The Use of Custody under the *Youth Criminal Justice Act*

A paper prepared for
Youth Justice Policy, Department of Justice, Canada
1 October 2005

by

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The analysis in this document is based, in part, on data from the Canadian Centre for Justice Statistics. The opinions expressed are those of the authors and do not necessarily represent the views of Statistics Canada or the data providers.

"…Canadian society should have a youth criminal justice system that… reserves its most serious intervention for the most serious crimes and that reduces the over-reliance on incarceration for non-violent young persons"
– Preamble to the Youth Criminal Justice Act

Parliament, in passing the *Youth Criminal Justice Act* (YCJA), was attempting to change the manner in which youths in Canada who commit offences are treated by the youth justice system. A large number of concerns had been raised about the manner in which the *Young Offenders Act* (YOA) had been implemented. Among these concerns was the fact large numbers of minor cases were being brought to youth court and a large number of these cases were ending up with custodial sentences. Indeed, it was well established that a small number of minor offences accounted for a large proportion of cases in youth court and an equally large portion of custodial sentences (Sprott 2001; Doob and Sprott, 2003; Doob and Cesaroni, 2004).

This paper focuses on the use of custody and attempts to answer one fundamental question: Was there a reduction in the use of custodial sentences in the first year of the implementation of the *Youth Criminal Justice Act* which can reasonably be attributed to the change in legislation itself?

Although the focus is on the use of custody, we do not think that it is appropriate to focus solely on sentencing in youth court. The reasons are simple. What happens at sentencing is a function of the kinds of cases that are going into court. In understanding the impact of the *Youth Criminal Justice Act*, a focus on sentencing alone could easily lead to quite incorrect inferences. Let us imagine, for example, that prior to the implementation of the YCJA, a court had a caseload of 600 cases being found guilty – 100 "serious", 200 "average" and 300 "minor" cases. If the proportion of each type of cases that received a custodial sentence was 60% for the serious cases, 30% for the average cases, and 10% for the minor cases, then the overall "sentenced to custody" rate for that court would be 25% (60% of 100 + 30% of 200 + 10% of 300 = 150 of 600 cases or 25% of guilty cases going to custody).

Now let us further imagine that the impact of the YCJA on pre-court diversion of cases was that 80% of the minor cases were screened out, leaving only 60 minor cases and a total of 360 cases going into court, being found guilty, and being sentenced. Under this scenario, if there were no change whatsoever in sentencing practice, the "sentenced to custody rate" would be as follows: (60% of 100 serious cases) + (30% of 200 average cases) + (10% of 60 minor cases) or 126 cases out of 360 receiving a custodial sentence for a "sentenced to custody rate" of 35%.

A naïve quantitatively-challenged observer looking at the "proportion of those found guilty who were sentenced to custody" might argue that "sentencing had become harsher" under the YCJA since the "sentenced to custody rate" had increased from 25% to 35%. In reality, however, it had not changed: the apparent increase in the "sentenced to custody rate" could be entirely attributed to the changed mix of cases in youth court.

Unravelling the causes of changes in the custodial population, then, is not a completely straightforward task when a law, like the YCJA, is designed to change a number of different aspects of the operation of the system. We will begin our analysis demonstrating that there has been a large reduction in the use of custody for young people. In understanding the causes of this drop, however, we will start with an examination of the cases going to court and will, then, work through to the sentencing stage.

Methodology. As part of the on-going monitoring function of Youth Justice Policy, Department of Justice, Canada, a data set was created by and purchased from the Canadian Centre for Justice Statistics consisting of a description of various aspects of all cases going to youth court from 1991/2 through the fiscal year 2003/4 (the first YCJA year).[1]

A "case" is defined in the same manner that CCJS *currently*[2] defines a case: a set of one or more charges against a single individual disposed of on the same day.[3] The case is defined by the name of the charge that exists at the end of the court process. In a single charge case, this is simple. If a youth is charged with an assault causing bodily harm and found guilty of assault, the case would be described as an assault. In the case of multiple charge cases, the case is described by the charge that went "furthest" in the system (e.g., when the youth is found guilty of one charge and not guilty of another, it is the charge on which the youth was found guilty that defines the charge). When two or more charges result in the same decision (e.g., a guilty finding) the "most serious charge" is used to describe the case. This "most serious charge" is decided, largely, on the basis of a standardized list of offences based largely on the average prison sentence lengths (for a sample of adult offenders). This list also places violent offences higher on the list than all non-violent offences.[4]

Defining "custody" is relatively straightforward. During the YOA years, custody was defined as a sentence involving one or more terms of open custody or secure custody associated with any charge in the case. In 2003/4, the YCJA did not *require* open or secure custody decisions to be made by the sentencing judge. Nevertheless, all jurisdictions apparently left the "level of custody" decision to the

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[1] The set of data does not include an estimated 15% of Ontario cases during 1991/2 and 5% B.C. cases in 1995/6 and an unknown number of cases in Nunavut in 1999/2000.

[2] Until about 3 years ago, a different definition of "case" was used by CCJS in its own data releases and in its publications. Hence differences between our findings and those from earlier Juristats may relate to the new definition of what constitutes a "case." In a similar vein, research carried out in the past (e.g., many of the findings reported by us and by the Department of Justice) used this earlier definition of "case."

[3] Though it is almost certainly not important for the purposes of this paper, it should be realized that this definition of a "case" can, in some instances, be a bit different from the definition of a "case" as it would be perceived in a court. Most important, multiple accused tried together would, by this definition constitute different "cases." Less important, probably, is the fact that a charge that is dropped on any day prior to the completion of the processing of other charges will be considered a separate "case."

