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rootsofyouthviolence

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Findings, Analysis and Conclusions

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A Province at the Crossroads:
Statistics on Youth Violence in Ontario

A Report Prepared for the Review of the Roots of Youth Violence

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June 2008

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Introduction

On December 26, 2005, Jane Creba, a 15-year-old student out exploring Boxing Day sales with her mother, was shot to death in the middle of Toronto's busiest shopping district. Six other innocent bystanders were wounded. Creba and the other victims had apparently been caught in the crossfire of a shootout between two rival youth gangs. On May 23, 2007, Jordan Manners, another 15-year-old Toronto student, was shot and killed within a local high school during school hours. The school was locked down for several hours while the police searched for the killers. Both of these tragedies received national media attention and became topics of conversation among politicians, law enforcement officials, educators, community workers and the general public. These two cases, however, should not be viewed as isolated incidents. The following is a list of other recent, but less famous, homicides involving young Ontario victims:

- Jeffery Watson (23 years of age): Shot to death, January 11, 2007.
- Patrick Barrera (23 years of age): Shot to death, January 14, 2007.
- Alexander Lewis (18 years of age): Stabbed to death, February 14, 2007.
- Rafi Quaderi (16 years of age): Stabbed to death, March 9, 2007.
- Allen Benn (20 years of age): Stabbed to death, April 2, 2007.
- Jeffery Delgado (20 years of age): Stabbed to death, April 9, 2007.
- Nick Brown (21 years of age): Stabbed to death, April 13, 2007.
- Jordan Ormonde (24 years of age): Stabbed to death, April 22, 2007.
- Khong Duy Nguyen (22 years of age): Shot to death, May 10, 2007.
- Amrinder Singh Atwai (19 years of age): Stabbed to death, May 12, 2007.
- Yonathon Musse (19 years of age): Shot to death, May 20, 2007.
- Long Sha (19 years of age): Beaten to Death, May 30, 2007.
- Jose Hierro-Saez (19 years of age): Shot to death, June 9, 2007.
- Ricardo Francis (23 years of age): Shot to death, July 3, 2007.
- Kimel Foster (21 years of age): Shot to death, July 21, 2007.
- Ephraim Brown (11 years of age): Shot to death, July 22, 2007.
- Amin Aafi (24 years of age): Shot to death, July 22, 2007.
- Tyler McGill (22 years of age): Stabbed to death, July 29, 2007.
- Michael George (25 years of age): Shot to death, July 29, 2007.
- Kevon Hall (19 years of age): Shot to death, August 4, 2007.
- Sharmarke Handouleh (20 years of age): Stabbed to death, August 22, 2007.
- Dinesh Murugiah (16 years of age): Stabbed to death, September 11, 2007.
- Jermaine Malcolm (24 years of age): Stabbed to death, September 22, 2007.
- Akila Badhanage (16 years of age): Stabbed to death, September 28, 2007.
- Richard Gyamfi (19 years of age): Shot to death, September 28, 2007.
- Rachelle Alleyne (16 years of age) Shot to death, October 9, 2007.

- Keegan Allen (18 years of age): Shot to death, October 9, 2007.
- Jamie Hilton (20 years of age): Shot to death, October 21, 2007.
- Eric Boateng (21 years of age): Shot to death, October 21, 2007.
- David Latchana (23 years of age): Shot to death, November 3, 2007.
- Christopher Johnson (23 years of age): Stabbed to death, November 3, 2007.
- Randy Roberts (23 years of age): Stabbed to death, November 17, 2007.
- Ryan Hyde (19 years of age): Shot to death, November 23, 2007.
- Kennado Walker (25 years of age): Shot to death, November 23, 2007.
- Delane Daley (18 years of age): Shot to death, November 25, 2007.
- Keyon Campbell (16 years of age): Shot to death, December 2, 2007.
- Fitawrari Lunan (25 years of age): Shot to death, December 16, 2007.
- Lois Zios (22 years of age): Stabbed to death, December 26, 2007.
- Demetrios Zios (14 years of age): Stabbed to death, December 26, 2007.
- Stefanie Rengel (14 years of age): Stabbed to death, January 1, 2008.
- Abdikarim Abdikarim (18 years of age): Shot to death, March 14, 2008.
- Jonathan Rodriguez (21 years of age): Shot to death, February 22, 2008.
- Shammal Ramsey (19 years of age): Shot to death, May 28, 2008.
- Levis Taylor (17 years of age): Shot to death, May 28, 2008.

The names of so many young homicide victims can bring cold crime statistics to life. At an emotional level, they capture the reality of violence in our society. Unfortunately, the list of names provided above is far from exhaustive. Over the past decade, many other young men and women from Ontario have been murdered and countless others have been the victims of non-lethal forms of violence, including physical assault, robbery, and sexual assault. It is also unfortunate that, unlike Jane Creba and Jordan Manners, most young victims, including those listed above, will not become household names. Indeed, it would be safe to say that the general public has already forgotten many of the cases listed above. This, however, does not make these incidents any less tragic. Indeed, all violence results in pain and heartbreak for the families, friends and communities involved.

A focus on individual cases, like those listed above, can also create fear of crime and contribute to the belief that violent crime is getting worse. Criminologists, however, know that this is not necessarily true. Violent crime has always existed in Canada and each decade has seen its share of sensational incidents. The following Toronto examples, from the 1960s and 1970s, serve to illustrate this point:

- On October 30, 1961, Roger Allard, 23 years of age, shot and killed three men in the course of robbing the TD Bank on Bay Street. The victims were John Mottart (43 years of age), Fred Zdancewicz (54 years of age), and John McNeill (65 years of age). All three victims were customers in the bank.

- On April 25, 1968, Denis Boyd (24 years of age), Clifford McGregor (15 years of age) and Melvin Polisak (14 years of age) shot and killed a cab driver named Larry Botrie during an attempted robbery on Yonge Street. Boyd was subsequently shot and wounded by police in a shoot-out as he tried to escape the scene.

- On September 2, 1972, Derek Hannan (24 years of age), Robert MacDonald (23 years of age) and Lawrence Pentiluk (22 years of age) attended a house party. An argument broke out between Hannan on one side and MacDonald and Pentiluk on the other. MacDonald left the party and went to Pentiluk's house where he retrieved a gun. He then returned to party and opened fire, killing Hannan and another innocent bystander.

- On September 18, 1975, Roy Embry (28 years of age) checked into the Royal York Hotel, paying with a stolen credit card. The clerk called the police, who went to Embry's room. Embry subsequently shot and wounded both police officers and killed the clerk before fleeing.

- On February 14, 1976, Colleen Lawrie (17 years of age) and Elizabeth Lewis (18 years of age) were at Lawrie's house. Lawrie's parents were away for weekend. The two friends went out drinking and dancing at a local hotel bar. At the bar they met Harvey Holly (29 years of age). Holly went home with the two young women after the bar had closed. The next day, a neighbour discovered both women's bodies in Lawrie's house. They had been sexually assaulted and strangled.

At the time, all of these cases produced sensational headlines and calls for a tougher criminal justice system. They also produced concerns that violent crime was increasing rapidly in Canada and that Toronto was now subject to "American-style" violence. Nothing much has changed over the past 30 years. Media coverage of individual cases still has a powerful impact on public perceptions of crime and violence. Criminologists, on the other hand, tend to rely on both official and unofficial crime statistics when forming their opinions. Aggregate statistics are far superior to individual case descriptions when it comes to documenting overall crime patterns and trends. In this report, therefore, both official and unofficial crime statistics are used to address the following six research questions:

1. How prevalent is violent behaviour in Ontario?

2. What proportion of violent crime in Ontario involves young people?

3. Is Ontario more or less violent than other Canadian provinces?

4. Are Ontario cities more or less violent than cities located in other Canadian provinces?

5. Does Ontario have more or less violence than the United States and other foreign countries?

6. Has violent offending in Ontario increased or decreased over the past 40 years?

The report begins with a discussion of how social scientists measure violent crime. We then review official police statistics on violent crime before turning to estimates derived from both victimization and self-report surveys. The report concludes by highlighting several disturbing trends with respect to youth violence in Ontario.

Measuring Violent Crime with Official Data

Measuring the true level of crime and violence within a given society is a very difficult task. Typically, criminologists, law enforcement officials, and policy-makers rely on two major categories of crime data: 1) official police statistics; and 2) unofficial survey data (self-reports about personal victimization experiences or criminal behaviours). As discussed below, both forms of data collection have their strengths and weaknesses. Thus, crime experts generally concede that we must closely examine both official and unofficial sources of crime data in order to develop a fuller understanding of the nature and extent of criminal behaviour. We begin our review of crime in Ontario with an examination of police crime data. We then turn our attention to survey data.

The Uniform Crime Reporting Survey (UCR)

Through the use of the Uniform Crime Reporting Survey (UCR), the Canadian Centre for Justice Statistics (CCJS) has collected information on crimes recorded by the police in Canada since 1962. In 2006, survey respondents included over 400 different police services from across the country — the vast majority of police services at the municipal, provincial and national levels. Indeed, according to recent estimates, in 2006 police service coverage was at 99.9 per cent of the national caseload. After receiving crime data from individual police services, the information is ultimately aggregated by the CCJS and released to the public on an annual basis.

How Are UCR Incidents Counted?

The methodology used to collect UCR crime data is rather complex. Every month, individual police services compile the total number of crimes recorded in their jurisdictions (by crime type) and report these incidents to the Canadian Centre for Justice Statistics. Crime counts are based on all criminal incidents reported to the police by members of the public and all crimes that are discovered by the police through routine patrol or proactive investigation. In other words, UCR crime data reflect only those crimes that are "known to the police." Previous research suggests that many crimes are, in fact, not reported to the police by the public (see discussion in the next section) and thus go undetected. Thus, there is a general consensus among criminologists that official UCR data significantly underestimate the true level of crime in society. However, experts

also agree that some UCR data are more accurate than others. For example, research suggests that while most physical assaults are never reported to the police, law enforcement officials do detect the vast majority of homicides. Thus, while UCR homicide data are considered very accurate, it is conceded that police assault data only document a fraction of the physical assaults that take place in Canada within any given year. As a general rule, the more serious the crime (in terms of physical injury or financial loss), the more likely it is to be recorded in UCR statistics.[1]

Criminal incidents are recorded individually and divided into four major categories: 1) violent crime; 2) property crime; 3) criminal traffic violations; and 4) drug-related crimes. The number of criminal incidents recorded by the UCR represents "actual" crime. In other words, the survey only records crimes that have been substantiated by police. Unfounded reports are not included in "actual" crime counts.

An important methodological note, however, concerns incidents in which multiple criminal offences have taken place. When there are multiple offences during a single incident, the UCR only records the most serious offence. For example, if a single incident involved both a murder and a robbery, only the murder would appear in UCR statistics. According to UCR protocol, violent offences are always considered more serious than property offences.[2]

Violent offences are counted with respect to the total number of crime victims. Property crimes, on the other hand, are counted only once per occurrence. For example, if four individuals were physically assaulted at one time, the event would be counted as four different assaults (i.e., four violent incidents). By contrast, a break and enter case would be recorded as a single criminal incident — even if many victims had lost their property. The exception to this general rule is robbery. Although the UCR records robbery as a violent crime, robberies are always counted as a single incident — even in cases where there were multiple victims.

After police investigation, some reported criminal incidents are determined to be unfounded or false. These cases are always eliminated from UCR crime counts. It should be noted, however, that the UCR records all "confirmed" criminal incidents — even if an offender is never identified or property is never recovered.

The Revised UCR

In 1984, the UCR was revised so that it could collect more detailed information about criminal incidents. For example, in contrast to the original UCR, the UCR2 tries to collect detailed information on victim and offender characteristics (age, gender, alcohol and drug use, gang

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[1] *It is interesting to note that some property crimes — including car theft — are more likely to be reported to the police than serious violence. Members of the public are often motivated to report serious property crimes for insurance purposes. Insurance claims cannot be made without a police report.*

[2] *It should be noted that robbery is an offence that is both a property crime and a violent crime. However, according to UCR protocols, robbery is only counted under the violent crime category.*

involvement, etc.), the nature of the victim-offender relationship (family member, friend, stranger, etc.), and the nature of the criminal incident (time, location, extent of injury, amount of property loss, etc.) By 2006, almost all of the police services in all provinces and territories were using the UCR2 (except British Columbia). Data from the UCR2 is aggregated at year-end to maintain compatibility with the original UCR (see Silver 2007).

Expressing Crime Data: Crime Counts and Crime Rates

The UCR uses a variety of methods to express or communicate Canadian crime statistics. First of all, the total number of crimes reported and the total number of arrests made by the police are provided as raw numbers. For example, according to UCR data, Canada experienced 605 homicides in 2006. Secondly, the percentage change in the amount of crime between years is computed. For example, the total crime rate in Canada decreased by three per cent between 2005 and 2006. The percentage change calculation provides some indication of whether crime is increasing or decreasing and can thus be used to identify short-term crime trends.

The third and by far the most important way of summarizing crime data is through the calculation of crime rates (per 100,000 population). In order to calculate a crime rate, one must first divide the total number of crimes by the population estimate for the region (typically derived from census data). The result is then multiplied by one hundred thousand in order to produce a crime rate. Let us consider the calculation of Canada's homicide rate for 2006. The formula would look something like this:

Total # of homicides in 2006/total Canadian population × 100,000 = homicide rate

Canada experienced 605 homicides in 2006. Census estimates put Canada's total population at 31,372,587 individuals:

605 homicides/31,372,587 × 100,000 = 1.85

What does the crime rate mean? How can it be interpreted? As calculated above, in 2006, Canada had a homicide rate of 1.85 per 100,000 people. This means that, in Canada, between January 1 and December 31, 2006, approximately two out of every 100,000 people were murdered.

One of the values of crime rates (as opposed to crime counts) is that they allow us to more accurately compare the level of crime in society over time and across jurisdictions. For example, in 1961, Ontario experienced 89 homicides. By 2006 the number of homicides in the province had climbed to 196. These figures represent a 120 per cent increase in the total number of homicides in Ontario over a 35-year period. Unfortunately, a casual observer might look at these figures and wrongly conclude that Ontario residents were twice as likely to be murdered in 2006 than 1961. The problem is that these raw homicide numbers do not take population growth into consideration. Indeed, between 1961 and 2006, Ontario's population grew from approximately 6.2 million to approximately 12.7 million (an increase of 105 per cent). Thus, a comparison of homicide rates is much more appropriate with respect to documenting whether Ontario is

becoming more dangerous. In fact, between 1961 and 2006, Ontario's homicide rate increased only slightly, from 1.43 per 100,000 to 1.54 per 100,000 (an increase of only eight per cent).

Homicide rates also permit more accurate regional comparisons. For example, in 2006, Ontario experienced 196 homicides while Saskatchewan recorded only 40 homicides. This might cause some to wrongly conclude that Ontario is much more violent or dangerous than Saskatchewan is. After all, Ontario recorded almost five times more homicides than Saskatchewan did. Once again, however, these raw homicide numbers have not controlled for population size. Indeed, while Ontario has 12.7 million residents, the population of Saskatchewan has less than a million (only 985,000 residents). In fact, according to an analysis of homicide rates, Saskatchewan is actually a much more dangerous province (homicide rate = 4.06 per 100,000) than Ontario is (homicide rate = 1.54 per 100,000). It is for these reasons that most of the following discussion of crime statistics will focus on crime rates rather than raw crime numbers.

The Extent of "Youth Crime"

The level of "youth violence" in a particular society will largely depend on one's definition of "youth." In Canada, we typically distinguish between crimes committed by young offenders (17 years of age and under) and crimes committed by adults (18 years of age or older). However, while the behaviour of legally defined "young offenders" is a definite focus of the Review of the Roots of Youth Violence, we are also quite interested in violence that involves young adults (between 18 and 29 years of age).

Unfortunately, the extent of crime and violence committed by people from different age groups is very difficult to determine in Canada. First of all, unless a person is actually charged with a crime, the police will not know — and thus will not be able to record — the age of the offender. This means that the age of the offender is actually "unknown" in a very high proportion of criminal incidents. For example, in 1999, the age of the perpetrator(s) was recorded for only 33 per cent of the 1.17 million criminal incidents documented by Canada's UCR2 survey (Carrington 2001).[3]

Furthermore, while arrest statistics for young offenders (12 to 17 years of age) are regularly provided by Statistics Canada, detailed age breakdowns for adult offenders are rarely released to the public. This makes it particularly difficult to calculate age-specific crime rates or identify the proportion of arrests in Canada that involve young adults (18 to 29 years).[4]

Nonetheless, there is a huge body of international research that documents that there is a strong, inverse relationship between age and crime. Regardless of gender, ethnicity and socio-economic status, cross-national research suggests that younger people are much more likely to engage in

[3] *This figure is consistent with other data that suggest that, in an average year, the Canadian police identify a suspect in only 30–40 per cent of reported criminal incidents. This statistic is often referred to as the clearance rate (see Carrington 2001).*

[4] *Age-crime data from the UCR database typically have to be purchased from Statistics Canada through its "special tabulation" service.*

crime and violence than older people are. This pattern has remained remarkably stable over the past century and is evident in all developed and developing nations (see Siegel and McCormick 2006; Carrington 2001). In general, rates of criminal offending and violent behaviour are highest among those in their mid-teens to early twenties. By contrast, criminal behaviour, especially violent criminal behaviour, declines significantly in the late twenties and thirties and is increasingly uncommon among people over 40 years of age. This phenomenon has come to be known as the "age-crime" curve.

After conducting a complex series of calculations and estimates, Carrington (2001) produced age-crime estimates for Canada using 1999 UCR data. The results powerfully illustrate that criminal activity is highly concentrated among adolescents and young adults (see Figure A). For example, 15–24-year-olds represented only 14 per cent of the Canadian population in 1999, but accounted for over a third (36 per cent) of all criminal incidents recorded by the UCR. By contrast, Canadians 50 years of age or older represent 28 per cent of the population but accounted for only seven per cent of recorded criminal activity.

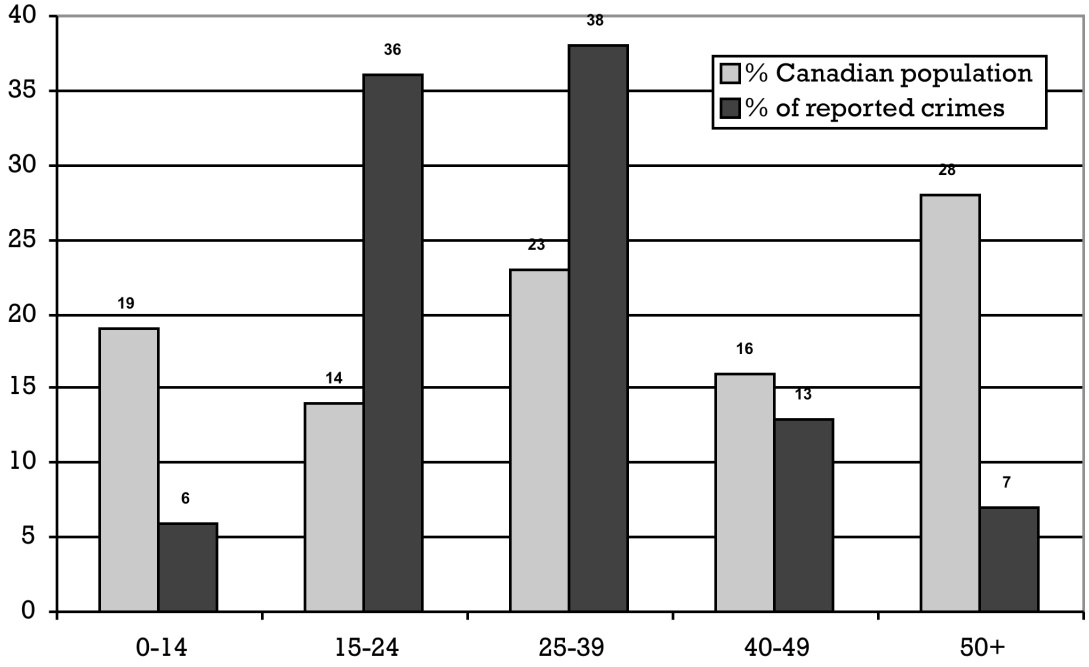

Figure A: Percent of Canadian Population and Proportion of Recorded UCR Crimes by Age Group, 1999 Estimates (from Carrington 2001)

Carrington (2001) also calculated age-specific crime rates using 1999 UCR2 data. The results of this analysis further illustrate the inverse relationship between age and criminal activity (see Figure B). The highest crime rate (25,708 crimes per 100,000) was recorded for 15–19-year-olds, followed closely by 20–24-year olds (20,022 per 100,00) and 25–29-year-olds (15,363 per 100,000). The crime rate for 15–24-year-olds is three times higher than the national average (8,750 per 100,000). By contrast, crime rates decline dramatically after 40 years of age.

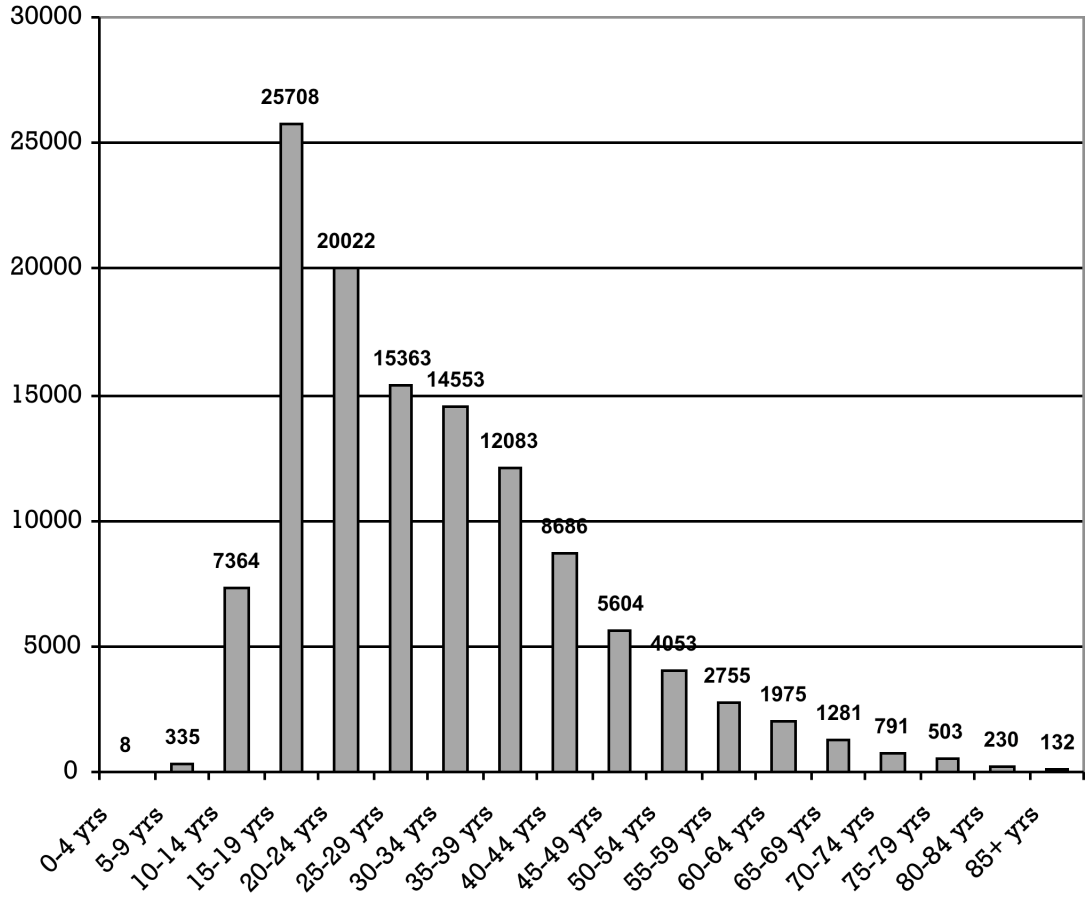

Figure B: Estimated Age-Specific Crime Rates (per 100,000), 1999 Canadian UCR Data (from Carrington 2001)

Unfortunately, we could not locate age-specific UCR crime statistics for Ontario. The Canadian Centre of Justice Statistics has yet to release these data. However, the Review of the Roots of Youth Violence was able to obtain age-specific criminal charge data from the Ontario Attorney General. The data indicate that, in 2007, the police in Ontario laid 569,072 different criminal charges. One out of five criminal charges (22.1 per cent) involved a violent offence (homicide, attempted murder, aggravated assault, assault, sexual assault and robbery). Figure C breaks down these criminal charges by age group. The data indicate that young people in Ontario are grossly over-represented among those who were charged with a criminal offence in 2007. For example, although 12–17-year-olds are only eight per cent of Ontario's population, they represent 14 per cent of all those charged with a criminal offence and 15 per cent of those charged with a violent crime. Similarly, 18–24-year-olds are only nine per cent of Ontario's population, but represent 28 per cent of those charged with a criminal offence and 24 per cent of those charged with a violent crime. In sum, although they represent only 23 per cent of the Ontario population, 56 per cent of those charged with a crime in 2007, and 52 per cent charged with a violent crime,

were between 12 and 29 years of age. By contrast, those 60 years of age and over represent 17 per cent of Ontario's population, but only two per cent of those charged with a criminal offence. These data serve to further illustrate the strong negative relationship between age and criminal behaviour.

