

**POLICE PERCEPTIONS OF THE *YOUTH CRIMINAL JUSTICE ACT* AND  
ITS IMPLEMENTATION: ONTARIO CASE STUDY**

Josée M. Smith

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment  
of the requirements for the degree of

Masters of Arts

Department of Sociology and Anthropology  
Carleton University  
Ottawa, Ontario

September 21, 2007

© Josée M. Smith, 2007



Library and  
Archives Canada

Bibliothèque et  
Archives Canada

Published Heritage  
Branch

Direction du  
Patrimoine de l'édition

395 Wellington Street  
Ottawa ON K1A 0N4  
Canada

395, rue Wellington  
Ottawa ON K1A 0N4  
Canada

*Your file* *Votre référence*  
*ISBN: 978-0-494-33770-7*  
*Our file* *Notre référence*  
*ISBN: 978-0-494-33770-7*

**NOTICE:**

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

**AVIS:**

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

---

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.

  
**Canada**

## ABSTRACT

---

This thesis presents the results of a partial replication of a 1997 study of police perceptions of the youth justice system. In-depth interviews were conducted with 49 police officers from 27 Ontario police services. The study sought to identify changes in police perceptions that have resulted from the replacement of the *Young Offenders Act* by the *Youth Criminal Justice Act (YCJA)* in 2003. Study findings indicate that officers in the 2007 study felt they had greater discretion than their 1997 counterparts. They also reported having greater responsibility and accountability under the *YCJA*. Officers in both studies were satisfied with the youth justice system's response to minor offences. Respondents in the 2007 study, however, were more satisfied with current responses to repeat and serious offenders than those in the 1997 study. Various issues identified by respondents regarding the challenges they have encountered in implementing the *YCJA* are also discussed.

## ACKNOWLEDGEMENTS

---

My deepest thanks must go to my co-advisors, Tullio Caputo and Michel Vallée, for rendering this research achievable. Without their continuous support, patience, and guidance, the completion of this project would not have been possible. I greatly appreciate and respect their vast expertise on youth justice issues. I have learned a great deal under their mentorship.

Thank you to Katherine Kelly for being part of my defense committee and providing valuable feedback; to Dr. Joanna Pozzulo, Director, Institute of Criminology and Criminal Justice, for agreeing to be the external examiner and for providing helpful suggestions and comments; and to Janet Siltanen for accepting to chair my defense.

Thank you to my parents, André and Elizabeth Smith, who always believed in me and encouraged me through all the ups and downs with their unwavering love and support. Thank you for teaching me perseverance among so many other important lessons in life. I will forever be indebted to you. Thank you to my sister, Nadia, for your encouragement and our girls' nights. A special thanks to my friends, who supported me, made me laugh and managed to keep me 'sane' during some challenging times.

Thank you to the Ontario police services that accepted to participate in this study. More importantly, thank you to every police officer that, despite their hectic schedules, took the time to share their opinions and experiences of the *Youth Criminal Justice Act*. Your insights into the practical application of the legislation were invaluable.

## TABLE OF CONTENTS

<i>Abstract</i> .....	ii
<i>Acknowledgements</i> .....	iii
<i>Table of Contents</i> .....	iv
<i>List of Tables</i> .....	vi
INTRODUCTION .....	1
CHAPTER 1: LITERATURE REVIEW .....	6
1. <i>Juvenile Delinquents Act (JDA)</i> .....	6
1.1 The Philosophy of the <i>Juvenile Delinquents Act</i> .....	7
1.2 Criticisms of the <i>Juvenile Delinquents Act</i> .....	7
2. <i>Young Offenders Act (YOA)</i> .....	8
2.1 <i>Young Offenders Act: Dispositions</i> .....	8
2.2 Criticisms of the <i>Young Offenders Act</i> .....	9
2.3 Context of Emergence of the <i>Youth Criminal Justice Act</i> .....	10
3. <i>Youth Criminal Justice Act (YCJA)</i> .....	10
3.1 Philosophy of the <i>Youth Criminal Justice Act</i> .....	11
3.2 Diversion and Extrajudicial Measures .....	11
4. Criticisms of the <i>Youth Criminal Justice Act</i> .....	13
4.1 Variations in the Use of Diversion .....	14
5. Impact of the <i>Youth Criminal Justice Act: A Statistical Portrait</i> .....	15
5.1 Youth Court Statistics .....	15
5.2 Sentencing and Custody .....	16
5.3 Changes in Custodial Sentences under the <i>YCJA</i> .....	18
6. The Changing Role of Police under Youth Justice Legislation .....	19
6.1 Role of the Police under the <i>Juvenile Delinquents Act</i> .....	19
6.2 Role of the Police under the <i>Young Offenders Act</i> .....	20
6.2.1 <i>Perceptions of Factors Influencing Police Discretion under the YOA</i> .....	21
6.3 Role of the Police under the <i>Youth Criminal Justice Act</i> .....	22
6.3.1 <i>YCJA and Police Charging Practices</i> .....	23
CHAPTER 2: RESEARCH DESIGN AND METHODOLOGY .....	25
1. Methodological Differences Between Studies .....	25
2. Sampling Method and Recruitment Process .....	26
3. Participants and Ethics .....	28
4. Research Instrument: Questionnaire .....	29
4.1 Testing the Questionnaire .....	31
5. Study Sample Specifics .....	32

CHAPTER 3: ANALYSIS OF FINDINGS AND DISCUSSION .....	34
1. Level of Seriousness of Youth Crime and Most Common Types .....	36
2. <i>YCJA</i> Policy/Protocols .....	44
3. Factors Influencing Police Officer Diversion and Charging Practices .....	45
4. Police Perceptions of Existing Ideal and Youth Justice Practices .....	47
4.1 Police Satisfaction with Current Dispositions for Minor Crimes .....	48
4.1.1 <i>Minor Property Crime</i> .....	48
4.1.2 <i>Minor Violent Crime</i> .....	52
4.2 Police Satisfaction with Current Dispositions for Serious Crimes .....	56
4.2.1 <i>Serious Property Crime</i> .....	56
4.2.2 <i>Serious Violent Crime</i> .....	60
5. Police Officers' Perceptions of Past and Present Youth Justice Legislation .....	64
5.1 <i>Young Offenders Act</i> : Experiences and Concerns .....	64
5.2 <i>Youth Criminal Justice Act</i> : Concerns and Changes .....	68
5.3 Police Discretion from the <i>YOA</i> to the <i>YCJA</i> .....	71
6. <i>YCJA</i> Training .....	73
7. Extrajudicial Measures Programmes within the Community .....	74
8. Informal Dealings Tracking and Level of Usefulness .....	77
9. Crown Attorney and Impact on Police Practices .....	78
10. Additional Areas of Concerns .....	80
10.1 Dealings with Youth Under Twelve .....	80
10.2 Effectiveness of the <i>YCJA</i> Provisions for Serious Violent Offences .....	85
10.3 Additional Comments .....	86
CONCLUSION .....	88
BIBLIOGRAPHY .....	95
APPENDICES .....	100
Appendix A: Chief of Police letter .....	100
Appendix B: Participant letter .....	102
Appendix C: (a) Informed consent form – In-person interview .....	103
(b) Informed consent form – Telephone interview .....	104
Appendix D: Excerpt of Police Service Research Agreement .....	105
Appendix E: Interview questionnaire .....	107

## LIST OF TABLES

---

Table 1: Current Units/ Sections of Interviewed Participants .....	35
Table 2: Participants Rank Within the Police Organization .....	36
Table 3: Perceived Level of Seriousness of the Youth Crime Problem in the Community in 2006/2007 .....	37
Table 4: Comparison of Officers' Perception of the Seriousness of Youth Crime from Smaller and Larger Communities in 2006/2007 .....	38
Table 5: Comparing Most Common Form of Youth Crime Between Studies .....	39
Table 6: Perceived Level of Seriousness of Property Crimes in 2006/2007 .....	40
Table 7: Most Common Property Crimes Types in 2006/2007 .....	41
Table 8: Perceived Level of Seriousness of Youth Violent Crime in 2006/2007 .....	42
Table 9: Comparison of Officers' Perception of the Seriousness of Youth Violent Crime from Smaller and Larger Communities in 2006/2007 .....	42
Table 10: Most Common Form of Youth Violence in 2006/2007 .....	43
Table 11: Police Service's <i>YCJA</i> Policy/Protocols .....	45
Table 12: Factors Influencing Police Officer Diversion and Charging Practices .....	46
Table 13: Most Influential Factors in Charging/Diversion Practices .....	47
Table 14: Minor Property Crime Dealings for First and Repeat Offence in 2006/2007 .....	49
Table 15: Police Perceptions of Dispositions for Minor Property Offences, 1997 and 2006/2007.....	50
Table 16: Ideal Consequences for Minor Property Offences, 1997 and 2006/2007 .....	51

Table 17: Minor Violent Crime Dealings for First and Repeat Offence in 2006/2007 .....	53
Table 18: Police Perceptions of Dispositions for Minor Violent Offences, 1997 and 2006/2007 .....	54
Table 19: Ideal Consequences for Minor Violent Offences, 1997 and 2006/2007 .....	55
Table 20: Serious Property Crime Dealings for First and Repeat Offence in 2006/2007 .....	57
Table 21: Police Perceptions of Dispositions for Serious Property Offences, 1997 and 2006/2007 .....	58
Table 22: Ideal Consequences for Serious Property Offences, 1997 and 2006/2007 .....	59
Table 23: Serious Violent Crime Dealings for First and Repeat Offence in 2006/2007 .....	61
Table 24: Police Perceptions of Dispositions for Serious Violent Offences, 1997 and 2006/2007 .....	62
Table 25: Ideal Consequences for Serious Violent Offences, 1997 and 2006/2007 .....	63
Table 26: Police Officers Experience under the <i>Young Offenders Act</i> .....	65
Table 27: Comparison of Police Officers' Perceptions of the <i>Young Offenders Act</i> , 1997 and 2006/2007.....	65
Table 28: <i>YOA</i> Concerns Addressed Under the <i>YCJA</i> .....	68
Table 29: Comparing Police Officers' Perceptions Regarding the <i>YCJA</i> to the <i>YOA</i> .....	68
Table 30: Comparing Police Officer's Discretion Under the <i>YOA</i> to the <i>YCJA</i> .....	71
Table 31: <i>YCJA</i> Training for Police Officers .....	74
Table 32: Community Extrajudicial Measures Programmes Availability .....	75
Table 33: Characteristics of Extrajudicial Measures Programmes .....	76

Table 34: Extent of Extrajudicial Measures Use within the Community .....	77
Table 35: Tracking Informal Dealings .....	78
Table 36: Crown Attorney's Impact on Police Role .....	80
Table 37: <i>YOA</i> to <i>YCJA</i> Dealings with Youth Under Twelve .....	81
Table 38: Documenting Informal Dealings with Youth Under Twelve Under the <i>YCJA</i> .....	83
Table 39: Proposed Ideal Consequences for Youth Under Twelve .....	84
Table 40: Effectiveness of <i>YCJA</i> Provisions for Serious Violent Offences .....	85
Table 41: Police Officers' Additional Comments .....	87

## INTRODUCTION

There have been several modifications in youth justice legislation that illustrate how youth crime issues have been at the forefront of Canadian public debate. For the greater part of the twentieth century, the *Juvenile Delinquents Act (JDA)*<sup>1</sup> regulated youth crime through a welfare approach. Subsequently, in 1982 the *Young Offenders Act (YOA)*<sup>2</sup> replaced the *JDA* and over the next twenty years numerous amendments were made to the legislation. Currently, the 2003 *Youth Criminal Justice Act (YCJA)*<sup>3</sup> is the most recent iteration of youth justice in Canada. This recent shift in legislation has had a direct impact on the role of the police in dealing with youth crime.

The categorization of youth as being ‘dangerous’ is not a recent phenomenon in Canada. Contemporary society, via the media, has accepted and adhered to the portrayal of youth as being predisposed to deviant and even violent behaviour. This depiction of youth contributes to the social construction of youth as being ‘out of control’, when in fact there has been minimal change in the seriousness of crime generally, and youth crime in particular.

The focus on youth crime provides a forum for government to seemingly deal with a pressing social concern. As such, media and society perpetuate the belief that youth crime is on the rise, despite the lack of statistical evidence. According to Schissel (1997), the disparity between perceptions and reality of youth crime in Canada can be explained by the concept of moral panics. Applied to youth crime, moral panics are defined as exaggerated fears toward youth problems and the perception that they are seen as a threat

---

<sup>1</sup> S.L. 1908, a.401 (repealed)

<sup>2</sup> R.S.L. 1985, c.Y-1 (repealed)

<sup>3</sup> S.L. 2002.c.1

to society's values, morals and interests (Tanner, 1996). Moral panics affect political and social responses, which directly impact on police roles and presence in a community.

Many social factors, however, influence public perceptions of youth crime. These social factors impact the nature and operation of the youth justice system and correspondingly, the role of police. In a cyclical manner, the public's fear of crime and lack of confidence in the youth justice system has pressured the government to take action in order to ensure the protection of society. In response to this 'moral panic', the Canadian government has reacted by making legislative changes in order to 'toughen up' its sanctions for violent and repeat young offenders as well as to develop programmes for young offenders.

The *Youth Criminal Justice Act (YCJA)*, applicable to youth between 12 to 17 years of age, officially repealed and replaced the *Young Offenders Act (YOA)* on April 1, 2003. The *YCJA* was advocated as being the solution to the numerous problems and criticisms of the *YOA*, particularly in regards to police practices related to the overall number of youth charged, the high incarceration rates and the general over-reliance on the criminal justice system. It was believed that these systemic problems would be corrected in part, through the *YCJA*'s emphasis on diversion through the use of extrajudicial measures for minor offences. Furthermore, the *YCJA* was intended to address the public's concerns regarding the perceived 'soft' approach of the *YOA* to violent crimes through the adoption of a tougher sentencing stance for violent offenders.

The legislative changes in youth justice have had a direct impact on the role of police officers and correspondingly the expectations placed upon them. Under the *YOA*, the use of diversion by police officers was encouraged but it was also a more regulated

practice. The Crown Attorney assumed a greater role under the *YOA* and often made final decisions regarding the use of discretion and diversion. As a result, police officers perceived a diminishment of their discretionary powers. Consequently, police officers' perceptions of their loss of power was reflected in the significant decrease in the screening of youth for diversion and increase in the number of youth charged under the *YOA*.

Contrary to the *YOA*, the *YCJA* clearly shifts the discretion and diversion roles back to police when dealing with first time and minor offences. In fact, police officers must now justify why they do not use alternatives to the criminal justice system under these types of circumstances.

Three years after the implementation of the *YCJA*, there remains limited research regarding front line workers and their experiences under this new *Act*. This is particularly the case for police officers whose roles have changed through their more formal responsibilities with respect to the diversion of youth from the formal justice system for minor offences. Although there is more available research on the *YCJA* through statistical analysis of youth custodial rates and police practices, an important gap remains as to a qualitative examination of police perceptions and the impact this has on police decision-making and practices.

In 1997, Tullio Caputo and Katharine Kelly conducted a study for then-Solicitor General of Canada titled *Police Perceptions of Current Responses to Youth Crime*. The main objective of their study was to examine the perceptions of police officers from across Canada of current dispositions under the *Young Offenders Act (YOA)* in dealing with youth crime and, in particular, youth violence. Moreover, in addition to examining

the police officer's perceptions of the level of efficiency of community-based response strategies to youth crime, the researchers explored some of the practical challenges officers faced under the *YOA*.

With the *YCJA* placing emphasis on the use of extrajudicial measures to divert youth from the criminal justice system resulting in greater discretionary powers, new expectations are placed on police officers. While there is limited available information regarding how police officers are exercising their new role and responsibilities, statistical information indicates a significant decrease in the number of youth charged and the number of youth court cases.

By replicating the 1997 study, a comparative overview and assessment can be made of police officers' experiences and perceptions regarding the application of past and present youth justice legislation. This research will therefore have the potential to shed some light on how police officers perceive the operation of the *YCJA*. In addition, the study will allow for greater insight into the perceived opportunities and challenges they have experienced in the application of the *YCJA*.

This current research utilized the data collection method of the 1997 study which consisted of in-depth semi-structured telephone and in-person interviews with police officers. Key questions regarding police officers' perceptions were maintained in order to ensure a comparison between the 1997 study and the current research. As such, most of the questions explored by Caputo and Kelly were replicated in the current study. Specifically, this study retained the series of questions examining police officers' perceptions of the youth justice system's response in the case of first time and repeat

offenders involved in minor and serious property crimes and minor and serious violent crimes.

To address issues that have emerged since the 1997 study, new questions were developed that pertain to the changes in legislation from the *YOA* to the *YCJA* and its impact on the role of police. Further elaboration of the interview questionnaire's differences between the 1997 study and current research will be undertaken in the chapter on research design and methodology.

## CHAPTER 1: EVOLUTION OF YOUTH JUSTICE LEGISLATION IN CANADA

The following section reviews the similarities and differences between the different pieces of Canadian youth justice legislation and the corresponding context in which they emerged, with a particular focus on the impact and interpretation of the recently implemented *YCJA* on youth crime. This research project is based on perceptions of the role of police officers and the operation of the youth justice system under the *YOA* and *YCJA*. Various aspects of these two pieces of legislation will be explained, such as police practices and perceptions under the *YOA* and then under the newer *YCJA*. Issues such as current sentences administered to youth and proposed ideal sentences will be examined for each *Act* in order to provide discussion on these pieces of legislation and facilitate the understanding of police responses to them. The changing role of police from the *YOA* to the *YCJA*, and the implications of this change, will be explored throughout the research.

### 1. *Juvenile Delinquents Act (JDA)*

In Canada, the first youth justice legislation emerged in 1908 with the implementation of the *Juvenile Delinquents Act (JDA)*. The main purpose of this *Act* was to separate adults from young offenders by providing a separate youth justice system through the creation of juvenile courts and probation services. In part, what prompted the legislation was the perceived inhumane treatment of youth that were being punished in a similar manner as adult criminals. In addition, the automatic elimination of reform opportunities by dealing with juvenile offenders as hardened criminals was severely criticized. This was due to the belief that youth could be rehabilitated because they were not really accountable for their wayward behaviour. Delinquent children were the result of their environment and failures in parenting (Hylton, 2001).

### **1.1 The Philosophy of the *Juvenile Delinquents Act***

The adoption of the child welfare approach to youth crime reflected a *parens patriae* philosophy. This consisted of the state assuming the parental role of assessing what was in the child's best interests. According to this principle, the youth justice system was to regard juvenile delinquents as misguided children instead of criminals, and as being a product of their environment (Gagnon, 1984). The needs of youth were therefore the primary focus and concern. As such, the *JDA* allowed for state intervention when children were thought to be living in poverty, abuse, and neglect (Reid and Zuker, 2005).

### **1.2 Criticisms of the *Juvenile Delinquents Act***

During the 1960s, the *Juvenile Delinquents Act* was severely criticized for numerous reasons. For instance, its child welfare approach was criticized for disregarding the protection of society from young criminals. It was also criticized for being ineffective in preventing or deterring the criminal behaviour of youth. Moreover, while the *JDA* attributed importance to the needs and treatment of youth, the availability of treatment services was very limited and often deemed inefficient in reducing recidivism. In fact, the *JDA* was accused of contributing to the increase in youth crime because it was unsuccessful in rehabilitating juvenile delinquents through treatment or deterring them through punishment.

## **2. *Young Offenders Act (YOA)***

The mounting criticisms of the *Juvenile Delinquents Act* and the new era of rights resulted in the unanimous support of the Liberal, Progressive Conservative and New Democratic Parties in passing the *Young Offenders Act* in 1982. In the declaration of principles of the *YOA*, an immediate change in philosophy underlying the new youth justice system is identified. The *Young Offenders Act* was based on a justice model that reflected a neo-classical philosophy that considered the adolescent able to willfully decide whether to participate in deviant behaviour. The youth courts no longer had to solely consider the needs of the young offenders, but also had to take into account other principles such as the youth's responsibility and accountability, as well as public protection.