[4] Details of the manner in which cases are named can be found in recent Youth Court *Juristats*. Any system of deciding the relative severity of charges can be questioned, and different systems could well result in slightly different descriptions of cases. What is most important in this context, however, is that the same rules were used for all data in the data set that was used for this paper. Furthermore, in principle, this is a plausible way of creating and describing a "case."

sentencing judge rather than having this decision be made by the provincial director. During the YCJA years, therefore, "custody" means simply that a custodial sentence was imposed on one or more charges in the case. However, there are three other concerns that need to be understood in making comparisons with these data between the YCJA year (2003/4) and all other years.

- Under the YOA, a youth transferred to adult court had as a final *decision* the notation "transferred to adult court." What happened to the youth in adult court was not recorded (since it was not a youth court outcome). Under the YCJA, youths are not transferred (except in those cases in which proceedings had begun before 1 April 2003). Hence the rough equivalent procedure under the YCJA – the imposition of an adult sentence – could, perhaps, be recorded as a "custody" sentence under the YCJA or it could be recorded as an "other" disposition. It is not clear what happened. We think that the minor distortion that comes from this change is not going to distort the findings since typically only about 40-80 cases would, in a given year, be transferred under the YOA. Custodial sentences handed down in "transferred" cases under the YOA would not be captured in this data set *just as* adult sentences might not, as well. Initial findings from a monitoring study being carried out by the Department of Justice - Youth Justice Policy in 5 cities across Canada suggest that there were likely to be only about 2 or 3 adult custodial sentences handed down in 1712 (urban) cases. The distortion created by this ambiguity, therefore, is not likely to be large.[5] In terms of the actual *number* going to custody, it should also be recalled that "transfers to adult court" under the YOA are recorded as a decision of the court and custodial sentences handed down by the (adult) court are not captured or included in this data set.
- Under the YCJA, a new custodial-type sanction was created to deal with very serious cases involving a mental health issue – the Intensive Rehabilitative Custody and Supervision order (IRCS). Unfortunately, during the 13 months between when the YCJA received Royal Assent and when it came into force, all jurisdictions were not able to modify their system of capturing data so as to record the "new" sanctions available under the YJCA. However, the funding arrangements for the IRCS mean that the federal government hears about all IRCS orders. During 2003/4 there were two IRCS orders across Canada.[6] Hence the custodial counts in these data are underestimated by this number. We have, hereafter, in this report, ignored the IRCS sentences.
- Finally, there is a new sentencing option – the deferred custody and supervision order (DCSO) – that needs to be considered. Under the provisions of the YCJA, a DCSO is a custodial sentence that is to be served in the community under certain conditions that, if violated, can result in the youth being committed to a custodial facility and in the sentence being converted to a custody and supervision order. The youth can be apprehended and placed in a custody facility if the youth is believed to "have breached or to be about to breach" any of the conditions. The Act's provisions for dealing with a breach or imminent breach of a DCSO are the same as those governing the breach of a condition of a custody and conditional supervision order. The legal requirements that must be met before a DCSO can be imposed are the same as for any other custody order. A court may not impose a DCSO or any other custody order unless the order is

[5] If that rate, 2-3 adult custodial sentences for 1712 cases is applied to the 70,465 2003/4 YCJA cases, it would mean that there would be 82-123 adult sentences being handed down across the country. This constitutes between 0.84%-1.26% of all custodial sentences during 2003/4.

[6] It was always contemplated that IRCS orders would be rare. For the 27 month period ending on 30 June 2005, there were a total of 12 IRCS orders.

consistent with the purpose and principles of sentencing under s. 38 and the specific restrictions on custody (e.g., found guilty of a violent offence) set out in s. 39. In addition, s. 39 provides that the court must consider all alternatives to custody. The court may impose a DCSO only if the court determines that there is not an alternative to custody that is in accordance with the purpose and principles of sentencing.

However, the practical reality is that for many, if not most, youths their experience under a DCSO will be more like a non-custodial sentence than a custodial sentence. A youth who does not violate the conditions does not go to custody. Like the IRCS, this new sentencing option is not captured by the Youth Court Survey. It would have been helpful to know how many youths were given this option and to know how many youths violated a condition of the deferred custody order and were sent to custody solely as a result of that violation. However, in our view, since a youth does not go directly to custody as a result of a deferred custody order and in many cases never will, it should not be lumped into custody orders when estimating the size of the group of youths sent to custody.[7]

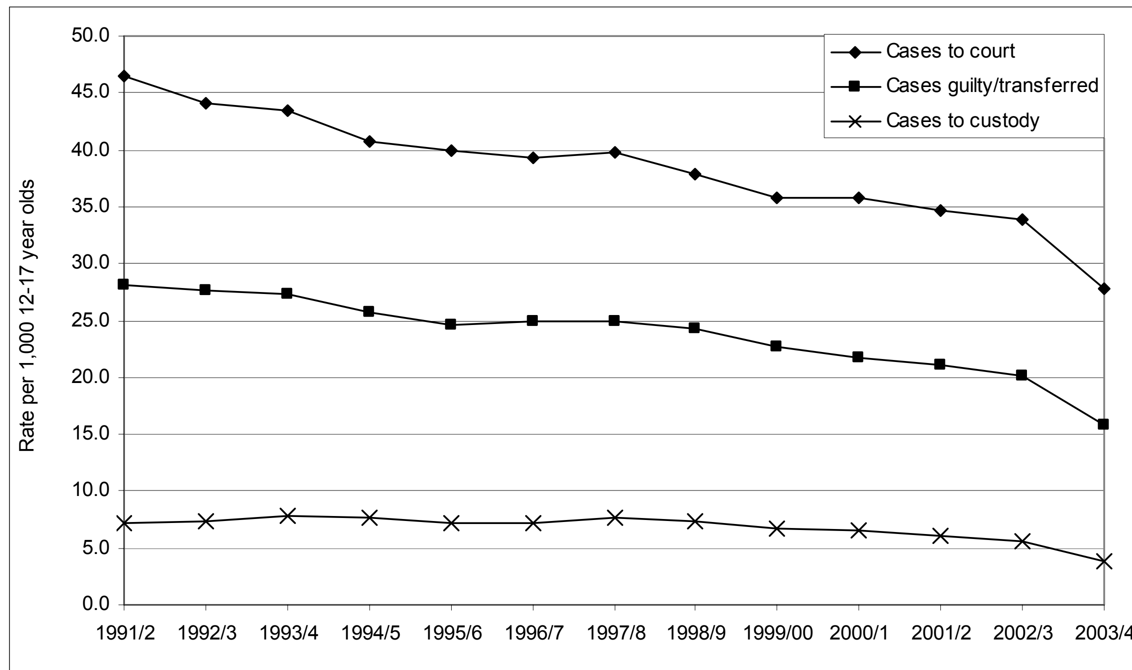
The use of youth court and an introduction to the use of custody. As has already been noted, fewer cases were brought to youth court in 2003/4 than in recent years (Thomas, 2005). However, it has been suggested that a more sensitive measure of the use of youth court (across jurisdictions and/or across time) might be the number of cases found guilty (Thomas, 2005: p. 12). The reason for this relates to different practices with respect to pre- and post-charge alternative measures (under the YOA) or extra-judicial sanctions (under the YCJA). We have, therefore, expressed both the rate of taking youth to court and the rate of findings of guilt[8] per 1,000 youths (age 12-17) in Canada (Figure 1). Figure 1 also shows the rate (per 1,000 youths) of sending youths to custody in Canada.

As can be seen throughout this period, the rate of cases going to court and the rate of cases with at least one finding of guilt decreased rather steadily until 2002/3 and then dropped more dramatically in that one year than in any other one year period (Figure 1). During the first year of the YCJA the rate of bringing cases into court dropped by close to 6 per 1,000 (from 33.80 in 2002/3 down to 27.83 in 2003/4 or a one year decrease of 17.7%) while the rate of cases with guilty findings dropped by about 4 (from 20.16 down to 16.87 or 16.3%). There was also a drop in the rate of sending youths to custody in 2003/4. In 2002/3 the rate of sentencing youths to custody was 5.64 whereas in 2003/4 the rate decreased to 3.78 (a drop of 33%).

Figure 1: Use of Youth Court and Custody, Canada, 1991/2 through 2003/4

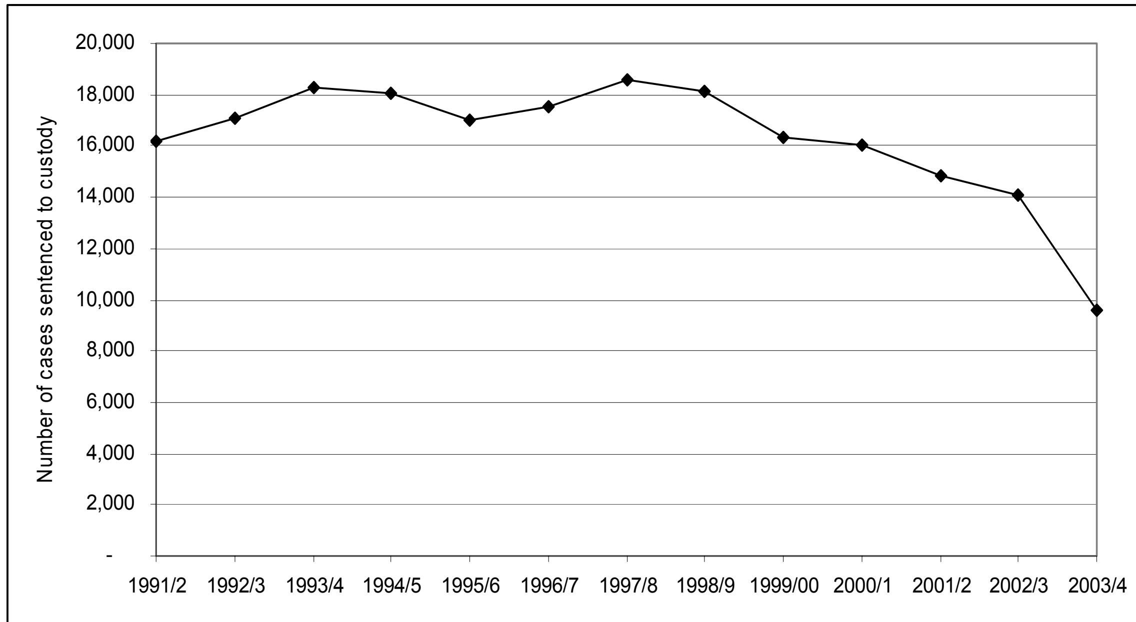
[7] Although there are some important differences in the manner in which the YCJA deals with violations of probation orders and violations of DCSOs, it is the youth's *subsequent* behaviour that results in a court decision of custody.

