

Fact Sheet

#3

in a series of fact sheets that examine questions frequently asked about the criminal justice system.

Youth Crime: Sorting fact from fiction

What the media reports

Each week the nightly news reports some startling new incident of youth crime. The media's frequent focus on sensational cases of youth gangs, violence in schools, and homicide *appears* to depict dramatic increases in youth crime. In this charged environment, some politicians, prosecutors, police spokespersons and others grab the headlines by declaring the *Young Offenders Act* (YOA) to be responsible for increased levels of youth crime. They claim that it is permissive, lenient and, therefore, not an effective deterrent. Canadians are led to believe that tougher measures will be effective in dealing with this self-declared crisis.

Are we really facing a crisis? Are the nature and extent of youth crime really changing? Is there any evidence that young people are "getting away with murder" and "laughing at the system" as the critics of the YOA claim? Will changing the YOA have any effect on reducing youth involvement in criminal activity? The material presented in this Fact Sheet will provide a better understanding of real, as opposed to apparent, trends in youth crime. It is imperative that we carefully and critically examine the facts on youth crime so that we can develop policies which give

youth the best chance for becoming healthy adults.

Getting the facts

A critical analysis of trends in youth crime must begin with an understanding of youth crime statistics. We need to know how the data can be affected by factors other than changes in the actual incidence of youth crime.

No crime can be attributed to a young offender unless the offender has been identified. Information about youth crime is derived from two sources: crime reported to police (UCR - Uniform Crime Reporting Survey) and court records (YCS - Youth Court Survey). Through the UCR, we know the number of youths *who were charged*. Primarily, it is this data that generate the statistics on youth crime. In addition, through the UCR, police report data on "youths seen to be associated with an offence" -- a category which includes not only youths charged, but also youths dealt with through means other than laying a charge. This data allow one to analyse trends in the use of police diversion.

The YCS contains data only on the number of youths *who were charged and whose cases were taken to court*.

Numbers of Canadians Age 12-17 Charged With Homicide 1972-1992

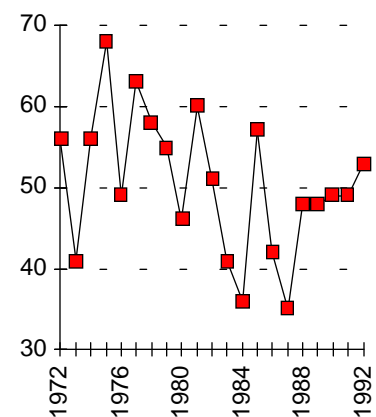


Figure 1

Source: Canadian Centre for Justice Statistics

A sense of crisis has been created by the perception that there has been an increasing number of young people charged with homicide. Figure 1 shows that there has been no discernible trend in the numbers of persons age 12 - 17 charged with homicide between 1972 and 1992. The numbers range from a high of 68 in 1975 to a low of 35 in 1987.

How youth crime statistics distort reality

Data relating to youth crime do not capture the actual incidence of crime committed by young people. Self-report surveys suggest that most young people have been involved in criminal activities, largely minor offences such as shoplifting and schoolyard fights, for which charges could have been laid. Most of these offences were never reported to the police and, of those that were reported, many did not lead to charges being laid.

Often police decide not to lay charges, especially against first-time young offenders committing minor offences. Instead of laying charges, police will issue a warning and/or take the youths home to their parents. It is also common in provinces, *other than Ontario*, to refer the young person to an Alternative Measures program instead of laying a charge.

Alternative Measures programs for youth take place outside of the formal court structure and deal generally with first-time offenders who have committed minor offences. The youth is sent to a probation officer or a community agency to make restitution to the victim or to do community service.

Because the data used to describe the nature and extent of youth crime relate only to the youths *charged*, variations in the rate of reporting offences, in decisions to lay charges and in the use of alternatives to court, are factors that can distort the *apparent* crime picture substantially. It is important to understand the impact of these factors.