### **2.1 *Young Offenders Act: Dispositions***

Although the *YOA* replaced the *JDA*, a few policy elements were retained and appropriated from its predecessor. For instance, the separate system of youth courts and correctional programmes were kept. In addition, the principle of special needs required by adolescents, as well as most of the provisions for the transfer to adult court (at least during the first two years of operation) were retained. On the other hand, several critical dispositions were applied in the *YOA* that were lacking in the *JDA*, such as the uniformity of age range in all provinces, from 12 to 17 years. Another change introduced in the *YOA* is the importance attributed to the application of due process rights for youth. This required individuals to be treated in accordance with strict legal procedures and allowed them to retain legal rights such as the right to counsel, to participate in the hearings, etc. (Bala, 1992, 1997, 2003).

## 2.2 Criticisms of the *Young Offenders Act*

The *Young Offenders Act* was constantly in the midst of controversy whether prior to the implementation process, during or following the amendments. The ongoing debate over whether the *YOA* was 'too soft' or 'too hard' was studied by Corrado and Markwart in *The need to reform the YOA* (1994). The perception of the *YOA* as being too soft by the public and law enforcement agents contradicted the academics' view that the *Act* was too harsh because of the rise in custody rates that occurred after its implementation. The authors attributed some measure of validity to both perspectives. First, they concluded through an analysis of crime tendencies that during the *YOA*'s last few years a significant increase had been reported in youth crime due in part to the change in police charging practices. Other factors that might corroborate the opinion of a 'soft' *YOA* were the relatively low rates of youth being transferred to adult courts and the few administered long custodial sentences.

In contradiction, Corrado and Markwart conceded that the legislation could be perceived as harsh since the custody rate doubled since the implementation of the *YOA*. This is partially explained by the fact that the principles of deterrence and punishment were utilized to justify custodial sentences, yet rehabilitation was also used as a reason for imposing custody on non-violent offenders. Furthermore, although young offenders were incarcerated for short periods, the increase of those sentenced to custody illustrated the harshness of the Act (Hylton, 2001).

### **2.3 Context of Emergence of the *Youth Criminal Justice Act***

The perceived growing crisis of youth crime reflected in the media's accounts during the 1990s also lead to increasing demands for a new and tougher approach to dealing with young criminals. In spring 1998, the federal Liberal government presented the Department of Justice's *A Strategy for the Renewal of Youth Justice* in response to the growing criticism of the *YOA*. This document was based on reports from the provincial commissions as well as the Federal-Provincial-Territorial Task Force on Youth Justice. The principal recommendation was for the creation and implementation of a new *Youth Criminal Justice Act*. The *YCJA* advocated protection of society as its main objective and a tougher approach to the treatment of violent young offenders. Although the proposed *YCJA* called for more severe punishment for those convicted of serious crimes, it simultaneously attempted to address the causes of youth crime by recommending prevention, rehabilitation and a restorative justice approach.

### **3. *Youth Criminal Justice Act (YCJA)***

By May 29, 2001 the proposed legislation had been drafted three times with over 150 amendments. It was passed in the House of Commons; then passed by the Senate on December 18, 2001. The *YCJA* received royal assent on February 19, 2002 but was only implemented across Canada on April 1, 2003. This delay was due to pressure by provinces and territories that required more time to develop and implement new programmes and policies stipulated under the *YCJA* (Bala, 2003; Hartnagel, 2004).

### **3.1 Philosophy of the *Youth Criminal Justice Act***

According to Barnhorst (2004), the *YCJA* philosophy encompasses components of restraint, accountability, proportionality, protection of the public, rehabilitation and addressing youth's needs, as well as structured discretion. The exercise of restraint is stipulated in the preamble regarding sentencing where serious interventions should only be utilized for the most serious crimes. This restraint is also implied, however, in determining whether youth should be diverted by measures outside the formal court process.

Youth must be held accountable for their offences in a fair and proportionate manner through the imposition of meaningful consequences that will encourage rehabilitation and reintegration into society. To avoid the pitfalls of the youth justice system intervening for social reasons it is clearly stipulated that discretion is limited and that the seriousness of the offence dictates the degree of intervention (Bala, 2003; Barnhorst, 2004). It was anticipated that a long-term outcome of the youth justice system would contribute in the protection of the public through holding youth accountable in a fair and proportionate manner. In addition, specific provisions within the *YCJA* dictate the use of discretion in a structured format for the use of extrajudicial measures, pre and post charge, pre-trial detention, sentencing and custody, and reintegration (Barnhorst, 2004).

### **3.2 Diversion and Extrajudicial Measures**

The concept of diversion is defined as any attempt to either prevent first contact or further involvement with the formal criminal justice system. Community-based alternatives are meant to divert young offenders from the criminal justice system yet still

inculcate a sense of responsibility and accountability to the youth. Diversionary programmes are considered less restrictive than other interventions in regards to the level of intrusion and restrictions to personal freedom. It is precisely this concept of diversion which represents conflicting implications within the judicial apparatus. For example, the objective of preventing individuals from entering the criminal justice system acknowledges that there are negative consequences for individuals related to entering the system (i.e. long court delays, financial costs, overcrowding in institutions etc.). Furthermore, pre-trial diversion raises a number of questions about diversion such as the presumption of innocence and due process safeguards. Offenders will often claim responsibility for a criminal act in order to take advantage of the options offered through diversion, including avoiding the court process (Hahn, 1998). At the same time, diversion runs counter to the goals of those promoting a 'get tough' approach, which calls for more punitive sanctions against young offenders.

Proponents of restorative justice agree that the formal justice system should be utilized as a last option and that diversionary tactics should be maximized. This is consistent with provisions currently found in the *YCJA* such as the use of extrajudicial measures. It must be noted that the use of extrajudicial measures as an alternative to the formal justice system under the *YCJA* is not a new concept. Under the *Young Offenders Act* the use of diversion was known as 'alternative measures'. The renewed emphasis on this dimension of the *YCJA*, however, is due to the realization that there was an over-reliance on courts and custodial sanctions for young offenders under the *YOA*. According to Canadian statistics, from 1998-1999 more than 40% of youth court cases could be classified under one of the following four categories of less serious offences: theft under

\$5,000, possession of stolen property, failure to appear and failure to obey a disposition (Department of Justice Canada, 2002).

Extrajudicial measures are used to address specific objectives such as the integration of the victim in the decision-making process as well as reparation of harm to the victim and the community. Examples of extrajudicial measures range from police warnings, apologies to victims, community service work, reparation of damage caused to the victim, family group conferencing etc. Hence, the use of these measures promotes the participation of community members and victims in the administration of community justice.

Extrajudicial sanctions are also part of the diversionary measures encouraged by the *YCJA* and represent the most 'formal' type of measures. These measures are under the responsibility of the Crown Attorney.

#### **4. Criticisms of the *Youth Criminal Justice Act***

The *YCJA* was not ushered in without its share of controversy and conflict. On the one hand, the Ontario's provincial Conservative government at that time strongly opposed the proposed bill's 'too soft' stance on crime and young criminals. Most noticeable, however, was the vocal opposition from Québec to the proposed new youth justice legislation as being unnecessary. Other criticisms of the *YCJA* included a degree of scepticism as to its true 'original' approach to youth crime, the punitive stance it takes and the risks associated with discretionary diversion.

#### 4.1 Variations in Use of Diversion

Current emphasis by the *YCJA* on extrajudicial measures claims it will result in higher rates of diversion for young offenders from the formal justice system in a fair and equal manner (Department of Justice Canada). This is a questionable statement since many studies demonstrated the unequal treatment of youth under the *Young Offenders Act*, where race, gender and class determined those who were brought into the formal judicial system and the sentencing outcome (Reitsma-Street, 2001; Neugebauer, 2000). The risks of replicating this inequality pattern under the *YCJA* therefore remains through the use of extrajudicial measures.

Furthermore, the considerable discretionary power given to provinces/territories in the implementation of the extrajudicial measures will inevitably create inconsistencies in its application throughout Canada. In part, the future of young 'criminals' will depend on the political and economic context of the province as well as the development of prevention and treatment programmes for young offenders. There is no guarantee that the use of discretion in diverting youth from the criminal justice system will not simply reproduce the inequalities that have plagued its predecessor. Another factor that must be considered is the reality of jurisdictional variations within a province/territory because of disparities in communities regarding available diversion programming and resources. Lastly, the added element of applying extrajudicial measures at two levels of the process, notably police and Crown Attorney, may further complicate and render the implementation process difficult (Bala, 2005).

With the *YCJA* mandating use of diversion for first/minor offences, a noted decrease in charges is expected resulting in fewer cases before the courts and

subsequently fewer custodial sentences. An area of concern nevertheless remains with the use of extrajudicial measures, where no clear-cut parameters exist explaining how and under what circumstances they should be used.

## **5. Impact of the *Youth Criminal Justice Act*: A Statistical Portrait**

Of the Western countries, Canada had one of the highest youth incarceration rates under the *Young Offenders Act* (Thomas, 2005). Subsequently, the over-reliance on the formal youth justice system in dealing with youth in conflict with the law as well as the high custodial rates was the primary reason for the replacement of the *YOA* with the *Youth Criminal Justice Act*. Due to the recent implementation of the *YCJA*, there is limited statistical information regarding its impact on the youth justice system. The following section however reviews existing youth court statistics as well as the type of sentencing imposed, particularly with respect to the use of custody.

### **5.1 Youth Court Statistics**

In the *Youth Court Statistics 2003/2004* report by Juristat – Canadian Centre for Justice Statistics, it was noted that the overall youth court caseload has been decreasing since 1991/1992. This is in great part due to the reduction in the number of cases of crimes against property. Following the implementation of the *YCJA* from 2002/03 to 2003/04 the youth court caseload saw its largest decline of processed cases with 70,465 cases representing a 17% decrease (Thomas, 2005).

For the youth court caseload of 2003/04, five offences represented over half of all cases. These offences consisted of *theft* (13%), *failure to comply with a disposition* under the *YJCA/YOA* (11%), *common assault* (11%), *break and enter* (9%), and *possession of*

*stolen property* (7%) (Thomas, 2005). As for the ages of young offenders, 16 and 17 year olds represented 55% of all processed youth court cases. Whereas 15 year olds represented 20% of youth court cases and 12 to 14 year olds accounted for 23%.

## 5.2 Sentencing and Custody

Of the processed youth court cases for 2003/04, 57% resulted in a guilty finding. The most frequent sentence administered to youth remained *probation* given in 63% of all convictions in youth court, followed by *community service* with 28% of convicted cases. As for *custody and supervision orders*, this sentence was imposed in 23% of cases. Nearly half (49%) of *custodial sentences* were for terms less than one month, 29% were from 3 to 6 months, and terms longer than 6 months represented 6% of all cases (Thomas, 2005).

In 2004/2005, the number of youth admitted to correctional services<sup>4</sup> (31,700) decreased by 12% from 2003/2004. From the 31,700 youth admissions, half were to custody and the other half to community supervision. Of the community supervision admissions, the vast majority (12,900 or 81%) was to probation (Caverley, 2007).

As for admissions to custody in 2004/2005, nearly three-quarters (72% or 11,500) were to *remand* (pre-trial detention) and approximately 2,200 admissions were to *secure custody* while another 2,200 were to *open custody*. Overall, sentenced custody rates in 2004/2005 declined 7% in 2003/2004. This is due to the 12% decrease in admissions to *secure custody* for 2004/2005 while *open custody* admissions remained stable. Despite the high rates of *admissions to remand*, it also decreased by 7% from 2003/2004 (Caverley, 2007).

---

<sup>4</sup> Correctional services include sentenced custody (secure and open), remand and community supervision.

Although *violent offences* accounted for 45% of all sentenced custody admissions in 2004/2005 followed by *property offences* (22%), most jurisdictions actually had a higher proportion of *property offence* admissions than violent ones. This was found to be the case in Newfoundland-Labrador (59% vs. 29%), Nova Scotia, New Brunswick, Ontario (38% vs. 30%), Alberta and Northwest Territories (Caverley, 2007). This finding is particularly interesting since under the *YCJA* the use of custody is suppose to be primarily for violent offences.<sup>5</sup>

For 2004/2005, about 13,100 youth on any given day were in custody or under probation. Of this number, the vast majority (87%) of youth were on *probation* while 10% were in *sentenced custody* and 3% were in *remand* (Caverley, 2007).

In 2004/2005 there has been a 16% decrease in the number of youth in *sentenced custody* on any given day from 2003/2004. Since the implementation of the *YCJA* there has been an overall decline of approximately 60% of youth in sentenced custody on any given day in Canada. Overall, for 2004/2005 the youth incarceration rate, which includes sentenced custody and remand, decreased 10% while the probation rate declined by 16% (Caverley, 2007).

Although under the *YCJA* a significant decrease has been noted in the rates of youth in custody, a disquieting trend remained. Statistics indicated that “Aboriginal youth made up one-quarter of all sentenced custody admissions in 2004/2005, yet they represent approximately 5% of the total youth population.”<sup>6</sup> These numbers clearly underline the

---

<sup>5</sup> Violent offences include: murder, attempted murder, sexual assault, aggravated assault, common assault, robbery, kidnapping, and extortion.

<sup>6</sup> Caverley, Donna (2007) *Youth custody and community services in Canada 2004/2005*. pp.1

need for further research into the issue of police charging practices and Aboriginal youth, albeit it does not fall within the scope of this current research.

Of note, a limitation to this youth custody analysis is that currently Statistics Canada has not yet provided comprehensive and national official statistics on adult youth sentences under the *YCJA* and its potential impact on reducing incarceration rates.

### **5.3 Changes in Custodial Sentences under the *YCJA***

Doob and Spratt (2005) analyzed the use of custodial sentences following the implementation of the *YCJA* in 2003/2004 by examining all cases processed by the courts across Canada. In order to obtain a more detailed examination of cases, these were regrouped into three categories: *very minor* (theft under \$5,000, possession of stolen property, failure to comply/appear), *somewhat minor* (thefts, mischief/damage, break and enter, minor assault) and *all other* cases (more serious cases) (Doob and Spratt, 2005).

Doob and Spratt (2005) concluded that there was a large reduction in the number of cases before the court and in the number of guilty findings. The *very minor* offences represented the most significant decrease in the type of caseload before the courts and therefore accounted for a smaller proportion of the overall caseload. In addition, there was a reduction in findings of guilt of *very minor* offences. This pattern reflects the sentencing principles of the *YCJA* where sentences are to be proportionate to the seriousness of the offence. Subsequently, in comparison to prior years the more serious offence cases accounted for a higher proportion of those receiving a custodial sentence (Doob and Spratt, 2005).

In accordance with one of the *YCJA*'s objectives, following the first year of implementation findings indicated a reduction in the number of court cases and a

decrease in the use of custodial sentences. It is anticipated that custodial sentence rates will continue to decline due to the numerous restrictions under the *YCJA* regarding the imposition of this type of sentence (Campbell, 2005).

## **6. The Changing Role of Police Under Youth Justice Legislation**

It is important to examine the changing role of police under youth justice legislation, particularly in relation to the use of diversion when dealing with apprehended youth. Police are front-line workers generally having first contact with youth in conflict with the law. They must determine therefore whether they should proceed by bringing the youth into the formal justice system. Although police had discretionary powers under all pre-existing youth justice legislation, diversion was unregulated under the *JDA*; police felt that Crowns assumed the decision-making role under the *YOA*, while the *YCJA* mandates police to divert youth committing minor offences.

### **6.1 Role of the Police Under the *Juvenile Delinquents Act***

Although under the *JDA* there were no provisions specifying the use of diversion by police in dealing with youth committing offences; they were given broad latitude to act ‘in the best interests’ of the youth. The use of informal diversion by police for minor offences was therefore a common practice when dealing with apprehended youth. This included taking the youth home to their parents, giving them a warning or recommending a community alternative (Gagnon, 1984; Bala, 2003). Moreover, up until the last ten years prior to the *Young Offenders Act*, police had two roles in most provinces under the *JDA*, that of police and prosecutor which entailed a considerable amount of discretion. Only in the 1970s did more formal diversion programmes appear across Canada.

Subsequently, instead of subjecting youth to the juvenile court process, police or prosecutors would divert them to these community-based programmes established by social agencies (Bala, 2003).

## **6.2 Role of the Police Under the *Young Offenders Act***

Under the *YOA*, the use of diversion was encouraged but simultaneously regulated. It was stipulated that as long as taking no further action or using other measures to the justice system did not go against the principle of protection of society, it would be deemed an appropriate response. Although the *YOA* did offer discretionary options, charging practices of police officers' increased. Several explanations were put forth to explain the changes in police charging, such as attributing the increase to "procedural formality under the *YOA*"<sup>7</sup> and it being a police response to increasing public pressure in getting tough on youth crime (Bala, 2003). A more specific explanation to the case of Ontario was the need for police to lay a charge for youth to become eligible in the post-charge alternative measures programmes (Carrington, 2001).

Carrington's examination of police charging practices under the *YOA* in Ontario and Saskatchewan concluded that approximately half of the increase in charging practices from 1980-84 to 1995 was due to the higher charge ratios for 16 and 17-year olds. The increase in charging of 12 to 15-year olds accounted for the other half. Contrary to the public's perception of an increase in youth crime, this period was reflective of police officers' propensity to charge apprehended young persons having committed offences

---

<sup>7</sup> Moyer, Sharon (1996) *A profile of the juvenile justice system in Canada. Report to the Federal-Provincial-Territorial Task Force on Youth Justice.*

(Carrington, 2001; Carrington and Moyer, 2001). This conclusion, however, did not address why there was a change in police charging practices.

Upon closer examination of the *YOA*, the Crowns assumed a much greater role in decision-making including for diversion than under the *JDA*. The police interpreted the *YOA* as shifting this discretionary power to the Crown and therefore away from the police. As a result, police's perception of having a lesser role in diversion because the decision rested with the Crown led officers to simply charge youth. This change in charging practices resulted in the dramatic increase in the overall number of youth charged.

#### ***6.2.1 Perceptions of Factors Influencing Police Discretion under the YOA***

Carrington and Schulenberg (2003) conducted a study in 2002 on police discretion with young offenders. They utilized a national sample of 95 police services and conducted over 200 interviews with police officers to provide a description of the use of police discretion toward youth, and identify factors influencing this discretionary decision-making process.

Several factors were identified as affecting police officers' decisions whether to charge, divert or proceed with informal action. First, 98% of police officers took into account the seriousness of the offence including the presence/use of a weapon and the extent of harm inflicted to the person or property. The second most influential factor in the decision-making process with youth was the prior contacts/record with the police. The demeanour of youth was also factored in the decision by police since the youth had to accept responsibility for their actions if they were to be referred to alternative measures. Other factors identified as influencing the use of discretion were the victim's

preference as to how to deal with the youth, as well as the youth's home, school situation and parental involvement. When it came to gang-related crime or gang-affiliated youth, this factor was taken into consideration particularly when officers perceived a youth gang problem existed within their community. The last factor to be noted was the youth's age, since police officers have a tendency to be more lenient with younger offenders.

An environmental factor that greatly influenced police officers use of diversion is the availability of external resources. Based on the interviews, Carrington and Schulenberg (2003) found that the availability of resources for youth diversion was more common in metropolitan jurisdictions than in less populated centres, and even more so in rural communities and small towns. Police officers in all types of communities felt however there were inadequate resources. Consequently, the main obstacle to police diversion of apprehended youth was perceived to be the lack of suitable programmes and resources.