[8] Since cases "transferred to youth court" under the YOA were clearly "findings" involving a case that was not screened out, we have included this very small number of cases in with the "guilty" findings. Their impact is imperceptible in these graphs.



We now will turn briefly, but in more detail, to the use of custodial sentences. Another very basic way of looking at court activity or the use of custody – and the most direct from the perspective of those providing or paying for custodial space – is to present the raw numbers. The number of cases throughout this period in which custody was imposed on one or more charges in the case is shown in Figure 2. As can be seen in Figure 2, the number of custody cases was dropping from 1997/8 onward. The drop that occurred in the first year of the YCJA, however, (from 14,118 cases in 2002/3 to 9,570 cases in 2003/4 or a one year drop of 32.2%) is a largest annual change during the period beginning in 1991/2.

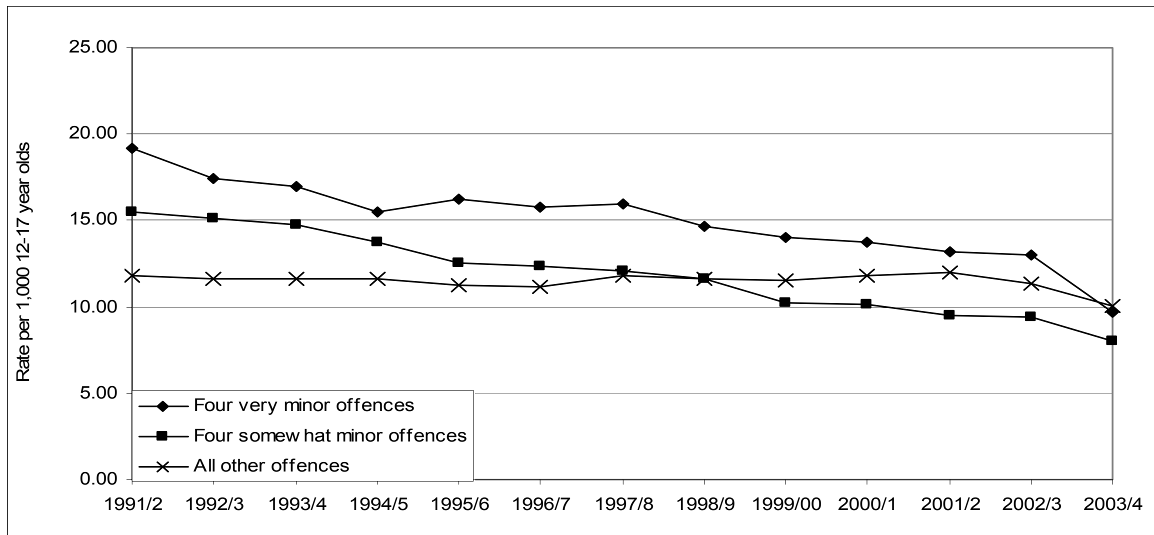
Figure 2: Number of cases in which custody was imposed (Canada)



To understand this rather dramatic decrease in the use of custody, we believe it is important to examine more carefully the cases that were brought into the court during this period. As we will see, the decrease in cases coming to court explains, in part, the reduction in the use of custody.

Figure 3 shows the rate (per 1,000 youths) of cases going to court. We divided cases into three groups, using the categorization of "very minor", "somewhat minor" and "all other" cases that we have used previously (Doob and Sprott, 2003; Doob and Cesaroni, 2004). "Very minor" cases involve theft under $5,000, possession of stolen property, failure to comply/appear and YOA/YCJA offences (largely failing to comply with a disposition). "Somewhat minor" cases involve other thefts, mischief/damage, break and enter and minor assault. As can be seen in Figure 3, for the two groups of relatively minor offences, the rates of court referrals have been decreasing during the period for which we have data. For the rest of the cases – a group that includes the more serious cases – the rate of going to court was fairly steady. With the implementation of the YCJA, however, there was a decrease in all three categories of offences, the most dramatic decrease being for the most minor cases.

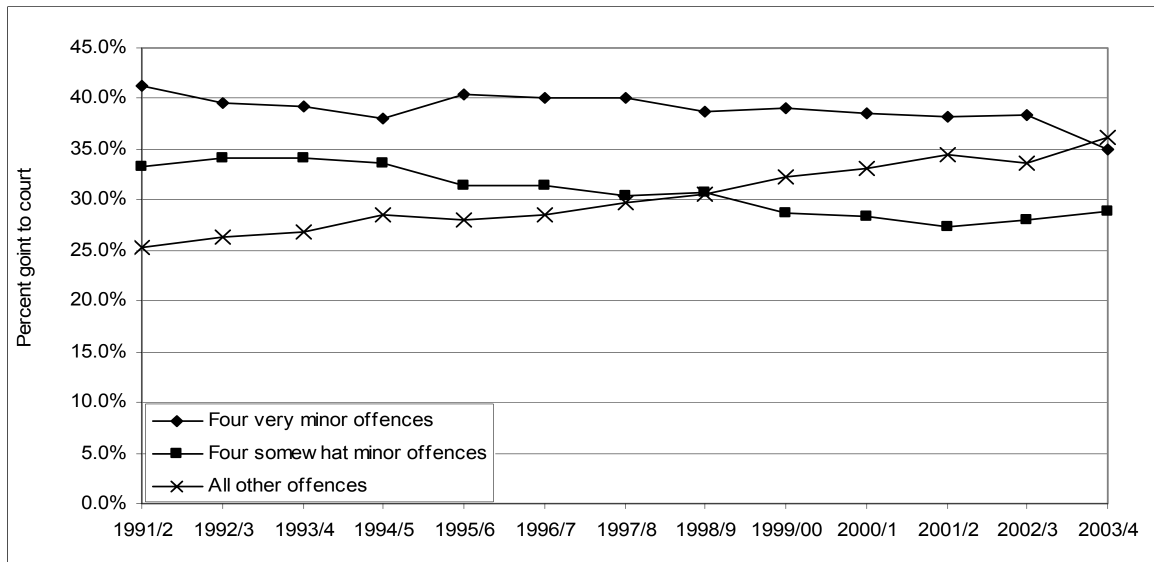
Figure 3: Rate of bringing cases to court (per 1,000 youths in the community) for cases of varying seriousness



Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

Changes in the rate of bringing certain types of cases into court can, obviously, affect the relative mix of cases seen in youth court. Figure 4 shows the proportion of the youth court caseload in each year that our three offence groupings accounted for over time. For each year on this graph, the three data points add to 100%. Thus this graph describes the change in the relative mix of cases over time.

Figure 4: Change, over time, in the relative mix of cases coming into court



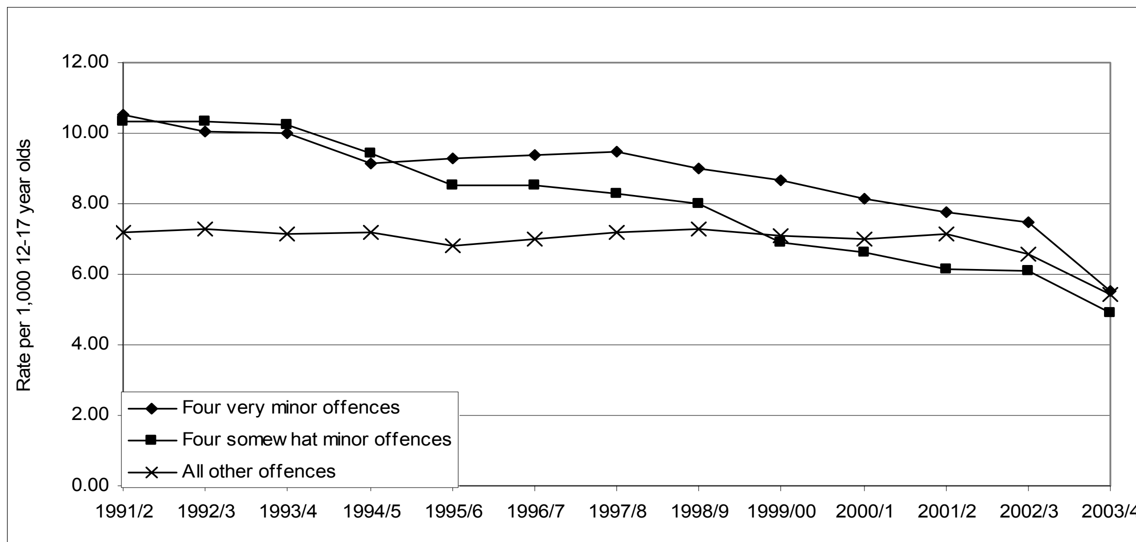
Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

Figure 4 shows that there was an abrupt, but not very large change in the mix of cases going into court in 2003/4 in comparison to the previous trends. The proportion of the least serious cases dropped roughly 3% (from 38.4% of all cases to 35.0%), the biggest one year drop in the proportion (and number) of this type of case during the period covered by these data. In absolute numbers, there were 32,496 minor cases in 2002/3 entering youth court. The next year there were only 24,639.

The grouping of offences that includes (but is not limited to) the most serious cases ("all other offences") constituted a higher portion of the youth court caseload than it had ever been (36.1%) though, as we know from Figure 3, there was, in fact, a reduction in the absolute *number* of this group of cases between 2002/3 and 2003/4. As we know from Figure 1, fewer cases – of all levels of seriousness – came into court in 2003/4 compared to previous years. However, the least serious cases ("very minor offences") show the largest decrease. The net result is that the "very minor offences" account for a smaller proportion of the youth court caseload in 2003/4 than they had in any previous year. Thus all other cases account for a larger proportion.

Looking Figure 5 – trends in the rate (per 1,000 12-17 year olds) of guilty cases in our three offence groupings over time – one sees similar patterns as those presented in Figure 3. The "very minor" and "somewhat minor" cases have generally been decreasing while all other cases have remained relatively stable. However, all three categories of offences saw relatively large reductions in the first year of the YCJA.

Figure 5: Rate of guilty findings (per 1,000 youths in the community) for offences of three levels of severity.