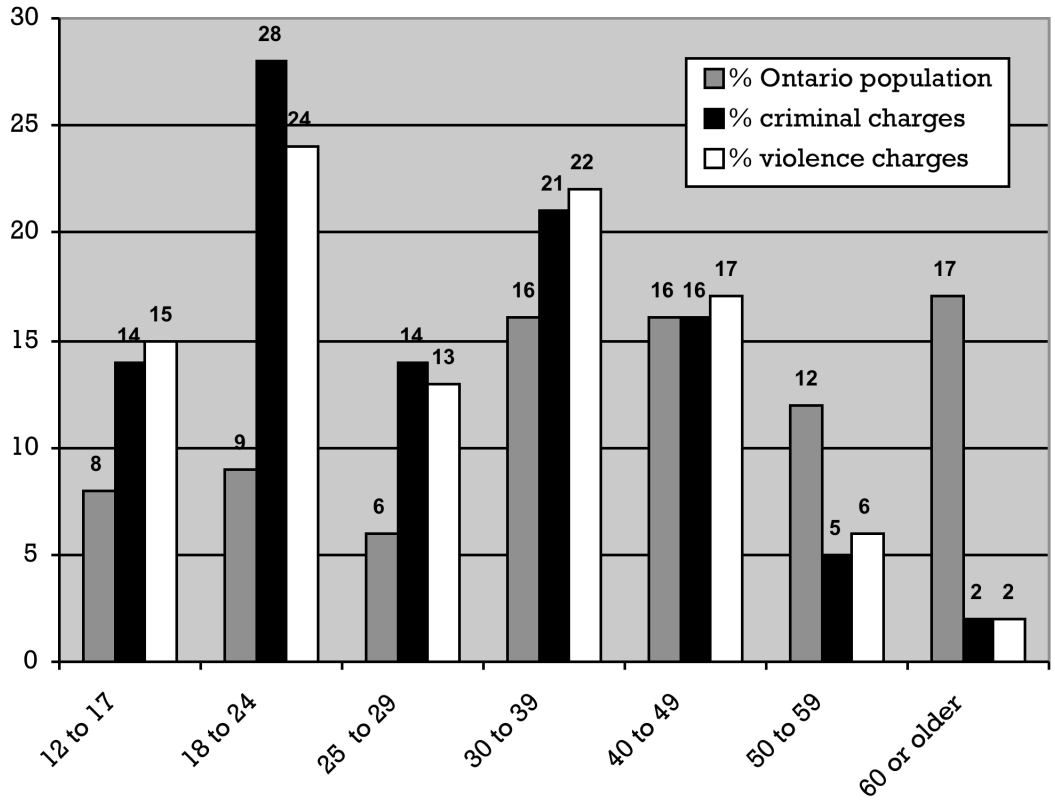

Figure C: Percent of Population and Percent of all Criminal Charges by Age Group, Ontario 2007

Figure D presents 2007 violence-related criminal charge rates by age group. The basic pattern that emerges is remarkably consistent with the classic age-crime curve discussed above (see Figure B). The results indicate, for example, that 18–24-year-olds have by far the highest rate of violent crime in Ontario (2,824 per 100,000), followed by 25–29-year-olds (2,169 per 100,000) and those between 12 and 17 years of age (1,904 per 100,000). The rate of violent crime, by contrast, declines dramatically after 30 years of age. Indeed, the violent charge rate for 18–24-year-olds is 21 times greater than the violent charge rate for Ontario residents 60 years of age or older.

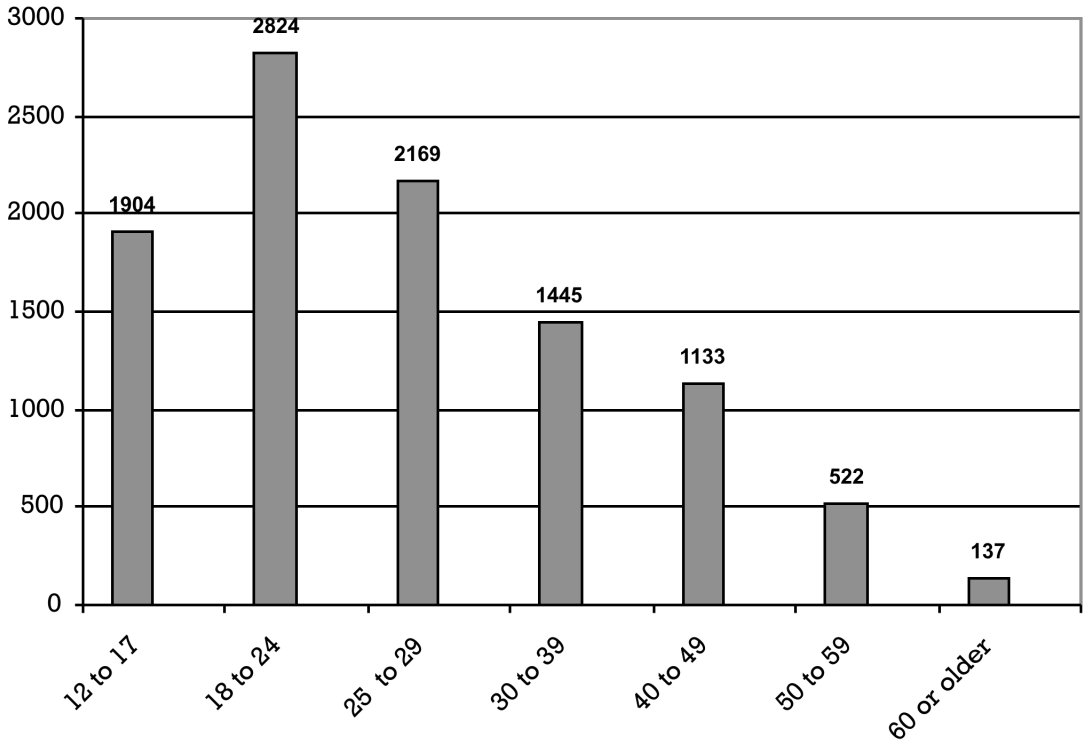

Figure D: Violence-Related Criminal Charge Rate (per 100,000) by Age Group, Ontario 2007

The following crime statistics further serve to illustrate the negative relationship between age and violence in Canada:[5]

- In 2003 (the last time Statistics Canada released detailed age-crime data), young people between 15 and 24 years of age represented only 14 per cent of the Canadian population. However, 15–24-year-olds accounted for 45 per cent of all persons charged with property offences and 32 per cent of those charged with violent offences (Wallace 2003).

- In 2003, the violent crime rate[6] for 15–24-year-olds was approximately 2,000 per 100,000 population. By contrast, the violent crime rate for those over 25 years of age was less than 1,000 per 100,000 population (Wallace 2003).

- In 2006, only 37 per cent of the Canadian population was less than 30 years of age. However, 61 per cent of those accused of homicide and 46 per cent of all homicide victims were under 30. By contrast, in 2006, only eight per cent of all homicide

[5] *Unfortunately, we could not locate age-specific UCR data for Ontario.*

[6] *Statistics Canada's violent crime rate is a composite measure that includes homicide, manslaughter, attempted murder, common (level one) assault, assault with a weapon, aggravated assault, sexual assault and robbery.*

offenders were 60 years of age or older, despite the fact that people in this age bracket make up over 20 per cent of the Canadian population.[7]

- In 2006, the homicide-offending rate was more than four times greater among Canadians between 12 and 29 years of age (4.25 per 100,000) than among those aged 30 years or older (only 1.0 per 100,000). Similarly, the homicide victimization rate among 12–29-year-olds was 3.25 per 100,000, compared with only 1.5 per 100,000 among those 30 years of age or older.

- Finally, according to the self-reports of Canadian crime victims (Besserer and Trainor 2000), 52 per cent of all criminal offenders are 24 years of age or under and an additional 23 per cent are between 25 and 34 years. Thus, according to the crime victims themselves, three out of every four criminal offenders (75 per cent) are under 35 years of age, despite the fact that this demographic represents only 30 per cent of the entire Canadian population.

In conclusion, the data described above strongly suggest that, when we are talking about crime data, we are most often talking about the behaviour of young people (typically between 12 and 29 years of age). Thus, we feel that the aggregate crime data presented in the next section are reflective of youth crime trends in general. Indeed, the negative relationship between age and crime is so strong that several scholars have forecast significant declines in North American crime rates as the population ages (see Field 1999; Savolainen 2000; Carrington 2001).

[7] *We calculated age-specific homicide rates by utilizing 2006 homicide counts from the Canadian Centre for Justice Statistics (Li 2007; http://www40.statcan.ca/101/est101/legal10b.htm) along with age-specific population estimates from Statistics Canada (http://www40.statcan.ca/101/est01/demo10a.htm?sdi=age).*

Violent Crime: Provincial Comparisons

On an annual basis, the Canadian Centre for Justice Statistics (CCJS) releases crime statistics for Canada. At the time that this report was being prepared (April 2008), statistics for 2006 were available for analysis. Unfortunately, the figures for 2007 had yet to be released. Figure 1 presents the rate of violent crime for Canada's ten provinces. The violent crime rate is a composite measure of the following crimes: homicide, manslaughter, attempted homicide, physical assault, aggravated assault, assault with a weapon, sexual assault and robbery. In general, the data suggest that the Western provinces have a much higher rate of violent crime than the eastern provinces do (with the possible exception of Nova Scotia). Over all, at 756 violent crimes per 100,000, Ontario and Quebec have the second-lowest violent crime rate in Canada. Only Prince Edward Island reported less violent crime (714 per 100,000). By contrast, the rate of violent crime in both Saskatchewan (2,039 per 100,000) and Manitoba (1,598 per 100,000) is more than double the rate for Ontario.

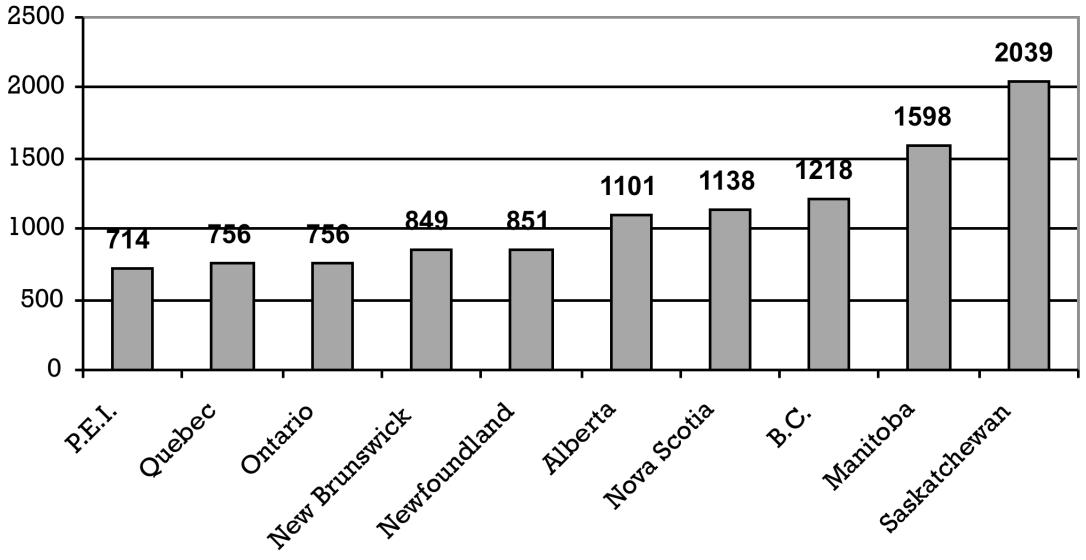

Figure 1: 2006 Violent Crime Rates (per 100,000) by Province

Figure 2 presents the homicide figures by province. Consistent with the figures for overall violent crime, the Western provinces (Saskatchewan, Manitoba, Alberta and British Columbia) have significantly higher homicide rates than the Eastern provinces have. Ontario's homicide rate (1.5 per 100,000) is half the rate of Saskatchewan's (4.1 per 100,000) and Manitoba's (3.3 per 100,000). It is also significantly lower than the homicide rate for both Alberta (2.8 per 100,000) and British Columbia (2.5 per 100,000). However, Ontario's homicide rate is significantly higher than the homicide rates for Quebec, New Brunswick and Prince Edward Island.

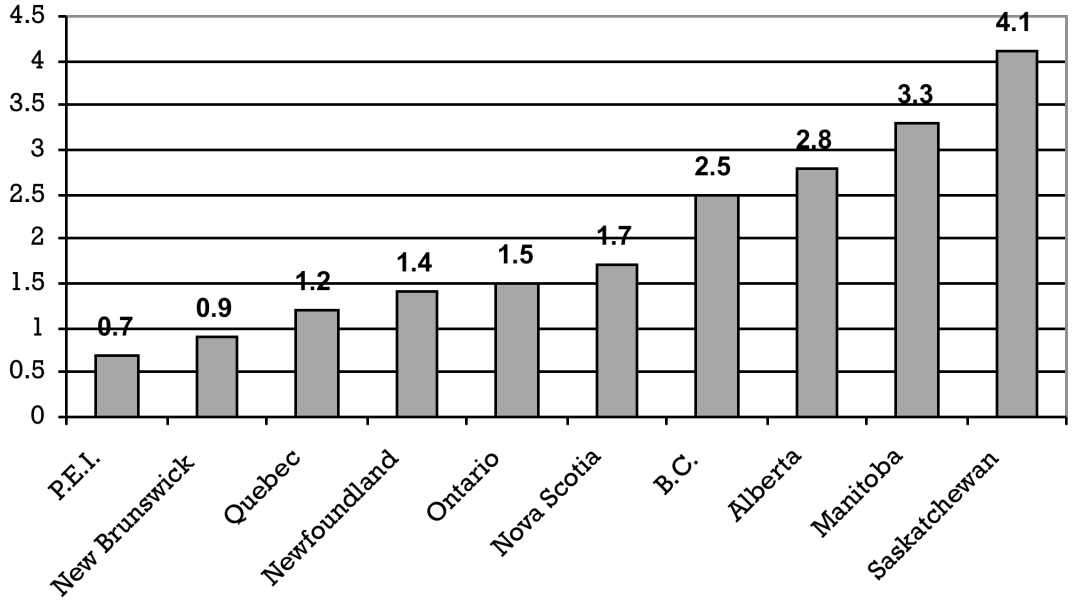

Figure 2: 2006 Homicide Rates by Province

Figures 3 through 5 present the provincial rates for assault, robbery and sexual assault respectively. The results are remarkably consistent. Regardless of the type of crime, violence is far more prevalent in Western Canada than it is in Eastern Canada. Ontario, on the other hand, is consistently at the low end of the crime continuum. Indeed, in 2006, Ontario recorded the second-lowest rate of physical assault (563 per 100,000) in Canada and the second-lowest rate of sexual assault (56 per 100,000). By contrast, Saskatchewan's physical assault rate (1,671 per 100,000) is almost three times greater than Ontario's assault rate. Similarly, Saskatchewan's rate of sexual assault (125 per 100,000) is more than twice Ontario's rate. However, the data suggest that Ontario has a relatively high rate of robbery (87 per 100,000). Nonetheless, Ontario's robbery rate is still lower than the rate found in five other provinces, including Manitoba (182 per 100,000), Saskatchewan (150 per 100,000), British Columbia (110 per 100,000), Alberta (93 per 100,000) and Quebec (91 per 100,000). In sum, compared with other provinces in Canada, Ontario is a relatively safe place to live.

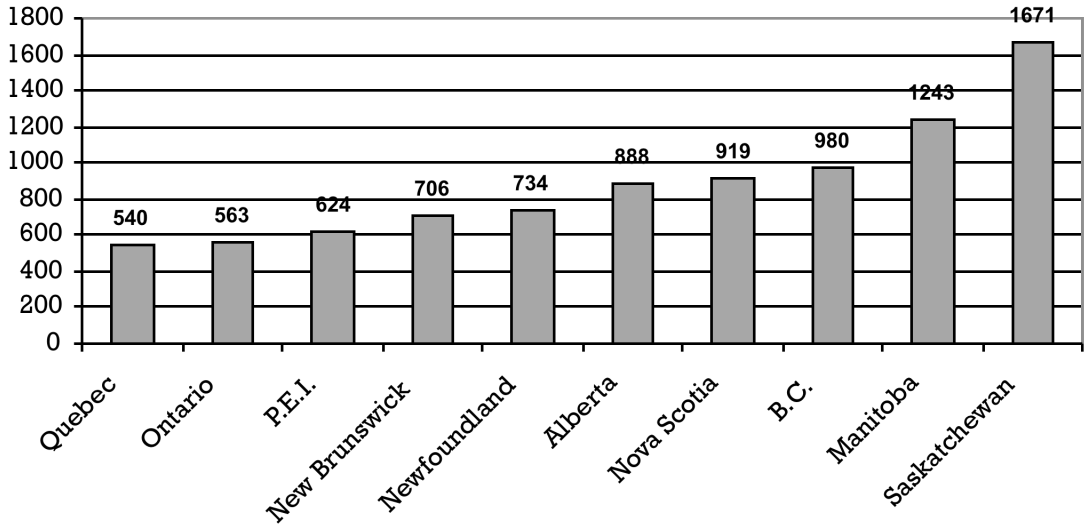

Figure 3: 2006 Assault Rates by Province

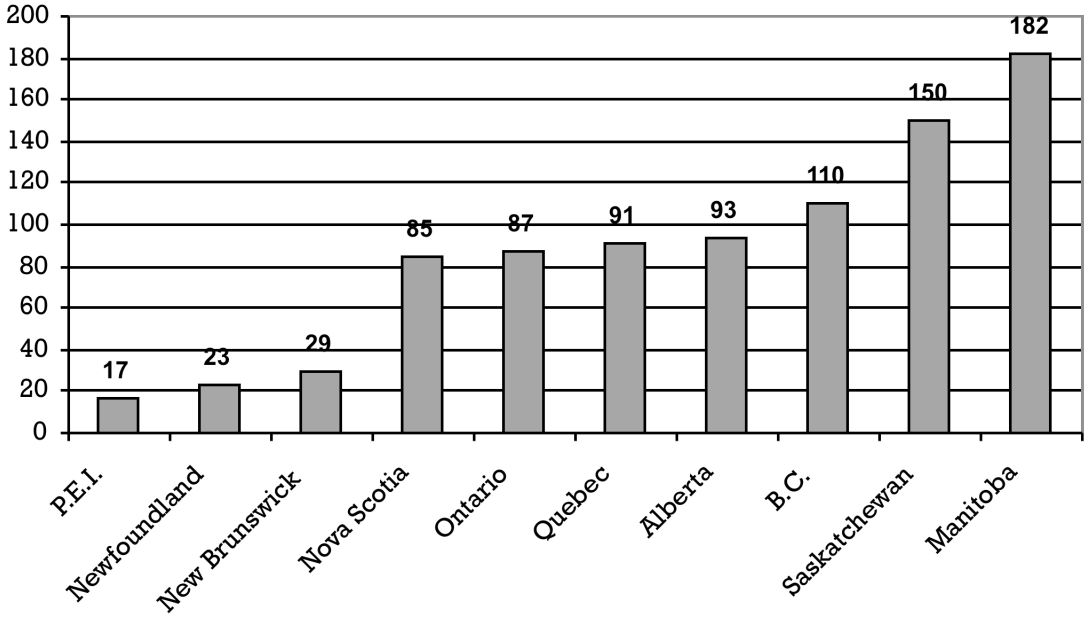

Figure 4: 2006 Robbery Rates by Province

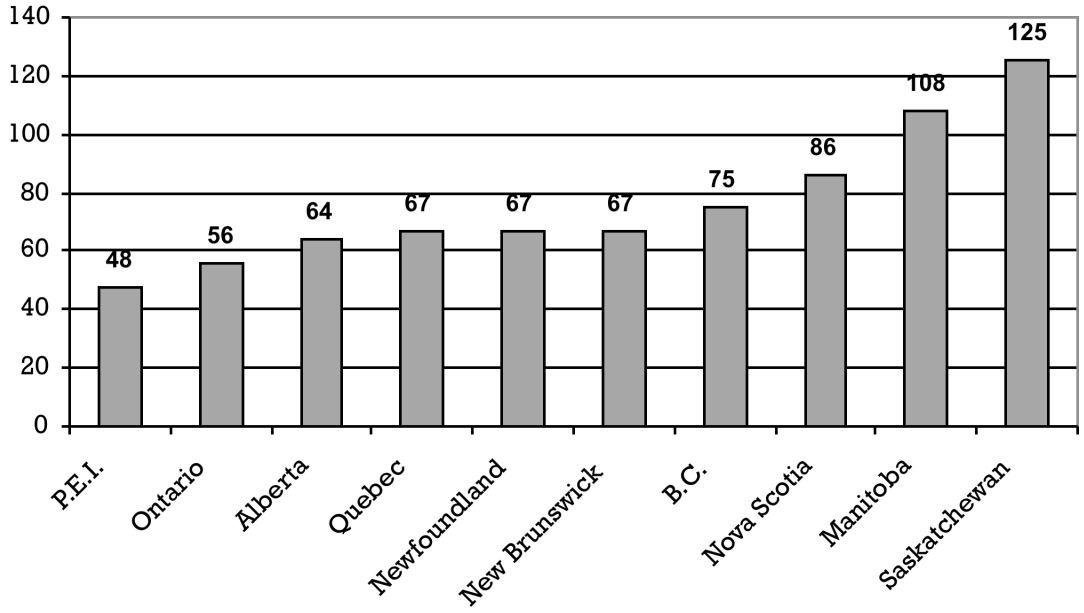

Figure 5: 2006 Sexual Assault Rates by Province

Violent Crime: A Comparison of Canadian Cities

Over the past several years, high-profile murders in Toronto (Canada's largest urban area) have drawn national media attention. As a result, many Canadians believe that Toronto and other Ontario cities are particularly prone to violence (see MacQueen 2008). For example, a general population survey, conducted in 2007, revealed that 50 per cent of Toronto residents actually believe Toronto has more crime than other major cities in Canada (Wortley 2007). How accurate is this perception? An examination of 2006 UCR statistics reveals that it is not accurate at all. Figure 6, for example, presents the violent crime rates for 20 major urban areas in Canada, including ten urban areas located in Ontario (Toronto, London, Hamilton, Windsor, St. Catharines, Ottawa, Thunder Bay, Sudbury, Kingston and Kitchener-Waterloo). According to our analysis, only two of these Ontario cities — Thunder Bay (1,308 per 100,000) and Sudbury (908 per 100,000) — make it into the top ten most violent cities in Canada. Interestingly, these are also the only two cities in Ontario with a violent crime rate above the national average (951 per 100,000). Toronto, on the other hand, a city that is often stereotyped as violent, ranks 14th out of the 20 urban areas in our sample. Furthermore, Toronto's violent crime rate (712 per 100,000) is less than half the rate of Saskatoon's (1,606 per 100,000) and Regina's (1,546 per 100,000). Toronto's violent crime rate also falls far below the national average. Nonetheless, there are several other Ontario cities (Ottawa, St. Catharines, Kitchener-Waterloo, Windsor and Kingston) that have even less violence than Toronto has. Consistent with our analysis of provincial data, Western cities tend to have much higher levels of violent crime than Eastern cities have. Halifax, Nova Scotia, is a notable exception to this general trend.