- *Increasing willingness to report offences*

Victimization studies in Canada indicate that approximately 30% of violent crime and 40% of household

property crime are reported to the police. The most frequent reason given for not reporting offences to the police was that the incident was too minor. Citizen reporting practices change. Greater public sensitivity to crime can result in offences which were previously seen as "too minor" now being reported to the police. An example relates to the "zero tolerance" initiatives of schools throughout Ontario. The previous practice of handling behaviour such as bullying and schoolyard fights internally has been replaced with an order by some school boards that such incidents must be reported to the police. This change in reporting will inflate the apparent rate of violent crime committed by youth.

- *Police laying charges more frequently*

Police discretion is not guided by standards across jurisdictions and the use of discretion varies as a consequence.

Figure 2 shows that there has been a trend towards police laying charges more frequently in cases of crimes committed by youth in Canada. The evidence suggests that the police have changed their practices with the introduction of 16 and 17 year olds into the jurisdiction of the juvenile justice system.

Youths Charged as a Percentage of all Youths Associated with an Offence Canada 1980-1990

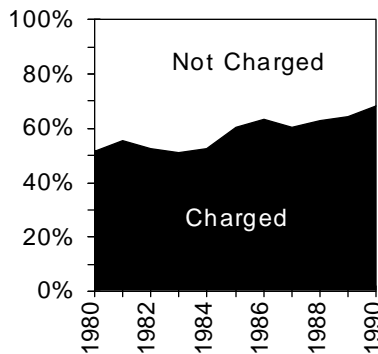


Figure 2
Source: Canadian Centre for Justice Statistics

"We get vast numbers of 12 and 13 year olds on trivial offences. For example, a 12 year old child living in a group home because his parents have died, kicks a door frame and chips the paint. The way the staff solves this disciplinary problem is to call the police and have him charged. Every day kids like that are herded in here in handcuffs, processed in the most formal way and unduly traumatized."

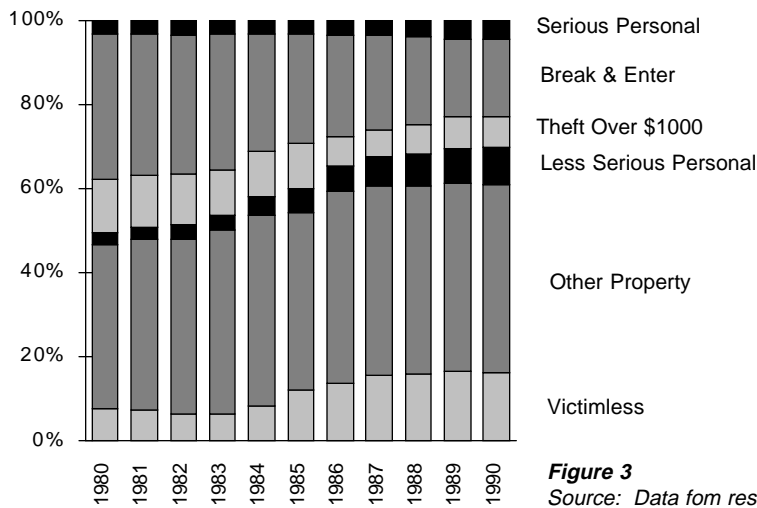
Judge Peter Nasmith, Ontario Provincial Court, Family Division

Recent research by Carrington and Moyer (1994) compared youth crime data from before the introduction of the YOA (1980 - 1984) with data following its introduction (1985 -1990) using rates to control for the changes in the youth population brought about by the standardization of age jurisdiction in the provinces through the YOA. They found that, while over each five year period the average rates of youths "seen to be associated with an offence" remained the same, the average rate of youths charged increased 21%. They concluded that police were laying charges more frequently under the YOA than prior to its implementation.

Carrington and Moyer then examined the factors which could explain the increase in frequency of charges being laid. They found no evidence that police were laying more charges in response to any change in the seriousness of offences committed by young people. (Figure 3). They also found no general trend towards decreased police diversion regardless of age. Rates of charging adults remained steady or declined slightly during the decade.

