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YOUTH COURT STATISTICS, 1999/00

by Mark Sudworth and Paul deSouza

Highlights

- In 1999/00, 102,000 cases were processed in the youth courts of Canada. This represents a 4% decrease from the previous year and a decrease of 11% from 1992/93. It also represents a 17% decrease in the number of cases per 10,000 youths from 1992/93; since that year, the rate has dropped from 500 cases to 417 cases.
- From 1992/93 to 1999/00, the rate of property crime cases decreased annually, dropping 38% over this period. The rate of violent crime cases has dropped by 3% since 1998/99, yet remains at the same level reported in 1992/93.
- Five offences accounted for a large proportion (58%) of the total caseload. These were theft under \$5,000, failure to comply with a disposition under the *Young Offenders Act* (YOA), failure to appear, breaking and entering and minor assault.
- Older youths, aged 16 to 17, were involved in the majority of cases before youth courts (51%). Youth aged 15 were involved in 21% of cases while younger adolescents aged 12 to 14 years accounted for the remaining 25%.
- Two-thirds of cases heard in youth court resulted in a conviction. This proportion has remained virtually unchanged since 1992/93.
- Probation was the most significant sentence in 48% of all cases with convictions while custody (open and secure) was ordered approximately one-third of the time.
- Repeat offenders (defined as youths with at least one prior conviction) were involved in 35% of cases with convictions.
- More than 80% of all youth court cases were concluded within six months. Almost 50% were settled within 2 months.



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Introduction

Providing effective treatment and rehabilitation of young offenders, and ensuring community safety are primary objectives of the youth justice system. The *Young Offenders Act* (YOA), proclaimed in 1984, introduced rights for adolescents previously guaranteed to adults only. It recognized the special needs that youths have as a result of their varying levels of maturity, the necessity for youths to accept responsibility for unlawful action and the right of society to protection from illegal behaviour. In February, 2001, the Minister of Justice tabled in Parliament Bill C-7, the Youth Criminal Justice Act (YCJA). The proposed legislation is intended to replace the Young Offenders Act. Key objectives of the YCJA include: (a) reducing the use of the court by dealing with less serious cases effectively outside the court process; (b) fairness in sentencing; (c) reducing the high rate of youth incarceration; and (d) clearly distinguishing between serious violent offences and less serious offences.

This *Juristat* presents case-based¹ data from the Youth Court Survey (YCS) which is conducted by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for youth courts. The YCS collects data from youth courts on persons aged 12 to 17, at time of offence, appearing on federal statute offences. In this report, federal statute offences include *Criminal Code* offences, drug offences, offences against the *Young Offenders Act* (YOA), and other federal statute offences. All youth courts in Canada have reported to the YCS since 1992/93.

The YCS, through the collection and dissemination of youth court information, continues to assist policy-makers and program managers as they redefine the nature of Canada's youth justice system. As not all youth crime is reported to police and not all youths in conflict with the law proceed to court, the YCS focuses on the court process and the response to youth crime rather the prevalence of youth criminal activity.² These data should therefore not be used as an indicator of total youth criminal activity.

Eight Year Trends

Decline in the rate of cases before youth courts

In the last eight years, the number of cases heard in youth courts has generally followed a downward trend; the 102,061 cases processed in 1999/00 represent a drop of 11% from 1992/93. In terms of the rate of youth court cases per 10,000 youths, the drop at the national level for the same period was more pronounced at 17% (Table 1).

Marked drop in the rate of *Property crime* cases

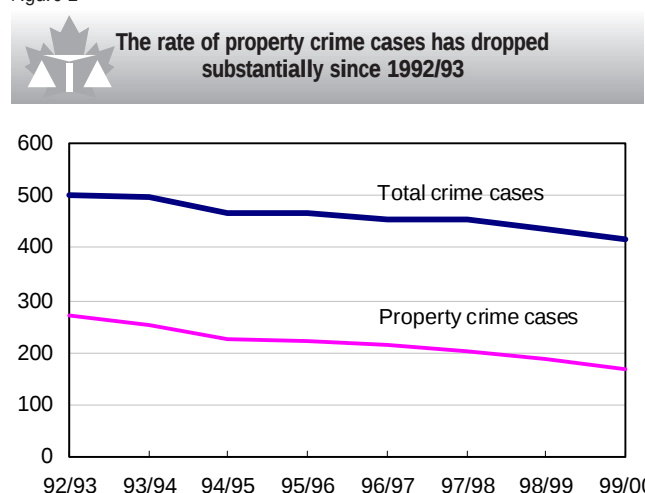
A decrease of 38% in the *Property crime* case rate from 1992/93 to 1999/00 is responsible for the overall decline in the rate of cases during that period. In 1999/00, there were 168 *Property crime* cases heard per 10,000 youths compared to 271 cases per 10,000 youths in 1992/93 (Figure 1). The rate of *Property crime* cases decreased markedly for several major offence groups: breaking and entering (-43%), theft (all kinds) (-42%), possession of stolen property (-40%), and forgery (-35%).

Overall, the youth violent crime, while virtually unchanged (-0.3%) since 1992/93, has decreased by 3% from 1998/99 to 1999/00. However, large increases over the eight years were noted for aggravated assault (+26%) and robbery (+23%), although these two types of crimes accounted for only 15% of the violent crime caseload.

¹ See the methodology section for a case definition and other key concepts related to the YCS and this *Juristat*.

² Refer to *Juristat* "Canadian Crime Statistics, 1999" for counts of youths charged by police.

Figure 1



Source: Youth Court Survey, Canadian Centre for Justice Statistics.

While the actual number of cases for minor assault (which accounted for 45% of the violent crime caseload) increased, the rate remained virtually the same (-0.9%). Significant decreases occurred with regard to other sexual offences (-47%), dangerous use of a weapon (-45%), sexual assault (-25%) and possession of a weapon (-18%).

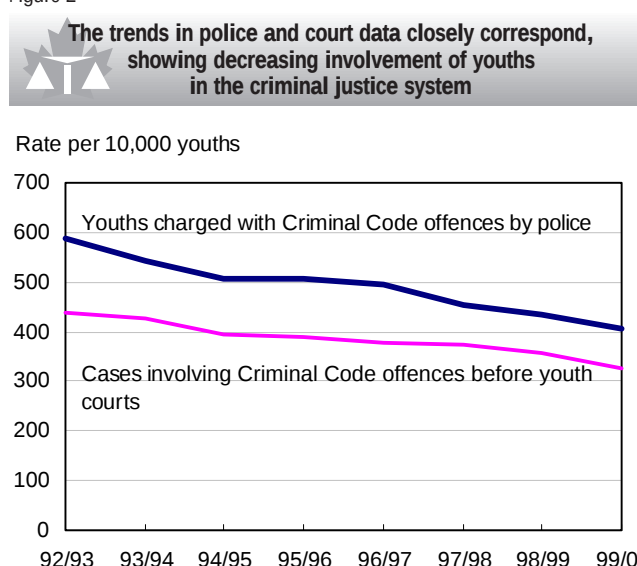
While most offences under the *Other Criminal Code offence* category experienced declines, increases occurred in some administrative offence cases. For example, the rate per 10,000 youths of 'failure to appear' cases has increased by 10% since 1992/93. The rate of cases heard under the *Young Offenders Act* increased by 33%. Nearly all cases heard in this category dealt with failure to comply with a previous disposition.

Although the rate of *Drug-related offence* cases remained stable in 1999/00, it doubled between 1992/93 and 1999/00. Most *Drug-related offence* cases involved possession of narcotics.

