

Questions and answers on youth and justice

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

This article attempts to answer this question by providing answers to some of the most common questions about youth crime in Canada ("youth" refers to young persons aged 12 to 17 inclusive, as defined in the 1984 Young Offenders Act). *The following facts and figures⁽²⁾ illustrate the reality of youth crime in Canada, hopefully clearing up misconceptions and highlighting areas of concern.* How extensive is youth crime? Each year, almost 1 in 10 youths come into contact with police for a violation of the *Criminal Code*⁽³⁾ or other federal statutes (such as the *Narcotics Control Act* and the *Food and Drugs Act*). This means that since 1986, more than three-quarters of a million youths have been charged by police for *Criminal Code* and other federal statute offences.

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

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

It should be noted that while increases in the youth charge rate may reflect an increase in youth crime, it may also reflect an intensification of the charging practices of police departments. Comparison of youth and adult charge rates should also be made with caution, as the adult group includes older people who generally commit very few crimes.

Table 1

Youths Charged with Criminal Code or Other Federal Statute Offences	
	Number
Violent Offences	
1986	9,275
1992	20,033
Property Offences	
1986	78,862
1992	83,642

Other Criminal Code Offences	
1986	20,869
1992	31,673
Other Federal Statute Offences	
1986	4,021
1992	5,036
Total Offences	
1986	113,027
1992	140,384

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

As for gender, youth crime is predominantly committed by male youths. In 1992, 80% of *Criminal Code* and other federal statute offence charges were laid against male youths. This number has changed little since 1986 (84%), although female youths have shown an increase relative to the total number of youths charged. What type of offences are committed by youths? Most youth crimes are not violent. In fact, crimes committed by youths are predominantly property offences. In 1992, 60% of youths charged with a *Criminal Code*⁽⁶⁾ or other federal statute offence were charged with a property offence, while just 14% were charged with a violent offence (see Table 2). In comparison, 37% of adults charged were charged with a property offence and 24% were charged with a violent offence.

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

Table 2

Percentage of Youths and Adults Charged with Specific Criminal Code or Other Federal Statute Offences		
	Youth	Adult
Violent Offences		
1986	8%	18%
1992	14%	24%
Property Offences		
1986	70%	43%
1992	60%	37%

Other Criminal Code Offences		
1986	19%	28%
1992	23%	29%
Other Federal Statute Offences		
1986	3%	11%
1992	4%	10%

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

More specifically, the 1992 charge rate for male youths was 98 per 1,000 (nearly 1 in 10 male youths), more than two times the male adult rate of 44 per 1,000. The charge rate for female youths was much lower (26 per 1,000), but was still three times the female adult rate of 9 per 1,000. Again, however, comparisons of youth and adult charge rates should be made cautiously.

Table 3

Youth and Adult Charge Rates (per 1,00 persons)		
	Youth	Adult
Violent Offences		
1986	4	4
1992	9	6
Property Offences		
1986	36	10
1992	38	10
Other Criminal Code Offences		
1986	10	7
1992	14	7
Other Federal Statute Offences		
1986	2	2
1992	1	2
All Offences		
1986	51	23
1992	63	25

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

murder.

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

Sexual assaults committed by youths are also almost as serious as those committed by adults. However, the proportion of more serious sexual assaults (including aggravated sexual assault and sexual assault with a weapon) is small for both youths and adults, accounting for about 0.4% and 0.6%, respectively, of all violent charges and 4% and 6% of all sexual assault charges. Is youth crime becoming more violent? In 1992, 20,000 youths were charged with a violent crime. Among these charges, nearly half (48%) were for "level 1" (minor) assault, up slightly from the 1986 level of 43%. This 5% rise in the proportion of youths charged with minor assault is almost equivalent to the 6% increase in the proportion of youths charged with violent offences of any type.

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

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

However, the *Young Offenders Act* adjusted the age limits for young offenders in a number of jurisdictions, making it difficult to track young offenders through the pre- and post-Act periods. If you look strictly at offender age (as opposed to "young offender" status), the youth homicide rate has actually decreased over time. From 1974 to 1979, there was an average of 60 youth (ages 12-17) homicide suspects per year. This number slipped to 48 between 1980 and 1984, and then to 46 between 1985 and 1992. How many young offenders are in the correctional system? In 1992-1993, an average of 4,700 young offenders were held in custody each day (up from 4,000 in 1988-1989). The overall custodial rate was 21 per 10,000 youths. Of these offenders, about 2,100 were held in open custody, 1,800 were held in secure custody and 900 were held on remand (awaiting trial in youth courts). These totals have all increased since 1988-1989, when there were roughly 1,800 young offenders in open custody, 1,600 in secure custody and 700 on remand.

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

As well, more young offenders are now on probation. In 1992-1993, an average of 34,000 young offenders were on probation each day. This is a probation rate of 152 per 10,000 youths, up 12% from 1988-1989's total of 136. Are many young offenders transferred to adult court? In 1992-1993, 42 youths were transferred to adult court. Although violent offences are not the only offences for which youths are transferred to adult court, they do account for most of the cases. More than two thirds of the youths transferred ⁽³⁰⁾ had been charged with violent offences, while seven were charged with property offences and the other five were charged with assorted other *Criminal Code* offences. Do many young offenders recidivate? Slightly more than half (54%) of youth court cases involved first-time offenders.⁽⁸⁾ However, those youths who did reoffend usually had more than one prior conviction.

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

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

Recidivists did receive more severe sentences than offenders with no prior convictions. For example, a small minority of first-time offenders (14%) convicted of break and enter were sentenced to some type of custody, compared with 53% of recidivists. However, the number of prior convictions was not related to the length of custodial terms, especially with relation to open custody. This suggests that factors other than the length of both open and secure custodial sentences. A clearer picture The facts and figures in this article indicate that current fears and perceptions of a steep rise in violent youth crime do not reflect reality, at least not yet. The vast majority of youth offences remain non-violent and the youth homicide rate has decreased consistently since 1974.

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

The facts and figures supplied have, however, merely defined the problem. The more serious question - what to do about youth crime - will be far more difficult to answer.

(1)Statistics Section, Department of Justice, 239 Wellington Street, Ottawa, Ontario K1A 0H8.

(2)The data for this article were extracted from a variety of sources. Please refer to these reports from the *Canadian Report (1986-1992)*; *Revised Uniform Crime Report*; *Homicide Survey 1986-1992*; *Youth Court Survey (1986-1992)*; *Adult Criminal Court Survey*; *Sentencing in Adult Criminal Provincial Courts*; *Youth Court Survey (1986/1987-1992/1993 revised)*; *Young Offender Custodial Key Indicator Survey (1986-1992)*; *Youth Court Survey (1992-1993 revised)*. See also *Post-Censal Population Projection (1986-1992)* (Ottawa: Statistics Canada, 1992). And see *Report on the Demographic Situation in Canada* (Ottawa: Statistics Canada, 1992). And see "Recidivism in Youth Courts (1990-1991),"

Juristat (Vol. 12, No. 2).

(3)The data in this section do not include *Criminal Code* traffic violations.

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

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

(6)The data in this section do not include *Criminal Code* traffic violations.

(7)Note that the *Uniform Crime Report* data show 53 youths. The new total of 58 is an update.

(8)The data in this section exclude Ontario, Nova Scotia and the Northwest Territories.