By examining provincial variation, the researchers concluded that the increase in the maximum age provisions of the *Young Offenders Act* was the factor most significantly correlated with the increase of frequency of charges laid. Quebec and Manitoba included 16 and 17 year olds through provincial legislation

Distribution of Youth Crime by Offence Category Canada 1980-1990



"Apart from a proportionately large but absolutely very small increase in serious person offences, the "mix" of police-reported youth crime did not become more serious during the decade – in fact, it became less serious, as serious property offences decreased and "other" offences such as victimless and administration of justice offences increased".

Carrington, Peter J. and S. Moyer, "Trends in Youth Crime and Police Response, Pre- and Post-YOA", Canadian Journal of Criminology, 36(1), 1994, p. 22.

Figure 3

Source: Data from research by Moyer and Carrington (1992) and translated to graph by JHS Ontario

prior to 1980. British Columbia and Newfoundland already included 16 year olds and, therefore, needed to expand only to 17 year olds to meet the age provisions of the YOA. The other remaining provinces and territories added both 16 and 17 year olds. Those provinces which saw the greatest change in age jurisdiction showed both substantial decreases in the use of police diversion and the largest increases in rates of reported youth crime from 1980 to 1990.

The data suggest that the change in police practices, rather than any significant change in the nature and extent of youth crime, has resulted in increases in reported youth crime.

- "Alternative Measures" used to boost apparent crime rate

In Ontario, 40% of all cases referred to youth courts result in the charges being withdrawn. This compares to a withdrawal rate of 10% for the rest of Canada. Ontario is the only province that requires that a charge be laid prior to consideration for an Alternative Measures program. Upon successful completion of the program, the charges are withdrawn. In all other provinces, consideration for these programs can be given before the charge is laid and, therefore, youths

referred to Alternative Measures programs pre-charge are excluded from the data on youths charged in those provinces.

The Alternative Measures program in Ontario operates in a manner that generates rates of youth crime that appear to be higher than the rates in other provinces. In the year prior to the implementation of Alternative Measures (1987/88), there was a small increase in the number of charges withdrawn. In the year after the implementation of Alternative Measures in Ontario (1988/89), there was a substantial increase in the number of charges laid against young persons and also in the number of charges withdrawn in youth court. Charges withdrawn as a proportion of all charges dealt with in youth courts have increased from 27% in 1987/88 to 41% in 1991/92. The decline in the use of police discretion to not lay charges and the high number of cases in which charges were later withdrawn suggest that Alternative Measures are being used frequently to replace police warnings and cautions rather than the more serious judicial proceedings that they were intended to replace.

Given that 37% of all of the charges laid against young persons heard in youth courts in Canada were from Ontario in 1991/92, the charging practice skews the national data and distorts our

understanding of Canadian trends in youth crime.

Young Offenders Act does not cause youth crime

As shown in Figure 4, the proportion of all persons charged who are youths has remained virtually unchanged over the last seven years. Overall trends

Youths Charged as a Percentage of all Persons Charged Canada 1986-1992

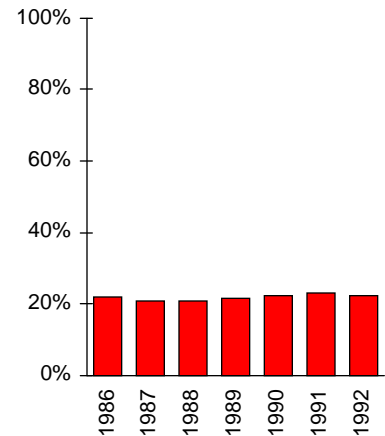


Figure 4

Source: Canadian Centre for Justice Statistics

in criminal activity have remained similar for both young and adult offenders. It appears that those factors that affect youth crime trends are not distinct from those factors that affect adult crime trends. The *Young Offenders Act*, therefore, has had no discernible impact on the trends of criminal activity by young people.

Just the facts

Figure 3 challenges the widely-held notion that youth crime is primarily serious and becoming increasingly serious. The most recent data from 1992 continues to demonstrate that there is no cause for panic.

