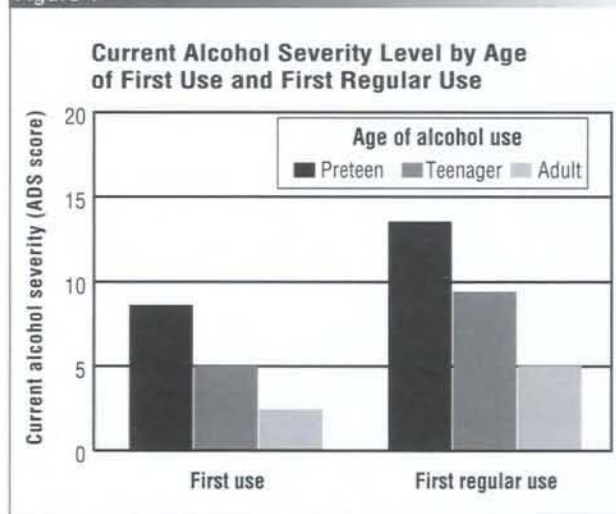
Once again, the result patterns were identical when first regular use of alcohol or drugs was examined. Taken together, the results indicate a

strong interrelationship between early involvement in substance use and criminal activity.

### Severity of adult substance abuse

There was a strong relationship between the age at which offenders first tried alcohol and the severity of their adult alcohol problems. For example, offenders who first tried alcohol as preteens had higher average alcohol severity scores on the alcohol assessment measure than did offenders who first tried alcohol as an adult (see Figure 1).

Figure 1



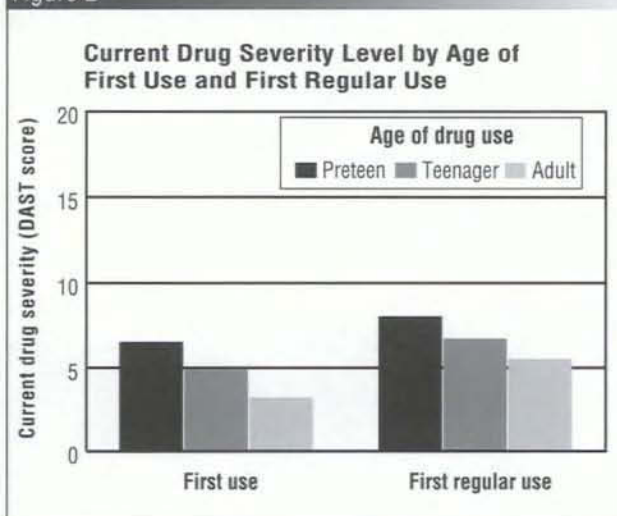
Almost 27% of the offenders who tried alcohol as a preteen developed serious (intermediate to severe) alcohol problems, as did 14% of the offenders who first tried alcohol as a teenager. By contrast, only 5.7% of the offenders who first tried alcohol as an adult consequently developed serious alcohol problems.

Further, 43% of offenders who used alcohol regularly as a preteen developed serious alcohol problems as adults, as did 31% of those who used alcohol regularly as teenagers. In contrast, just 13% of offenders who began using alcohol regularly as an adult developed serious alcohol problems.

Similar results were obtained in analyzing offender drug use. For example, the younger the offender when he first tried drugs, the higher the average score on the drug assessment instrument (see Figure 2).

More specifically, 51% of the offenders who first tried drugs during their preteen years

Figure 2



developed serious (intermediate to severe) drug problems as adults, as did 37.7% of those who first tried drugs as teenagers. In contrast, just 20% of those who first tried drugs as adults developed serious drug problems.

Once again, the result patterns duplicated themselves when examining regular use. Approximately 64% of the offenders who used drugs regularly as preteens developed a serious (intermediate to severe) drug problem by the time they reached adulthood, as did 52% of offenders who used drugs regularly as teenagers. However, only 30% of those who did not begin using drugs regularly until adulthood developed serious drug problems.

### A long-term problem

We were struck by the sheer magnitude and consistency of offender substance abuse problems — the offenders appeared to have both extensive and longstanding alcohol and drug problems.

More important, the results of this study clearly indicate that offenders who are first exposed to alcohol and drugs at an early age run a higher risk of developing serious substance abuse problems as adults (compared with those offenders who began using these substances at a later age). This pattern is even more dramatic when you look at offenders who began to use alcohol or drugs regularly during their formative years.

The knowledge that offenders who begin using alcohol and drugs regularly at young ages risk developing serious problems as adults

emphasizes the need for accurate identification (through assessment) of young people whose substance use is problematic. Early intervention may prevent the continuation and increased severity of substance abuse problems.

However, there is (at least) one limitation to this study. The data were based strictly on offender recollection of alcohol and drug use. The results, therefore, may be dependent on the accuracy of recollections of events that, in some instances, occurred many years earlier. As well, offender recall may be influenced by their knowledge and understanding of their present substance abuse problems.

Regardless, this study can be added to the growing body of empirical evidence that emphasizes the extent of offender substance abuse problems. It also emphasizes the tremendous number of resources needed to deal with offender substance abuse. ■

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<sup>2</sup> J. J. Collins, *Drinking and Crime: Perspectives on the Relationships Between Alcohol Consumption and Criminal Behaviour* (New York: The Guilford Press, 1981). See also R. R. Ross and L. O. Lightfoot, *Treatment of the Alcohol-abusing Offender* (Springfield: Charles C. Thomas, 1985).

<sup>3</sup> J. R. Weekes, S. A. Vanderburg and W. A. Millson, unpublished Correctional Service of Canada data, 1994.

<sup>4</sup> Considerable research has focused on the development of substance abuse problems during adolescence. See J. Donovan, R. Jessor and L. Jessor, "Problem Drinking in Adolescence and Young Adulthood: A Follow-up Study," *Journal of Studies on Alcohol*, 44 (1983).

<sup>5</sup> The instrument was originally developed by Dr. Harvey Skinner in collaboration with the Addiction Research Foundation of Ontario. See H. A. Skinner, *The Computerized Lifestyle Assessment* (Toronto: Multi-Health Systems, 1994). The Service adapted it for use with offenders and added a number of sections to measure the relationship between drug and alcohol use and criminal activity. See D. Robinson, E. Fabiano, F. J. Porporino, W. A. Millson and G. Graves, *A Guide to the Use of the Computerized Lifestyle Assessment Instrument* (Ottawa: Correctional Service of Canada, 1992).

<sup>6</sup> J. L. Horn, H. A. Skinner, K. Wanberg and F. M. Foster, *The Alcohol Use Questionnaire* (Toronto: Addiction Research Foundation of Ontario, 1984).

<sup>7</sup> H. A. Skinner, *The Drug Abuse Screening Test* (Toronto: Addiction Research Foundation of Ontario, 1982).

# Young sex offenders: A comparison with a control group of non-sex offenders

by Ian W. Shields<sup>1</sup>

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The body of literature on adolescent sexual aggression is very limited. In fact, a recent literature review<sup>2</sup> identified only five studies that have explored this area through statistical comparisons with non-sexually aggressive control groups. This scarcity of controlled scientific studies is striking considering the magnitude of the problem — most adult sex offenders begin their deviant behaviour during adolescence.<sup>3</sup>

Adolescent males commit approximately 20% of the sexual assaults against adolescents and adults, and between 30% and 50% of such assaults against children.<sup>4</sup> What is often considered “exploration” or dismissed as “boys will be boys” is often, in fact, criminal behaviour with traumatic consequences for its victims.<sup>5</sup> Further, a young sexually aggressive male who does not receive treatment can be expected to commit an average of 380 sexual crimes in his lifetime.<sup>6</sup>

Not only is there disappointingly little controlled research on young sex offenders, there is also little developed theory in this area. Only recently have elementary theoretical models and classification systems been proposed, and they are only now beginning to receive some empirical support.

This article provides some of this support by empirically testing a recently proposed theory of adolescent sexual aggression.

## Becker and Kaplan’s risk factors

Becker and Kaplan<sup>7</sup> have proposed a theory of adolescent sexual aggression that might be better described as a framework for proposed risk factors rather than a theory. They argue that certain risk factors predispose an

adolescent to engage in aggressive sexual behaviour, such as:

- having experienced physical and sexual abuse;
- depression;
- poor academic performance;
- a history of non-sexual antisocial behaviour;
- poor family relationships;
- social isolation (such as an inability to establish and maintain close relationships with same-age peers);
- a lack of social and assertion skills;
- a lack of impulse and anger control;
- inadequate sex education; and
- having witnessed family violence.

Existing research results provide some support for Becker and Kaplan’s model, but the research is characterized by lack of control groups and small sample sizes (fewer than 20 young sex offenders). This study attempts to overcome these limitations by comparing 52 young sex offenders with 800 young non-sex offenders.

## Methodology

The 852 members of the sample were consecutive admissions (over seven years) to the young offender unit of a regional detention centre. The offenders had been incarcerated because they had been convicted of a criminal offence(s) or because

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they were awaiting trial for an offence(s) allegedly committed when they were 16 or 17 years old.

Each offender was interviewed individually and underwent a battery of risk and needs tests.

The tests included the Young Offender Level of Service Inventory,<sup>8</sup> the Criminal Sentiments Scale,<sup>9</sup> the Pride in Delinquency Scale,<sup>10</sup> the Neutralization Scale<sup>11</sup> and the Trauma Symptom Checklist.<sup>12</sup>

As mentioned, 52 (6.1%) of the 852 subjects had been convicted of a sexual offence. The average age of the sex offenders was 17.3 years and all but one were male. On the other hand, the average age of the 800 young non-sex offenders was 17.2 and 722 (91%) were male.

All of the sex offenders had been convicted of "hands-on" offences (such as fondling, sexual assault or attempted sexual assault), but the age of the victim, the relationship between the offender and the victim, and the level of violence involved in the offence were neither recorded nor available.

**Sex offenders were more likely to report that they themselves had been sexually abused. This is consistent with the notion that deviant sexual behaviour may be learned from models, attitudes and information experienced during developing years.**

## Supporting the factors

The young sex offenders were compared with the non-sex offenders on 10 variables relevant to Becker and Kaplan's model (see Table 1) — although relevant data were not available to test all the variables. The results support the Becker and Kaplan assertions that young sex offenders are characterized by sexual abuse, depression, poor academic performance and non-sexual antisocial behaviour.

Sex offenders were more likely to report that they themselves had been sexually abused. This is consistent with the notion that deviant sexual behaviour may be learned from models, attitudes and information experienced during developing years. In particular, it has been argued that deviant sexual behaviour is learned through one's own victimization or through exposure to unhealthy or unusual attitudes within the family.<sup>13</sup>

Also consistent with Becker and Kaplan's model is the finding that young sex offenders had higher Trauma Symptom Checklist

depression scores than young non-sex offenders. This reinforces the findings of a recent study revealing that young sex offenders with personal histories of abuse scored higher than a control group of non-offending adolescents on the Beck Depression Inventory.<sup>14</sup>

The finding that more sex offenders than non-sex offenders failed a grade is also consistent with the argument that young sex offenders are characterized by poor academic performance.

Finally, the finding that the young sex offenders were as likely as the non-sex offenders to have had two or more prior convictions, poor classroom behaviour and to have been suspended or expelled from

Table 1

### A Comparison of Young Sex Offenders and Non-sex Offenders

	Young sex offenders	Young non-sex offenders	Statistical difference (T-test)
Were sexually abused	31%	10%	4.74***
Depression score <sup>†</sup>	9.1	6.9	2.10*
Failed a grade in school	69%	50%	2.71**
Two or more prior convictions	50%	57%	.92
Poor classroom behaviour	39%	42%	.50
Suspended or expelled from school	81%	84%	.66
Were physically abused	31%	26%	.77
Poor relations with family members	58%	55%	.45
Poor relations with school peers	23%	19%	.75
Peers outside their age range	10%	13%	.66

<sup>†</sup> Score on the Trauma Symptom Checklist  
(\* =  $p < .05$ ; \*\* =  $p < .01$ ; \*\*\* =  $p < .0001$ )

school is compatible with Becker and Kaplan's assertion that the behaviour of young sex offenders is antisocial in non-sexual areas.