### **6.3 Role of the Police Under the *Youth Criminal Justice Act***

The *YCJA* is the first legislation clearly stipulating that a police officer must consider all options before laying a charge. Section 6 of the *YCJA* states that prior to charging a youth, a police officer must consider the principles in section 4 and determine whether it would be sufficient to use extrajudicial measures. These options outside of the formal justice system include taking no further action, informal warnings, police cautions, Crown cautions, referrals to a community programme, and extrajudicial sanctions. In addition, the officer must take into account that extrajudicial measures are often deemed to be the most appropriate, effective and timely response to youth crime, as

well as holding the youth accountable for their actions for first time and minor offences (Bala, 2003; Tustin and Lutes, 2005).

### ***6.3.1 YCJA and Police Charging Practices***

In a recent study by Carrington and Schulenberg (2005), national statistical data were examined to assess the changes in police charging practices in Canada. Main findings indicated that the *YCJA* had in fact been “(...) remarkably successful in bringing about changes in police charging practices with young persons which are consistent with its objectives, principles and provisions.”<sup>8</sup> More precisely, this is illustrated by the significant decrease in the number of youth charged or recommended by police to be charged at the national level and in most provinces and territories. In 2003, the average annual rate of youth charged decreased by 28% from the annual average during 1986 to 2002 and declined by 16% from 2002. Correspondingly, there was an increase in the use of extrajudicial measures with apprehended youth. Moreover, there was no evidence of net-widening<sup>9</sup> by police under the *YCJA*. It was also concluded that there was no evidence of an increase in youth crime at the national level during 2003.

Although at the national level findings indicated changes in police charging practices, there was a 23% decrease in youth charged by police from 2002 to 2003 and in comparison to the 1986 to 2002 averages, there was a 33% decrease. Extrajudicial

---

<sup>8</sup> Carrington, Peter J. and Jennifer L. Schulenberg (2005) *Impact of YCJA on Police Charging Practices with Young Persons: Preliminary Statistical Assessment*.

<sup>9</sup> Net-widening under the *YCJA* would consist of “any increase in the rate of young persons apprehended and dealt with by extrajudicial measures exceeded any decrease in the rate of young persons charged, resulting in an increase in the total rate of young persons apprehended by police.” (Carrington and Schulenberg, 2005, p.19)

measures increased in 2003 by 1,389 per 100,000, reflecting a greater difference than the rate of youth charged.

The statistical information clearly indicates a significant decrease in police charging practices and an increase in the use of extrajudicial measures. Nonetheless, there is no available information on how police officers perceive their new roles and responsibilities under the *YCJA*. While police could use discretion under the *YOA* legally, the decision to divert youth was vetted through the Crown leading the police to charge more.

As the *YCJA* represents a significant shift in police roles and decision-making powers in relation to diversion, police find themselves having to justify why they did not use alternatives in dealing with first time and minor offences. This study will attempt to address this gap in the research. By interviewing police officers knowledgeable of youth issues within their respective community, this study will be able to examine the practical reality that they face when applying the *YCJA*. More importantly, this will allow the examination of the *YCJA*'s impact on police's role and whether they are acting differently under this legislation.

## CHAPTER 2: RESEARCH DESIGN AND METHODOLOGY

This research represents a partial replication of a national study undertaken by Caputo and Kelly (1997) of police perceptions of the youth justice system's response to youth in conflict with the law under the *Young Offenders Act (YOA)*. The specific purpose of the current research project is to examine police officers' perceptions and experiences in dealing with youth crime issues under the *Youth Criminal Justice Act (YCJA)* within the province of Ontario. This information will then be compared to the baseline data established in the 1997 study.

### 1. Methodological Differences Between Studies

The 1997 study examined Canadian police officers' perceptions of responses to youth crime under the *Young Offenders Act (YOA)*. The researchers utilized a three-staged data collection strategy, which consisted of in-depth telephone interviews with police officers across the country, followed by site visits to conduct focus group discussions with youth squad officers, and focus groups with youth familiar with the youth justice system.

One hundred and fifty police agencies across the country were contacted reflecting regional representation and community size. More precisely, the list contained 30 police agencies for each region, namely that of the Atlantic Provinces, Québec, Ontario, the Prairies and British Columbia. The Yukon and the North West Territories communities were included as part of the British Columbia region. A total of 150 police officers experienced in dealing with youth crime under the *YOA* were interviewed by telephone.

This current research reproduced the 1997 study in order to analyze police officers' perceptions of the recently implemented *YCJA* in comparison to the *YOA*. Since this research is an exploratory in nature with time and resource limitations, it was limited to Ontario police agencies. The province of Ontario was selected for this study since it presents a good representation of jurisdictional variations because of its population and size. Hence, studying the perceptions of officers from various police services in Ontario would allow an adequate comparative examination between officers' experiences in large urban and smaller settings.<sup>10</sup>

The principal data collection method from Caputo and Kelly, that of in-depth telephone interviews with police officers, was determined to be the most practical and efficient method for this research and was, therefore, replicated and utilized in this study. Additionally, some in-person interviews were also conducted.

## **2. Sampling Method and Recruitment Process**

In the 1997 study, information about the sample was based on the *1994 Selected Administrative Characteristics of Municipal Police Departments*. This publication was renamed *Police Resources in Canada 2004*, which is the most recent version available. This document offers a breakdown of existing police resources in Canada by Provinces/Territories and Census Metropolitan Areas. Within each province (i.e.

---

<sup>10</sup> The desegregated results for Ontario were not available in the 1997 study therefore the 2006/2007 findings were compared to the national data set. Caution should be used in interpreting these comparisons, however, since the Ontario results may differ in important ways from the national study. For example, Quebec had a high rate of youth diversion compared to the other provinces and this could have affected the 1997 national study results. As well, Ontario contains more large cities than the other provinces, which could have an impact since officers in large urban areas may have different experiences when dealing with young people in conflict with the law compared to their counterparts in smaller centres. This could include dealing with higher rates of youth crime as well as having access to more resources for these young people.

Ontario), the municipal police services are grouped into one of five population ranges<sup>11</sup> and also indicate whether the RCMP or provincial police such as the Ontario Provincial Police (O.P.P.) policed the jurisdiction under municipal contracts.

From this publication, an initial 30 cities were selected and an additional ten were added as possible alternatives in the event a police organization did not respond or agree to participate in the study. For the initial 30 selected cities, the first 15 represented the largest urban centres in the province. The remaining cities were selected according to decreasing population size and broken down into four equal sections. The 15 smaller cities were selected using a random sampling strategy. As for the substitute cities, the next five listed largest cities not yet selected were chosen, while an additional five were randomly chosen from smaller population centres.

The mailing address of the police services were based on the Autumn 2004 *Canadian Police Information Centre Directory (CPIC)*, which was then cross-referenced with available Internet information. The Internet search tool 'Google' was utilized for finding police agencies with their own web sites or those listing contact information on their City/Municipality web site. The Internet searches were to ensure updated information was applied as well as to identify the Chief of Police for each organization.

Since follow-up calls would be conducted with Chiefs of Police (or designated representative) and, if they accepted, with their designated participants, it was deemed time efficient to mail-out a letter of invitation to the 20 largest cities and the 15 smaller ones.

---

<sup>11</sup> Population ranges are divided accordingly: (1) 100,000+ (2) 50,000 – 99,999 (3) 15,000 – 49,999 (4) 5,000 – 14,999 (5) <5,000

The Chief of Police of each of the selected agencies received a letter explaining the research project and asking for their participation (see attached Appendix A). From the selected agencies that agreed to participate in the study, police administrators were asked to give one to three names of officers having the most experience in dealing with youth crime under the *YOA* and the current *YCJA*. The designated participants were contacted and asked if they were willing to participate in the study and to schedule a mutually convenient time to conduct the interviews. It was estimated that the interviews would take approximately 30 to 45 minutes to complete.

### **3. Participants and Ethics**

Each police officer was provided with a participant letter that provided a description of the research project, an outline of the questionnaire topics (see attached Appendix B) and was asked to sign an Informed Consent Form. This form had to be signed prior to the interview, and sent either by fax, email or mail. Two versions of the consent form were utilized depending on whether it was an in-person or telephone interview. The principle difference between the two is that the in-person interview form requested permission to audio-record the interview (see attached Appendix C(a) and C(b)).

One police service requested that a *Research Agreement*, drafted by their legal department be signed by a thesis advisor, a senior representative of their organization and the principle researcher, prior to being granted permission to conduct interviews. An excerpt of the agreement is included in Appendix D.

The interviews examined the participants' opinions regarding typical hypothetical situations that occur while dealing with youth in conflict with the law. All collected information is presented as a general overview of police officers' perceptions of youth justice while leaving out any identifying attributes of participants in the final research findings. There were no foreseen risks to the participants of this study as they remained anonymous in all final reports.

#### **4. Research Instrument: Questionnaire**

As previously stated, the data collection method of in-depth telephone interviews with police officers was retained from the 1997 study. A semi-structured questionnaire was developed to ensure that the type of information shared by participants could be compared. This questionnaire used as point of reference the initial one from Caputo and Kelly's study.

The 1997 study questionnaire addressed police perceptions of the nature and extent of youth crime within their respective communities. More precisely, it examined the perceived level of seriousness of youth crime and the most common form, as well as the level of seriousness of youth violent crime and the perception of changes in the amount of youth crime over a three-year period. With the exception of the last component on changes in youth crime, all above-mentioned questions were retained in the current study.

A series of specific questions in the 1997 study dealt with hate and bias crimes, gang violence, crimes committed by youth under 12, and crimes committed by young women. For the Ontario case study, particular attention was placed on two areas of concern, which have persisted from the *YOA* to the *YCJA*. Police perceptions of current

responses to serious violent offences and their dealings with youth under 12 in conflict with the law were examined. The remaining questions from the 1997 study were omitted due to the scope of the current research.

Caputo and Kelly's study contained a key set of questions that examined police perceptions of existing and ideal youth justice practices. This was completed by inquiring as to the typical responses by police officers to various scenarios of youth crimes such as minor/serious property crimes, minor/serious violent crimes for first and repeat offences. For each scenario (i.e. minor property crime – first offence), questions addressed whether police officers would typically proceed informally<sup>12</sup> or charge; the disposition administered; whether the response was considered meaningful; and what officers felt would be an ideal consequence in each case. Since these questions represented a critical baseline for comparison between studies, they were duplicated in the current research.

In addition to replicating the 1997 study where police perceptions of the *YOA* and its implementation were examined as a help and/or hindrance, the current project explored several important questions that have arisen since the enactment of the *YCJA*. For instance, questions addressed police officers' experiences under the *YOA* and perceptions of this legislation in comparison to the *YCJA*. Participants were asked if they had any concerns regarding the current *YCJA* and what changes, if any, they would make to the current legislation. From a practical standpoint, police officers were asked whether they had received any training for the *YCJA*. Furthermore, a series of questions on the availability and use of extrajudicial measures and programmes within their community

---

<sup>12</sup> Proceeding informally is at the discretion of the police officer and can range from taking no further action, giving a warning, parental notification, apology to the victim, voluntary restitution, diversion to community programme etc.

were explored as well as officer's views regarding their changing roles. The interview questionnaire is included in Appendix E.

#### **4.1 Testing the Questionnaire**

The first eight interviews were conducted in-person to pre-test the questionnaire. Based on the results from the pre-test minor modifications were made to the questionnaire. Changes consisted of the elimination of questions deemed repetitive by police officers and the interviewer, as well as the inclusion of definitions where police officers indicated a lack of knowledge of the issue or the terminology employed.

Overall, three questions from the current study were eliminated, of which two were considered to be repetitive. More precisely, Q21: "Have you received training regarding the use of extrajudicial measures?" was typically already addressed under the question on general *YCJA* training. Q26: "Could you explain what influences your decisions to send them to extrajudicial measures?" was deemed repetitive since police officers indicated they utilized the same factors in deciding whether to proceed in charging the youth or using extrajudicial measures. Q31: "According to your jurisdiction, could you describe the Court's existing policies and procedures to divert youth from the judicial process?" was deemed to be too ambiguous by officers and as such was also eliminated.

Two questions required further explanations and definitions in some cases. Q30: "Does the Crown Attorney's office in your community have a cautioning programme related to the *YCJA*?" found that officers were occasionally unsure as to the term 'cautioning programme'. The other was Q37: "The *YCJA* has specific provisions for youth convicted of serious violent offences. Do you feel that this has been effective?" In this case, some police officers were unfamiliar with the provisions in question.

## **5. Study Sample Specifics**

In total, 35 police services within the province of Ontario were sent a letter at the beginning of March 2006, inviting them to participate in the study. Interviews were conducted from March 7, 2006 to May 11, 2006.

Due to high demands placed on police services and general survey fatigue where agencies are over-solicited to take part in studies, expectations for participation rates were set fairly low. This concern was expected from larger municipal police services. Consequently, the five identified alternative cities were contacted in a simultaneous manner with the initial 15 largest urban centres as well as the 15 smaller centres.

Thirty-five Ontario police services were contacted including municipal police and Ontario Provincial Police detachments. Unexpectedly, an overwhelming positive response rate was obtained where over half of the police organizations willing to participate had designated more than the minimum requirement of participants (one participant).

In total, 27 police services agreed to participate in the study. Of these, 14 police services are responsible for a jurisdiction population size of 100,000+ and the remaining 13 police services oversee a jurisdiction under 100,000 in population. Three police organizations refused to participate due to lack of available resources and too many demands placed on their service. Five police services gave no response despite several follow-up attempts.

From the police services accepting to participate in the study, 49 interviews were conducted with designated police representatives. Of those, 11 consisted of in-person interviews, while the remaining 38 were completed by telephone. Ten of the 11 in-person

interviews were recorded with the permission of the participant and notes were taken; the information from telephone interviews was recorded on the questionnaire.

Of note, since this research is exploratory and qualitative in nature, we are confident that the sample of participants is a very good representation of police officer's perceptions of the *YCJA* since interviews were conducted with officers from 14 large and 13 smaller communities identified as being knowledgeable about youth justice issues.

### CHAPTER 3: ANALYSIS OF FINDINGS AND DISCUSSION

This research focuses on how the role of police officers has changed since the *Young Offenders Act (YOA)* was repealed by the *Youth Criminal Justice Act (YCJA)*. The 150 participants interviewed in the 1997 nation-wide study represent the baseline data for comparison to this case study of 49 Ontario police officers' experiences. Findings of this current research cannot however, be generalized to represent police officers' perceptions across the country.

Prior to beginning the interviews, information was gathered to help establish the general profile of participants. Questions inquired as to officer rank, the section/unit in which officers' worked, whether their police service had a youth unit and the participant's knowledge and experience with youth crime issues.

The Chiefs of Police were asked to designate participants knowledgeable of youth justice issues, and as such, the majority of officers either worked in a Youth Unit and/or had several years experience. Five police officers stipulated they had been in the Youth Unit for 6 months or less; however, three had several years of police experience, and one had worked on street gangs. Overall, most participants felt their previous years of police work on general patrol duties, as resource officers and investigators, made them sufficiently knowledgeable of youth crime issues within their communities.

Of the 49 participants interviewed, 67.3% (33 officers) acknowledged that their police service had a Youth Unit, and the remaining 32.7% (16 officers) admitted they did not. Although some of the police services did not have a specialized Youth Unit, three of the 16 officers stated they had been assigned the role of youth justice/crime coordinator. At the time of the interview, 32 officers were specifically dealing with youth crime issues

either as part of a Youth Unit, as a liaison officer, as a youth crime investigator or as a youth court officer (see Table 1).

**Table 1: Current Units/ Sections of Interviewed Participants**

<b>Current Units/ Sections of Participants</b>	<b>Number of participants</b>
Youth Units (Youth Bureau, Youth Branch, Youth Crime Unit, Youth Services)	27
Youth and Community Services	1
Youth Liaison Officer / School Liaison Officer	2
<i>Other Units/Sections</i>	
General Patrol	5
Criminal Investigation Unit (1 – youth crime)	4
Court Officer (1 – youth cases)	3
Administrative Duties	2
Community Mobilization / Community Organized Response Unit	2
Training Services	1
Sexual Assault Unit	1
Traffic Services (previous experience in Youth Bureau)	1
<b>Total</b>	<b>49</b>

The interviewed participants represented a broad range of ranks from Constable and Senior Constable, Detective to Detective Sergeant and Staff Sergeant (see Table 2).

**Table 2: Participants Rank within the Police Organization**

<b>Police Rank</b>	<b>Number of Participants</b>
Constable	12
Senior Constable	3
Detective	4
Detective Constable	13
Detective Sergeant	3
Sergeant	10
Staff Sergeant	4
<b>Total</b>	<b>49</b>

Once the participants' profile was completed, the interview began by identifying police officers' general perception regarding youth crime within their respective communities. This basic perception regarding the type of youth crime police felt they were dealing with offers some insight as to the responses given when questioned regarding specific offences. As such, the first questions examined police perceptions of the level of seriousness of youth crime and its most common form.

### **1. Level of Seriousness of Youth Crime and Most Common Types**

Question 1 asked police officers to rate how serious they thought the problem of youth crime was in their community according to a pre-existing scale attributing a value of 'very serious', 'serious', 'somewhat serious', and 'not serious at all'. As illustrated in Table 3, of the 46 police officers that responded, over half (59%) ranked youth crime within their respective communities as being '*somewhat serious*', whereas 37% of officers perceived youth crime as '*serious*' to '*very serious*'. Only 4% of participants believed that youth crime was '*not serious at all*'.

**Table 3: Perceived Level of Seriousness of the Youth Crime Problem in the Community in 2006/2007**

<b>Level of Seriousness</b>	<b>Percentage (N = 46*)</b>
'Serious' to 'Very Serious'	37% (17)
'Somewhat Serious'	59% (27)
'Not Serious At All'	4% (2)

\* Despite the fact that 49 officers responded to the question, only 46 answers could be used since 2 officers answered 'between serious and somewhat serious' and one officer indicated 'between somewhat and not at all'.

In Caputo and Kelly's study, the police perceptions of the level of seriousness of youth crime in the community differed from smaller communities (population 99,999 and under) to larger ones (population 100,000+). Police officers from larger communities were more apt to rate youth crime as 'serious' to 'very serious' (69.4%), while smaller communities overwhelmingly rated it to be 'somewhat serious' to 'serious' (87.7%). Contrary to Caputo and Kelly's findings, only small differences between the smaller and larger communities could be identified by this current research (see Table 4). In addition, officers in the 1997 study perceived the youth crime problem to be more serious than their 2006/2007 counterparts.<sup>13</sup>

<sup>13</sup> When interpreting data from small samples, a general rule of thumb is that a 40% difference suggests that a strong association is likely while a 5% difference suggests that no association exists (Erickson and Nosanchuck, 1992 cited in Hall and Hall, 1996). The decision rule adopted in this study for comparing the 1997 and 2007 findings was that a 10% or greater difference was seen as a potentially important difference, worthy of further consideration and discussion.

**Table 4: Comparison of Officers' Perception of the Seriousness of Youth Crime from Smaller and Larger Communities in 2006/2007**

<b>Level of Seriousness</b>	<b>Smaller Communities</b> <i>under 9,999 to 99,999 population</i> (N = 18*)	<b>Larger Communities</b> <i>100,000+ population</i> (N = 28**)
'Serious' to 'Very Serious'	38.8% (7)	35.7% (10)
'Somewhat Serious'	61.1% (11)	57.1% (16)
'Not Serious At All'	–	7.1% (2)

\* A total of 19 participants responded, however, one officer indicated 'between somewhat and not serious at all' categories. As a result, the answer was discounted from the total.

\*\* A total of 30 officers answered, yet, 2 officers indicated 'between serious and somewhat serious' categories. As a result, the answers were discounted from the total.