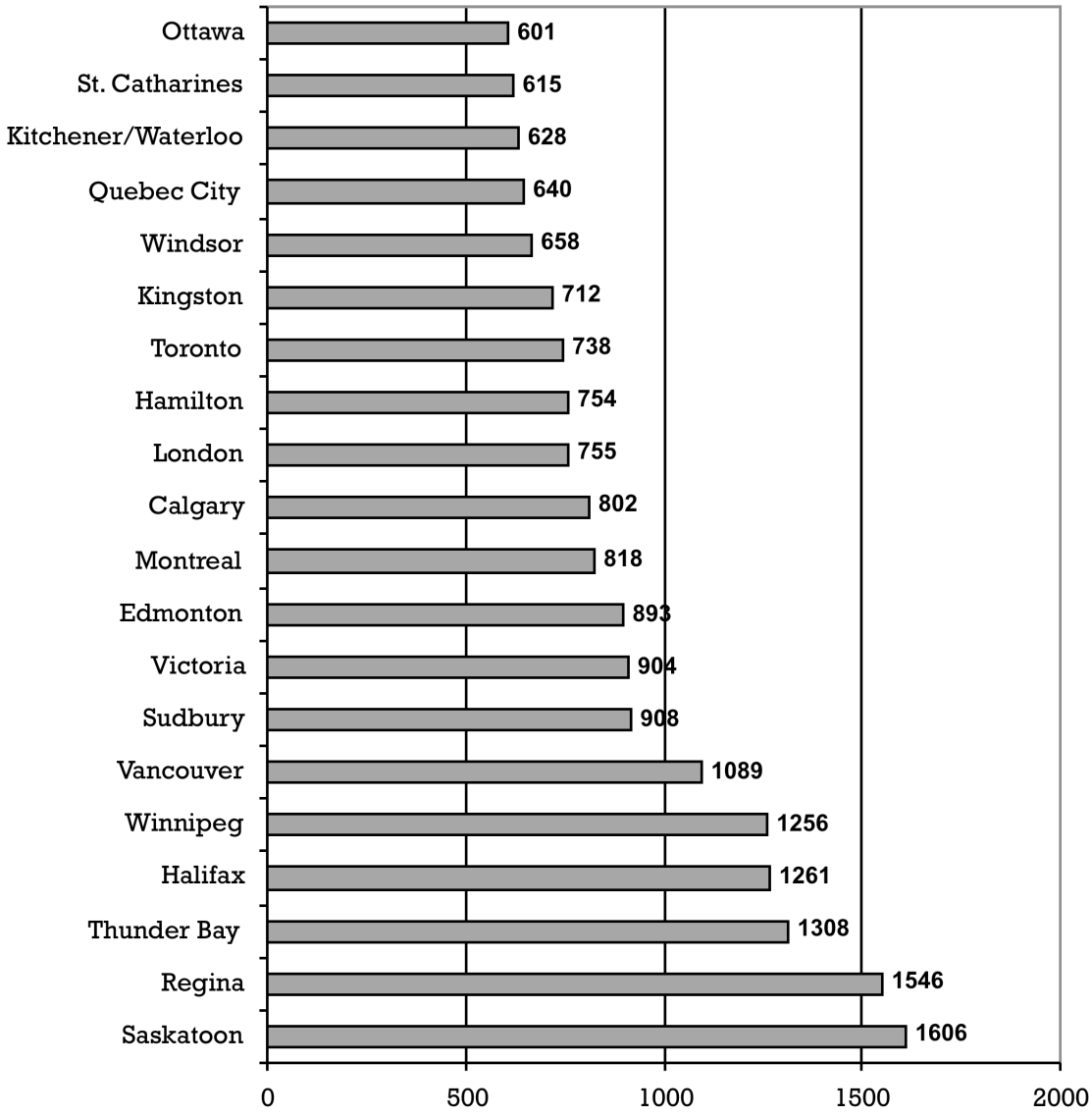

Figure 6: 2006 Violent Crime Rates by Canadian City

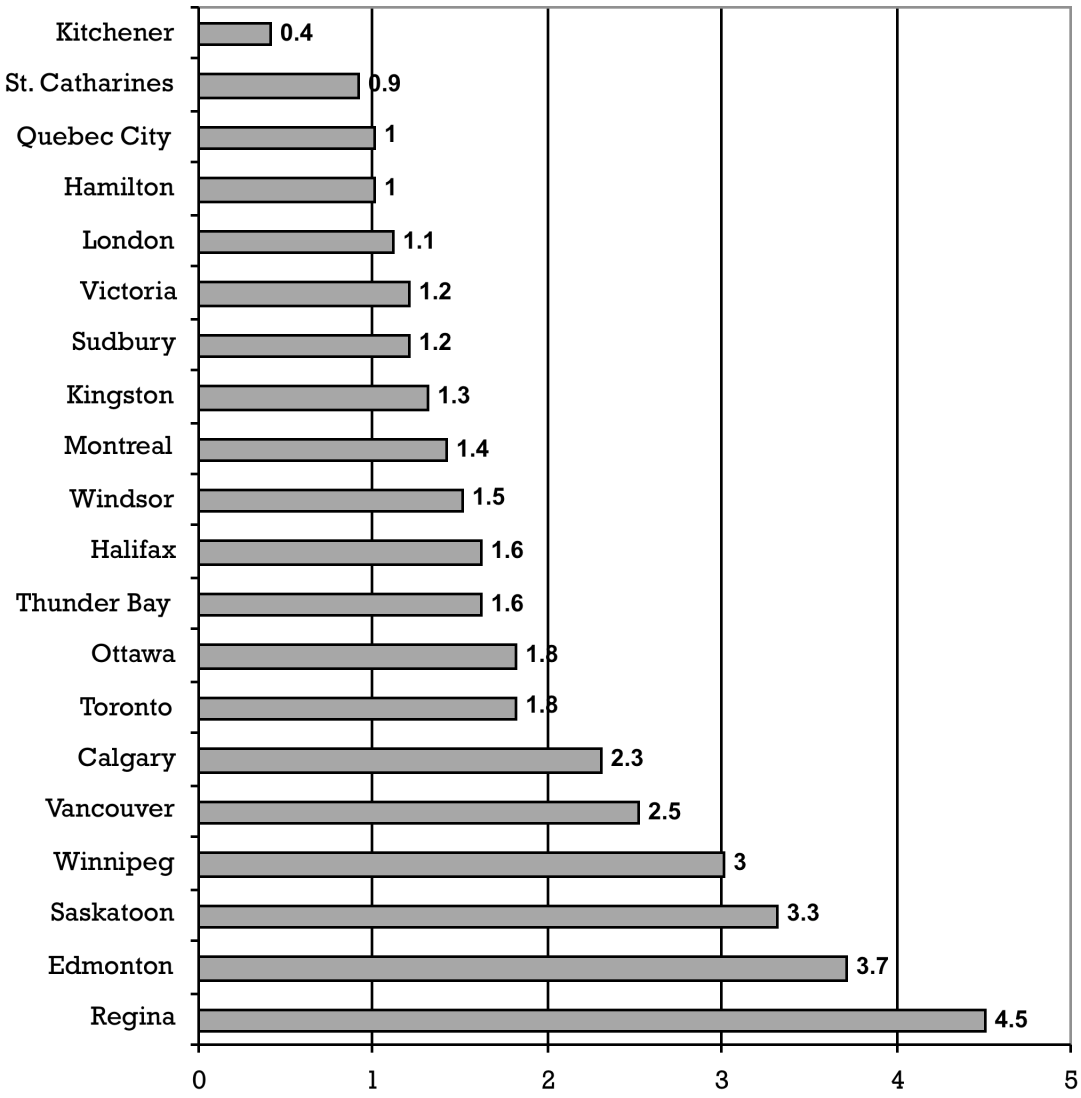

Figure 7: 2006 Homicide Rates by Canadian City

Figure 7 presents homicide statistics and Figure 8 presents robbery statistics for the same 20 Canadian cities. Some argue that homicide and robbery rates provide a more accurate estimate of violent crime because these crimes are more likely to be discovered by the police than physical assaults or sexual assaults are. Furthermore, compared with assault figures, homicide statistics are less vulnerable to regional variations in police discretion. For example, although local police may decide not to record a minor assault (or decide not to lay a charge), they most certainly will record all homicides. The results with respect to homicide and robbery, however, are remarkably similar to the results for violent crime in general. Over all, Western cities have much higher homicide rates than Eastern cities have. For example, of the major cities in our sample, Regina has the highest homicide rate (4.5 per 100,000), followed by Edmonton (3.7 per 100,000), Saskatoon

(3.3 per 100,000) and Winnipeg (3.0 per 100,000). By contrast, in 2006, the highest homicide rate in Ontario (1.8 per 100,000) was recorded by both Toronto and Ottawa. Nonetheless, compared with the level of homicide in Kitchener-Waterloo (0.4 per 100,000), St. Catharines (0.9 per 100,000) and Hamilton (1.0 per 100,000), Toronto's homicide rate is relatively high — at least by Ontario standards.

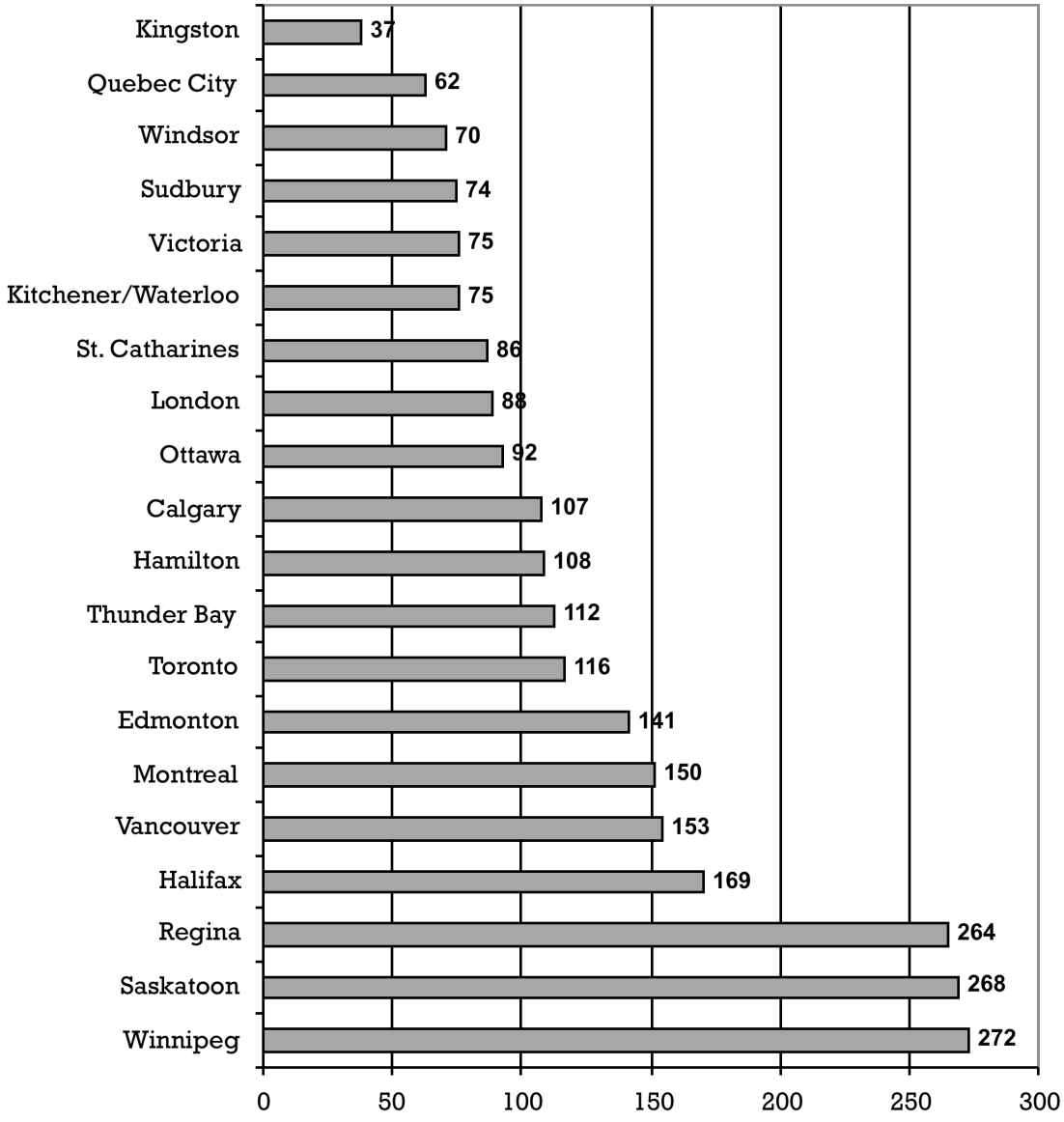

Figure 8: 2006 Robbery Rates by Canadian City

With respect to robbery rates, only three Ontario cities — Toronto, Thunder Bay and Hamilton — make it into the top ten (see Figure 8). However, the robbery rates for these three Ontario cities (all between 108 and 116 per 100,000) are still far below the robbery rates recorded by Western cities like Winnipeg (272 per 100,000), Saskatoon (268 per 100,000) and Regina (264 per 100,000).

In sum, according to official police statistics, there is absolutely no truth to the perception that major Ontario cities — including Toronto — are more violent than other urban centres within Canada are. In fact, the violent crime rates for most Ontario cities fall far below the national average. On the other hand, most major Western cities (including Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver and Victoria) have rates of violent crime well above the national average. This conclusion is quite consistent with a recent, highly publicized analysis of UCR data conducted by Maclean's magazine. Maclean's researchers ranked the 100 largest urban areas in Canada (with populations greater than 50,000) on an aggregate measure of six crimes: murder, sexual assault, aggravated assault, robbery, break and entering and auto theft. Surprisingly (at least to some), Toronto ranked 26th on this list of the most dangerous urban areas in Canada. By contrast, nine of the top ten most dangerous cities are located in Western provinces — from Winnipeg to Victoria (see MacQueen 2008; macleans.ca/dangerouscities).

Violent Crime: International Comparisons

Comparing countries with respect to their level of violent crime is an extremely difficult task. To begin with, most countries have their own unique definitions of crime, making accurate cross-national comparisons virtually impossible. Furthermore, police agencies from different countries often have vastly different practices and standards when it comes to recording crime statistics. For example, while countries like Canada and the United States have rather sophisticated methods (Uniform Crime Reports) for collecting information on criminal incidents, other countries do not compile crime statistics with such rigor. This situation makes cross-national comparisons with respect to crime even more tenuous. As a result, most criminologists rely exclusively on homicide statistics when attempting to compare the level of violence in various countries. As discussed above, unlike other violent crimes, almost all homicides eventually come to the attention of the police. In other words, few homicides go unrecorded. Furthermore, as a reliability check, police data on homicide can be cross-referenced with "cause of death" statistics compiled by national health agencies. In the past, such reliability checks have demonstrated that national homicide statistics are relatively accurate (see Archer and Gartner 1984; Bailey and Peterson 1999). Finally, many scholars feel that homicide is a "tip of the iceberg" statistic. They maintain that if homicide rates in a particular jurisdiction are high, it is reasonable to assume that less serious, non-lethal forms of violence will also be high.

Figure 9 compares Ontario's 2006 homicide rate with recently compiled homicide statistics from a variety of developed and developing nations. The results clearly suggest that, compared with many countries, Ontario is a relatively safe place to live. In general, homicide rates are much higher in developing nations like Jamaica (62.1 per 100,000), Brazil (53.3 per 100,000) and South Africa (40.5 per 100,000), than in developed countries like Canada (1.8 per 100,000). Homicide rates are also high in Eastern Europe, particularly in those countries that used to belong to the

Soviet Union. For example, the homicide rate in Russia (19.9 per 100,000) is approximately 13 times higher than the homicide rate in Ontario (1.5 per 100,000). By contrast, the homicide rate in the United States (5.7 per 100,000) is only 4 times greater than the homicide rate in Ontario. Interestingly, Ontario has a lower murder rate than many other Western nations, including Germany (2.9 per 100,000), Switzerland (2.7 per 100,000), Sweden (2.6 per 100,000), New Zealand (2.4 per 100,000) and Finland (2.1 per 100,000). However, Ontario is not doing as well as some other nations are. For example, Ontario's homicide rate is three times higher than the homicide rate in Japan, Hong Kong and Singapore.

Figure 10 compares Ontario's 2006 homicide rate with the homicide rates from selected American states. In general, the results suggest that Ontario is much safer than most jurisdictions in the United States. For example, the homicide rate in Louisiana (12.4 per 100,000) is approximately eight times greater than the homicide rate in Ontario (1.5 per 100,000). Florida, the winter home of many "snowbirds" from Ontario, has a homicide rate (6.2 per 100,000) that is more than four times greater than Ontario's rate. Similarly, the homicide rates for New Jersey (4.9 per 100,000), New York (4.8 per 100,000) and Ohio (4.7 per 100,000) are more than three times greater than the rate for Ontario. While several states — including Hawaii, Maine, Utah and Iowa — have a rate of homicide that is similar to Ontario's, we could locate only two states (North Dakota and New Hampshire) with lower rates.

As discussed above, in 2006, Toronto and Ottawa recorded the highest homicide rates among Ontario cities (1.8 per 100,000). Figure 11 compares this rate with 2006 homicide rates for selected American cities. The data clearly illustrate that, in general, urban living in Ontario is far safer than urban living in the United States is. In 2006, for example, Detroit had the highest urban homicide rate (47.3 per 100,000) in America. It is startling to note that this rate is 26 times greater than the homicide rate of Ontario's "most dangerous" cities. It is also important to note that, despite cutting its homicide rate in half over the past 15 years, New York City's 2006 homicide rate (7.3 per 100,000) is still four times greater than Toronto's homicide rate. Even placid Salt Lake City has a homicide rate that is double the rate for Toronto and Ottawa. In fact, we could not locate a single American urban area (with a population greater than 250,000) with a lower homicide rate than the most "violent" cities in Ontario.

Figure 12 compares the homicide rates for Toronto and Ottawa with the homicide rates for selected European cities. The results suggest that, even when compared with European urban centres, Toronto and Ottawa are relatively safe. Indeed, Toronto and Ottawa (Ontario's murder capitals) have lower homicide rates than many European locations have, including London, England, Glasgow, Amsterdam, Belfast, Brussels, Warsaw, Helsinki, Dublin, Copenhagen and Budapest. On the other hand, the homicide rates for Toronto and Ottawa are quite similar to the homicide rates for Berlin, Oslo, Madrid and Paris. However, a number of European cities (including Rome, Athens, Vienna and Lisbon) appear to be significantly safer than Toronto and Ottawa are. Indeed, Toronto's homicide rate (1.8 per 100,000) is three times higher than the rate for Lisbon (0.6 per 100,000). Thus, although Ontario cities are relatively "safe" by European standards, theoretically we could do better.