## Unsupportive results

The study's results failed to support four of Becker and Kaplan's risk factors. Young sex offenders were no more likely than the control group to have been physically abused, to have had poor relations with family members, to be socially isolated or to associate with peers outside their age range.

## The next step

One limitation of this study is that data relevant to a number of Becker and Kaplan's risk factors were not available (such as assertion skills, anger/impulse controls, sex education and witnessing family violence). The study also could not examine subgroups of young sex offenders (such as those who assault

children, family members, or same-age peers) because the specific types of sexual offences committed were not available.

A third limitation is the difficulty in determining whether young sex offenders differed from non-sex offenders before they were incarcerated. Incarceration should not affect historical variables (such as having failed a grade), but it could influence variables such as level of depression. Other inmates tend to view sex offenders negatively. As a result, sex offenders often have more difficulty adjusting to incarceration and might, therefore, be more likely to be depressed.

This controlled study of young sex offenders is only the sixth of its type to be reported. The magnitude of the problem justifies far more empirical research. Further, models such as the one proposed by Becker and Kaplan are useful, but there is a real need for theories of adolescent sexual aggression to guide research on, and identification and treatment of, this serious social problem. ■

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<sup>2</sup> J. V. Becker, C. D. Harris and B. D. Sales, "Juveniles Who Commit Sexual Offenses: A Critical Review of Research," *Sexual Aggression: Issues in Etiology, Assessment, and Treatment*, G. C. N. Hall, R. Hirschman, J. R. Graham and M. S. Zaragoza, eds. (Washington: Taylor and Francis, 1993).

<sup>3</sup> G. G. Abel, M. M. Mittelman and J. V. Becker, "Sex Offenders: Results of Assessment and Recommendations for Treatment," *Clinical Criminology: The Assessment and Treatment of Criminal Behavior*, M. H. Ben-Aron, S. J. Hucker and C. D. Webster, eds. (Toronto: M & M Graphics, 1985).

<sup>4</sup> H. E. Barbaree, S. M. Hudson and M. C. Seto, "Sexual Assault in Society: The Role of the Juvenile Offender," *The Juvenile Sex Offender*, H. E. Barbaree, W. L. Marshall and S. M. Hudson, eds. (New York: The Guilford Press, 1993).

<sup>5</sup> Barbaree, Hudson and Seto, "Sexual Assault in Society: The Role of the Juvenile Offender."

<sup>6</sup> G. G. Abel, J. V. Becker, J. Cunningham-Rathner, J. Rouleau, M. Kaplan and J. Reich, *Treatment Manual: The Treatment of Child Molesters* (Tuscaloosa: Emory University Clinic, Department of Psychiatry, 1984).

<sup>7</sup> J. V. Becker and M. S. Kaplan, "The Assessment of Adolescent Sexual Offenders," *Advances in Behavioral Assessment of Children and Families*, 4 (1988): 97-118.

<sup>8</sup> I. W. Shields, "The Use of the Young Offender-Level of Service Inventory with Adolescents," *The IARCA Journal on*

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# Psychopathy and young offenders: Rates of childhood maltreatment

by *Adelle Forth*<sup>1</sup> and *Fred Tobin*<sup>1</sup>

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**C**hild maltreatment is an enormous problem in North America. For example, approximately two million Americans report that they were "beaten up" by a parent during childhood.<sup>2</sup> Canadian researchers have also found that 20%–30% of prepubescent children have been sexually abused.<sup>3</sup>

Child maltreatment has been linked with a host of problems such as neurological disturbances,<sup>4</sup> psychiatric difficulties,<sup>5</sup> social skill and interpersonal problems,<sup>6</sup> conduct disorders<sup>7</sup> and the perpetuation of future child abuse.<sup>8</sup> Further, recent research contends that there is an association between child maltreatment and antisocial or aggressive behaviour (although this research is characterized by methodological problems).<sup>9</sup>

Some adolescents continue antisocial behaviour throughout their lives<sup>10</sup> — similar to psychopaths.<sup>11</sup> Psychopaths tend to begin their antisocial activities at a very early age, and their violent and aggressive tendencies remain relatively constant throughout their lives.<sup>12</sup> However, no clear evidence (to date) indicates that adult psychopathy is related to childhood maltreatment.<sup>13</sup>

This article assesses the prevalence of childhood maltreatment in a sample of young offenders and investigates whether the onset of aggressive behaviour in psychopaths is related to childhood maltreatment. To accomplish this, the article examines the association (if any) between psychopathy, childhood maltreatment and antisocial activities.

## Methodology

**T**he study sample was composed of 95 male young offenders incarcerated in two secure youth detention institutions. The offenders were assessed for psychopathy by using information gathered from interview and institutional files and the Hare Psychopathy Checklist (youth version). This instrument is a 20-item symptom checklist designed to measure the interpersonal, affective and behavioural traits of psychopathy in adolescent populations. Each item is scored on a three-point scale and offender scores range from 0 to 40.

A semi-structured interview and an institutional file review were used to assess the type,

duration and severity of childhood maltreatment (physical abuse, sexual abuse, emotional abuse, neglect and/or witnessing interparental physical abuse). Childhood sexual abuse included sexual abuse by individuals outside the offender's immediate family.

Several information sources were used to measure antisocial activity. Criminal records were used to identify the number of violent and nonviolent offences committed by the young offenders. In addition, all the offenders completed a self-report delinquency scale that asks questions like: "Have you ever threatened someone with a gun, knife or any other weapon?" The scale probes for a wide range of nonviolent and violent antisocial activities. Responses were broken down into seven categories: never, once, twice, three to five times, six to 10 times, 11 to 20 times and more than 20 times. Finally, the offenders completed a modified Conflict Tactics Scale to measure their use of violence to resolve conflict within dating relationships.

## Psychopathy

Although comprehensive analyses of the data have not yet been completed, we can report on some preliminary analyses. For example, the average score on the psychopathy checklist was 26.4 (SD = 6.19), about two points higher than typical results for male adult offender samples.

The subjects were divided into two groups based on evidence of psychopathic characteristics. Psychopathic young offenders were defined as those who scored 30 or higher on the checklist (a cutoff score used for male adult offender populations), while non-psychopathic young offenders were defined as those who scored below 30. Using this cutoff, 36.8% (35) of the sample were categorized as psychopathic and 63.2% (60) as non-psychopathic.

## Childhood maltreatment

Overall, the offenders exhibited fairly extensive abuse histories — 63.3% of the non-psychopaths and 71.4% of the psychopaths reported having been seriously abused throughout their childhood. The most common type of abuse for both groups was emotional abuse (49.5%), followed by physical abuse (35.8%), neglect (27.4%) and sexual abuse (16.8%). However, the two groups did not differ significantly across any specific forms of abuse (see Figure 1).

Further, neither experiencing childhood abuse nor witnessing parental violence (30.5% of the sample had witnessed physical violence between their parents) predicted scores on the psychopathy checklist. There was, however, an association between abuse and offending — the 61 young offenders who had experienced childhood abuse engaged in more nonviolent and violent offending than did the 34 non-abused young offenders.

## Antisocial activity

This sample of young offenders committed many violent acts. The majority (64.1%) had a current or past charge or conviction for a violent offence and 91.6% reported committing at least one

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violent offence (arson, robbery, assault, sexual assault or murder). There were no significant differences in the percentage of psychopathic (97.1%) and non-psychopathic (88.3%) offenders who reported violent offences.

However, significant differences emerged in the frequency of antisocial behaviour. Psychopathic offenders reported engaging in significantly more violent (an average score of 14.2 on the self-report delinquency scale) and nonviolent offending (71.6) than did non-psychopathic offenders (9.3 and 56.3, respectively). File information further indicated that significantly more psychopathic offenders (68.6%) were abusive, threatening and aggressive while in the institution than non-psychopathic offenders (28.3%).

Both psychopaths and non-psychopaths displayed relatively high rates of physical aggression toward dating partners. The severe violence (kicking, biting, hitting with a fist, causing bleeding/bruising, threatening, or using a knife or gun) rates were 11.4% for psychopaths and 15.3% for non-psychopaths. Similar rates, using a more inclusive definition (including slapping, shoving and grabbing),

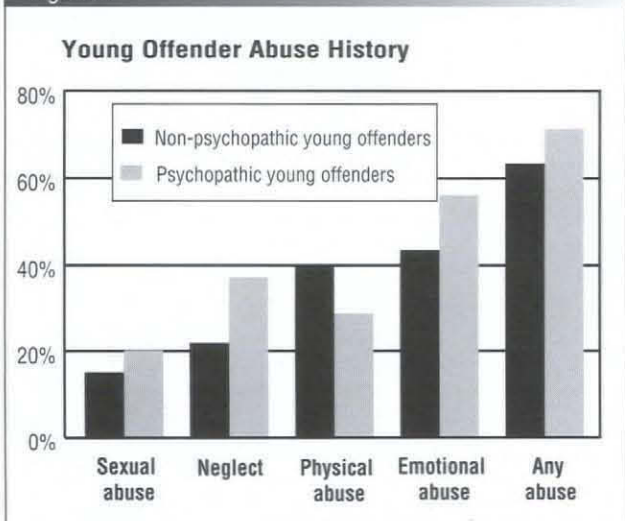
were 28.6% for the psychopaths and 25.4% for the non-psychopaths.

## What have we learned?

This study suggests that young offenders have a much higher rate of childhood maltreatment than the general population.

Past research has reported that delinquents with a history of childhood abuse engage in more aggressive acts than those delinquents who have not been abused.<sup>14</sup> At this point, however, it is not clear how experiencing abuse contributes to future antisocial behaviour. We were unsuccessful in predicting either violent or nonviolent offences using items from the semi-structured interview. Future analyses will attempt to develop a statistical model to

Figure 1



explain this relationship by focusing on the items that distinguish the abused from the non-abused young offenders.

Consistent with past research, however, is this study's indication that psychopathy is not associated with any specific traumatic childhood experience. The psychopathic offenders experienced all forms of childhood abuse at the same rate as the non-psychopathic offenders. We are now analyzing the data to see if psychopaths differ from non-psychopaths in the severity, duration or time of onset of abusive experiences.

Approximately 37% of the young offenders in this sample were classified as psychopathic (using the checklist cutoff score of 30), substantially higher than the results normally reported for adult male offenders (15% to 25%).<sup>15</sup>

Why?

First, it is possible that some general characteristics of adolescence, such as

impulsiveness or irresponsibility, contribute to the higher score. We are currently collecting data from a community sample of adolescents to test this possibility.

Second, these data do not represent the general young offender population because the sample included only those in secure custody. Considering that these young offenders tend to be more serious and persistent offenders, the high prevalence of psychopathy is perhaps not that surprising.

This study also provides some support for relationship between childhood maltreatment and antisocial behaviour in a sample of young offenders with violent criminal histories. However, the higher prevalence of self-reported criminal behaviour among psychopaths was not found to be related to childhood abuse. Our continuing exploration of the data will hopefully provide a clearer picture. ■

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# The Youth Management Assessment: Assessment of young offenders at risk of serious reoffending

by J. S. Wormith<sup>1</sup>

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Society has recently shifted its concern about traditional “juvenile delinquency” to a more specific focus on the serious violence committed by a small number of youthful offenders. The media<sup>2</sup> has fuelled this shift to the point that concern about violent youth crime is now shared by correctional professionals, politicians, policy makers and the general public. Whether or not increases in the rate of violent youth crime during the past decade<sup>3</sup> reflect changes in youth behaviour or in law enforcement practice, it commands our attention — both in terms of correctional policy and practice.

This article examines a recent attempt to address this problem — the development and implementation of an assessment instrument designed to identify young offenders at risk of serious reoffending — by illustrating the instrument’s theoretical foundations and structure, and by demonstrating its utility.

## Background

Remarkably, the prediction of violent youthful behaviour has not received widespread attention. However, Ontario corrections front-line staff (particularly those in open-custody facilities) needed a mechanism to assess the potential of a youthful offender to cause serious harm to another offender, to a staff member or to himself or herself.

Such an instrument had to be able to capture the wide range of violent antisocial behaviour committed by adolescents. It had to provide structure, a common methodology and guidelines for the user, while permitting staff discretion in determining the threat imposed by each young offender.

The assessment procedure also had to recognize that an offender’s status may improve or deteriorate over time. Therefore, the instrument had to be capable of adaptation

and had to include dynamic risk factors that would reflect any change in offender risk level.

**The assessment procedure also had to recognize that an offender’s status may improve or deteriorate over time. Therefore, the instrument had to be capable of adaptation and had to include dynamic risk factors that would reflect any change in offender risk level.**

Finally, the prediction of serious violent behaviour is difficult because the behaviour occurs infrequently. Although this “base rate problem” might suggest a clinical assessment approach to the prediction of these behaviours, empirical evidence indicates that a statistical approach is usually superior.<sup>4</sup> Clinical assessment should not, however, be completely ignored.<sup>5</sup> The new instrument, therefore, combined the two approaches.

## The Youth Management Assessment

The Youth Management Assessment was designed to perform a number of functions:

- to provide a standardized overall perspective of youthful offenders that accurately indicates their risk of causing serious personal injury;
- to reduce the risk of potential harm to staff and other offenders, and to increase the safety of all residences and institutions that accommodate young offenders;
- to provide a standardized language for communicating about a young offender with other staff, settings or agencies;
- to assist staff in preparing young offender predisposition reports and recommendations and, in so doing, to improve the overall appropriateness of young offender sentences;
- to provide security, management and treatment direction for young offenders at risk of serious self-injury; and

- to monitor the progress of young offenders during the course of their sentences.

The instrument assesses 12 individual risk factors<sup>6</sup> grouped into four general categories: offences (3 factors), problematic behaviour (6 factors), personal characteristics (2 factors) and administrative concerns (1 factor).<sup>7</sup>

The assessment is completed in a four-step process that results in a risk assessment and strategy for the young offender. First, the offender's personal characteristics and background history are evaluated and potential risk factors flagged. Next, the risk factors are verified. The assessor then makes a professional decision as to whether to declare the client "at risk" — in accordance with the assessment's specific guidelines or by exercising an assessor override. Finally, the assessor chooses specific offender-management strategies to ensure the progress of the offender and the safety of others.

The initial identification of possible risk factors is fact-based and provides a statistical component (total number of factors) to the assessment. The verification of the risk factors, however, consists of a more clinical investigation of particular circumstances, patterns and other issues that may aggravate or mitigate the factor(s).

Based on this more intensive clinical investigation, which follows a specific protocol for each of the 12 factors, the assessor determines whether the offender is currently "at risk." Guidelines (based on preliminary research) require an offender to be declared "at risk" if the assessor can verify that more than two of the basic factors are suggestive of risk. An offender is to be designated "not at risk" if fewer than two of the factors can be verified.

### The Youth Management Assessment and probation

Following preliminary pilot work to refine the instrument, the Youth Management Assessment was administered by probation and parole officers to 202 young offenders in conjunction with the preparation of predisposition reports (which can be ordered by youth court judges before sentencing).

As expected, there was a consistently lower rate of verified risk factors than possible risk

factors — some of the possible factors are usually eliminated during the verification inspection (see Table 1). Not surprisingly, considering the evidence as to peer influence on antisocial youths,<sup>8</sup> *third-party influence* was the most common risk factor (on both the possible and verified scales), followed by *current violent offence*.

Table 1

Percentage of Young Offenders with Possible and Verified Risk Factors (202 Young Offenders)

Risk factor	Risk factor possible	Risk factor verified
<b>Offences</b>		
Previous convictions for a violent offence	15%	11%
Current violent offences	22%	18%
Outstanding charges	12%	7%
<b>Problematic behavior</b>		
Other physical or sexual assault(s)	16%	12%
Assault(s) on authority figures	14%	10%
Weapon incidents	11%	6%
Fire-setting incidents	6%	4%
Escapes, attempted escapes and serious unlawfully-at-large incidents	8%	7%
Suicide attempts or self-injury	10%	6%
<b>Personal characteristics</b>		
Mental disorder	9%	4%
Third-party influence	31%	20%
<b>Administrative concerns</b>		
Absence or lack of information	13%	10%

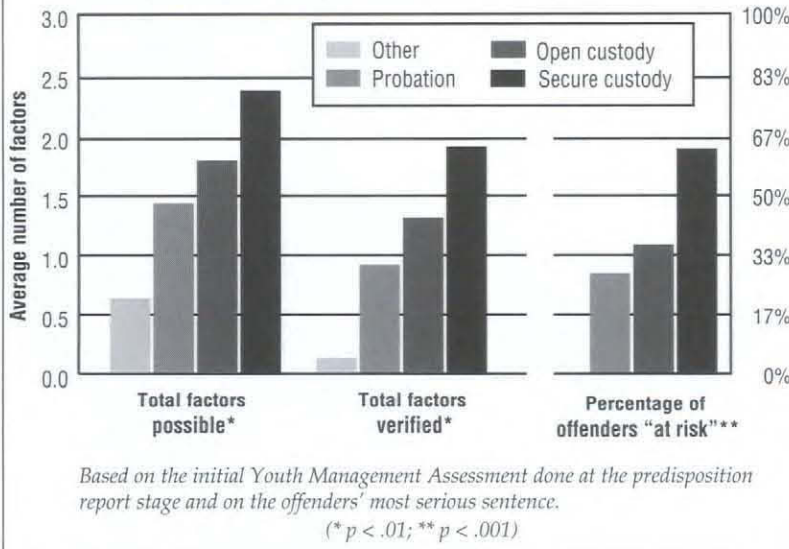
Further analyses revealed a strong relationship between risk at all three stages of assessment and the offenders' ultimate sentence (see Figure 1). However, although judges were not given assessment results, it should be noted that probation officers who complete the assessments also complete predisposition reports.

It is, therefore, very possible that the results of the Youth Management Assessment affected the content of the predisposition reports provided to the courts.

Regardless of the possible influence of the assessment on the judicial decisions, it is clear that the sentencing practices of Ontario youth court judges are consistent with the assessment of offender risk through the Youth Management Assessment.

Figure 1

**Comparing the Risk Factors and Percentage of Young Offenders at Risk with Subsequent Offender Sentence (202 Young Offenders)**



Further examination also revealed that the young offenders eventually placed in secure custody are at greater risk than other young offenders because they are more likely to be verified as "at risk" for *current violent offence, other assaultive incidents, fire setting and unlawfully at large* on the Youth Management Assessment (see Table 2). Offenders on probation were, on the other hand, at lowest risk because they were least likely to have been involved in assaultive incidents or to have a history of being unlawfully at large.

**Open custody**

The Youth Management Assessment was also administered to a group of 157 young offenders in seven open-custody settings. As the previous analysis suggests, a comparison with the pre-sentence sample of young offenders (discussed earlier) indicated that young offenders in open custody present a greater risk than the general young offender population.

Four risk factors (*third-party influence, missing information, other assaultive incidents and current offence*) were verified for at least 20% of the open-custody offenders, and another six factors were verified for an additional 10% of the sample. Further, young offenders in open custody had significantly more potential and verified risk factors, and were more likely to be declared "at risk" (53%) than the young offenders at the pre-sentence stage.

These findings led to the implementation of the assessment in the 54 open-custody settings across Ontario. During the first year of operation, 2,056 Youth Management Assessments (including retests) were administered to 1,469 young offenders.

Analyses of these data indicate that female young offenders had more risk factors present at both the possible (3.83) and verified (3.22) stages than their male counterparts, who had averages of 3.25 and 2.40, respectively.

These differences occurred primarily because female offenders were verified more often than male offenders on the following risk factors: *unlawfully at large* (36% versus 17%), *suicide/self-injury* (20% versus 9.37%), *third-party influence* (42% versus 29%) and *absence or lack of information* (63% versus 49%). Consequently, more female offenders (69.74%) were found to be "at risk" on the Youth

Table 2

**Subsequent Sentences of Young Offenders with Verified Risk Factors (199 Young Offenders)**

Verified risk factor	Probation	Open custody	Secure custody
<b>Offences</b>			
Previous convictions for violent offences	9%	15%	13%
Current violent offences	14%	15%	32%
Outstanding charges	6%	10%	11%
<b>Problematic behavior</b>			
Assault(s) on authority figures	8%	15%	22%
Other physical or sexual assault(s)	7%	15%	15%
Weapon incidents	7%	3%	11%
Fire-setting incidents	2%	0	13%
Escapes, attempted escapes and serious unlawfully-at-large incidents	3%	10%	17%
Suicide attempts or self-injury	8%	8%	4%
<b>Personal characteristics</b>			
Mental disorder	4%	3%	9%
Third-party influence	17%	21%	28%
<b>Administrative concerns</b>			
Absence or lack of information	7%	15%	15%

Management Assessment than male offenders (57.57%). All these differences were statistically significant.

### Secure custody

The validity of the Youth Management Assessment was also examined in a co-educational, secure-custody setting. During a one-year period, social work staff administered the assessment to 142 young offenders within three days of their admission to the institution.

The assessment results were then compared with a standard intake form (the Initial Placement Report) — a 29-item checklist that is completed by admissions staff as part of the intake process in all of Ontario's provincial correctional facilities.

Staff members who completed the Youth Management Assessment were not aware of the intake form results when they conducted their assessments. Yet, the total number of items endorsed on the intake reports correlated ( $r=.38, p<.001$ ) with the number of verified risk factors on the assessment.

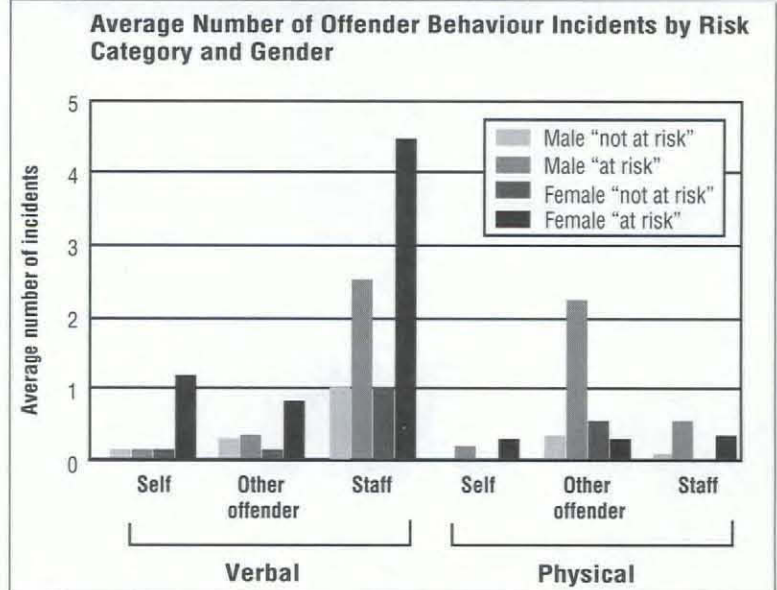
The Youth Management Assessment was also examined with respect to subsequent problem behaviour (during the course of a one-year follow-up period). Evidence of problem behaviour in the institution was obtained by examining an offender database (the Offender Management System), which tracks all offender incident reports. These incidents are categorized as either verbal (such as a threat) or physical (such as a fight) and are broken down in terms of the adversary/victim (other offenders, staff or self).

Although the assessment did not predict verbal or physical incidents involving other offenders, it was predictive of verbal ( $r=.33, p<.001$ ) and physical ( $r=.37, p<.001$ ) incidents against staff. It was also correlated with verbal threats of self-harm ( $r=.32, p<.001$ ) and incidents of self-harm (.15,  $p<.08$ ).

When gender was taken into consideration, a number of risk-by-gender interactions were revealed (see Figure 2). For example, "at risk" male offenders committed significantly more offender assaults than did any other group,

while "at risk" female offenders were more verbally abusive to staff than any other group. Further, although they were few in number (19), female young offenders in secure custody were rated at significantly greater risk than their male counterparts.

Figure 2



### A successful combination

Preliminary studies suggest that the Youth Management Assessment provides a reasonable means of evaluating young offender risk of committing serious personal injury offences while in the community or in custody.

This use of a routine screening protocol followed by the application of diverse clinical material may, in the end, prove to be superior to both the mechanistic, standardized approach and the unstandardized clinical approach. This should not come as a surprise, since the objective is the prediction of rare events that have varied and interactive origins.

Finally, it is important to realize that the assessment is a dynamic and, hopefully, reactive tool. It was designed explicitly to be readministered at periodic intervals and includes a final section that assists staff in developing an offender-management plan that addresses key problem areas. This section was specifically designed to weave risk assessment into the offender supervision and service process. Together, they comprise the two most important ingredients in the case management of young offenders. ■

- <sup>1</sup> Ministry of the Solicitor General and Correctional Services, Box 4100, 200 First Avenue West, North Bay, Ontario P1B 9M3.
- <sup>2</sup> N. R. Gibbs, "Murder in Miniature," *Time*, 144, 12 (1994): 14-19.
- <sup>3</sup> R. R. Corrado and A. Markwart, "The Need to Reform the YOA in Response to Violent Young Offenders: Confusion, Reality or Myth?" *Canadian Journal of Criminology*, 36, 3 (1994): 343-378.
- <sup>4</sup> J. Monahan and H. Steadman, *Violence and Mental Disorder: Developments in Risk Assessment* (Chicago: University of Chicago Press, 1994).
- <sup>5</sup> J. S. Wormith and C. S. Goldstone, "The Clinical and Statistical Prediction of Recidivism," *Criminal Justice and Behaviour*, 11 (1984): 3-34.

- <sup>6</sup> The risk factors were taken primarily from a risk indicators study, undertaken by the Ministry of Community and Social Services. See A. W. Leshied, D. A. Andrews and R. D. Hoge, *Youth at Risk: A Review of Ontario Young Offenders, Programs and Literature that Support Effective Intervention* (Toronto: Ministry of Community and Social Services, 1992). Social science literature on violent and suicidal youth was also reviewed.
- <sup>7</sup> A copy of the Youth Management Assessment can be obtained from the author.
- <sup>8</sup> M. Warr, "Age, Peers and Delinquency," *Criminology*, 31 (1993): 17-40.

## RESEARCH RECAP

*The Research and Statistics Branch of the Correctional Service of Canada maintains linkages with the academic community. Recently, the branch held a Student Research Forum to allow students employed (over the summer months) in the branch or the Ministry Secretariat to present their research. The following is a summary of some of the presentations.*

### **Mental health and recidivism among federally incarcerated women**

Kelley Blanchette, Carleton University

Following up the 1989 Mental Health Survey conducted in the Kingston Prison for Women, this study extracted assessment, program involvement and recidivism data from a variety of sources.

### **The impact of CORCAN shop supervisor leadership behaviours and attitudes on offender work attitudes**

Christa Gillis, Carleton University

This study explored the role of industrial shop supervisors' attitudes in promoting positive work habits in offenders. The study examined a number of supervisor characteristics, such as leadership and correctional orientation.

### **Validity of the administration of the Computerized Lifestyle Assessment Instrument (CLAI) to aboriginal and francophone offenders**

Susan A. Vanderburg, Carleton University

Standardized assessment technology has not been systematically examined as to its suitability for use with offenders from different racial, ethnic or linguistic backgrounds. This study examined the appropriateness of the use of the CLAI with aboriginal and francophone offenders.

### **Attitudinal and behavioural correlates of severely abusive, moderately abusive and non-abusive men**

Andrew Harris, Carleton University

For treatment programs for male batterers to be effective, they require a comprehensive understanding of the risk and needs of the men who abuse their partners. This study interviewed and extensively tested 999 Alberta men.

### **Prediction of recidivism among offenders with mental disorders: A meta-analysis**

Moira A. Law, Carleton University

This study reviews and analyzes the published and unpublished literature on the recidivism of offenders with mental disorders. Using the techniques of meta-analysis, more than 70 studies were collected through a computer-based search of several reference services.

### **Experiencing family violence: Impact on children in the short and long term**

Chris Alksnis, Carleton University

This literature review summarizes the more recent research on links between witnessing or experiencing family violence and later aggressive behaviour, with special emphasis on studies conducted with an offender population.

# Secure detention and short-term custody youth centres: A social service perspective

by Michele Motiuk<sup>1</sup>

Social Worker, Ottawa–Carleton Young Offenders' Unit

Nearly a decade ago, the Young Offenders Act generated a major change in Canadian corrections — it resulted in many 16- and 17-year-old offenders being placed in secure detention or custody, separate and apart from the adult offender population.

Although the Young Offenders Act is federal legislation, it is administered provincially. Ontario is one of two provinces (the other is Nova Scotia) that has a split jurisdiction within this administration. The Ministry of Community and Social Services is responsible for youths between the ages of 12 and 15 (phase 1), and the Ministry of the Solicitor General and Correctional Services deals with 16- and 17-year-old offenders (phase 2).

This article presents an overview of the establishment of a secure detention and short-term custody unit within an adult correctional facility to shed some light on the care, supervision and treatment of "phase 2" young offenders. The article focuses on the procedures and services in the Ottawa–Carleton Young Offenders' Unit.

## How was the young offenders' unit set up?

As of April 1 1985, "phase 2" young offenders in custodial settings were required by law to be housed separately from those 18 and older. Until that time, adult correctional facilities held both male and female offenders older than 16.

The Ottawa–Carleton Young Offenders' Unit was set up (on the second floor) within the existing structure of the maximum-security Ottawa–Carleton Detention Centre.

The unit was built during a two-week period. It was first set up as a 24-bed unit divided into two dormitories (one for 20 males and one for four females), but disruptive behaviour among the young offenders, particularly at night, necessitated a more secure separation.

Adult female inmates were, therefore, moved to the dormitories and the male young offenders took over the former adult female 12-cell area, with each cell double bunked. Although the move was incident-driven, the young offenders gained some benefits including more privacy and access to a large day room.

However, their energetic and impulsive ways soon caused further problems. Food fights often erupted during meals, and chairs and tables were tossed around. As a result, large metal "dinner" tables were bolted to the floor. After cell furnishings were destroyed, metal bunk beds, toilets, desks and chairs were also secured.

The young offenders' exercise yard consisted of a caged-in area on the roof of the building. Visits took place behind a plexiglass window using telephone communication.

## Staffing the unit

In April 1985, correctional officers on the adult side of the Ottawa–Carleton Detention Centre

with the necessary training to work with adolescents assumed the duties of youth officers. Several operational managers were also assigned to the unit. A records clerk/secretary was hired to handle the paperwork, and a social worker was recruited to provide social work services.

Health care, psychological and chaplaincy services were originally provided through resources already at the detention centre. A psychologist, a recreational officer, a chaplain and two teachers were later added to the unit.

**In adult correctional facilities, there is often a clear separation between security and programming staff. This is not the case in young offenders' units. All staff play an integral role in the care, supervision and treatment of each young offender.**

In adult correctional facilities, there is often a clear separation between security and programming staff. This is not the case in young offenders' units. All staff play an integral role in the care, supervision and treatment of each young offender.

### **Accommodating young offenders**

Over the years, the Ottawa–Carleton Young Offenders' Unit has been transformed into a secure and structured setting. It is now a very well-known and well-used facility for young offenders in Ontario's Eastern Region.

Although the unit has a 24-bed capacity, the number of young offenders "in residence" often exceeds that number. There is a high turnover, with an average length of stay being approximately one month. Most of the unit's young offenders are awaiting a bail, trial, sentencing, transfer or review hearing.

Upon sentencing, residents receiving a long-term sentence (three months to three years) are transferred to a secure-custody setting. In the Eastern Region, the long-term secure-custody facility is the Brookside Youth Centre in Cobourg.

Unlike the adult system, where offenders are assessed and classified according to security and programming needs, and then placed in a minimum-, medium- or maximum-security centre, young offenders are routinely transferred from the Ottawa–Carleton Young Offenders' Unit to the Brookside Youth Centre shortly after they receive a long-term sentence.

Another feature of the unit that differs from adult corrections is the internal security classification system. Upon admission to the Ottawa–Carleton Detention Centre, adult female offenders are placed in the female offender unit, while adult male offenders are placed in minimum-security dormitories (if they are non-violent), maximum-security cells (if they are violent and problematic) or protective custody (if they are sexual

offenders, informants or simply unable to cope with general population inmates).

In the young offenders' unit, all offenders (regardless of gender or admission status) are housed together. They eat together, participate in programs together and spend idle time in the same day room. Female sleeping quarters, however, are far removed from the male quarters. Each unit has a high ratio of specialized staff to residents. Staff develop supervision and intervention strategies to deal with "offender blending" problems as they arise.

An internal classification system (each offender is assessed by security and clinical staff) is also used to prevent victimization in the unit. Young offenders likely to prey on others share accommodations with similar offenders, to minimize the chances of housing potential victims with "predators."

A reward system also encourages the young offenders to perform 16 prosocial behaviours each day.

Youth officers tally the offenders' weekly point totals and, depending on their total, the offenders are placed in one of three "levels." Young offenders at the highest level receive the most privileges (such as contact visits with parents or late day-room time). On the other hand, misconduct punishments can result in level downgrading, cell confinement (for a specified time period, not to exceed three days) or extra clean-up duty.

### **Offender-management procedures**

Upon admission to the unit, the offender undergoes an intake needs assessment and a psychological evaluation. Each young offender's criminal history (such as circumstances of present and past offences), attitudes, family background, peer associations, education, employment, substance abuse, emotional and physical health, and unit adjustment (such as problems with peers and staff) is evaluated systematically.

**In the young offenders' unit, all offenders (regardless of gender or admission status) are housed together. They eat together, participate in programs together and spend idle time in the same day room.**

Once program needs are identified, offenders are referred to appropriate service providers (such as the school program for academic upgrading). A "plan of care" is developed for each young offender, detailing the duration and intensity of their required services. This coordinates services and ensures that staff are not working at cross purposes.

Offender case reviews are held regularly to discuss escorted passes (for recreational or community outings) and to discuss passes for regular home visits. This process usually considers:

- outstanding charges (if any);
- prior record of escapes (if any);
- type of offence(s);
- family support (ability to control and supervise);
- the results of a meeting with parents (before release);
- feedback from the supervising probation officer; and
- overall unit behaviour.

### Service provision

Within the unit, a multi-disciplinary team (consisting of a social worker, a psychologist, a chaplain, two teachers, a recreational officer, a unit manager, two operational managers and 12 youth officers) provides services to the young offenders.

The unit social worker prepares youth court reports for sentence reviews and transfer hearings. Other duties include chairing weekly case review meetings and completing discharge summaries — to another secure custody facility, open custody or the community (probation).

Aside from this administrative role, the social worker also provides individual and group counselling, covering such areas as anger management, social and interpersonal skills, family counselling, job preparation, and discharge planning.

Clinical services are also provided by a chaplain who delivers spiritual, substance abuse and family counselling, and by a psychologist who specializes in the areas of sexual abuse, psychotic disorders, suicidal ideation and depression. Academic upgrading is offered through correspondence courses, (with the assistance of two teachers) and leisure activities are coordinated by a recreational officer.