Although 15% of young offenders were charged with a violent offence in 1992, almost one-half (48%) were for assault level 1 offences which *involve no weapon and no serious injury*. The offences resulting in the most serious personal injury (homicide, attempted murder, assault level 3 and sexual assault level 3) accounted for 2.4% of youths charged with a violent offence and 0.4% of all youths charged with a Criminal Code offence.

The majority (62%) of all young offenders were charged with property offences. Almost one-half of those charged with a property offence were charged with theft under \$1000 - an offence primarily related to shoplifting. The number of youths charged with Break and Enter (B&E) was actually lower in 1992 than it was in 1986.

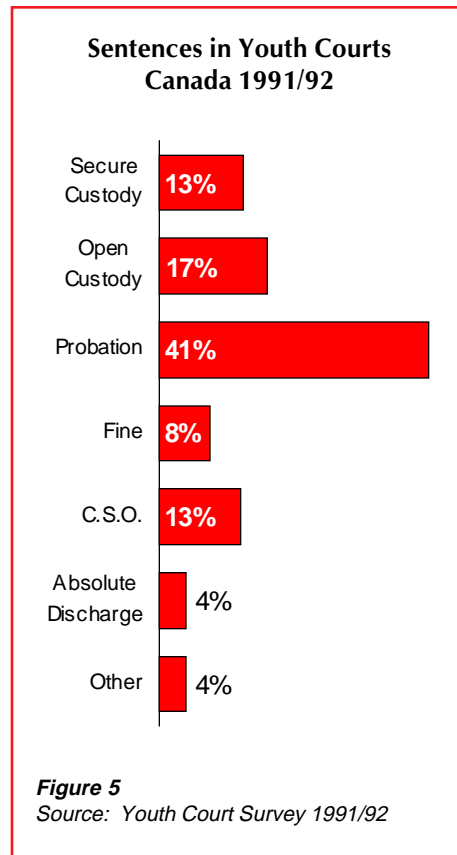


Figure 5
Source: Youth Court Survey 1991/92

Panic-free policy

If we respond to claims of youth crime being "out of control", we contribute to public fear and the inevitable demand for more "get tough" measures. We also run the risk of needlessly involving a greater number of young people in an expensive system which does little more than watch, detain, humiliate and punish. The most severe

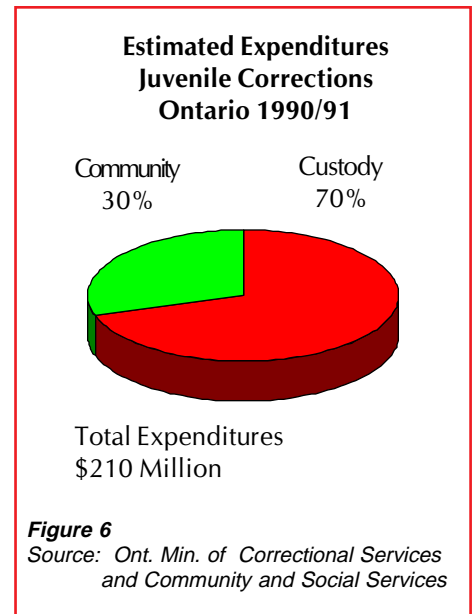


Figure 6
Source: Ont. Min. of Correctional Services and Community and Social Services

punishment, a sentence of custody, is now being given in 30% of cases in youth courts in Canada (Figure 5) and in 36% of the cases in Ontario. The imprisonment of young people is very expensive -- \$191 per day in Ontario. Imprisonment also consumes the bulk of the financial resources within the juvenile corrections system (Figure 6) leaving little for prevention activities and for programs designed to help troubled youth in the community.

We cannot afford to be manipulated into promoting harsh solutions for fictional problems. Panic-free social policy would use resources, largely wasted in enforcement and punishment systems, to promote healthier environments and hopeful opportunities for our youth.

The John Howard Society is an organization of citizens who accept responsibility for understanding and dealing with the problems of crime and the criminal justice system.

If you would like more information about the Society or feel that you would like to contribute to the work of the Society, please write or contact us by phone at:

