

BACKGROUND FOR YCJA

Report on data prepared for
the Department of Justice Canada

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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 author and do not necessarily represent the views of Statistics Canada or the data providers.

¹ Some of the data used in this report were previously prepared and presented by Professor Anthony Doob.

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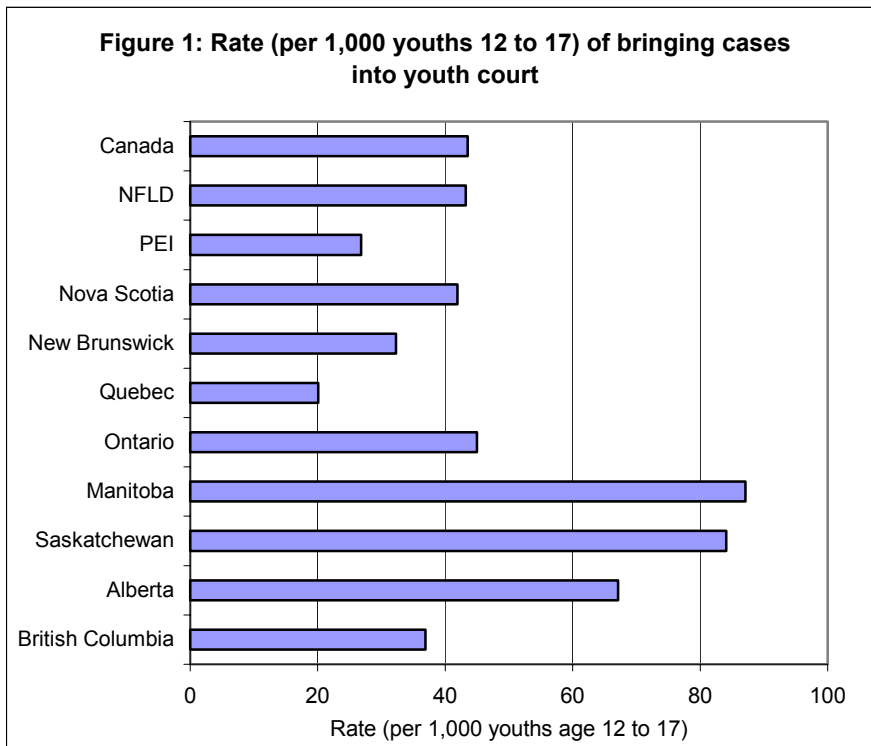
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- **PART A: USE OF THE YOUTH COURT**

There is considerable variation in the rate that provinces bring cases² into youth court. Figure A1 shows the rate (per 1,000 youths in the jurisdiction age 12 to 17) of bringing cases into youth court overall in Canada and in the individual provinces and territories. Quebec, for example, brings in cases at a rate of 20.1 per 1,000 youths while Ontario brings cases in at a rate of 45 per 1,000.

Figure A1: Rate of bringing cases into youth court



²A “case” consists of one or more charges against a young person – all of which are presented in court on the same date.

Table A1 shows the exact number for the total number of cases coming into court and the rate (per 1,000 youths) of bringing cases into court. However, another way to express this difference is to calculate the number of youths for every one case. This is expressed in the last column of data (Table A1). So, for example, Quebec has one youth court case for every 50 youths while Ontario has one youth court case for every 22 youths.

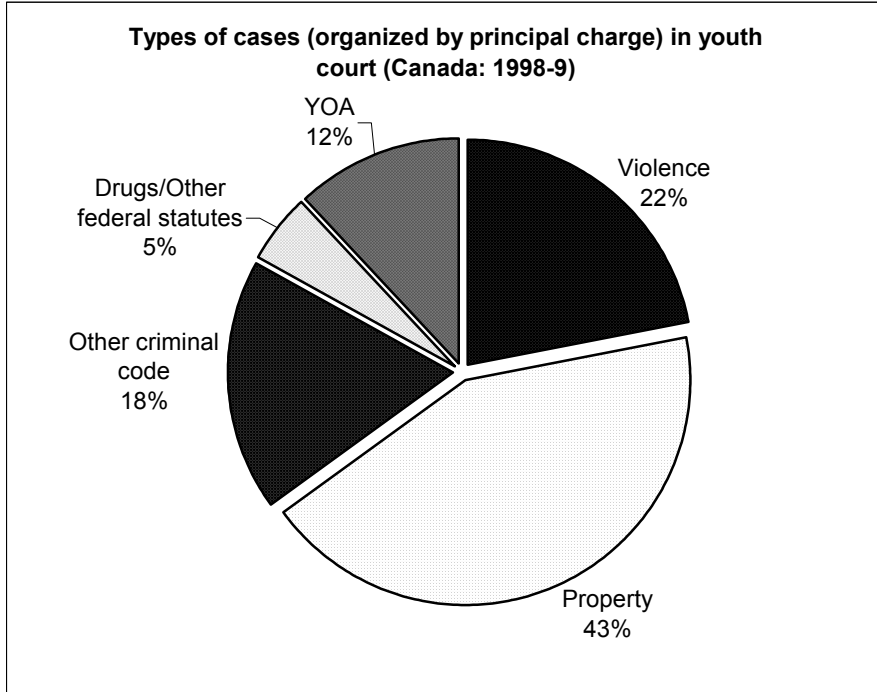
Table A1: Provincial Variation in the use of Youth Court (1998-9)

