



The 2008 National Justice Survey:
The Youth Justice System in Canada
and the *Youth Criminal Justice Act*



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Jeff Latimer
A/Deputy Director
Research and Statistics Division
Department of Justice Canada

&

Norm Desjardins
Public Opinion Research Coordinator
Research and Statistics Division
Department of Justice Canada

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*The views expressed herein are solely those of the authors
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1. Introduction

Youth crime in Canada has been the focus of intense public scrutiny and political attention for decades. The legislation governing the youth criminal justice system has been changed and amended numerous times since the 1980s. Most recently, in February 2002, the House of Commons passed Bill C-7, the *Youth Criminal Justice Act (YCJA)* which came into force in April 2003 replacing the *Young Offenders Act (YOA)*.

The *YCJA*, which set out a new legislative framework for Canada's youth justice system, was designed to build on the strengths and to address the weaknesses of the *YOA*. The key objectives of the *YCJA* included:

- A set of clear and coherent principles to improve decision-making in the youth justice system;
- More appropriate use of the courts by addressing less serious cases effectively outside the court process;
- Fairness in sentencing;
- Reduction in the high rate of youth incarceration;
- Effective reintegration of young persons;
- Clear distinction between serious violent offences and less serious offences.

In the fall of 2007, the Government announced the beginning of a five-year review of the *YCJA* including public consultations and roundtables with key stakeholders across the country. These consultations were designed to help identify areas of concern and possible improvements regarding the provisions and principles of the *YCJA*. In addition to the *YCJA* review, the Government of Canada also introduced legislation to amend the *Act* to include deterrence and denunciation as principles of sentencing and to strengthen provisions related to pre-trial detention.

The Department of Justice conducts the National Justice Survey (NJS) on an annual basis to provide the Department with public opinion on current and emerging policy relevant topics. The focus of the 2008 National Justice Survey (the 2nd cycle of this annual survey) was the *Youth Criminal Justice Act* and the youth criminal justice system in Canada in order to provide policy-makers with current information regarding Canadian's perceptions of youth justice issues. The goals of the 2008 NJS were to measure public confidence in the youth justice system, to identify viewpoints on particular responses to youth criminal behaviour and to assess perceptions of youth crime in Canada.



2. Method

The 2008 National Justice Survey used both a telephone sampling method and an on-line sampling method in order to access harder to reach populations (e.g., cellular telephone users, younger Canadians), to increase the sample size and to examine the utility of an Internet data collection method for future survey work.

For the telephone survey, a random digit dialing survey was conducted with Canadians 16 years of age and older. In order to randomly select a single respondent in multi-person households, the individual with the most recent birthday was selected. In total, 4,015 surveys were completed between March 17, 2008 and May 2, 2008 for a total response rate of 20%. The results are considered valid at the national level within +/- 2%, 19 times out of 20.

The online survey was broadcast to a total of 13,500 members of TNS Canadian Facts' Interactive panel.¹ At the close of the field work, 3,186 responses were received for a total completion rate of 24%. The broadcast occurred on March 20, 2008 and the field was closed on March 28, 2008. Given the use of a panel method, the margin of error cannot be calculated for the Internet sample.

2.1 Sample

The provincial distributions for both samples and the provincial margins of error at the 95% confidence level for the telephone sample are summarized in Table 1. The sample in each province was intentionally disproportionate to the provincial populations in order to ensure adequate sample sizes at a regional level for analytical purposes.

Table 1: Provincial Sampling and Margin of Error				
Province	Telephone Sample	Internet Sample	Total Sample	Margin of Error
Atlantic Provinces	400	232	632	+/- 5%
Quebec	909	739	1,648	+/- 3%
Ontario	874	1,290	2,164	+/- 3%
Manitoba	438	135	573	+/- 5%
Saskatchewan	448	107	555	+/- 5%
Alberta	484	217	701	+/- 5%
British Columbia	462	466	928	+/- 5%
TOTAL	4,015	3,186	7,201	+/- 2%

The Margin of Error can only be calculated for the Telephone Sample as the Internet Sample was collected using a Panel method which is not considered random.

¹ The panel is an opt-in voluntary process, which is necessary to ensure that sending surveys does not violate privacy or anti-spam rules. The consumer panel currently numbers about 95,000 individual Canadians from a variety of backgrounds. A database of member demographic, technographic and behavioural information is collected and subsequently used for sample selection purposes. In addition, each member record includes survey contact history in order to prevent overuse or category contamination.



Weighting adjustments were applied to the final dataset in order to ensure that the data collected represents the Canada population 16 years and older. Therefore, the analysis in this report employs the cross-sectional weighting variable created by TNS Canadian Facts.

Table 2 provides information on the demographics of both the Telephone and Internet samples as well as the overall totals for the combined sample. In general, the samples were slightly different, which is to be expected given the different data collection method. For example, the Internet sample was somewhat younger and more educated than the Telephone sample but had more unemployed respondents.

Table 2: Demographics By Data Collection Method			
VARIABLE	Telephone N (%)	Internet N (%)	TOTAL N (%)
Gender (N=7,201)			
Male	1,825 (46%)	1,646 (52%)	3,471 (48%)
Female	2,190 (55%)	1,540 (48%)	3,730 (52%)
Age (N=7,201)			
Under 25	351 (9%)	272 (9%)	623 (9%)
25-54	2,257 (56%)	2,154 (68%)	4,411 (61%)
55 and older	1,407 (35%)	760 (24%)	2,167 (30%)
Employment status (N=7,110)			
Employed	2,628 (66%)	1,872 (64%)	4,500 (65%)
Student	276 (7%)	209 (7%)	485 (7%)
Retired	780 (20%)	495 (17%)	1,275 (19%)
Unemployed	299 (8%)	354 (12%)	653 (10%)
Education level (N=7,110)			
No University	2,785 (70%)	2,017 (64%)	4,802 (67%)
University	1,199 (30%)	1,147 (36%)	2,346 (33%)
Household income level (N=6,342)			
Under \$25,000	527 (15%)	399 (14%)	926 (15%)
\$25,000 < \$50,000	948 (27%)	903 (32%)	1,851 (29%)
\$50,000 < \$75,000	846 (24%)	707 (25%)	1,553 (25%)
\$75,000 < \$100,000	537 (15%)	463 (17%)	1,000 (16%)
\$100,000 or more	697 (20%)	315 (11%)	1,012 (16%)
1. Due to missing data, the total sample size for each variable may vary. 2. Total may not equal 100% due to rounding.			

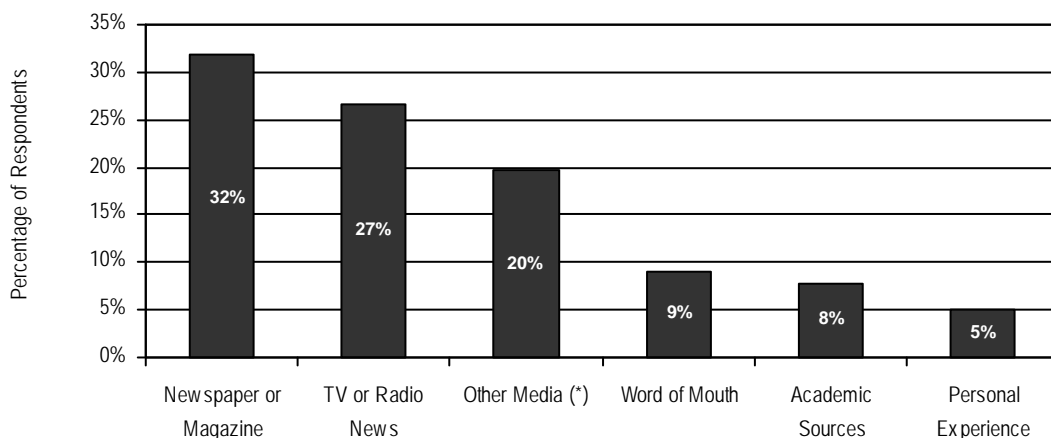
3. Results

3.1 Familiarity with the *Youth Criminal Justice Act*

Respondents were asked to indicate their level of familiarity with the *Youth Criminal Justice Act (YCJA)* using a ten-point scale with 1 representing “not at all familiar” and 10 representing “very familiar”. For the purposes of data presentation, ten-point scales used in the survey have been grouped into low (1, 2, 3), moderate (4, 5, 6, 7), and high (8, 9, 10) levels throughout the report. In general, familiarity with the YCJA among the population was relatively low in Canada. Approximately 1 in 10 respondents (9%) felt they had a high degree of familiarity with the YCJA while 43% indicated moderate familiarity and almost half (48%) indicated low familiarity.