Rate of youths charged by police also decreases

A comparison of the rate of young persons charged by police and of cases processed by youth courts per 10,000 youths illustrates the diminishing involvement of youths in the criminal justice system in recent years. From 1992 to 1999, the rate of youths charged with only *Criminal Code* offences declined by 31%, a pattern reflected in the rate of youth court cases involving *Criminal Code* offences, which declined by 26% during the same period (Figure 2). This trend may be due in part to the increased use of police diversion and alternative measures for youths committing less serious crimes. This may also serve to explain the decrease in the rate of *Property crime* court cases dealt with since 1992/93.

Figure 2



* To compare counts of *Criminal Code* offences from police data (Uniform Crime Reporting Survey) with youth court data (YCS), cases involving impaired driving and other motor vehicle offences have been removed from YCS counts.

Source: Youth Court Survey, 1992/93 to 1999/00, and Uniform Crime Reporting Survey, 1992 to 1999, Canadian Centre for Justice Statistics.

Box 1

Youth and Youth Crime in Context

Population – 1999 ¹	- total Canadian population was 30.5 million with 2.45 million youths aged 12 to 17 years (8% of total) - over the next decade, using an assumption of medium growth, the youth population aged 14 to 17 is expected to increase slightly up to 2006, and then decline
Persons charged by police in 1999 ²	476,758 adults and youths charged with federal offences, excluding traffic crimes 99,746 of these were youths - youth represent 21% of all persons charged
Youths appearing before court, 1999/00	60,303 youths appeared before the youth courts in 1999/00 - this represents a drop of 14% from 1992/93
Youths convicted in court, 1999/00	41,563 young offenders (68,184 cases with convictions) 2% of the youth population of Canada were convicted 3% of 16 and 17 year old population were convicted

¹ Postcensal estimates as of July 1st, 1999, Demography Division, Census and Demographic Statistics Branch, Statistics Canada.

² Uniform Crime Reporting Survey, 1999, Canadian Centre for Justice Statistics, Statistics Canada.

Inter-jurisdictional comparisons

Differences across the country in the reporting of criminal incidents to police, in procedures and eligibility requirements for police diversion and alternative measures programs, and differences in provincial policy directing Crown discretion may influence the volumes and characteristics of cases heard in youth courts. For example, Alternative Measures programs, intended to be alternatives to formal judicial proceedings for youths, differ among the jurisdictions with regard to eligibility criteria (e.g., they may be restricted to first-time offenders), timing (i.e., pre-charge or post-charge) and coverage (e.g., they commonly involve less serious crimes only). Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec, and British Columbia. Together, these processes serve to keep less serious cases out of the court process and therefore, reduce court workload. These factors must be considered when making inter-jurisdictional comparisons.

The national rate of youth court cases shows a gradual decline from 500 cases per 10,000 youths in 1992/93 to 417 in 1999/00. This same trend is found in Ontario where the rate dropped

by 27%, PEI, where the rate dropped by 34%, and Alberta, which dropped by 31%. In most jurisdictions, however, the rate tended to fluctuate with no discernible pattern. In Quebec, the rate has been fairly stable over the period, showing a gradual 11.5% increase between 1992/93 and 1999/00. However, the Quebec rate of youth court cases was also the lowest in the country throughout the period, at 196 cases per 10,000 youths in 1999/00 (Table 2).

1999/00 Case Characteristics

Composition of cases

The types of cases processed in youth courts most often involved *Property crimes* (40%), *Violent crimes* (22%) and *Other Criminal Code offences* (18%), which include offences such as failure to appear in court and escaping custody. Less frequent were cases involving offences under the *Young Offenders Act* (13%), *Drug-related offences* (5%) and *Other federal statute offences* (<1%).

Box 2

Nunavut and the Northwest Territories

On April 1, 1999, the Northwest Territories was divided into two separate jurisdictions; the west remained the Northwest Territories while the east became Nunavut. This change will result in a drop in cases for the Northwest Territories, affecting frequency counts, trend analysis and population based rates. Due to the creation of Nunavut from the Northwest Territories, data collected prior to 1999/00 cannot be compared to data collected after that date for these jurisdictions. Data is currently reported manually in Nunavut until an automated system is completed. For 1999/00, there is an unknown amount of under-coverage in the statistics from Nunavut while administrative and jurisdictional issues are being settled.

Box 3

Cases by Principal Offence Category, 1999/00

	Number of cases	% of total cases
Property crimes	41,122	40
Violent crimes	22,937	22
Other Criminal Code offences	18,718	18
YOA offences	13,763	13
Drug-related offences	5,394	5
Other federal statute offences	127	< 1
Total	102,061	100

Source: Youth Court Survey, 1999/00, CCJS

Box 4

Description of crime categories

Violent Crime: murder, manslaughter, attempted murder, aggravated sexual assault, sexual assault/weapon, sexual assault, rape/indecent assault, aggravated assault, assault with a weapon, cause bodily harm/intent, minor assault, unlawfully cause bodily harm, assaulting peace officer, other assaults, robbery, dangerous use of weapon, possession of a weapon, other weapon offences, infanticide and other related, kidnapping/hostage taking, extortion, other sexual offences, criminal negligence.

Property Crime: breaking and entering, arson, taking a vehicle without consent, theft over \$5,000, theft under \$5,000, theft unspecified, theft other, false pretences, forgery, fraud, other fraudulent transactions, possession of stolen property, mischief/damage.

Other Criminal Code offences: impaired operation, escape custody, unlawfully at large, failure to appear, breach of recognizance, failure to comply, attempt/accessories/conspiracy, disorderly conduct/ nuisances, abduction, procuring, bawdy house, soliciting, other motor vehicle offences, gaming and betting, against the administration of justice, currency offences, exposure/nudity, public morals, public order, offences against the person, other Criminal Code offences.

Drug-related Offences (Narcotic Control Act, Food and Drugs Act, and Controlled Drugs and Substances Act): importing/exporting of narcotics, trafficking in narcotics, possession of narcotics, failure to disclose previous prescriptions, cultivation, trafficking in drugs, possession of drugs, other Food and Drugs Act offences, importing/exporting of controlled drugs and substances, trafficking in controlled drugs, possession of controlled drugs.

Young Offenders Act: failure to comply with a disposition, failure to comply with undertaking, contempt against youth court, inducing/assisting a young person, interfering with performance of terms of sentence.