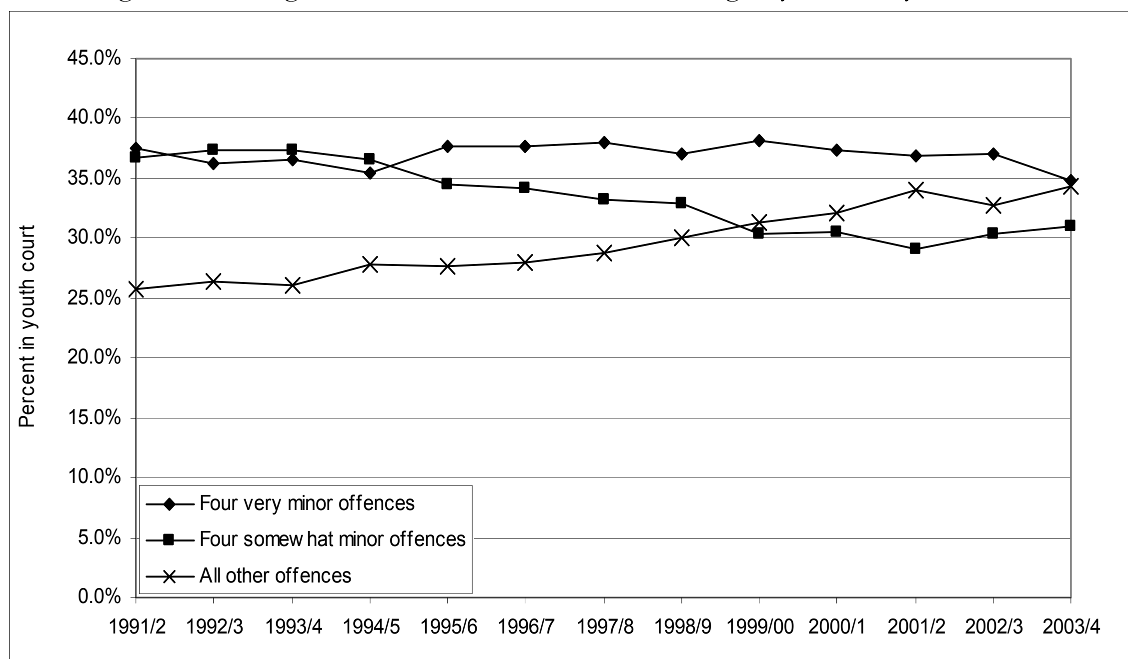


Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

Looking at Figure 6 – the proportion of the youth court caseload (found guilty) that our three offence groupings accounted for over time – shows similar trends as those seen in Figure 4. "Very minor" cases that have been found guilty have accounted for roughly 37% of the youth court caseload throughout the 1990s. During this same period, the "somewhat minor" cases have been accounting for a smaller proportion of the caseload and "all other offences" have been accounting

for a larger proportion. However, during the first year of the YCJA, there appears to be a more pronounced drop in the proportion of very minor cases (roughly 3%) and thus a slight increase in the proportion of the youth court caseload account for by the other two offence groupings.

Figure 6: Change, over time, in the relative mix of guilty cases in youth court



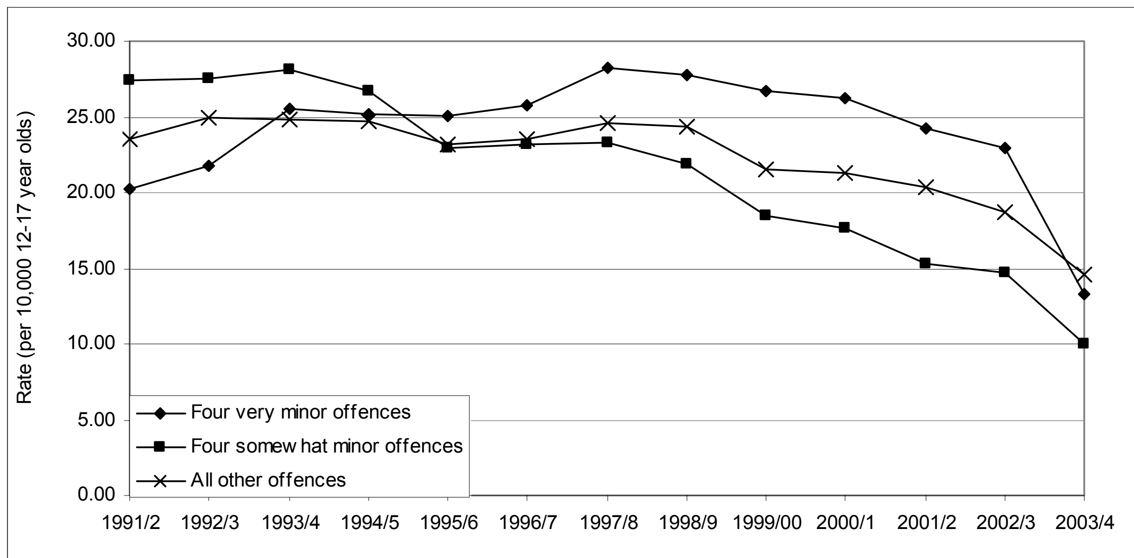
Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

Overall then, in the first year of the YCJA, there was an unusually large reduction in the total number of cases going to court and in the number of cases in which one or more guilty findings were registered. This drop was larger than in previous years, suggesting that the YCJA had reduced substantially the overall use of youth court. The result of the decreases – found most dramatically among the most minor offences – generally resulted in those types of offences accounting for smaller proportions of the youth court caseload (coming into court or found guilty). Hence the group of cases that includes the most serious offences constitutes a larger proportion of the youth court case load (coming into court, or being found guilty).

Part of the drop in the use of custody that we have shown in Figure 1, and more dramatically in Figure 2, then, is a result of the fact that there are fewer cases coming into court and found guilty and, in particular, a relatively large decrease in the number of very minor cases coming into court and being found guilty.

The question we turn to now is the fundamental one: How is custody being used in youth court? Because there was a drop in 2003/4 in the rate (for all three levels of seriousness) of cases being brought to court and found guilty, it is not surprising to see that the rate (per 10,000 youths in the community) being sentenced to custody is also decreasing for all three groups of cases (Figure 7). Once again, perhaps because there are relatively fewer such cases being brought to court, the reduction in the use of custody for the most minor offences appears to be largest.

Figure 7: Rate (per 10,000 youths in Canada) of custody sentences



Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

Since the largest reduction in the first YCJA year is found in the rate of sending the most minor cases to court, they account for a smaller proportion of the cases sentenced to custody (Figure 8). Similar to the patterns presented in Figures 4 (going into court) and 6 (guilty cases), when looking at the first year of the YCJA one sees that the most minor cases are now accounting for a smaller proportion of the custodial sentences and, thus, the most serious offences account for a larger proportion (Figure 8).

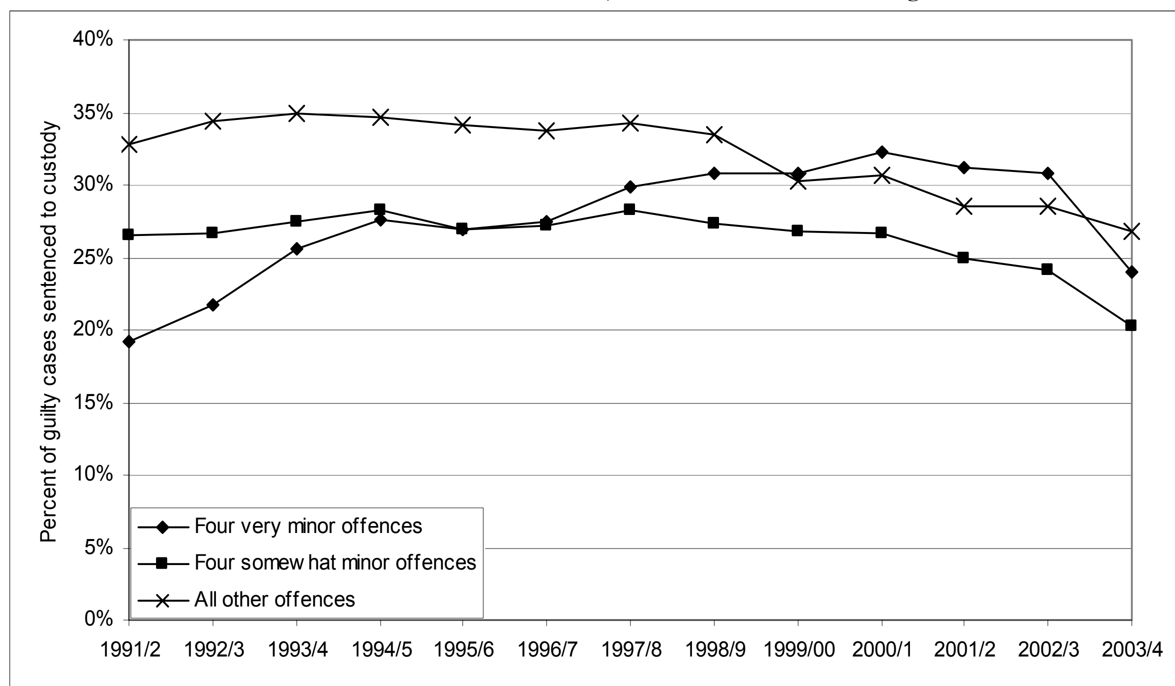
Figure 8: Change, over time, in the relative mix of cases sentenced to custody (1991/2 to 2003/4)

Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

<u>Sentencing</u>. We have demonstrated quite clearly that the number and the mix of cases going into custody in Canada changed quite dramatically in 2003/4. Fewer cases – very minor, relatively minor, and all others – went into court and into custody. And, generally, of the cases that resulted in a custodial sentence, a higher proportion of them were the more serious cases than in the past. Some of this change is, however, directly attributable to the change in the mix of cases going into youth court.

We turn now to "sentencing" findings, and ask the question: What proportion of the "very minor", "somewhat minor", and "all other" offences for which there is a guilty finding end up with a custodial sentence? These data are shown in Figure 9. One should keep in mind, when reading Figure 9, that it is likely that the least serious instances of *each* of these three groupings of offence have tended to be screened out at earlier stages of the youth justice process (e.g., by the police using extra-judicial measures with the youth)[9].

Figure 9: Percent of cases with a guilty finding getting a custodial sentence (for "very minor", somewhat minor, and other offences). Canada, 1991/2 through 2003/4.



Very minor offences = theft under, possession of stolen property, failure to comply/appear, YOA/YCJA
Somewhat minor offence = other thefts, mischief/damage, break and enter, minor assault

In the early 1990s, the relative likelihood of cases of different seriousness ending up with a custodial sentence makes sense: The "very minor" cases were least likely to receive a custodial sentence, and the "other" offences (the group that includes, but is not limited to, the most serious cases) were most likely to result in a custodial sentence. However, during the 1990s, there was a rather dramatic increase in the proportion of the most minor cases that received a custodial sentence such that by

[9] If this is, in fact, correct, and there had been *no* change in sentencing practice when the YCJA came into force, one would have expected that the "rate" of court cases receiving a custodial sentence would have *increased.*

the beginning of this century these "minor" cases were *more* likely to result in custody than the other two groupings of (presumably) more serious cases.

In the first year of the YCJA, there was a 7% reduction in the proportion of "very minor" cases sentenced to custody (from 31% in 2002/3 to 24% in 2003/4). The proportion of "somewhat minor" offences resulting in a custodial sentence also declined from 24% in 2002/3 to 20% in 2003/4. The proportion of "all other offences" sentenced to custody dropped by about 1.7% in the first year of the YCJA – with 28.5% sentenced to custody in 2002/3 and 26.8% sentenced to custody in 2003/4. This pattern – the largest decline in the use of custody being for the most minor offences is, of course, exactly what one would expect from the sentencing principles in the YCJA (Sections 38 and 39). To the extent that sentences became more proportionate to the offence seriousness than they had been in the past, the reduction in the use of custody should be largest for the least serious cases.

However, as already noted, there is a peculiarity in the data for the "most minor" cases. We decided, therefore, to disaggregate this grouping into three groups: the two property offences (theft under $5,000 and possession of stolen property) and each of the two sets of administration of justice offences. The proportion of cases in each of these three groups receiving a custodial sentence is shown in Figure 10.

Figure 10: Percent of guilty cases receiving a custodial sentence for very minor property crimes, failure to appear, and failure to comply with a disposition. Canada, 1991/2 through 2003/4.

Clearly much of the peculiar pattern that was seen in Figure 9 for the "very minor" offences was due to changes in the rate at which custodial sentences were handed down for the administration of justice offences as well as an increase in the number of administration of justice offences coming to

court.[10] Roughly 15% of guilty theft under/possession of stolen property cases were sentenced to custody in 1991/2. That proportion rose to around 22% in the mid-1990s and then stabilized. However, roughly 29% of guilty YOA/YCJA offences were sentenced to custody in 1991/2 and that percent continued to rise throughout the 1990s until 2000/1 where it hit a high of 42% sentenced to custody – an increase of 13%. In the first year of the YCJA, however, the proportion of these cases sentenced to custody decreased 12% – from 40% down to 27%.

Jurisdictional Variation. It would appear that there was not only a reduction in the number of cases going to court (and the number of cases with one or more findings of guilt) but also reduction in the use of custodial sentences. This reduction in the use of custodial sentences appears to have been the result of two quite independent factors: the reduction in the overall youth court caseload and a reduction in the proportion of relatively comparable groupings of offences (of those found guilty) sentenced custody.

Unfortunately, CCJS was unable to provide us with an estimate of the past court history of the youths. Hence it is possible that even for what might appear to be "comparable" groups of cases, the groups are not comparable on dimensions directly related to sentencing. However, one would expect that the groupings of YCJA cases (those in 2003/4) would, if anything, be on average *more* serious cases (i.e., that the more minor cases would have been screened out along the way). Hence the fact that there is a *reduction* in the proportion of guilty cases receiving custody (shown in Figures 9 and 10) is rather strong evidence that sentencing, in 2003/4 was being carried out in a manner that was different from the manner in which it had been done in earlier years. In particular, we believe that there is strong evidence that for at least some groupings of offences, equivalent cases under the YCJA were less likely to be receiving a custodial sentence than they would have under the YOA.

What is the case for Canada as a whole, however, is not necessarily true for individual jurisdictions. This purpose of this paper, however, was not to explore, in detail, jurisdictional differences. However, we thought it would be useful – in part as a way of testing the strength of the findings – to examine the consistency across jurisdictions in the drop in the numbers of cases to court, cases being found guilty, and cases to custody.

Because there had been a general decline in these numbers in the years prior to the implementation of the YCJA in 2003/4, we felt that it was necessary to compare the size of the decline (in the YCJA year) in cases to court, guilty findings, and custodial sentences to the earlier decline. Thus for each of the 13 jurisdictions, and for Canada as a whole, we computed the average annual decline (over the five years ending in 2002/3) in the number of cases and compared that to size of the decline from 2002/3 to 2003/4. These data are shown in Table 1.

[10] For example, though the overall court caseload was decreasing from 1991/2 onwards, the number of YOA offences (almost exclusively failure to comply with a disposition increased from 7669 cases in 1991/2 to 11,217 in 1999/00.

Table 1: The change in the number of cases coming into court, found guilty/transferred and sentenced to custody over the past five years compared to the change in cases under the first year of the YCJA (2002/3 to 2003/4)

	All cases going to court		**Cases found guilty/ transferred**		**Cases sentenced to custody**	
	Average annual change over the previous 5 years	Change from 2002/3 to 2003/4	Average annual change over the previous 5 years	Change from 2002/3 to 2003/4	Average Annual change over the previous 5 years	Change from 2002/3 to 2003/4
Canada	-2,514	-14,127	-2,063	-10,271	-887	-4,548
NFDL and Labrador	-59	-319	-75	-205	-4	-231
PEI	-8	-85	-15	-71	-9	-56
Nova Scotia	-178	-222	-156	-304	-22	-269
New Brunswick	-74	-274	-58	-420	-7	-173
Quebec	-534	-363	-440	-449	-147	-378
Ontario	-137	-7,816	-181	-5,032	-376	-1,248
Manitoba	-389	-183	-134	-298	-38	-297
Saskatchewan	13	-1,176	-113	-1,028	-18	-472
Alberta	-420	-1,820	-356	-1,276	-121	-587
BC	-719	-1,638	-516	-1,027	-136	-721
Yukon	-41	-83	-30	-26	-13	-23
NWT*	28	-183	-4	-118	-17	-80
Nunavut**	41	35	25	-17	9	-13

*NWT = included Nunavut in 1998/9 and removed it in 1999/2000. We therefore looked at the NWT from 1999/2000 onwards so the average is over the past three years.
**Nunavut = only had data available since 1999/2000 therefore the average is over the past three years. There are an unknown number of cases missing from 1999/2000.

There were only three instances in which the average decline in the previous five years was larger than the decline that occurred in the first year of the YCJA (see shaded boxes in Table 1). We would suggest that these data strengthen the inference that the change that occurred in 2003/4 was due to a single national event – the implementation of the YCJA.

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