Respondents were also asked to identify their primary source of information about the youth criminal justice system in Canada (see Figure 1). More than half (59%) relied primarily on newspapers, magazines or news stories from television or radio. Very few (8%) relied on more academic sources, such as university courses, government reports or books, and even less relied on first hand experience (5%).

Figure 1: Primary Source of Information about the Youth Criminal Justice System

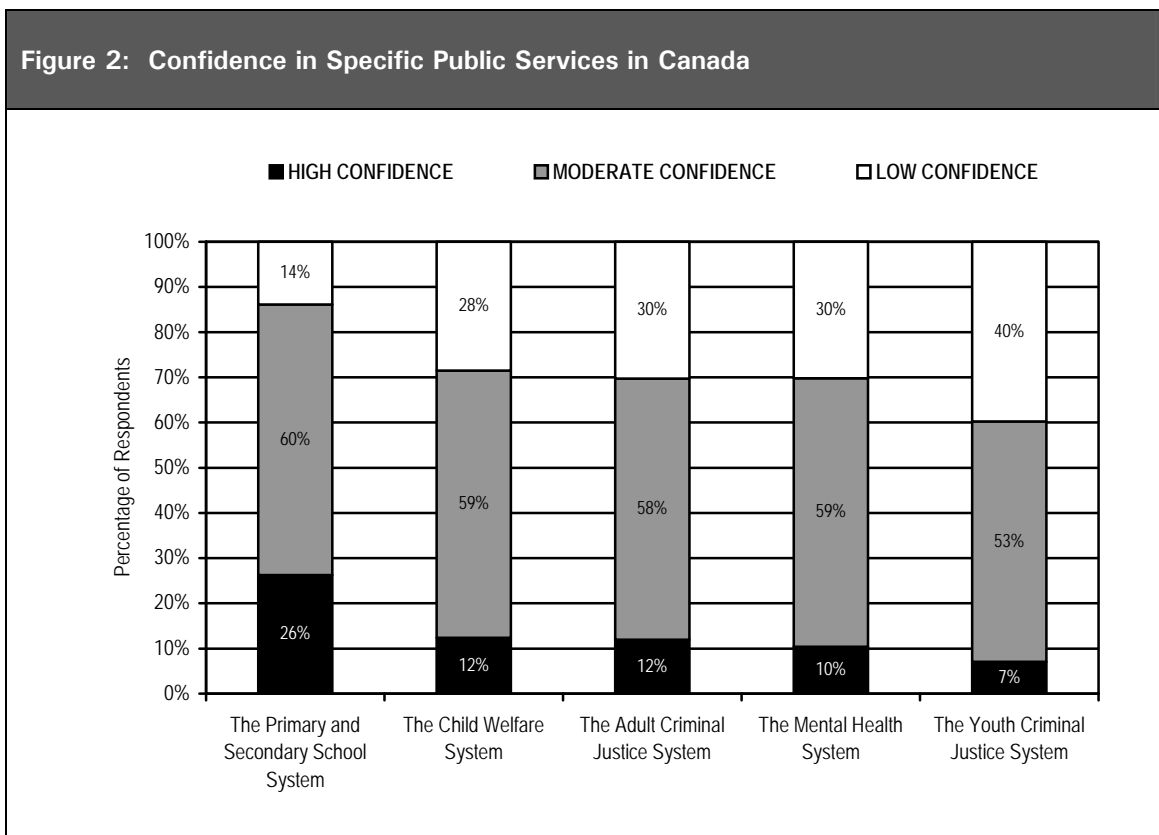


(*) includes movies, TV shows and the Internet

Familiarity with the *YCJA* varied considerably based on the respondent’s main source of information about the youth justice system. For example, one third of those that relied primarily on personal experience with the youth justice system (33%) and one-quarter of those that consulted more academic sources (24%) indicated a high level of familiarity with the *YCJA*.



3.2 Confidence in the Youth Criminal Justice System

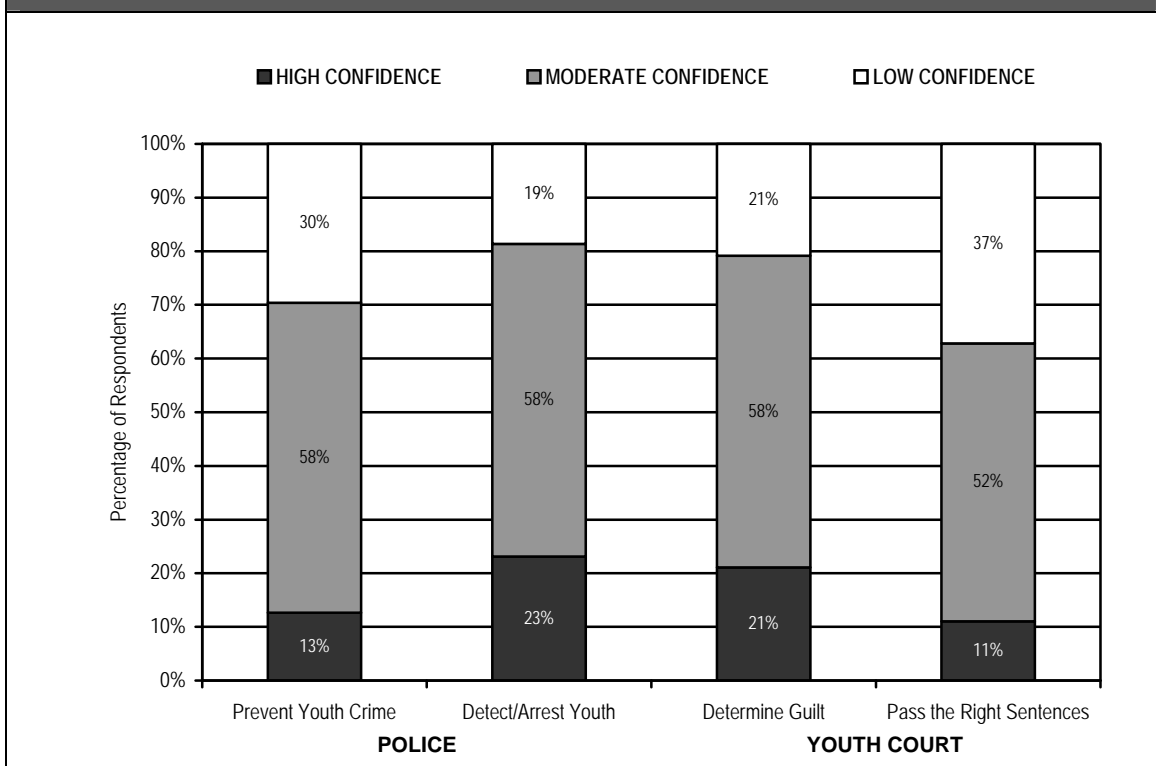


When asked about confidence in particular public services in Canada, respondents expressed the highest confidence in the school system and the lowest confidence in the youth criminal justice system (see Figure 2). Only 7% of respondents indicated high confidence in the youth justice system compared to 26% who indicated high confidence in the public school system. The percentage of respondents indicating high confidence levels for the child welfare system (12%), the adult justice system (12%) and the mental health system (10%) were relatively similar.

In order to gain a general understanding of the public’s confidence in the specific responsibilities of the police, youth courts, and the youth correctional system, additional questions were asked on each component. Respondents indicated greater confidence in the ability of police to detect and arrest youth than in their ability to prevent youth crime (see Figure 3). They also expressed a higher level of confidence in the ability of youth courts to determine guilt compared to their ability to determine appropriate sentences. In fact, nearly four in ten respondents (37%) indicated low confidence in the courts ability to “pass the right sentence.”



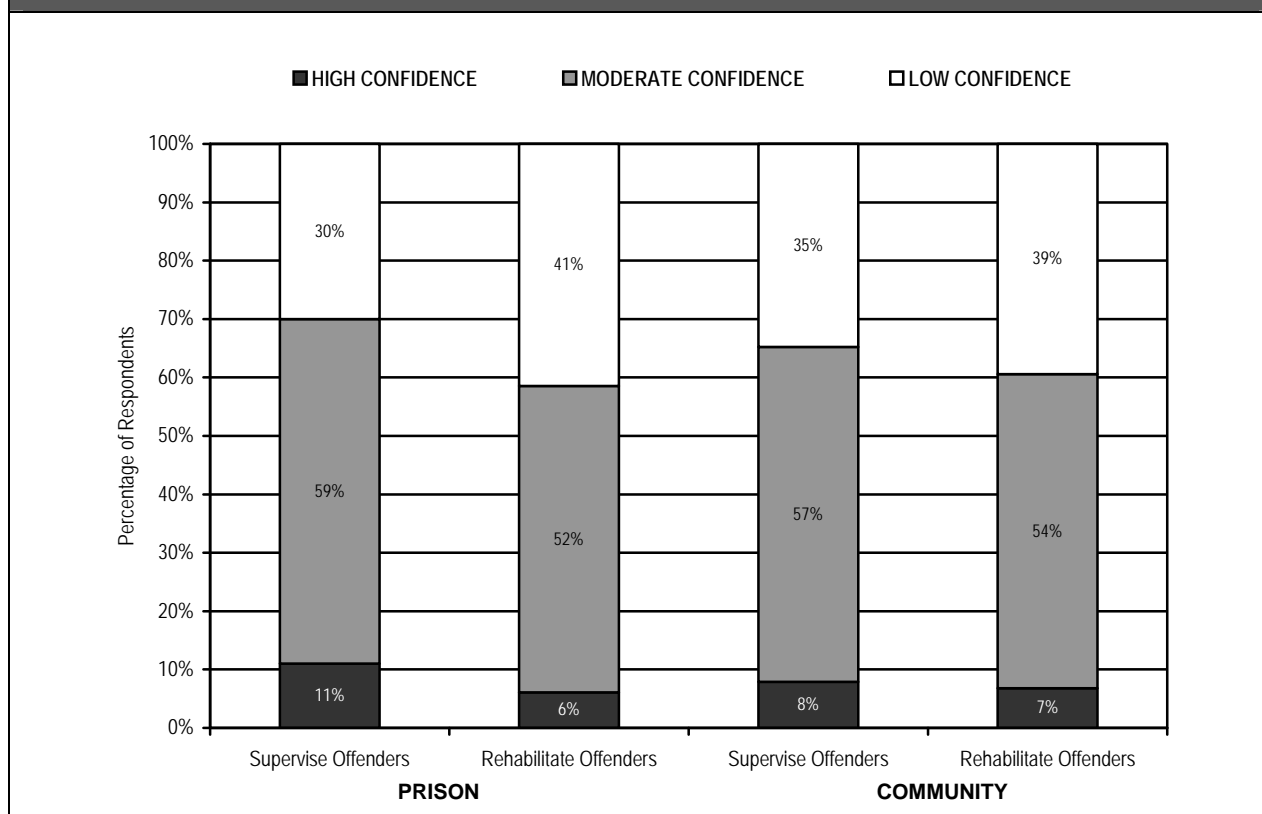
Figure 3: Confidence in the Police and Youth Court



When asked about the youth correctional system, which included youth prisons and community corrections, such as open custody group homes and probation, respondents indicated low confidence particularly in their abilities to rehabilitate offenders. For example, only 6% of respondents indicated high confidence in youth prisons to rehabilitate youth and 7% expressed high confidence in community corrections to rehabilitate youth (see Figure 4). Only about 1 on 10 indicated high confidence in the prison system's ability to supervise youth while in jail (11%) and in the community (8%).



Figure 4: Confidence in the Youth Correctional System (Prison and Community Corrections)



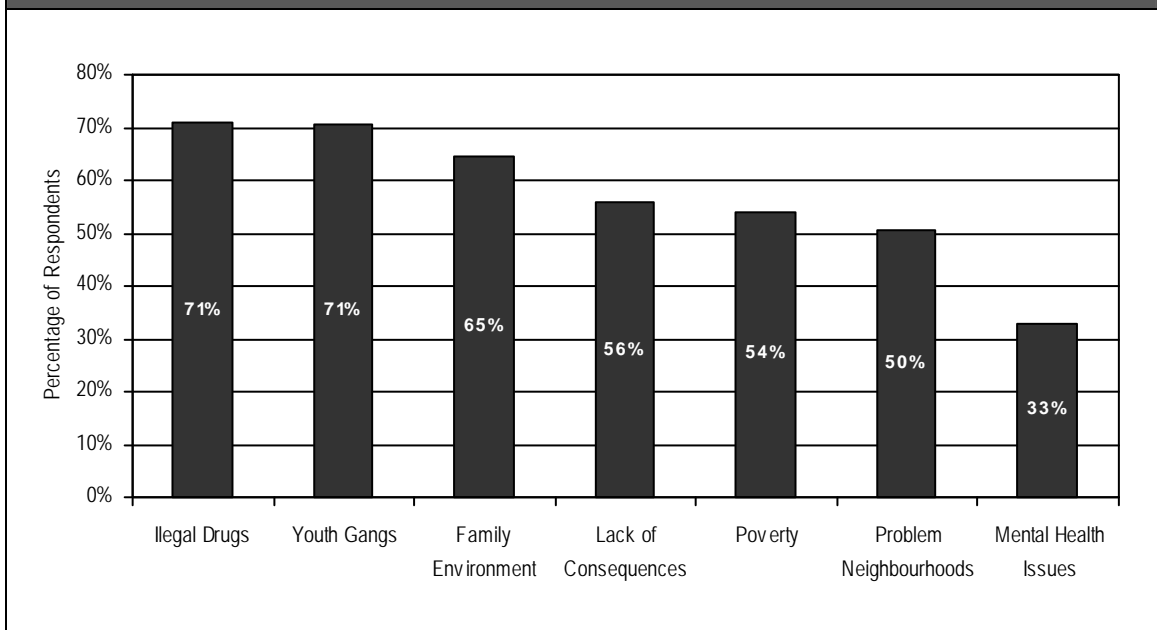
In order to understand the relative impacts of participation in the criminal justice system on specific answers, respondents were asked if they had, within the last five years, been an accused, a parent of an accused, a witness, a juror, a victim or had worked within the justice system in some capacity. Table 3 indicates that approximately 16% of the respondents had one or more experiences within the justice system within the past five years, primarily as a victim, a witness or a parent of a youth accused of a crime.

	N (%)
Involvement in the Justice System	
As a victim of youth crime	436 (6%)
As a witness to a youth crime	390 (6%)
As a parent of a youth accused	331 (5%)
As a professional in the youth justice system	177 (3%)
As a youth accused	93 (1%)
As a juror in a youth trial	44 (1%)
Any involvement	1,109 (16%)
1. These categories are not mutually exclusive as respondents could select multiple categories.	

3.3 Youth Crime in Canada

In order to examine the perceptions of Canadians, respondents were asked a series of questions regarding some of the factors that may play a role in the incidence of youth crime. As indicated in Figure 5, the top three factors considered to play a “strong role” in contributing to youth crime by respondents were illegal drugs (71%), youth gangs (71%), and a negative family environment (65%).

Figure 5: Percentage of Respondents who Indicated the Following Factors Play a “Strong Role” in Contributing to Youth Crime

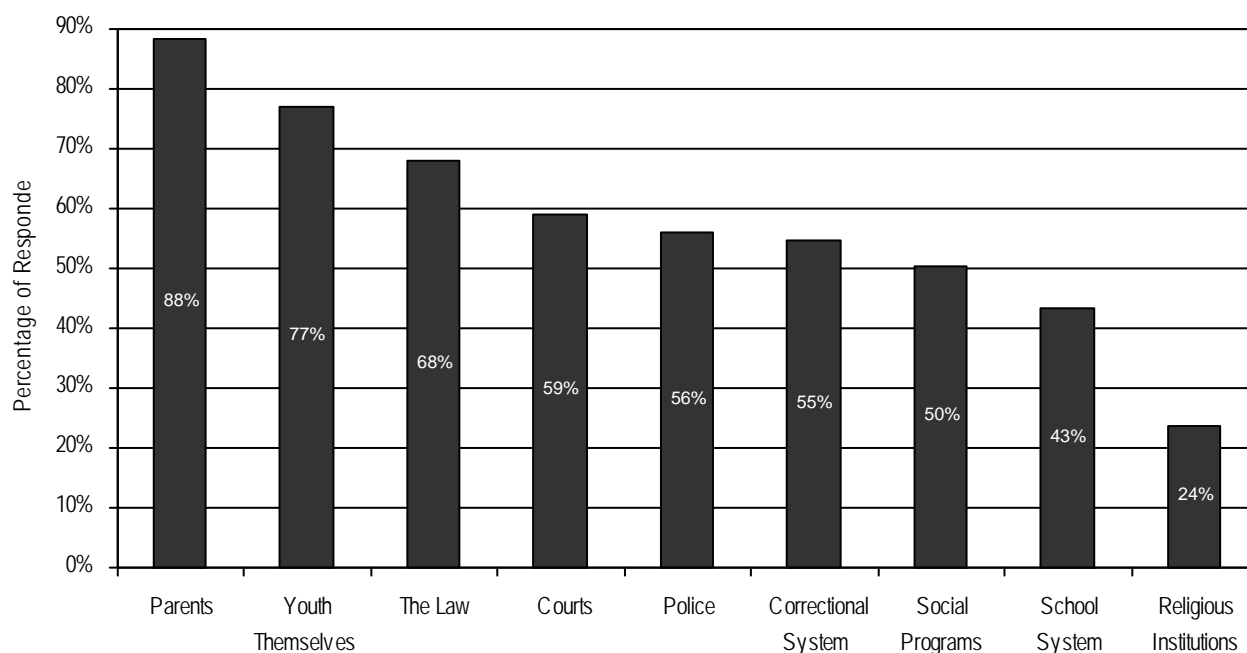


More than half of the respondents also felt that a lack of consequences from the justice system (56%) and poverty (54%) played a strong role in contributing to youth crime, while precisely one-half (50%) felt that problem neighbourhoods were a strong factor. Finally, one-third (33%) believed that mental health issues played a strong role in contributing to youth crime.



Respondents were further asked to ascribe responsibility to particular groups or institutions in preventing youth crime. Figure 6 provides the proportion of respondents who indicated a high degree of responsibility for each category. Generally, most respondents felt that parents (88%) and to a lesser extent the youth themselves (77%), had a high degree of responsibility in preventing youth crime. The justice system, including the law (68%), the Courts (59%), the police (56%) and the correctional system (55%) were seen as moderately responsible in this regard. Social programs (50%), the school system (43%) and religious institutions (24%) were considered least responsible in the prevention of youth crime.

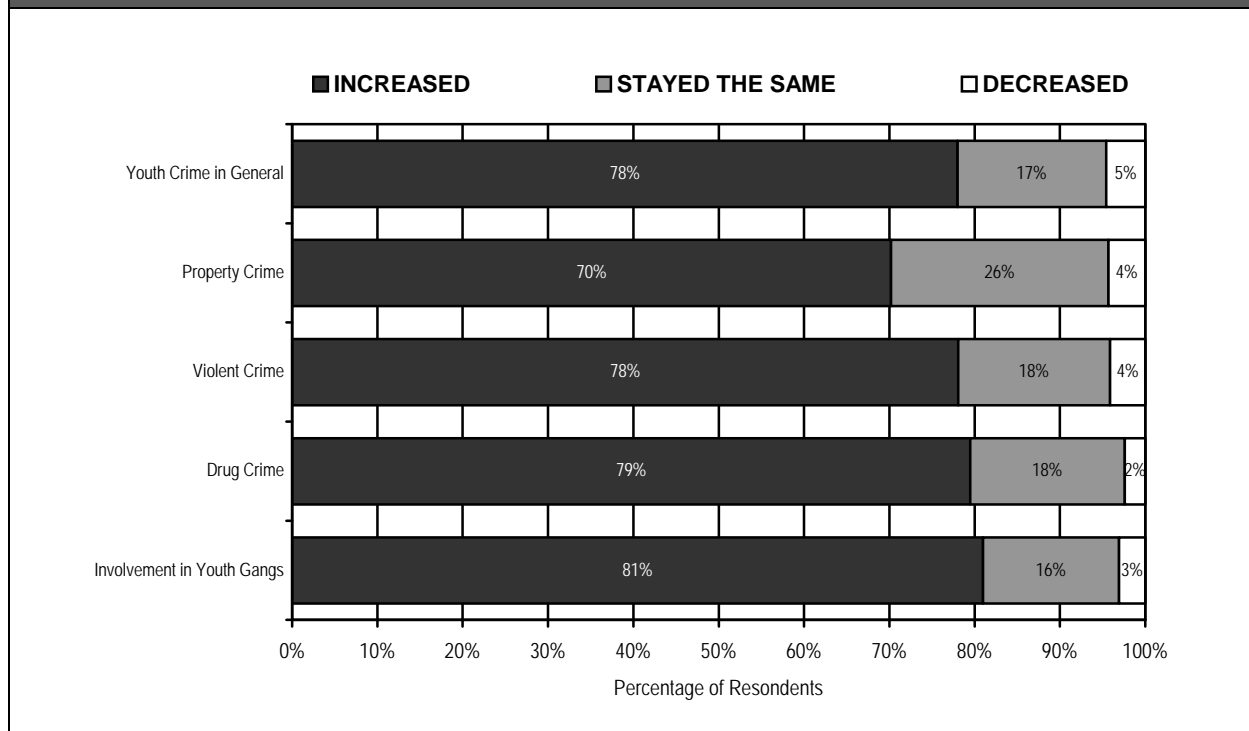
Figure 6: Percentage of Respondents who Indicated that the Following Have a “High Degree of Responsibility” in Preventing youth crime





In order to assess the perceived level of youth crime in Canada, questions were posed on crime trends over the previous five years. A strong perception emerged from respondents that youth crime in general, and all forms of youth crime (e.g., violent crime, property crime and drug crime), have increased within the last five years (see Figure 7). In fact, only a small minority (5%) felt that youth crime in general had decreased over the last five years. This was also true for property crime (e.g., break and enter and theft), violent crime (e.g., assault, robbery, murder) and drug crime (e.g., trafficking, possession). Approximately eight in ten respondents (81%) also believed that involvement in youth gangs had increased over the last five years.

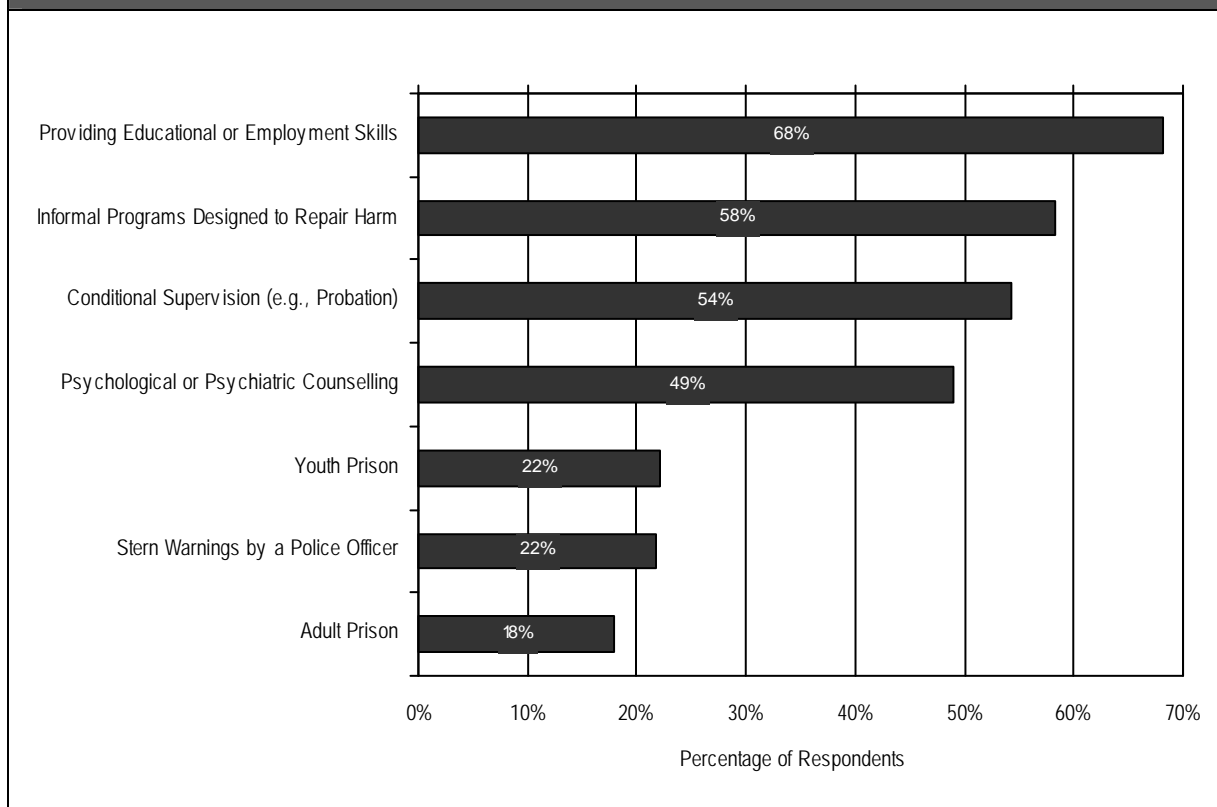
Figure 7: Perceived Change in Overall and Specific Youth Crimes in the Past 5 Years



3.4 Justice System Responses to Youth Crime

Given that questions were posed on the factors contributing to crime, the degree of responsibility for particular groups or institutions, and youth crime trends, respondents were further questioned on appropriate responses to youth crime (see Figure 8). Providing educational and/or employment skills to youth involved in the justice system was rated as highly effective in promoting acceptable behaviour among youth by over two-thirds of respondents (68%). Informal programs that encourage youth to repair the harm that was caused by their crime (e.g., restorative justice programs) was rated as highly effective by 58% of respondents while supervision in the community with conditions such as attending school, abstaining from drugs and abiding by a curfew (e.g., probation) was rated highly effective by 54%. Youth and adult prisons were rated much less effective as only 22% and 18% respectively rated them as highly effective in promoting acceptable behaviour among youth.

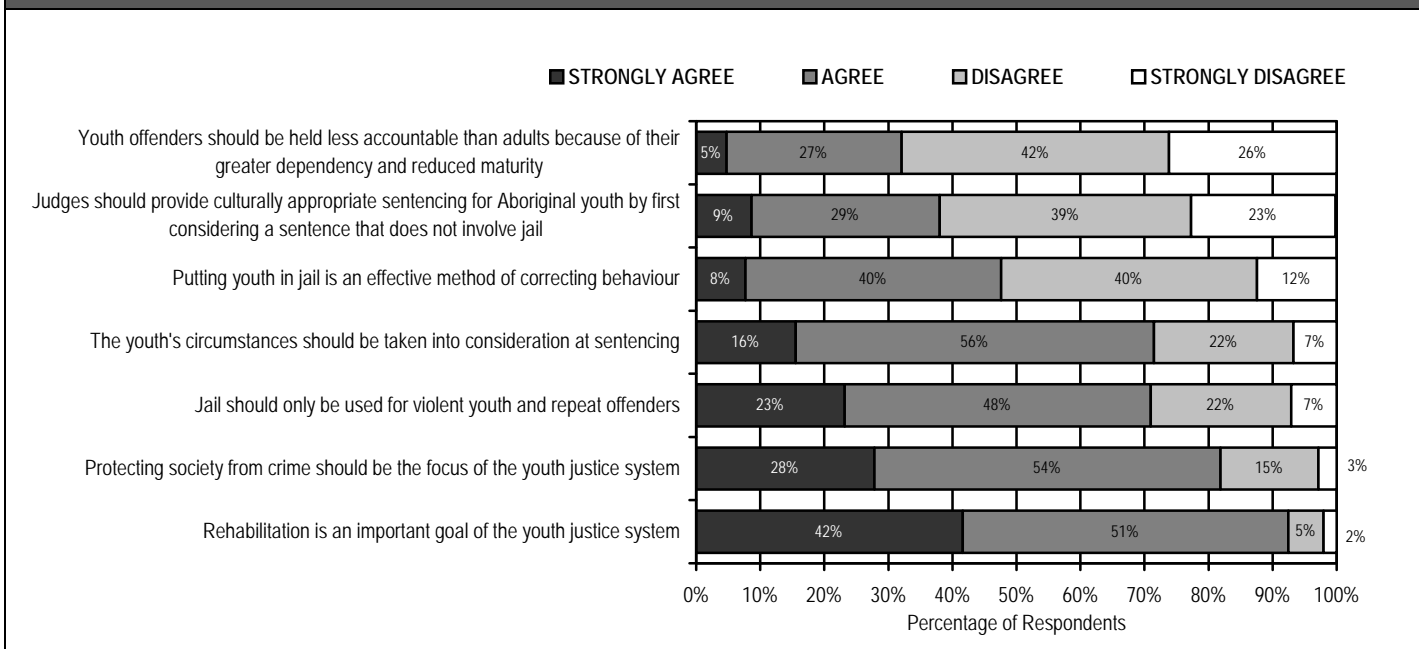
Figure 8: Percentage of Respondents who Indicated the Following Responses would be “Highly Effective” in Promoting Acceptable Behaviour among Youth





The *Youth Criminal Justice Act* contains a set of principles which are designed to guide justice professionals, such as judges and police officers, in the day-to-day decision-making process. Respondents were asked to rate their agreement with a set of statements regarding specific sentencing principles. Clearly, reducing criminal behaviour through rehabilitative efforts is supported by respondents as 93% agreed with the statement that rehabilitation is an important goal of the youth justice system. At the same time, 82% indicated that protecting society should be the focus of the youth criminal justice system. With regards to custody, approximately seven out of ten respondents (71%) agreed that jail should only be used for violent and repeat offenders and just under half (48%) felt that jail was an effective method of correcting behaviour. Only one-third of respondents (33%) agreed with the statement that youth should be held less accountable than adults.

Figure 9: Agreement with Statements about Youth Sentencing Principles

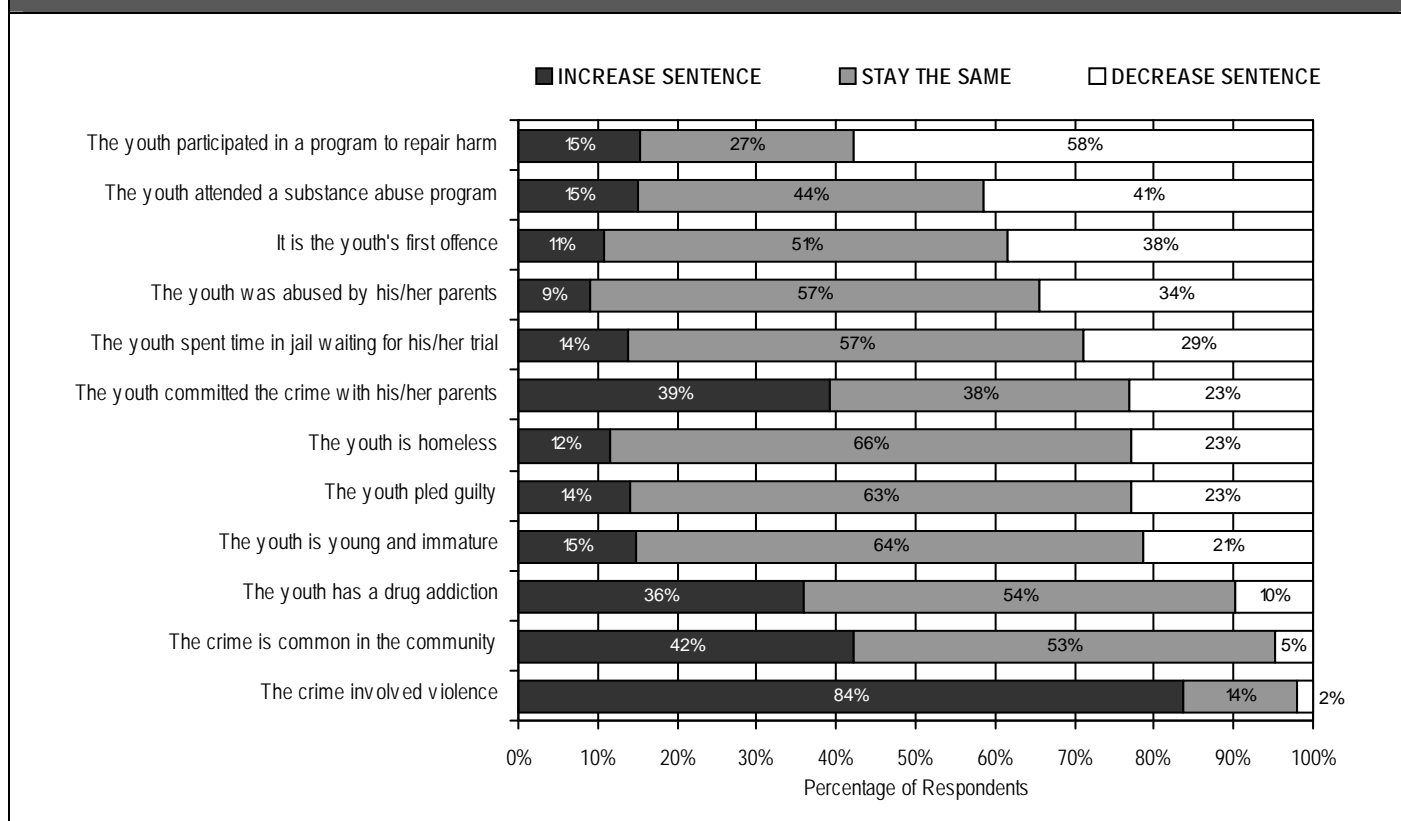


When asked about the extent to which specific factors should influence a youth's sentence, one factor that stood among all of the choices - 84% of respondents felt that the sentence should



increase when the crime involved violence (see Figure 10). Less than half stated that a sentence should be increased in cases where the crime is common in the community (42%), when the youth has a drug addiction (36%) or when the youth committed the crime with his or her parents (39%). However, more than half of respondents (58%) also felt that sentences should be *decreased* when the youth participated in a program to repair the harm caused by the criminal behavior, such as a restorative justice program or community service program. A relatively large proportion also thought that sentences should be reduced if youth attended a substance abuse program (41%), if it was the youth's first offence (38%) or if the youth was abused by his/her parents (34%).

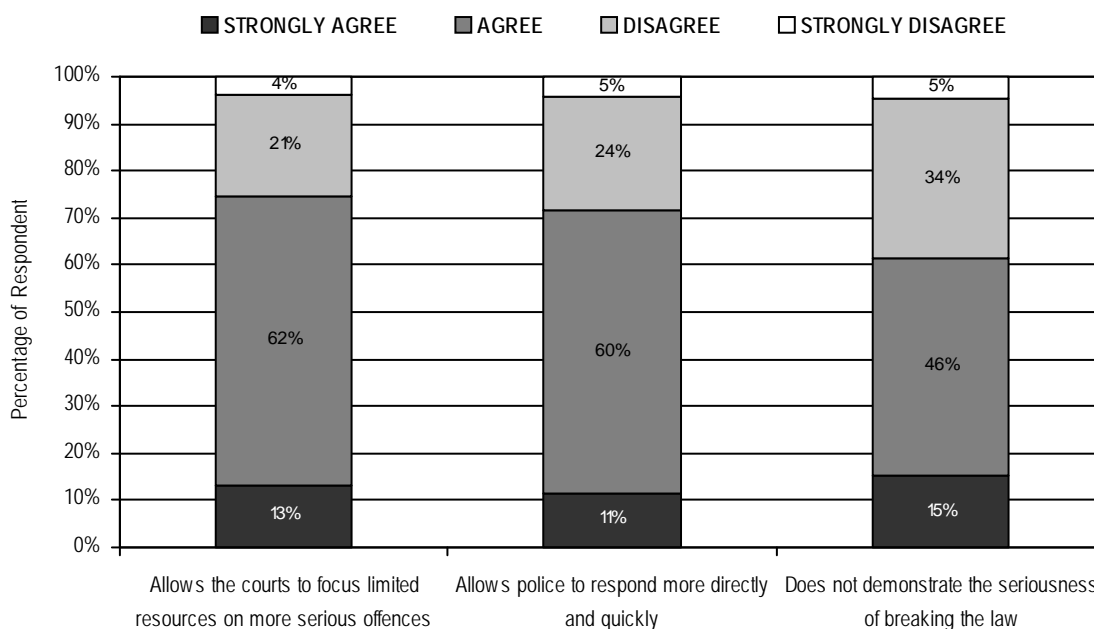
Figure 10: Extent to which Specific Factors Should Influence a Youth's Sentence





There is a range of ways in which the youth justice system can respond to crime, such as charging the youth and proceeding through the courts, or using more informal measures outside the court process, such as warnings, cautions, and referrals to community programs. Respondents were generally supportive of informal measures as three-quarters (75%) agreed that it would allow the courts to focus resources on more serious offences and 71% agreed it would allow the police to respond more quickly (see Figure 11). However, 61% of respondents also agreed that it does not demonstrate to youth the seriousness of breaking the law.

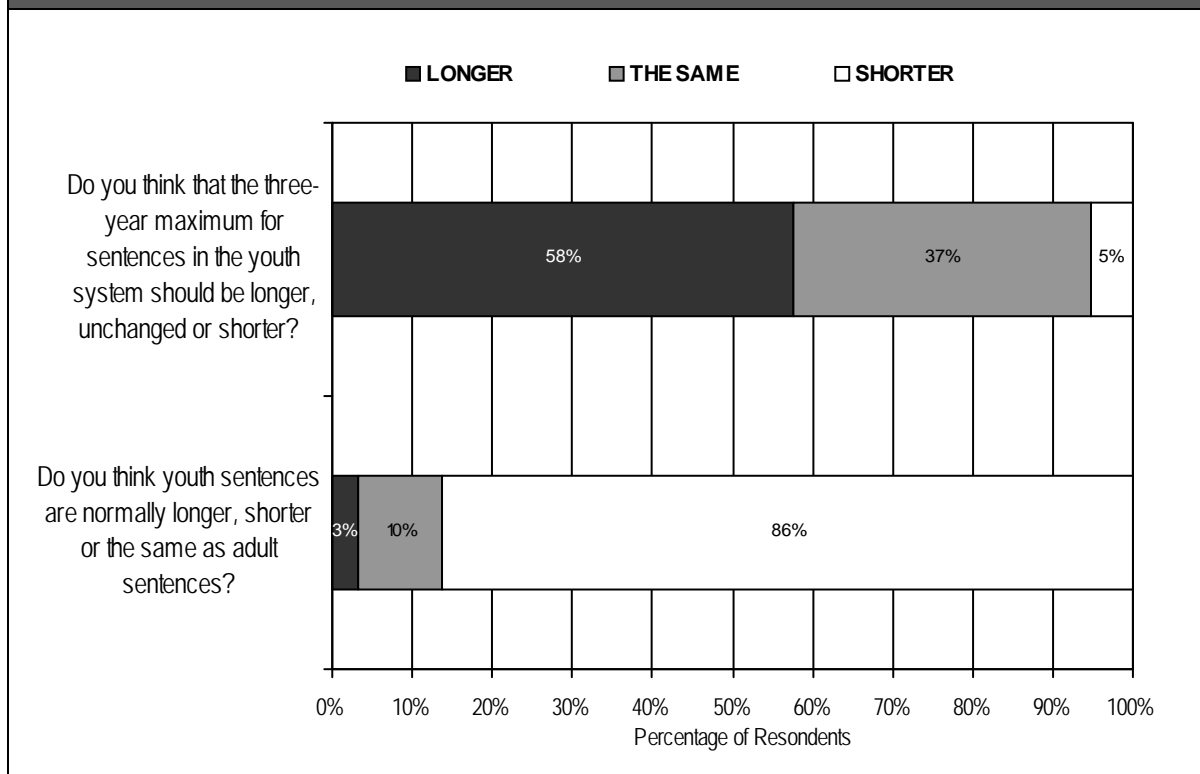
Figure 11: Agreement with Statements about Informal Alternatives to the Youth Justice System





Currently, under the *YCJA*, with the exception of those youth convicted of murder or those youth who are sentenced as adults, the longest sentence available to a youth court judge is three years in custody. More than half of respondents (58%) believed that the maximum sentence should be longer than three years in prison, while 37% felt it should remain at three years (see Figure 12). When asked about the length of youth sentences within the justice system, the majority of respondents (86%) believed that youth sentences were generally shorter than adult sentences for similar crimes.

Figure 12: Perceptions of Youth Sentences within the Youth Justice System





3.5 Predictors of Public Confidence in the Youth Justice System

Given that particular factors can significantly influence an individual's response (e.g., age, gender, region) in a public opinion survey such as the National Justice Survey, multivariate analysis was performed in order to better understand the variation in responses and control for multiple factors. In order to empirically identify the predictors of public confidence in the youth justice system, a multiple regression analysis was performed using a backward elimination method by removing the least significant variables one at a time until all remaining variables were significant at the standard level (i.e., $p < .05$).

The dependent variable used in the analysis was the following question:

Using a 10-point scale with 1 being “very low confidence” and 10 being “very high confidence”, how much confidence do you have in...the youth criminal justice system?

The following variables were entered into the regression analysis as independent variables:

- Gender
- Age
- Household income
- Current employment status
- Visible minority status
- Aboriginal status
- Children living in the household
- Marital status
- Province
- Urban versus rural location
- Education
- Involvement with the youth criminal justice system
- Familiarity with the *Youth Criminal Justice Act*
- Perception of the three year maximum sentences
- Perceived changes in youth crime rates
- Perceptions of the factors contributing to youth crime
- Perceptions of the effectiveness of responses to youth crime
- Major source of information on the youth justice system

The R^2 for the model is 0.299, indicating approximately 30% of the variance in the model is accounted for by the variables that were included (see Table 4). In other words, the significant variables can account for approximately 30% of variability in the public's confidence in the youth criminal justice system.



What is associated with higher confidence in the youth criminal justice system?