	Total number of cases coming into youth court	Cases per 1,000 youths in the population	1 case per ___ youths in the population
Canada	106,665	43.5	23
NFLD	2,142	43.2	23
PEI	324	26.8	37
Nova Scotia	3,158	41.9	24
New Brunswick	1,999	32.3	31
Quebec	11,297	20.1	50
Ontario	40,697	45.0	22
Manitoba	8,477	87.1	11
Saskatchewan	8,127	84.1	12
Alberta	17,510	67.1	15
British Columbia	11,764	36.9	27

Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Tables 3 and 3a).

Figure A2 shows the types of cases in youth court in Canada in 1998-9. Property offences account for the majority of cases (43%) followed by violence (22%) and other criminal code offences (18%).

Figure A2: Types of cases in youth court



Although provinces vary in the rate of bringing cases into court, there is less variation when examining the types of crimes in youth court. Table A2 shows the proportion of violence, property, other criminal code, YOA and drugs/other federal statutes in youth court in each province. Generally violence accounts for anywhere between 15% (Saskatchewan) to 26% (Ontario) of youth court cases and property offences account for 41% (BC) to 57% (NFLD) of youth court cases. The provinces that were bringing cases into youth court at a relatively high rate (i.e. Manitoba, Saskatchewan and Alberta) did not appear to have more serious types of cases in court. In fact, Manitoba, Saskatchewan and Alberta tended to have the smallest proportion of violence cases (19% violence in Manitoba, 15% violence in Saskatchewan, 16% violence in Alberta) and instead had relatively large proportions of other criminal code and YOA offences.

Table A2: Types of cases (organized by principal charge³) in youth court (1998-9)

	All Violence	All Property	Other Criminal Code ⁴	YOA ⁵	Drugs/ Other federal statutes	Total
Canada	22%	43%	18%	12%	5%	100%
NFLD	18%	57%	15%	8%	3%	100%
PEI	19%	53%	10%	14%	3%	100%
Nova Scotia	21%	50%	12%	12%	4%	100%
New Brunswick	20%	45%	14%	14%	7%	100%
Quebec	25%	40%	12%	11%	11%	100%
Ontario	26%	42%	18%	9%	5%	100%
Manitoba	19%	41%	24%	14%	2%	100%
Saskatchewan	15%	46%	27%	10%	2%	100%
Alberta	16%	42%	21%	18%	3%	100%
British Columbia	22%	41%	14%	19%	4%	100%
Yukon	14%	47%	16%	21%	1%	100%
NWT	21%	52%	14%	10%	3%	100%

Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Tables 3 and 3a).

³The “principal charge” is the most serious charge in a case. When there is only one charge (e.g. break and enter) in a case, that is defined as the principle charge. However, if there are two or more charges in a case, offences are prioritized (violence is given the first priority, followed by drug offences, property offences and other criminal code offences). For example, if case consisted of a charge of break and enter and a minor assault, the principle charge would be the minor assault and the break and enter would not be identified.

⁴Other criminal code offences include such things as: impaired operation, escape custody, unlawfully at large, failure to appear, breach of recognizance, failure to comply with a probation order, etc.

⁵YOA offences include such things as: failure to comply with a disposition, failure to comply with an undertaking, contempt against youth court, etc.