Furthermore, both studies inquired as to the most common form of youth crime within the community, as demonstrated in Table 5. The 49 police officers interviewed in the current research identified two types of youth crime as being the most common form within their community: *property crime*, which included mischief and vandalism (26%) and *minor assault* (26%). These two types of offences represented over half (52%) of youth crime. The next most common youth crime was *theft/shoplifting* (23.4%). Other common offences included drugs (use and possession), break and enter, breach of probation/breach of court orders, sexual assault, and gang-related violence.

**Table 5: Comparing Most Common Form of Youth Crime Between Studies**

1997 (N=150)		2006/2007 (N = 49)	
Theft / shoplifting	42%	Mischief/ property crime/ vandalism	26% (29)
		Minor Assault	26% (29)
Property crimes (break & enters, vandalism)	38.7%	Theft / shoplifting	23.4% (26)

\* Of the 49 officers that answered, multiple types of offences were listed and were often not identified in any order. Officers identified a total of 111 offences. To determine the most common ones, the number of times the offence was identified was taken to be divided by the total number of listed offences (i.e. minor assault: 29/111 = 26%).

\* Due to the fact that officers listed several types of offences, the categories total will be >100%.

In the 1997 study, *theft/shoplifting* (42%) was identified as being the most common form of youth crime, followed by other *property crimes* (break and enters, and vandalism) with 38.7%. A comparison of both studies found that property crimes were ranked similarly, yet there is clearly a shift in police officers' perceptions towards youth minor assault cases. Differing from the 1997 study, a notable number of officers specified that such minor assault incidents occurred in a school setting and consisted of some form of bullying. Theoretically, the focus on school settings could be reflective of several changes since the 1997 study. Factors such as the implementation of zero tolerance policies towards violence in schools, and the greater awareness and education campaign on bullying and its related harms, could require police officers to intervene in such reported incidents. Additionally, the increased incidents of school-related shootings in North America and its accompanying media coverage could also factor into the

intolerance of violence in school settings. Overall, the prominence of minor assault as a common youth crime in the 2006/2007 study suggests a greater concern about youth violence issues from police officers and their communities.

Since property crimes were often identified as being the most prominent form of youth crime, question 3 in the current study asked officers to rate the level of seriousness of this type of offence within their community and to identify the most common form. Of the 48 respondents, half of the officers (50%) qualified property crime as being 'somewhat serious', whereas almost an equal number perceived it to be either 'serious' (38%) or 'very serious' (10%).

**Table 6: Perceived Level of Seriousness of Property Crimes in 2006/2007**

<b>Level of Seriousness</b>	<b>Percentage (N = 48*)</b>
'Very Serious'	10% (5)
'Serious'	38% (18)
'Somewhat Serious'	50% (24)
'Not At All'	4% (2)

\* All 49 officers responded to the question, however, one officer indicated 'between serious and somewhat serious' categories. As a result, the answer was discounted from the total.

When examining the most common form of property crime committed by youth in the community, it is important to note that 45% of officers (22) identified more than one offence in no particular order, while 55% (27 officers) were able to narrow it to only one. Of the 49 officers responding, there was nearly equal representation between five types of property crimes: mischief, random property damage, graffiti, vandalism and theft. *Mischief* and *random property damage* were more commonly cited (20% and 19% respectively). The remaining offences, *graffiti*, *vandalism* and *theft*, each represented

16% of responses. *Break and enter* offences were mentioned by 9% of officers while *shoplifting* was mentioned by 4% (see Table 7).

**Table 7: Most Common Property Crimes Types in 2006/2007**

Type of Property Crime Offence	Percentage (%) (N = 75 offences*)
Mischief	20% (15)
Random Property Damage	19% (14)
Graffiti	16% (12)
Vandalism	16% (12)
Theft	16% (12)
Break and Enter	9% (7)
Shoplifting	4% (3)

\* All 49 officers responded to this question, however, in several instances multiple answers were given and not necessarily in order of priority. Subsequently, the total number of offences listed (75) was utilized to determine the statistical representation of each offence (i.e. 15 officers mentioned 'mischief':  $15/75 = 20\%$ ).

Since the media often portrays youth violent crime as an increasing problem, perceptions of police officers regarding this type of crime and the seriousness of offences within their respective communities were examined. Officers were asked to rate the level of seriousness according to a pre-existing scale attributing a value of 'very serious', 'serious', 'somewhat serious', and 'not serious at all'. Of the 49 respondents, nearly half of officers (49%) rated youth violent crime as being '*somewhat serious*' in their community, while 47% of officers rated it between '*serious*' (37%) and '*very serious*' (10%). This leaves only 4% of officers who ranked the level of seriousness of violent youth crime as '*not serious at all*'.

**Table 8: Perceived Level of Seriousness of Youth Violent Crime in 2006/2007**

<b>Level of Seriousness</b>	<b>Percentage (N = 49)</b>
'Very Serious'	10% (5)
'Serious'	37% (18)
'Somewhat Serious'	49% (24)
'Not at all'	4% (2)

Caputo and Kelly's 1997 study concluded that 69.4% of police officers in larger communities (population 100,000+) rated the youth violence problem as being '*serious*' to '*very serious*', whereas smaller communities were more likely to rate the problem as being '*somewhat serious*' to '*serious*' (78.1%). In the current study, there were minor differences in perception between officers interviewed from smaller versus larger communities in Ontario (see Table 9). In addition, it appears that officers from the current research did not perceive the youth violence problem to be as serious as those interviewed during the 1997 study.

**Table 9: Comparison of Officers' Perception of the Seriousness of Youth Violent Crime from Smaller and Larger Communities in 2006/2007**

<b>Level of Seriousness</b>	<b>Smaller Communities <i>under 9,999 to 99,999 population</i></b> (N = 19)	<b>Larger Communities <i>100,000+ population</i></b> (N = 30)
'Very Serious'	5% (1)	13% (4)
'Serious'	37% (7)	37% (11)
'Somewhat Serious'	53% (10)	47% (14)
'Not Serious At All'	5% (1)	3% (1)

In the 2006/2007 research, participants were asked to identify the most common form of youth violence in their community. It must be noted that of the 49 officers that responded to the question, 10 of them identified more than one form of youth violent crime. Overwhelmingly, *minor assault – level 1* was perceived to be the most common form of youth violent crime with 94% (46) of officers. Of those indicating minor assault, 41% (19 officers) specified that these incidents occurred in a school setting and consisted of some form of bullying. In addition, 10% of officers stated that *threats and intimidation* were common among youth. The following offences were only mentioned by officers in larger communities: the *use of weapons* (8%), *assault – level 2* causing bodily harm (6%), and *gang-related assaults* (4%). One officer underlined the issue of *dating violence*. Of the three officers who identified *group assault* as a problem in their community, one was from a smaller community while the other two were from larger communities (see Table 10).

**Table 10: Most Common Form of Youth Violence in 2006/2007**

<b>Form of Youth Violence</b>	<b>Percentage (%)</b> (N = 49*)
Minor assault – Level 1 – <i>In school setting and form of bullying</i>	94% (46) 41% (19)
Threats and intimidation	10% (5)
Use of weapons	8% (4)
Assault – Level 2	6% (3)
Group assaults	6% (3)
Gang-related assaults	4% (2)
Dating violence	2% (1)

\* Of the 49 officers responding, 10 officers mentioned more than one form of youth violent offence.

In the 1997 study, police officers identified *assault* as the most common form of youth violence within their communities. A greater percentage of officers (80.7%) from smaller communities ranked *assault* as the most common form of youth violence than their counterparts from larger communities (69.4%). As for the 2006/2007 study, all officers (19) from smaller communities identified *minor assault – level 1* as the most common form of youth violence versus 90% of officers (27 of 30) from larger communities.

## **2. YCJA Policy /Protocols**

Police officers were asked whether their police service had any policy or protocols in place related to the YCJA. Of the 48 officers that responded, the vast majority (85%) indicated that they did have some form of policy and/or protocols in place, while 10% of officers stated they did not (see Table 11). Nearly three-quarters (74%) of officers whose police service had a YCJA-related policy and/or protocols in place found it to be relatively helpful while the remainder were equally divided among officers who did not find it helpful (12%), or could not say whether it was helpful or not (12%).

Of the 41 officers that acknowledged their police service had a YCJA policy, 41% of respondents (17) indicated that youth coordinators were more apt than other officers to be responsible for developing their police service's policies, protocols, guidelines and forms for the use of extrajudicial measures. As for describing existing YCJA policy/protocols in their police services, 37% of respondents (15 officers) stated that they consisted of general policy guidelines and procedural information referring to the YCJA. It was underlined by five officers that there were no diversion programmes currently in place for referrals.

**Table 11: Police Service's YCJA Policy/ Protocols**

<b>YCJA Policy/Protocols Exist?</b>	<b>Percentage</b> (N = 48)
<b>YES</b>	<b>85% (41)</b>
<b>YES / NO</b>	<b>4% (2)</b>
<b><i>Policy/protocols helpful or not?</i></b> (N=43)	
▪ Helpful	74% (32)
▪ Not helpful	12% (5)
▪ Don't know	12% (5)
▪ No answer	2% (1)
<b>No</b>	<b>10% (5)</b>

### **3. Factors Influencing Police Officer Diversion and Charging Practices**

When officers are dealing with youth coming into conflict with the law, they use their discretionary powers to decide how to proceed. Question 6 examined factors influencing the charging and diversion practices of police officers. It must be noted that of the 49 officers that responded, most indicated that numerous factors influenced their decision-making processes when dealing with youth and that each case had to be examined individually.

The most commonly cited factor was the *seriousness of the offence* (82%), which officers usually referred to as the value of damages in property crimes and the degree of harm to the victim in cases of violence. The *youth's previous history* (either offences or prior police involvement) followed closely, identified by 80% of respondents (see Table 12).

Nearly half of officers (49%) identified the *youth's demeanour* (i.e. whether they were remorseful and willing to accept responsibility for their actions) as influencing their decision to divert or not. The *role of the victim* was also identified by 37% of officers as having factored into their decision, whether it was through victim's input, level of harm or need for protection. The *setting of the offence* and the circumstances surrounding it was indicated by 16% of officers as having influenced their response.

Several other factors were mentioned as influencing police officers' decisions. These ranged from the *age and maturity of the offender*, the *available parental support*, the *youth's rehabilitation potential and needs*, to their *performance in school*. Only 6% of officers indicated the need to factor *public safety* into their decision, while one officer stated a need for *general deterrence* "to send a message" due to a specific crime problem in the community.

**Table 12: Factors Influencing Police Officer Diversion and Charging Practices**

<b>Most Commonly Cited Factors by Police Officers</b> (N = 49*)		
1	Seriousness of the offence	82% (40)
2	Youth's previous history	80% (39)
3	Youth's demeanour	49% (24)
4	Role of the victim	37% (18)
5	Setting of the offence and circumstances	16% (8)
6	Factor in public safety	6% (3)

\* All 49 officers responded to this question and listed several factors, therefore, the number of responses surpassed the number of participants.

When officers were asked to identify the most influential factors in their decision-making process to divert or charge youth, of the 49 officers that responded, half (51%)

indicated the *seriousness of the offence*, (i.e. to what degree it involved violence). This was followed by the *youth's previous history* (criminal record or police involvement) with 35% of officer responses (see Table 13). Other factors identified as most influential for some officers ranged from the *role of the victim* (8%), *youth's demeanour* (6%), *propensity to re-offend* (4%), *age and maturity of youth* (4%), *available support to youth* (2%), and *youth's needs* (2%).

**Table 13: Most Influential Factors in Charging/ Diversion Practices**

Factors in Charging/ Diversion Practices (N = 49*)		
1	Seriousness of the offence	51% (25)
2	Youth's previous history	35% (17)
3	Role of the victim	8% (4)
4	Youth's demeanour	6% (3)
5	Propensity to re-offend	4% (2)
	Age and maturity of youth	4% (2)
6	Available support to youth	2% (1)
	Youth's needs	2% (1)

\* All 49 officers responded to this question, however, several listed more than one factor, which resulted in the number of responses surpassing the number of participants.

#### 4. Police Perceptions of Existing and Ideal Youth Justice Practices

In Caputo and Kelly's study, a key set of questions examined police officers' perceptions of existing and ideal youth justice practices under the *Young Offenders Act (YOA)*. Questions centered on various case scenarios of youth crimes such as minor/serious property crimes and minor/serious violent crimes for first and repeat offenders as well as typical police responses. These questions were duplicated in the

current research to allow for a comparative overview of responses to youth crime under the *YOA* and the *YCJA*.

During the interviews for this current research, most officers felt that several components factored into their decision when dealing with youth having committed offences. Case scenarios of youth crime were perceived as somewhat vague and therefore difficult to answer according to specific categories such as choosing to divert or charge youth. This reality is thus reflected in most findings from the case scenarios.

#### **4.1 Police Satisfaction with Current Dispositions for Minor Crimes**

Forty-seven of the 49 interviewed police officers responded to the next series of questions related to minor crimes, including property and violent offences.

##### **4.1.1 Minor Property Crime**

###### ***Proceeding Informally/Formally and Dispositions***

For a minor property crime as a first offence, officers in the 2006/2007 study unanimously indicated they would proceed informally through the use of extrajudicial measures. Common measures identified by officers ranged from verbal and written warnings, cautions, letters of apology, restitution, referrals to a diversion programme and community service hours.

In regards to repeat minor property crime offences, most officers in the current research responded they would proceed informally (45%) or either informally/formally<sup>14</sup> (32%). For those indicating they could proceed either by diversion or charge, several

---

<sup>14</sup> Although the 1997 study had two set categories to proceed 'informally' or 'formally', officers in the current research often felt they could not categorize their answer without considering all factors and therefore answered they could proceed both 'informally or formally'. Due to the reoccurrence of this statement, a new category was created in the 2006/2007 study to accommodate and reflect police officer's perceptions.

factors had to be considered, including the victim's input, time lapse between offences, youth's attitude (remorseful/not), and acceptance of responsibility. Only 23% of officers stated they would proceed formally while dealing with a repeat minor property crime. Illustrating the 'gray areas' of the decision-making process, half of officers (51%) underlined the need to take several factors into consideration when dealing with young offenders.

Officers proceeding formally identified dispositions administered to youth as primarily consisting of probation, and on occasion Crown-sanctioned diversion or restitution. As for informal measures, the most commonly identified was the diversion to community programmes, followed by conferencing, community service, restitution, letter of apology, counselling and voluntary hours.

**Table 14: Minor Property Crime Dealings for First and Repeat Offence in 2006/2007**

<b>Minor Property Crime: First and repeat offence</b>		
<b><i>Proceeding</i></b>	<b><i>First Offence</i></b> (N = 47)	<b><i>Repeat Offence</i></b> (N = 47)
Informally	100% (47)	45% (21)
Informally / Formally	–	32% (15)
Formally	–	23% (11)

### ***Meaningful Consequences***

When asked whether these measures for a first minor property crime offence represented a meaningful consequence, of the 47 officers that responded, the vast majority (89%) replied 'yes'. The remaining 11% of officers stated that it was meaningful for the most part, but also depended on the youth's attitude and whether they were

remorseful. These findings are very similar to those of the 1997 study where 82.7% of participants perceived the consequences to be meaningful (see Table 15).

When officers were asked whether the dispositions were meaningful for a repeat minor property crime, 57.4% indicated 'yes', while 21.3% indicated 'yes/no'. This latter group declared that a meaningful consequence depended on the youth's attitude, whether programmes were in place, and emphasized the inadequacy of probation. Meanwhile, 19.2% of officers believed that administered dispositions were not meaningful, which was mainly due to the criticism that probation was inefficient. By comparing findings to the 1997 study, it can be concluded that most police officers perceived the current dispositions for a repeat offence under the *YCJA* to be more meaningful than those of the 1997 study in which 56% felt dispositions were not adequate.

**Table 15: Police Perceptions of Dispositions for Minor Property Offences, 1997 and 2006/2007**

Current disposition meaningful?	1997 (N = 150)			2006/2007 (N = 47)			
	Yes	No	Don't Know	Yes	Yes/No	No	Don't know
Minor Property 1 <sup>st</sup> Offence	82.7%	16.0%	1.3%	89% (42)	11% (5)	–	–
Minor Property Repeat Offence	41.3%	56.0%	2.6%	57.4% (27)	21.3% (10)	19.2% (9)	2.1% (1)

### ***Ideal Dispositions***

When comparing police officers' perceptions regarding ideal dispositions for minor property crime as a first offence, all 47 officers that answered in the current study were *satisfied* with the current disposition and felt it was the right approach. In contrast, this was the case for only 44% of officers in the 1997 research (see Table 16).

Satisfaction levels dropped in both studies for repeat offences of minor property crimes, to 64% (30 officers) in the current study and 10% in the 1997 study. In the original study, officers felt that minor property crime repeat offences required *more intensive intervention* (41.3%) and *better enforcement* of current disposition (22.7%). In contrast, these dispositions were not substantially represented in the 2006/2007 research (see Table 16). Proposed ideal consequences in the current research offered a greater range of informal measures such as a combination of restitution, community hours, conferencing between victim and offender, diversion to programmes, and if formal, probation with meaningful and stringent conditions.

**Table 16: Ideal Consequences for Minor Property Offences, 1997 and 2006/2007**

1997 (N = 150)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Minor Property <i>1<sup>st</sup> Offence</i>	44%	18.7%	24%	0.7%	1.3%	11.4%
Minor Property <i>Repeat Offence</i>	10%	22.7%	41.3%	17.3%	2.7%	6.0%
2006/2007 (N = 47)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Minor Property <i>1<sup>st</sup> Offence</i>	100% (47)	–	–	–	–	–
Minor Property <i>Repeat Offence</i>	64% (30)	6% (3)	9% (4)	–	17% (8)	4% (2)

### 4.1.2 Minor Violent Crime

#### *Proceeding Informally/Formally and Dispositions*

Responses to whether police officers would proceed formally or informally were also examined for minor violent crime in the case of a first and repeat offence. Of the 47 officers that responded, three-quarters (74.5%) stated they would proceed informally when dealing with a minor violent crime as a first offence, while 8.5% indicated they would charge. The remaining 17% of officers responded they could proceed either informally or formally, contingent on factors such as victim input, whether it occurred in a school setting, level of injury and seriousness, and whether it was gang-related (see Table 17).

A warning or caution and parental notification, diversion programme for anger management, and conferencing were the most common informal dispositions described by police officers. It was noted that if the incident occurred in a school setting, there was most likely a suspension. When officers would proceed formally, administered dispositions in their jurisdiction ranged from probation with conditions, to community service, conditional sentencing<sup>15</sup>, and Crown-ordered conferencing. One officer even indicated a brief custodial period as a disposition; however, this appeared to be a rare occurrence.

In the case scenario of a repeat minor violent offence in the 2006/2007 study, it becomes clear how truly subjective the decision-making process is for police officers. An equal fraction of officers would proceed formally (15%) and informally (15%), while

---

<sup>15</sup> Conditional sentencing is defined as serving a term of custody in the community and is applicable only to adults, as this terminology does not exist under the *YCJA*. Interviewed officers referred to 'conditional sentencing' as a disposition administered to youth; however, the correct term under the *YCJA* Section 42(2)(p) is the deferred custody and supervision order. This option allows the youth to remain in the community under strict conditions instead of serving a custodial sentence; nonetheless, there is the possibility of a custodial placement if the youth breaches any of the conditions.

70% (33 officers) stated they would proceed either informally/formally depending on the aforementioned factors when dealing with first time offenders.

As for formal dispositions administered, officers indicated the overwhelming majority of youth received probation. Other dispositions identified were conditional sentencing<sup>16</sup>, Crown diversion, community service, letter of apology and a mention of open custody. In regards to informal measures, youth were diverted to programmes and/or participated in a justice circle/conferencing.

**Table 17: Minor Violent Crime Dealings for First and Repeat Offence in 2006/2007**

<b>Minor Violent Crime: First and repeat offence</b>		
<b><i>Proceeding</i></b>	<b><i>First Offence</i></b> (N = 47)	<b><i>Repeat Offence</i></b> (N = 47)
Informally	74.5% (35)	15% (7)
Informally / Formally	17% (8)	70% (33)
Formally	8.5% (4)	15% (7)

### ***Meaningful Consequences***

In the case of a first minor violent offence, the majority of officers (83%) of the 47 that responded felt the dispositions were meaningful, while 9% felt they were not. In the 1997 study, three-quarters of officers found the dispositions to be meaningful, but a greater number than the 2006/2007 study were in disagreement (22.7%) (see Table 18).

Officers were nearly equally divided when determining if consequences for a repeat minor violent offence were meaningful with 43% in agreement and 40% disagreeing.

---

<sup>16</sup> See footnote 15 for explanation.

Some officers (11%) answered ‘yes/no’ while 6% did not know if the dispositions were meaningful. By comparing the findings to the 1997 study, a greater number of officers (61.3%) did not perceive the administered dispositions to be meaningful under the *YOA*.

**Table 18: Police Perceptions of Dispositions for Minor Violent Offences, 1997 and 2006/2007**

Current disposition meaningful?	1997 (N = 150)			2006/2007 (N = 47)			
	Yes	No	Don't Know	Yes	Yes/No	No	Don't know
Minor Violence <i>1<sup>st</sup> Offence</i>	75.3%	22.7%	2.0%	83% (39)	2% (1)	9% (4)	6% (3)
Minor Violence <i>Repeat Offence</i>	34.7%	61.3%	4.0%	43% (20)	11% (5)	40% (19)	6% (3)

### ***Ideal Consequences***

Whether the 47 police officers that answered felt current dispositions for a first time minor violent offence were meaningful or not, proposed ideal consequences did not differ between groups. Accordingly, proposed consequences included probation with much stricter conditions, programming, counselling, conferencing and community service. A criticism underlined by four officers was that the *YCJA* does not define what is a ‘violent’ offence. This in turn renders the decision-making process much more subjective and open to individual interpretation.

Since the majority of officers felt the use of extrajudicial measures had meaningful consequences, no other ideal consequences were listed. Only four officers were unsatisfied with current consequences and made suggestions for improvement. One suggestion included the need for programming and conferencing between offender and

victim in order to hold the youth accountable. The proposed consequences remained within the purview of extrajudicial measures, demonstrating officer reticence to use formal approaches for first time minor violent offences. Accordingly, of the 47 police officers that answered in the current research, 83% were more satisfied with the current disposition for minor violent crime as a first offence than those in the 1997 study (39.3%) (see Table 19).

**Table 19: Ideal Consequences for Minor Violent Offences, 1997 and 2006/2007**

1997 (N = 150)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Minor Violence 1 <sup>st</sup> Offence	39.3%	14.7%	28%	4.7%	2%	11.3%
Minor Violence Repeat Offence	9.3%	18.7%	32%	32.7%	0.7%	6.7%
2006/2007 (N = 47)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Minor Violence 1 <sup>st</sup> Offence	83% (39)	–	6% (3)	–	4% (2)	6% (3)
Minor Violence Repeat Offence	40% (19)	13% (6*)	23% (11*)	13% (6)	17% (7)	–

\* Of the 47 officers that responded, 2 consisted of a two-part answer where 'better enforcement of current dispositions' was required as well as the need for 'more intensive intervention' via programming and counselling.

\*\* *Repeat Offence*: Due to the fact that some of the officers gave dual answers to the question, the categories total will be >100%.

Reflecting the same pattern as minor property crime, satisfaction levels decreased in regards to dispositions for minor violent crime as a repeat offence in both studies, to 40% and 9.3% respectively. When examining other ideal dispositions proposed by police officers in both studies, the 1997 research had a higher rate for *custody* (32.7%) compared to the current research (13%). Another important difference between the studies included that of the '*other*' category, with this category representing 17% of the responses in the current study compared to less than 1% in the 1997 study. This category consisted of community service, restorative justice process, programmes etc.

## **4.2 Police Satisfaction with Current Dispositions for Serious Crimes**

The following set of questions related to serious property and violent crimes were answered by 47 of the 49 police officers interviewed.

### **4.2.1 Serious Property Crime**

#### ***Proceeding Informally/Formally and Dispositions***

When faced with a serious property crime as a first offence, 45% of police officers in the 2006/2007 study indicated they would proceed formally while the remainder were equally divided between proceeding informally (27%) and those stating they would proceed either informally or formally (27%) (see Table 20). Officers examining both options on how to proceed considered several variables such as victim's input, youth's attitude, youth's support system and the seriousness of the offence.

In the cases of youth that were charged, officers indicated probation (47%), pre-charge or post-charge sanctions (18%), and restitution (15%) were the most commonly identified dispositions. Other dispositions varied from conferencing, conditional discharge, to a letter of apology. For the most part, youth dealt with informally were

diverted to programmes (58%) in combination with restitution, community service, or conferencing etc.

In the current research, when presented with the scenario of a repeat serious property crime offence, 89% of officers stated they would proceed formally while 11% indicated they could proceed either informally or formally. Typically administered formal dispositions were a combination of probation (72%), restitution (17%), and some form of community service. Conditional sentencing<sup>17</sup> and Crown sanctions were also identified.

**Table 20: Serious Property Crime Dealings for First and Repeat Offence in 2006/2007**

<b>Serious Property Crime: First and repeat offence</b>		
<b><i>Proceeding</i></b>	<b><i>First Offence</i></b> (N = 47)	<b><i>Repeat Offence</i></b> (N = 47)
Informally	27% (13)	–
Informally / Formally	27% (13)	11% (5)
Formally	45% (21)	89% (42)

### ***Meaningful Consequences***

Of the 47 officers that responded, over half (30) perceived existing consequences to be meaningful in the case of a first serious property crime offence, while 17% believed them to be dependent on factors such as youth's attitude etc. Approximately 11% of officers did not deem the consequences meaningful while 8.5% admitted they did not know. Overall, police officers' perceptions that the current disposition was not meaningful was considerably greater under the *YOA* in the 1997 study (42.7%) compared to the current research (10.6%) (see Table 21).

<sup>17</sup> See footnote 15 for explanation.

In assessing whether the consequences were meaningful for a repeat serious property crime offence, 26% of officers agreed they were meaningful while 36% did not. Some officers gave a dual response of ‘yes/no’ (21%) depending on the individual youth and other factors, while 17% declared they did not know whether the consequences were meaningful or not. Meanwhile, the 1997 findings indicated that police officers were much less apt to find consequences meaningful than participants of the current research.

**Table 21: Police Perceptions of Dispositions for Serious Property Offences, 1997 and 2006/2007**

Current disposition meaningful?	1997 (N = 150)			2006/2007 (N = 47)			
	Yes	No	Don't Know	Yes	Yes/No	No	Don't know
Serious Property 1 <sup>st</sup> Offence	54.7%	42.7%	2.7%	63.8% (30)	17% (8)	10.6% (5)	8.5% (4)
Serious Property Repeat Offence	34.0%	63.3%	2.7%	26% (12)	21% (10)	36% (17)	17% (8)

### ***Ideal Consequences***

As for ideal consequences for a first serious property offence, of the 47 officers that responded, some proposed formal dispositions such as the administration of probation with rigid conditions, mandated conferencing, community service, restitution and even a brief custodial sentence. Ideal informal measures suggested included: face-to-face conferencing, which is felt to have a greater impact on youth; a needed restitution component; and counselling to address underlying causes of youth's behaviour.

Satisfaction with current dispositions for serious property crime as a first offence was considerably higher (66%) in the 2006/2007 study compared to that of 1997 (23.3%). The most notable difference between the studies was that the disposition recommendation

of a *more intensive intervention* represented 37.3% in 1997 versus only 4% in 2006/2007 (see Table 22).

**Table 22: Ideal Consequences for Serious Property Offences, 1997 and 2006/2007**

1997 (N = 150)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Serious Property 1 <sup>st</sup> Offence	23.3%	16.7%	37.3%	13.3%	0.7%	8.7%
Serious Property Repeat Offence	8.7%	12.7%	26%	46.7%	0.7%	5.4%
2006/2007 (N = 47)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Serious Property 1 <sup>st</sup> Offence	66% (31)	2% (1)	4% (2)	4% (2)	15% (7)	9% (4)
Serious Property Repeat Offence	17% (8*)	11% (5)	13% (6**)	23% (11*)	36% (17**)	13% (6)

Repeat Offence:

\* One officer indicated being 'satisfied' with current disposition, yet, also proposed the need for 'custody'. The answer was therefore categorized under both.

\*\* As an ideal consequence, 3 officers gave dual responses where on the one hand youth would require 'more intensive intervention' through counselling and also require the use of 'other' dispositions such as community service, restitution, and training.

\*\*\* Due to the fact that some of the officers gave dual answers to the question, the categories total will be >100%.

When dealing with a repeat offence for a serious property crime, 23% of police officers in the current study recommended a *custodial disposition*, which is half the response (46.7%) of the 1997 research. In the 2006/2007 study, 36% of officers recommended 'other' ideal dispositions for this type of offence (see Table 22). These dispositions consisted primarily of holding youth accountable by combining some of the following components: restitution/compensation, community service, and restorative justice processes such as conferencing between the victim and offender. The use of extrajudicial diversion programmes was deemed appropriate by only 4% of officers for a repeat serious property crime offence.

#### **4.2.2 Serious Violent Crime**

##### ***Proceeding Informally/Formally and Dispositions***

In the case scenario of a first time serious violent crime, of the 47 officers that answered, the vast majority (89%) would have proceeded formally and only 2% would have proceeded informally. Some officers (9%) indicated they would have proceeded either informally/formally depending on various factors (see Table 23). Over half (60%) of administered dispositions were for probation, followed by open or secure custody (23%). Some officers (21%) admitted to being unaware of sentencing outcomes typically administered in their jurisdiction.

When faced with a repeat serious violent offence scenario, nearly all officers (98%) declared they would have proceeded formally, while only one officer would have considered both options (formal/informal). The most common dispositions administered for this type of offence were custody, either open or secure (43%), followed by probation (21%). Over one-quarter (28%) of officers did not know what dispositions were administered in these cases.

**Table 23: Serious Violent Crime Dealings for First and Repeat Offence in 2006/2007**

<b>Serious Violent Crime: First and repeat offence</b>		
<b><i>Proceeding</i></b>	<b><i>First Offence</i></b> (N = 47)	<b><i>Repeat Offence</i></b> (N = 47)
Informally	2% (1)	–
Informally / Formally	9% (4)	2% (1)
Formally	89% (42)	98% (46)

***Meaningful Consequences***

As for the perception that current dispositions were meaningful for a first serious violent offence, 36% of the 47 police officers believed them to be meaningful, while 28% did not, and 13% answered both ‘yes/no’. Of note, 23% of officers felt they could not answer the question. Although 58% of the 1997 study participants felt the disposition to be meaningful, a greater number (38%) in comparison to the current research (28%) felt the opposite (see Table 24).

As for determining whether administered dispositions had meaningful consequences for a repeat serious violent offence, 25.5% of officers believed they did, while a greater percentage of officers (34%) disagreed. Some officers (8.5%) felt the meaningfulness of a consequence depended on the youth. It should be noted that 32% of officers admitted not knowing whether the consequences were meaningful or not to youth, which weakens the comparability of these findings to the 1997 study. It appears that officers in the 1997 study had a much stronger opposition to the current dispositions since over half (56.7%) did not perceive the dispositions to be meaningful.

**Table 24: Police Perceptions of Dispositions for Serious Violent Offences, 1997 and 2006/2007**

Current disposition meaningful?	1997 (N = 150)			2006/2007 (N = 47)			
	Yes	No	Don't Know	Yes	Yes/No	No	Don't know
Serious Violence <i>1<sup>st</sup> Offence</i>	58.0%	38.0%	4.0%	36% (17)	13% (6)	28% (13)	23% (8)
Serious Violence <i>Repeat Offence</i>	38.0%	56.7%	5.3%	25.5% (12)	8.5% (4)	34% (16)	32% (15)

### ***Ideal Consequences***

In the case of a serious violent crime as a first offence, of the 47 police officers that responded in the 2006/2007 study a larger number were *satisfied with the current disposition* (32%) than their counterparts (20%) were in the 1997 research. Moreover, police officers in the original study rated the disposition as *requiring a more intensive intervention* nearly twice as frequently as those officers in the current research with 31.3% and 17% respectively. *Custodial dispositions* for this type of offence were suggested more often in the 2006/2007 study (30%) than in the 1997 study (21.3%).

Of all case scenarios, findings from both studies were most similar when inquiring about ideal dispositions for a repeat offence of a serious violent crime. Although police officers were more *satisfied with the current disposition* (28%) in the 2006/2007 research than those in the 1997 one (16.7%), both groups comparably rated *custodial disposition* as necessary with 42.5% (1997) and 40% (2006/2007). In addition, the ideal disposition of *requiring a more intensive intervention* was also similar between studies with 23% of officers choosing this option in 2006/2007 and 19.3% of officers in the 1997 group. The

ideal consequence of *better enforcement* of current disposition was only mentioned in 11.3% of responses in the 1997 study.

**Table 25: Ideal Consequences for Serious Violent Offences, 1997 and 2006/2007**

1997 N = 150						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Serious Violence <i>1<sup>st</sup> Offence</i>	20%	13.3%	31.3%	21.3%	1.3%	12.7%
Serious Violence <i>Repeat Offence</i>	16.7%	11.3%	19.3%	45.3%	2%	5.4%
2006/2007 (N = 47)						
Ideal Disposition	Satisfied with Current Disposition	Better Enforcement of Current Disposition	More Intensive Intervention Required	Custody Necessary	Other	Don't Know / No Answer
Serious Violence <i>1<sup>st</sup> Offence</i>	32% (15)	6% (3*)	17% (8*)	30% (14)	9% (4*)	11% (5)
Serious Violence <i>Repeat Offence</i>	28% (13)	–	23% (11**)	40% (19**)	6% (3)	17% (8)

\* *1<sup>st</sup> Offence*: Of the 47 officers, 2 identified a dual response. One could be categorized within 'better enforcement' with the suggestion of having stricter probation conditions, as well as 'more intensive intervention' as counselling was also proposed. The other officer's answers could be classified in the 'more intensive intervention' category since counselling was proposed as well as the 'other' category due to the suggestion of restorative justice process.

\*\* *Repeat Offence*: Of the 47 officers, 7 indicated as an ideal disposition 'custody' as well as 'more intensive intervention' through counselling and programming.

\*\*\* Due to the fact that some of the officers gave dual answers to the question, the categories total will be >100%.

It should be noted that some officers in the 2006/2007 study mentioned as an ideal consequence the restorative justice process (i.e. conferencing) in combination with compensation and probation. It is clear that officers did not have a simple 'lock them up' attitude towards youth, as the imposition of a custodial sentence was deemed insufficient and should be combined with an intensive and structured intervention programme.

## **5. Police Officers' Perceptions of Past and Present Youth Justice Legislation**

One of the key objectives of this study was to compare police officers' perceptions of the previous *Young Offenders Act (YOA)* to the current *Youth Criminal Justice Act (YCJA)*. The following section examines police officers' experiences and concerns under both pieces of youth justice legislation.

### **5.1 *Young Offenders Act*: Experiences and Concerns**

Interviewed participants were asked to qualify their level of experience under the *YOA* according to a pre-existing scale with values ranging from 'a great deal', 'some', to 'a little' or 'none at all'. Of the 49 officers that answered, nearly three-quarters (71%) indicated they had '*a great deal*' of experience under the *YOA*, while 23% had '*some*' experience and 6% had '*a little*'. As most officers had significant experience under the *YOA*, this lends validity to their assessments of past and current youth justice *Acts*.

**Table 26: Police Officers Experience under the Young Offenders Act**

<b>Level of Experience</b>	<b>Percentage (N = 49)</b>
A great deal	71% (35)
Some	23% (11)
A little	6% (3)
None at all	–

Prior to reviewing these findings, baseline data established in the 1997 study was examined. This research determined that over half of police officers (56%) believed the *YOA hindered* them when dealing with youth in conflict with the law while 9.3% believed it was *helpful*. In addition, 16.7% of participants perceived the *YOA both helped and hindered* them whereas 18% perceived it to *neither help nor hinder* them.

In the current research, all 49 police officers responded to this question. Of the 49 officers, 27% perceived the *YOA hindered* them in dealing with young offenders whereas only 12% believed it *helped*. A larger fraction (37%) of officers perceived the *YOA neither helped nor hindered* them, while 20% believed it to do *both*.

**Table 27: Comparison of Police Officers' Perceptions of the Young Offenders Act, 1997 and 2006/2007**

<b>YOA Perceptions</b>	<b>1997 (N = 150)</b>	<b>2006/2007 (N = 49)</b>
<i>YOA helped</i>	9.3%	12% (6)
<i>YOA hindered</i>	56%	27% (13)
<i>YOA both helped and hindered</i>	16.7%	20% (10)
<i>YOA neither helped nor hindered</i>	18%	37% (18)
Don't know	–	4% (2)

When examining police officers' explanations of their current perceptions regarding the *YOA* in the 2006/2007 study, common criticisms centered on the perceived leniency in sentencing violent offenders, and in contrast, the lack of options available in dealing with youth committing offences. The gap in addressing youth's needs for intervention through counselling was also raised. Other criticisms referred to the backlog of the overburdened judicial system as well as the perceived complexity of the *YOA*. Positive attributes of the *YOA* consisted primarily of random comments mentioned by one officer and included such things as youth's rights to counsel, parental involvement, available counselling, clearer police roles, better enforcement dealings for repeat offenders and use of alternative measures.

Interestingly, of the 18 officers in the 2006/2007 study who declared that the *YOA* *neither helped nor hindered* them, nearly half (8) stated they were already diverting youth to programmes instead of charging them prior to the implementation of the *YCJA*.

The 1997 study also analyzed police officers' concerns regarding the *YOA*. Upon review of *YOA* issues listed by officers, a recurring issue identified the numerous problems faced when taking youth's statements and their admissibility in court. Another underlined the increased legal complexity of the youth justice system. Other concerns included the overemphasis on youth's rights, sentencing limits for serious offences, youth under 12 not being included under the *YOA* jurisdiction, and the enforcement problems of weapons violations. In comparing the 1997 findings to the current research, all previous *YOA* concerns were mentioned again, albeit by only a few officers, with the exception of the weapons violations.

The current study also inquired as to officers' perceptions as to whether their *YOA* concerns were adequately addressed under the more recent *YCJA*. The most common concern mentioned with regards to the *YOA* was the perception that sentencing was too lenient for serious violent offenders (42%), and this result concurred with the 1997 findings. For the most part, police officers believed that this issue had been addressed under the *YCJA*.

Further concerns included the lack of options for diversion and the fact that no counselling was available for youth under the *YOA*. Some officers pointed out that they still do not have options for diversion under the *YCJA* since no programmes exist within their communities.

Criticisms of the *YOA*, such as the numerous delays due to the overburdened court system and the justice system being too hard on minor offences, were also deemed to have been addressed under the *YCJA*. New concerns were raised, however, including youth not being held adequately accountable due to the extensive use of extrajudicial measures prior to formal proceedings under the *YCJA*. Other *YOA* issues identified as persisting under the *YCJA* were the breach of probation and youth statement admissibility in court.

Of the 45 officers that identified *YOA* concerns, over half (56%) responded that these concerns were addressed under the *YCJA* while 29% stated 'no'. As for the remainder, 11% of officers felt that part of their concerns was addressed under the *YCJA* whereas 4% did not know.