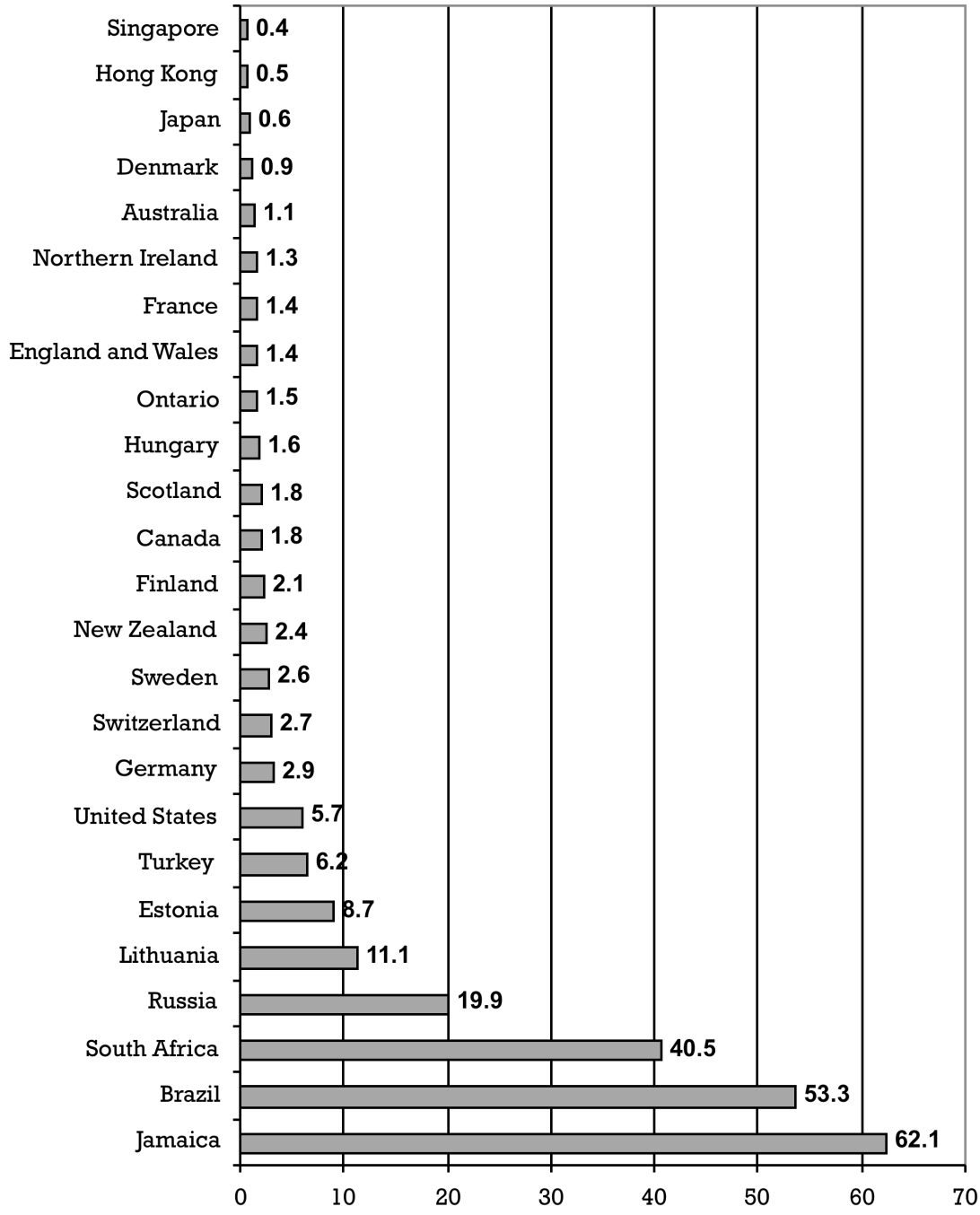

Figure 9: Homicide Rates Ontario and Selected Countries

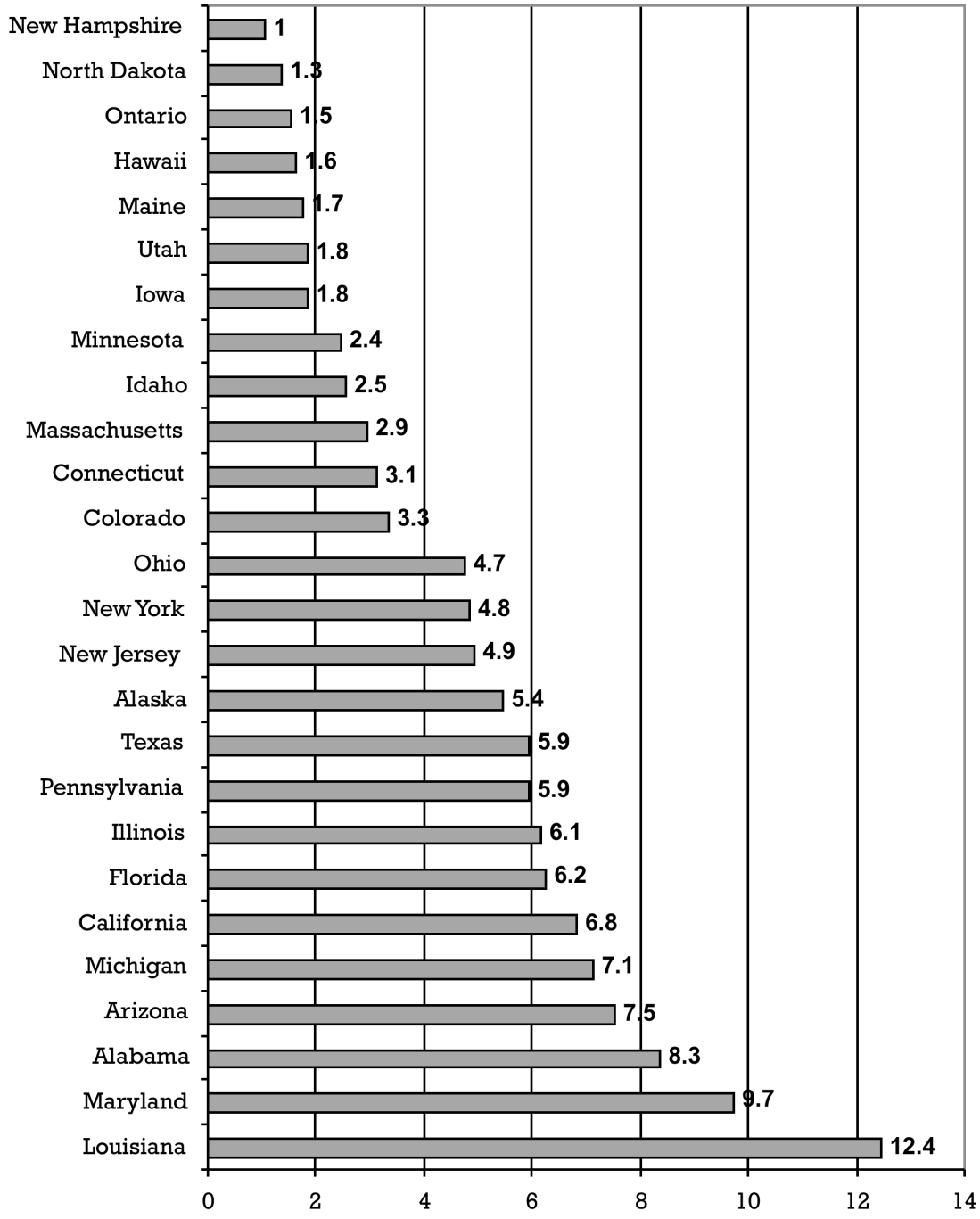

Figure 10: 2006 Murder Rates Ontario and Selected American States

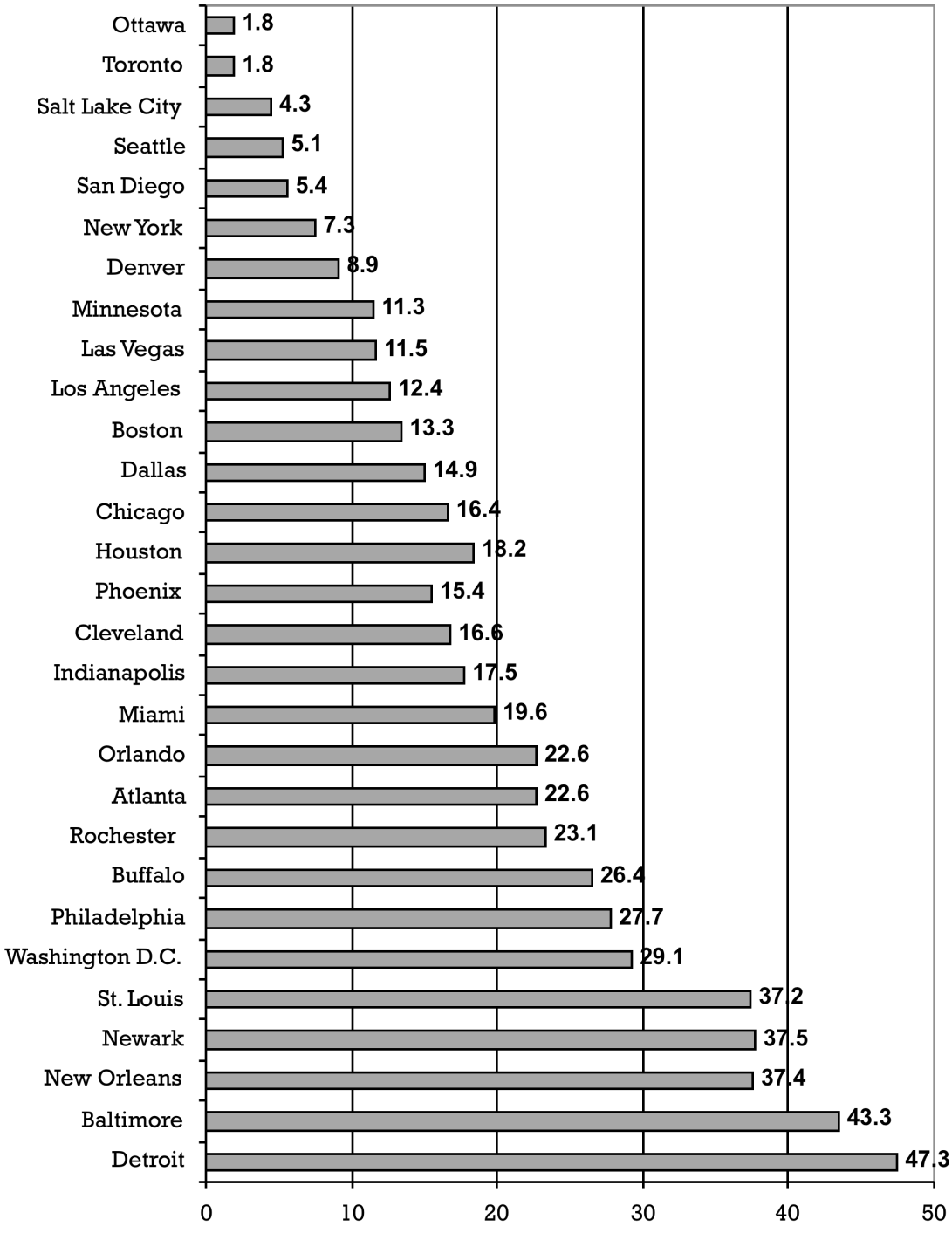

Figure 11: 2006 Homicide Rates by Selected Ontario and American Cities

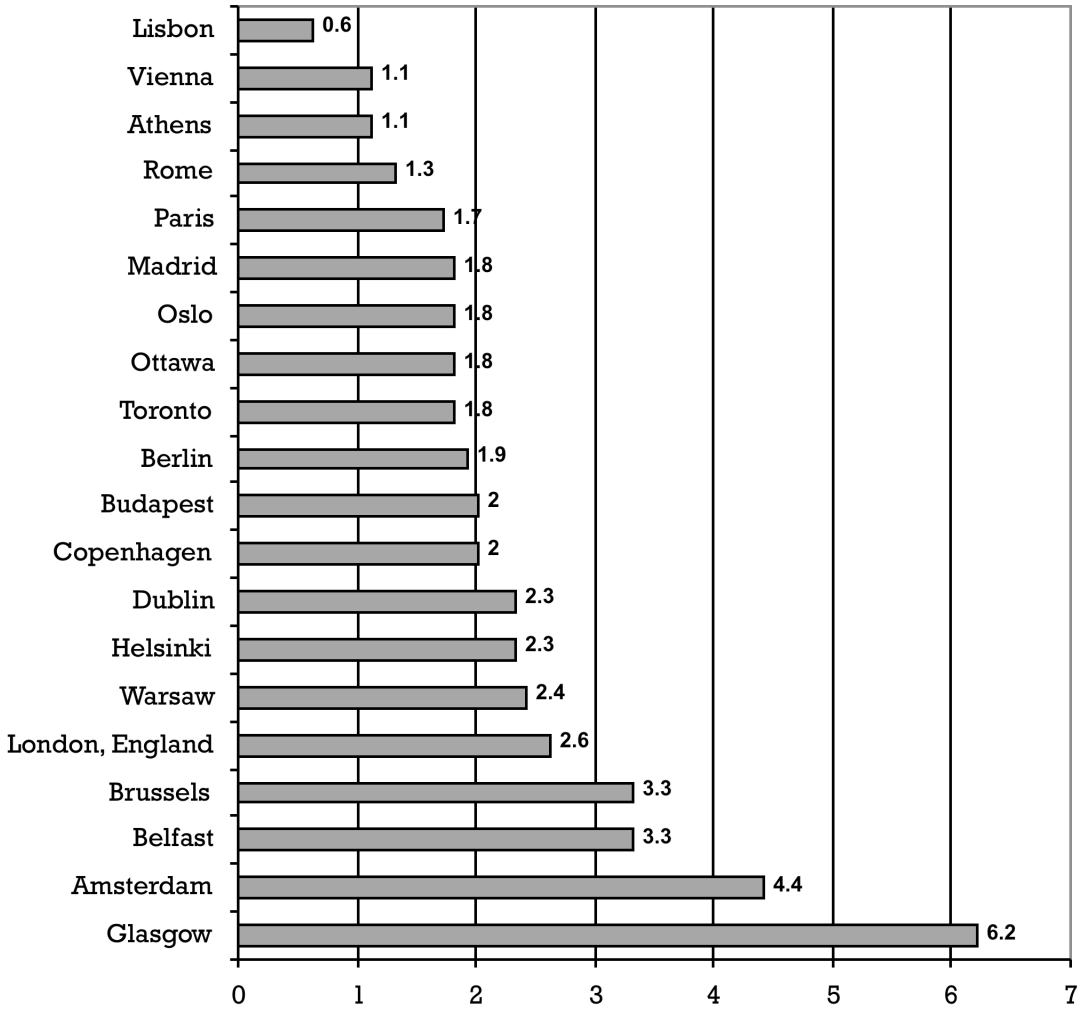

Figure 12: Homicide Rates by Selected Ontario and European Cities

Is Violence in Ontario Increasing?

The majority of Ontario residents believe that violent crime is on the rise. For example, the results of a 2007 general population survey suggest that over 70 per cent of Toronto residents believe that crime has increased significantly over the past ten years (Wortley 2007). The results presented below suggest that this widespread perception is fundamentally incorrect (see Figures 13 and 14).

We scoured annual reports published by the Canadian Centre for Justice Statistics and were able to locate the UCR violent crime rate for Ontario for the years 1986 through 2006. As you might recall, the violent crime rate is a composite measure that includes homicide, attempted homicide, assault, sexual assault and robbery. The data are presented in Figure 13. The results suggest that the violent crime rate in Ontario increased by 37 per cent between 1986 (787 per 100,000) and 1991 (1,097 per 100,000). However, violent crime in Ontario actually declined by 31 per cent between 1991 (1,097 per 100,000) and 2006 (756 per 100,000). Many Ontario residents would be surprised to learn that, over all, violent crime has actually decreased in this province over the past 20 years. Indeed, in Ontario, the 2006 violent crime rate (756 per 100,000) was five per cent lower than the rate of violent crime recorded in 1986 (797 per 100,000).

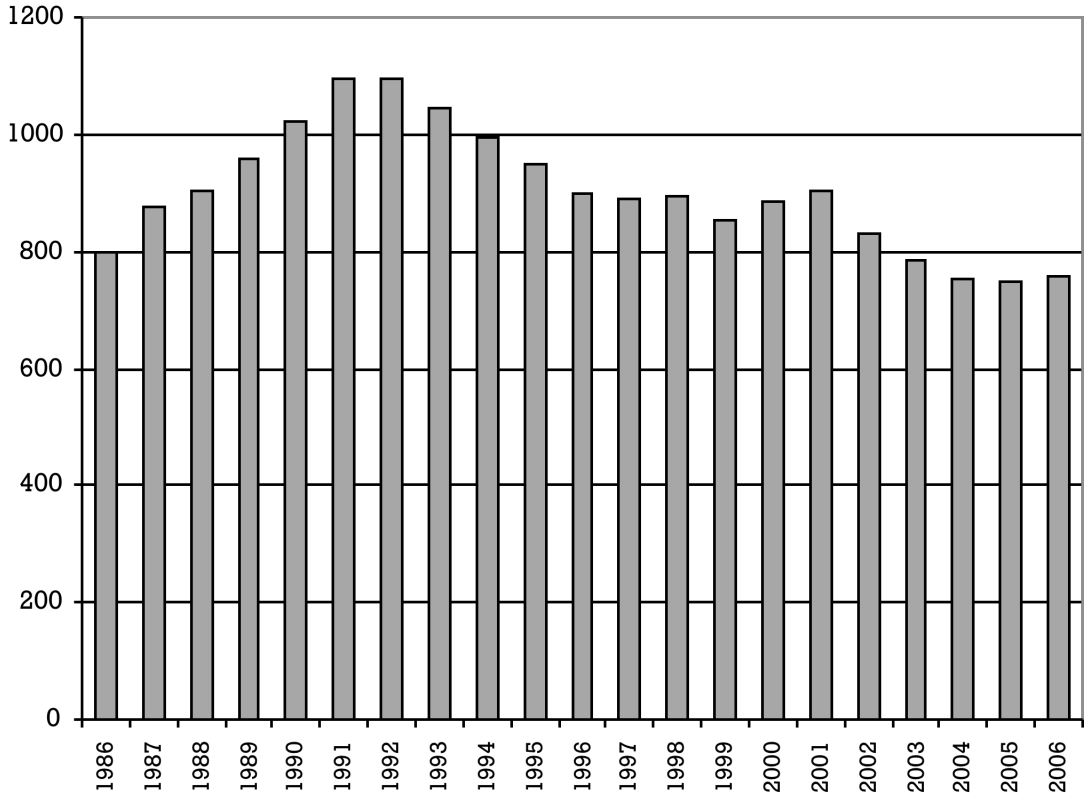

Figure 13: Ontario's Violent Crime Rate (per 100,000) 1986 to 2006

What about serious violence? Has it increased? In order to answer this question, we were able to locate homicide statistics for Canada, Ontario and the United States from 1961 to 2006 (a period of 45 years). These data are presented in Figure 14. The data illustrate a few clear patterns. First of all, over the past half century, the United States has consistently recorded a much higher homicide rate than Canada has. Depending on the year, the American homicide rate has typically been between three and six times higher than the Canadian rate. The results also reveal that, over the past 45 years, Ontario's homicide rate has always been below the Canadian average. We could not locate a single year in which Ontario's homicide rate surpassed the overall rate for Canada.

Ontario recorded its lowest homicide rate (1.02 per 100,000) in 1966. However, the province's homicide rate more than doubled between 1966 and the mid-1970s. In fact, Ontario recorded its highest recorded homicide rate in 1975 (2.48 per 100,000). The level of homicide dropped slightly in 1976 and remained relatively stable (at about 2.0 per 100,000) until 1991. Ontario recorded relatively high homicide rates in both 1991 (2.35 per 100,000) and 1992 (2.29 per 100,000) before dropping below 2.0 per 100,000 for the next 14 years. As discussed above, in 2006, Ontario's homicide rate was only 1.54 per 100,000. This rate is about the same as the homicide rate recorded in 1961 (1.43 per 100,000) and is actually 40 per cent lower than the rate recorded in 1975 (2.48 per 100,000). Many people would be surprised to know that Ontario's 1975 homicide rate was almost twice the rate recorded in 2006. Clearly, there is little evidence to suggest that Ontario residents are more at risk of experiencing a violent death than they were 30 years ago. However, this does not mean that the nature of homicide has not changed. Indeed, there are a number of disturbing trends with respect to contemporary violence that deserve our attention. These trends will be discussed below in a section entitled "Ontario at the Crossroads."

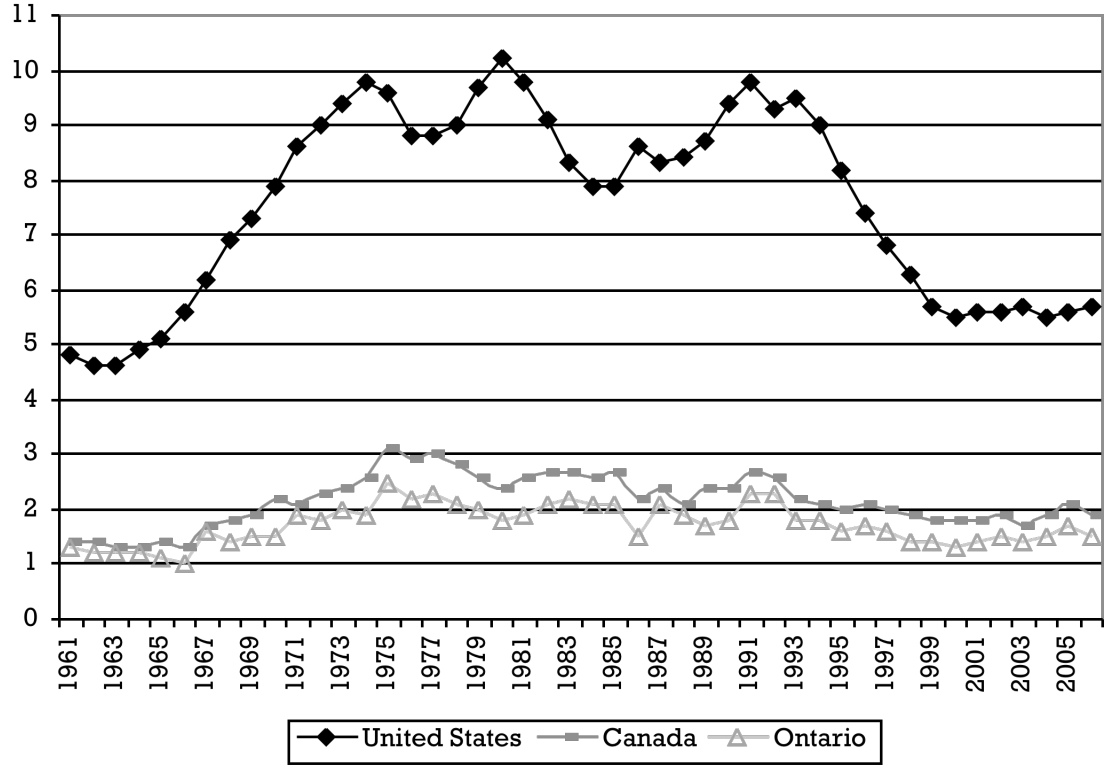

Figure 14: Homicide Rates, 1961 to 2006 United States, Canada and Ontario

The Limitations of Official (UCR) Data

The UCR survey is an important crime measurement strategy that is used extensively by academics, community members and law enforcement agencies. However, police data are not without their problems. To begin with, UCR statistics only represent those crimes that are "known to the police." Most crimes, as discussed above, become known to the police through reports from civilian witnesses and/or victims. However, survey results (see discussion below) indicate that many people do not report to the police the crimes they have witnessed or experienced. Reasons for not reporting crimes to the police sometimes include a belief that the incident was too minor or that the police will not be able to catch the offender. Other people do not report criminal incidents because they are afraid of the offenders or have a profound distrust of the police. Whatever the reasons, studies consistently reveal that there is a less than 50 per cent chance of a violent crime being reported to the police. This is even lower for certain types of violent crime, including sexual assault. In other words, official police data may dramatically underestimate the true extent of violent behaviour in Ontario.

Police discretion with respect to arrest decisions and record-keeping can also dramatically impact UCR statistics. Research suggests that police priorities and how they deal with specific types of behaviour can have a profound impact on the extent of criminal activity that is recorded by official statistics. For example, studies suggest that when the police devote extra resources towards identifying and arresting prostitutes, drug users, and drug dealers, the official statistics for prostitution, drug possession, and drug trafficking also increase. In other words, a rise or decline in particular "police sensitive" crimes may reflect changes in policing activity more than actual changes in the public's behaviour. Indeed, in 1962, Canada recorded only 20 cases of cannabis possession. By 1968, however, there were 2,300 cases, and by 1972, there were over 12,000 cases (a 600 per cent increase over a ten year period). Although marijuana use may have increased somewhat over this time period, most police scholars attribute this dramatic increase in marijuana-related cases to renewed police efforts to fight the war on drugs (see Siegel and McCormick 2006).

A similar situation arose in Ontario during the 1990s. After the passage of the Safe Schools Act and the adoption of strict "zero tolerance" policies by various school boards, there was a marked increase in Ontario's violent crime rate for young offenders. Most of this increase involved minor (Level I) physical assaults. Critics have argued that this increase in the province's official violent crime rate had more to do with the increased use of police in schools than with real changes in youth violence. In other words, during the 1970s and 1980s, fights between students were often dealt with informally (by school officials, counsellors and parents). However, after the adoption of the zero-tolerance approach, the police were more likely to be called to schools to deal with minor violence. The increased use of police, in turn, led to increased arrests and an increase in officially recorded youth crime (see Doob and Cesaroni 2004).

Other studies have suggested that improvements in police record-keeping can also increase the rate of officially recorded crime. Improvements in computer technology and increases in the number of police personnel devoted to the collection of crime data, for example, have both contributed to "artificial" increases in crime within some jurisdictions (Siegel and McCormick 2006). Other methodological issues related to UCR statistics include:

- The definition of crime can change — compromising the analysis of trend data.
- As a result of police discretion, some criminal incidents are incorrectly screened as "founded," while others are incorrectly screened as "unfounded."
- There are significant jurisdictional variations in how well UCR reports are completed. Thus, the crime statistics for some regions may be more accurate than the statistics from other regions.
- If a single offender commits multiple offences, only the most serious offence is recorded. This is a practice that may cause some types of crime (minor violence and property crimes) to be significantly under-reported in official crime data.

In sum, official UCR crime statistics have specific strengths, as well as specific weaknesses. As a result of these weaknesses, criminologists often attempt to expand their analysis of crime by considering unofficial statistics — usually collected through self-report (victimization) surveys. We turn to these data in the next section.

Measuring Crime with Unofficial Data

The limits of official (UCR) statistics have caused social scientists to seek alternative methods for documenting the extent and nature of criminal behaviour in Canada. General population surveys are by far the most widespread strategy for collecting "unofficial" crime data. Two types of surveys have been developed: 1) *self-report surveys* — in which respondents are asked if they themselves have engaged in specific criminal behaviours over a given time period; and 2) *victimization surveys* — in which respondents are asked if they have experienced specific types of criminal victimization over the past year.[8] In general, surveys uncover much more criminal activity than official police statistics do. For example, the 2004 Canadian General Social Survey (Gannon and Mihorean, 2005, discussed in detail below) produced an unofficial crime rate of approximately 28,000 per 100,000. By contrast, the 2004 crime rate produced by official UCR statistics was only 8,951 per 100,000 (see Table 1 in Silver 2007). The huge discrepancy between these two rates of crime can be explained by the fact that most crimes are never "discovered" by the police and thus recorded in UCR tabulations. Indeed, according to the results of the 2004 General Social Survey, only a third of all victimization incidents (34 per cent) are reported to the police.

The General Social Survey

The General Social Survey (GSS) is the only national victimization survey conducted in Canada. It is also the largest (in terms of sample size) and most methodologically sophisticated (in terms of sampling strategy and survey construction). The victimization cycle of the GSS is a telephone survey that is administered to a representative sample of Canadians aged 15 years and older. The most recent cycle of the victimization survey was administered in 2004. This was the fourth time that the survey was administered, with previous cycles in 1988, 1993 and 1999 (see Gannon and Mihorean 2005).

To select the sample, Random Digit Dialing technology is used to randomly select households in the ten provinces and the territories. Thereafter, one person from each household is randomly selected to complete the survey. The sample in 1988 and 1993 consisted of only 10,000 households. In 1999, the sample consisted of 26,000 households. In 2004, the final sample included 24,000 households.

[8] *In rare cases, surveys try to capture both self-reported criminal activity and personal victimization experiences (see Tanner and Wortley 2002).*

Since the survey is conducted by phone, it automatically excludes people who do not have a home phone and people who are living within institutions. In the most recent iteration of the survey, this amounted to approximately four per cent of the Canadian population. Statistics Canada maintains that the loss of this "unreachable" population should not significantly impact national crime estimates.[9] However, it should be noted that previous research has demonstrated that homeless/transient populations (i.e., those who are the least likely to have a phone) and those living in institutional facilities (including prisons) tend to have significantly higher rates of victimization than others have. Thus, though significantly higher than UCR statistics, the crime estimates provided by the GSS may still be conservative.

The results of the 2004 GSS indicate that 28 per cent of the Canadian population 15 years of age or older experienced at least one criminal victimization in the previous 12 months. The findings also indicate that eight per cent had experienced a physical assault in the past year, two per cent had experienced a sexual assault and one per cent had experienced a robbery. In sum, 10.6 per cent of the population had experienced one or more violent victimizations in the previous 12 months. This was down slightly (minus five per cent) from the rate of violent victimization recorded by the GSS in 1999.

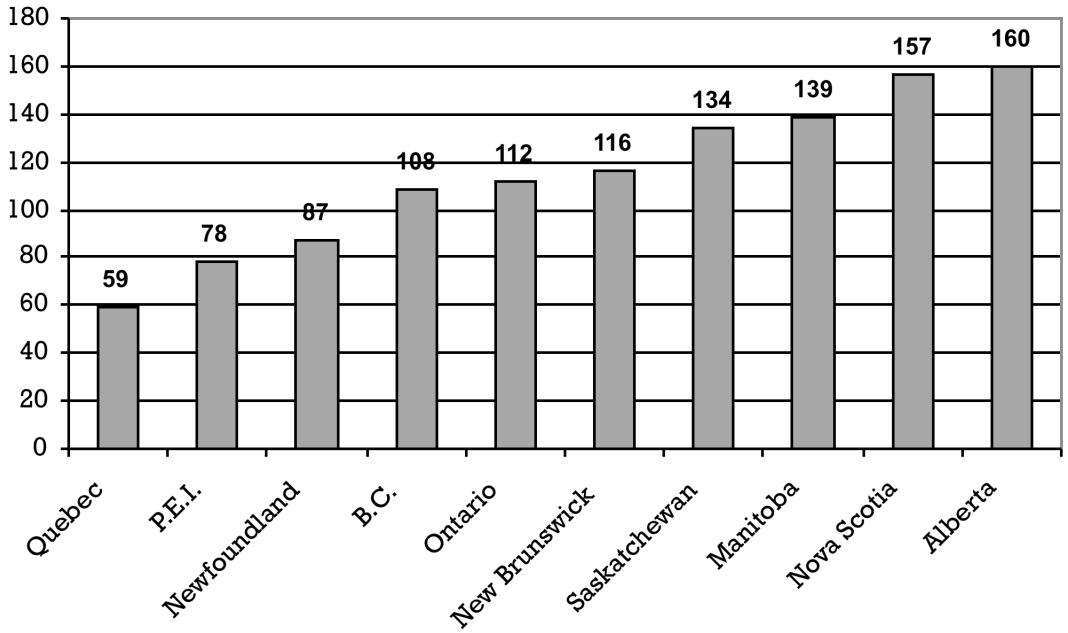

Figure 15: Rate of Self-Reported Violent Victimization (per 1,000) by Province 2004 General Social Survey

Figure 15 presents the GSS violent victimization rates by province. In general, the data pattern is consistent with the UCR statistics presented above (see Figure 1). Over all, according to this national victimization survey, violent crime appears to be more prevalent in Western Canada

[9] *Gannon and Mihorean 2005: 19.*

than it is in Eastern Canada. One exception to this general rule is Nova Scotia, which recorded the second-highest rate of violent victimization in the country. Interestingly, while Manitoba and Saskatchewan have the highest rate of violent crime according to official UCR estimates, Alberta leads the way with respect to self-reported victimization. Similarly, while Ontario ranks eighth with respect to officially recorded violent crime, it rises to sixth when estimates are based on GSS data. Finally, according to UCR statistics, British Columbia's official rate of violent crime (1,218 per 100,000) is 61 per cent higher than Ontario's rate (756 per 100,000). However, according to the 2004 GSS, B.C.'s violent victimization rate (10,800 per 100,000) is actually slightly lower than Ontario's rate (11,200 per 100,000).[10] As discussed above, these regional discrepancies could be the result of regional differences in behaviour — or they could stem from divergent police practices.

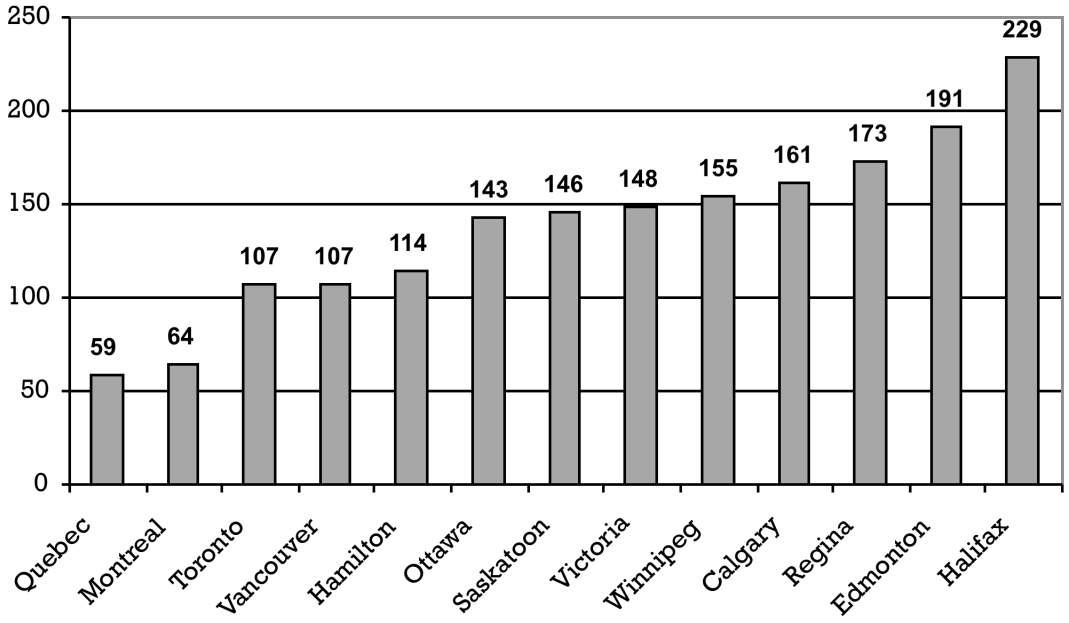

Figure 16: Rate of Self-Reported Violent Victimization (per 1,000) by City 2004 General Social Survey

Figure 16 presents GSS violent victimization rates for 13 major Canadian urban areas. According to 2004 survey results, Halifax, Nova Scotia (229 per 100,000) had the highest rate of violent victimization in Canada, followed by six Western cities (Edmonton, Regina, Calgary, Winnipeg, Victoria and Saskatoon). However, it should be noted that Ottawa's violent victimization rate (143 per 100,000) was almost as high as Saskatoon's (146 per 100,000). However, both Toronto and Hamilton are close to the national average (106 per 100,000). Interestingly, while Vancouver's official (UCR) rate of violent crime is significantly higher than Toronto's (see Figure 6 above), according to the 2004 GSS the two cities have identical rates of violent victimization. Finally, consistent with UCR statistics, the GSS found that Quebec City and Montreal have relatively low rates of violent crime. Over all, the basic crime pattern produced by the 2004

[10] *The GSS reports victimization rates per 1,000, while the UCR reports crime rates per 100,000. In order to make the figures more comparable, we multiplied the GSS rates by 100.*

General Social Survey is largely consistent with the UCR police statistics compiled annually by the Canadian Centre for Justice Statistics. In general, violence is much more prevalent in Western Canada than it is in Eastern Canada (with the exception of Nova Scotia). Ontario and Ontario's urban centres, on the other hand, tend to lie somewhere in the middle: less violent than Western Canada (and Nova Scotia), but somewhat more violent than Quebec.

As with police official statistics, the results of the 2004 GSS suggest that violence is highly concentrated among youthful populations (see Figure 17). Indeed, the violent victimization rate for respondents 15 to 24 years of age (226 per 100,000) is two times greater than the rate for 35- to 44-year-olds (115 per 100,000) and more than four times greater than those 55 years of age or older (45 per 100,000).

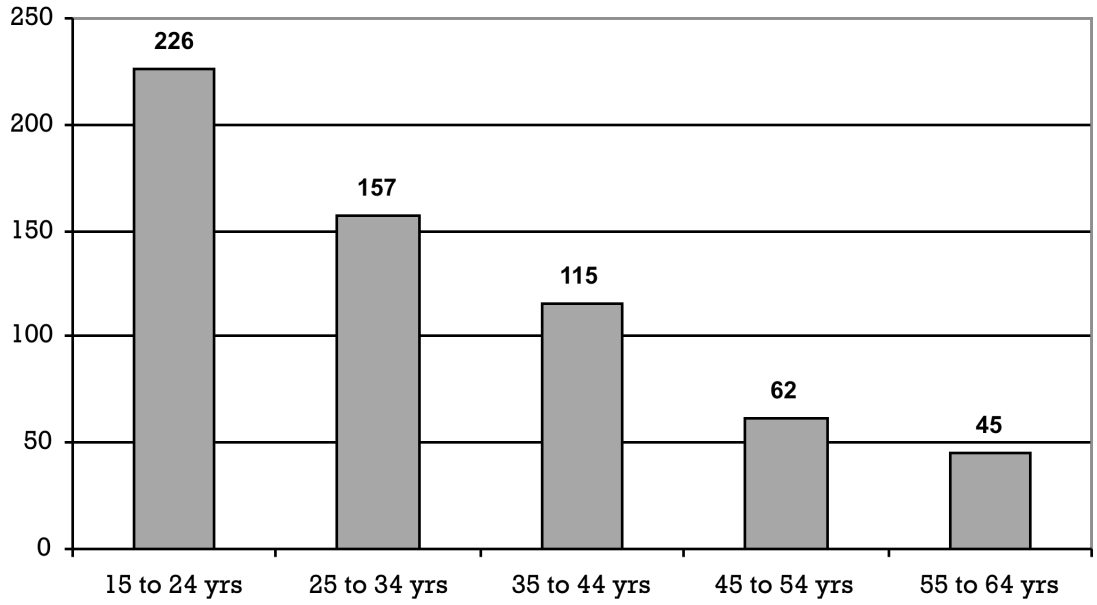

Figure 17: Rate of Self-Reported Violent Victimization (per 1,000) by Age Group 2004 General Social Survey

Respondents to the 2004 GSS were also asked if they could identify the ages of the offenders involved in violent victimization incidents. Only two per cent of respondents claimed that they could not estimate the age of the offenders involved in violence-related incidents (this percentage was much higher for property crimes). The results further demonstrate the robustness of the negative age-crime correlation. Two thirds of all offenders were identified as being less than 34 years of age. By contrast, only five per cent were 55 years of age or older. As with UCR data, violent offenders are particularly well represented among *young adults*. Indeed, while only 13 per cent of all offenders fall into the legally defined "young offender" category (12 to 17 years of age), 50 per cent of offenders were identified as being young adults between 18 and 34 years of age.

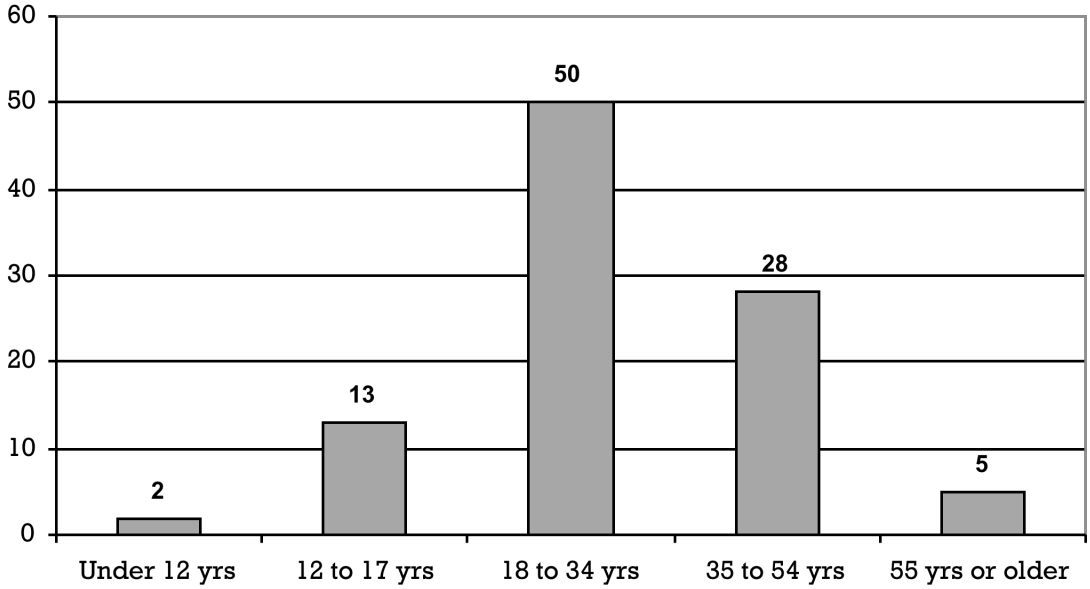

Figure 18: Estimated Age of the Offender(s) Involved in Violent Victimizations 2004 General Social Survey

Other Youth Surveys

By all accounts, the General Social Survey (GSS) is the most ambitious victimization survey in Canada. However, over past decade, a number of other surveys have examined the nature and extent of youth violence in Ontario. Most of these studies have examined large samples of high school students. This section will focus on the results of ten of these studies to further illustrate the degree of violent behaviour among young people in Canada. The studies to be discussed include:

1. ***The Ontario Student Drug Use Survey (OSDUS)****:* This Ontario-wide survey has been conducted every two years since 1977 (Paglia et al 2003; CAMH 2006). The survey is sponsored and administered by the Centre for Addiction and Mental Health (CAMH, formerly known as the Addiction Research Foundation). Respondents are drawn from elementary schools (grades 7 and 8) and high schools (grades 9 to 12) from across the province. Each survey has involved a large, representative sample of Ontario students. For example, the 2005 survey involved a random sample of 7,726 respondents representing 42 different school boards and 137 different schools. Although most survey questions focus on student drug and alcohol use, questions about youth violence have been included since 1983.

2. ***The International Youth Survey (IYS)****:* This survey was administered to students in 30 different nations in 2006. The Canadian version, conducted by Statistics Canada, involved a random sample of 3,200 students (in grades 7 through 9) from the Toronto District School Board (see Savoie 2007).

3. ***The 2006 Toronto District School Board Student Census:*** This study, completed in 2006, involved an extensive survey of approximately 105,000 students (grades 7 through 12) from the Toronto District School Board. The final sample included approximately 92 per cent of all students in grades 7 and 8 and 81 per cent of all students in grades 9 through 12. The survey included several questions on school safety and violence (see Yau and O'Reilly 2007).

4. ***The 2000 Toronto Youth Crime and Victimization Survey (YCVS):*** This survey, completed in 2000, involved a random sample of 3,393 Toronto high school students (from both the Catholic and public school boards) and a random sample of 396 homeless street youth (response rate = 82 per cent). This survey investigated both self-reported victimization experiences and self-reported delinquent behaviour (see Tanner and Wortley 2002).

5. ***The Drugs, Alcohol and Violence International Survey*** (DAVI): This study, completed in 2003, is a joint US-Canada investigation into youth drug use and violence. The study involved a survey of three samples of male youth 14 to 17 years of age: students, dropouts and young offenders being held in secure custody facilities. The Canadian version of the project collected data from samples in both Montreal and Toronto. The Canadian student sample consisted of 904 respondents — 456 Toronto high school students (from eight different schools) and 456 high school students from Montreal (from eight different schools). The dropout sample consisted of 218 respondents (116 from Toronto and 102 from Montreal). Finally, the young offender sample consisted of 278 youth in secure custody facilities (132 from southern Ontario and 146 from the Montreal region). The survey included many questions about weapons use and violent behaviour. As part of this project, similar surveys were conducted in both Philadelphia and Amsterdam (see Erickson and Butters 2006).

6. ***School Community Safety Advisory Panel Surveys***: The School Community Safety Advisory Panel (led by Julian Falconer) was formed by the Toronto District School Board in June 2007 to investigate issues of school safety in the wake of the tragic shooting death of Jordan Manners. As part of its investigation, the panel conducted victimization surveys at two schools located within an economically disadvantaged neighbourhood in northwest Toronto (see School Community Safety Advisory Panel 2008). The first survey was conducted in June 2007. The second survey was administered in October 2007. A total of 1,293 students participated in this research project (423 students at C.W. Jefferys Collegiate and 870 at Westview Secondary School).

7. ***The 2001/2002 Health Behaviour in School-Aged Children Survey (HBSC)***: In 2001/2002, the World Health Organization (WHO) conducted a massive survey of 162,306 students from 35 countries. As part of this project, the WHO questionnaire was administered to a random sample of 4,361 Canadian youth. Several questions asked respondents to report on their experiences with both bullying and fighting (see Craig and Harel 2004).

8. ***Canada's National Longitudinal Survey on Children and Youth (NLSCY)***: This is a joint project of Statistics Canada and Human Resources Development Canada. It is a

national, longitudinal survey of a group of children who will be studied every two years until they reach the age of 25 years (sample size = 22,831). The data on delinquency reported below are based on self-report forms filled out by the children themselves and returned to Statistics Canada (see Sprott and Doob 2008; Sprott et al 2001).

9. ***The Ontario Student Sexual Harassment Survey*:** This project was conducted by researchers from the Centre for Addiction and Mental Health (CAMH). The survey, completed in 2007, involved a random sample of 1,800 students from 23 high schools in Ontario. A 75-minute-long questionnaire was first administered to the student respondents at the beginning of grade 9. The same respondents were re-interviewed two years later as they started grade 11. Most of the questions focused on issues of sexual harassment (Wolfe and Chiodo 2008).

In the following sections, we provide basic estimates of youth violence that have been derived from the nine studies outlined above. The objective of this exercise was to illustrate that various forms of violence are quite common in the lives of young people. We should note, however, that it is very difficult to compare the results of different studies. First of all, question wording varies dramatically from study to study, making direct comparisons impossible. Secondly, different studies employ different time frames in their analysis. For example, some studies ask about exposure to violence over the past few months, while other studies ask about exposure over the past year or over the course of a lifetime. Unfortunately, a common methodological benchmark for studying youth violence in Ontario has not yet been developed.

Bullying

Bullying has been defined as a form of abuse at the hands of peers. As such, it can take many forms: from threats, to physical assaults, to insults, to social exclusion (see Hunt 2007; Pepler et al 2006). As described by Craig, Pepler and Blais (2007), bullying represents a pattern of repeated aggression in which there is a power differential. Children and youth who bully always have more power than their victims. Their power might stem from greater physical size or strength or from social advantage (higher socio-economic position, higher status in a peer group, knowledge of a victim's personal vulnerabilities, etc.) Research suggests that concern over bullying is warranted. Children who engage in bullying, for example, are at risk of developing long-term problems with aggression, anti-social behaviour and substance abuse. The victims of bullying, on the other hand, are at risk of developing serious mental health problems including depression, anxiety and somatic complaints (see Olweus 1993; Farrington 1993; Craig, Pepler and Blais 2007). Unfortunately, there is also considerable evidence to suggest that bullying is quite widespread among Canadian children and youth.

- The 2001/2002 World Health Organization survey (HBSC), for example, asked youth respondents how often they had been bullied at school "over the past couple of months." The survey also asked respondents how often they had taken part in the

bullying of another student(s) at school.[11] The results indicate that, out of 35 countries included in the study, Canada had the ninth-highest rate of self-reported bullying behaviour and the tenth-highest rate of bullying victimization (Craig and Harel 2004).

- According to the HBSC results, approximately 40 per cent of Canadian students had bullied someone at school over the past few months. Rates of self-reported bullying, however, are significantly higher among males than among females. For example, 54 per cent of 15-year-old Canadian males indicated that they had bullied someone at school over the past few months, compared with only 32 per cent of 15-year-old females.

- According to HBSC results, over a third of Canadian youth (36 per cent) had been victims of bullying over the past few months. Although males were more likely to report bullying someone at school than females were, gender differences in bullying victimization did not reach statistical significance. For example, 39.6 per cent of 13-year-old females reported being the victim of bullying at school over the past few months, compared with 39.7 per cent of 13-year-old males (Craig and Harel 2004).

- The 2006 International Youth Survey (IYS) also asked Toronto-area students (in grades 7 through 9) if, over the past year, they had ever been "bullied at school (other students humiliated you or made fun of you, hit or kicked you, or excluded you from the group)." The results indicated that 21 per cent of the respondents to this survey had been bullied at least once during the previous 12 months (see Savoie 2007).

- The recent Toronto District School Board Student Census also found evidence of widespread bullying in Toronto schools. For example, 41 per cent of middle-school students (grades 7 and 8) and 31 per cent of high school students (grades 9 through 12) reported that they were "sometimes" or "often" insulted or called names at school. Similarly, 21 per cent of middle-school students and 16 per cent of high school students indicated that they were sometimes or often excluded or shut out from group activities (Yau and O'Reilly 2007).

- According to the TDSB Census, 16 per cent of middle-school students and ten per cent of high school students have sometimes/often been physically bullied by an individual at school. In addition, ten per cent of middle-school students and seven per cent of high school students have sometimes/often been physically bullied by a group or gang (Yau and O'Reilly 2007).

- Unfortunately, the way that the census data are reported by the Toronto District School Board masks the true extent of bullying in Toronto area schools. Indeed, the TDSB only reported the percentage of students who had "sometimes" or "often" been

[11] *A definition of bullying was provided to respondents before they were asked the two questions about bullying. The definition stated that: "We say that a student is being bullied when another student, or group of students, says or does nasty and unpleasant things to him or her. It is bullying when a student is teased repeatedly in a way he or she doesn't like, or when (he or she is) deliberately left out of things. But it is not bullying when two students of about the same strength quarrel or fight. It is also not bullying when the teasing is done in a friendly and playful way"" (Craig and Harel 2004: 133).*

bullied at school. They decided not to report the percentage of students who had "rarely" been bullied. In our opinion, by combining those who had "rarely" been bullied with those who had "never" been bullied, the TDSB effectively prevented the identification of students who had been bullied at least once during their school career (see Yau and O'Reilly 2007).

- A 1997 survey of Canadians also revealed that six per cent of children admitted bullying others more than once or twice over a six-week period and 15 per cent of children reported they had been victimized by bullying behaviour at the same rate. Research observations of children on school playgrounds and in classrooms confirms that bullying occurs frequently: once every seven minutes in the playground and once every 25 minutes in the classroom (see Craig and Pepler 1997).

Physical Threats

Survey research also indicates that physical threats — both with and without weapons — are rather common behaviours among Canadian and Ontario youth. The following findings illustrate this point:

- The 2000 Toronto Youth Crime and Victimization Survey (TYCV) found that two-thirds of Toronto high school students (67 per cent) had been physically threatened at sometime in their lives. Over a third (39 per cent) had been physically threatened in the past year. Homeless street youth, however, were much more likely to be threatened than high school students were. Indeed, 85 per cent of the homeless youth surveyed reported that they had been threatened at least once in their lives and 76 per cent reported that they had been threatened in the past 12 months (Tanner and Wortley 2002).

- It is interesting to note that the threat victimization figures produced by the TYCV are almost identical to those produced by a 1998 victimization survey of Calgary high school students. The Calgary survey found that 42 per cent of Calgary high school students had been threatened in the past year, while the Toronto survey found that 39 per cent of Toronto high schools reported physical threats (Paetsch and Bertrand 1999).

- Surveys conducted by the School Community Advisory Panel produced remarkably similar results. For example, 40 per cent of the survey respondents from Westview Secondary and 39 per cent of the respondents from C.W. Jefferys Collegiate reported that they had been physically threatened — at school — in the past two years. An additional 31 per cent of Westview students and 29 per cent of Jefferys students indicated that they had been threatened outside of school over the same time period (see School Community Safety Advisory Panel 2008).

- The TYCV survey also found that 28 per cent of Toronto high school students and 73 per cent of street youth had been threatened — with a weapon — at some time in their lives. Furthermore, 15 per cent of high school students and 59 per cent of street

youth reported being threatened by someone — with a weapon — in the past 12 months (Wortley and Tanner 2002).

- Results from the Toronto District School Board Student Census (Yau and O'Reilly 2007) also suggest that physical threats are quite common among Ontario youth. Indeed, according to the census results, 21 per cent of Toronto middle-school students and 16 per cent of Toronto high school students are sometimes or often threatened with physical harm while at school. Unfortunately, as discussed above, the TDSB does not distinguish between those who are "rarely" or "never" threatened. This strategy serves to mask the true extent of threatening behaviour in Toronto area schools.

Physical Assaults

Surveys attempt to measure the extent of physical assault in a given jurisdiction by asking two types of questions: 1) how often the respondent has been assaulted (punched, kicked, slapped, etc.) over a given time period; or 2) how often the respondent has hit someone else or has been in a fight. Once again, survey results suggest that common assault and/or fighting are quite widespread among Canadian youth. For example:

- According to the 2000 Toronto Youth Crime and Victimization Survey (TYCV), 70 per cent of Toronto high school students have been physically assaulted (punched, kicked, slapped, etc.) at some point in their lives and 39 per cent have been assaulted within the past year. Assault victimization is even higher among street youth. This particular survey, for example, found that 85 per cent of street youth had been assaulted at some time in their lives and 69 per cent reported being assaulted in the past year (see Tanner and Wortley 2002).

- Although much less common than regular physical assault, the TYCV survey also found that a significant proportion of high school students and street youth have, in fact, been assaulted with a weapon. For example, 16 per cent of student respondents and 59 per cent of street youth reported that someone had assaulted them with a weapon at some time in their lives. By contrast, seven per cent of high school students and 44 per cent of street youth had been assaulted with a weapon in the past 12 months (Tanner and Wortley 2002).

- The TYCV also asked respondents to self-report their own violent assaults. The results suggest that 62 per cent of Toronto high school students have been in a fight at some point in their lives and 30 per cent have been in a fight in the past year. One in five students (20 per cent) reported that, at some point in their lives, they had actually attacked someone with the intent to cause serious injury. One in ten students (ten per cent) indicated they had tried to seriously hurt someone in the past year. Finally, almost a third of all student respondents indicated that, at some point in their lives, they had been in a group or gang fight (defined as a fight that pitted one group of

people against another). Seventeen percent of students reported being in a group/gang fight within the past year (Tanner and Wortley 2002).

- As with other types of violence, the TYCV survey found that rates of self-reported physical assault were much higher among street youth than among high school students. For example, in the past year, 72 per cent of street youth reported that they had been in a fight (compared with only 30 per cent of student respondents), 44 per cent indicated that they had attacked someone with the intent to cause serious harm (compared with only ten per cent of students) and 43 per cent had been involved in a group or gang fight (compared with only 17 per cent of high school students).

- The 2006 International Youth Survey (IYS) also recorded high rates of serious physical assault among Toronto students in grades 7 through 9. For example, 22 per cent of the male respondents to this survey indicated that they had been in "a group fight in a public place" and three per cent had intentionally attacked someone so severely that the victim needed to see a doctor (Savoie 2007).

- Since 1983, the biannual Ontario Student Drug Use Survey (OSDUS) has consistently found that between 15 per cent and 20 per cent of Ontario high school students physically had assaulted another student over the previous 12 months. An additional five to ten per cent reported that they had been involved in a "gang fight" over the past year (see Paglia and Adlaf 2003).

- Survey results produced by the School Community Safety Advisory Panel suggest that rates of violent assault may be particularly high in disadvantaged neighbourhoods. For example, the panel found that 39 per cent of Jefferys students and 38 per cent of Westview students had been physically assaulted at school over the past two years. Assault outside of the school environment was also quite common. Indeed, 32 per cent of Jefferys students and 27 per cent of Westview students indicated they had been assaulted outside of school at least once over the previous 24 months (School Community Safety Advisory Panel 2008).

- According to the School Community Safety Panel surveys, a significant proportion of students in northwest Toronto have been assaulted with a weapon. For example, in the past two years, 11 per cent of Westview students reported that they had been assaulted with a weapon outside of school and ten per cent reported that they had been assaulted with a weapon inside of school (School Community Safety Advisory Panel 2008).

- A 2007 CAMH survey of 1,800 Ontario high school students (see Wolfe and Chiodo 2008) found that 32 per cent of males and 16 per cent of females had been physically assaulted in the past three months. Similarly, 25 per cent of male students and 10 per cent of female students reported that they had physically assaulted another person during the past three months.

- Finally, the 2001/2002 WHO HBSC survey found that fighting is quite common among Canadian teens — especially males. Indeed, according to this survey, 51 per

cent of Canadian 11-year-olds males had been in a fight in the past 12 months, compared with 47 per cent of 13-year-old males and 44 per cent of 15-year-old males. By contrast, only 27 per cent of 13-year-old females had been in a fight in the past year, followed by 24 per cent of 11-year-old females and 22 per cent of 15-year-old females. It should also be noted that while Canada has a comparatively high rate of bullying (see discussion above), it actually reported the sixth-lowest rate of fighting among the 35 countries that took part in the study. The highest rate of fighting, by contrast, was found in the Czech Republic, where 74 per cent of males reported fighting in the past 12 months (Craig and Harel 2004).

Robbery/Extortion

Although much less prevalent than bullying, threats, or physical assaults, research suggests that a significant proportion of Ontario youth will experience robbery or extortion at some point in their lives:

- According to the 2000 Youth Crime and Victimization Survey (YCVS), 13 per cent of Toronto high school students and 50 per cent of street youth had used force or the threat of force to rob someone of their money or possessions. Eight percent of high school students and 40 per cent of street youth reported that they had engaged in robbery or extortion within the past 12 months. Consistent with other types of violence, robbery/extortion is much more common among males than among females. For example, 20 per cent of male high school students reported that they had engaged in robbery or extortion at some point in their lives, compared with only six per cent of female students (see Tanner and Wortley 2002).

- Research also suggests that rates of robbery and extortion may be higher in disadvantaged neighbourhoods. For example, the School Community Safety Advisory Panel found that 23 per cent Westview students and 22 per cent of Jefferys students had been robbed — at school — in the previous 24 months. An additional 20 per cent of Westview students and 21 per cent of Jefferys students claimed that they had been robbed — outside of school — in the past two years (School Community Safety Advisory Panel 2008). By contrast, a survey of 1,000 Calgary high school students found that only 15 per cent had been the victims of robbery or extortion in the past year (see Paetsch and Bertrand 1999).

- According to other research, rates of robbery/extortion seem to be much lower among students in their early teens than among students in their late teens. For example, according to the results of the International Youth Survey, only two per cent of Toronto students in grades 7 through 9 had engaged in robbery within the past 12 months. However, five per cent of the respondents to this survey did indicate that they themselves had been victims of robbery or extortion within the past year (see Savoie 2007). According to this survey, the rates of robbery victimization are higher among male students (seven per cent) than among female students (three per cent).

Weapons Use

Over the past decade, the use of weapons among young people has become a major social issue in Canada. The public is particularly concerned about an alleged increase in the use of firearms. Survey results suggest that guns and other weapons are indeed used by a small but significant population of young people in Canada. Research findings also suggest that the use of weapons may be particularly high among youth from economically disadvantaged communities:

- The School Safety Advisory Panel discovered that 23 per cent of Westview students knew someone who had brought a gun to school in the past two years. In fact, six per cent of the Westview students surveyed knew four or more people who had brought a gun to school in the past two years (School Safety Advisory Panel 2008).

- According the panel survey, 23 per cent of Westview students had seen a gun at school in the past two years. Five per cent had seen a gun at school on four or more occasions. Furthermore, 5.5 per cent of student respondents claimed that someone with a gun had threatened them at school in the past two years and 2.9 per cent reported that someone had actually pointed a gun at them on school property over the past 24 months. Equally disturbing was the finding that 2.8 per cent of Westview students had been shot at in the past two years (School Safety Advisory Panel 2008).

- The panel survey also found that 20 student respondents (or 2.3 per cent of the final sample) had taken a gun to school in the past two years. Six students claimed that they had brought a gun to school on many occasions (School Safety Advisory Panel 2008).

- The panel survey (School Safety Advisory Panel 2008) also found that Westview students were more likely to be exposed to guns outside rather than inside the school. Indeed, 42 per cent of all students reported that they had seen someone with a gun outside of school in the past two years (compared with 22.5 per cent in school). One in four respondents (18 per cent) claimed to have seen someone with a gun outside of school on four or more occasions (compared with five per cent in school). In addition, the panel survey found that nine per cent of Westview students had been threatened by someone with a gun outside of school (compared with 5.5 per cent in school) and 5.3 per cent had a gun pointed at them outside of school (compared with 2.9 per cent in school). Finally, 4.9 per cent of Westview students claimed that someone had shot at them outside of school (compared with 2.8 per cent in school or on school property).

- Fifty-two Westview students (6.0 per cent) claimed that they had carried a gun when they were outside of school (compared with 20 students who had carried a gun in school). In addition, 17 students (two per cent) claimed that they had carried a gun many times outside of school (compared with only five students who had carried a gun to school on many occasions).

- The panel survey (School Safety Advisory Panel 2008) also found that exposure to guns was highly concentrated among students who claimed membership in a gang. Over all, 12 per cent of the sample (93 students) claimed that they "used to be involved

in a gang" and 4.8 per cent of the sample (39 students) claimed current gang membership. The relationship between guns and gangs can be illustrated by the fact that 17 per cent of students who had never been involved in a gang knew someone who had brought a gun to school, compared with 48.4 per cent of former gang members and 66.7 per cent of current gang members. Likewise, 17 per cent of students who had never been involved in a gang had seen a gun at school in the past two years, compared with 43 per cent of former gang members and 69 per cent of current gang members. Only two per cent of students who had never been involved in a gang had been threatened with a gun at school in the past two years, compared with 21 per cent of former gang members and 31 per cent of current gang members. Finally, only one per cent of students who had never been involved in a gang had had a gun pointed at them at school in the past two years, compared with 11 per cent of former gang members and 19 per cent of current gang members.

- The panel survey (School Safety Advisory Panel 2008) also found that knives are much more common than guns are among Toronto youth. Indeed, 50 per cent of the Westview student respondents reported that they knew of at least one student who had brought a knife to school in the past two years and 23 per cent reported that they knew four or more students who had brought a knife to school in the past two years. Likewise, 52 per cent of the Westview respondents claimed that they had seen a knife at school over the past two years and 19 per cent claimed that they had seen a knife at school on four or more occasions

- Over all, nine per cent of Westview respondents claimed that they had been threatened by someone with a knife — at school — over the past two years. In addition, 11 per cent of respondents (91 respondents) had been threatened by someone with a knife outside of school. One in 50 Westview respondents (two per cent) claimed that they had been stabbed or cut at school by someone with a knife over the past two years and four per cent claimed that they had been stabbed or cut by someone with a knife outside of school property (School Safety Advisory Panel 2008).

- Over all, 16 per cent of Westview respondents admitted that they had actually brought a knife to school over the past two years and six per cent of respondents claimed that they had brought a knife to school on many occasions. By contrast, 21 per cent of Westview respondents claimed that they had carried a knife outside of school and nine per cent claimed that they had carried a knife outside of school on many occasions (School Safety Advisory Panel 2008).

- A number of additional studies have documented similar levels of weapons exposure among Canadian youth. For example, a 1999 national survey of Canadian youth (aged 12 to 15) found that three per cent of boys had carried a gun in the past 12 months and ten per cent had carried a knife (Fitzgerald 2003).

- The 2000 Toronto Youth Crime and Victimization Survey (TYCV) found that 24 per cent of high school students and 65 per cent of street youth had carried a weapon (unspecified) at some point in their lives. One in seven high school students (15 per

cent) and one out of every two street youth (54 per cent) reported that they had carried a weapon during the previous 12 months (Tanner and Wortley 2002).

- In Ontario, a 2003 survey of Ontario high school students (OSDUS) found that ten per cent of respondents had carried a weapon (unspecified) on a regular basis (Paglia and Adlaf 2003). Furthermore, for the first time, the 2005 OSDUS survey asked Ontario students a question about gun-carrying. The results suggested that 2.2 per cent of Ontario high school students had carried a gun with them in the past two years (CAMH 2006). These figures are quite similar to the results of another Canadian survey that found that 28 per cent of Calgary high school students had carried a weapon to school — 16 per cent had carried a knife and three per cent had carried a handgun (see Paetsch and Bertrand 1999).

- The 2006 International Youth Survey found that ten per cent of Toronto students from grades seven through nine had carried a weapon with them at some point in their lives. The study also found that male students (15 per cent) were much more likely to report carrying a weapon than female students were (five per cent).

- Perhaps the most extensive study of guns/weapons use among Canadian youth was conducted in 2003 (see the discussion of the DAVI project above). This study found that 84 per cent of Toronto high school students knew at least a few students who had carried some kind of a weapon to school and 28 per cent said they had friends who had carried weapons. This study also found that 40 per cent of Toronto high school students had carried a weapon with them outside of school and 15 per cent had carried a weapon with them to school (Erickson and Butters 2003).

- The DAVI project also found that 22 per cent of Toronto high school respondents knew of someone who had brought a gun to school and one per cent stated that they themselves had brought a gun to school over the past year. Finally, according to the results of this survey, seven per cent of Toronto high school students have been threatened or attacked by someone with a firearm and three per cent admitted that they themselves had threatened or tried to hurt someone with a gun (Erickson and Butters 2003).

Sexual Assault and Harassment

In general, male youth are much more likely than female youth are to be both the victims and perpetrators of violence. The exceptions are sexual assault and sexual harassment. Although the vast majority of sex offenders continue to be male, the majority of victims are female. A number of recent youth surveys confirm that that a relatively high proportion of Ontario females will suffer from some form of sexual victimization at some point in their lives:

- The 2000 Toronto Youth Crime and Victimization Survey (TYCV), for example, found that 12 per cent of high school students and 40 per cent of street youth had been sexually assaulted at some time in their lives. However, only one per cent of high

school students reported being sexually assaulted in the past 12 months, compared with 12 per cent of street youth. Similarly, this study found that 25 per cent of high school students and 48 per cent of street youth had been victims of "unwanted sexual touching" at some point in their lives. By contrast, only three per cent of students and 17 per cent of street youth had been victims of unwanted sexual touching in the past year (Tanner and Wortley 2002).

- The TYCV survey also found that rates of sexual victimization are much higher among female students than among male students. For example, four out of every ten female students (42 per cent) reported that they had been victims of unwanted sexual touching at some point in their lives, compared with only nine per cent of male students. Similarly, one out of every four female students (23 per cent) reported that they had been the victim of unwanted sexual touching during the previous 12 months, compared with only five per cent of male students (Tanner and Wortley 2002).

- The TYCV survey also found that one out of every five female students (20 per cent) had been sexually assaulted at some time in their lives, compared with only four per cent of male students. Similarly, one out of every ten female students (ten per cent) reported that they had been sexually assaulted in the past year, compared with only three per cent of male students (Tanner and Wortley 2002).

- The TYCV survey (Tanner and Wortley 2002) also found that sexual victimization is much more common among street youth than among high school students. Indeed, the majority of female street youth (72 per cent) reported that they had been sexually assaulted at some point in their lives, compared with 26 per cent of male street youth. Similarly, over half of female street youth (51 per cent) reported that they had been sexually assaulted in the past year, compared with one out of every five male street youth (19 per cent). It is important to note, however, that over the past year, male street youth were more likely to report being sexually assaulted (19 per cent) than female high school students were (10 per cent).

- Surveys conducted by the School Community Safety Advisory Panel also found high rates of sexual victimization among Toronto high school students. For example, 32 per cent of Westview students indicated that they had been sexually harassed at school over the past two years.[12] The panel also found that 28 per cent of female students had been victims of minor sexual assaults at school over the previous 24 months.[13] Finally, the panel survey found that 12 per cent of female students at Westview had experienced a major sexual assault outside of school in the past two years and seven per cent had experienced a major sexual assault on school property (School Community Safety Advisory Panel 2008).[14]

[12] *Sexual harassment was defined as unwanted sexual comments or suggestions that upset the respondent.*

[13] *Minor sexual assault was defined as unwanted sexual touching or groping.*

[14] *Major sexual assault was defined as being forced into sexual activity against your will.*

- A 2007 CAMH survey (Wolfe and Chiodo 2008) also found high levels of sexual harassment among Ontario high school students. For example, almost half of the female students in grade 9 (46 per cent) reported that, over the past three months, someone had made unwanted sexual comments, gestures or jokes towards them. In addition, 30 per cent of female grade 9 students claimed that they had been subjected to unwanted sexual touching and 16 per cent claimed that someone had pulled at their clothing in a sexual manner. Consistent with previous research, female students reported much higher rates of sexual harassment than male students did.

Results from the National Longitudinal Survey of Children and Youth (NLSCY)

In a recent article, Sprott and Doob (2008) examine data from the fourth cycle of the National Longitudinal Survey of Children and Youth (NLSCY). The data are weighted to produce a representative sample of Canadian adolescents 12 to 17 years of age. The NLSCY is an important study because it is the only self-report survey of Canadian youth that is conducted across Canada and thus permits provincial comparisons. Cycle Four of the NLSCY asked respondents about whether they had engaged in any of nine serious violent activities over the past 12 months: attack so severe that the victim required medical attention; assault with a weapon; carrying a knife; carrying a gun; carrying another weapon like a stick or a club; robbery; minor sexual assault (uninvited sexual touching); major sexual assault (forced someone to have sex against their will); and arson.

The results of the NLSCY indicate that 19.5 per cent of Ontario youth (aged 12 to 17) had engaged in at least one seriously violent behaviour in the past 12 months (Sprott and Doob 2008).[15] According to the NLSCY, Ontario's self-reported rate of violent behaviour is only slightly higher than the rate of serious violence reported by youth in Quebec (17.5 per cent), Saskatchewan (18.5 per cent) and British Columbia (17.7 per cent). However, the survey did find higher rates of violent offending in all other provinces, including those in the Atlantic region (20.0 per cent), Alberta (22.5 per cent) and Manitoba (26.4 per cent). Interestingly, provincial differences documented by the NLSCY are quite small. In fact, the provincial differences documented by the NLSCY are much smaller than those produced by statistics on the official processing of young offenders by province (see full discussion in Sprott and Doob 2008). Nonetheless, the results of this survey further illustrate that a significant proportion of Canadian youth — including those who reside in Ontario — have recently engaged in seriously violent behaviour.

[15] *Unfortunately, the authors only released statistics with respect to a composite scale of violent behaviour. The NLSCY has yet to release information on the percentage of youth who have engaged in specific types of violence (i.e., major sexual assault, assault with a weapon, etc.)*

Reporting Violence to the Police

As discussed above, the rates of violent victimization documented by surveys are typically much higher than the rates produced by official police statistics. This finding can be explained by the fact that many violent incidents are never reported to the police. The 2004 General Social Survey (GSS), for example, found that only 33 per cent of the violent incidents documented by the study were actually reported to the police. The 2004 GSS also indicated that police reporting rates vary dramatically by the type of crime. Indeed, 46 per cent of robbery victims and 39 per cent of assault victims reported their experiences to the police, compared with only eight per cent of sexual assault victims. Further analysis reveals that young people are particularly reluctant to report their own victimization experiences to the police. For example, only 24 per cent of victims aged 15 to 24 years decided to report their victimization to the police (see Gannon and Mihorean 2005).

A number of other studies confirm that young people rarely report their violent victimization experiences to the police:

- The 2000 Toronto Youth Crime and Victimization Survey (TYCV) found that less than a third of violent victimization incidents (30 per cent) were reported to the police and less than half (49 per cent) were reported to other adult authority figures (parents, teachers, principals, etc.) Consistent with GSS results, the TYCV found that rates of reporting to the police varied by type of incident. For example, 33 per cent of robberies were reported to the police, followed by 22 per cent of sexual assaults, 21 per cent of assaults with a weapon, 15 per cent of common assaults and only nine per cent of threats (Tanner and Wortley 2002).

- Surveys conducted by the School Community Safety Advisory Panel also found that very few high school students report their violent victimization experiences to the police. For example, only 17 per cent of Westview students reported their "worst" victimization experience to the police. Further analysis of the panel data reveals that not a single victim of sexual harassment reported their victimization to the police, compared with eight per cent of those who were victims of physical threats, 14 per cent of sexual assault victims, 15 per cent of those who were victims of gun-related crimes, 16 per cent of robbery victims and 21 per cent of those who were victims of physical assaults. Clearly, the majority of young victims decide not to seek adult assistance with respect to the violence they experience in their day-to-day lives (School Community Safety Advisory Panel 2008).

- The reasons youth decide not to report their victimization experiences to the police are complex. Indeed, both the 2000 Toronto Youth Crime and Victimization Survey (Tanner and Wortley 2000) and the 2007 surveys conducted by the School Community Safety Advisory Panel (2008) found that young people gave, on average, four different reasons for not reporting crimes to the police. Common reasons for not reporting include: 1) fear of the offenders (a belief that the offenders or their friends will come after them if they report); 2) a belief that the police cannot (or will not) protect victims from offenders; 3) a genuine distrust or dislike of the police; 4) a desire not to be labelled a snitch or a rat; 5) a desire not to upset parents; 6) a desire for personal

revenge; 7) a desire to protect the offender (i.e., the victim does not want the offender to get in trouble); 8) because the victim does not want to get into trouble with the police or parents; 9) because the victim feels they he/she will not be taken seriously by the police; and 10) because the victim feels that the incident was too trivial to report. Over all, it appears that victims consider both the benefits and consequences of reporting to the police. Unfortunately, many youth feel that reporting to the police will only make their situations worse.

Ontario at the Crossroads:

Disturbing Trends in Youth Violence

The crime statistics presented above provide reason for optimism — as well as cause for concern. There is no doubt that Ontario has its share of violent crime. We are not a violence-free society. At the same time, however, official (UCR) crime statistics suggest that, by world standards, Ontario is a relatively safe place to live. Indeed, Ontario's official rate of violent crime is significantly lower than the rates found in most other Canadian provinces. Similarly, the rates of violent crime reported for Ontario's major urban areas tend to be significantly lower than the rates found in major American and European cities. There is also very little evidence to suggest that violent crime in Ontario is increasing. Indeed, despite public opinion to the contrary, violent crime in Ontario has actually decreased since the mid-1970s. Furthermore, Ontario's overall rate of violent crime – including homicide — has been relatively stable since the mid 1990s.

These optimistic figures, while somewhat comforting, should not cause complacency. As a matter of fact, there are a number of disturbing trends with respect to youth violence in Ontario that deserve special attention:

- Although official statistics suggest that violent crime in Ontario is relatively low (at least by world standards), surveys suggest that most young people in Ontario will suffer from some kind of violent victimization (threats, assaults, bullying, robbery, sexual assault, etc.) at some point in their lives (see discussion above). It is important to note that most of these victimization experiences will never be reported to the police and thus will never end up in official crime statistics.

- Most violent victimization experiences involving youth go unreported to the police, parents or other adult authority figures. Compared with older adults, youth have always been less likely to report their victimization experiences to the police (see Gannon and Mihorean 2005). However, there is growing evidence to suggest that reporting rates among youth may be declining even further. For example, a 2000 survey of Toronto high school students (Tanner and Wortley 2002) found that 50 per cent of crime victims reported their worst victimization experience to their parents or to the police. By 2007, however, this rate of reporting had dropped to only ten per cent (School Community Safety Advisory Panel 2008). Is it possible that the "stop snitching" ethos is spreading among Ontario youth? These data on reporting rates make it clear that many Ontario youth suffer from violent victimization in relative

silence. These data also make it clear that official crime statistics seriously underestimate the true extent of youth violence in Ontario.

- Although the aggregate rate of violence in Ontario may be relatively stable, there is increasing evidence to suggest that serious violence is becoming more and more concentrated among young people. For example, between 1974 and 2003, Toronto recorded 1,625 homicides. Further analysis reveals that, during the 1970s, the average Toronto homicide victim was 37 years of age. Since 1998, however, the average age of homicide victims in Toronto has dropped to 33 years. Similarly, during the 1970s, less than a quarter of Toronto's homicide victims were under 25 years of age. By contrast, since 1998, over 40 per cent of Toronto's homicide victims have been under 25 (see Gartner and Thompson 2004). Consistent with this theme, Canadian UCR statistics revealed that a record number of young offenders were charged with murder in 2006 (see Li 2007).

- Data analysis also reveals that serious violence is becoming increasingly concentrated among poor, minority males. To begin with, homicides involving female victims are down significantly. Prior to 1990, for example, 36 per cent of all homicide victims in Toronto were female. This figure dropped to only 27 per cent between 1990 and 2003. Furthermore, although race-crime data are rarely made available in Ontario, the data that have been released strongly suggest that minority males are particularly vulnerable to violent crime. For example, Gartner and Thompson (2004) documented that, between 1992 and 2003, the homicide rate for Toronto's Black community (10.1 per 100,000) was almost five times greater than the average for the city (2.4 per 100,000).

- In January 2008, the Toronto Star published the names and photographs of 113 homicide victims, murdered in 2007, from the Greater Toronto Area (including Halton, Peel, Durham and York regions). An analysis of these names and photos revealed that 44 of the murder victims were African-Canadian. Thus, while African-Canadians represent only seven per cent of the GTA's total population (according to the 2001 Census), in 2007 they represented almost 40 percent of the city's homicide victims. According to these figures, in 2007, African-Canadians in the Toronto region had a homicide victimization rate of 14.2 per 100,000, compared with only 2.4 per 100,000 for the metropolitan area as a whole. These figures would be even higher if we could isolate the numbers for young African-Canadian males. In sum, these statistics suggest that while Ontario is becoming safer for most Ontario residents, it is becoming increasingly dangerous for young people from particular racial backgrounds.

- Additional analysis reveals that a disproportionate number of violent incidents take place in socially disadvantaged communities and/or involve both victims and offenders from these communities. It is clear, therefore, that the intersection of race with economic and social deprivation may explain the overrepresentation of racial minorities in violent crime.

- The character of violence has also changed in the province over the past two decades, particularly in the province's largest cities. Two trends deserve special attention. First,

serious violence is apparently becoming more public in nature. For example, in 1974, only 50 per cent of Toronto's homicides took place in public places (e.g., streets, parks, restaurants, bars, nightclubs, parking lots, etc.), whereas since 1990, over 75 per cent of all murders have occurred in public (Gartner and Thompson 2004).

- There is also evidence to suggest that the use of guns has increased significantly within Ontario's urban areas. For example, during the 1970s, only 25 per cent of Toronto homicides were committed with a gun. Since 2000, however, approximately 50 per cent of all murders have been committed with a firearm (Gartner and Thompson 2004).

- According to a recent report by Statistics Canada, in 2006, 25 per cent of all firearms-related crime in Canada (including robbery and assault) took place in Toronto. Toronto recorded the third-highest rate of firearms-related crime (40.4 per 100,000) among Canadian cities, only slightly behind both Vancouver (45.3 per 100,000) and Winnipeg (43.9 per 100,000). St. Catharines (28.3), Ottawa (25.5) and Sudbury (21.0) are the only other Ontario cities with firearms-related crime rates over 20 per 100,000 (Statistics Canada 2008).

- According to Statistics Canada, the use of firearms among young offenders (12 to 17 years of age) has also risen in three of the past four years. Indeed, according to the latest figures, firearms-related offences among young offenders have increased by one-third (32 per cent) since 2002 (Statistics Canada 2008).

- A number of experts have also argued that serious youth gang activity has increased in Ontario over the past decade (see Chettleburgh 2007). According to the 2002 Canadian Police Survey on Youth Gangs, there were 7,071 active youth gang members in Canada. The results of this survey also revealed that almost half of all youth gang members (3,320) resided in Ontario. According to official police sources, most of Ontario's youth gang members are found in either Toronto (1,100 gang members) or Brampton (960 gang members). Over all, these figures are consistent with the results of the 2000 Toronto Youth Crime and Victimization Survey (Wortley and Tanner 2008), which found that four per cent of Toronto high school students (and 15 per cent of homeless street youth) were currently involved in a criminal gang.[16] Interestingly, the Canadian Centre for Justice Statistics found that gang involvement was more prevalent in homicides involving youth (22 per cent) than it was in homicides involving adults (nine per cent).

- Whether gang activity is increasing in Ontario — or not — is very difficult to determine because of a lack of systematic, long-term study. There are simply no baseline data from which we can compare current estimates. However, the alleged increase in youth gang activity is certainly consistent with a number of other documented crime trends, including the concentration of youth violence among

[16] *Student were identified as criminal gang members if they: a) reported current membership in a gang; and 2) reported that they engaged in criminal activity (drug dealing, fighting, theft, robbery, etc.) as part of this gang.*

disadvantaged minority males, increased use of firearms among young people and the increasingly public nature of violent behaviour.

- Fear of crime and violence is also increasing in Ontario. Contrary to official statistics, many Ontario residents feel that the province is more violent than it was 10 or 20 years ago. Some have attributed this misperception to dramatically increased media coverage of criminal events (see discussion in Doob, Sprott and Webster 2008). Others have cited the increasingly public nature of violence and an alleged increase in gun and gang-related criminality. Whatever the explanation, it is clear that public perceptions about crime need to be taken seriously. Fear of crime has been identified as an anxiety-provoking mental health issue. Fear of crime can also cause people to withdraw from public life — an adaptation that can hurt both the economy and the level of civic engagement. Fear of crime can also serve to stereotype and isolate particular communities. Indeed, there is growing evidence to suggest that fear of crime in Ontario is place-specific. For example, while the majority of Ontario residents believe that the overall crime rate is increasing, only a few feel that crime is increasing in their own neighbourhoods (see Gannon 2005). A recent survey of Toronto teachers working in a high crime neighbourhood provides an additional illustration. Although none of the teachers reported that they would feel unsafe walking around their own neighborhoods at night, over 90 per cent reported that they would feel unsafe or very unsafe walking in the neighbourhoods around their schools (School Community Safety Advisory Panel 2008).

In summary, by both national and international standards, Ontario remains a relatively safe place to live. Toronto, the province's largest city, still has a remarkably low rate of violent crime — especially when compared with other large American and European cities. However, as the data above suggest, there is reason for concern. Fear of crime and violence is a growing problem in this province. There is also evidence to suggest that official crime statistics may dramatically underestimate the true level of violent victimization among young people. Finally, though overall crime rates have remained stable, severe violence is apparently becoming more and more concentrated among socially disadvantaged minority youth. Most disturbingly, recent data suggest that this general pattern of violence may become more entrenched if current economic trends continue.

Through numerous community consultations and an extensive review of the academic literature, we have come to the conclusion that the "roots of youth violence" are often found in poor, socially deprived neighbourhoods. Deprived neighbourhoods often experience a series of interrelated problems, including: family dysfunction (including high rates of teenage births and single-mother households); high youth unemployment; low household incomes; youth alienation and hopelessness; racism; poor levels of educational attainment; peer delinquency; mental health issues; and poor physical health outcomes. These factors often contribute, directly or indirectly, to increased rates of youth violence. Unfortunately, there is considerable evidence to suggest that these types of neighbourhoods are actually becoming more and more prevalent within Ontario. Take Toronto as a case in point. A series of reports commissioned by the United Way of Greater Toronto (see United Way of Greater Toronto 2005) have documented the following trends:

- There has been a substantial increase in the extent of poverty in Toronto since the early 1980s. In fact, by 2001, one out of five Toronto families (20 per cent) was living in poverty, compared with only 13 per cent in 1981.

- Toronto's poor families are also becoming more and more concentrated in neighbourhoods where there is a high proportion of families living in poverty. For example, in 1981, just 18 per cent of poor families lived in exclusively poor communities. By 2001, this figure had risen to 43 per cent. In 1981, Toronto had only 30 high-poverty neighbourhoods. By contrast, there were 120 high-poverty neighbourhoods in 2001 — a 300 per cent increase over a 20-year period.

- There has also been a profound shift in the resident profile of high-poverty neighbourhoods. Visible minority and immigrant families now make up the majority of residents living in high-poverty communities.

These data should be viewed as disturbing. It appears, unfortunately, that the gap between the rich and the poor, the haves and the have-nots, is widening. Ontario, it seems, is currently at risk of developing the types of permanent underclass communities (often referred to as ghettos) that have marked the history of urban development in the United States. The warning must be sounded: if such deprived neighbourhoods become entrenched, it is very likely that much higher rates of violent crime will follow. Clearly Ontario is at a crossroads. What changes will the next 20 years produce? Will Ontario — and Ontario's cities — continue to be safe? Or are we headed towards becoming a more economically divided, more violent society? The policy decisions we make over the next five years may seal our fate.

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Youth Crime: The Impact of Law Enforcement Approaches on the Incidence of Violent Crime Involving Youth and Matters Related to Understanding the Implications of These Findings

A Report Prepared for the Review of the Roots of Youth Violence

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Executive Summary

1. When the terms "youth crime" and "youth violence" are employed, what measures are available that might be used to assess these problems?

Official data (police and court data) are not good proxies for the amount of crime in society. Changes in policy at the stage of police charging can have a large impact on crime "trends." For example, if there is a new policy in a police division to officially charge all youths and not divert any from the system, we would see an "increase" in youths charged and in the number of youths entering the youth court system. This clearly would not be an indication that youth crime is "increasing" — it is due a change in policy. Likewise, the relatively substantial decreases in the use of court seen in 2003 are not the result of crime decreasing, but rather the result of the implementation the *Youth Criminal Justice Act*, which focused on dealing with minor offences outside of court. Moreover, for various reasons having to do with apprehension rates and the nature of youth crime, it also seems that youths are blamed for more crime than they actually do. These findings suggest more generally that we have to be careful in assuming that police apprehensions of youths, or arrests, or youth court processing, represent a good proxy for offending more generally.

Instead of seeing these as problems, what often happens is that people naively use police arrest data as an indicator of the amount of crime in society, or more commonly, to estimate changes in the rate of youth crime. This is obviously problematic, because any change in police arrest data might be due to factors other than a change in youths' behaviour (e.g., a change in the reporting behaviour of adults or a reflection of growing intolerance to certain behaviours).

Assuming one understands crime trends or the nature of crime because one reads the newspaper or watches the news is also problematic. Crime reported in newspapers does not necessarily give a reasonable picture of what is happening. More specifically, changes over time in what the newspapers report do not necessarily reflect changes in crime. Crime and the coverage of crime are driven by different forces.

2. How does Ontario compare with other regions of Canada on the various measures of youth crime/youth violence and youth court processing?

Comparing self-reported delinquency across the provinces reveals relatively few differences. However, there are rather striking differences when looking at police apprehensions or guilty findings across provinces. Thus, one must be careful not to attribute changes in the behaviour of adults (charging practices) to youth (crime). For example, while Manitoba had the highest rate of self-reported violence and property offending, Saskatchewan had the highest rate of police apprehensions (and the highest rates of using court and custody). Moreover, while Ontario and Quebec had similar levels of self-reported violent offending and identical levels of self-reported property offending, Ontario consistently had much higher rates of police apprehensions, use of court and use of custody than Quebec. Ontario also appears more willing than other jurisdictions to bring minor violence (minor assaults) into youth court and sentence these cases to custody. However, across all of the four jurisdictions (the largest provinces — Quebec, Ontario, Alberta and BC), and Canada as a whole, serious violence (homicide, robbery, sexual assaults and assault level 3) was always a very small proportion of the youth court caseload, never accounting for more than 8% of the caseload (found guilty) or the 15% of the cases sentenced to custody.

While the self-reported delinquency across provinces appears relatively similar, it would not be too surprising to find some differences across jurisdictions (and, indeed, with more detailed questions, differences across the provinces may well emerge). There is, for example, evidence that policies that affect communities and families (e.g., concentrated disadvantage within communities or discriminatory rhetoric and practices) can also affect the level of violence in a community. To the extent that the Canadian provinces control policies that affect disadvantaged groups (e.g., social assistance, housing, transportation, daycare, employment, etc.), they can affect the level of violence in society by endorsing or discouraging various types of policies.

More generally, the level of violence in a society is not an "accident." Factors that vary within a large country and factors that affect portions of a country's population also have an impact at the national level. Countries that are likely to be low in violence tend to: value and provide healthy environments for children; have stable and healthy communities; provide relative economic equality; ensure violence within the state or by state agents is not tolerated; and have fair and just criminal justice systems.

3. What are the relative impacts of criminal justice and developmental/ social variables on the rates of youth crime/ youth violence?

There is a considerable amount of evidence that certain early-intervention programs show reductions, not only in offending, but in a range of risky behaviours. Graham (1998) provided examples of interventions that have been found to reduce the likelihood of children becoming seriously criminal *and* that can be cost effective (e.g., nurse home visitation programs; early school-

based programs that involve the family; parent training programs; and programs that combine parent training and school programs). At the same time, there are programs that appear to be unsuccessful (e.g., individual and peer group counselling; pharmacological interventions; corporal punishment; suspension from school; information campaigns; moral appeals; fear arousal).

Other research has examined the costs of various programs aimed predominately at adolescents who were already involved in the criminal justice system. For many programs that were examined by Aos et al. (1998), there were criminal justice savings that were shown within a year or two. For example, in a "program for first time minor offenders on diversion where youth appear before a community accountability board shortly after committing an offence" (the Thurston County FastTrack Diversion program), there is a 29% reduction in offending, with a savings to the criminal justice system of about $2,700 per participant after one year. In large part, this saving may come from the fact that its taxpayers' costs are low ($136 per participant). Other intensive programs funded solely with public money take longer to show criminal justice savings. And there are some expensive and thoroughly evaluated programs that will never show any kind of benefit when one looks at a measure like "felony reconvictions by age twenty-five." Juvenile boot camps are one notable example.

Typically, the issue of cost-effectiveness arises when one is thinking about implementing an early-intervention program or some sort of diversionary program for youths who have already offended. However, the "cost-effectiveness" of standard criminal justice approaches should also be evaluated. Those who support "getting tough" on young offenders rarely think about the costs of that which they advocate. Unfortunately, there has been little serious "cost-benefit" analysis of youth justice policies. However, case studies investigated by Fass and Pi (1992) suggest that there were no criminal justice savings obtained from harsher policies compared with alternatives.

4. Are the origins and meaning of more serious and persistent young offenders different from less serious offending?

It is difficult to measure offending, and even more difficult to determine who the "high-rate" or "persistent" offenders are. Equally plausible definitions will result in very different youths being identified. These definitional issues must be kept in mind when reviewing the research on "persistent" offenders.

Life-course-persistent antisocial behaviour is thought to originate early in life, when the difficult behaviour of a high-risk young child is exacerbated by a high-risk social environment. As these children get older, the domain of factors that can be "risks" expands beyond the family to include a large part of their social world. In contrast, most adolescent-limited youths have had a healthy childhood and, for the most part, outgrow their delinquent activities. In addition, even though the backgrounds of the "life-course-persistent" and "adolescent-limited" offenders were very different, their behaviour in mid-adolescence looked very similar. Hence, therapeutic interventions based solely on adolescent behaviour are more likely than not to be focused on children without problems.

It would appear that the most efficient approach to "life-course-persistent" behavioural problems for both boys and girls would be to focus on ways of minimizing risk occurring early in life. In contrast, interventions for adolescent-limited antisocial youths might be more effective if carried out during adolescence. Further, these therapeutic strategies should acknowledge the broadly non-pathological backgrounds of these youths while also making efforts not to "incur social costs" (Moffitt and Caspi 2001; p. 370) such as those resulting from harsh treatment in the criminal system.

Unfortunately there are no simple diagnostic tools for assessing who might be a "life-course-persistent" offender, or more generally, who might display psychopathy in adulthood. Assessing psychopathy in youthful offenders is almost certain to result in ordinary adolescents being labelled as psychopaths.

5. What is the relationship of police strength to youth crime? How much of a change in the concentration of police needs to occur before a change in crime will occur?

Clearly, the presence of police officers in a particular location at a particular time can affect whether crimes will take place at that location. Whether the addition of police officers to a community will have an additional impact on crime depends, it would seem, on exactly how they are deployed. Our view, however, is that one has to consider current police strength and then consider what the likely change would mean for a police service or police services across the province were more funds put into policing. In other words, in Ontario, we are not talking about going from impoverished police coverage of communities to some more adequate coverage. We are going from a rate that has, generally, served us quite well to some other level. The question then, is not whether "police stop crime," but whether the level of additional police that is being contemplated would have a big impact on crime. Finally, we think it worth while to note that the variation in effects across communities of the impact of (additional) police strength on crime is important: it suggests that whatever the overall impacts might be, one cannot assume that additions to police departments will have any specific impacts on crime.

A few years ago, a policing scholar pointed out that to say that the police are not an important force in preventing crime is not a criticism of police organizations. "[Police] need to be alert to the dangers of concentrating single-mindedly on traditional approaches to crime reduction. Doing so not only has inherent dangers, but it can also divert attention from other tasks and objectives of policing" (Dixon, 2005; p. 19). One might suggest, therefore, that those responsible for policies related to policing should examine carefully how police resources can best be allocated to accomplish the various responsibilities allocated to the police. Such an approach might lead to a different and more effective allocation of scarce resources.

6. What is the impact of proactive or targeted police practices (including crime sweeps, sting operations, and undercover investigations) on youth crime?

The findings on police programs are, not surprisingly, mixed. Nevertheless, we believe that certain relatively firm conclusions can be drawn. First of all, it is clear that there is no guarantee that a police crackdown on a particular kind of crime will have a lasting favourable impact. Some programs do appear to be capable of reducing crime. Others do not. We suspect that the difference lies in two areas: how well (e.g., how consistently) were they implemented, and how were the effects assessed. Narrow definitions of "success" (e.g., reductions at the place and time of the intervention) are more likely to lead to favourable outcomes than definitions that involve broader and longer-term measures of success. But one cannot assume that a police crackdown will have only positive effects. Their impacts on neighbourhoods and on minor offenders may well be negative.

7. What is the impact of specialized police units (e.g., guns and gangs units, drug squads) on youth crime?

Specialized units within police departments, whether they are focusing on guns, gangs, drugs, or pornography, should generally be seen simply as being specialized ways of accomplishing this overall goal. The challenge that all of these procedures face is that they are not *necessarily* designed to deal with the problem. The intelligent analysis provided by Klein and Maxon (2006) would suggest that if gangs are the problem, we had best analyze the range of different approaches that can be used to reduce the destructive behaviour of these gangs. Specialized police units that focus on suppression alone are unlikely to provide a sufficient response.

8. What are the impacts on youth crime of changes in the roles of police in schools?

School-based programs to deal with offending by youths can be of two sorts. First, they can be programs that deal with the nature and quality of the school. Improving schools, or more accurately, improving youths experience with schools, appears to be an effective approach to dealing with crime. Providing contact with the police in the school may improve youths' views of the police. There was no convincing evidence that we could find to suggest that police-school liaison programs reduced crime or gang involvement.

9. What are the impacts of tough sentencing practices (e.g., mandatory minimum sentences for gun crime, "three-strikes-you're-out" policies) on youth crime?

Despite intuitive expectation, political appeal, and the seductive promise of quick fixes, harsh sentencing practices such as mandatory minimum sentences or three-strikes legislation have not been shown to be effective in reducing crime. Numerous reviews of the criminological literature have repeatedly found no conclusive evidence that supports the hypothesis that harsher sanctions reduce crime through the mechanism of general deterrence. Further, the studies that have found support for the notion that tough sentencing practices deter crime are few in number and suffer from serious methodological, statistical, or conceptual problems that render their findings problematic. In contrast, the research that finds no support for the deterrent effect of harsher sanctions has frequently been conducted in almost ideal research conditions, in which one would, in fact, expect to find a reduction in crime through the mechanism of general deterrence in the case that one existed. Further, the sheer number of these studies, the consistency of their findings over time and space, and their use of multiple measures and methods to conduct the research constitute compelling arguments to accept the conclusion that variation in sentence severity (within the ranges that are plausible in Western democratic countries) does not cause variation in crime rates.

Despite this pessimistic conclusion, it is important to note that it does not — in any way — challenge the notion that the criminal justice system as a whole inhibits or deters most people from committing crime. Indeed, we know that the mere criminalization of certain behaviour and the knowledge that an array of sanctions is imposed with some regularity is sufficient to dissuade most people from illicit activity. Rather, it simply questions whether legal sanctions can be used above and beyond this overall effect to achieve additional crime reduction. Within this more restricted context, it would be necessary to demonstrate that for those individuals who are not inhibited by the general threat of the criminal justice system as it currently operates, the introduction of specific changes in the severity of criminal laws would, in fact, discourage them from criminal acts. Despite extensive testing, little empirical support has been found for this latter supposition. In fact, this conclusion is consistent with the growing notion that politicians — through the enactment of harsher legislation — are generally not well placed to reduce crime. Indeed, despite the obvious appeal inherent in the notion that the problem of crime can be resolved — at least in part — by a simple flick of the legislative pen, this strategy does not appear to hold the key to the solution of crime.

In fact, our mistake seems to be in always thinking that crime can somehow be reduced — if only we can figure out how — by the courts, in particular, or by the criminal justice system more generally. Clearly, the criminal justice system plays a crucial role in maintaining a just and fair society, particularly through the criminalization of certain behaviour and the imposition of appropriate sanctions. Unfortunately, this system is simply not well placed to reduce crime, particularly through tougher sentencing practices. Indeed, public safety needs to be conceptualized within a much broader framework, involving a multitude of sectors. As a former Canadian Minister appropriately noted, "crime prevention has as much to do with the Minister of Finance, the Minister of Industry and the Minister of Human Resources, as it does with the Minister of Justice" (cited in Webster, 2004; p. 120). Precisely by looking beyond the criminal

justice system, Canada can begin to catch up with many other countries that have already begun turning to other crime preventative initiatives to more effectively address crime. Indeed, North America has lagged behind in this shift in primary policy emphasis from law enforcement to crime prevention, continuing to focus on changes in criminal laws, enforcement techniques and sentencing policy.

10. What are the impacts of the transfer of youths to the adult justice system on youth crime?

The transfer of youths into adult court appears to be done more for political reasons than to address actual problems with the administration of the law. And while transfers may well make short term political sense, a careful examination of the data suggests that the increased use of transfers by any mechanism — judicial decisions, legislative mandates, or prosecutorial decisions — makes bad policy. Crime is not reduced and, in fact, there are reasons, given the lack of rehabilitative programs in the adult system, to expect that wholesale transfers of youth will cause an increase, rather than a decrease, in crime. The policy conclusions then, presuming that one is interested in reducing crime, are clear: "Minimize the number of juvenile cases transferred to [adult] court…" (Redding, 1999; p. 12). There are few, if any, benefits in terms of either short-term or long-term safety that flow from sending youths into adult court.

11. What are the impacts of harsher correctional environments (including "boot camp facilities") on youth crime?

As in other areas, quick-fix fads like military-style boot camps for youth have not proven to be effective in reducing recidivism rates. Specifically, boot camp graduates appear to do no better in the community upon release than those released from traditional correctional facilities. In fact, neither recidivism nor participation in constructive activities in the community (e.g., work and school) on release appears to be affected by the boot camp experience. Rather, it seems that any positive impacts of boot camps are related to the nature of the aftercare programs that are often attached to boot camps, or simply to the correctional environment that it creates for youth. In other words, lessons can still be learned from the operation of boot camps. Indeed, structured intervention by accredited programs that use individual treatment plans and provide a wide array of services that are able to target particular needs of each offender appear to offer the greatest likelihood of impacting on youth crime. Further, institutions that are perceived by youth to be safe, controlled, structured and active would seem to constitute minimum standards for any incarcerated youth.

12. What are the impacts of "alternatives to incarcerations programs" on youth crime?

As Petrosino, Turpin-Petrosino and Buehler (2003) remind us, crime fighters are constantly looking for "quick, short-term and inexpensive cures to solve difficult social problems" (p. 43) such as crime. In fact, this phenomenon has been referred to as the "Panacea Phenomenon" (p. 43). Unfortunately, a review of the criminological literature will quickly show that "alternatives to incarceration" programs are not "quick fixes." In fact, effective interventions — whether custodial or non-custodial in nature — reflect the complexities of the crimes that they are trying to reduce. Perhaps the most important lesson from a review of the literature is that when considering the impact of a program, the worst-case scenario is typically thought to be that an intervention has no effect on young people. As such, many intuitively sensible programs run for years without being evaluated. The problem is that they can harm as well as help. Indeed, programs that sound good do not ensure that they will be "good" in practice. Said differently, we cannot automatically assume that interventions will have beneficial effects, or at worst, will have no effects. As such, social interventions into the lives of youths need to be assessed carefully and monitored regularly before they can be presumed to be safe, let alone helpful.

Second, effective interventions with youth require the fulfillment of a number of criteria. Specifically, programs need to target known problems facing youth and the specific type of offender who is to benefit from a particular program needs to be identified. In addition, the program needs to be properly and sufficiently implemented as well as professionally operated. Similarly, it needs to have structure — with a clear agenda, adequate program design and focused activities. Further, a "one-size-fits-all" model should be seen as nothing less than inappropriate and misguided given the complexities of crime causation and the multiple interactions that occur between various types of offenders, offences, individual and community-level factors, etc. As such, the political challenge — it would seem — is not only to fund and continuously evaluate "effective programs" as well as have the courage to stop funding programs simply because they "look good." Rather, it is also to provide the overarching framework to conceptualize crime prevention/reduction on a much broader scale in which individual programs can contribute in a concerted, multi-dimensional effort.

13. How are "communities" (broadly defined) important in understanding the nature and extent of (youth) crime?

Rather than focusing solely on characteristics of individuals, or criminal justice policies, those who are interested — perhaps especially in cities — in doing something about crime might consider what can be done to create communities that are associated with low crime rates. In general, those communities that are low in crime are those with low levels of inequality (financial and racial) and, in various ways, are supportive of its poorest citizens. Supportive communities can, to some extent, help individuals who are at risk to reoffend overcome those deficits. From a policy perspective, the work on communities is particularly important because many of the characteristics of healthy, low-crime neighbourhoods are under direct policy control.

14. Is fair treatment by criminal justice agents (e.g., the police) relevant in terms of understanding why certain people (or groups of people) are likely to commit offences?

It is hard to argue against the proposition that there is social value in having people hold their criminal justice system in high regard. Those who have contact with the criminal justice system as suspects or as accused people would appear to evaluate the system by the manner in which they are treated more than the actual outcome. Said differently, if people are treated fairly, they see the system as being fair regardless of the outcome. A few inappropriate negative words may be enough to lead to a negative evaluation. In addition, one of the reasons that we all should have concern about fair treatment is that, for certain groups of people, it has been shown that when people have respect for their criminal justice system, they are more likely to be law-abiding citizens.

15. Why does the public want harsh criminal justice laws and policies?

When trying to determine the meaning of public opinion polls that consistently show that Canadians think that sentences are too lenient, it would seem important to consider a number of factors. First, the findings may not, in fact, be an accurate representation of the views of the respondents. Indeed, the methodologies used in these types of surveys tend to produce superficial, incomplete, uniformed and, in some cases, misrepresented information. Second, a desire for harsh punishment does not necessarily signify that respondents do not also support more rehabilitative approaches. In fact, endorsement of these two criminal justice strategies may coexist within individuals. In other words, there would appear to be openness to alternative approaches, even within more conservative groups. As Turner, Cullen, Sundt and Applegate (1997) remind us, it is not surprising — given the results of most public opinion polls — that "virtually every elected official has jumped aboard the 'get tough' bandwagon and is wary of supporting policies that appear to treat offenders leniently" (p. 7). Recognition (and divulgation) of the limitations of this type of poll may be particularly important in curbing the current political and media support of increased punitiveness.

Third, the impact of people's views of crime causation on punitive attitudes toward crime and criminals would suggest that politicians (as well as others who speak publicly about crime policy) may affect the level of punitiveness in a society not only as a result of their statements about punishments, but by the way in which they conceptualize the causes of crime. Finally, punitiveness would appear to be linked not only to one's views about crime and to fear, but also to broader social values such as judgments about the cohesiveness of society and views of the family. Indeed, perceptions that their communities (or country more generally) have deteriorated morally may create a need to reassert social values and to re-establish the obligation to obey the law. As such, broader social interventions that address these wider problems may constitute a more effective (albeit a more long-term) approach to crime reduction.

16. Is there likely to be public support for criminal justice policies that support prevention and rehabilitation approaches (rather than simply punitive approaches)?

It would seem that the time is ripe for more rehabilitative or preventive approaches to crime and criminals. On the one hand, crime rates have been falling for more than a decade and budgetary cuts are becoming more widespread. In addition, more repressive strategies are being shown as ineffective and are consequently being reduced or reversed in many places. On the other hand, the general public would appear to be supportive of more moderate approaches — particularly for youth. Further, preventive programs have been shown to be effective not only in reducing criminal activity, but also in bringing wider social benefits.

The challenge — it would seem — resides in creating responses that are both effective and affective; that is, that can offer a combination of meaningful and sensible consequences. In this light, community-based sanctions need to developed, applied and promoted in such a way as to ensure not only (cost-effective) control/safety, but also the sense that offenders are being held responsible for their crimes. Indeed, "[s]uccessful penal reform must take account of the emotions people feel in the face of wrongdoing" (Freiberg, 2000; p. 275).

More broadly, "[t]he key to countering the myths of law and order must lie in the ability of programs to help overcome the sense of helplessness and insecurity that crime engenders. They must overcome the 'compassion fatigue', the feeling that 'it is all too much', the sense that there are no definitive answers to complex social problems" (Freiberg, 2000; p. 274). While the criminal justice system needs to recognize its inherent limitations in "fixing society," certain approaches (e.g., restorative justice models) appear to have been able to capture the public imagination, in part because they "appeal to the creation of social bonds… Their appeal can… best be explained as expressions of social values, sensibility and morality rather than whether these techniques 'work' or not in reducing disputes or levels of crime" (Freiberg, 2000; p. 273). Similar approaches (e.g., early intervention programs) — with the same focus on integration, solidarity and cooperation that de-legitimizes crass utilitarian individualism — may have an intuitive appeal by being more consistent with our visions of what a good society entails.

Introduction

In this paper, we have been asked to explore a number of topics related to the impact of the criminal justice system on youth crime. In many instances, we were not able to find studies of high quality that related specifically to "youth crime," but we were able to find studies that dealt with the problem of the impact of the justice system on crime more generally.

We decided, as an organizing principle, to break down the questions we thought would be useful to answer into sixteen separate questions.[1] We do not pretend to have covered all of the research literature on each of these topics. What we have done, instead, is to try to give the reader a conclusion that the three of us, as criminologists, believe is a reasonable answer to the question and that describes the inference that is most plausibly drawn from the available data. In many instances, there are studies that come to somewhat different conclusions. Some of these different findings can easily be reconciled with our conclusions when one looks at the relative quality of the studies or when one realizes that certain variables are not controlled for, artifacts are not eliminated, or other problems have not been addressed. In other instances, we do not have simple methodological explanations.

Nevertheless, in an uncertain world, one often has to make definite judgments. That is what we were asked to do in this summary of what is known.

We benefitted enormously, and drew extensively from, an information service — *Criminological Highlights* — that the three of us have been involved with since 1997. With financial support from the Department of Justice, Canada, we have been scanning what is now a list of over 100 academic journals in criminology and related fields, as well as all of the new books received by the Library of the Centre of Criminology. A group of about a dozen faculty and doctoral students at the Centre of Criminology choose eight of these papers for each issue of *Criminological Highlights* and one-page summaries of these papers are written. In order for a paper to be chosen, it must be seen as being methodologically sound as well as being relevant for policy-makers. Hence the papers that have been summarized in *Criminological Highlights* and that, in turn, are summarized here, have already been through a very rigorous selection process. Not only have these papers largely been published in refereed journals, but they have also been considered and discussed carefully by the group that puts together this information service. In many cases, therefore, we have used portions of the actual summaries that were produced for *Criminological Highlights*, in part because these summaries have been checked by most of the *Criminological Highlights* group.

