

Chapter 1

End of 1990's media filled with stories about violent event involving girls

Politics of Youth Crime way youth crime is understood and talked about, both formally and informally, and policies that derive from this discourse

Adult crime surpass youth crimes, in quantity and severity

Youth crime is played up compared to the amount of youth crime that actually involves violence of a serious nature

Police records show: rate of violent youth crime has remained relatively stable since 1992 and has decreased by 2% in 2004

Media says: youth crime out of control

Youth advocates view: crime has been exaggerated and misrepresented in most public accounts; MEDIA

Crime in Nova Scotia dropped in dropped in all areas since 1980's & recent incline in violent crimes have flattened out.

Youth are treated far more harshly under YOA hen they ever were under JDA;

Exception being that youth treated less harshly then adults for violent crimes

Halifax Public forum: believe youth are the enemy form whom adults need protection from

Halifax forum cited Stats Canada 8% increase in youth involvement in violent crimes

Thieves are young people 60-70% of the time

Young people have always been involved in crime, some of it being violent crime

Young people have always been responsible for a considerably smaller amount of criminal activity than adults; most of their offenses have involved petty property crime.

There is no evidence of an increase of murders by young children in the century.

Crime Info:

- ▶ Some Stats
- ▶ Reports of colonial administrators
- ▶ Prison Records
- ▶ Police Records

Youth in the 17th and 18th century

- ▶ had no rights; at mercy of parents and the state
- ▶ Child slavery and Labour were common
- ▶ Infanticide
- ▶ Kids treated as adults most of the time
- ▶ Had some degree of mercy towards

- ▶ Parents were dependent on their children's labour for economic success
- ▶ Independence from their parents; threat to the authority
- ▶ 2 factors of youth crime: parents and the fur trade
- ▶ Fur trade full of: fraud, immorality, theft, assault, and murder
- ▶ Immigration
- ▶ Many kids from themselves in desperate circumstances; Death of parents, abandonment
- ▶ Solutions for youth crime; more schools, more priests, and confinement to settled parts of the colony (structured)
- ▶ Punishment of parents; military justice

Youth in the 19th Century

- ▶ Had right to protection from adults
- ▶ Immigration/Poverty continued and worsened
- ▶ Orphans
- ▶ Children on the streets
- ▶ Social issues -> workforce
- ▶ prostitution, liquor trade, infanticide
- ▶ Children jailed with adult criminals
- ▶ Arrest rates for girl were higher
- ▶ Habitual offenders/ minor crimes
- ▶ Youth in jail started to decline
- ▶ rates for boys continued to fluctuate
- ▶ "Juvenile Delinquent" came about
- ▶ 30% of criminals were under 21
- ▶ Treated evil with good
- ▶ "Child savers"

Youth in the 20th Century

- ▶ increase in population/rapid growth of cities
- ▶ increasing youth crime rate
- ▶ Intro of automobile, banking industry; lead to more theft
- ▶ Delinquency rates in Manitoba were the highest (1920'-1930's)
- ▶ Youth crime rates on the decline
- ▶ 1963-1983 Youth crime rate increased with some fluctuations
- ▶ 1971-1976 decrease in theft
- ▶ 1980- 1983 Decrease in all categories except theft, offensive weapons, an municipal bylaws
- ▶ Population increased leading to more crime due to more people
- ▶ Youth account for same proportion of overall crime as before

Myths and Facts

- ▶ Volume of official crime has increased, the overall pattern of youth crime has not
- ▶ Youth crime mostly property crime, small proportion involving serious injury or death to others
- ▶ Males always responsible for the largest share on crime in youth

- ▶ People always seem to view youth crime as worse than it is
- ▶ Youth crime has always existed
- ▶ Growth of industrialization came increase in property crime
- ▶ Technology came increase in cyber crimes
- ▶ Selling newspapers/pencils changed to crack/speed
- ▶ No such thing as the “good old days”

Other Notes

- ▶ Gang activity is often over reported
- ▶ Gang members and non-gang delinquency show no difference in level or type of crime
- ▶ Gang on gang
- ▶ Youth on youth

Chapter 3

Measuring Youth Crime

- Most common media
- stats from police, courts, correctional institutions
- Victimization surveys, self report surveys
- Agency statistics tell us as much or more about the activities of the agencies themselves as they do about youth crime

Media

- most people obtain information
- with out historical context; misleading
- contributes to public fear
 - Decrease in violent criminal activity in the areas of the city that had been reported as bad
 - Crime rate for young offenders charged with Criminal offenses dropped
 - Violent crime rate for youths had been on the decline since 1995

Police Stats

- Under YOA and YCJA more serious offense; more likely a charge
 - youth charged with Criminal offense have in & decreased but has been on a decline since 1992
 - youth violent crime stable for 10 years
 - youth charged and cleared declined in 2004
 - 3/4 violent crimes are minor assaults
 - Homicide very low from youths and hasn't changed much
 - Youth less responsible for crimes; violent games
 - decreasing rates of reported youth crime since 1986; violent crime rate still higher 2004 than in 1990

Court Stats

- Provide info about offenders and their offenses
- Available for whole country
- Court cases involving violent/federal offenses increased

Self Reports Surveys

- Showed that rate of crime in youth much higher than official records show
- most youth reported drug-related crime; not a lot of violent offenses

Victimization Surveys

- slight increase in reported victims
- 15-24 most likely to be victimized
- helps us know about clearance rates
- Can't measure victimless crimes; drugs
- victim possibly reports info influenced by stereotypes

Property Crime

- most common youth crime; Theft, break and enter (both have been declining)
- Car theft has fluctuated
- 16 prime age for property crime; shoplifting

Violent Offenses

- mostly assault, some sexual assault, rarely homicide
- Robbery with youth has doubled
- Youth no more likely than adults to use a weapon
- Boys and Girls use knives same frequency; more the adult males same as adult women
- Boys, men; most likely to use a firearm
- youth violence mostly in public

Sexual Assault

- Youth sexual assault increase after YOA was implemented
- Youth sexual assault on the decline since 1992
- Youth more likely to be victims of sexual assault

Murder

- Rare
- fairly constant

Administrative and YOA/YCJA Offense

- Failure to comply with a disposition, to appear in court, escape from lawful custody, being unlawfully at large, probation orders, contempt against
- 1991-1992 1/4 youth charges were administrative
- increasing portion of youth cases

Violent crime issues

- half of victims of the victims of minor/aggravated youth assault are youth

Validity and Reliability

- self-reports not always reliable; not filled out truthfully
- Young people play up their misdeeds
- Self reports have problems with validity

Recalling crimes

- Victims likely to confused what due to the trauma
- Telescoping: victims report an event correctly, but place it wrong period of time

Sources of info

- None is more accurate then other
- Stats include minority and poor more then other youth
- police charges can reflect police behavior
- YCJA promotes extrajudicial measures; leads to decrease in all areas other then violent crimes
- Decrease begin year prior to YCJA

Youth crime waves

While youth crime rates showed an increase from 1962-1990; adult crime rates did too

Chapter 4

Race/Ethnicity

- Info on race not widely available

Immigrant groups

- 1990's -- identified 4 groups as problematic: Asian, Vietnamese, Latin, Black
- most gang member in BC prison are born in Canada
- gangs are multicultural

Black Youth

- That the subcultural practices of black kids were direct conflict with the all-white authority structure

Aboriginal Youth

- most common offenses: theft, Break and enter, willful damage
- stems from boredom and despair of life on impoverished reserves
- higher arrest rate, denied bail, held in detention prior to trail
- involved with justice system earlier then most youth
- most homicide white youth on white youth
- when Aboriginal killed it was on aboriginal
- aboriginal more likely kill family member

Age

- Problem behavior under 12 is mostly minor, small number of serious offenders
- criminalizing children under 12 would exacerbate their problem behavior
- increase in youth crime rate due to older kids coming into justice system; police laying more charges
- rate of violent crime increases with age; 15-24 mostly likely yo commit homicide
- young adults are responsible for far more crime

Gender

- Boys more involved in crime/ serious criminal activity than girls
- charges for girls: minor assaults, administrative offenses
- Girls have higher rate of charges than women for violent crimes

Official Statics

- Girls offense: petty theft, minor assault, break and enter
- Boys offense: theft under 1000, break and enter, car theft
- boys and girls increase in minor assault charges; increase greater for girls
- overall rate for assault higher for boys
- girl violence is more common assault
- violent charges going to court are likely to involve young girls; girls peak at 15

Self-Report Studies

- the gap between girl/boy crimes is smaller than thought
- indicates little change in girls' behavior
- Girls engage in delinquent behavior far less than boys

Victimization surveys

- female crime rate low because men are too embarrassed to report having been victimized by a woman

Delinquent Careers

- boys more likely to begin careers earlier, and extend their careers
- girl careers are shorter; they are less serious

Girl and Violence

- Girls involvement in robbery has increased
- Girls more likely to kill family member
- Girls crime rates were high in early 19th cent, decreased 1860-1920's, then increased

Youth as Victims of crimes

- children are more likely to be victims
- girls most likely to be sexually assaulted
- boys most likely to be killed or physically assaulted
- 12-17 most likely to be victims of violent crime
- 15-24 most likely to be victims the any other age group
- older teens; stabbed, beaten, shot

- pre teens; strangled, shot, stabbed
- >6; strangled, shaken, beaten

Age and Sex

Chapter 7

Family

- family structure - how families are structured in terms of living arrangements
- in terms of the family being broken or whether both parents are working

Family structure

- the broken home hypothesis - the commonly held proposition that children from divorced and single-parent families are more likely to be delinquent.
- 3 major reasons why divorce on women may influence their child's behavior:
 - (1) single moms are overburdened from working labour force and caring for kids
 - (2) their experience considerable financial stress in that female-headed house holds earn less than half the income earned in male-headed households
 - (3) single moms experience social isolation, which means they have fewer social and emotional supports.
- Boys from families with a stepfather are more likely to report delinquent behavior than boys from homes with two birth parents.
- little evidence that working mothers produce more delinquency
- less time spent with children does not necessarily mean less quality time
- Research on the impact of broken homes on delinquency and found:
 - (1) that the relationship between broken homes and delinquency is weak at best
 - (2) that the relationship had been empirically demonstrated consistently for more than 50 years
 - (3) that the relationship is stronger for minor crimes than for serious ones;
 - (4) to the extent that there are negative effects on children, these effects are greater for boys than girls.
- Evidence suggests that single mothers and working mothers do not "cause" delinquent behavior
- Parenting skills, parenting style, and family dynamics, rather than family structure, might account for weak relationship identified by some studies.

Parenting

- Negative parent-child relationships/poor parenting skills are risk factors for youth criminality.
- 2 most important aspects of parenting behavior are:
 - (1) the extent to which parents are supportive of their children's needs
 - (2) the extent to which parents are demanding of appropriate behavior from their children
- Authoritative parents; set standards for kids, explain disciplinary matter with kids
 - Kids involved are far more aggressive

- Indulgent parents; allow kids freedom, no disciplinary measures, resources for they kids
- Indifferent parents; spends little time with kids, no little about kids activities, put own needs first
 - Most likely to have a delinquent child
- Ineffective/hostile; frequency telling there kid is bad, angry when punishing
 - aggressive behaviors, such as fighting, bullying, and threatening
- Punitive/aversive; raising voices at kids, physical punishment
- Consistent; follows through with punishment after warning, make child follow orders
- Positive interaction; laughing and playing with kid
- Parenting styles have impact behavioral patterns more then family structure/income levels.
- Boys with criminal fathers are 4x more likely than boys with non-criminal fathers to be involved in delinquent behavior
- higher rates of delinquency among children of mothers and fathers who are deviant
- Police/courts are more likely to criminalize children cause their parents have criminal records
- Delinquency is more strongly correlated with a patriarchal family structure
- Kids who are attached to their parent low chance of delinquency
- Hostile parenting lead to misconduct and aggression

The Meaning of Family Attachment

- Kids who feel loved, identify with their parents, respect wishes less likely a delinquent
- Kids with conflict or neglect, or where discipline is lacking, or erratic, or extreme more delinquent

Consequences of “Bad” Family Relationships

- Childhood victims more likely to violent offenders, particularly for male youth
- abused/neglected children begin delinquent careers earlier
- Studies of juvenile male sex offenders found that, compared to non-sexual offenders, they were more likely to have witnesses family violence; abused at early age
- Run-away; a survival strategy for many youth; leads to greater risk of crime

The “Bad Seed” and Invisible Victims

- Tough love doesn't work

School

- failure is linked to delinquency
- delinquent subculture form reaction formation
- low levels of school lead to delinquency

School commitment

- relationship between commitment and youth crime
- risk of gang involvement
- girls more committed to school
- low commitment was linked to violent crime; both boys and girls

Individual failures

- IQ in non-offenders somewhat higher
- young people with low IQ; more impulsive, lack moral reasoning, want only immediate gratification
- IQ affects grades, affects school commitment; affects view on school authority
- Negatively labelled in school

School Failures

- Parents don't respect school system; neither will kids

Structural Failures

- regimentation of schools cause delinquency
- extracurricular activities; less crime
- school failure more related to male delinquency; girls leave school due to motherhood

Youth failure: school in crisis

- number of weapons in school has decreased
- up till 2001 violence in school was on the decline
- mostly white mid-class youth killing other white youth and teachers
- white mid-class suburban youth are bullies
- girls violence in school mostly; relational aggression
- no diff between boys and girls in indirect violence

Responding to school Violence

- cut after school programs, put police in schools, adopt zero-tolerance policies
- little evidence of an increase in serious violence in schools
- little evidence of students feeling more or less safe
- curfew; too hard to enforce in large cities
- less punitive; more creative, positive, and non-punitive

Peers

- most important predictor of "official" delinquency is delinquent friends
- Both family and peers influence kids
- friends trust was negatively correlated with delinquency
- boy and girls re exposed to crime differently and affected by it differently
- moral judgements of girls are sufficient to reduce the impact of delinquent peers

Boy Gangs

- next couple of years should have an increase in gangs
- gang studies are rare

- not all gangs are involved in illegal activity
- some gangs claim territory, not all are organized with leadership
- gang members more likely to waste away their time then engage in criminal activity
- 4 types of gang:
 - youth groups; small clusters of friends hang out in public place
 - criminal groups; groups of friends together just to commit crime (multi-aged)
 - criminal business organization; consortium of adults who engage in crime for profit
 - street gangs; a group that have been banded together to form semistructured organizations, purpose of which is profitable crime
- Gangs more involved in non-violent crime
- non-gang member more in violent crime, robberies, and extortion
- street gangs are short lived
- pull factor; get material awards, relief of boredom, sense of independence
- push factor; negative experience in school, problematic home lives, physical/sexual abuse

Girl Gangs

- Girls form gangs after being abandoned/ living in a abusive controlling relationship
- source of support for girls; financial/emotional
- many are attached to male gangs
- gangs provide a social outlet
- gangs serve as a alternative family
- gangs help members to deal with family problems and family violence
- gang activities compensate for impoverished community life
- girls who are choosing different ways to be girls

Criminology Theories

Criminal Event Theory:

- Crime as a social event including offenders, bystanders and witnesses, the police and other parts of the CJS
- Examines the precursors, transactions and aftermath of criminal events
- Examines the setting in which criminal events take place
- Not new concept
- Interwoven with routine activities theory, lifestyle exposure and environmental criminology
- Focus on routine activities; motivated offenders, criminal opportunities, situational crime prevention, guardianship, suitable targets

Criminal Event	Opportunity
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C=f(LMO)B	O=f(VPTS)
C: Criminal event	O: Opportunity
L: Law	V: A Victim or target
M: Motivated offender	P: Place
O: Opportunity	T: Time
B: Environmental Backdrop	S: Space

Strain Theory

- **Merton**
- Social structure and anomie is a good example of a theory of crime that is premised upon social disadvantages and social structure
- Anomie: the social strain that occurred in American Society when people were unable to attain the cultural goals of success and wealth because the institutional means were not available
- [Merton's Five Modes of Adaptation](#)

	Cultural Goals	Institutionalized Means
Conformity	+	+
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	+/-	+/-

Illegitimate Opportunity Theory

- **Cloward and Ohlin**, Delinquency and opportunity as a extension of strain theory and differential association theory
- Legitimate and illegitimate opportunity structures operate side by side, but delinquents cannot choose which one they wanted to take advantage of
- Illegitimate Opportunity Structure
 - **Criminal subculture**
 - **Conflict subculture**
 - **Retreatism subculture**

General Strain theory

- **Agnew** saw his theory as a revisitation of Merton's studies
- Argued that all societies have positively/culturally viewed goals
- Argued that strain can result from failure to achieve positively valued goals
- Adapting to general strain
 - Admit that one deserves a poor outcome
 - Lower goals or expectation

Cultural Transmission Theory

- Criminals learn criminal values through interacting with others in similar groups
- Learn techniques for committing crimes
- Learn justifications/rationalizing criminal behavior

Sutherland's Differential Association

- Social environmental context leads to criminal behavior
- Criminals regard their behavior as normal
- Ratio of favorable definitions, more likely to commit crimes
- Sutherlands 9 tenets of Differential Association
 1. Criminal behavior is learned
 2. Learned in a process of interaction with others
 3. Principle part of learning occurs in intimate learning groups
 4. Learning include
 - a. Techniques for crimes
 - b. Justification, motivations, and attitudes toward criminal activity
 5. Individuals learn definitions of legal codes that are favorable or encouraged
 6. Individuals become delinquent if they get an excess of definitions that are favorable to criminal activity
 7. Differential Association may differ in intensity, frequency and duration
 8. Involves mechanisms as any other type of learning
 9. Needs and values are the same for delinquents as non delinquents

Miller's Lower Class

- Certain set of values that encourages individuals to commit crime
- View criminality as a normal occurrence and a necessary factor to achieve or maintain their values.
- Adolescent street gangs in lower areas have own values and concerns;
 - Trouble
 - Toughness
 - Smartness, outwitting
 - Excitement
 - Fate
 - Autonomy

Wolfgang and Ferracuti's Subculture of Violence

- Regard aggression as normal
- Might not consider assault to be illegal
- Carrying, and wielding weapons are normal to them
- Certain reactions; quick to take offense, quick to retaliate or fight

- Believe they have the right to protect their reputation
- Values and norms of violence learned through Differential Association

Sykes and Matza's Techniques of Neutralization

- Expands on Sutherlands proposing that learning to become criminal includes learning motives and rationalizations
- 5 techniques
 - Denial of responsibility
 - Denial of injury; downplay injury or damage
 - Denial of victim; blame victim for instigating, "he had it coming to him"
 - Condemnation of the condemners; accuse authority of being unjust, etc.
 - Appeal to higher loyalties; claim that they did it for the gang

Walter Reckless' Containment Theory

- Inner containment: self control, ability to tolerate frustration
- Outer containment: family values, institutional reinforcement, effective supervision
- Internal pushes: restlessness, anger
- External pushes: poverty, unemployment, media violence, or delinquent friends

Hirschi's Causes of Delinquency

Social Bond Theory

- If people didn't have bond to society, more likely to become criminals
- Need a strong bond between individual and society
 - Attachment: ties of affection and respect to society: ex, teachers, parents
 - Commitment: being committed to utilizing society and its potential; ex, getting good grads, finding a job
 - Involvement: getting involved in pro-social activities: ex, community sports, elections
 - Belief: share similar values and beliefs with society; ex, respect the law, think it is wrong to kill

Gottfredson and Hirschi's General Theory of Crime

- **Low self control = crime**
- Hedonistic calculus = commit crimes if pleasure or benefits outweigh the pain or punishment
- Agree with opportunity theory and routine activity theory; crime occurs if there is:
 - A "motivated" offender
 - Absence of a capable guardian
 - A suitable target
- **Low Self Control**
 1. Crime provide immediate gratification or desire
 2. Easy or simple gratification

3. Acts are excitatory, risky, or thrilling
4. Provide few or meager long term benefits
5. Crime requires little skill or planning
6. Often result in pain or discomfort for the victim

Rational Choice Theory

- Roots in classical school of thinking
- Doesn't require special explanation, crime is done for money and gratification
- Economic calculation: think of potential gains and ease of crime
- Pain vs. gain: crime benefits outweigh the costs or punishment
- **Economy of Deviance**
 - Gary Becker (1968)
 - Crime and punishment: An economic approach
 - Utilitarianism, classical school (neoclassicism)
 - Criminals maximize self interest
 - Calculate the cost and benefits of crime

Costs of Crime	Benefits of Crime
• Time required	• Material acquiring
• Risks	• Property or wealth
• Difficulty	• Emotional power
• Lost opportunity mentality	• Revenge or status

- **Reasoning Criminal**
 - By Cornish and Clarke
 - Crime meets at a commonplace
 - Need for money, status, excitement and sex are the driving force
 - Reasoning criminal will weigh costs vs. potential gain
 - How easy? How rewarding?

Sampson and Laub's life course perspective Theory:

- Social control theory that talks about weakened social bonds
- Informal social control exerted by family, peers, etc
- Differs from social control theories
 - No single factor that sets an individual on a lifelong path of crime
 - Crime and deviance is stable over the life course

Lifestyle Exposure Theory

- Introduced in 1978 by Hindelang, Garofalo, Gottfredson
- Lifestyle follows patterns: where people go, what they do, etc
- Offenders don't select victims at random, choose victims with similar lifestyle patterns and activities, and often resemble the victim in terms of age, gender, status, etc.
- Eight Indecent Propositions

1. More time in public spaces results in a higher risk of victimization
2. Lifestyle choices influence the likelihood that you will spend more or less time in public places
3. People interact with people who share similar lifestyles
4. Higher chance of victimization by someone who has the same demographic profile in terms of age, etc
5. Choices influence amount of time with family (capable guardians)
6. Amount of time you spend with non family members results in a higher risk
7. Choices or differences influence ability to isolate yourself from offenders
8. Variations of lifestyle choices can influence how convenient and easy it is to victimize a person.

Routine Activity Theory

- 1979 by Cohen and Felson
- Similar to Lifestyle Exposure Theory, came out about the same time
- Based on victimization surveys, explains why crime rates rose so dramatically
- Income levels rising, unemployment falling, fewer people below that poverty line: welfare state fallacy
- Three main elements direct contact predatory violation to occur:
 1. Motivated offender
 2. Suitable target
 3. Absence of a capable guardian
- Work Domain
 - Men, women, and teens go to work, travel to and from work
 - Leaving home and personal effects unprotected
- School Domain
 - More people go to school: more to go to, more time spent in them
 - Property and valuables unprotected
 - Risk of peer on peer victimization
- Pleasure Domain
 - Shopping, buying, etc
 - Recreational activities
 - Fun activities: movies, partying, etc

Social Inequality and Victimization

- Cohen, Kluegal and Land (1981)
- Attractive target and absence of capable guardian are contributing factors to crime
- Property crime: motivated by economic gain, not for the thrill of risk or opportunity presents itself
- Income levels have effect on crime rates
- Unemployed or lower income people are at a greater risk of victimization, may not be able to afford alarms, good locks, safes, etc.

- Higher income able to avoid victimization by reducing exposure to offenders through enhanced guardianship measures. Able to afford defensive measures like alarms, etc.
- Structural choice model of victimization
 - Builds upon work of Cohen, Kluegal and Land
 - Acknowledge impact of socioeconomic inequality in shaping the criminal event
 - Structural model also attempt to explain the criminal event on macro scale by integrating number of different perspectives

Learning Theory	Offenders	Criminal Act
Control Theory		
Rationale Choice Theory		
Routine Activities Theory	Victims	
Lifestyle Exposure Theory		
Social Strain Theory	Social Context	
Time and place Theory		
Interpretation of Crime Neighborhood		
Opportunity Theory		

Chapter 8 Notes

Police Contacted

- majority of youth crime to police comes from complaints
- YCJA police must consider warning/ cautioning
 - warning
 - taking young person home
 - arresting and holding
 - taking to police station
 - writing a report
 - charging
 - refer youth to diversionary program
 - hold youth in detention
- most youth criminal are handles informally
- YCJA increase diversionary measures
- extralegal factors are those that aren't necessarily considered legit or relevant in decision making
- most important consideration; 1) seriousness, 2) whether it included weapons & extent of harm/damage

- most likely to detain you due to prior convictions & previously breach of probation

Extralegal Factors

- Race
 - minority youth more likely to be arrested
 - minority youth more likely to have police record
- Demeanor & Race
 - youth's appearance, attitude, behavior toward officer
 - native youth cities tend to be located in areas with lots of police (increase arrest chances)
 - stereotypes (natives)
 - charge rate higher for aboriginal youth
- Class and Marginalization
 - youth in poor areas with high crime rate have higher arrest rates; compared to middle class areas
 - lower-class youth are treated more severely
 - class difference in charges are greatest when offense was more serious
- Age & Gender
 - girls treated more leniently
 - more harsh toward girls for minor offenses
 - less likely to arrest a girl of a serious offense
 - girls treated more lenient when acting like 'proper' girls
 - increase in crime rates in higher ages (opposite for girls)
- Family and Community
 - parents interested and concerned; warning most likely to take place
 - community options are important in cases where parents don't care

Diversionsary Methods

- No provisions measure under JDA
- alternative measures is not a formal principle
- police officers are encouraged to write warnings/cautions or refer them to community based program rather than charge in the formal system
- programs generally restricted for youth accused of minor offenses who don't prior records
- Quebec & Aboriginal communities offer them to serious repeat offenders

Diversion Programs

- Reconciliation/mediation
 - offenders and victims brought together
 - apologies, essay writing or letter
- Retribution/Restitutive
 - more punitive
 - restitution (fines, work, community service)
- Rehabilitative/Educational

- creates awareness of how a crime effects others
- opportunity for young person to reflect
- focus on; self-esteem, peer pressure, decision skill making
- Extrajudicial measures
 - Police must consider
 - warnings
 - taking home
 - diversion measure from police before having to be charged
 - legal
 - how bad was the offense
 - Extralegal factors
 - how youth responds to police
 - informal
 - Alternative measure = Extrajudicial Measures
 -
- Extrajudicial Sanctions
 - results in a record
 - when warnings, cautions, and referral are not considered adequate
 - when police have enough to charge youth
 - when youth should be held responsible
 - seriousness
 - previous offenses
 - other circumstances
 - Judge must consider before charging
 - formal side to Extra judicial measures
 - can be pre- or post- charge
 - involves
 - period of supervision with conditions
 - essays
 - an apology
 - personal service
 - restitution to victims
 - community service
 - donations to charity
 - participation in a community intervention/counseling program
 - Alternative Measures = Extrajudicial sanctions
- under the YCJA
 - youth have right to consult lawyer before agreeing to an EM or and an ES
 - youth have the right to refuse
 - insist it go to court
- most province; youth fail to comply with EM agreements, contracts, programs are referred back to court

Youth Justice Committees

- Functions
 - give advise on appropriate EMs
 - provide support to victims/ facilitate reconciliation between them and offender
 - ensure community support is available to youth
 - help coordinate youth services with activities of justice system
 - advise federal and provincial governments on the justice system; policies, procedures
 - provide public info on the act/youth justice system
- includes
 - variety of activities that involve family groups conferences
 - multidisciplinary case management conferences
 - aboriginal sentencing and healing circles
- receives all Crown referral and make decisions on an appropriate ES program

Diversiónary Measures Issues

- judge doesn't need to justify diversion measure
- sanctions might not me fair, consistent with other cases
- informal sanctions involving lawyers, not probation officials
- many large businesses cant participate in mediation programs
- conferencing shamming,
 - restorative perspective
 - for healing to occur shamming could be a experience of self reflection

Youth Justice Models

WELFARE	CORPORATIS T	MODIFIED JUSTICE	JUSTICE	CRIME CONTROL
JDA		<- JOA & <- YCJA ->		
Individual Offender's Needs	Restorative Justice	<- Incorporate - >	Focus on Offender	Protection of Public
<ul style="list-style-type: none"> - Idea Youth/ Children Need Protection - Child Care Works - Individual Needs - Treatment/ Curing 	<ul style="list-style-type: none"> - Diagnose and Divert - Reserve Formal for Only Serious Offenses 	<ul style="list-style-type: none"> - Balance of Due Process and Informal Justice - Determinate Sentences - Diversion 	<ul style="list-style-type: none"> - Due process - individual rights - Layers - Determinate and Proportional Sentencing - Fare Sentence - Safe Guards 	<ul style="list-style-type: none"> - Deterrence - Protection of Society - Retribution - Individual is Responsible and Accountable
Britain	Quebec	Canada	USA Pretends Religious Laws	USA
<ul style="list-style-type: none"> - Best Interests if the Child and Parents - <i>parens patiae</i> 	<ul style="list-style-type: none"> - Peacemaking - Reparation of past harms - Reconciliation between victims, offenders, and communities 		<ul style="list-style-type: none"> - Minimal interference with freedoms - right to due process 	<ul style="list-style-type: none"> - Law-&-Order in society are paramount - state responsibility for maintaining order

Chapter 9 Notes

The Court

- YCJA; youth court case processes have decreased
 - case load decrease
 - administrative cases fluctuated than decreased
- due to less property crime cases

- decrease in property crimes due to YCJA's EM
- violent offenses was increased
- Gender
 - number of girls in court has increased
 - increase mostly administrative charges and violence offenses
 - sense YOA number of girls in court for failure to comply with charges increase
 - YOA/YCJA girls over-represented
 - administrative cases, failure to appear in court
 - minor assault
 - more boys in court were repeat offenders than girls
- more than half of young adults have a prior you conviction

Pretrial Detention

- YCJA requires young people held must be separate from adults
 - unless no youth facility available
 - or would be unsafe to do so
- youth must be in front of a judge within 24 hours
 - here must prosecutor must show why accused should be held
 - Primary; necessary to ensure youth will appear in court
 - Secondary; protection of the public
- can not be held if when committed they wouldn't get custody sentence
- where can they be detained?
 - group homes & detention facilities
 - offer school, recreational, and counseling programs
- Aboriginal youth
 - are often moved from communities due to no detention facilities
 - more likely to be held
 - more likely to be held for minor crimes
 - especially aboriginal girls
- number of admissions to detention has lowered from the YOA
- few youth with minor offenses and breaches of probation
- court may release offender
 - if a responsible person will take responsibility for them
 - if responsible person forfeit money or some security if young offender violate the conditions
 - responsible person brought in under YOA
 - YCJA has made it mandatory for the court
 - before detainment court must investigate availability of responsible person
- YCJA allows youth to refuse this type of release
- pretrial detention increases youth in custody
- Youth may end up in custody not because of serious crime, but
 - did not follow direction of the court or their parents
 - they do not have anyone willing to able to assume responsibility for them
 - in this case court must attempt to find someone

Transfer to Adult Court

- judges are allowed to transfer youth to adult court if they have been charged with an indictable offense
 - applications for transfer were made by the crown or young person, initially
- For those transfer meant eligibility for parole after 5-10 years
- lengthen youth court sentences, shortened youth sentences in adult court
- Issues
 - is it deterrent enough
 - will it increase amount of youth in adult system
 - is it fair to young offenders

Adult Sentencing under JCYA

- court can now give adult sentencing without transfer
- a youth is liable to an adult sentence depends on
 - the nature of offense
 - age
 - prior record
 - is it an presumptive offense
- must be over 16
- guilty of murder, attempted murder, manslaughter, aggravated sexual assault
- “three-strike” rule a violent serious offense with 2 prior; adult sentence
- two major changes
 - reduces the age limit of automatic transfer to adult system to age 14
 - expands the list of offenses for automatic transfer
- with adult sentence youth no longer entitles to publication ban

YOA

- majority of transfers were males charged with violent crimes
- many transfers did not involve serious offences but rather property/administrative offenses among others

Court Proceedings

- Trials begin with plea (most plea guilty)
 - decrease in guilty cases
 - increase in guilty rates for girls
 - due to less guilty boys charged with property offenses
- If you person pleas guilty
 - court processed to sentencing
- If plea innocent
 - case goes to trial
- YOA
 - youth could opt for a jury

- in murder cases only
- YJCA
 - youth elect a jury when
 - when an application of an adult sentence has been made
 - young offender subject to adult sentence
 - facing a murder charge
- Processing youth very complex
- involves
 - accused
 - judge
 - police
 - Crown
 - more judges
 - youth workers
 - variety of other non-legal professionals
- police decide to charge
 - case goes to court for decision on pretrial release
- prior crown
 - receives everything as to whether case should go to court
 - when guilty plea; whether ES apply
- if goes to court
 - decision must be made about guilty pleas, potentially reducing the charge
 - this involves informal judicial pretrial meeting
 - here crown and defense meet with judge
- if case goes to trial
 - guilty plea or found guilty judge will involve probation officers
 - assist in determination of sentence through a variety of psychological, medical or community assessments and pre-sentence reports

Legal Representation

- YOA youth have right to legal representation in court
 - privately retained lawyer
 - Legal Aid lawyer
 - Duty Counsel
 - Court-Appointed/Funded Lawyer
- Judge is required to ensure that young person is represented by counsel, independent of his parent
- when a youth has a lawyer, makes a difference
- legal advocate lawyers
 - most lenient disposition possible
- Guardian
 - concerned about what they believe to be the “best interest” for young offender

Legal Rights

- youth have a different level of maturity
- beyond right to counsel, right to court appointed lawyer
 - right to be informed of legal rights
 - right to consult a parent or lawyer before speaking
- Court must
 - be satisfied that procedures were not followed because of "technical violation"
 - that young person was informed of right and waived them voluntarily
 - admitting the statement would not bring into disrepute the principle that young person are entitled to enhanced procedural protection to ensure their rights
- younger youth more likely to assert their right to silence and are more likely to ask for a lawyer

Court Sentencing

- YCJA
 - sentencing conferences
 - general sentencing principles
 - restricting the use of custody
 - providing greater range of sentencing
 - Before imposing custodial sentence
 - consider pre-sentence report
 - any sentencing proposal made by the young person or his council

Sentencing Principles

- 4 basic principles
 - retribution
 - punishment
 - deterrence
 - prevent future crime
 - incapacitation
 - depriving person of being able to commit an offense
 - rehabilitation
 - treatment to reform

YCJA Sentencing Principles

- under YOA only directive provided to the the court regarding disposition decisions was for the court to strike a balance between the interests of society and the need of the young offender
- Justice principles of retribution and proportionality
 - sentencing is to hold young person accountable
 - imposing meaningful consequences
 - proportional to other youth sentences
 - can not be any more severe than adult sentences
- Justice and Crime control Paramount

- welfare and restorative justice secondary

Youth Sentences

- more sentencing options under YCJA

Non-custodial Sanctions

- Reprimand
 - YCJA
 - involves stern lecture from judge
 - used for first time offender facing minor charge
 - doesn't result in criminal record
- Absolute Discharge
 - free to leave with no penalty
 - very minor offenses with no prior record
- Conditional Discharge
 - successful completion of the term of the order
 - criminal record is erased
- Fine
 - max \$1000
 - youth must be the one to pay it
 - community service work if unable to find pay
 - fine-related sanctions
 - compensation to be paid for loss of property, income, support
 - restore or replace stolen or damaged property
 - pay person back who bought this stolen property
 - seizure/forfeiture of property can be imposed
- Community Service Order
 - perform unpaid supervised community service
 - 240 hours max
 - within 12 months
- Probation
 - most commonly used
 - sexual offenses, assault, drug offenses, theft, arson
 - YCJA made it mandatory for custody sentences have a period of supervised release
 - YOA 2 conditions
 - keep the peace and be of good behavior
 - appear in court as required
 - YCJA 4 conditions
 - keep the peace and be of good behavior
 - appear in court as required
 - not to possess any weapons
 - prevent further criminal activity

- other add ones can be made
- maximum of 2 years
- Treatment Order/Intensive Support and Supervision Order
 - allowed for youth to be detained in a hospital or treatment center providing consent was given
 - intensive support and supervision programs
- Non-Residential Attendance Order
 - up to 240 hours
 - intensive support and supervision

Custodial Sanctions

- YOA 2 options
 - open custody
 - secure custody
 - effect restrictions on freedom of movement
 - levels of supervision
 - access to the community
- YCJA has more choices
 - young person cannot be sentenced to custody
 - unless he has committed violent offense
 - already received a non-custodial sentence; failed to comply with that
 - committed an indictable offense
 - Courts must consider all non-custodial alternatives and determine there is no other option
 - can not use custody for social measures
 - court must state why non-custodial sentence was not appropriate
 - judges no longer make determinations about custody levels
 - judges decide
 - deferral of custody and supervision
 - custody with supervision in the community
 - custody with conditional supervision
 - intensive rehabilitative custody and supervision
 - maximum 2 years in custody unless offense would get life for an adult or is a presumptive offense
 - use of short custody has increased
- Sentence Review
 - sentences longer than 1 year must be reviewed each year by court
 - youth or parent may request on after 6 months
 - for sentence less than one year parent/youth may request after 1/3 of the sentence
 - groups for review
 - youth shows progress in respects to rehabilitation
 - circumstances that led to youth's sentence have changed
 - new services pr programs are available
 - opportunities for rehabilitation are now greater in the community
 - any ground youth court considers appropriate

- transfer youth to less secure custody level, from custody to conditional supervision or probation
- release the youth from a on-custodial disposition or vary the disposition in some way
- confirm the existing disposition and make no change

Sentencing Issues

- the extent to which adult sentences are relevant to youth justice system
- the extent to which extralegal factors affect court disposition
- the severity of the youth court sentencing

Relevance of adult Sentencing Principles to Youth Court

- Retribution and Incapacitation
 - youth have different moral development
 - there for it is unfair to apply adult standards in making them accountable
 - Incapacitation; no longer a threat to community
 - agreed violent offenders should be removed from the community
 - different opinions on how long, where, and under what conditions
- Rehabilitation
 - change offender through the use of programs
 - reintegrate offender back into society
 - can be viewed as counterproductive
 - compared to the proportionality principle contained in the YOA and also in the YJCA
 - YCJA is clearer about proportionality than the YOA
 - specifies youth sentence must not exceed adult sentences for similar offenses
 - must be parity across country
 - sentence must be proportionate to the seriousness of the offense
- Deterrence
 - one youth's sentencing will stop other youths from doing the same thing
 - based on rational choice model; all people
 - think about consequences
 - give some thought to chances of getting caught
 - know what the penalty is for offense
 - take the chances of apprehension into account
 - weigh the cost of the sanctions/penalties against what can be gained

Race, Class, and Gender

- race
 - aboriginal youth
 - more likely to be convicted
 - more likely to receive custody sentence or probation
 - with out a parent or guardian in court, more likely to receive more severe dispositions

- lack of resources also means they are more likely to be removed from their community
- Gender
 - girls in courts 2 years younger than boys
 - girls are treated more leniently than boys only if
 - offense is property crime or crime against the person
 - Girls are charge with more
 - administrative offense
 - mischief
 - disturbing the peace
 - Both boys and girls are treated more leniently
 - if parent is a single mother (provided she is not a professionally employed mother)
 - Professionals parents and Fathers appear in court young offenders are treated more severely
- Class
 - more likely to criminalize marginalized youth
 - technical violations are more likely to result in custody/prison sentence
 - mostly for girls, aboriginals, black
 - technical violations
 - breach of probation
 - failure to comply with conditions of an order
 - pre- or post sentence
 - Youth that are homeless are more likely to be criminalized
 - school attendance is difficult for youth who may already be disadvantaged by a learning disability or fetal alcohol syndrome

Is Youth Sentencing a Slap on the Wrist?

- Compared with JDA, the YOA and the YCJA look tough
- compare to adult court YOA appears lenient
- YCJA with EM and Non-custodial sentences looks even more lenient than YOA

Chapter 10 Notes

Youth Corrections: Going to Jail

- Proportion of younger girls admitted to custody was higher than for remand
- under both remand and custody rates were higher than the proportion of girls admitted to probation supervision
- aboriginal youth are most youth in custody

Historical Foundations

- intention was to provide better environment for youth than was in adult penitentiaries

Training School

- industrial schools were built

- major reason for declining rates in use was that provinces began to restrict use
 - became only for “hard-core” offenders
 - group homes and community programs also reduced use

Youth Centers

- correctional system underwent structural and procedural changes (YOA)
 - 2 levels of custody
 - secure
 - open
 - court was required to set one (YOA)
- Sense YCJA emphasis on EMs, ESs & custody restriction
 - provinces have been closing youth institutions
- YCJA
 - does not require courts to specify level of custody
 - requires that only provinces have at least 2 levels
 - and that levels be distinguish by degree of restraint
 - paves way for individual custodial sentence
 - differentiated by
 - multiple security levels
 - variety of programs
 - intervention methods

Custody Provisions Under the YCJA

- custody exists as part of a larger system of programs and community supervision
 - to rehabilitate
 - to reintegrate
- conditional supervision order
 - keep the peace
 - appear in court
 - be under supervision
 - report to police as instructed ect
- intensive rehabilitation custody and supervision order
 - for youth with the most serious violent offences
 - youth who are repeat offenders
 - whereby youth must serve a custody term in a facility designared as a rehabilitation institution
- Court must establish
 - if the youth is suffering from a mental illness
 - plan of treatment and intensive supervision
 - provincial director has determined that an intensive rehabilitative custody and supervision program is available
- Youth workers are assigned to every sentence youth
- reintegrative leave
 - allows release for the same reason as the YOA
 - extends to 30day period
 - can be renewed

Youth Custody Issues

- remands have been increasing
- more in remand, and for longer time periods

Changing Use of Custody

- YOA use of custody was opposite JDAs
- when age is considered, the results regarding increase use of custody were astounding
- the use of custody under the JDA decrease in its waning years

Youth Serving Adult Sentences

- youth held separately from adults
 - not for adult sentences
- when youth in reach 18 can requested to move to adult prison
 - court considers whether it is in best interest (2 year or more left)
 - of public
 - offender
- requirements for youth to serve partially in open custody is similar to adult parole entitlements

Correctional Programs

- institutional programs
- aftercare/follow-up programs
- high-level security facilities provide programming developed by
 - in house professional staff
 - youth worker

Types of Programs

- correctional programs
 - life skills cognitive skills
 - education
 - recreation
 - counseling programs
 - substance abuse
 - work activities/ incentives

Aftercare and Community Reintegration

- welfare/rehabilitation-oriented justice system with indeterminate sentences
 - JDA
 - youth were not released until it was thought they were ready
- now determinate sentence
- MST intervention program
 - directly addresses the fact that social interventions cannot last forever

- deigned to be short
- intense
- Cheaper than custody and cheaper than processing youth through the justice system