**Table 28: YOA Concerns Addressed Under the YCJA**

<b>YOA Concerns Addressed Under YCJA</b>	
(N = 45)	
Yes	56% (25)
Yes/No	11% (5)
No	29% (13)
Don't Know	4% (2)

### **5.2 Youth Criminal Justice Act: Concerns and Changes**

This next series of questions examined the *YCJA* by asking officers to compare it to the *YOA*, to describe any concerns and to propose changes to address the current *Act's* weaknesses. Officers were asked to rate, according to a pre-existing scale, whether the *YCJA* was perceived to be of 'more help', 'less help', or the 'same' as the *YOA*. Findings indicated that the majority (77%) of the 48 police officers perceived the *YCJA* to be *more helpful* than the *YOA*, while only 5% perceived it to be *less helpful*. It should be noted that 13% of officers perceived the *YCJA* to be the *same* as the *YOA*.

**Table 29: Comparing Police Officers' Perceptions Regarding the YCJA to the YOA**

<b>YCJA Statements</b>	<b>Percentage (N = 48)</b>
<i>YCJA</i> more helpful than the <i>YOA</i>	77% (37)
<i>YCJA</i> less helpful than the <i>YOA</i>	5% (5)
<i>YCJA</i> same as the <i>YOA</i>	13% (6)

Of the 49 police officers interviewed, only five did not have any concerns regarding the more recent youth justice legislation. In fact, the vast majority of officers (82%) declared there to be problematic issues with the use of extrajudicial measures (EJM). These issues included the lack of cross-jurisdictional tracking of EJM, the inadmissibility of EJM in court, the inconsistent use of EJM, and the misuse and abuse of discretion by officers. In the case of repeat offenders, 21% of officers felt these youth were not being dealt with appropriately by way of EJM. Further explanations clarified that by the time the youth enters the formal justice system after EJM have been used, the courts treat the youth as a first time offender despite the numerous previous interventions. Officers therefore felt there was no meaningful consequence to the disposition and that the youth was not held accountable. In addition, of the respondents having identified concerns related to the use of EJM under the *YCJA*, one quarter (25%) indicated a lack of diversion programme funding. As one officer stated in frustration:

(...) the whole point of the *YCJA* is to reduce the number of youth going to court and reduce incarceration rates (...) so now that they are saving all this money where is it all going? Why haven't they put it [money] towards diversion programmes?

If programme resources remain inadequate, officers stated they must resort to the previous way of dealing with youth under the *YOA*, which consisted of either issuing a warning or charging. The limited availability of programmes for youth therefore in turn restricts police officers' options when dealing with youth.

Proposed changes to address these EJM concerns consisted of developing a country-wide tracking system (similar to CPIC<sup>18</sup>), standardizing EJM practices and programming, and obtaining funding for diversion programmes through federal-

---

<sup>18</sup> CPIC: Canadian Police Information Centre is a nation-wide database for police services.

provincial governments. Another suggestion was to allow prior EJM to be admissible in court, therefore allowing youth's prior involvement/dealings with police officers to be taken into consideration when judges render their decision.

Under the *YCJA*, 34% of officers believed that current sentencing was too 'soft' for repeat and violent offenders. Although officers wished to see longer custodial terms than are currently administered, they wanted them to be in conjunction with intensive counselling and programming.

Another area of concern that remained under the *YCJA* is the ongoing breach of probation, with one quarter of officers (25%) identifying this as being very problematic since they felt their 'hands were tied'. The general recommendation to address this issue was to change the breach of probation into a dual procedure offence (also known as a hybrid offence).<sup>19</sup> Additionally, the breach of deferred custody and supervision orders was identified by 14% of police officers as yet another situation where they felt unable to charge youth and hold them accountable for their behaviour.

Other criticisms cited by officers touch on issues previously raised under the *YOA*, such as the inadmissibility of youth's statements in court, youth under 12 committing offences not being dealt with under the *YCJA*, and the problem of youth records not being accessible within an adequate time frame. Some police officers also felt frustrated that since there was now strong emphasis placed on diverting youth from the formal justice

---

<sup>19</sup> An offence under the *Criminal Code* can fall under one of three categories: summary, indictable and hybrid. Summary are the least serious offences while indictable ones are more serious crimes, including homicide and robbery. In the case of 'hybrid' offences (i.e.: sexual assault, theft), it is up to Crown discretion to elect whether to proceed by summary conviction or indictment. This choice allows Crown the flexibility to take into account the specific circumstances of a case and the background of the accused. An indictable offence for a youth would result in a longer records retention period and a longer maximum sentence. (Bala, 2003)

system, there had been a downloading of responsibilities on to police. As one officer stated in regards to police roles under the *YCJA*, “we [police officers] have now become judge, jury and executioner in dealing with youth (...) We don’t have the time or resources”. Officers stated that police role expectations under the *YCJA* did not take into account the reality of existing demands placed on police organizations and often, their lack of available resources.

### 5.3 Police Discretion from the *YOA* to *YCJA*

The *YCJA* clearly mandates that police officers must consider all options prior to charging a youth, particularly in the case of first time and minor offences. Allowing officers to consider alternative options to proceeding formally requires them to use their discretionary powers. Officers were therefore asked during the interview to compare their experiences of the use of discretion under the *YOA* and *YCJA*.

**Table 30: Comparing Police Officer’s Discretion under the *YOA* to the *YCJA***

Statements	Percentage (N = 49)
More discretion under <i>YCJA</i>	78% (38)
No difference between <i>YCJA</i> and <i>YOA</i>	16% (8)
Less discretion under <i>YCJA</i>	6% (3)

Over three-quarters (78%) of respondents from the 49 interviewed indicated they have more discretion and/or options in dealing with youth coming into conflict with the law under the *YCJA*. While 16% of officers stated there was not much difference between

the two pieces of legislation, 6% believed they have less discretion under the *YCJA* compared to the *YOA*.

When inquiring whether police officers had any concerns regarding the use of discretion under the *YCJA*, over half (57%) answered 'yes'. The most common issues included the possibility of 'lazy' officers trying to avoid paperwork by misusing extrajudicial measures (EJM) and only issuing a warning, a general misuse of the EJM option, and officers abusing their discretionary powers by coercing youth to accept the EJM or be charged. This latter example was further explained by the fact that diversion of youth to a programme was contingent upon the admission of guilt and the contractual agreement to complete all programme requirements. Should the youth deny committing the offence, refuse to participate in the programme or not complete all requirements, the officer could then proceed in charging the youth. Consequently, the possibility that there could be a misuse of informal measures calls for the implementation of safeguards and guidelines. For instance, several of the police services had at least one youth coordinator reviewing all existing cases to ensure the appropriate course of action was being used in dealing with young offenders. The creation of a review committee, however, could ensure greater consistency in the administration of these informal measures within one police service's jurisdiction. Moreover, this committee could be one of the safeguards available to review and hold police officers accountable in cases of possible discretionary power abuse.

Police officers also underlined the lack of consistency in the use of extrajudicial measures and standardization (20%). These inconsistencies can be seen at the officer level where one officer might proceed differently than another despite being faced with

identical situations, or at the jurisdictional level where variations can exist in regards to programme availability. Since available programmes within jurisdictions impact the use of police discretion, 14% of officers indicated these were either insufficient or non-existent. By developing standardized guidelines for the use of extrajudicial measures within the police organization, this would contribute in reducing disparities. These guidelines, however, would only address the issue within one jurisdiction when in fact they should be broadened to the provincial level.

Some officers (16%) felt there was a lack of training regarding police discretion and use of EJM. Only a small number of interviewed police officers (8%) indicated that they felt unable to charge youth under the current *YCJA*.

A few officers (8%) stated that youth's attitudes often suggested that they believed they wouldn't be held accountable for their actions. Other officers (6%) expressed concern that the medium and high-risk youth may 'fall through the cracks' and their needs may be overlooked due to the less intrusive nature of EJM.

## **6. *YCJA* Training**

Although the *YCJA* was proclaimed in 2001, it was only implemented on April 1<sup>st</sup>, 2003 in order to allow a sufficient time frame for police officers to be trained.

Interviewed participants were asked whether they had received any training for the *YCJA* and if they had received any resource materials. Of the 49 officers, 39 declared that they did receive some form of training, while 9 did not receive any, and one officer gave no answer.

Of those who received training, 72% stated that it was part of their police in-service training. Only 33% of officers declared that they had received resource materials such as

handouts and fact sheets. In total, 11 officers indicated they had been selected to attend specialized training (such as day-training seminars), but this was not offered to others. Over one quarter (28%) of officers felt the training they received was minimal. Their training was typically described as consisting of a brief presentation overview that lasted up to one hour (see Table 31).

Of those officers not having received any training, three of them were working in another section at the time it was offered, but were self-taught once they became youth coordinators. Three other officers were placed in positions where they were responsible for developing the police service's policy/protocol and forms, as well as training others in the *YCJA*.

**Table 31: *YCJA* Training for Police Officers**

<b><i>YCJA</i> Training</b>	
(N = 48)	
<b>Training</b>	<b>81% (39)</b>
Part of in-service training	72% (28)
Received resource materials	33% (13)
Felt it was minimal training	28% (11)
<b>No Training</b>	<b>19% (9)</b>

## **7. Extrajudicial Measures Programmes within the Community**

Of the 48 police officers that responded to the question, over three-quarters (77%) stated they had extrajudicial measures programmes available within their community, while 21% (10 officers) indicated they did not. The referral process to extrajudicial measures typically consisted of the front line officer sending the case to the youth

coordinator (if available in the police service), who would then review and recommend the type of programme and refer the youth's case to the broker agency. The broker agency is a non-profit organization that offers a variety of programmes such as anger management or anti-theft programmes, and can further refer the case to other services such as counselling and substance abuse treatment etc. These organizations include the John Howard Society, the Salvation Army, St-Leonard's Society of Canada, Boys and Girls Club, Youth Bureau, and several locations offer the Rebound programme<sup>20</sup>. Most officers (31 of 34) indicated that their referral process was done through a broker agency while three officers indicated they find placements for youth in programmes themselves.

**Table 32: Community Extrajudicial Measures Programmes Availability**

<b>Extrajudicial Measures Available</b>	<b>Percentage (N = 48)</b>
Yes	77% (37)
Yes/No	2% (1)
No	21% (10)

A total of 38 officers indicated that extrajudicial measures programmes were available within their respective community. When asked about *the level of accessibility* of these programmes, the majority of respondents (81%) indicated these were 'easily accessible', while 13.5% stated they were 'generally accessible' and 5% stated they were 'barely accessible' (see Table 33).

<sup>20</sup> REBOUND is a ten to twelve-week programme to help at-risk youth learn life skills and addresses the following dimensions: communication, decision-making, goal setting, teamwork, conflict resolution, self image, freedom and responsibility, reputation, and peer pressure.

Participants were asked to rate how *user-friendly* the community programmes referral process was according to a pre-existing scale. The vast majority of officers (81%) indicated the process was ‘very user friendly’, and 8% rated it as ‘user friendly’. Only 5% of officers felt the process was ‘somewhat user friendly’ while 3% felt it was ‘not at all user friendly’.

**Table 33: Characteristics of Extrajudicial Measures Programmes**

<b>Characteristics of Extrajudicial Measures Programmes</b> (N = 38)		
<b>Accessibility</b>		
	Easily accessible	79% (30)
	Generally accessible	13% (5)
	Barely accessible	5% (2)
	No answer	2% (1)
<b>User friendly</b>		
	Very user friendly	79% (30)
	User friendly	8% (3)
	Somewhat user friendly	5% (2)
	Not at all user friendly	3% (1)
	No answer	5% (2)

Of the 49 interviewed participants, when asked about the *extent of extrajudicial measures use* within their respective jurisdictions, 45% of police officers ranked them as being ‘very’ to ‘extensively’ used. Just over a quarter (28.5%) of officers felt EJM are in ‘fair’ to ‘moderate’ use, while 16% felt they were not really used within their community (see Table 34).

**Table 34: Extent of Extrajudicial Measures Use within the Community**

<b>Extrajudicial Measures Use within the Community</b>	
(N = 49)	
Very to extensive use	45% (22)
Fair to moderate use	29% (14)
Not really used	16% (8)
No answer	10% (5)

### **8. Informal Dealings Tracking and Level of Usefulness**

According to the *YCJA*, the use of informal measures such as referrals to programmes or a simple verbal warning must be documented by police officers. The following questions examined whether police services tracked such informal dealings and the perceived level of usefulness of these methods. Of the 47 officers that answered, the vast majority (87%) indicated that all informal dealings were documented and that they tracked the information in their police service's records system, which is accessible to all officers (see Table 35).

The remaining 13% of respondents responded 'yes/no' with regard to recording all informal dealings. This response was clarified as being contingent upon several factors. For instance, an officer might only note the incident with the youth in a workbook, therefore it will not be documented in the police service's records system. One officer indicated their tracking system does not show informal written/verbal warnings, rendering it possible that the same youth could be issued a warning on several occasions by different officers. Another officer stated that unless the youth was charged, they did not have access to the youth's history.

As for the usefulness of tracking informal dealings with youth, 72% of officers stated it was ‘very useful’ or ‘important’, while 23% qualified it as being ‘useful’ and ‘good’.

Although informal measures are currently being documented, these were not typically linked to other police organizations. When a youth moved to another jurisdiction police officers were not apprised of the youth’s prior involvement with the police, nor were they in a position to verify such information. Either integrating the informal measures component into an existing nation-wide database such as CPIC or developing a separate one would greatly assist officers.

**Table 35: Tracking Informal Dealings**

<b>Police Service Track Informal Dealings</b>	
(N = 47)	
Yes	87% (41)
Yes/No	13% (6)
<b>Tracking informal dealings useful?</b>	
(N = 47)	
Very useful / Important	72% (34)
Useful / Good	23% (11)
No answer	4% (2)

## **9. Crown Attorney and Impact on Police Practices**

Since the *YCJA* mandates officers to examine all other options prior to charging youth, once a youth is charged, the Crown Attorney will review these cases to ensure they do deserve to be before the courts. The following questions examined the responses

of 47 officers regarding the Crown Attorney's role and its impact on police charging practices.

When officers were asked whether the Crown in their jurisdiction encouraged the use of extrajudicial measures, the majority (81%) declared that the Crown did while 15% stated they did not, and 4% did not know. Officers were also asked if the Crown Attorney's emphasis on extrajudicial measures impacted police charging practices. Over half of officers (66%) stated that it did not impact their dealings with youth while 28% believed it did (see Table 36). Some officers indicated that when the *YCJA* was first implemented the Crown would closely review youth cases and return those deemed inappropriate to be before the courts. Several officers referred to being on the 'same page' as the Crown. Additionally, some officers described participating in interagency meetings that included the Crown, Children's Aid Society, and the agency responsible for diversion programmes, to review youth cases. This partnership between agencies allows the development of tailored responses in dealing with harder young offender cases (i.e. those deemed high-risk).

When examining whether the Crown in police officers' jurisdictions have a cautioning programme, over half (64%) believed they did, while 23% indicated they did not and 13% did not know.

**Table 36: Crown Attorney's Impact on Police Role**

<b>Crown Attorney (N = 47)</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>	<b>No Answer</b>
Encourages use of extrajudicial measures	81% (38)	15% (7)	4% (2)	–
Emphasis on extrajudicial measures affects police practices	28% (13)	66% (31)	–	6% (3)
Crown cautioning programme	64% (30)	23% (11)	13% (6)	–

## 10. Additional Areas of Concern

The interview questionnaire also focused on two areas of concern that have persisted from the *YOA* to the *YCJA*, that of police perceptions of dealings with youth under 12 in conflict with the law and current responses to serious violent offences.

### 10.1 Dealings with Youth Under Twelve

In the 1997 study, police officers' dealings with youth under 12 were a source of concern since the *YOA* could only be applied to those over the age of 12. The current research compared police officers' experiences when dealing with youth under 12 coming into conflict with the law. All 49 officers responded to this next series of questions.

In the 2006/2007 study, almost two thirds (65%) of officers stated that under the *YOA* they would either involve the youth's *parents* and/or contact *Children's Aid Society (CAS)*. Some officers (14%) indicated they would issue a *warning*, while others (12%) would refer youth to *diversion programmes*, and some officers (10%) would deal with the

youth by involving the *school in disciplinary actions*. Only 8% of officers indicated that they documented informal dealings with youth under 12 (see Table 37).

Although the *YCJA* does not address youth under 12 committing offences, police officers were asked whether there had been any changes in their dealings with these youth under the new legislation. For the most part (71%), officers stated they proceeded the same way as under the *YOA*, by obtaining *parental* and *Children's Aid Society involvement*. As illustrated in Table 37, some officers (16%) mentioned they were doing more referrals to *CAS*, while 14% were referring youth to *community programmes*. A few officers (6%) indicated their police service was *drafting a policy* for dealings with youth under 12.

**Table 37: YOA to YCJA Dealings with Youth Under Twelve**

<b>YOA Under 12 Dealings</b> (N = 49*)			<b>YCJA Under 12 Dealings</b> (N = 49*)	
1	Parental involvement	65% (32)	Same process	71% (35)
	Children's Aid Society (CAS)	65% (32)		
2	Giving a warning	14% (7)	More referrals to Children's Aids Society (CAS)	16% (8)
3	Referral to diversion programmes	12% (6)	Referrals to programmes	14% (7)
4	School involvement/discipline	10% (5)	Drafting policy for dealing with under 12	6% (3)
5	Document dealings	8% (4)	Reporting incidents	4% (2)

\* Of the 49 interviewed officers, several offered multiple responses on how they would proceed when dealing with youth under 12. For this reason, if categories are tabulated they will be >100%.

An additional question pertaining to dealings with youth under 12 coming into conflict with the law addressed whether police officers recorded such incidents. Forty of the 48 officers (88%) acknowledged documenting dealings with youth under 12 in their police service's records management system (as indicated in Table 38). Another 10% of officers stated 'yes/no' and explained that it depended on the individual officer dealing with the incident and the nature of the offence, whether it was 'serious' or not.

The monitoring of youth under 12 was occurring despite the fact that they did not fall within the purview of the *YCJA* since officers felt that, particularly in the case of repeat offences and serious violent acts, it was important to demonstrate youth's behavioural patterns. Officers explained that they could illustrate the unsuccessful outcomes of prior referrals to social agencies and therefore prove that the youth would require a more intensive and tailored intervention once under the *YCJA*. Consequently, the tracking of informal dealings under the *YCJA* has had the unintended consequence of including youth under 12.

On the one hand this monitoring could be viewed in a positive light if it helped identify at-risk youth. Police officers underlined that youth's problematic and deviant behaviour started at an earlier age than 12, and if the appropriate intervention was utilized this could prevent future involvement with the criminal justice system. Of note, police officers did not want to incarcerate youth at such a young age, but rather be able to intervene for the youth's well being as they were often called upon to deal with these at-risk children. Nonetheless, informal tracking of under 12 could prove to have a negative consequence of net-widening should it be used for minor incidents and for youth that are not deemed at-risk.

**Table 38: Documenting Informal Dealings with Youth Under Twelve Under the YCJA**

<b>Recording of Dealings under YCJA</b>	
<b>(N = 48)</b>	
Yes	88% (42)
Yes/No	10% (5)
Don't know	2% (1)

Similar to the case scenario property and violent crime questions, police officers were asked to identify what they perceived to be the ideal way of dealing with youth under 12. Of the 49 police officers that responded, the top three recommendations included: greater *parental involvement* and accountability (33%), including *10 and 11 year olds* under the YCJA (31%), particularly for those committing violent crimes, and offering *community services and programmes* for youth under twelve (29%). Other proposed ways for dealing with youth under 12 consisted of holding them *accountable* (21%), greater involvement by the *Children's Aid Society* (19%), developing an *under 12 protocol and committee* (15%), and greater *education of youth* (10%) (see Table 39).

**Table 39: Proposed Ideal Consequences for Dealing with Youth Under Twelve**

<b>Ideal Consequences for Dealing with Youth Under 12</b>		<b>Percentage (N = 49)</b>
1	Greater parental involvement and accountability	33% (16)
2	Should include 10 and 11 year olds	31% (15)
3	Community services/ programmes for under 12	29% (14)
4	Accountability for youth	21% (10)
5	Children's Aid Society (CAS) involvement	19% (9)
6	Under 12 protocol and committee	15% (7)
7	Education of youth	10% (5)
	No changes in dealing with under 12	10% (5)
8	Restitution	4% (2)
	School involvement	4% (2)

\* Of the 49 interviewed officers, several proposed a combination of responses as the ideal way for dealing with youth under 12. For this reason, if categories are tabulated they will be >100%.

In the 1997 study, some officers suggested including 10 and 11 year olds under the *Young Offenders Act* in order to give police legal authority to intervene. Officers felt this was needed particularly in the case of youth under 12 committing serious crimes and repeat offenders. Overall, existing child welfare laws were perceived inadequate in addressing the problem. As for police officers in the current research, they expressed similar concerns in their limitations for intervening with youth under 12. This was further explained in that youth's behavioural problems typically begin before the age of 12, as do their encounters with the law.

## 10.2 Effectiveness of the YCJA Provisions for Serious Violent Offences

When officers were asked whether they felt the provisions for serious violent offences were effective, of the 49 who answered, 18% (9 officers) stated ‘yes’ while 22% (11 officers) said ‘no’. Of those stating that current provisions were not effective, some officers declared that “adult sentencing is not imposed”, while another stated “sentencing is not severe enough and judges have gone in the opposite direction where they rarely sentence incarceration [under the YCJA]”. The following quote demonstrates officers’ frustration regarding sentencing: “repeat offenders and violent crimes are not receiving harsher sentencing, despite the violent crime history of offenders”.

Of note, nearly half of officers (47%) admitted they ‘don’t know’ whether current provisions were effective. This was further explained in that they had not seen such cases in their jurisdiction or that they were unaware of the outcome of the court process. More importantly, it is not within police’s mandate to follow criminal justice court outcomes, as their responsibility is limited to the charging stage.

**Table 40: Effectiveness of YCJA Provisions for Serious Violent Offences**

<b>Serious Violent Offence Provisions Effective?</b>	
(N = 49)	
Yes	18% (9)
Yes/No	6% (3)
No	22% (11)
Don’t know	47% (23)
No changes	6% (3)

### 10.3 Additional comments

At the end of the interview all officers were asked whether they had any additional concerns or comments pertaining to either the interview questionnaire or its contents. Overwhelmingly, most officers felt that all youth justice issues had been adequately addressed through the wide-range of interview questions.

Of the 49 interviews, 36 officers (73.5%) made some additional comments. These typically consisted of reiterating important points regarding the *YCJA* previously raised during the interview. In reviewing police officers' comments, the greatest source of concern underlined by 50% of them was the extrajudicial measures component of the *YCJA*. At the forefront of this issue was the lack of funding and resources available for programmes mandated under the *YCJA*. Other concerns regarding the use of EJM included the perceived over-leniency, the lack of national tracking and information sharing between police services of these informal dealings, the uneven application of measures across the province and the inadmissibility of the EJM in court.

Other problematic areas of the *YCJA* identified by police officers pertained to the perceived inadequate dealings with serious violent offenders, particularly in regards to gangs (14%) as well as the overall lack of accountability for youth (8%). Of the participants, two underlined the lack of training while two others felt there were 'no changes' between the *YOA* and the *YCJA* (see Table 41).

On the other hand, police officers' positive feedback described the *YCJA* as a 'useful tool' that makes different options available when dealing with youth. Some officers considered the *YCJA* to work well and found it to be a "good step forward in the

right direction”. In addition, 11% of officers indicated the *YCJA* was a “work in progress” and therefore it will take time to assess its impact and benefits.

**Table 41: Police Officers’ Additional Comments**

<b>Additional Comments</b>	<b>Percentage (N = 36)</b>
Extrajudicial measures	50% (18)
Serious violent offenders (including gangs)	14% (5)
Lack of accountability	8% (3)
Lack of training	6% (2)
No changes between <i>YOA</i> to <i>YCJA</i>	6% (2)
<i>YCJA</i> – Work in progress	11% (4)

*\* The number of additional comments does not equate to the number of participants, as 2 responses from participants were discounted since they were vague and unclear.*

## CONCLUSION

In Canada, there have been important shifts in youth justice since early in the twentieth century. This is illustrated by the evolution from the *Juvenile Delinquents Act*, where the state assumed a welfare approach in treating children, to the criminalization of youth and the emphasis on due process under the *Young Offenders Act*. The current legislation, the *Youth Criminal Justice Act*, has set objectives of reducing the number of youth charged, as well as reducing overall youth incarceration rates. Reducing the over-reliance on the youth criminal justice system would be achieved under the *YCJA* through the use of diversion of youth for minor offences. Moreover, the *YCJA* also appeased the public's concerns regarding the *YOA*'s perceived 'lenient' approach in dealing with serious violent crimes by increasing the sanctions available for these offences.

The roles of stakeholders in the youth justice system have correspondingly been affected by these legislative changes, most notably, those of police officers. For instance, new expectations and responsibilities have been placed on police officers through the *YCJA*'s emphasis on the use of extrajudicial measures to divert youth from the criminal justice system. Existing literature on the *YCJA* has focused on the impact of the legislation on police practices through statistical analyses of youth charges and custodial rates. These youth justice statistics indicate changes with respect to police interventions since the implementation of the *YCJA*. For example, there has been a significant decrease in police charging practices and an increase in the use of extrajudicial measures. Likewise, there has been a decrease in the youth court caseload and overall youth custodial rates. There remains, however, an important information gap as to police perceptions of the implementation of the *YCJA* and how it has impacted upon their roles.

Further examination was thus required to review the *YCJA*'s impact on police decision-making and practices.

In 1997, Caputo and Kelly conducted a nation-wide study that examined police perceptions of responses to youth crime under the *Young Offenders Act*. In total, 150 police officers experienced with youth crime were interviewed by telephone. The current research replicated the intent of the 1997 research by examining police officers' perceptions regarding the implementation of the *YCJA* in a case study of Ontario police officers. This study also examined several issues that have emerged since the *YOA*, such as dealings with serious violent offenders and youth under twelve.

A number of important changes in police officers' perceptions were noted during the replication of the 1997 study. Officers appeared more engaged in the process for dealing with youth and demonstrated greater concern in ensuring appropriate measures and options were utilized. This is not surprising as the *YCJA* has clearly reinstated a 'hands on' approach to police in dealing with youth. As a direct result of the *YCJA* we have seen greater use of discretion by police and correspondingly a decrease in charging rates of youth, however, we cannot predict whether this trend will continue over the next few years. When comparing police officers' perceptions in the current research to their 1997 counterparts, it is clear that they are much more engaged in the process and take their new responsibilities quite seriously. This has had an important impact on the implementation of the *YCJA* but as noted, it is too early to tell whether these changes will persist over time.

Study findings from the current research indicated that the majority of police officers perceived the *YCJA* to be 'more helpful', than the *YOA* and correspondingly

perceived that they had greater discretion under the current legislation. Officers in the 2006/2007 study generally perceived dispositions administered to youth for first and repeat offences to be more meaningful, and were more likely to be satisfied with current dispositions than their 1997 counterparts.

Of note, an important difference was identified in police officers' response patterns between the 1997 and 2006/2007 studies. Most notably, officers in the current study were often in the middle category stating they could proceed either informally or formally when dealing with youth depending on various factors and circumstances surrounding the offence. Even when officers were encouraged to select one category they still maintained this 'optional' stance. This type of response differs greatly from the 1997 study where officers felt they had a clear-cut choice, to charge or not.

Possible explanations for this distinction between studies could be that the 2006/2007 participants were better educated and more aware of the informal measure options under the *YCJA* than their 1997 counterparts. Moreover, it may be reflective of a shift in police officers' overall perceptions of informal measures.

In addition, the extent to which officers qualified their responses in the 2006/2007 study demonstrated their engagement in discretion and use of options under the *YCJA*. Accordingly, this suggests that with the increased role of police in the decision-making process under the *YCJA*, officers consider their options carefully and with great responsibility. It must be underlined that parallel to the increase in discretionary powers is the level of scrutiny towards police officers' decisions that was not present in the 1997 study, which could be a contributing factor to the change in responses noted above.

This study addresses an existing gap in the literature by representing front line responders' perceptions of the practical application of the *YCJA*. Correspondingly, police officers' criticisms of the legislation focused on issues such as lack of funding for diversion programmes that are mandated under the *YCJA* and the unequal application of extrajudicial measures. By gaining greater insight into what police officers perceived to be dealing with under the *YCJA*, this research has demonstrated the perceived opportunities and challenges officers are experiencing in applying the legislation. This study has also highlighted the ongoing concerns of police officers in dealing with young people who come into conflict with the law. Various suggestions were offered regarding how to improve existing youth justice practices, especially as these relate to the role of the police.

### ***Study limitations***

When considering the findings of this research, it is important to note existing limitations that could potentially have impacted upon its outcome. There are two key methodological issues of this current research project that must be taken into consideration, that of the scope of the study and the sampling method.

The 1997 study scope was nation-wide and utilized a three-staged data collection strategy consisting of in-depth telephone interviews with police officers as well as focus groups with police officers and youth. Due to time and resource constraints, this research focused on Ontario police agencies and only utilized the in-depth, in-person or telephone interview approach. Consequently, comparisons between the two studies will not be able to reflect the provincial/territorial variations across the country. This study does however

offer some insight into some general *YCJA* concerns that transcend jurisdictional differences.

The police services sample was not entirely selected at random since the 20 largest urban centres were contacted. Only the 15 smaller centres were identified randomly. On the other hand, the participants' sample was not obtained randomly since the Chief of Police or a representative designated the police officers to be interviewed. In addition, it was requested that police officers participating in the study had specifically dealt with youth crime issues and also had prior knowledge and experience under the *YOA*. As a result, most participants held the role of youth coordinator responsible for reviewing youth cases and had more in-depth knowledge of youth issues than regular patrol officers. This study therefore presents perspectives of police officers having a great deal of experience in dealing with youth crime, but cannot be generalized to all police officers. For instance, front line officers on general duty responding to calls might perceive the *YCJA* and its emphasis on the use of diversion differently than those routinely working with youth crime, such as youth squad officers or youth coordinators. Of note, police administrators might have factored other criteria in their selection process of designating participants, thus influencing to some extent the police views provided. On the other hand, respondents represented officers identified as youth experts in their organizations, which gives us some confidence in the findings, as these are knowledgeable informants on the issues raised.

As for other study limitations, one must note the exclusion of police officers on First Nations reserves. First Nations representation and participation in the criminal justice system differs greatly from that of other members of our society. Historically,

First Nations youth have been over-represented in the youth justice system, particularly in regards to custodial sentences. It was felt that police officers on First Nations reserves were faced with a distinct reality of youth justice issues that could not be properly addressed in this research. Accordingly, it must be noted that those responsible for policing First Nations reserves were not included in this more general study of police perceptions of the justice system's response to youth crime. A specifically designed study to address the experiences of officers dealing with First Nations youth would provide a valuable addition to the literature on youth justice in Canada, however, this was beyond the scope of the present study.

### ***Future Research***

Considering the recent implementation of the *YCJA*, there remains a great deal to examine in order to assess its impacts and outcomes on youth crime and the function of the youth criminal justice system. The following are suggestions for future research that could shed light on various dimensions of the *YCJA*.

For example, this study did not examine the *YCJA* experiences of police officers working on First Nations reserves nor did it consider the critical issue of First Nations youth living in urban settings. Further research conducted on police perceptions of the *YCJA*'s impact on First Nations and Inuit peoples could contribute positively to the resolution to broader issues such as the over-representation of First Nations youth in the justice system.

A study similar to this one could also be conducted to ascertain the perceptions of court justice professionals, namely, Crown Attorneys and Judges. As was often mentioned by police officers, they can only do so much before the youth is in court.

Police officers felt removed from the justice process and often did not know the outcomes of youth cases.

Since this research was solely focused on the province of Ontario, it would be worthwhile to expand it to a national scale to determine whether the strengths and weaknesses of the *YCJA* are consistent nation-wide. Since the provinces and territories are responsible for the implementation of the *YCJA*, they have considerable discretionary powers in regards to how the extrajudicial measures and programmes are implemented in their jurisdiction. This research could therefore identify existing provincial/territorial differences in the implementation of the legislation.

The 2006/2007 study examined police perceptions of the implementation of the *YCJA* legislation. Based on the comments made by police, we would encourage the use of this data to conduct focus groups with youth to see whether they concur with the observations. This would be particularly useful on issues such as the frequent and repetitive use of extrajudicial measures with repeat young offenders and the issue of accountability.

Informal measures are a prominent component of the *YCJA* in dealing with first time and minor offences, and their use should be subjected to a more in-depth examination. By focusing on police organizations case files of extrajudicial measures and determining recidivism rates, this would demonstrate the effectiveness of these measures in dealing with youth crime. Moreover, the average number of extrajudicial measures administered to high-risk youth before they are charged and processed through the formal justice system should be examined.

## BIBLIOGRAPHY

- Bala, Nicholas (2005) *The Development of Canada's Youth Justice Law. Understanding Youth Justice in Canada* Ed. Kathryn M. Campbell, Toronto, Pearson Prentice Hall. 41-64.
- (1997) *Young Offenders Law*, Concord, Ontario, Irwin Law.
- (2003) *Youth Criminal Justice Law*, Toronto, Ontario, Irwin Law Inc.
- Barber, Jody and Anthony N. Doob (April 2004) *An Analysis of Public Support for Severity and Proportionality in the Sentencing of Youthful Offenders*, Canadian Journal of Criminology and Criminal Justice. 327-341.
- Barnhorst, Richard (April 2004) *The Youth Criminal Justice Act: New Directions and Implementation Issues*, Canadian Journal of Criminology and Criminal Justice. 231-249.
- Baron, Stephen W. and Timothy F. Hartnagel (2001) "Lock 'em up": *Attitudes toward punishing juvenile offenders* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 371-393.
- Calverley, Donna (2007) *Youth custody and community services in Canada, 2004/2005*. Juristat Canadian Centre for Justice Statistics, Statistics Canada. – Cat. No.85-002-XIE, Vol.27, no.2.
- Campbell, Kathryn M. (2005) *Rehabilitation Revisited: The Changing Nature of "Intervention" in Juvenile Justice*, Understanding Youth Justice in Canada Ed. Kathryn M. Campbell, Toronto, Pearson Prentice Hall. 263-288.
- Canadian Police Information Centre – CPIC National Directory (Autumn 2004)
- Carrington, Peter J. (2001) *Trends in youth crime in Canada, 1977-1996* in Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 24-56.
- Carrington, Peter J. and Jennifer L. Schulenberg (2005) *The Impact of the Youth Criminal Justice Act on Police Charging Practices with Young Persons: A Preliminary Statistical Assessment*. Department of Justice Canada.
- Carrington, Peter J. and Sharon Moyer (2001) *Factors affecting custodial dispositions under the Young Offenders Act* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 215-249.

- Clark, Barry M. and Thomas O'Reilly-Fleming (2001) *Out of the carceral straightjacket: Under twelves and the law Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition.* Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 345-370.
- Cohen, Stanley. (2001) *Youth Deviance and Moral Panics* in Youth Justice: History, Legislation, and Reform. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 69-83.
- Corrado, Raymond and Alan Markwart (1994) *The Need to Reform the YOA in Response to Violent Young Offenders: Confusion, reality or myth?* Canadian Journal of Criminology, Vol.36(3).
- Department of Justice Canada (2005) *Myths and Realities about Youth Justice.* Available at: <http://canada.justice.gc.ca/en/ps/yj/information/mythreal.html>
- Department of Justice Canada – Bureau of Review (January 1994) *The Evaluation of the Young Offenders Federal-Provincial/Territorial Cost Sharing Program.*
- Department of Justice Canada (last updated 2006-01-31) *The Youth Criminal Justice Act: Summary and Background.* Available at: <http://www.justice.gc.ca/en/ps/yj/ycja/explan.html>
- Department of Justice Canada. (2005) *Youth Criminal Justice Act 2005 Annual Statement Executive Summary.* Available at: <http://canada.justice.gc.ca/en/ps/yj/statement/execsum.html>
- Department of Justice Canada (2002) *The Proposed Youth Criminal Justice Act: Summary and Background.*
- Doob, Anthony N. (May 2001) *Youth Court Judges' Views of the Youth Justice System: The results of a survey.* Department of Justice Canada.
- (2001) *Youth justice research in Canada: An assessment in Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition.* Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 3-11.
- Doob, Anthony N. and Cesaroni C. (2004) *Responding to Youth Crime in Canada.* Toronto, Ontario, University of Toronto Press.
- Doob, Anthony N. and Jane B. Sprott (2004) *Changing Models of Youth Justice in Canada.* in Crime and Justice: A Review of the Research Vol.31, Chicago: University of Chicago Press. 185-242

Doob, Anthony N. and Jane B. Sprott (2001) *Interprovincial variation in the use of the youth court* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 65-76.

---

(October 2005) *The Use of Custody under the Youth Criminal Justice Act*. Department of Justice Canada.

Erickson, B.H. and T.A. Nosanchuck (1992) *Understanding the Data*. 2<sup>nd</sup> Edition. Buckingham, Open University Press.

Ericson, Richard V. (2001) *Governing the Young in Youth Justice: History, Legislation, and Reform*. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 104-123.

Gabor, Thomas (2001) *Trends in youth crime: Some evidence pointing to increases in the severity and volume of violence on the part of young people* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 57-64.

Gagnon, Danièle (1984) *History of the Law for Junvenile Delinquents*. Solicitor General of Canada.

Hahn, Paul H. (1998) *Emerging Criminal Justice: Three Pillars for a Proactive Justice System*. Thousand Oaks, CA, Sage.

Hall, David and Irene Hall (1996) *Practical Social Research: Project Work in the Community*. London, Macmillan Press Ltd.

Harris, Peter and al. (April 2004) *Working "In the Trenches" with the YCJA*, Canadian Journal of Criminology and Criminal Justice, 367-389.

Hartnagel, Timothy F. (2004) *The rhetoric of youth justice in Canada*. Criminal Justice, 355-374.

Hillian, Doug, Marge Reitsma-Street and Jim Hackler (April 2004) *Conferencing in the Youth Criminal Justice Act of Canada: Policy Developments in British Columbia*, Canadian Journal of Criminology and Criminal Justice.

Hogeveen, Bryan R. (2005) *'If we are tough on crime, if we punish crime, then people get the message': Constructing and governing the punishable young offender in Canada during the late 1990's*. Punishment and Society, 7(1). 73-89.

- Hogeveen, Bryan and Russell C. Smandych (2001) *Origins of the Newly Proposed Canadian Youth Criminal Justice Act: Political Discourse and the Perceived Crisis in Youth Crime in the 1990s* in Youth Justice: History, Legislation, and Reform. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 144-168.
- Hornick, J.P., T. Caputo, R. Hastings and al. (1996) *A Police Reference Manual on Crime Prevention and Diversion with Youth*. Ottawa, ON. Solicitor General Canada.
- Hylton, John H. (2001) *Get tough or get smart? Options for Canada's youth justice system in the twenty-first century* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 561-580.
- Maclure, Richard, Kathryn Campbell and Martin Dufresne (2003) *Young Offender Diversion in Canada: Tensions and Contradictions of Social Policy Appropriation*, Policy Studies, 24 (2/3).
- Marinos, Voula (2001) *What's intermediate about 'intermediate' sanctions?: The case of young offender dispositions in Canada* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 511-531.
- McMahon, Kirsten (April 3, 2006) *OCA strikes down parts of YCJA*, Law Times News online [www.lawtimesnews.com](http://www.lawtimesnews.com)
- Moyer, Sharon (May 2005) *A comparison of case processing under the Young Offenders Act and the first six months of the Youth Criminal Justice Act*. Department of Justice Canada.
- Reid, Susan A. and Marvin A. Zuker (2005) *Conceptual Frameworks for Understanding Youth Justice in Canada: From the Juvenile Delinquents Act to the Youth Criminal Justice Act*, Understanding Youth Justice in Canada Ed. Kathryn M. Campbell, Toronto, Ontario, Pearson Prentice Hall. 89-113.
- Reid-Macnevin, Susan (2001) *Toward a Theoretical Understanding of Canadian Juvenile Justice Policy* in Youth Justice: History, Legislation, and Reform. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 128-143.
- Roberts, Julian V. (April 2004) *Harmonizing the Sentencing of Young and Adult Offenders: A Comparison of the Youth Criminal Justice Act and Part XXIII of the Criminal Code*, Canadian Journal of Criminology and Criminal Justice. 301-325.
- (November 2003) *Sentencing Juvenile Offenders in Canada: An Analysis of Recent Reform Legislation*. Journal of Contemporary Criminal Justice, 19 (4). 413-434.