While violence constitutes 22% of violence overall in Canada (Table A2), a closer examination reveals that close to half of the violence cases are minor assaults. Table A3 breaks down violence for Canada and shows that serious violence accounted for 2% of all violence cases in youth court, assault with a weapon accounted for 19%, robbery accounted for 14%, and minor assaults accounted for 45% of all violence cases. In the final column of data, the percent that each category of violence constitutes overall in youth court is presented. Overall, serious violence accounts for 0.5% of youth court cases, assault with a weapon accounts for 4.3% of all youth court cases, robbery accounts for 3.1%, minor assault account for 9.9% and other violence accounts for 4.4% of all youth court cases.

Table A3: Number and percent of violence cases (principal charge) in youth court (Canada, 1998-9)

	Number of cases	Percent of violence cases	Percent violence in all of youth court (106,665 cases)
Most Serious Violence*	550	2%	0.5%
Assault with weapon	4,540	19%	4.3%
Robbery	3,263	14%	3.1%
Minor Assaults	10,545	45%	9.9%
Other Violence	4666	20%	4.4%
Total Violence	23,564	100%	22%

*Serious violence includes: murder, manslaughter, attempted murder, aggravated sexual assault and aggravated assault. These are all of the offences that presumptively receive an adult sentence.

Source: Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Table 3).

The majority of cases in youth court are, in fact, relatively minor offences. Table A4 shows the eight categories of offences that constitute roughly 74% of the cases in youth court. Theft under 5,000 accounts for 15% of youth court cases, possession of stolen property accounts for 5% of youth court cases, failure to appear accounts for 11% and failure to comply with a disposition accounts for 12% of youth court cases. Taken together, these four cases account for 43% of cases brought into youth court. Adding in other thefts, mischief/damage, break and enters and minor assault now accounts for 74% of cases brought into youth court in Canada.

Table A4: Majority of cases (principal charge) in youth court (Canada, 1998-9)

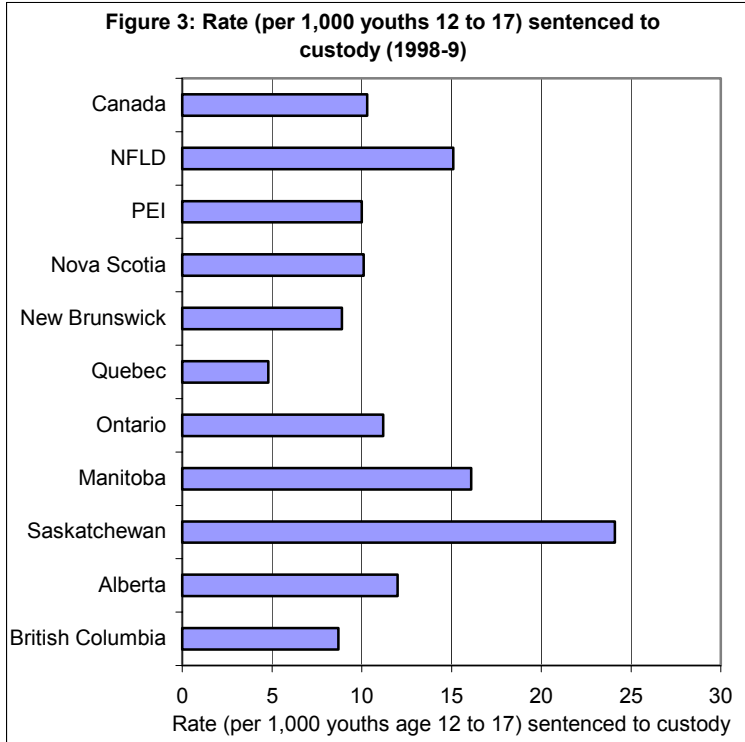
	Total number of cases	Percent
Theft under \$5,000	15,801	15%
Possession of stolen property	5,208	5%
Failure to appear	11,597	11%
Failure to comply with a disposition	13,072	12%
Subtotal	45,678	43%
Other thefts	4,975	5%
Mischief/damage	5,336	5%
Break and enter	12,251	11%
Minor assault	10,545	10%
Total: Sum of eight offences	78,785	74%
All cases	106,665	100%

Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Table 3).

PART B: USE OF CUSTODY

Figure B1 shows the rate (per 1,000 youths age 12 to 17 in the jurisdiction) of sentencing youths to custody in 1998-9. There is considerable variation across provinces in the use of custody. For example, Saskatchewan sentences youths to custody at a rate of 24.1 per 1,000 youths while Quebec sentences youths at a rate of 4.8 per 1,000 youths.

Figure B1: Rate of youths sentenced to custody



Provinces vary in the rate at which they bring cases into youth court, and they also vary in the proportion of cases they find guilty and sentence to a period of custody. Table B1 shows the rate (per 1,000 youths age 12 to 17 in the population) of bringing cases into youth court, the percent of those cases that are found guilty and the percent of guilty cases that are sentenced to custody. Finally, custody is also expressed as a rate (per 1,000 youths age 12 to 17 in the population) in the second last column and as the number of youths for every one case sentenced to custody (last column). What this shows is that provinces bringing cases in a higher/lower rates may end up with similar incarceration rates due to the percentage they find guilty and then sentence to custody. For example, Manitoba and Saskatchewan bring in cases at similar rates (87.1 and 84.1 respectively). However, they have different incarceration rates (16.1 and 24.1 respectively). Put another way, Manitoba sends one youth to custody for every 62 youths while Saskatchewan sends one youth to custody for every 41 youths. This happens because Manitoba finds 58% of the cases it brings in guilty while Saskatchewan finds 82% of its cases guilty. Another example is PEI and Nova Scotia. While they bring cases in at different rates (26.8 and 41.9 respectively) they have a similar incarceration rate (10 per 1,000 youths – or one youth sent to custody for every 100 youths). This happens because while PEI brings in fewer cases than Nova Scotia, it finds a larger proportion guilty and of the guilty sends a larger proportion to custody.

Table B1: Provincial variation in bringing cases into court, findings of guilty and sentencing to custody

	Rate (1,000 youths) of bringing cases into court	Percent found guilty	Percent (of guilty) sent to custody	Rate (per 1,000 youths) sent to custody	1 case to custody per ___ youths in the population
Canada	43.5	67%	35%	10.3	97
NFLD	43.2	82%	43%	15.1	66
PEI	26.8	84%	45%	10.0	100
Nova Scotia	41.9	68%	35%	10.1	99
New Brunswick	32.3	87%	32%	8.9	112
Quebec	20.1	81%	30%	4.8	206
Ontario	45.0	60%	42%	11.2	89
Manitoba	87.1	58%	32%	16.1	62
Saskatchewan	84.1	82%	35%	24.1	41
Alberta	67.1	68%	26%	12.0	83
British Columbia	36.9	70%	33%	8.7	115

Source: Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Table A4 showed that the cases that accounted for 74% of the cases in youth court in Canada were relatively minor offences. Interestingly, those same offences also account for 74% of the cases sentenced to custody in Canada. Table B2 shows that theft under \$5,000, possession of stolen property, failure to appear and failure to comply with a disposition account for 46% of the cases sentenced to custody. Adding in other theft, mischief/damage, break and enter and minor assault accounts for 75% (18,674) of the cases (25,169) sentenced to custody in Canada in 1998-9.

Table B2: Majority of cases sentenced to custody (Canada 1998-9)

	Total number of cases	Percent
Theft under \$5,000	2,289	9%
Possession stolen of property	1,522	6%
Failure to appear	2,822	11%
Failure to comply with a disposition	4,979	20%
Subtotal	11,612	46%
Other thefts	1,168	5%
Mischief/damage	788	3%
Break and enter	3,415	14%
Minor assault	1,691	7%
Total: Sum of eight offences	18,674	74%
All cases	25,169	100%

Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Failure to appear and failure to comply with a disposition are very likely to be sentenced to custody. Table B3 shows that close to half of the YOA offences are sentenced to custody. Specifically, 47% of failure to comply with a disposition offences receive custody, 58% of failure to comply with undertaking and 41% of failure to appear cases receive custody.

Table B3: Administration of Justice Offences: Percent sentenced to custody (Canada 1998-9)

	Total found guilty	Total sent to custody	Percent (of guilty) that are sentenced to custody
Failure to comply with disposition (e.g. breach of probation)	10,547	4,979	47%
Failure to appear	6,946	2,822	41%

Source: Statistics Canada (2000). Youth Court Statistics 1998-9. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Youths with previous convictions are also very likely to receive a custodial disposition, even if the current offence is relatively minor. Table B4 and B5 shows the effect of criminal record for a minor theft and a minor assault across eight provinces⁶. Looking first at Table B4, in Quebec 7.2% youths with no previous record, who are currently found guilty of a minor theft, are sentenced to custody while only 3.5% are sentenced to custody in Alberta. With one previous conviction, the proportion sentenced to custody increased from 7.2% to 16.0% in Quebec and from 8.1% to 26.2% in Ontario. By the time a youth with a current conviction of a minor theft and three or more previous convictions, half are sent to custody in Quebec, 64.1% are sent to custody in Ontario, 38.7% in Alberta and 47.5% are sent to custody in BC.