- Living in the province of Quebec
- Believing that traditional responses to youth crime found in the *YCJA*, such as police warnings, probation, treatment (e.g., psychological counselling) and youth custody, are effective responses to youth crime
- Familiarity with the *Youth Criminal Justice Act*
- Believing that using informal alternatives to the justice system (e.g., diversion) allow the courts to focus limited resources on more serious crimes
- Having a university education
- Believing that youth who are young and immature or who have a drug addiction, should receive shorter sentences
- Believing that non-justice related institutions such as school system and religious institutions should be highly responsible for preventing youth crime
- Believing that poverty, the family environment, and mental health issues play a strong role in contributing to youth crime
- Consulting more academic sources regarding the youth criminal justice system, such as government reports, books, university courses and professionals within the justice system

What is associated with lower confidence in the youth criminal justice system?

- Being older
- Believing that a lack of consequences from the justice system plays a strong role in contributing to youth crime
- Believing that the three year maximum sentence within the *YCJA* should be increased
- Actual experience within the youth criminal justice system (e.g., victim, accused, parent of an accused)
- A perception that youth crime (general crime, violent crime and involvement in gangs) has increased over the last five years
- Being a female
- Residing in western Canada (e.g., British Columbia, Alberta, Manitoba)
- A belief that the courts and the law in Canada (i.e., the *Youth Criminal Justice Act*) should be responsible for reducing youth crime
- A belief that adult prison is an effective response for youth who have committed crimes



Table 4: Summary of Multiple Regression Analysis for Predicting Public Confidence in the Youth Criminal Justice System

Variable	Parameter Estimates	Standard Error	F Value	P Value
<i>Intercept</i>	2.44	0.28	73.95	<.0001
Quebec	0.83	0.07	127.43	<.0001
Age of respondent	-0.02	0.00	102.36	<.0001
A lack of consequences from the justice system contributes to youth crime	-0.14	0.01	102.21	<.0001
The three-year maximum sentence within the YCJA is too short	-0.60	0.06	96.54	<.0001
Stern warnings by the police are effective	0.11	0.01	93.5	<.0001
Familiarity with the <i>Youth Criminal Justice Act</i>	0.10	0.01	84.77	<.0001
Previous involvement in the youth criminal justice system	-0.36	0.07	23.26	<.0001
Alternative measures allow the courts to focus on serious crimes	0.18	0.04	23.19	<.0001
Youth prisons are effective	0.06	0.01	21.35	<.0001
University education	0.26	0.06	19.83	<.0001
Youth who have drug addictions should have shorter sentences	0.23	0.06	16.44	<.0001
Youth violent crime has increased	-0.25	0.06	16.34	<.0001
Religious institutions should be responsible for preventing youth crime	0.05	0.01	14.74	0.0001
Psychological/psychiatric counselling for youth is effective	0.05	0.02	13.07	0.0003
Gender of respondent (females)	-0.19	0.06	11.42	0.0007
British Columbia	-0.27	0.09	9.83	0.0017
The courts should be responsible for preventing youth crime	-0.05	0.02	9.12	0.0025
Youth gang involvement has increased	-0.19	0.06	8.75	0.0031
The school system should be responsible for preventing youth crime	0.05	0.02	8.42	0.0037
Youth crime in general has increased	-0.18	0.06	8.35	0.0039
Adult prisons are effective	-0.03	0.01	7.86	0.0051
The family contributes to youth crime	0.05	0.02	7.74	0.0054
Community supervision with conditions is effective	0.04	0.01	6.75	0.0094
Alberta	-0.27	0.11	6.51	0.0107
Mental health issues contribute to youth crime	0.03	0.01	5.95	0.0148
Youth who are young and immature should have shorter sentences	0.14	0.06	5.54	0.0187
The law should be responsible for preventing youth crime	-0.04	0.02	5.24	0.0221
Manitoba	-0.28	0.13	5.01	0.0252
The police should be responsible for preventing youth crime	0.04	0.02	4.12	0.0425
Academic sources of information on the youth justice system	0.24	0.11	4.80	0.0285
Poverty contributes to youth crime	0.03	0.01	3.85	0.0497
1. N=4,091; $R^2=.299$ ($p<.0001$).				



4. Discussion

The results of the 2008 National Justice Survey provided answers to some of the more pressing public opinion research questions surrounding the *Youth Criminal Justice Act* and the youth criminal justice system in Canada.

4.1 Confidence in the Youth Justice System

Public confidence in the youth criminal justice system is quite low in Canada. In fact, when compared to results from the 2007 National Justice Survey, the percentage of Canadians indicating low confidence in the youth justice system increased from 33% to 40% in 2008 while the percentage indicating high confidence dropped from 12% down to 7%.²

The central issues associated with the lack of confidence in the youth justice system appear to be related to the sentencing of youth and the perceived lack of a rehabilitative effect following a sentence. Nearly 40% of Canadians indicated a low confidence with the ability of youth courts to pass the right sentence and with the ability of the correctional system to rehabilitate youth. While it is possible that some believed sentences were too long, it is much more likely that the majority of those indicating low confidence believed that the sentences are too short. For example, when asked about the three-year maximum prison sentence under the *YCJA* for all offenders except those convicted of murder or those sentenced as adults, nearly 60% believed that the maximum sentence should be longer than three years, while only 5% felt it should be shorter.

In other words, it is likely that the lack of confidence stems largely from a belief among many Canadians that the youth justice system does not sufficiently hold youth accountable for their crimes and does not rehabilitate youth in order to prevent future criminal behavior. This notion is further supported by the fact that one of the most salient factors in explaining low confidence was the belief among Canadians that a lack of consequences from the justice system plays a strong role in contributing to youth crime. In addition, those that believed the law and the courts are highly responsible for reducing youth crime also expressed significantly lower confidence levels than those who attributed much less responsibility to the justice system itself to prevent crime. Therefore, those who express low confidence generally believe that while the justice system should prevent youth crime through sentencing measures that provide consequences to youth, it is not achieving this goal.

² See Latimer, J. & N. Desjardins (2007). *The National Justice Survey 2007: Tackling Crime and Public Confidence in the Criminal Justice System*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.



4.2 Perceptions of Youth Crime

The perception among the vast majority of Canadians that youth crime, including violent crime, drug crime and gang involvement, has been rising in recent years demonstrates that most Canadians do not believe that the youth justice system is effective in reducing crime. Statistics Canada reported the overall violent crime rate in 2007 was at its lowest point in twenty years and that the property crime rate was at its lowest point in thirty years.³ This rate, however, includes youth crime, adult crime and crimes that have not been solved and therefore cannot be attributed to youth or adults. With regards to the youth crime rate in particular, which only counts those crimes that have been solved and attributed to a youth, Statistics Canada reports that the overall crime rate has remained relatively stable over the last decade with some minor fluctuations up and down. Moreover, the youth property crime rate has generally decreased over the last five years. In other words, the perception among nearly 80% of Canadians that general youth crime and property crime have increased over the last five years is not supported by official crime statistics. Therefore, Canadians either do not have knowledge of the official statistics or do not have confidence that they reflect reality.

On the other hand, it is true that the youth violent crime rate has increased over the last few years so Canadians were accurate in stating that violent youth crime rates are higher now than five year ago. This increase in reported youth violent crime, and the corresponding high level of media coverage, likely contributes to the perception that all youth crime is increasing.

The vast majority of respondents also indicated that they believed that youth sentence lengths were generally shorter than adult sentence lengths. While in two specific cases youth sentences are actually longer (i.e., drug possession and failure to comply with an order), this belief is quite accurate. For all other major offence categories, including homicide, robbery, sexual assault, assault, break and enter, theft, and drug trafficking, youth generally receive shorter sentences than adults.⁴

4.3 Impact of Knowledge and Experience

Not surprisingly, knowledge and experience were found to significantly influence Canadians' confidence in the youth justice system. Those that expressed a high degree of familiarity with the *Youth Criminal Justice Act*, those with university education, and those that relied primarily on more academic sources such as government reports, books, and university courses, expressed

³ See Dauvergne, M. (2008). *Crime Statistics in Canada, 2007*. Ottawa, ON: Canadian Centre for Justice Statistics, Statistics Canada.

⁴ Analysis was conducted using the Adult Criminal Court Survey and the Youth Court Survey managed by the Canadian Centre for Justice Statistics within Statistics Canada. A five-year average custodial sentence length (in days) for both youth and adults was calculated and compared and in all cases (with the exception of drug possession and failure to comply with an order), youth sentences were shorter. Naturally, this analysis does not control for a number of factors including time served in pre-trial custody, the criminal history of the accused, the length of community supervision, nor the level of severity of the particular offence – it is simply meant to determine if respondents were generally accurate in their perceptions.



a significantly higher level of confidence with the youth justice system than their counterparts. However, those that had personal experience within the youth justice system (e.g., as an accused, victim, parent of a youth) expressed significantly lower levels of confidence than those without direct experience. Therefore, there appears to be a contradiction between personal experience and learned knowledge

4.4 Demographic Differences

Another interesting difference in confidence identified within the 2008 NJS was the varying levels across the country. Even after controlling for all of the factors in the multivariate analysis, it was clear that confidence levels in Quebec were much higher than the rest of the country. In fact, living in Quebec was the strongest predictor of high confidence in the youth criminal justice system. In contrast, living in western Canada (e.g., BC, Alberta and Manitoba) was related to lower levels of confidence in the youth justice system. Interestingly, crime rates in general are much higher in the west than in Quebec which may explain some of this difference.⁵ It is also clear that those who value a more child-welfare and rehabilitative approach (e.g., warnings from police, psychological treatment options, informal measures such as diversion), which is often promoted in Quebec, are more likely to express higher confidence in the youth justice system compared to those who prefer a more law and order approach (e.g., adult sentences, longer youth sentences). As well, those who believe that crime has strong roots in family environments, mental health issues and poverty, also express much higher levels of confidence than those who do not consider these to be salient factors.

Finally, age and gender appear to influence confidence levels in Canada. As one ages, the level of confidence in the youth justice system diminishes regardless of other significant factors. According to Statistics Canada, approximately 14% of Canadians are currently 65 years of age or older. By the year 2026, this is expected to increase to 23%.⁶ Therefore, as the Canadian population continues to age, it is likely that confidence levels in the youth justice system will continue to decrease.

Women in Canada also appear to have less confidence in the youth justice system than men. One possible explanation may be related to fear of crime. According to the General Social Survey conducted by Statistics Canada, women have a much higher level of fear of crime (e.g., walking alone at night in their neighborhood) than men even though their level of victimization is relatively similar.⁷ This perceived vulnerability among women may explain some of the difference in confidence levels. In other words, women may generally feel less confident that the youth justice system will be able to protect them from being victimized.

4.5 Responding to Youth Crime in Canada

While most Canadians believe that youth crime is rising, there are some differences according to what the public believes is contributing to a perceived increase. More than two-thirds of

⁵ Supra note 2.

⁶ See Bélanger, A., Martel, L. & Caron-Malenfant, É. (2005). Population Projections for Canada, Provinces and Territories. Ottawa, ON: Demography Division, Statistics Canada.

⁷ See Ganon, M. & Mihorean, K. (2005). Criminal Victimization in Canada, 2004. Ottawa, ON: Canadian Centre for Justice Statistics, Statistics Canada.



Canadians believe that illegal drugs and youth gangs play a strong role in contributing to youth crime in Canada while only one-third attributed youth crime to mental health issues. In other words, it is likely that most Canadians would support interventions designed to reduce the impact of drugs and gangs on youth in an effort to reduce youth crime. The second group of factors related to youth crime identified by Canadians include the family environment, poverty and neighborhood problems which are factors traditionally found within a social development crime prevention model. As a result, it is likely that many Canadians would agree with efforts to support parents and families by strengthening family environments, improving neighborhoods and reducing poverty in an effort to reduce crime. On the other hand, more than half of Canadians also believe that a lack of consequences from the youth criminal justice system contributes to youth crime. This, coupled with the fact that more than half of Canadians also believe the three-year maximum is too short and that young offenders should not necessarily be held less accountable than adults, infers that lengthening the maximum sentence would likely be supported by a large proportion of Canadians.

While an overwhelming majority of Canadians believe that parents have a high degree of responsibility in preventing youth crime, Canadians also believe that the youth criminal justice system should prevent youth crime. For example, between one-half and two-thirds of Canadians feel strongly that the law (i.e., the *YCJA*) and the justice system (i.e., the police, the courts and the correctional system) should prevent youth crime. Therefore, in order to increase confidence in the youth justice system, it is likely important to demonstrate its effectiveness in reducing recidivism among youth. To date, little empirical and accessible research exists on the impacts of the formal youth justice system in reducing youth crime. However, since most Canadians reported that they do not primarily rely on empirical research to shape their views, it is not clear how instrumental such data would be in altering perceptions in the end.

It is interesting to note that most Canadians support educational and employment skills development, programs designed to repair harm (e.g., community-based restorative justice programs), community supervision with conditions (e.g., probation) and psychological counselling over youth and adult prisons. Given the understanding among many that youth crime stems from poverty, family environments and criminogenic neighbourhoods, this makes sense.

With regards to the use of prison for youth, while Canadians are divided on whether it is an effective method of correcting behaviour, most accept that it should be reserved for serious violent and repeat offenders. In addition, many believe alternatives outside of the formal justice system, such as diversion and restorative justice, would allow the courts to deal with more serious offences and allow the police to respond more directly and quickly to youth in violation of the law. However, at the same time, the majority of Canadians also feel that such a process would not adequately demonstrate the seriousness of breaking the law. Given this inconsistency, it may be that this concern is directed more at serious criminal behaviour and that for minor offending Canadians would support informal alternatives to the traditional justice system.

When examining what factors should increase a sentence among youth, it is clear that, for most Canadians, once a youth engages in violent behaviour, the sentence should be longer. However, if a youth participated in a program designed to repair the harm caused by his or her criminal behaviour (e.g., a restorative justice program where the youth meets with the victim and agrees to repair some of the harm through some form of community service) or if the youth has



addressed his or her drug addiction through treatment, a large proportion believe the sentence should be shorter.

So how does one reconcile the sometimes conflicting views of Canadians? It appears that when all of the data is analysed, the most important issue for the public is the prevention of future criminal behaviour. In the previous cycle of the National Justice Survey (2007), respondents were asked to identify the most important goal of the justice system (not specifically the youth justice system) and rehabilitation was identified most often.⁸ Moreover, in the 2008 NJS, the vast majority of respondents thought that the youth justice system should focus on rehabilitation. People want to believe that once a criminal has been arrested, the justice system will ensure that he or she does not commit another offence. So why does this translate into support for longer sentences? Likely, some Canadians assume that harsher sentences will provide a deterrent effect and prevent crime. But at the same time, others appear to realise that youth may require responses such as counselling and education.

In the end, it appears that for serious criminal behaviour, Canadians want the youth justice system to provide more consequences in the form of longer sentences. However, for less serious crimes, the public would prefer to see youth held accountable through informal approaches and sentencing options other than prison (such as probation and community justice programs). As well, the public is supportive of the provision of counselling services, educational and employment skills and other treatment based services, for youth (and possibly their families). Additional research, possibly more in-depth focus groups with Canadians, may provide more information on this complex question.

⁸ Supra note 1.



5. Conclusion

The goals of the 2008 NJS were to measure public confidence in the youth justice system, to identify viewpoints on particular responses to youth criminal behaviour and to assess perceptions of youth crime in Canada. Confidence in the youth criminal justice system in Canada is generally low. The central concern appears to be around a perceived lack of accountability and a belief that youth crime rates in Canada are increasing. In addition, there are some relatively important factors related to confidence in the youth justice system including region of the country, one's attitudes towards the appropriateness of criminal justice responses to youth crime and demographics such as age and gender.

A large segment of Canadians believe that more welfare-oriented responses to non-violent youth crime, such as counselling, conditional supervision in the community, restorative justice programs, educational and employment skills are more effective in reducing youth crime compared to youth and adult prisons.

If a youth engages in violent behaviour, most Canadians believe that his or her sentence should be longer. On the other hand, if a youth attends a treatment program to address a drug addiction or attends a community-based program designed to repair the harm caused by his or her crime, many believe the sentence should be shorter.

The majority of Canadians also believe that youth crime in general and youth property crime have increased over the last five years even though official crime statistics do not support this perception. However, it is true that the youth violent crime rate has risen over the last few years which may be a contributing factor to the perception that all youth crime is increasing.

The 2008 National Justice Survey has also identified several interesting additional research questions. For example, if Canadians were presented with official crime statistics indicating a reduction in youth crime, would they continue to believe that it has increased? And would this impact on confidence? If Canadians were provided with accessible empirical research on the effectiveness of the youth justice system, would this alter their confidence levels? Finally, is there a contradiction between Canadians' support for longer sentences and the belief that issues such as poverty, negative family environments and criminogenic neighbourhoods play a strong role in contributing to youth crime?