- Schissel, Bernard (2001) *Youth Crime, Moral Panics, and the News: The Conspiracy against the Marginalized in Canada* in Youth Justice: History, Legislation, and Reform. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 84-103.
- Shankarraman, Gayatri (December 2004) *Police Resources in Canada, 2004*. Canadian Centre for Justice Statistics, Statistics Canada. Cat. No.85-225-XIE.
- Smandych, Russell C. *Accounting for Changes in Canadian Youth Justice: From the Invention to the Disappearance of Childhood* in Youth Justice: History, Legislation, and Reform. Ed. Russell C. Smandych, Toronto, Ontario, Harcourt Canada. 4-23.
- Sprott, Jane B. (2001) *Background for YCJA* Ottawa, Department of Justice, Canada <http://canada.justice.gc.ca/en/ps/yj/research/background/index.html>
- Sprott, Jane B. (2001) *Understanding public views of youth crime and the youth justice system* Youth Injustice: Canadian Perspectives, 2<sup>nd</sup> edition. Ed. Thomas Fleming, Patricia O'Reilly and Barry Clark. Toronto, Ontario, Canadian Scholars' Press. 443-462.
- Sprott, Jane B., Anthony N. Doob, and Carolyn Greene, (August 2004) *An Examination of the Toronto Police Service Youth Referral Program*. Department of Justice Canada.
- Statistics Canada. (2001) *Population and Dwellings Counts, for Canada, Provinces and Territories, Census Divisions and Census Subdivisions (Municipalities), 2001 and 1996 Censuses - Northwest Territories, Yukon Territory, Nunavut*. 2001 Census Population and Dwelling Counts.
- The Daily, Statistics Canada. (June 24, 2005) *Youth Court Statistics*.
- The Daily, Statistics Canada. (December 1, 2005) *Youth Correctional Services: Key indicators, 2003/04*.
- The Daily, Statistics Canada. *Study: Referrals and convictions in youth and criminal courts*. November 21, 2005.
- Thomas, Jennifer (2005) *Youth Court Statistics 2003/2004*, Juristat Canadian Centre for Justice Statistics, Statistics Canada – Catalogue no.85-002-XPE, Vol.25, no.4.

## APPENDIX A



**Department of Sociology and Anthropology**  
B742 Loeb Building  
1125 Colonel By Drive  
Ottawa, ON K1S 5B6 Canada  
Tel: (613) 520-2582  
Fax: (613) 520-4062

**Re: Study on Police Perceptions of the Implementation of the Youth Criminal Justice Act**

March 9, 2006

Dear Chief of Police:

In 1997, my colleague Katharine Kelly and I conducted a study for the then Solicitor General of Canada on police perceptions of current legal responses to youth crime. The research examined what police officers perceived to be meaningful consequences to youth crime, especially violent youth crime. In addition, it explored how these perceptions could be used to address community-based response strategies that build on a preventive policing approach. The report prepared for that study was used by federal officials in the discussions that led to the development of the new *Youth Criminal Justice Act (YCJA)*.

Josée Smith, a graduate student in our Masters Program, will be replicating this research by conducting a case study in Eastern Ontario. She will be examining police perceptions of the current legislation and its implementation as well as comparing these perceptions with their views of the *Young Offenders Act (YOA)*. This will be achieved by conducting telephone semi-structured interviews with police officers from Ontario. This study will be part of her requirements to obtain an MA degree in Sociology at Carleton University.

We would like to invite you to participate in this study since it will help us gain valuable information regarding the practical application of the new youth justice legislation. Letters are also being sent to representatives of other police agencies in Ontario. Your participation is voluntary and the information collected is confidential since no individual police officers or police agencies are being identified.

If you agree to take part in this study, please identify a representative and their corresponding contact information (either telephone number or email) in order to arrange the interviews. Ideally, we would like to interview up to three police officers, however, we recognize that this might not be feasible for some of the contacted police organizations. Participants should be knowledgeable in youth justice, including those with first hand experience under both the *YOA* and the *YCJA*.

## APPENDIX B



**Department of Sociology and Anthropology**  
B742 Loeb Building  
1125 Colonel By Drive  
Ottawa, ON K1S 5B6 Canada  
Tel: (613) 520-2582  
Fax: (613) 520-4062

Dear Participant,

In 1997, Professor Tullio Caputo and Professor Katharine Kelly from the Department of Sociology at Carleton University conducted a study for the then Solicitor General of Canada on police perceptions of current responses to youth crime. The research examined what police officers perceived to be meaningful consequences to youth crime, especially violent youth crime.

This study will be replicating their research as a case study in Ontario while maintaining a focus on the recently implemented *Youth Criminal Justice Act (YCJA)*. We will be examining police perceptions of the current legislation and its implementation as well as comparing it to the previous *Young Offenders Act*. This will be achieved by conducting semi-structured telephone interviews with police officers from Ontario.

Your police organization was invited to participate in this study and you were identified as being very knowledgeable in youth justice matters. While taking part in the study is entirely voluntary, your participation in the interview would offer valuable insight as to police officers' experiences and perceptions of the youth justice legislation.

The telephone interview will last approximately 30 to 45 minutes. Questions will address the following areas: *YOA* vs. *YCJA* perception of youth crime within your community, responses and charging practices to specific types of youth crime, use of extrajudicial measures, dealings with youth under 12 in conflict with the law as well as young people involved in serious violent crime.

Although anonymity cannot be guaranteed, all collected information will be strictly confidential. In other words, all personal information such as names and any identifying descriptions such as rank, regional division etc. will not be attributed to any participant in the final report since it will only be presented in aggregate form.

If you agree to participate in this study, I will be contacting you to set up a mutually convenient time to conduct a short telephone interview. We appreciate and value your participation in this study.

In attachment, you will find a copy of the consent form and contact information. If you accept to take part in the research, please type in your name on the consent form and attach it to an email stating that you agree to participate in the study. Thank you.

Sincerely,  
Josée M. Smith  
Masters Student, Department of Sociology, Carleton University

**APPENDIX D**

---

**EXCERPT OF RESEARCH AGREEMENT WITH POLICE SERVICE**

---

***Background Information:***

Ms. Josée Smith is undertaking to fulfill the requirements of the Masters of Sociology Degree at Carleton University.

Based on the information supplied, Ms. Smith is “examining police perceptions of the current legislation [Youth Criminal Justice Act - YCJA] and its implementation as well as comparing these perceptions with their views of the Young Offenders Act (YOA)”. She is attempting to replicate similar research conducted in 1997 lead to the enactment of the YCJA.

Ms. Smith is requesting permission to interview to up to five [...] Police members who are familiar with the Young Offenders Act and the Youth Criminal Justice Act. This interview consists of 37 open and closed-ended questions (attached). Each interview is expected to take 20-25 minutes to complete. All questionnaires will be destroyed upon completion of the project.

The [...] Police Service has been a leader in examining alternative/diversion streams for youth, and in the development and interpretation of the Youth Criminal Justice Act. Consequently, the [...] Police is interested in the findings of Ms. Smith’s proposed research and is supportive of her request.

***Terms and Conditions:***

Ms. Smith is hereby granted permission to interview three (3) [...] Police members subject to the following terms and conditions:

1. Ms. Smith is to conform to all the rules and procedures governing this research as outlined by Carleton University’s Office for Ethics in Research.
2. Ms. Smith recognizes that the [...] Police Service is subject to the Municipal Freedom of Information and Protection of Privacy Act and agrees to complete the prescribed research agreement.
3. It is recognized by both parties that Ms. Smith is conducting research in connection with her pursuit of a Masters of Sociology, and is not representing the Royal Canadian Mounted Police or a private enterprise in any capacity on this matter.
4. Participation of [...] Police officers in completing the proposed questionnaire is strictly voluntary. Responses from individual officers shall be anonymous and will not be identifiable in any manner whatsoever. (e.g., gender, rank, shift, section).

5. The [...] Police Service reserves the right to revoke permission at any time, at its sole discretion.
6. Access to survey/interview three (3) [...] Police members is permitted under this agreement. Ms. Smith is to coordinate with [...] in arranging appropriate times to conduct the interview/administer the questionnaire.

No third party personal information will be provided nor will specific cases or incidents be discussed during the police officer interviews.

7. In the event Ms. Smith comes across confidential or classified [...] Police Service information during her research whether related or not to research, she shall immediately advise [...] and return the information to the [...] Police. The parties agree that such information will not form part of the research, in any format whatsoever.
8. This permission will be effective the date of signature and will expire on 31 May 2006.
9. At the conclusion of her research paper, Ms. Smith is to provide the [...] Police Service with the results of her interviews and study findings, aggregated such that the response of no one individual can be identified.
10. No other individual, other than Professors Michel Vallée and Tullio Caputo (as Research Advisors), is authorized to access the information compiled from the [...] Police Service or its members.
11. Should Ms. Smith seek to publish the research, in whole or in part, she shall advise the [...] Police Service of the anticipated publication date and ensure that the information to be published continues to satisfy [...] Police stipulations concerning anonymity and confidentiality.

The undersigned have read and agreed to the above noted conditions:

## APPENDIX E

---

**POLICE PERCEPTIONS OF THE *YOUTH CRIMINAL JUSTICE ACT*  
AND ITS IMPLEMENTATION**

---

**INTERVIEW SCHEDULE  
COVER SHEET**

Date: \_\_\_\_\_

Time interview started: \_\_\_\_\_

Time interview ended: \_\_\_\_\_

Police Service: \_\_\_\_\_

Type of Region:	Large Metro Centre (500,000 plus)	<input type="checkbox"/>
	Large Urban Centre (250,000 – 499,999)	<input type="checkbox"/>
	Medium Urban Centre (100,000 – 249,000)	<input type="checkbox"/>
	Medium to Small Centre (50,000 – 99,000)	<input type="checkbox"/>
	Smaller Urban (10,000 – 49,999)	<input type="checkbox"/>
	Rural Township	<input type="checkbox"/>
	Reserve	<input type="checkbox"/>
	Other	<input type="checkbox"/>

Officer's Name: \_\_\_\_\_

Officer's Rank: \_\_\_\_\_

Section/Unit: \_\_\_\_\_

**If in a Youth Squad, how long have you been working in this unit?****If No – Do you work primarily with youth?**Yes  For how long:No  How knowledgeable are you of the youth crime situation in your area?

Does your organization have a youth squad?

Do you have an email address? No / If yes record:

On April 1<sup>st</sup>, 2003 the *Youth Criminal Justice Act (YCJA)* came into effect throughout Canada. After almost three years of implementation, we observe that there is limited research available on police charging practices. Since police officers are the first contact with youth and have a critical role in determining ultimately what is going to happen to a youth in conflict with the law, we would like to gather and analyze your views on this new legislation. This will allow us to gain greater insight into the practical application of this legislation.

To begin with, we would like to get your sense of what's happening in your community with respect to youth crime.

1. Can you please rate how serious you think the problem of youth crime is in your community? Would you say that it is:

Very Serious  Serious  Somewhat Serious  Not Serious at All

2. What's the most common form of youth crime in your community?

Shoplifting   
 Theft   
 Break and Enter   
 Robbery   
 Assault   
 Aggravated Assault   
 Other (Specify)  \_\_\_\_\_

3. (a) How serious do you think the problem of **property crime** committed by youth is in your community? Is it:

Very Serious  Serious  Somewhat Serious  Not Serious at All

- (b) What is the **most common form of property crime** committed by youth in your community?

4. (a) How serious do you think the problem of **youth violence** is in your community? Is it:

Very Serious  Serious  Somewhat Serious  Not Serious at All

- (b) What is the **most common form of youth violence** in your community?

**Next, we would like to know what currently happens in your community to youth involved in a variety of typical youth crimes.**

5. Does your police service have specific policies or protocols in place to support the implementation of the *YCJA*?

YES  Do you find these to be helpful?

NO  Would the implementation of a policy or protocol be beneficial to your organization?

**The following questions deal with the most likely response in your community to a young person who is involved in a crime where there is sufficient evidence to charge.**

6. (a) What factors typically influence your decision to proceed in charging a young person? (i.e.: characteristics of the crime, or offender)

(b) Of these factors, which one(s) would you determine to be the most influential?

7. (a) How would you usually proceed for a **minor property crime** if this was a *first offence*? (i.e.: shoplifting)

Would you proceed    Formally     OR    Informally

- (b) What disposition would typically be given in your jurisdiction to a young person having committed a **minor property crime** if it was there *first offence*?

- (c) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (d) Ideally, what would you personally like to see happen in this type of case?

- (e) How would you usually proceed for a **minor property crime** if this was a *repeat offence*?

Would you proceed:    Formally     OR    Informally

- (f) What disposition would typically be given in your jurisdiction to a young person having committed a **minor property crime** if it was a *repeat offence*?

- (g) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (h) Ideally, what would you personally like to see happen in this type of case?

8. (a) How would you usually proceed for a **serious property crime** if this was a **first offence**? (i.e.: car theft, damage to property over \$5000)

Would you proceed    Formally     OR    Informally

- (b) What disposition would typically be given in your jurisdiction to a young person having committed a **serious property crime** if it was there **first offence**?

- (c) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (d) Ideally, what would you personally like to see happen in this type of case?

- (e) How would you usually proceed for a **serious property crime** if this was a **repeat offence**?

Would you proceed    Formally     OR    Informally

- (f) What disposition would typically be given in your jurisdiction to a young person having committed a **serious property crime** if it was there **repeat offence**?

- (g) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (h) Ideally, what would you personally like to see happen in this type of case?

9. (a) How would you usually proceed for a **minor violent crime** if this was a *first offence*? (*i.e.*: fight at school)
- Would you proceed    Formally     OR    Informally
- (b) What disposition would typically be given in your jurisdiction to a young person having committed a **minor violent crime** if it was there *first offence*?
- (c) In your opinion is this consequence meaningful?  
YES
- NO  What would you consider a meaningful consequence?
- (d) Ideally, what would you personally like to see happen in this type of case?
- (e) How would you usually proceed for a **minor violent crime** if this was a *repeat offence*?
- Would you proceed    Formally     OR    Informally
- (f) What disposition would typically be given in your jurisdiction to a young person having committed a **minor violent crime** if it was there *repeat offence*?
- (g) In your opinion is this consequence meaningful?  
YES
- NO  What would you consider a meaningful consequence?
- (h) Ideally, what would you personally like to see happen in this type of case?

10. (a) How would you usually proceed for a **serious violent crime** if this was a *first offence*? (i.e.: assault with a weapon)

Would you proceed    Formally     OR    Informally

- (b) What disposition would typically be given in your jurisdiction to a young person having committed a **serious violent crime** if it was there *first offence*?

- (c) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (d) Ideally, what would you personally like to see happen in this type of case?

- (e) How would you usually proceed for a **serious violent crime** if this was a *repeat offence*?

Would you proceed    Formally     OR    Informally

- (f) What disposition would typically be given in your jurisdiction to a young person having committed a **serious violent crime** if it was a *repeat offence*?

- (g) In your opinion is this consequence meaningful?

YES

NO  What would you consider a meaningful consequence?

- (h) Ideally, what would you personally like to see happen in this type of case?

**The *Youth Criminal Justice Act* was implemented to replace the *Young Offenders Act*. This next section is designed to establish a comparative analysis of your police experiences and perceptions of the two pieces of youth justice legislation.**

11. How much experience do you have under the *Young Offenders Act*?

A Great Deal       Some       A little       None at all

12. While dealing with youth crime under the *YOA*, did you feel that the legislation:

Helped   
Both – Helped & Hindered   
Neither Helped nor Hindered   
Hindered

Could you please elaborate on why and how?

13. What, if any, concerns did you have under the *YOA* legislation?

***If respondent answers that there were no concerns under the *YOA* skip to Q15.***

14. Do you feel that your concerns were adequately addressed under the *YCJA*?

15. Overall, when dealing with youth crime is the *YCJA* :

More helpful than the *YOA*

Same as the *YOA*

Less helpful than the *YOA*

Could you please elaborate?

16. In comparison to the *YOA*, how do you view the use of police discretion?

17. Do you have any concerns about the use of discretion under the *YCJA*?

**YES**  Can you elaborate why you feel this way?

**NO**

18. In general, do you have any concerns regarding the new legislation?

**YES**  Can you elaborate on why you feel this way?

**NO**

19. In an ideal setting, if you could make any changes to the current legislation what would they be? Can you elaborate why you feel these changes would be beneficial to the *YCJA*?

20. Did you receive any information or training related to the implementation of the *YCJA*?

YES  Could you describe what this consisted of?  
{i.e.: use of extrajudicial measures, changes in sentencing dispositions}

NO  How has your agency dealt with implementing the new legislation?

21. To your knowledge, if you wanted to refer a youth to extrajudicial measures, do you have access to resources within your community?

YES  Could you describe the program(s)?

NO  – Were there any programs at some point in your community?

– Are there available resources to develop programs within your community?

***If respondent answers “No” to Q21, skip to Q24.***

22. How easily can you access these programs?

- Easily accessible
- Generally accessible
- Somewhat accessible
- Barely accessible

23. How user friendly is the referral process to police officers? (e.g. paperwork, contact, phone call, a youth worker on site)

- Very user friendly
- User friendly
- Somewhat user friendly
- Not at all user friendly

24. Based on your personal experience, how extensive is the use of extrajudicial measures in your community?

25. Does your organization document informal dealings with youth in conflict with the law? *(Although it is stipulated that they are suppose to document, not always the case.)*

***If respondent answers "No" to Q25, skip to Q27.***

26. Based on your experience, how useful is recording the informal dealings your officers have with youth in conflict with the law?

27. In your jurisdiction, does the Crown encourage police to utilize extrajudicial measures instead of charging youth in conflict with the law?
28. Does the Crown Attorney's office in your community have a cautioning program related to the YCJA? *(This can consist of putting probation, referral etc. and when completed, the case is withdrawn from court, or post-charge extrajudicial sanctions)*

*If respondent answers "No" to Q27, skip to Q30.*

29. Does the emphasis placed on extrajudicial measures by the Crown Attorney's office and/or the Court affect your day-to-day dealings with young persons committing offences?

YES  Please describe how.

NO

**These final questions address two areas of concern, namely that of youth under 12 in conflict with the law and responses to serious violent crime.**

30. Under the YOA, how did you deal with youth under 12 in conflict with the law?
31. Currently, under the YCJA, how are you dealing with youth under 12 in conflict with the law?

32. Does your organization document informal dealings with youth under 12 in conflict with the law?

33. In your opinion, what would be the best way of dealing with youth under 12 who are in conflict with the law?

34. The *YCJA* has specific provisions for youth convicted of serious violent offences. Do you feel that this has been effective?

Why?

35. Finally, are there any other comments or concerns you would like to express about the *YCJA* or this study?