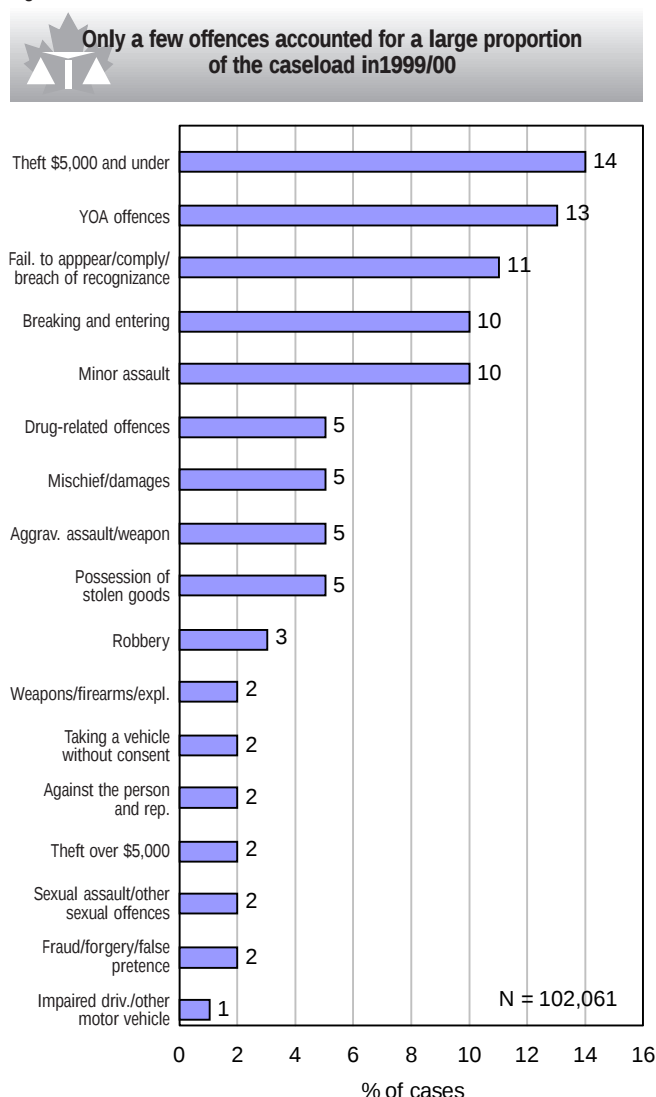
Other federal statute offences: This category includes offences against all other federal statutes not listed above, such as, the Income Tax Act, the Canada Shipping Act, the Elections Act, the Fisheries Regulations and the Employment Insurance Act. As this information is collected under a group code, it cannot be shown separately.

A few offences account for a large proportion of the total caseload

While cases involving *Property crimes* accounted for the largest proportion of the caseload, only two of the five most frequent individual offences belonged to that category: 'theft under \$5,000' accounted for 14% of the total caseload and 'breaking and entering' accounted for 10%. The other three most frequent types of cases before youth courts involved failure to comply with a court disposition under YOA offences (13%), failure to appear in court under *Other Criminal Code* administrative offences (11%), and minor assaults which accounted for 10% of the total number of cases.

As can be seen in Figure 3, a very small number of offences accounted for a large proportion of the caseload. Together, the five types of offences mentioned above represented 58% of the caseload. In terms of frequency, these few offences far outranked all others reported to the Youth Court Survey.

Figure 3



Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Minor assaults accounted for almost one half of violent offence cases

While minor assaults³ accounted for 10% of the total caseload, they made up 45% of all *Violent crimes*. Murder, manslaughter and attempted murder cases together accounted for less than 1% of *Violent crime* cases heard in youth courts. There were 49 cases of murder, 18 cases of manslaughter, and 66 cases of attempted murder in 1999/00.

Box 5 Violent Crime Cases, 1999/00

	Number of cases	% of violent cases
Minor assault	10,235	45
Aggravated assault/weapon	4,894	21
Robbery	3,109	14
Weapons/firearms/explosives	2,127	9
Sexual assault/other sexual offences	1,612	7
Murder/manslaughter/attempted murder	133	< 1
Other	827	4
Total	22,937	100

Source: Youth Court Survey, 1999/00, CCJS

Half of youth court cases involve 16 and 17 year olds

Sixteen and 17 year-olds appear more often in youth court than other age groups. In 1999/00, 16 year-olds accounted for 25% of cases and 17 year-olds made up 26%. Fifteen year-old young offenders represented the next most frequent age group, appearing in 21% of cases, while young offenders aged 12, 13 and 14 showed proportionately less involvement, accounting for 3%, 8% and 15% of cases, respectively (Table 3).

Younger adolescents appeared in youth court for different kinds of offences than older youths. Within individual age groups, offenders aged 12, 13 and 14 years old were slightly more likely to be involved in *Violent crime* cases, making up 34%, 28% and 24% of their respective cases. However, within the violent crime category, they make up only 5%, 10% and 16% respectively of all violent crime cases due to the higher volume of cases involving 15, 16 and 17 year olds. Because they are usually first-time offenders, youth 14 and under are more likely to be put through diversionary programs for less serious offences, thus giving the appearance that they are more likely to commit violent offences.

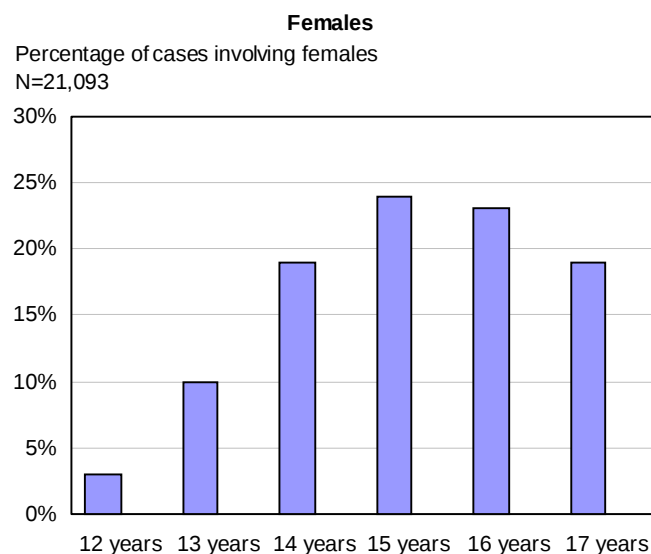
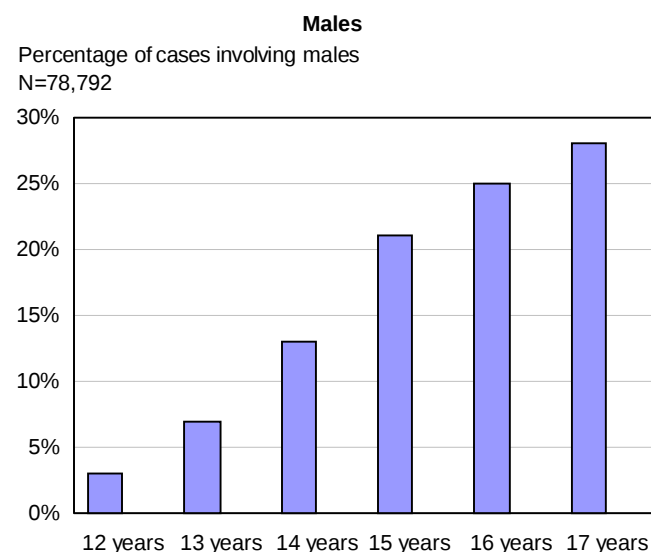
Young offenders aged 16 and 17, on the other hand, were proportionately more involved in *Drug-related offences*. While offenders aged 12 to 15 were responsible for 32% of all *Drug-related* cases, those aged 16 and 17 accounted for 67% of all cases.

³ Refers to the least serious form of assault and includes pushing, slapping, punching and face-to-face verbal threats.

Males account for eight in ten youth court cases

Males accounted for eight in ten youth court cases and they predominated in all age groups. The proportion of cases against males increased with age, while cases against 15 year old females accounted for the largest proportion of cases against females. Among males, 16 and 17 year-olds accounted for 54% of cases, while the comparable figure for females was 42% (Figure 4).

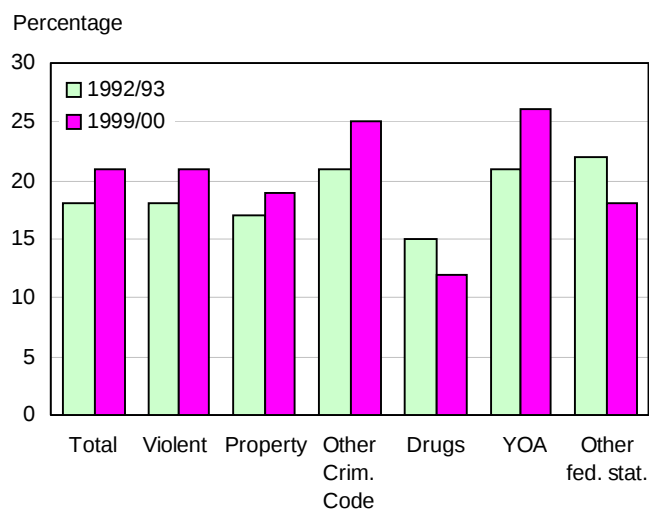
Figure 4



Note: Excludes 2,176 cases (2.1%), where the offender was older than 17 or the age was unknown, or in rare cases where the young offender was <12 years old
Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Court cases against females have risen slowly, from 18% of cases in 1992/93 to 21% in 1999/00. While the total number of cases before youth courts decreased from 115,187 to 102,061 during the same period, the number of cases involving females rose from 20,775 to 21,507 in the same period. This increase was reflected in most categories of offences, but it was most evident in three specific categories: the *Other Criminal Code offences* category, where cases against females increased from 21% to 25% of all offences in this category, the *Violent crimes* category, which increased from 18% to 22%, and the *YOA offences* category, where there was an increase from 21% to 26% (Figure 5). Within the *Other Criminal Code offences* category, the proportion of cases against females increased substantially with regard to escape custody (from 10% to 15% of all escapes), unlawfully at large (from 13% to 19%), and failure to appear (from 24% to 28% of all failures to appear).

Figure 5



Proportion of cases involving females in each category

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

While the proportion of *Property crime* cases involving females rose only slightly from 1992/93 to 1999/00, specific offences within that category showed noteworthy increases. Females had proportionately more cases of breaking and entering, taking a vehicle without consent, possession of stolen property and mischief offences.

Between 1992/93 and 1999/00, there was a decline in the proportion of cases against females involving *Drug-related offences* (from 15% to 12% of all drug-related offences) and *Other federal statute offences* (from 22% to 18%). With regard to *Drug-related* cases, however, the actual number of cases involving females increased from 346 in 1992/93 to 665 in 1999/00. The lower proportion of cases involving females is due to the significant increase in cases involving male youth which caused the total number of cases in that category to jump from 2,331 to 5,394 over the same period.

Decisions in Youth Court

About two-thirds of youth court cases result in a conviction

Cases resulting in a conviction (a finding of guilt for at least one charge) accounted for 67% of cases disposed in youth court in 1999/00 (Table 4). Cases were stayed or withdrawn in 29% of cases, and another 3% resulted in findings of not guilty or dismissal. Transfers to adult court accounted for less than one-tenth of one percent of the 1999/00 caseload. These proportions have remained virtually unchanged since 1992/93.

Revisions to the YOA in 1995 made transfers to adult court the standard response for serious violent crime cases involving 16 and 17 year-olds, unless otherwise ruled by the court. This provision applies to murder (first or second degree), manslaughter, attempted murder and aggravated sexual assault. For these offences, the onus is on the accused to make an application to stay in youth court. For other crimes, the Crown or defence counsel must apply for transfer to adult court. Conditions stipulated in the Act for these transfers include a minimum age requirement of 14 years.

Of the 52 cases transferred to adult court in 1999/00, 60% involved *Violent crimes* and 23%, *Property crimes*. Of the 31 cases involving *Violent crimes*, 12 were for murder (39%). While young offenders aged 17 were involved in 26% of cases, they accounted for 54% of transfers.

Conviction rates vary considerably from one jurisdiction to another

The proportion of cases resulting in a conviction ranged from approximately 60% in Manitoba, Yukon, and Ontario, to 80% and over in Prince Edward Island, Quebec, Northwest Territories and New Brunswick (Table 4). The proportions of charges withdrawn or stayed tend to vary considerably across the country. These variations can be explained in part by differences in charging practices. High proportions of cases stayed or withdrawn are often indicative of charges set aside pending completion of alternative measures programs, or the systematic use of these decisions regarding administrative records.

The conviction rate varied somewhat among offence categories. Offences against the Young Offenders Act had the highest conviction rate (75%), while Other Criminal Code offences recorded the lowest proportion of guilty verdicts (61%). Within each offence category, there was considerable

Box 7

Convictions by offence category, 1999/00

Most significant charge	Total	Guilty	% Guilty
Total offences	102,061	68,184	67
Violent crimes	21,518	13,777	64
Property crimes	40,920	27,954	68
Other Criminal Code offences	19,647	11,980	61
Drug-related offences	5,436	3,511	65
Young Offenders Act	14,411	10,878	75
Other federal statute offences	129	84	65

Source: Youth Court Survey, 1999/00, CCJS

following offences for which there were at least 200 cases: unlawfully at large, escape custody, impaired operation, breaking and entering, assaulting a police officer, trafficking in narcotics and failure to comply with a disposition.

The conviction rate was not the same for males and females. For males, it was 68% while for females, it was 62%. For three categories of offences, the conviction rate was substantially lower for females than for males. These were: *Other federal statute offences* (16 percentage points lower), *Property crimes* (11 percentage points lower) and *Drug-related offences* (8 percentage points lower).

For the *Young Offenders Act* category, the conviction rate for females was slightly higher than that for males. Within the *Property crimes* category, the difference in conviction rates for females was more pronounced for theft unspecified (16 percentage points lower), theft under \$5,000 (13 percentage points lower) and theft over \$5,000 (12 percentage points lower).

Box 8

Conviction Rates by Sex, 1999/00

Most significant charge	% Total	% Male	% Female
Total offences	67	68	62
Violent crimes	64	64	62
Property crimes	68	70	59
Other Criminal Code offences	61	62	58
Drug-related offences	65	66	58
Young Offenders Act	75	75	76
Other federal statute offences	65	68	52

Source: Youth Court Survey, 1999/00, CCJS

Sentencing in Youth Court

Factors considered in sentencing include the type of offence committed, the circumstances in which the offence was committed, the criminal history of the offender and, in the case of custody under section 24(1) of the YOA, "the protection of society" and "the needs and circumstances of the young person".

Most youth court sentences are served in the community

In 1999/00, probation was the most significant sentence in almost one-half of cases with convictions (48%). Custody (34%) was the next most frequent sentence, comprising secure custody (17%), and open custody (17%). These sentences were followed by community service (7%), fines (6%), absolute discharge (2%) and other sentences (2%). The distribution of most significant sentence types has varied little since 1992/93 (Table 5).

Because sentencing information is generally presented by most serious or significant sentence, the use of some sentence types appears low relative to others when multiple sentences are imposed by the courts. In these cases, the less serious sentence types are given in combination with a more serious sentence. For example, the percentage of cases with a community service order appears low because, in most cases, these orders are used as a condition of probation which is a more serious sentence. In fact, 27% of all cases resulting in a conviction included a community service order in 1999/00, with most of these orders given in combination with a more serious sentence.

In 1999/00, 45% of all cases with a conviction gave rise to one sentence, 36% resulted in two sentences, and 19% resulted in three or more sentences. For those cases ending in multiple sentences, the most frequent combinations include probation and a community service order (19%), probation and conditional discharge (18%), and probation, conditional discharge and a community service order (5%).

Offences against the Young Offenders Act are more likely to result in a term of custody

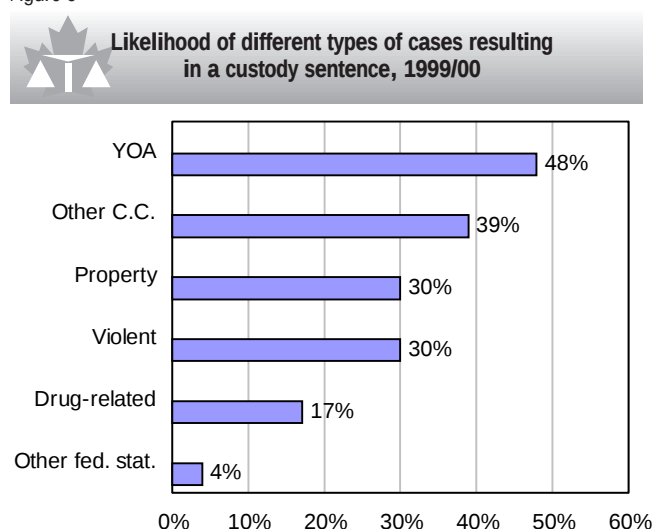
Figure 6 shows that of all offence categories, cases involving offences against the *Young Offenders Act* (48%) and *Other Criminal Code offences* (37%) are most likely to result in a term of custody as the most significant sentence. Within the *Young Offenders Act* offence category, the great majority of cases involved failure to comply with a disposition, and in the *Other Criminal Code offences* category, it is administrative offences which were responsible for the higher proportion of custody sentences. These included escape from custody/being unlawfully at large (90%) and failure to appear/comply with a disposition/breach of recognizance (40%).

Although cases involving *Violent crimes* and *Property crimes* were less likely to result in a custody sentence, certain offences within these categories were more likely to receive such a sentence, particularly attempted murder (86%) and murder/manslaughter (76%) (Table 5).

Probation sentences more likely for violent crimes

Probation was most often ordered in *violent crime* cases (59%), specifically sexual assault/other sexual offences (66%) and minor assault (64%). As well, *property* cases and *drug offence* cases more often resulted in probation (both 55%). Within the *Property crimes* category, cases involving theft other (68%) and arson (62%) were the most likely to result in a probation sentence.

Figure 6



Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Fines were more likely to be imposed in cases involving impaired driving/other motor vehicle offences (46%). Of all types of offences, theft \$5,000 and under and *Young Offenders Act* cases were most likely to result in a community service order (10%).

Females more likely to receive probation than males

While one-half of convictions ended in a term of probation overall, females were more likely than males to receive probation as the most significant sentence in 1999/00 (54% versus 47%). The differences between male and female young offenders were also apparent in custody sentences. Thirty-six percent of cases involving males ended in a term of custody compared to 27% for females. Differences in other types of sentences were slight.

The use of custody varies widely across Canada

The use of secure custody ranged from 3% of cases with convictions in Nova Scotia to 32% in the Yukon. The proportion of cases with convictions resulting in open custody was highest in the Northwest Territories (34%) and lowest in Alberta (10%) and Quebec (11%). The combined use of open and secure custody ranged from just over one-quarter of cases in Quebec and Nunavut (both 27%) to well over one-half of convictions in the Northwest Territories (58%). Indeed, in the Northwest Territories, the proportion of total custody orders was higher than the percentage of probation orders imposed (27%). The same was true of the Yukon, with 48% of cases receiving custody, and 34% receiving probation. The availability of custodial facilities may have an impact on the use of custody orders across the country.

The use of probation orders was highest in Nunavut (65%) and lowest in the Northwest Territories (27%). The province of Alberta shows an overall sentencing pattern that is somewhat different from the other jurisdictions. In Alberta, custody sentences, open custody (10%) and secure and open custody (28%), as well as probation sentences are ordered in proportions which are below the national figures (Table 6).

Sentence lengths

Under the YOA, the maximum length for secure or open custody sentences is generally two years. However, this sentence can be three years if the crime would normally carry a maximum penalty of life imprisonment in adult court. In addition, the most serious crimes (first or second degree murder) carry higher sentences. First-degree murder carries a maximum custodial sentence of six years, followed by four years of conditional supervision. Second-degree murder carries a maximum four-year custodial term followed by three years of conditional supervision. However, not all murder cases first heard in youth court are sentenced in youth court as the YOA transfer provisions to adult court would apply.

Box 9

Sentence Review

The length of sentence ordered by the court may be subject to revision under conditions stipulated in the *Young Offenders Act*. The court must review all custodial sentences after one year and may reduce the term or type of disposition at that time. Otherwise, the initial sentence ordered is to be served. There is no parole or statutory release in the *Young Offenders Act*. Sentences are subject to review upon request by the parent or young offender, although permission must be granted by the court if less than six months have been served. The principal correctional service administrator (Provincial Director) may ask the court for a review hearing if a revision to the sentence would be in the youth's best interest.

The majority of custodial sentences are for three months or less

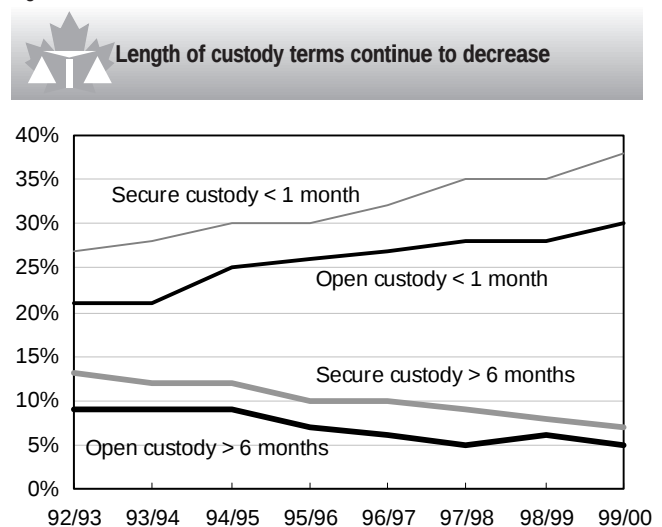
Of the 23,215 cases resulting in a custodial sentence (open and secure) in 1999/00, 33% were for terms of less than one month, 44% were from 1 to 3 months, 16% from 4 to 6 months, and 6% were for more than 6 months.⁴ The proportion of cases with short custodial sentences (three months or less) increased from 71% of cases with convictions in 1992/93 to 77% in 1999/00.

Of the cases resulting in open custody in 1992/93, 21% were for terms of less than one month, compared to 30% in 1999/00. For secure custody cases, the proportion with orders of less than one month increased from 27% to 38% during the same period (Figure 7).

In 1999/00, the median sentence length for cases resulting in custody was 1 month. For secure custody alone, it was 1 month, while for open custody, it was slightly longer, at 45 days. Cases involving murder (5 cases) and manslaughter (14 cases) had the highest median custodial lengths (36 months and 15.5 months respectively). These were followed by attempted murder (6 cases) at 14 months, and sexual assault with a weapon (11 cases) at 9 months.

⁴ The YCS does not distinguish between consecutive and concurrent sentences and does not include sentencing revisions made under review by the court. In multiple sentence cases, for example, the sentence length may be underestimated because of the assumption of concurrent sentences for all charges and may not reflect actual time ordered.

Figure 7



Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Most probation terms are 12 months or less

Under the YOA, youth courts may sentence a young offender to probation for a maximum of two years. In 1999/00, the median sentence length for a probation sentence was just under 1 year. Of the 33,028 cases resulting in a term of probation as the most significant sentence, 22% were for a period of 6 months or less, 56% ranged from 7 to 12 months, and 22% were for more than 12 months.

Probation, as the most significant sentence, was ordered most often for sexual assault and other sexual offences (67%), trafficking in drugs (65%) and cases involving minor assault (64%). However, the longest median term of probation, 18 months, was imposed in the following offences; other sexual offences (141 cases), and aggravated assault (56 cases). For cases involving other assaults, the median length of the probation was 15 months.

One-half of fines are \$100 or less

Under the YOA, a young offender may be ordered to pay a fine not exceeding \$1,000. In 1999/00, 4,062 cases or 6% of convictions ended in a fine as the most significant sentence. Fines in the \$100 to \$500 range were most often ordered (47%), followed by fines in the \$50 to \$100 range (40%), less than \$50 (10%) and over \$500 (4%). The average dollar amount of fines was \$177.

Fines, as the most significant sentence, were ordered most frequently in cases involving the impaired operation of a motor vehicle (425 of the 734 convictions for impaired operation, or 58%). Conviction for this offence resulted in one of the highest average fines (\$421). Two other types of offences that resulted in high average fines were: theft over \$5,000 (\$362) and other motor vehicle offences (\$321). The four types of cases most frequently heard in youth courts ended in lower fines, an average of \$134 for failure to comply with a disposition under the YOA, \$136 for theft under \$5,000, \$94 for failure to appear and \$252 for breaking and entering.

Repeat offenders

Repeat offenders are involved in one third of convictions

In 1999/00, approximately 35% of cases with convictions involved repeat offenders.⁴ In comparison to first-time offenders, repeat offenders tended to be brought to court more often for *Property crimes* and less often for *Violent crimes*. In 1999/00, repeat offenders were involved in 53% of property cases and 25% of violent cases. Comparable figures for first-time offenders were 48% and 31% respectively. The use of police diversion and alternative measures programs for first-time property crime offenders may have contributed to this difference.

Males tend to re-offend at a higher rate than females. In 37% of convicted cases involving males in 1999/00, the young offender had been previously convicted; the corresponding figure for female offenders was 29%.

Unlike repeat offenders, first-time offenders were more likely to be given a term of probation (Figure 8). In 1999/00, 63% of convictions for first-time young offenders ended in probation compared to 42% for repeat offenders. Repeat offenders were over two times more likely to be ordered to serve a term of custody (42%) than were first-time offenders (17%). This wide gap was apparent for both *Violent crime* cases (48% of convictions resulting in custody for repeat offenders versus 20% for first-time offenders) and *Property crime* cases (42% versus 16%).

The most troublesome offender for the criminal justice system is the persistent offender, that is, the young offender who has had contact with the system many times. In 1999/00, persistent offenders, defined in this report as offenders with at least three prior convictions, accounted for 10% of convictions (4,295 cases). Again, males were more likely to be persistent offenders than females (3,875 cases or 11% of the male caseload versus 420 cases or 5% of the female caseload).

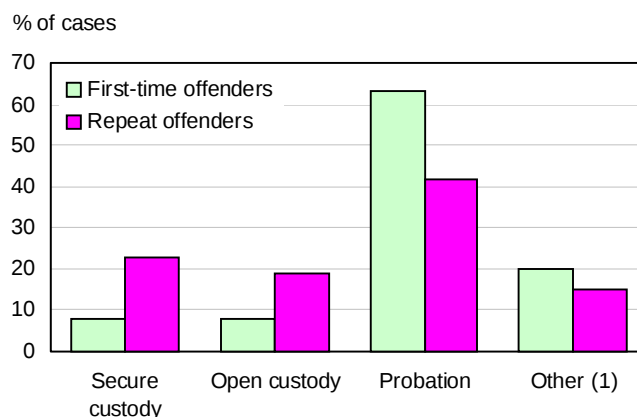
As young offenders move towards persistent re-offending, the number of charges per case increases. For example, while 18% of cases involving first-time offenders had 4 or more charges, this proportion increased to 25% for repeat offenders with one prior conviction, 29% for those with 2 prior convictions and 32% for repeat offenders with 3 or more prior convictions.

Repeat offenders tend to receive harsher sentences as the number of prior convictions increase. In 1999/00, 17% of cases involving first-time offenders resulted in a custody term, while this type of sentence was imposed in 30% of cases involving repeat offenders with 1 prior conviction, 42% of repeat offenders with 2 prior convictions and 63% of repeat offenders with 3 or more prior convictions.

⁵ The information on repeat offenders was obtained by selecting young offenders convicted in 1999-00 from the case file by date of sentencing and tracking any previous convictions for them from 1990-91 to 1998-99. The repeat offender analysis excludes Nova Scotia for all years, all offences under the YOA and post-disposition offences under the Criminal Code (e.g. failure to comply, unlawfully at large and escape). Because of this, the number of cases presented in this section does not correspond to the number of cases reported elsewhere in the Juristat.

Figure 8

Repeat offenders are three times more likely than first-time offenders to serve terms of custody and much less likely to receive probation



* Only the most significant sentence is indicated.

¹ Other includes all other sentences, for example, community service, absolute discharge, conditional discharge and fines.

Note: Excludes data from Nova Scotia, YOA offence cases and post-dispositional administrative offence cases.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Case Processing

One-half of all cases are processed in two months or less

The successful rehabilitation of a young offender is often reliant on a prompt court process. In 1999/00, almost one-half of all cases (48%) were processed in two months or less (from the time of the youth's first court appearance to the date of decision or sentencing), with only 19% of cases taking longer than six months. In fact, 16% of cases were completed at the first court appearance.

Cases dismissed, cases transferred to adult court and cases resulting in a verdict of not guilty take the longest to process. Sixty-five percent of cases dismissed, 63% of cases transferred to adult court and 49% of cases resulting in a verdict of not guilty spent more than four months in the youth courts before a decision was handed down. Overall, 31% of cases took more than four months to process, while 26% of cases resulting in a guilty verdict spent longer than 4 months in court.

In 1999/00, the median elapsed time for all cases was 63 days. Manitoba had the longest median elapsed time at 91 days, followed by Saskatchewan (76 days) and Ontario (73 days).

The type of offence in a case has a significant impact on the amount of time it takes to complete it. Cases involving *Violent crimes* had by far the longest median elapsed time (104 days), followed by *Property crime* cases (64 days) and *Drug-related offence* cases (56 days). Within the *Violent crime* category, cases requiring more time to complete included rape/indecent assault (315 days), sexual assault with a weapon (164 days)

and sexual assault (160 days). Within the *Property crime* category, the highest median elapsed time recorded was 105 days for arson followed by 78 days for breaking and entering, and 70 days for theft other. The median elapsed time was low for other federal statute offences (1 day), and for administrative offences such as unlawfully at large (4 days), escape custody (7 days) and breach of recognizance (16 days).

In 1999/00, 57% of cases involved only one charge, 24% had two charges, 9% three charges and 11% more than three charges. The number of charges did not seem to have a significant impact on the median amount of time taken to process a case in court.

The shorter median elapsed time recorded for cases with 6 charges or more can be explained, in part, by the fact that this group of cases tends to have a higher percentage of Property crime cases, which have lower median elapsed times than cases involving violent crimes. While property cases represented 40% of the total youth caseload, they comprised 62% of cases with 6 charges or more, which was higher than that of any other offence group. Also, the proportion of Violent crime cases was lower for cases with 6 charges or more (21%) than it was for cases involving 3, 4 or 5 charges (25%, 24% and 24% respectively).

Methodology

The Youth Court Survey (YCS) is a census of *Criminal Code* and other federal statute offences heard in youth court for persons aged 12 to 17 (up to the 18th birthday) at the time of the offence. Though every effort is made by respondents and the Canadian Centre for Justice Statistics (CCJS) to ensure complete survey coverage, slight under-coverage may occur in some jurisdictions. Refer to the publication *Youth Court Data Tables, 1999/00* for more information on data collection, editing, and compilation.

The unit of analysis is the case, defined by the YCS as one or more charges laid against a young person first presented in a youth court on the same day. Case counts are categorized by the most significant charge, most significant decision and the most significant sentence. Consequently, less serious charges, decisions and sentences are under-represented.

The determination of the most significant charge at the beginning of court proceedings is by the ordering of charges from most to least serious. Violent charges are given first priority in the ordering process, followed by drug and narcotic offences, property offences, other *Criminal Code* offences, offences under the *Young Offenders Act* (YOA), and other federal statute offences. Offences are further ranked within these offence categories. Refer to the publication *Youth Court Data Tables, 1999/00* for more information on the ordering criteria.

Since a case with more than one charge may have more than one type of decision, the "most significant decision" has been selected for analysis on the basis of the following order from

most to least serious: transfer to adult court; guilty; other decision (e.g., not fit to stand trial); stay of proceedings; charge withdrawn; or transfer to other jurisdiction; and not guilty or charge dismissed. The case is described by the most serious or "significant" charge in the case, which is associated with the court decision.

The most significant sentence is determined by the effect that the sentence has on the young person. Sentences are ordered from most to least serious as follows: secure custody, open custody, probation, fine, compensation, pay purchaser (a dollar amount paid back to the innocent purchaser of stolen goods), compensation in kind, community service order, restitution, prohibition/seizure/forfeiture, other sentences, conditional discharge and absolute discharge.

The reader is advised that the use of the decisions 'stay' and 'withdrawn' for administrative purposes (e.g., to reduce charges or to correct details on an information) vary by jurisdiction. To terminate and recommence a case for administrative purposes has been found to inflate the total number of cases reported to the Youth Court Survey. As much as 30% of the national caseload is stayed or withdrawn and a proportion of these are the result of administrative procedures. Ontario, Manitoba, Alberta, British Columbia and Yukon are most affected by this practice. Consequently the reader is encouraged, where possible, to analyze cases with guilty findings (convictions) to increase comparability among the jurisdictions.

Differences in data over time and across jurisdictions result from a number of factors that reflect how the YOA has been implemented. Pre-court screening procedures may affect the number of youth appearing in court. The Crown Attorney, for example, may decide not to proceed with a charge, or the initial charge may be changed. Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. A youth may also be diverted from the court process into a program such as Alternative Measures (either before or after police lay charges) or a police diversion program.

Alternative Measures (AM) programs are generally reserved for first-time offenders and are often limited to specific types of less serious offences, although young offenders committing more serious offences can be considered for acceptance in the program in most jurisdictions.. Except for New Brunswick, Ontario and Yukon, all AM programs are combined pre- and post-charge programs where the preferences, and the general practices are to refer youths at the pre-charge stage (i.e. before charges are laid). In New Brunswick, the AM program operates at the pre-charge stage only. In Ontario, youths are only referred to AM programs at the post-charge stage (i.e. after charges are laid). In Yukon, the general practice is to refer youths to the AM program at the post-charge stage, although, on occasion, they may be referred at the pre-charge stage. Alternative measures cases are excluded from the Youth Court Survey data either in the jurisdiction or at the CCJS, if they are identified. Nevertheless, differences in procedures and eligibility requirements of these programs influence the volume and characteristics of cases heard in youth courts.

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Revised Uniform Crime Reporting Survey, 1999, Canadian Centre for Justice Statistics

Table 1



Cases heard in Youth Courts by Principal Offence Category, Canada, 1992/93 to 1999/00

Offence category	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	% change from 1992/93 to 1999/00
Total cases									
number	115,187	115,949	109,743	111,027	110,065	110,882	106,665	102,061	
% change in the number of cases*	...	0.7%	-5.4%	1.2%	-0.9%	0.7%	-3.8%	-4.3%	-11.4%
rate per 10,000	500	497	465	465	455	454	435	417	
% change in the rate*	...	-0.5%	-6.5%	0.0%	-2.1%	-0.2%	-4.3%	-4.2%	-16.6%
Violent crimes									
number	21,653	23,374	23,010	23,084	23,044	23,711	23,564	22,937	
% change in the number of cases*	...	7.9%	-1.6%	0.3%	-0.2%	2.9%	-0.6%	-2.7%	5.9%
rate per 10,000	94	100	98	97	95	97	96	94	
% change in the rate*	...	6.8%	-2.7%	-0.8%	-1.5%	2.0%	-1.1%	-2.5%	-0.3%
Property crimes									
number	62,456	59,138	53,007	52,743	51,767	49,602	45,566	41,122	
% change in the number of cases*	...	-5.3%	-10.4%	-0.5%	-1.9%	-4.2%	-8.1%	-9.8%	-34.2%
rate per 10,000	271	254	225	221	214	203	186	168	
% change in the rate*	...	-6.4%	-11.4%	-1.6%	-3.1%	-5.1%	-8.6%	-9.6%	-38.0%
Other Criminal Code offences¹									
number	18,517	18,918	18,327	19,173	18,285	19,316	19,421	18,718	
% change in the number of cases*	...	2.2%	-3.1%	4.6%	-4.6%	5.6%	0.5%	-3.6%	1.1%
rate per 10,000	80	81	78	80	76	79	79	76	
% change in the rate*	...	1.0%	-4.3%	3.4%	-5.9%	4.7%	0.0%	-3.5%	-4.9%
Drug-related offences									
number	2,331	3,130	4,522	4,897	5,353	4,549	4,716	5,394	
% change in the number of cases*	...	34.3%	44.5%	8.3%	9.3%	-15.0%	3.7%	14.4%	131.4%
rate per 10,000	10	13	19	21	22	19	19	22	
% change in the rate*	...	32.8%	42.7%	7.1%	7.9%	-15.8%	3.2%	14.5%	117.8%
YOA offences									
number	9,780	11,024	10,704	10,906	11,335	13,442	13,289	13,763	
% change in the number of cases*	...	12.7%	-2.9%	1.9%	3.9%	18.6%	-1.1%	3.6%	40.7%
rate per 10,000	42	47	45	46	47	55	54	56	
% change in the rate*	...	11.5%	-4.1%	0.7%	2.6%	17.5%	-1.6%	3.7%	32.5%
Other federal statute offences									
number	450	365	173	224	281	262	109	127	
% change in the number of cases*	...	-18.9%	-52.6%	29.5%	25.4%	-6.8%	-58.4%	16.5%	-71.8%
rate per 10,000	2	2	1	1	1	1	--	1	
% change in the rate*	...	-19.8%	-53.2%	28.0%	23.8%	-7.6%	-58.6%	16.6%	-73.4%

* refers to the previous year.

... not applicable.

¹ Includes cases involving traffic offences.