**After a decade of experience with 16- and 17-year-old young offenders, the Young Offenders' Unit has shown that, given the help to meet their needs, many young offenders can resume a normal and prosocial life.**

### What is the outlook?

Adolescence is a confusing time of growth and change. Without the necessary care, support, training and counselling, it would be unrealistic to expect troubled youths to acquire the maturity, insight and skills required to become productive members of society.

After a decade of experience with 16- and 17-year-old young offenders, the Young Offenders' Unit has shown that, given the help to meet their needs, many young offenders can resume a normal and prosocial life.

That is the advantage of dealing with young offenders in a unit apart from their adult counterparts. The ratio of staff to offenders is often significantly higher than in adult institutions (adolescents are viewed as more responsive to treatment than adults), and the multidisciplinary team approach and philosophy make the environment much more favourable to rehabilitation. Security and program staff work together toward each young offender's goals.

We have a social and moral obligation to make a concerted effort to provide young offenders with the opportunities and support systems to change their lives. Young offender facilities are one important step along this path. ■

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# Correctional psychology with young offenders in the community: Philosophical musings

by William Winogron<sup>1</sup>

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A respectable and growing body of research exists on “what works” in correctional psychology. However, the focus of the research seems to be on “what to do” and “how to do” clinical practice issues such as client-selection strategies (level of risk or need), therapeutic approaches (such as cognitive-behavioural) and outcome prediction. Less adequately addressed are “why to do” issues related to the delivery of psychological services, particularly in community settings.

This article attempts to fill this void by suggesting a particular philosophical orientation to clinical work with young offenders in the community. The article argues that the orientation adopted by Dr. Albert Ellis and other practitioners of Rational-Emotive Behaviour Therapy (including the author) is well suited to work with young offenders, and has direct and practical implications for therapeutic procedures and practices.

## Rational-Emotive Behaviour Therapy

In many jurisdictions, public and professional opinion seem to agree that:

- young offenders are not interested in changing their behaviour in any meaningful or lasting way;
- young offender punishment, particularly in the community, is not severe enough to motivate change;
- young offenders respond poorly to authority and even worse to psychological intervention; and
- young offenders attend counselling largely for rewards such as weekend passes.

However, my experience dramatically contradicts these observations. I would argue that the philosophical approach of

Rational-Emotive Behaviour Therapy (well recognized in the larger psychological community, but seldom discussed in a correctional context) provides the basis for rewarding work with young offenders.

## Equality of worth

Rational-Emotive Behaviour Therapy’s first philosophical premise is that all human beings (by virtue of being alive) are equal in worth, regardless of their conduct. This statement might easily be dismissed as high-minded moralization, but it is quite the opposite.

Its practical implication is that the practitioner implicitly accepts the young offender, no matter how awful his or her conduct, as fully deserving of psychological intervention. Client guilt and shame (from self-condemnation) are rejected as legitimate motivators for change and are treated as symptoms to be remedied.

From the client’s perspective, the explicit sharing of this assumption during the first visit can indicate a therapist’s acceptance of the offender and set the stage for honest self-revelation. The refusal

to discredit the offender’s “humanness” arguably reduces the young offender’s defensiveness, generating a greater offender willingness to examine his or her conduct.

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## Responsible hedonism

The second philosophical assumption is that humans are basically hedonistic: pleasure and/or happiness is their ultimate goal.

Practitioners of Rational-Emotive Behaviour Therapy therefore encourage the pursuit of “responsible hedonism,” seeking a balance between short- and long-term personally meaningful goals that improve the young offender’s world or, at least, cause it no undue harm.

A young offender’s “what’s in it for me?” attitude is not seen as resistance, but as a starting point for therapeutic intervention. The therapy aims to replace devotion to short-term gratification with, not self-sacrifice, but a balanced strategy that doesn’t sabotage longer-term happiness.

## Ongoing psychological assessment

A third philosophical assumption, one that often receives lip service in the correctional community but is rarely applied, is that psychological assessment should be an ongoing and vital part of the treatment process.

This means eliminating the endless tests and classification schemes that act as entry levels to therapy. It also requires the recognition that behaviours, cognitions and emotions (not human beings) are the assessment targets and that a diagnosis not leading to differential treatment is clinically useless. Finally, it requires the understanding that “secret” diagnoses kept from the client tend to result in manipulation rather than psycho-educational treatment, and that assessment should complement, not replace, reasonable offender goals.

The all-too-common occurrence of young offenders arriving at the practitioner’s office, fully aware of their diagnoses but ignorant of strategies for change, validates the importance of this assumption.

## Efficiency

The fourth principle underlying desirable clinical intervention is efficiency. This principle generates several practical guidelines. The

most obvious is avoiding excessive involvement in an offender’s life. Equally important, but perhaps more subtle, are ranking the client’s goals for therapy, boosting the client’s sense of success by aiming for some emotional change within one or two sessions, and determining the client’s commitment to therapy (two or 20 sessions?) and adapting the therapeutic approach to the time available.

An “efficiency” mindset allows the therapist to target achievable rather than “textbook” goals that the client may have no interest in achieving. Further, clients often report such efficient practices to be empowering — they feel that they are not being subjected to the **therapist’s** agenda. This can only contribute to rapport and client motivation.

## Three basic insights

Three basic insights must also be communicated to the offender:

- emotional and behavioural disturbances are caused primarily by inappropriate mental processes (cognitions), not outside factors;
- today’s emotional disturbances, regardless of their original cause(s), are prolonged by their transformation into harmful thought processes; and
- lasting changes usually come only with hard work aimed at changing inappropriate thoughts and behaviours.

These three insights are especially important given the prevalence of “victimhood” in our culture — whining, self-pity, other-blaming and claims of personal blamelessness. These culturally sanctioned ploys, together with the adolescent tendency to deny accountability, make

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it difficult for young offenders to accept responsibility for their own change. However, it is a vital starting point for therapeutic change.

### “Deep” change

The final, and arguably most important premise in Rational-Emotive Behaviour Therapy is the therapist’s recognition that “deep” change is both achievable and desirable. Fundamental and lasting change is to be valued over simple behavioural change, and this requires changes in criminogenic and self-harming offender core philosophies.

The practical implication of this assumption is that diversionary tactics (such as relaxation, time outs and counting backwards by 10s) should be replaced with approaches involving actual changes to thought processes.

### Lasting change

The philosophy outlined in this article provides a strategic and effective framework for clinical intervention with young offenders in community settings. Popular assumptions about the near-universal resistance of young

offenders to therapy appear unfounded. Instead, working with this client group requires:

- special attention to nonjudgmental acceptance of young offenders and their responsibly hedonistic goals;
- establishment of rapport and motivation though quick, efficient focusing of practical interventions on offender-determined goals;
- bolstering offender feelings of accountability through the approach’s “three insights”; and
- therapist determination to avoid the easier diversionary methods and to encourage more radical changes with this clientele.

To paraphrase Dr. Ellis, lasting change is difficult for most people, most of the time. But, sound philosophies of intervention (as discussed in this article) appear to ease the burden for this challenging offender population. ■

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## Sound familiar?

*Since the mid-1970s, the American system of juvenile justice has been moving away from its traditional rehabilitative orientation toward a model based on the adult criminal justice system. This movement has been the result of a number of challenges to the juvenile justice system.*

*One of the factors that contributed to widespread criticism of the juvenile system was the rising youth crime rates of the 1960s and 1970s. Increases in youth arrest rates were seen by some critics as a failure of the juvenile system to effectively deal with the delinquency problem.*

Adapted from E. L. Jenson and L. K. Metsger, “A Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime,” *Crime and Delinquency*, 40, 1 (January, 1994): 96–104.

# The psychology of criminal conduct and principles of effective prevention and rehabilitation

by *D. A. Andrews*<sup>1</sup> and *R. D. Hoge*<sup>1</sup>  
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**T**here is now a science of criminal conduct. More specifically, there are theories of criminal conduct that are empirically defensible and should, therefore, be helpful in designing and delivering effective services to a broad base of offenders, including young offenders.

The literature in this area is reasonably strong and supports a vigorous pursuit of preventive and rehabilitative programming for higher-risk offenders under a variety of conditions.

The service community must, however, enhance this knowledge base. How can we make use of "what works?" In general, we must develop a variety of approaches to the dissemination, implementation and ongoing development of effective programming to translate this theoretical and philosophical success into practical results.<sup>2</sup>

A major element in program development and dissemination is the availability of concise, yet accurate, summaries of the knowledge base. This article, therefore, reviews the major principles of the current knowledge base by briefly examining a series of effective correctional prevention and treatment principles.<sup>3</sup> We must establish and understand what we know before attempting to translate that knowledge into effective and efficient programming for offender groups such as young offenders.

## The social-psychological principle

**T**he most promising conceptual base for prevention and rehabilitation programs is a social-psychological understanding of criminal conduct. This approach highlights four sets of risk factors:

- attitudes, thoughts, feelings, interpretations of events and rationalizations that support antisocial behaviour;
- antisocial associates;
- a history of antisocial behaviour; and

- indicators of an antisocial personality (including indicators of restless aggressiveness, impulsiveness and, for young offenders in particular, psychological immaturity).

These four sets of risk factors, of course, only translate into criminal acts in situations where temptations are present, external controls are weak and, perhaps, stress levels are high. However, the power of the social-psychological perspective becomes clear when you consider the causes of behaviour suggested by many human behaviour theories.

For example, some humanist and feminist theorists suggest that people behave the way they do because they choose to behave that way — their behaviour reflects personal choices. On the other hand, other theorists suggest that people behave in accordance with reward/cost assessments and that their behaviour changes as these assessments change.

Whatever the underlying process, the choices or assessments are all shaped by the individual's immediate situation in

combination with antisocial attitudes, antisocial associates, a history of antisocial behaviour and complex personality variables associated with antisocial behaviour.

So, whatever your preferred theory of crime, the social-psychological principle's four sets of risk factors should pervade your research, treatment and programming efforts.

## Knowledge construction, not knowledge destruction

Critics of psychological prediction and correctional treatment services typically

**Critics of psychological prediction and correctional treatment services typically discount positive research findings by using irrational techniques of destroying knowledge, while uncritically accepting negative findings.**

discount positive research findings by using irrational techniques of destroying knowledge, while uncritically accepting negative findings.

A rational data-based approach to knowledge construction must overcome this tradition of knowledge destruction. There have been some methodological problems within the research literature, but, ultimately, the research's predictive accuracy and treatment effects have been proven solid.

Don't be fooled by irrational criticism from groups opposed to prediction and treatment. We must focus our dissemination and programming efforts on measures that have been shown to work.

### **Punishment**

Criminal sanction without correctional treatment services simply does not work. Some day, criminal justice research may discover a form of punishment that has a substantial impact on recidivism. Today, however, the research literature is overwhelmingly clear — variation in the type and severity of offender penalties is largely irrelevant to future criminal conduct. Punishment alone does not work.

### **Custody as a last resort**

Community-based treatment services yield more positive effects than treatment services within correctional facilities. Custody has its place in extreme cases, but the use of custody for service delivery is, at best, an exception requiring careful justification. It cannot be the rule.

### **Risk assessment**

The prevalence and frequency of future criminal conduct can be assessed through systematic surveys of the number and variety of risk/need factors in individual offender cases.

More specifically, the most authoritative risk factors are antisocial attitudes, antisocial

associates, a history of antisocial and rule-violating behaviour, indicators of antisocial personality, weak family relations and family supervision, and difficulties in school and work. Lower class origins, personal distress and neuropsychological problems are among the more minor risk factors.

When attempting to predict specific types of antisocial behaviour such as violence you should, therefore, assess the attitudinal, association and behavioural history of the offender with specific reference to violence.

### **The case-classification risk principle**

Intensive treatment services are best delivered to higher-risk cases (because lower-risk cases will do as well, or better, without the intensive service). Assigning low-risk cases to the least difficult, least expensive and least intensive correctional options is not ignoring the low-risk cases, it is efficient correctional practice.

### **Need**

Treatment services should target the characteristics of higher-risk individuals (and their circumstances) that, if changed, actually reduce criminal conduct. It is no

longer sound practice to select intermediate treatment targets without reference to their links to the chances of reoffending. The concept is quite straight-forward — target dynamic risk factors.

### **Individualized risk/need assessment**

Systematic surveys of risk and need are best supplemented by **individualized** assessments that uncover individual patterns of high-risk situations and offender interpretations. In other words, build an understanding of **each** offender's criminality.

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### General responsiveness

The most effective styles of treatment are those matched with the needs, circumstances and learning styles of the offenders. However, the most effective styles and modes of service are structured and active, such as social learning and cognitive-behavioural approaches. Less effective styles are less structured, relationship-dependent, self-reflective, verbally interactive and insight-oriented approaches.

### Specific responsiveness considerations

Offenders with interpersonal and cognitive problems require particularly structured services, but the more mature offender may respond to less structured styles of service. For example, interpersonally anxious offenders respond poorly to confrontational services. Other similar considerations may also be relevant, depending on the characteristics of the offender. Gender and ethnicity are high-priority research issues in this area.

### Targeting weak motivation

Resistance to therapy and weak motivation for treatment need not suggest that an offender should be excluded from treatment. It instead suggests that plans should be designed to support offender participation and to increase the offender's motivation for treatment.

### Structured follow-up

Criminogenic needs are dynamic (ever-changing). Therefore, the anticipation of future problems must be part of ongoing programming and treatment — structured post-program follow-up is a necessity.

### Therapeutic integrity

Treatment services appropriate to risk, need and responsivity levels are most effective when a specific treatment model is applied by well-trained and well-supervised therapists.

### Professional discretion

Effective therapists must not only apply the principles of risk, need, responsiveness and therapeutic integrity, but they must also do so with sensitivity to moral, ethical, legal and economic considerations, as well as to the uniqueness of the individual(s).

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### Social support for treatment delivery

The prevention and rehabilitation efforts of service professionals must be actively and directly supported through training, supervision and respect for the process and goals of service. This will yield even stronger treatment results than those documented to date under less than supportive conditions.

### Implementation and program development

Overall, program development and implementation depends on principles of effective consultation and significant organizational and societal change. This, of course, must involve education about, and

training in, the principles discussed in this article.

It is time for evidence-based correctional treatment services and correctional management. Sole reliance on models of non-intervention, deterrence, control and just desert are no longer justifiable. They have simply not been proven effective. What is required is an active interventionist approach — one informed by a truly interdisciplinary psychology of criminal conduct. ■

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<sup>2</sup> D. Andrews and J. Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson Publishing, 1994).

<sup>3</sup> D. Andrews, "The Psychology of Criminal Conduct and Effective Correctional Treatment," *What Works*, James McGuire, ed. (London: John Wiley, in press).

# The Young Offenders Act in review: A more than modest proposal for change

by Alan W. Leschied<sup>1</sup>

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The new apology from some critics of the Young Offenders Act goes something like this: the impact of law is greatly exaggerated and we need to have modest expectations of how laws can affect the course of events. These apologists argue that much of the criticism of the Act is based on unrealistic expectations of what can be achieved or caused by any piece of legislation.<sup>2</sup>

However, there are many who suggest that the Young Offenders Act has greatly influenced the course of youth justice in Canada. This article attempts to resolve this question by charting the impact of the Act's policies in specific areas (justice, crime control and rehabilitation) within the context of how the Act came about.

## The Juvenile Delinquents Act

The Juvenile Delinquents Act was proclaimed in 1908 as one of Canada's first child-focused pieces of legislation. The hallmarks of the Act were the establishment of a "childhood age" (7-16), and of an ethic for applying the law to children. This ethic (called *parens patriae*) essentially gave the judge the power to act in a child's best interest. For example, court decisions were not to be measured against the seriousness of the offence, but against the needs of the young offender.

A variety of sentences were available under the Act, ranging from an absolute discharge to being made a ward of the state (and being placed in training school) until age 21. Sentences were also often of an indeterminate length.

Clearly, the Act's intent was to provide a broad net to capture a wide variety of youth and family problems. The challenge for the judges was to create a resolution that responded to the needs and circumstances of the young person in front of them.

The following two scenarios illustrate how the process unfolded. In one case, a 15-year-old chronic property offender was placed under the guardianship of a fishing trawler captain off the coast of Newfoundland. The rationale was that "Bill"<sup>3</sup> was too involved in a delinquent peer group in his Ontario community and that this work placement would provide a challenge and, hopefully, a sense of competency through achievement. Bill was already a training school ward, so the judge was empowered to designate any person in authority as his legal guardian (until Bill's 21st birthday).

In another case, 15-year-old "Steven" accidentally shot his younger brother. The incident was unintentional (the boys had been practising their marksmanship by shooting at the rear window of their house) and Steven was extremely remorseful about his brother's death. The judge

determined that the youth required the protection of the state until his 21st birthday. But, rather than spend the time in a training school, Steven was placed in a foster home in a nearby community to remain close to home and to take advantage of local counselling.

How could a property offender be placed literally thousands of miles away from home while a convicted killer was placed in a foster home close to his home community and directed to take counselling? Under the *Juvenile Delinquents Act*, judges were to respond primarily to the circumstances of the offender, and only to a lesser extent to the offence. Any apparent inequity between decisions was irrelevant. It may seem extraordinary, but the cases cited occurred as recently as 1978 and 1979.

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## Demands for change

In the early 1960s, demands for change to the *Juvenile Delinquents Act* began an odyssey that required almost 25 years to complete.

Numerous revisions, royal commissions and discussion papers later, the *Young Offenders Act* began to take shape. Two major irritants in the *Juvenile Delinquents Act* fuelled the development of the new Act:

- increasing doubt that needs-based intervention could adequately respond to “out-of-control” young offenders; and
- unlimited judicial discretion was seen as compromising the rights of young people. Family court judges had come to be viewed as “untrustworthy” without the benefits of a formal court process.

As a result, Canada followed the lead of the United States in largely abandoning the special status conferred on the youth justice system.<sup>4</sup> Conservative cries for tougher crime control measures were “married” with civil libertarian demands for increased sensitivity to the rights of young people to form the basic principles underlying the *Young Offenders Act*.

### The principles of the *Young Offenders Act*

Unique in Canadian legislation, the *Young Offenders Act* begins with a statement of purpose (or, more formally, a declaration of principle) that advocates the following concepts:<sup>5</sup>

- young persons should be held accountable and responsible for their behaviour, though not to the same degree as adults;
- young persons who commit offences require supervision, discipline and control... Yet, they also have special needs that require guidance and assistance; and
- young persons have rights and freedoms, including those stated in the *Charter of Rights*

and *Freedoms*, and young persons should have a special guarantee of their rights and freedoms.

These principles resulted in certain practical

guarantees. The concept of proportional sentencing now applies to young offenders. Sentences must also be of a fixed length, and be specified by the judge when the sentence is handed down. Sentences range from an absolute discharge to a maximum length of five years. Within this time frame, judges can order probation, or secure or open custody, for specified lengths of time.

Further, only youths aged 12–17 fall under the jurisdiction of the court. Young offenders are also guaranteed access to lawyers during court proceedings (and during instances of police contact), and judges cannot place youths under the care of child welfare authorities or treatment centres without the consent of the young person.

The following scenarios illustrate the resulting dramatic shift from the days of the *Juvenile Delinquents Act*. In one case, a 14-year-old girl was facing her third charge of theft under \$1,000. “Kim” was assessed as being chronically depressed and, at times, actively suicidal.

Her mother was a major drug dealer. However, Kim had to give permission to allow herself to be sentenced to participation in a treatment program. She refused. Kim was eventually sentenced to three months probation that restricted her access to the department store where she did her shoplifting.

In another case, a 14-year-old girl was convicted of a minor theft charge. The judge learned that the young woman had been involved in a high-risk lifestyle, including prostitution and drug dealing. The judge, therefore, placed her in open custody for six months — largely for her own protection. This

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decision was overturned on appeal because the sentence was viewed as too severe for the offence.

These cases illustrate the new trends charted by the *Young Offenders Act*:

- treatment orders depend on the consent of the young person in question;
- the circumstances of the offence take precedence over the nature and circumstances of the offender; and
- the appropriateness of sentences are judged against the severity of the offences.

## Responses

The *Young Offenders Act* declaration of principle can be viewed as reflecting three primary approaches to youth justice: justice (access to due process), crime control (through deterrence)<sup>6</sup> and rehabilitation. Considerable debate has occurred over the past decade as to the Act's impact on each of these three considerations.

For example, it is widely believed that young offender access to due process has now been ensured across all provincial jurisdictions.<sup>7</sup>

As for crime control, the use of custody has escalated dramatically under the *Young Offenders Act* to the point where Canada now has one of the leading rates (per capita) of young offender incarceration. However, although the use of custody has increased dramatically, the length of young offender custody sentences has actually decreased and continues to vary considerably across provincial jurisdictions.<sup>8</sup>

Finally, the rehabilitation of young offenders has suffered as the focus on offender special needs has become largely secondary to ensuring that the case law ultimately provides direction for future court rulings.<sup>9</sup>

What hasn't changed is that the *Young Offenders Act* still serves as a lightning rod for society's concern about young offenders, who are increasingly perceived as "out of control." The Canadian Centre for Justice Statistics, while reporting a 6% drop in overall youth (12–17) crime in 1994, also reported a 2% increase in violent youth crime since 1992, and a 6% increase since 1986.<sup>10</sup>

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## Looking to the future

Response to demands for change to the *Young Offenders Act* came in the spring of 1994. Proposed changes to the Act were aimed at stiffening penalties for violent young offenders,<sup>11</sup> as well as (perhaps ironically) redrafting the declaration of principle to enhance rehabilitation as a goal for youth justice and abandoning the offender consent requirement for a treatment participation sentence.

How significant are these suggested changes?

It is apparent that stiffer penalties, if not necessarily meeting the needs of the young offender, may meet the needs of a public constantly bombarded by media accounts of youth crime.

More generally, many in the youth justice community have urged that Canada's policy on youth justice reflect **current** knowledge in developing a direction for a more effective juvenile justice system.<sup>12</sup> Therefore, we depart from apologist warnings to expect only modest results from legislation.

To date, the *Young Offenders Act* has greatly enhanced young

offender access to lawyers in both youth court and custody. We anticipate that the forthcoming amendments, particularly those directed at rehabilitation, will also greatly enhance youth access to appropriate rehabilitative services within the youth justice system.

Youth justice's public and professional communities look forward to more than modest change in the *Young Offenders Act*. We expect **considerable** change that, while

meeting the rehabilitative needs of young offenders, will also be effective in promoting the safety of our communities. ■

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<sup>2</sup> N. Bala, "What's Wrong with YOA Bashing? What's Wrong with the YOA? — Recognizing the Limits of the Law," *Canadian Journal of Criminology*, 36, 3 (1994): 247–270.

<sup>3</sup> All names used in this article are fictional.

<sup>4</sup> See A. W. Leschied and P. Gendreau, "The Declining Role of Rehabilitation in Canadian Juvenile Justice: Implications of Underlying Theory in the YOA," *Canadian Journal of Criminology*, 28 (1986): 303–314.

<sup>5</sup> A. W. Leschied, "Evaluating Conflicts Between Intention and Outcome Within Changing Canadian Juvenile Justice Policy: Just Listen to What the Data Says!" *The State as Parent: International Perspectives on Interventions with Young Persons*, J. Hudson and B. Galaway, eds. (Dordrecht: Kluwer Academic Publishers, 1989).

<sup>6</sup> See S. A. Reid and M. Reitsma-Street, "Assumptions and Implications of New Canadian Legislation for Young Offenders," *Canadian Criminology Forum*, 7 (1984): 1–9. See also S. Reid-MacNevin, "A Theoretical Understanding of Current Canadian Juvenile Justice Policy," *The Young Offenders Act: A Revolution in Canadian Juvenile Justice*, A. W. Leschied, P. G. Jaffe and W. Willis, eds. (University of Toronto Press: Toronto/Buffalo/London, 1991).

<sup>7</sup> P. J. Carrington and S. Moyer, "The Effect of Defence Counsel on Plea and Outcome in Juvenile Court," *Canadian Journal of Criminology*, 32, 3 (1990): 621–638.

<sup>8</sup> A. W. Leschied and P. G. Jaffe, "Impact of the *Young Offenders Act* on Court Dispositions: A Comparative Analysis," *Canadian Journal of Criminology*, 29, 4 (1987): 421–430. See also Leschied and Gendreau, "The Declining Role of Rehabilitation in Canadian Juvenile Justice: Implications of Underlying Theory in the YOA." And see A. W. Leschied and P. Gendreau, "Doing Justice in Canada: YOA Policies That Can Promote Community Safety," *Canadian Journal of Criminology*, 36, 3 (1994): 291–304. And see

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<sup>9</sup> A. W. Leschied and C. H. Hyatt, "Perspective: Section 22(1), Consent to Treatment Order Under the *Young Offenders Act*," *Canadian Journal of Criminology*, 28, 3 (1986): 315–322. See also Leschied and Gendreau, "The Declining Role of Rehabilitation in Canadian Juvenile Justice: Implications of Underlying Theory in the YOA." And see Leschied and Gendreau, "Doing Justice in Canada: YOA Policies That Can Promote Community Safety." And see J. R. Archambault, "Foreword," *The Young Offenders Act: A Revolution in Canadian Juvenile Justice*, A. W. Leschied, P. G. Jaffe and W. Willis, eds.

<sup>10</sup> *Uniform Crime Reporting Survey* (Ottawa: Canadian Centre for Justice Statistics, 1994).

<sup>11</sup> A. Rock, *Proposals for Amendments to the Young Offenders Act*. (Ottawa: Ministry of Justice, 1994).

<sup>12</sup> A. W. Leschied, J. G. Jaffe, D. A. Andrews and P. Gendreau, "Treatment Issues and Young Offenders: An Empirically Derived Vision of Juvenile Justice Policy," *Juvenile Justice in Canada: A Theoretical and Analytical Perspective*, R. R. Corrado, N. Bala, R. Linden and M. LeBlanc, eds. (Toronto: Butterworths, 1992). See also Leschied and Gendreau, "Doing Justice in Canada: YOA Policies That Can Promote Community Safety."

## Coming up in *Forum on Corrections Research*...

The theme of the May issue of FORUM will be "The family side of corrections." The September issue will focus on "Offender treatability."

# Canada's youth justice system — Under review

by *Mary-Anne Kirvan*<sup>1</sup>

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Canada's youth justice system was radically reformed with the introduction of the Young Offenders Act in 1984. This law replaced the Juvenile Delinquents Act, which had remained virtually unchanged since its inception in 1908. The new youth law was heralded as a major social and legal reform, and was characterized by several fundamental principles:

- youths should take responsibility for their criminal acts, although not necessarily in the same way, or to the same extent, as adults;
- society should be protected from the crimes of young persons and should take steps to prevent youth crime. Yet, young persons have special needs and require supervision and control, as well as guidance and assistance; and
- young persons have the same rights as adults and require additional legal safeguards to protect these rights.

In the 10 years since the Act's introduction, however, there has been growing criticism of certain aspects of the law. Concerns have been expressed about whether the Act's minimum age (12) is too low, whether its upper limit (17) is too high, whether custody is imposed too frequently and in circumstances that do not warrant it, and whether the maximum youth court sentence of five years is inadequate for serious violent offences, particularly murder.

In response to this criticism, the Minister of Justice tabled Bill C-37, An Act to Amend the Young Offenders Act and the Criminal Code, in June 1994. This legislative initiative is one part of a full-scale review of Canada's youth justice system, coinciding with the 10th anniversary of the Young Offenders Act.

This article highlights the major proposals for reform contained in the June bill and assesses the general effects they would potentially have on the Act (if passed).

## Declaration of principle

The bill proposes two major changes to the declaration of principle in the *Young Offenders Act*. First, the declaration must recognize that crime prevention is essential to the long-term protection of society. Therefore, the underlying causes of youth crime must be studied and multidisciplinary approaches to identifying and responding to young persons at risk of criminal behaviour must be developed.

However, the declaration must also recognize the relationship between the protection of society and the rehabilitation of offenders. The proposed amendment clearly states that the protection of society, a primary objective of the criminal law, is best served by rehabilitation (whenever possible) of young offenders. Further, rehabilitation is best achieved by addressing the needs and circumstances relevant to youth criminality.

This change would primarily address the failure of the original declaration to focus on crime prevention. It would also remedy the declaration's relative silence on rehabilitation and the relationship between rehabilitation and protection of the public.

## Maximum penalties

The bill proposes an increase in the maximum youth court penalty for first-degree murder (to 10 years, with a maximum of six years to be served in custody) and for second-degree murder (seven years, with a maximum of four years in custody).

Such sentences represent a significant increase from the Act's maximum sentence of five years, of which a maximum of three years is usually spent in custody. Of course, young persons transferred to adult court are subject to adult sentences and murder carries a mandatory sentence of life imprisonment. Still, transferred youths are eligible to apply for parole earlier than adults convicted of murder.

## Transfer to adult court

As for transfers to adult court, the bill requires 16- and 17-year-old youths charged with offences of serious personal injury (murder, attempted murder, manslaughter, aggravated sexual assault and aggravated assault) to be tried in adult court unless the **youth** can show that the youth justice system is appropriate for his or her particular situation.

This would be a significant departure from treating all youths eligible to be transferred to adult court (those aged 14 to 17 inclusive at the time of their alleged offence) the same way. The **Crown** must currently demonstrate that the objectives of protection of the public and rehabilitation could not both be satisfied with the sentences available to youth court to successfully transfer a youth case to adult court.

### Victim impact statements

The bill also proposes a change that will ensure that victims can, if they wish, make a victim impact statement to the court before the sentencing of a young offender. This would allow victims to express their grief and state their expectations about the youth's sentence.

This change would, in part, meet the strong demand of victims to be part of the criminal justice process. Even without such changes, it is still possible to include transcripts of a victim interview in a presentence report, but these reports are not mandatory unless a custodial sentence or transfer to adult court is being considered.

### Information sharing

Changes are also proposed to improve the sharing of information within the youth justice system. This would allow information about young offenders to be shared among professionals such as police officers, school officials and welfare agencies.

Changes would also authorize the sharing of information with selected members of the public, through court applications, in situations where individuals may be at serious risk from a youth convicted of a serious personal injury offence.

These changes are important because, until now, the courts have been interpreting the Act as restricting the sharing of information to those working with young offenders, such as police officers and school officials.

### Community intervention

The bill also encourages community-based responses to youth crime, wherever and whenever appropriate, so that youths who commit minor offences can take active responsibility for their actions in a restorative way within the community.

Even without this change, the Act provides a broad range of community-based sentencing alternatives.

Still, custody is resorted to for slightly less than one third of convicted young offenders. The custody component of the youth justice system alone costs more than \$350 million per year.

### Records

Finally, the bill alters the records provisions of the *Young Offenders Act*. This will assist in offence investigating by allowing police to keep open the criminal records of young offenders convicted of serious offences for longer periods. However, the records of those involved in one-time, minor offending will be kept open for shorter periods of time.

### What next?

Parliament is to study the proposed amendments to the *Young Offenders Act* during the fall of 1994. After the bill is considered, a Parliamentary Committee and a youth justice task force (made up of senior officials from the federal, provincial and territorial governments) will undertake a broader review of the full youth justice system.

These reviews will examine other aspects of the Act and Canada's response to youth crime, including:

- developing Canada's youth crime prevention strategies;
- encouraging the most effective responses to youths who do commit crimes — especially repeat and violent offenders;
- involving parents more in keeping their children out of crime;
- restoring public confidence and involving more Canadians in the challenge of guiding adolescents to responsible adulthood;
- stemming the tide of young offender graduates into the adult justice system; and
- discussing a broad range of implementation issues, including the most effective and efficient use of limited resources.

In short, every effort will be made in the months ahead to learn about and implement innovations directed at the improved management of the youth justice system. ■

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# Young offenders: A correctional policy perspective

by Lynn Cuddington<sup>1</sup>

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**T**he Young Offenders Act is based on the premise that youths should be held responsible for their illegal actions, but that young people have special needs as they develop and mature. Therefore, the Act creates a youth justice system separate from the adult system.

*In response to recent intense criticism of the Act, the Minister of Justice has initiated a two-phase youth justice strategy. The first phase was a bill, tabled in June 1994, to amend the Young Offenders Act. The second phase involves both a Parliamentary Committee and a federal-provincial-territorial task force that will review broader youth crime issues.*

*This article looks at the potentially significant impacts of three key components of the proposed amendments to the Young Offenders Act: presumptive transfers of young offenders to adult court, an increase in the maximum youth court sentences for murder and increased access to young offender criminal records — from a correctional policy perspective.*

## Presumptive transfers to adult court

**A** young offender transfer to adult court means just that. The youth is no longer subject to the *Young Offenders Act* and is treated as an adult (although the youth is subject to the Act insofar as the parole eligibility period for a life sentence for murder is different and the judge can direct whether a youth's sentence will be served in a youth facility or in a federal or provincial adult facility).

The proposed amendments to the *Young Offenders Act* would radically alter this portion of the Act. No longer will there be an assumption that youths should remain within the youth justice system. There will instead be a presumption that serious personal injury offences (murder, attempted murder, manslaughter, aggravated sexual assault and aggravated assault) should be dealt with in adult court, unless the **offender** can demonstrate that the youth justice system provides an adequate response to the both the offender and his or her alleged offence.

This change could significantly alter the flow of young offenders into the adult correctional system. After the implementation of the *Young Offenders Act* in 1984, the number of 16- and 17-year-old offenders in adult penitentiaries declined dramatically as these offenders fell under the youth system (see the Boe article in this issue). Further, although there has not been sufficient time since 1992 amendments to the Act<sup>2</sup> to study the impact of longer youth court murder sentences and shorter periods of parole ineligibility for youths convicted in the adult system, the reduction in the gap between youth and adult sentences was expected to keep still more young offenders within the youth justice system.

Although it is difficult to determine with any certainty what the impact of presumptive transfers will be, it is inevitable that the proposed changes would result in more young offenders entering the adult system and serving their sentences in adult correctional facilities.

How would this unique offender population be handled?

The establishment of special young offender units or institutions would have a negative effect on the youths, as it would prevent their placement in institutions with the most appropriate security level, programs and access to the offender's home community.

Further, overcrowded institutions and continued budget reductions make special treatment of young offenders within adult facilities unlikely. At the same time, however, it must be ensured that existing assessment tools and programming options meet the needs of this new young offender population.

The legislation is also likely to be applied differently across the country, with provinces applying different standards of proof for demonstrating that a young offender should remain within the youth system. For example,

Quebec has publicly disagreed with the presumptive transfer policy and has stated that most youths in that province would remain within the young offender system.

In other jurisdictions, there is likely to be the opposite approach, with more young offenders routinely being transferred to the adult system. It will be particularly important to monitor the application of the transfer provisions to aboriginal, visible minority and female offenders.

### Longer youth court sentences for murder

Lengthening the maximum youth court sentences for murder to 10 years for first-degree murder and seven years for second-degree murder may also cause some problems. For example, a youth convicted of murder at age 17 could still be considered a young offender at age 27. Although the *Young Offenders Act* does allow for the transfer of young offenders to adult provincial correctional facilities at age 18, long sentences would then be served in provincial prisons that are geared to managing sentences of two years or less.

This, therefore, might lead to further amendments to the Act to allow for the transfer of these young offenders to federal correctional facilities. Considering ongoing provincial deficit-reduction initiatives and the capping of federal payments to the provinces, there is likely to be considerable support for such a move. This would, obviously, create significant resource and management implications for federal corrections.

Transferring offenders between youth and adult facilities, and between provincial and federal facilities could significantly hurt program continuity. It could also lead to difficulties in motivating young offenders to participate in programming. Alternatively, young offenders may seek transfers to adult

facilities at the earliest possible time if they feel that their access to particular programs will be enhanced.

In addition, youth court sentences are managed differently from adult sentences. There is no parole in the youth justice system. The youth court simply reviews an offender's case on a regular basis and, if released, the offender is placed on probation for the balance of his or her sentence.

In contrast, an adult offender would be eligible for conditional release programs of various types. This disparity between the two systems may well mean that some young offenders will choose to remain in the adult system, perceiving it to be less punitive.

However, from the perspective of correctional policy, parole is preferential to probation. Parole supervision is generally more intensive, in large part owing to lower parole case loads. Intervention is also possible if the offender's risk level increases — there is always the threat of being returned to custody. An offender on probation can be returned to custody only if charged with breach of probation under the *Criminal Code* and long delays also tend to occur before these cases reach court.

This segment of the proposed amendments also increases the period of parole ineligibility for young offenders who receive a life sentence in adult court. This too will affect already-crowded adult correctional facilities. The move

from judicially set (between five and 10 years) periods of parole ineligibility to a mandatory seven-year period for second-degree murder and a 10-year period for first-degree murder will generally mean longer sentences.

**For example, a youth convicted of murder at age 17 could still be considered a young offender at age 27. Although the *Young Offenders Act* does allow for the transfer of young offenders to adult provincial correctional facilities at age 18, long sentences would then be served in provincial prisons that are geared to managing sentences of two years or less.**

### Increased access to young offender records

The amendments also propose to increase the length of time that young offender records

would be available to authorities. If a young offender is convicted of a subsequent offence, access to his or her record would be extended. The offender's record would, therefore, be "erased" after the specified time period only if the offender has not been subsequently reconvicted as either a youth or an adult.

The intention is to ensure that chronic offenders do not "lose" their criminal record at age 18. Young offenders who do not commit additional crimes will, however, still have their records closed.

This access will facilitate police investigation of crimes and correctional staff understanding of an offender's risk and needs. Increased access to young offender records will also ensure that repeat and violent offenders are identified and not treated as first-time offenders within the adult system, significantly enhancing protection of the public.

### **Moving forward...**

The current public environment is such that toughening of the *Young Offenders Act* is almost

inevitable as the public seeks a visible response to crime and violence in society. Nevertheless, a balance is necessary between treating a large number of young offenders as adults and seeking solutions to youth crime in the broader social context.

Public policy makers must be sensitive to the consequences of blurring the lines between a youth system that is capable of responding to all youth crime and a system that systematically treats certain youths as adults. ■

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<sup>2</sup> Before the 1992 amendments, the longest youth court sentence for first-degree murder was three years, while adults received a mandatory life sentence (with no eligibility for parole for 25 years) for the same offence.

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# Bill C-37 to amend the *Young Offenders Act*: Implications for the Correctional Service of Canada

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**A** rash of recent violent incidents involving youthful offenders has resulted in a public outcry for greater severity in the youth justice system. In response, the Minister of Justice and Attorney General of Canada tabled Bill C-37 in June 1994, proposing amendments to the Young Offenders Act aimed at dealing more severely with young persons who commit serious crimes.

*This article briefly compares the current youth and adult justice systems to provide a clear understanding of the potential implications of these amendments for the Correctional Service of Canada.*

## Comparing the systems

**T**he philosophy underlying the youth justice system is that a young person can be rehabilitated. Judges choose from a variety of sentences aimed principally at the reintegration of the young offender into the community. Instead of simply punishing offending behaviour, the system tries to understand its cause and change the circumstances that resulted in the offender's delinquency.

However, it is difficult (if not impossible) for young persons to modify their behaviour and accept new values in an environment unfavourable to such change, such as custody in a closed environment or, even worse, imprisonment in a penitentiary. Of course, there are cases where incarceration is the only solution, but this sanction is a last resort.

Under the current legislation, any person younger than 18 charged with a criminal offence must be proceeded against in a youth court. The Act allows for transfer of a case to adult court, but this is an exceptional procedure that occurs very rarely — the

process places a fairly heavy burden of proof on the Crown to justify the transfer.

However, if the transfer is made, the whole context changes for the young offender. There is a fundamental difference between adult court's jurisdiction, severity and limited range of sentences, and youth court's protective and instructive approach that focuses on re-educating offenders in an open environment.

A young person convicted in adult court can be given the same sentence as an adult. For example, if found guilty of first-degree murder by an adult court, a youth would receive a life sentence (although their parole ineligibility period would be shorter than that of an adult). However, if the youth is convicted of murder by a youth court, the maximum sentence is currently five years less a day. The less "severe" youth justice system means that young offenders rarely serve penitentiary sentences.

## A brief overview of the bill

Most of the amendments proposed in Bill C-37 will not affect the Correctional Service of Canada, since they relate to trials. The bill also encourages alternatives to incarceration (particularly restitution and community service) for young offenders who commit less serious offences, reserving custody in a closed environment (under provincial or territorial jurisdiction) for those who commit more serious offences or require closer supervision or special care. The bill does, however, propose that the maximum

**There is a fundamental difference between adult court's jurisdiction, severity and limited range of sentences, and youth court's protective and instructive approach that focuses on re-educating offenders in an open environment.**



youth court sentence for first-degree murder become 10 years.

One of the most significant amendments from the Correctional Service of Canada perspective deals with the parole eligibility of young persons convicted of murder in **adult** court.

The current judicially set (between five and 10 years) prohibitions on parole eligibility will become mandatory seven- and 10-year prohibitions (for second- and first-degree murder, respectively). Of course, the National Parole Board can deny parole if it is deemed to be inappropriate.

The amendment that proposes to increase the time period that must elapse before young offender criminal records are destroyed is a positive change. Currently, young offender records (kept by the Royal Canadian Mounted Police) must be destroyed after a set period of time, depending on the seriousness of the offence and the sentence to be served. As a result, it is often difficult for the Service to accurately assess adult offenders' criminal backgrounds because their youth criminal histories have been destroyed.

It is proposed that these records now be kept open for three to 10 years, and that the records be destroyed only if the young person is not convicted of further offences during this period. This would mean the Service would be more likely to receive a more complete picture of an offender's criminal history when they arrive in the federal correctional system.

The most fundamental amendment for the Service, however, is the creation of a **presumption** that certain young offender cases will be transferred to adult court. Currently, the chances of a transfer to adult court are very slim. The bill alters this by proposing that 16- and 17-year-old offenders are to be proceeded against in adult court if they are charged with certain offences — murder, attempted murder, manslaughter, aggravated sexual assault and aggravated assault. These cases can still be heard in youth court, but the heavy burden of proving the appropriateness of doing so will now be placed on the young offender.

### Implications for the Correctional Service of Canada

The first question that comes to mind is whether this legislation will substantially increase the

number of young persons serving sentences in federal penitentiaries.<sup>2</sup> However, conclusions cannot be hastily drawn. It is impossible to predict the effect that the changes would have on the custody of young offenders — a number of factors may come into play.

First, regardless of the offence (even first-degree murder), the jurisdiction of adult court is not absolute — these cases can still be heard in youth court. Also, there is no way of knowing whether serious youth crimes will increase or decrease. One must consider the range of current projects aimed at preventing crime.<sup>3</sup>

It is also difficult to predict judicial attitudes. There are no minimum offence sentences (except for murder), leaving the judge with a great deal of discretion in setting a sentence. Judges also have other sentencing options. For example, they might conclude that federal penitentiary placement is inappropriate and that the provincial correctional system is better prepared to meet the special needs of young persons.

Finally, the age of the young persons in question (16 and 17) and the length of the criminal court process will, in many cases, combine to result in the young person reaching the age of 18 before the end of their trial.

However, other attitudes are possible and, for this reason, the result could be very different. For example, if the burden of proof to be discharged by the young person to remain in youth court is as heavy as the burden of proof now placed on the Crown to achieve a transfer, an increasing number of young persons will find themselves in adult court. Judges may also simply adopt a stricter attitude toward sentencing.

Therefore, although it is too soon to draw conclusions, the presence of young persons in federal penitentiaries remains a definite possibility.

The Correctional Service of Canada currently administers only adult offenders, so it has no specialized youth programs or institutions in place. In addition, even if the number of federally managed young offenders increases, there would still be far fewer young offenders than adult inmates. Will it be necessary to create programs and separate facilities for a few inmates scattered across the country? One

must also consider the special needs of young aboriginal and female offenders.

Further, young persons need control and protection. Will they have to be kept separate from the general population and, perhaps be deprived of certain benefits (such as a certain degree of freedom of movement) enjoyed by adult inmates?

Finally, qualified staff will have to be hired or trained to work with young offenders. The Service will have to account for all of these factors (and more) to implement a system to meet the needs of the young persons entrusted to it.

There are numerous international standards for the administration of youth justice. The most important of these standards are the requirements that young persons be kept separate from adults and that an appropriate system be established for persons their age. However, Canada's obligations under these standards vary, and it is possible to establish exceptions — for example, when the standards relate to practices already in place.

It was from this perspective that the Government of Canada asked that it be allowed, under the *Convention on the Rights of the Child*, to reserve the right not to separate children from adults in detention.<sup>4</sup> Does this mean, therefore, that the Service's obligations to young offenders might be reduced?

No. It would be necessary to take action eventually. The *Corrections and Conditional Release Act* and the regulations under it set out the Service's obligations and duties toward inmates. There is no need to go into them here, but these duties and obligations apply as much to young persons as to adults.

Even if the Service decided not to establish special youth programs, it would be restrained by its fundamental obligation to respond to individual inmate needs. Needs different from those of adults would, at some point, have to be met. One example would be the need to respect inmate rights to protection and security of the person — rights specifically protected under the *Charter of Rights and Freedoms*.

### Some possibilities for action

Implementing institutional programs and controls directed at the detention of young persons is not the only possible response. Section 733 of the *Criminal Code* allows the

transfer of a young person from federal to provincial jurisdiction, as long as the transfer is approved by the province. If the Service intends to use this approach, it will have to convince provincial authorities on a case-by-case basis.

Section 16.2 of the *Young Offenders Act* allows the Correctional Service of Canada, during an adult court young offender sentencing, to make representations suggesting the detention of the young offender in either a provincial facility or a federal institution. It will be up to the Service to decide what policy to follow in this area.

As well, when a young person's circumstances change significantly while serving a sentence, the court may order a placement review and, if the offender is under federal jurisdiction, the Service may argue for a transfer to the appropriate provincial jurisdiction.

One might also ask whether it would be possible to amend federal-provincial agreements on the exchange of services to include the possibility of transferring young offenders to provincial or territorial correctional systems. If the Service opted for this solution, it would first have to determine whether young offender administrative transfers are legally possible, as there are already express legal terms and conditions for judicial transfers.

This article is only a brief overview of the implications of the proposed amendments to the *Young Offenders Act* for the Correctional Service of Canada and of the possible response plans. Service authorities will have to consider these matters in greater depth to make the decisions that may soon be necessary. ■

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<sup>2</sup> Just one offender is currently serving a sentence in a penitentiary.

<sup>3</sup> Such as the establishment of the National Crime Prevention Council (created July 5, 1994).

<sup>4</sup> See the reservation set out in paragraph 37(c) of the *Convention on the Rights of the Child*, adopted by the United Nations General Assembly on November 20, 1989.

