

Introduction

- Adolescent crime is often controversial and raises a number of questions for the criminal justice system for the criminal justice system and the larger community
 - For example, are adolescents that commit crime aware of the consequences of their behaviour? Should they be held accountable to the same degree as adults? Is treatment best left to prisons or other alternatives?
 - You may assume that "anyone" who commits an act that is found in the Canadian Criminal Code will be charged and prosecuted. This is not the case, however. Children under the age of 12 are not charged, even when they commit violent acts such as murder
 - Professionals such as social workers, psychologists, and even police officers may intervene but the goal is to provide appropriate intervention or treatment so that these acts do not continue
 - In order to be processed through Canada's criminal justice system, an offender must be a minimum of 12. Prior to this age, children's behaviour is governed by the Child and Family Services Act. The Media Spotlight box describes a Canadian case involving two children, one a victim and the other a killer. Once a child is 12, they are assumed to be in sufficient control of their behaviour such that acts committed against the Canadian Criminal Code will be pursued by the justice system
 - However, Canada does recognize that youth between the ages of 12 and 18 are developmentally different than adults (over 18)
 - The Youth Criminal Justice Act and outlines provisions for younger "offenders," including direction on how youth committing Criminal Code offences should be "processed." This chapter will examine the history of juvenile justice in Canada; the development of adolescent offending; and prevention, intervention, and treatment strategies for adolescent offenders

Context

The History of Youth Justice in Canada

- Prior to the nineteenth century in Canada, children and youth who committed criminal acts were treated similarly to adult offenders. No provisions or accommodations for age or developmental stage were made when it came to charging, sentencing, or incarceration. Adolescents were not even exempted from the death penalty
- In **1908**, Canada enacted the **Juvenile Delinquents Act (JDA)** to recognize the special circumstances inherent with adolescent offenders
- In **1984**, the **Young Offenders Act (YOA)** replaced the **JDA**
- The YOA was amended a number of times. In 1986, Bill C-106 section 16 was introduced to combat the problem of adolescents pleading guilty to avoid transfer to adult court

- As can be seen by the number of amendments regarding transfers to adult court, the perception was that adolescent offenders received relatively short or light sentences even when committing seriously violent crimes. Moreover, the way the YOA was written allowed for discrepancies in the factors leading to transfer to adult court and how cases were handled. There also was issue with the overuse of incarceration. Canada has the highest incarceration rate for youth in the Western world, including the United States.
- On April 1, 2003, the Youth Criminal Justice Act (YCJA) replaced the YOA. Part of the intent of the YCJA is to keep adolescent offenders out of court and out of custody **The three main objectives of the YCJA are:**
 1. To prevent youth crime
 2. To provide meaningful consequences and encourage responsibility of behaviour
 3. To improve rehabilitation and reintegration of youth into the community
- As a first step when coming into contact with antisocial youth, police are to consider community options and less serious alternatives before bringing adolescents to the attention of youth court:
- Expanded sentencing options also are provided for under the YCJA

Why Do We Care?

Youth Crime Rates

- Approximately 48 000 cases were completed in Canada's youth courts for the 2011-2012 year
 - This number of cases represents an almost 10 percent decrease (or 5300 fewer cases) from the previous year, and the 2011-2012 rate was the lowest ever seen since these data were first collected by Statistics Canada in 1991-1992. In fact, almost every category of offense for youth decreased in 2011-2012. See Table 5.2 on page 137 for a list of offences and their associated decrease.
- Many other types of cases (specifically, attempted murder, major assault, common assault, theft, break and enter, fraud, mischief, failure to appear, breach of probation, unlawfully at large, and impaired driving) were also recorded at the lowest rates since the data were first collected in 1991-1992
- Cases that were on the rise in youth court included drug offenses, with possession of drugs increasing 7 percent, and other types of drug crime such as trafficking, production, and exporting/importing increasing by 2 percent from the previous year
- There was also one more homicide and six more sexual offence cases in 2011-2012 than in 2010-2011. It is important to note that most youth court cases involve older adolescents between 16 and 17 years old. As you will read later on in this chapter, this age range has a higher rate of offending compared to younger children. In 2011-2012, 61 percent of cases involved 16 and 17 year old defendants, whereas only 39 percent involved 12 to 15 year old defendants
- Of course, not all youth crime goes through the court system. Often adolescents will be diverted from the criminal justice system and no crime is recorded for first time offenses. Thus, we need to be cautious in our interpretation of the data, since diversion and other practices may give an inaccurate impression that crimes aren't occurring or have dramatically dropped.

Youth Sentences

- There are three possible outcomes in youth court. These potential outcomes are illustrated in Table 5.3. on page 138
- Variation in court decisions can be found across provinces and territories
- In 2011-2012, as was the case in previous years, probation was the most common sentence imposed on youth in 58 percent of the youth court cases found guilty
- A community service order (where youth must perform unpaid work) was imposed in 25 percent of guilty youth cases. This order can be associated with cases involving "other drug offences" such as drug trafficking and drug possession
- There has been a drop in the number of youth sentenced to custody since the implementation of the YCJA in 2003. Custody sentences were applied in around 24 percent of cases in the 1990s and 29 percent in the early 2000s, but in 2011-2012 only 15 percent of youth cases resulted in a custody sentence
- The YCJA also introduced deferred custody and supervision as an alternative to a custody sentence. In this alternative, the youth serves his/her sentence in the community with a strict set of conditions. If the conditions are violated, the adolescent is sent to custody for the remainder of the sentence. Approximately 5 percent of youth cases have had deferred custody and supervision sentences imposed since 2003

Impact on Canadians

- A major concern for policy makers and society is that youth who commit crime will go on to commit further crime into adulthood

Definitions

- Two trajectories can be seen with adolescent offenders; child-onset versus adolescent-onset
- When examining the trajectory to adult offending, age of onset is a critical factor
- The adolescent-onset pattern occurs in about 70 percent of the general population
- Brame, Nagin, and Tremblay (2001) followed a group of boys with high levels of aggression in Montreal from the time they entered kindergarten through to their late teens

Methodology

- In order to understand the trajectory of offending, several methodologies are possible but perhaps the most common is the longitudinal study or a prospective study where a large group of participants are followed for several years
- Another methodology is considered retrospective in time, where a group currently exhibiting the behaviour (i.e., offending) is examined by looking back in time to assess various characteristics that researchers may deem important and associated with the key variable of interest
- In terms of examining the effectiveness of treatment programs or interventions, a pre-post test may be used, in which participants are measured before and after the treatment/ intervention to determine if the treatment was effective. A follow up study could then be performed to determine if treatments/interventions have a long lasting impact

- When discussing offending, a recidivism study could be performed, in which adolescent offenders are followed up with after the commission of a particular crime. This group of offenders could be followed to examine whether they repeat their crime or behaviour.

Theories of Adolescent Offending

- A number of theories have been proposed to explain why some adolescents offend. Below are descriptions of some common theories in the current literature on adolescent offending

Biological Theories

- A number of genetic and physiological differences exist between adolescents who engage in antisocial behaviour and those who do not
- Along this line, researchers have investigated the brain region responsible for planning and inhibiting behaviour the frontal lobe to explain why some adolescents engage in antisocial acts
- A number of physiological and genetic differences may exist between adolescents that offend and those that do not. These physiological and genetic differences may predispose adolescents to antisocial behaviour and their environment may further influence criminal behaviour

Cognitive Theories

- Kenneth Dodge and his colleagues proposed a model of conduct disordered behaviour that focuses on the thought processes that occur in social interactions
- Dodge and his colleagues also distinguished between two types of aggressive behaviour reactive aggression and proactive aggression

Social Theories ****

- **Bandura's (1965)** social learning theory suggests that children learn their behaviour from observing others
- Consistent with this view is Patterson's (1982) coercive family process model, which posits aggressive behaviour among youth develops from imitation of parents and reinforcement
- Perhaps the learning of aggression not only occurs through watching role models but via television and video games. Watching extremely violent television and movies in which actors are rewarded for aggression also increases children's likelihood of acting aggressively

Factors Associated With Criminal Conduct Among Adolescent Offenders

- The term risk factor refers to a variable that, if present, poses an increased likelihood of an undesirable outcome such as delinquency or antisocial behaviour

Individual Factors

- A number of prenatal complications can predispose a fetus to behavioural problems in childhood and potential adolescent offending
- Once a child is born, their own temperament can present a risk factor for later delinquency

Familial Factors

- A number of parental factors are risk factors for later antisocial behaviour

- Lack of secure attachment to parents, parental loss, and divorce are risk factors for later behavioural problems

School Factors

- A number of school related risk factors, such as poor academic performance (particularly in elementary school); low commitment to school; and low educational aspirations have been found to be associated with delinquent behaviour

Peer Factors

- Risk factors related to peers are perhaps the most important during adolescence, when the peer group reigns paramount over family influences. A consistent relationship exists between associating with delinquent peers and engaging in delinquent behaviour
- As mentioned above, gang membership is more predictive of antisocial behaviour than associating with delinquent peers
- Although anyone can be a gang member, gangs are often comprised of individuals from socially disadvantaged communities and those that suffer great inequality
- Erickson and Butters (2006) examined the relationship between gangs, guns, and drugs in Toronto and Montreal
- Overall, social disapproval and rejection are likely to occur with aggressive children and adolescents (Coie, Belding, and Underwood, and rejected, aggressive children are at risk for behavioural problems. Adolescents who are socially isolated or withdrawn (e.g., have low involvement in traditional, structured social activities) are at increased risk for engaging in antisocial behaviour

Community Factors

- Where a child is raised can be a risk factor for adolescent offending
- Lower-income neighbourhoods also give rise to the opportunity to witness violence

What Do Canadian Youth Report?

- The Department of Justice Canada conducted a study to examine the factors related to self-reported delinquency between the ages of 12 and 15 using data from the National Longitudinal Survey of Children and Youth

Protective Factors

- Although children may experience similar environments and sets of risk factors, their responses and outcomes vary, with some children prevailing and prospering and others encountering a number of difficulties and negative outcomes
- It has been suggested that resilient children may have "protective" factors that allow them to persevere in the face of adversity

Individual Factors

- Factors that reside within an individual can serve to protect against acting in antisocial ways
- **Vance (2001)** found that exceptional social skills; child competencies; and confident perceptions, values, attitudes, and beliefs can serve to protect a child from engaging in adolescent offending

- Other protective factors include sociability, positive temperament, the ability to seek social support, and acting in a reflective (not impulsive) manner

Familial Factors

- Protective familial factors are the positive qualities of parents and home environment

School Factors

- Commitment to school and achieving academically is a protective factor for children at risk for juvenile offending

Peer Factors

- **Vance (2001)** reported that peer groups can have a strong effect on child outcomes

Community Factors

- There is little research in the area of "community" protective factors
- Although we have devoted an entire chapter to gender differences and crime (Chapter 13), at this stage it is important to highlight the research on gender differences conducted by a key Canadian researcher, Dr. Tracey Skilling

Assessment Approaches and Effectiveness

Assessing the Under-12-Year-Old

- For children under 12, behavioural problems are usually first identified at school, where the child's disruptive behaviour is a challenge to the teacher
- Broadly, children's emotional and behavioural difficulties can be categorized as **internalizing** or **externalizing problems**
- To assess externalizing problems, multiple informants are necessary because the child or adolescent may not be aware of their behaviour or the influence it has on others
- Three childhood psychiatric diagnoses that occur with some frequency in juvenile offenders are **attention deficit hyperactivity disorder (ADHD)**, **oppositional defiant disorder (ODD)**, and **conduct disorder (CD)**

Rates of Behaviour Disorders in Children

- According to Public Health Agency of Canada (2009), almost 15 percent of children aged 2 to 5 years experience high levels of emotional and/or anxiety problems; almost 7 percent exhibit high levels of hyperactivity and/or inattention; and approximately 14 percent exhibit high levels of physical aggression and oppositional or conduct disorders

Assessing the Adolescent

- Once an adolescent's antisocial behaviour receives the attention of the courts, a court ordered assessment may be issued. In such cases, the adolescent need not provide consent/assent
- The instruments used to assess an adolescent offender's risk generally include a "checklist" where items are scored on a scale, the points are summed, and a cut-off value is set for either detaining or releasing the adolescent

- The task of identifying risk factors for adolescent offenders who will reoffend is different than for adults

Risk Assessment Tools Used with Adolescent Offenders in Canada

- Hannah-Moffat and Maurutto (2003) provide a useful summary of assessment tools for adolescents, which is the basis of the descriptions below

Adolescent Chemical Dependency Inventory (ACDI) Corrections Version II

- This instrument is designed for 14 to 17 year olds to screen for substance (alcohol and other drugs) use and abuse, overall adjustment, and issues for troubled youth. Adolescent offenders respond to 140 items that break down into seven scales: truthfulness, violence, adjustment, distress, alcohol, drugs, and stress and coping abilities

Criminal Sentiments Scale (CSS)

- This 41 item self report questionnaire uses five-point scales to assess key dimensions of criminal sentiments, such as antisocial attitudes, values, and beliefs that may play a role in the maintenance of antisocial behaviour. The offender reports on attitudes toward the law, courts, police, tolerance for law violations, and identification with other criminals

HCR-20

The HCR-20 takes its name from the three scales it assesses historical, clinical, and risk management and from the number of items. It examines risk and violence broadly, including risk factors from the past, present, and future. The scale consists of ten historical factors, five clinical items to reflect current factors related to violence, and five risk management items that focus on situational post assessment factors that may aggravate or mitigate risk.

Level of Service Inventory Ontario Revised (LSI-OR)

- The LSI-OR is a standardized instrument used by the Ontario Ministry of Community Safety and Correctional Services with offenders aged 16 years and older. It is used to assess risk of recidivism, need for correctional programs to reduce recidivism, and factors related to the likelihood the offender will respond to treatment

Offender Risk Assessment and Management System (ORAMS)

- ORAMS is a set of tools developed by Manitoba Corrections to assess the different risks offenders pose. Two scales can be used with juvenile offenders: Inmate Security Assessment and Primary Risk Assessment

Inmate Security Assessment (ISA) Young Offenders

- The objective of the ISA is to obtain information to assess a juvenile offender's threat to him or herself and others in an institution. Dangerous behaviour includes suicide, assault on other inmates or staff, and escape risk. This scale is completed for security reasons once an offender has been admitted into an institution and also informs decisions relating to institutional placement or transfer

Primary Risk Assessment (PRA) Young Offenders

- This scale is a modified version of the Youthful Offender Level of Service Inventory (YO-LSI) described below. It is used to predict a juvenile offender's risk to reoffend in any type of offence (as opposed to specific types of offences such as sexual assault). This information is then used to determine the degree and type of supervision needed and to assist in the formulation of a case plan

Pride in Delinquency Scale (PID)

- The PID is a 10-item self report scale used to assess a juvenile offender's comfort level (i.e., pride versus shame) in getting involved in specific criminal behaviour. It is used to complement the CSS measure

Structured Assessment of Violence Risk in Youth (SAVRY)

- The SAVRY is used to make assessments and recommendations about the nature and degree of risk that a juvenile may pose for future violence. Twenty four risk factors and six protective factors are considered

Youth Level of Service/Case Management Inventory (YLS/CMI)

- This is a standardized instrument including a 42-item checklist for use by professional workers in assessing risk of future violence, need for correctional programs to reduce future violence, and responsivity factors that impact case plan goals. A detailed survey of youth risk and needs factors is produced that can be used to create a case plan. The instrument contains seven sections: 1) assessment of risk and need, 2) summary of risk/need factors, 3) assessment of other needs/ special considerations, 4) assessment of the client's general risk/need level, 5) contact level, 6) case management plan, and 7) case management review

Youthful Offender Level of Service Inventory (YO-LSI)

- The YO-LSI is a risk/needs assessment instrument used to classify and assess a juvenile offender's overall risk level and to identify and target areas of criminogenic need. The YO-LSI consists of 82 static and dynamic predictors of criminal risk/needs that are grouped into seven categories: criminal history, substance abuse, educational/employment problems, family problems, peer relation problems, accommodation problems, and psychological factors.

Treatment Approaches and Effectiveness

- Treatment of adolescent offending can occur at three levels: **primary, secondary, and tertiary**

Primary Intervention Strategies

- At the primary level of intervention, the goal is to identify groups (of children) that have numerous risk factors for engaging in antisocial behaviour later on

Family-Oriented Strategies

- Targeting the family may be an effective means of preventing adolescent offending, given that family can pose a number of risk factors

- An example of a family-oriented strategy is a popular parent-education program known as The Incredible Years Parenting Program, a 12-week training program that starts with building a strong emotional bond between parent(s) and child, and then teaches parents how to set behavioural expectations for their children, monitor children's behaviour, reinforce positive behaviour, provide consequences for inappropriate behaviour, and develop and use effective communication skills

School-Oriented Strategies

- Given the amount of time children spend in school and the number of difficulties that can arise there, school is a common environment for primary prevention strategies
- A different in-school program from the more "traditional" school programs that focus on reading, writing, and arithmetic, is known as Scared Straight
- It is not uncommon to recommend a social skills program to children showing some early signs of interpersonal and behavioural difficulties
- Dodge and Godwin (2013) examined the Fast Track program, which is the largest and longest-lasting funded program in the U.S. for primary intervention

Community-Wide Strategies

- Community approaches include providing structured community activities for children and increasing a community's cohesion
- Recently, the SNAP ORP's effectiveness was assessed in Toronto by Augimeri, Farrington, Koegl, and Day (2007)
- In a subsequent study (with a different sample), the number of cognitive-behaviour therapy sessions was once again compared with later convictions and more cognitive-behaviour therapy sessions appeared to be associated with fewer convictions. The association was larger for girls than boys, and for older children (i.e., 10-11 year olds) possibly because these groups were more cognitively advanced

Secondary Intervention Strategies

- Secondary intervention strategies are directed at adolescents who have either had contact with the police or criminal justice system or have demonstrated behavioural problems at school
- Diversion programs "divert" adolescent offenders from the youth justice system into community-or school-based treatment programs
- One particular secondary intervention program that has undergone considerable evaluation is Multisystemic Therapy (MST)
- In a recent meta-analysis examining the effectiveness of MST, some small positive treatment effects (e.g., on delinquency and substance use) were found but a number of factors moderated the effectiveness of MST. Overall, MST seemed most effective for adolescents under the age of 15 with serious problems. For older adolescents, treatment that is focused on peer relationships and school risk and protective factors may be beneficial

Tertiary Intervention Strategies

- Tertiary intervention strategies are aimed at adolescents who have engaged in criminal acts and who may have already been processed through formal court proceedings

- Tertiary intervention strategies include inpatient treatment (i.e., institutional, residential) and community-based treatment

Guiding Principles And Recommendations for Reducing Antisocial Behaviour

- Most would agree that the sooner the prevention or intervention, the greater the likelihood of success