-- too small to be expressed.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Table 2

 Cases before Youth Courts, Rate per 10,000 Youths, 1992/93 to 1999/00										
Rate of cases per 10,000 youths										
	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	% change from 1998/99	% change from 1992/93
Canada	500	497	465	465	455	454	435	417	-4	-17
Newfoundland	427	364	364	308	534	425	432	364	-16	-15
Prince Edward Island	411	422	337	281	377	311	268	271	1	-34
Nova Scotia	403	414	432	472	470	459	419	412	-2	2
New Brunswick	320	387	396	416	376	367	323	373	15	17
Quebec	176	175	185	174	196	189	201	196	-2	11
Ontario	585	604	552	561	532	496	449	428	-5	-27
Manitoba	810	883	832	762	710	787	871	700	-20	-14
Saskatchewan	864	862	797	896	883	943	841	941	12	9
Alberta	885	837	746	728	643	654	671	614	-8	-31
British Columbia	459	386	358	342	346	415	369	364	-1	-21
Yukon	1,037	1,300	1,375	1,981	1,774	1,681	1,456	1,381	-5	33
Northwest Territories*	1,025	1,129	990	856	886	847	1,051	1,011	...	...
Nunavut* ¹	...	...	...	...	...	...	...	426	...	...

... figures not applicable or appropriate.

* Due to the creation of Nunavut from the Northwest Territories, data collected prior to 1999/00 cannot be compared to data collected after that date for these jurisdictions.

¹ In data for fiscal year 1999/00, there is an unknown amount of undercoverage.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Table 3

 Cases Heard in Youth Court by Offence Category and Age, Canada, 1999/00										
Principal Offence Category	Total cases	< 12	12	13	14	15	16	17	> 17	Unknown
		%	%	%	%	%	%	%	%	%
Total Offences	102,061	--	3	8	15	21	25	26	1	1
Violent Offences	22,937	--	5	10	16	21	23	24	--	1
Property Offences	41,122	--	4	9	15	22	25	25	--	1
Other Criminal Code Offences	18,718	-	2	7	14	19	25	30	3	1
Narcotic Control Act	43	-	5	5	12	21	28	30	-	-
Food and Drugs Act	2	-	-	-	-	100	-	-	-	-
Controlled Drugs and Substances Act	5,349	--	1	3	9	18	29	38	--	--
Young Offenders Act	13,763	-	1	5	13	23	26	26	5	1
Other Federal Statutes	127	-	1	2	9	15	28	45	-	-

- nil or zero.

-- too small to be expressed.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Table 4

 Cases before Youth Courts by Most Significant Decision, Province and Territories, 1999/00									
Jurisdiction	Total cases	Transfer to adult court	Guilty	Not guilty	Stayed	Dismissed	Withdrawn	Transfer to other jurisdiction	Other
		%	%	%	%	%	%	%	%
Canada	102,061	--	67	1	10	2	19	--	--
Newfoundland	1,760	--	78	-	5	3	14	--	--
Prince Edward Island	335	-	83	-	10	1	5	-	-
Nova Scotia	3,134	-	72	2	-	10	16	--	--
New Brunswick	2,280	--	87	1	-	--	11	--	-
Quebec	10,768	--	81	5	3	2	7	--	1
Ontario	39,096	--	60	--	6	2	31	--	--
Manitoba	6,878	--	58	--	40	1	--	-	1
Saskatchewan	9,062	-	66	--	11	5	17	--	-
Alberta	16,188	--	71	1	2	3	22	1	-
British Columbia	11,613	--	70	2	28	1	--	--	--
Yukon	410	-	59	-	29	7	3	2	--
Northwest Territories	401	-	85	--	-	--	14	-	-
Nunavut*	136	-	74	1	5	3	16	-	-

- nil or zero.

-- too small to be expressed.

* In data for fiscal year 1999/00, there is an unknown amount of undercoverage.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Table 5

Youth Court Cases with Convictions by the Most Significant Charge and Sentence¹, Canada, 1999/00

Most significant charge	Total cases	Secure custody	Open custody	Probation	Fine	Community service	Absolute discharge	Other ²
		%	%	%	%	%	%	%
Total offences	68,184	17	17	48	6	7	2	3
Violent crimes	13,565	15	15	59	2	4	1	3
Murder/manslaughter	25	76	-	16	-	-	-	8
Attempted murder	7	86	-	14	-	-	-	-
Robbery	1,892	27	21	45	1	3	--	2
Sexual assault/other sexual offences	836	14	14	66	--	2	1	2
Aggravated assault/assault with a weapon	2,631	16	17	59	1	4	1	2
Minor assault	6,462	11	13	64	2	5	2	3
Weapons/firearms/explosives	1,212	13	15	58	4	4	2	4
Other violence crimes	500	23	19	48	3	4	1	2
Property crimes	27,689	15	16	55	4	7	2	3
Breaking and entering	7,324	19	20	54	1	4	--	2
Taking a vehicle without consent	1,210	14	15	57	3	7	1	3
Theft over \$5,000	991	27	23	44	1	3	--	2
Theft \$5,000 and under	8,929	10	13	56	7	10	3	2
Possession of stolen property	3,850	20	17	50	4	7	1	2
Fraud/forgery	1,103	15	14	55	5	6	1	4
Mischief/damage	3,514	10	10	59	4	8	2	6
Other property offences	768	14	15	60	2	6	1	2
Other Criminal Code offences	12,214	21	18	39	10	7	2	4
Failure to appear/comply/breach of recognizance	6,567	19	21	39	8	7	2	3
Escape custody/unlawfully at large	1,314	63	26	7	1	1	1	1
Impaired operation/other motor vehicle offences	1,029	9	6	28	46	9	--	2
Other Criminal Code offences	3,304	12	12	54	6	7	2	7
Drug-related offences	3,456	8	9	55	14	6	5	3
Young Offenders Act	11,176	23	25	29	9	10	1	3
Failure to comply with disposition	10,979	23	25	29	9	10	1	3
Other YOA offences	197	34	19	31	4	6	1	6
Other federal statute offences	84	1	2	25	60	7	1	4

- nil or zero.

-- too small to be expressed.

¹ Refers to the most significant charge which resulted in the sentence with the greatest impact on the young person.

² Includes restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs and conditional discharge.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Table 6



Sentences in Youth Courts, Canada and the Jurisdictions, 1999/00

	Most Significant Sentence							
	Total cases	Secure custody	Open custody	Secure and open custody	Probation	Fine	Community service order	Other ¹
		%	%	%	%	%	%	%
Canada	68,184	17	17	34	48	6	7	5
Newfoundland	1,368	25	16	41	51	3	2	4
Prince Edward Island	279	18	28	46	46	3	3	1
Nova Scotia	2,255	3	33	36	51	7	5	1
New Brunswick	1,990	19	13	32	60	6	-	3
Quebec	8,772	16	11	27	57	3	8	5
Ontario	23,357	19	20	40	48	3	5	4
Manitoba	3,972	12	15	28	51	8	6	8
Saskatchewan	5,955	20	14	34	48	5	11	3
Alberta	11,477	18	10	28	36	16	14	6
British Columbia	8,075	12	22	34	54	4	3	5
Yukon	242	32	16	48	34	2	9	7
Northwest Territories	341	24	34	58	27	4	5	6
Nunavut*	101	10	17	27	65	2	3	3

- nil or zero.

* In data for fiscal year 1999/00, there is an unknown amount of undercoverage.

¹ Other includes compensation, pay purchaser, compensation in kind, restitution, prohibition, seizure, forfeiture, conditional discharge, absolute discharge, essays, apologies and counselling programs.

Source: Youth Court Survey, Canadian Centre for Justice Statistics.

Canadian Centre for Justice Statistics

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