**Table B4: Effect of criminal record (1996-7)
Proportion receiving custody for a minor theft**

	Number of times previously sentenced:			
	None	One	Two	Three +
NFLD	3.6%	12.5%	42.9%	65.2%
New Brunswick	3.8%	13.5%	48.1%	63.6%
Quebec	7.2%	16.0%	26.5%	50.0%
Ontario	8.1%	26.2%	51.6%	64.1%
Manitoba	6.8%	7.8%	23.1%	52.6%
Saskatchewan	8.9%	13.8%	9.8%	50.0%
Alberta	3.5%	9.0%	19.8%	38.7%
British Columbia	3.6%	13.4%	24.7%	47.5%

⁶PEI, Yukon and NWT were not included due to too few cases. Due to complications with linking data, Nova Scotia could not provide any information.

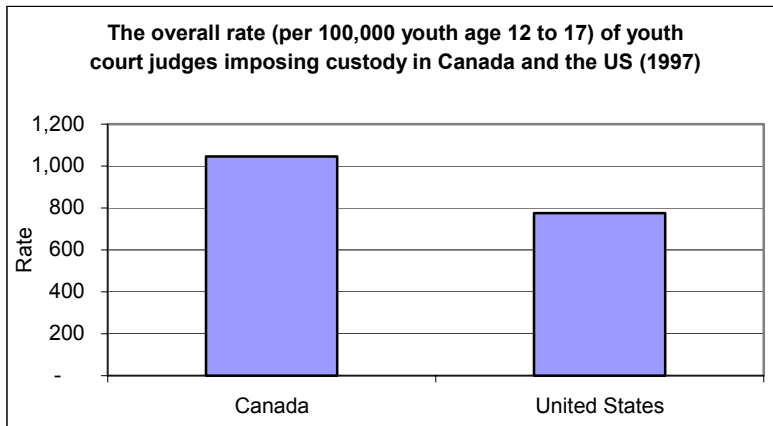
Table B5 shows the effect of criminal record on the likelihood a minor assault case will receive custody. While there is variation across the eight provinces, the more previous convictions the more likely a youth convicted of a minor assault will receive custody. When a youth has three or more convictions, there is a range from a high of 78.6% sentenced to custody in Quebec to a low of 38.6% sentenced to custody in Alberta.

**Table B5: Effect of criminal record (1996-7)
Proportion receiving custody for a minor assault**

	Number of times previously sentenced:			
	None	One	Two	Three +
NFLD	5.7%	26.5%	86.7%	53.8%
New Brunswick	3.1%	23.7%	77.8%	42.9%
Quebec	7.9%	20.7%	52.8%	78.6%
Ontario	11.8%	38.7%	62.0%	70.6%
Manitoba	5.5%	18.0%	26.3%	53.6%
Saskatchewan	1.8%	17.7%	30.0%	57.7%
Alberta	3.3%	13.7%	26.5%	38.6%
British Columbia	6.3%	23.1%	44.6%	75.0%

Overall, it appears that Canada has an overall higher incarceration rate than the United States. Examining the incarceration rate (per 100,000 youths age 12 to 17) in Canada and the United States reveals that Canada has an incarceration rate of roughly 1,046 while the US has an incarceration rate of roughly 775 per 100,000 youths age 12 to 17. Figure B1 illustrates this finding.

Figure B2: Overall rate of youth incarceration between Canada and US



***Note:** this inflates the US rate slightly because they bring 10 and 11 year olds into court, but youths age 10-11 are not included in the denominator. Having 10 and 11 year olds in the denominator produces an overall incarceration rate for the US of: 568.33

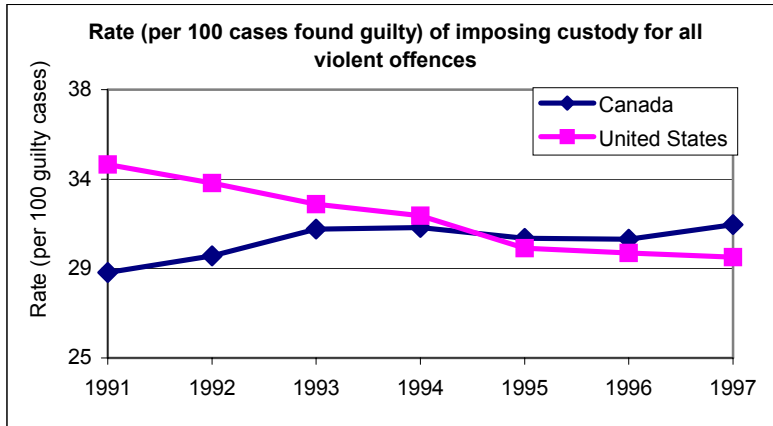
****Note:** this custody rate **does not** include those youth transferred to adult court and sent to custody. There are no national data available on the total number of youths transferred in the US each year (for more details see: Sprott & Snyder. 1999. Une comparaison de la délinquance des jeunes au Canada et aux États-Unis. *Criminologie* Vol. 32(2): 55-82). However, including transferred cases may not change the results considerably because transferred youths do not invariably receive custody in the US (see: Snyder, Sickmund and Poe-Yamagata. 2000. *Juvenile Transfers to Criminal Court in the 1990's: Lessons Learned from Four Studies*. Washington DC: Office of Juvenile Justice and Delinquency Prevention.).

Source: Source: Statistics Canada (2000). *Youth Court Statistics 1997-8*. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Snyder, H., Finnegan, T., Stahl, A., and Poole, R. (1999). *Easy Access to Juvenile Court Statistics: 1988-1997* [data presentation and analysis package]. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, DC: Office of Juvenile Delinquency and Prevention [distributor].

Breaking down the offence categories – violence or property – again reveals that Canada has similar or slightly higher incarceration rates than the US. Figure B2 examines the rate of imposing custody (per 100 cases found guilty) on violence cases in Canada and the US from 1991 to 1997 (most recent year of data available from the US). While the US appears to be decreasing the use of incarceration, Canada has remained relatively stable or increasing slightly so that in 1997 Canada's incarceration roughly 31.4% of its guilty violence cases while the US incarcerated roughly 29.9% of its guilty violence cases.

Figure B3: Incarceration rate for violence offences in Canada and US (1991-1997)

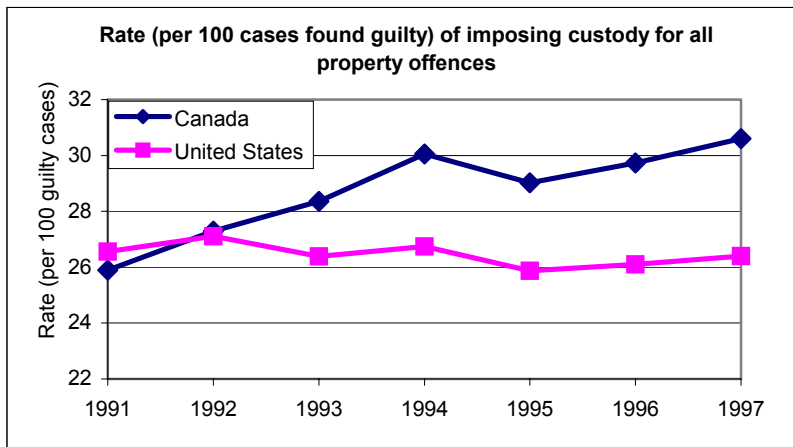


Source: Statistics Canada (2000). Youth Court Statistics 1997-8. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Snyder, H., Finnegan, T., Stahl, A., and Poole, R. (1999). Easy Access to Juvenile Court Statistics: 1988-1997 [data presentation and analysis package]. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, DC: Office of Juvenile Delinquency and Prevention [distributor].

Figure B3 shows the rate (per 100 cases found guilty) of incarcerating property offences in Canada and the US from 1991 to 1997. While the US has remained relatively stable in its rate of incarceration from 1991 to 1997, Canada has increased slightly. By 1997 Canada was incarcerating roughly 30.6% of its guilty property cases while the US was incarcerating roughly 26.4% of its guilty property cases. (See methodological notes on Canada-US comparisons in Spratt, J.B. and Snyder, H. N. (2000). Une comparaison de la délinquance des jeunes au Canada et aux États-Unis *Criminologie*, 32(2), 56-82.

Figure B4: Incarceration rate for property offences in Canada and US (1991-1997)



Source: Statistics Canada (2000). Youth Court Statistics 1997-8. Ottawa: Canadian Centre for Justice Statistics. (Table 8).

Snyder, H., Finnegan, T., Stahl, A., and Poole, R. (1999). Easy Access to Juvenile Court Statistics: 1988-1997 [data presentation and analysis package]. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Washington, DC: Office of Juvenile Delinquency and Prevention [distributor].

Table B6 shows total number of cases sentenced to custody, the rate (per 1,000 youths) and the percent of cases that are found guilty that are sentenced to custody. Looking at the rate (per 1,000 youths) it appears that custody is being used slightly less over the years. This is because there has been a growth in the youth population over the years while the total number of cases sentenced to custody has remained relatively stable since 1992-3. When looking at the percent of guilty cases sentenced to custody, however, there is an increase in the use of custody. This appears to be due more to a change in the denominator (fewer cases found guilty) as opposed to a change in the numerator (number of cases sentenced to custody).

Table B6: Trends in use of Custody from 1991-2 to 1998-9 (Canada)

	Cases found guilty	Total cases sentenced to custody	Rate sentencing cases to custody per 1,000 youths	Percent of guilty cases sentenced to custody
1991-2	75,143	22,298	10.17	30%
1992-3	77,256	24,043	10.40	31%
1993-4	78,010	25,602	11.07	33%
1994-5	73,969	25,212	10.68	34%
1995-6	72,945	24,312	10.20	33%
1996-7	74,797	25,278	10.46	34%
1997-8	74,528	25,670	10.50	34%
1998-9	71,961	25,169	10.26	35%

PART C: TRANSFERS TO ADULT COURT

Overall, there are not many youth court cases transferred to adult court. Table C1 shows the total number of cases and the number of transferred cases for violence, property, other criminal code and drugs for 1998-9 to 1996-7. In 1998-9 there were a total of 91 cases transferred, in 1997-8 there were 79 cases transferred and in 1996-7 there were a total of 92 cases transferred.

Table C1: Types of Cases that are transferred (Canada: 1998-9 to 1996-7)

	1998-9		1997-8		1996-7	
	Total cases	Transferred	Total cases	Transferred	Total cases	Total cases
Violence	22,284	54	23,711	41	21,737	52
Property	45,336	27	49,602	19	51,687	27
Other CC/YOA	34,290	9	33,021	13	31,399	11
Drugs	4,755	1	4,549	6	5,242	2
Total cases	106,665	91	110,883	79	110,065	92

Source: Statistics Canada (1997 through 2000). Youth Court Statistics. Ottawa: Canadian Centre for Justice Statistics. (Table 7).

Similar to bringing cases into court and the use of custody, there was also provincial variation in the number of cases transferred. Table C2 shows the total number of cases brought into court in Canada and the provinces and territories and the number of cases transferred from 1996-7 to 1998-9). For example Quebec transferred 23 cases, Ontario transferred six cases and Manitoba transferred 29 cases.

Table C2: Provincial variation in the use of transfers (1998-9 to 1996-7)

	1998-9		1997-8		1996-7	
	Total cases brought to court	Total transfers	Total cases brought to court	Total transfers	Total cases brought to court	Total transfers
Canada	106,665	91	110,883	79	110,065	92
NFLD	2,142	1	2,197	1	2,853	0
PEI	324	0	376	0	4,58	0
Nova Scotia	3,158	0	3,472	2	3,549	0
New Brunswick	1,999	0	2,303	0	2,382	0
Quebec	11,297	23	10,881	23	11,427	26
Ontario	40,697	6	44,185	9	46,409	12
Manitoba	8,477	29	7,615	23	6,816	32
Saskatchewan	8,127	1	9,115	1	8,540	0
Alberta	17,510	20	16,579	14	15,863	10
British Columbia	11,764	11	13,059	5	10,642	11
Yukon	438	0	506	0	508	0
NWT	732	0	595	1	618	1

Source: Statistics Canada (1997 through 2000). Youth Court Statistics. Ottawa: Canadian Centre for Justice Statistics. (Table 7).