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[1] *We have largely treated each question as an independent topic. Hence the discussion of each question is more or less independent of all other questions. This was done purposefully to make it easier for readers to access any topic without having to read the entire report.*

1. When the terms "youth crime" and "youth violence" are employed, what measures are available that might be used to assess these problems?

Measuring youth crime is a non-trivial problem. There are issues with both self-report (offending or victimization) measures and with "official" measures of crime (e.g., police arrest data and court data).

Self-report measures

For certain offences, studies of youth "self reports" can be used as estimates of youth crime. An important thing to keep in mind whenever one talks about self-report data, however, is that studies differ dramatically in the specificity of questions that are asked. Doob and Cesaroni (2004) note that:

> if a youth is asked whether he or she damaged anyone's property, a certain portion will admit to damaging property. If, on the other hand, they are asked a set of specific questions about property damage (e.g. broken windows, scratched or otherwise damaged cars, broken limbs off trees, written graffiti on public or private property) a high number of incidents will be reported. (p. 61)

Many self-report studies, however, reveal that it is quite common for youths to do things that, if officially recognized, would be called "criminal." Most recently, a self-report study conducted in selected Toronto District School Board schools revealed that 37% of the sampled youths in grades seven through nine admitted to engaging in one or more delinquent behaviours in their lifetime (Savoie, 2007). All available self-report data indicate that a majority of adolescents will, at some point, engage in some minor offending. Unfortunately, we do not have good measures (or, obviously, good measures across time) from the youths themselves on rates of offending (provincially or nationally). Thus, is it not possible to examine trends using self-report data.

For high-volume offences, Statistics Canada carries out, every five to six years, a victimization survey of (now) about 25 thousand respondents. Although people sometimes, in these surveys, are able to estimate the age of the offenders who victimized them, often this information is not known. More generally, however, people have to perceive something as an offence in order to report it. In some cases this may be obvious, but in others it may not be. If, for example, one comes home and notices some plant pots have been broken, it could be

perceived as an accident, as the result of weather, or as an act of vandalism by the neighbourhood kids. Sometimes perception is everything.

Official measures

Official measures of youth crime (e.g., arrests or court data) also cannot provide an adequate description of the extent of these events.

> "For example, in order for an event to be recorded as an arrest we first need an incident (e.g., a fight) to occur that involves a youth age 12 or older. Someone must next notice the incident and see it as an 'offence.' The fact that an 'offence' has taken place does not necessarily mean that it will be reported to anyone. A youth might start a fight with another youth; however, this fight will never be recorded as an 'assault' if the fight ends and nobody does anything about it. Similarly, if a youth were to steal something from a store and not be caught, this 'theft' will not be recorded. It goes without saying, then, that an incident cannot become a crime unless someone decides that the police should get involved. If the incident were to be reported to the police, the police must make a decision: Is the incident a crime, and is there any value in officially recording it as such? Many rather insignificant offences, like a fight, minor vandalism, or a minor theft, may be dealt with completely informally and not recorded.
>
> Depending on the type of crime (e.g., theft, vandalism, etc.), the next step would be to identify the suspect. In many cases the police are unable to find a suspect. Victimization data suggest that only about 54 percent of break-ins to houses are reported to the police in Canada (Gannon and Mihorean, 2005). Police statistics (Canadian Centre for Justice Statistics, 2003) suggest that only about 12 percent of these are 'cleared' by the police (i.e., that a suspect is identified and a person is either charged or a decision is made not to charge the offender). Taking these two figures together, it would seem that of the household burglaries identified by victims, only about 7 percent end up with a suspect being identified by the police. Furthermore, it is well known that the police screen out many cases. Thus, there are many youths who may be identified by the police but not officially charged for a variety of reasons (e.g., too minor an offence, etc.)" (Sprott and Doob, 2004; pp. 115–116).

"Following the decision to charge a young person, the case will typically go on to youth court. However, depending on the jurisdiction, at this stage the case may be screened out of the system and instead go into Extrajudicial Sanctions. Cases referred to some sort of extrajudicial sanctions program may or may not remain in our youth court statistics. If the youth successfully completes the program there is no finding of guilt. If, however, the case stays in youth court, the youth may or may not be found guilty. In addition, depending on the types of charges against the youth, the "guilty" finding may or may not be for the most serious offence the youth had been charged with as the case entered youth court." (Sprott and Doob, 2004; p. 116)

Other problems with drawing inferences from arrest data

Clearly, then, one could argue that arrest and court data are more measures of the policy decisions of adults than of the offending behaviour of young people. Moreover, for various reasons having to do with apprehension rates and the nature of youth crime, it also seems that youths are blamed for more crime than they actually do. For example, in the US, when the 1997 FBI statistics were released, the fact that 30% of those arrested for robbery were juveniles was interpreted as meaning that 30% of the robberies were committed by juveniles. This ignores the fact that fewer than 20% of robberies are "cleared," and, therefore, in most robberies there are no arrests. Snyder (1999) demonstrated that inferences about who commits crime based on who is arrested for it are likely to be wrong. There are reasons to believe that juveniles are more likely to be caught than adults: they are less experienced and they are more likely than adults to commit offences in groups. Law enforcement personnel may also be more motivated to locate and arrest juveniles.

Snyder's (1999) study examined robbery data from seven American states, and used "incident based" data where victims' perceptions of the age of the offenders were recorded. Compared with incidents apparently involving adult offenders, those involving juvenile offenders were:

- more likely committed by more than one offender,
- more likely to take place outside rather than inside a building,
- less likely to use a weapon such as a gun, club, or knife,
- less likely to have an adult victim, and
- more likely to result in the offender being arrested.

A more sophisticated analysis showed that "controlling for other incident characteristics, these data find that juvenile robbery offenders are 32% more likely to be arrested than are adult robbery offenders" (Snyder, 1999; p. 157). In addition, the presence of a weapon increased a juvenile robber's probability of arrest, but not that of an adult. "This is consistent with the national concern surrounding kids and guns…. [However] the relative seriousness of the offence is less of an issue when handling juvenile offenders. If these biases reflect the attitudes of the public at large, not only are juveniles more likely than adults to be arrested for similar crimes, but juvenile crimes may be reported to law enforcement [agencies] at a higher rate. This would add to the distortion of the juvenile crime component of crime that flows from law enforcement data" (p. 160). More generally, Snyder's (1999) study demonstrates how cautious one has to be in interpreting reports of crime or arrests as they are contained in official records.

Overall then, the police picture of "crime generally" (let alone the proportion that is committed by youths) is incomplete. Instead of seeing these as problems, what often happens is that people naively use police arrest data as an indicator of the amount of crime in society, or more commonly, to estimate changes in the rate of youth crime. This is obviously problematic, because any change in police arrest data might be due to factors other than a change in youths' behaviour

(e.g., a change in the reporting behaviour of adults or a reflection of growing intolerance to certain behaviours).

Sprott and Doob (2008) have been working on the various pictures of youth crime that come from different measures. These data show much more variability (across provinces, in this case) in "police recorded crime by youths" than in "actual" self-reported offending by youths (these findings are discussed in more detail in Question 2). These findings suggest, more generally, that we have to be careful in assuming that police apprehensions of youths represent a good proxy for offending more generally.

The role of press coverage

One also cannot assume to have accurate knowledge of crime trends by reading the paper or watching the news. For example, in other countries, it has been shown that press coverage of teenage gangs and estimates of juvenile offending are fairly unconnected. For example, the period from 1987 to 1996 was, for many parts of the US, a period when juvenile arrests went up considerably. However, in Hawaii, the increase was modest and, when status offences were excluded, there was, in fact, a decrease in juvenile crime. Perrone and Chesney-Lind (1997) examined newspaper coverage of juvenile delinquency and juvenile gangs during this ten-year period. There was evidence of an explosion of coverage of these topics. In the second five years of the period studied (1992–6), there were almost twice as many stories about gangs as there were in the first period (1987–91) and over seven times as many stories focusing on juvenile delinquency. However, juvenile arrests (other than for status offences) were not increasing during this time, and survey data (of young people) suggest that gang membership was not increasing. Not surprisingly, a state-wide survey in 1997 showed that most people (92%) thought that juvenile arrests had increased in the previous few years. Most of these people thought that the increase was large.

Crime in newspapers, then, does not necessarily give a reasonable picture of what is happening. More specifically, changes over time in what the newspapers report do not necessarily reflect changes in crime. Crime and the coverage of crime appear to be driven by different forces. McCorkle and Miethe (1998) investigated how a moral panic over gangs occurred in Las Vegas, Nevada in the late 1980s. They found that before the mid-1980s in Las Vegas, Nevada, there was no gang problem. In 1985, however, two police officers were assigned to gather evidence on gangs. These officers announced in 1986 that there were 4,000 gang members in the city involved in crime. Media coverage of gangs skyrocketed from fewer than twenty-five stories about gangs per year from 1983–7 to approximately 140–170 per year in 1988–91. A poll in 1989 showed that most residents (89%) thought that gang problems were worsening. Police sweeps were authorized and patrols (often by undercover police) of schools began. New statutes were introduced; consideration was given to banning gang membership; and penalties for "gang-benefiting" crimes were increased. By 1992, the police began to declare a victory over the gangs and, as laws were passed that gave police additional powers and large increases in police budgets were approved, the gang "problem" disappeared from public view.

Police data suggested that during this period *police recorded* charges against those identified by the police as being gang members increased from about 3% to 7% of those charged, but most of the increase occurred late in the period — around 1992 or so. However, even prosecutors were not comfortable with the labelling of gang members, suggesting that the statistics of gang membership might be vastly exaggerated.

McCorkle and Miethe (1998) argued that such "moral panics" do not occur spontaneously and suggested looking at the group that appeared to benefit the most from the view that "gangs were out of control": the police. Stories of gangs came, not surprisingly, at a time when there was a budget crunch and when the legitimacy and fairness of the police were being questioned (because of allegations of brutality). Police spoke of the growing threat from gangs, the "fact" that the police were "out-gunned" by the gang members, and the need for new resources and new legislation. The police presented a "four-year plan" for increased resources to combat gangs. In the end, the panic disappeared: newspaper articles about gangs dropped off dramatically by 1994. But the police got their resources and their laws, and attention was diverted from ongoing police scandals. But throughout the whole panic period, even using the police department's own statistics, gang activity, if it increased at all, never accounted for more than 5–7% of crimes.

Conclusions

Official data (police and court data) are not good proxies for the amount of crime in society. Changes in policy at the stage of police charging can have a large impact on crime "trends." For example, if there is a new policy in a police division to officially charge all youths and not divert any from the system, we would see an "increase" in youths charged and in the number of youths entering the youth court system. This clearly would not be an indication that youth crime is "increasing" — it is due a change in policy. Likewise, the relatively substantial decreases in the use of court seen in 2003 are not the result of crime decreasing, but rather the result of the implementation the *Youth Criminal Justice Act*, which focused on dealing with minor offences outside of court. Moreover, for various reasons having to do with apprehension rates and the nature of youth crime, it also seems that youths are blamed for more crime than they actually do. These findings suggest more generally that we have to be careful in assuming that police apprehensions of youths, or arrests, or youth court processing, represent a good proxy for offending more generally.

Instead of seeing these as problems, what often happens is that people naively use police arrest data as an indicator of the amount of crime in society, or more commonly, to estimate changes in the rate of youth crime. This is obviously problematic, because any change in police arrest data might be due to factors other than a change in youths' behaviour (e.g., a change in the reporting behaviour of adults or a reflection of growing intolerance to certain behaviours).

Assuming one understands crime trends or the nature of crime because one reads the newspaper or watches the news is also problematic. Crime reported in newspapers does not necessarily give a reasonable picture of what is happening. More specifically, changes over time in what the

newspapers report do not necessarily reflect changes in crime. Crime and the coverage of crime are driven by different forces.

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2. How does Ontario compare with other regions of Canada on the various measures of youth crime/youth violence and youth court processing?

As discussed in Question 1, there are complexities around any data used to assess the level of crime or violence in society. Official measures like police and court data are not good proxies for the amount of crime in society because they can be influenced by policy decisions, which can obviously vary across jurisdictions. For example, Carrington (1999) investigated trends in police charging of youths from 1977 to 1996, in particular looking to see if there was any basis for the widely held perception that the *Young Offenders Act* (YOA) caused an increase in youth crime. He found that the "per capita rate of youth apprehended by police increased rapidly during the late 1970s.... From 1980 to 1988, youth crime remained at about the same level, then it rose to a peak in 1991, and fell back almost to its former level by 1996" (p. 13). This overall increase from the 1970s to the 1990s could not, therefore, be attributed to the YOA, since most of the increase took place either before the YOA was implemented or some years after.

Looking at the data on a province-to-province basis, Carrington (1999) found that the apprehension of youth showed a "jump" after 1985 in New Brunswick, Saskatchewan and British Columbia. However, there were *drops* in rates in Quebec and Ontario, and no evidence of change in the other five provinces and two territories. Rates at which youth were *charged* were, however, quite a different matter. Across Canada, there was "a jump in charging in 1986 that did not occur in apprehensions of young persons" (p. 18). The result was that there was a 27% higher charge rate in 1986–96 as compared with 1980–83, as compared with a 7% increase in apprehension rate. In other words, the police exercised their discretion differently under the YOA from the way they had under the JDA: they charged a higher proportion of those youth who were apprehended. Quebec was the only province that showed a decrease in charge rates. What happened in the other provinces is that the YOA clearly changed police charging practice — though the extent of the change varied across jurisdictions. These findings remind us that we should be careful not to attribute changes in the behaviour of adults (charging practices) to youth (crime).

More recently, Sprott and Doob (2008) compared differences in self-reported delinquency across provinces to the differences in police and court data. Generally, the level of self-report offending was quite similar across jurisdictions. When looking at selected violent offences, anywhere from 18% (Quebec) to 26% (Manitoba) of youths reported committing assaults, sex assaults (all levels), robbery, possession of weapons (dangerous) or arson in 2004. Ontario was between those two extremes, with 20% of youths reporting engaging in at least one of those offences in 2004. The rate of police apprehension for those same selected violent offences ranged from a low of forty-nine per 10,000 in Quebec to a high of 150 per 10,000 in Saskatchewan. Ontario was between those two extremes at seventy-four per 10,000. The difference between Ontario's apprehension rate (seventy-four per 10,000)

and Quebec's (forty-nine per 10,000) should be especially noted because there was almost no difference in youths' self-reported violent offending between those two provinces (18% in Quebec and 20% in Ontario). Similar trends were found when looking at selected property offences. Over all, then, there is considerably more provincial variation in police apprehensions than there is in self-reported offending. This once again illustrates that official data are not good proxies for the amount of crime in society. It is a jurisdictional decision to rely more or less heavily on official responses to youth crime, and thus it appears that the rate at which the youth justice system in a province or region is used has relatively little to do with the rate of underlying problematic behaviour by youth.

Court trends.

Given that the level of self-reported delinquency is relatively similar across the provinces, the next question is how much Ontario, compared with other jurisdictions, decides to use the youth justice system in order to respond to offending. The following are trends, from 1993 to 2004 in the rate of finding cases guilty (Figure 1) and sentencing cases to custody (Figure 2) for Canada and the four largest provinces (Quebec, Ontario, Alberta and BC). The YCJA was implemented in 2003, and thus one notices a relatively large one-year decrease from 2002 to 2003 (in both the rate of guilty findings and sentencing to custody) because of the new legislation.

Alberta has the highest rate of finding cases guilty (Figure 1), followed by Ontario (both of which are higher than the overall rate for all of Canada). BC and Quebec have the lowest rate of finding cases guilty. When looking at sentencing cases to custody (Figure 2), Ontario has the highest rate, followed by Alberta, BC and Quebec.

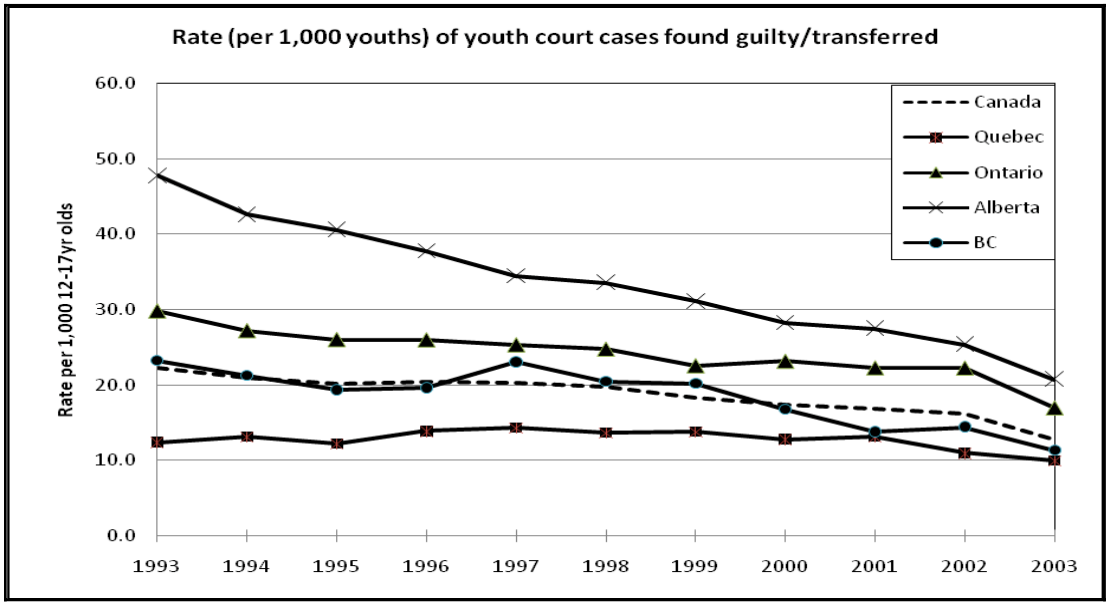

Figure 1

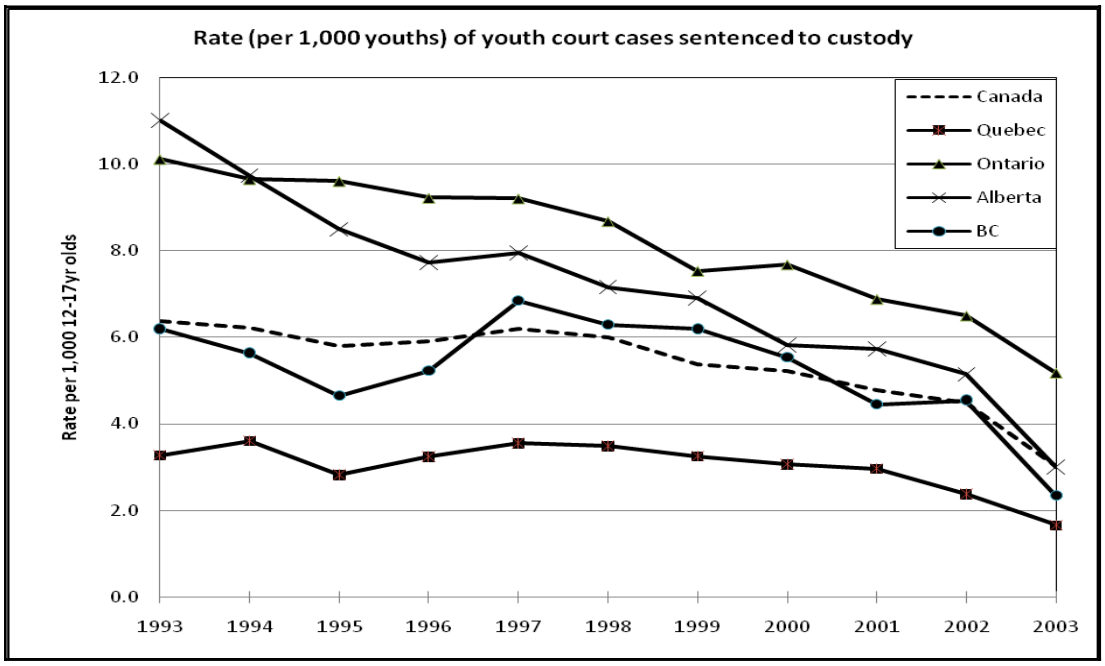

Figure 2

While one may think that Ontario has a relatively high use of court and custody compared with the other jurisdictions because it has higher rates of serious violence, this appears not to be the case. First, Ontario had similar levels of self-reported violence compared with other jurisdictions. Second, looking at the cases in court and custody, one notices differences among the provinces in what they choose to bring into youth court and sentence to custody. Table 1a shows the breakdown of cases in youth court that have been found guilty. Quebec and Ontario have similar proportions of violence (about a third of the cases); however, Ontario tends to bring in more minor assaults than Quebec. Table 1b shows the breakdown of violence cases (found guilty). Of all violence cases found guilty in youth court, 48.5% are minor assaults in Ontario. In Quebec, only a quarter of violence cases involve minor assualts (as the most serious charge in the case). In both provinces, serious violence is a very small proportion of the overall youth court caseload (found guilty) and of the overall violence caseload (found guilty). The majority of violence cases (found guilty) in Alberta and BC also involve minor assaults (Table 2b). However, Alberta's and BC's caseload tends to focus on offences other than violence, as only 20.5% and 25.2% of their caseloads (respectively) involves violence.

	Canada	Quebec	Ontario	Alberta	BC
Serious violence*	5.3%	7.1%	5.2%	3.9%	4.7%
Assault level 2	5.2%	7.0%	5.4%	3.4%	4.5%
Assault level 1	12.5%	8.1%	16.1%	9.9%	11.1%
All other violence	6.2%	10.1%	6.5%	3.4%	5.0%
Total Violence	29.1%	32.3%	33.2%	20.5%	25.2%
Break and enter	10.7%	11.1%	9.9%	9.9%	7.4%
Theft under $5,000	9.3%	8.5%	8.5%	13.0%	10.0%
Possession of stolen property, mischief / damage under $5,000	4.9%	1.9%	4.8%	6.7%	6.9%
All other property	9.5%	7.3%	10.2%	12.2%	8.2%
Total Property	34.4%	28.7%	33.4%	41.8%	32.5%
Drugs	5.6%	13.9%	3.6%	4.4%	4.4%
YOA/YCJA	12.9%	12.8%	12.4%	5.5%	25.7%
All other offences	17.9%	12.3%	17.4%	27.8%	12.1%
Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Table 1a: Breakdown of cases found guilty in youth court: 2004

**Serious violence = homicide, robbery, sexual assault levels 1, 2, and 3, and assault level 3*

	Canada	Quebec	Ontario	Alberta	BC
Serious violence*	18.1%	22.0%	15.6%	19.0%	18.5%
Assault level 2	17.8%	21.8%	16.4%	16.3%	17.8%
Assault level 1	42.9%	25.0%	48.5%	48.0%	44.0%
All other violence	21.2%	31.2%	19.6%	16.7%	19.7%
Total Violence	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**
Break and enter	31.2%	38.5%	29.7%	23.7%	22.6%
Theft under $5,000	27.0%	29.6%	25.4%	31.0%	30.9%
Possession of stolen property, mischief / damage under $5,000	14.2%	6.5%	14.4%	16.0%	21.1%
All other property	27.6%	25.4%	30.4%	29.3%	25.3%
Total Property	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Table 1b: Breakdown of violence cases and property cases found guilty in youth court: 2004

**Serious violence = homicide, robbery, sexual assault levels 1, 2, and 3, and assault level 3*

Looking next at custody (Tables 2a and 2b), similar trends emerge. When looking at all cases sentenced to custody, Quebec and Ontario again have higher proportions of violence (38.7% and 34% respectively). Again, however, the majority of violence sentenced to custody involves minor assaults in Ontario (35.3%). Indeed, of the cases sentenced to custody, Ontario has the largest proportion of minor assaults compared with the other three jurisdictions and with Canada as a whole. This, obviously, is a choice on Ontario's part. Given that minor assaults involve any pushing and shoving, there is a limitless supply to bring into youth court and sentence to custody. Ontario, it appears, is more willing than other provinces to use expensive resourses (court and custody) to respond to these types of behaviours.

	Canada	Quebec	Ontario	Alberta	BC
Serious violence*	9.0%	14.3%	8.4%	8.1%	6.5%
Assault level 2	5.7%	8.0%	6.3%	3.4%	2.9%
Assault level 1	9.4%	5.7%	12.0%	7.1%	4.5%
All other violence	6.7%	10.7%	7.3%	4.8%	2.9%
Total Violence	30.8%	38.7%	34.0%	23.5%	16.8%
Break and enter	11.8%	12.4%	10.6%	13.9%	9.0%
Theft under $5,000	5.6%	5.0%	5.9%	6.5%	4.2%
Possession of stolen property, mischief / damage under $5,000	3.4%	1.1%	3.2%	5.0%	4.0%
All other property	8.3%	4.4%	9.1%	10.7%	7.7%
Total Property	29.1%	22.9%	28.9%	36.1%	24.8%
Drugs	3.8%	6.6%	2.8%	4.1%	4.0%
YOA/YCJA	14.9%	13.0%	14.4%	3.8%	40.7%
All other offences	21.3%	18.9%	20.0%	32.6%	13.7%
Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Table 2a: Offence breakdown of all cases sentenced to custody: 2004

**Serious violence = homicide, robbery, sexual assault levels 1, 2, and 3, and assault level 3*

	Canada	Quebec	Ontario	Alberta	BC
Serious violence*	29.3%	36.9%	24.7%	34.5%	38.6%
Assault level 2	18.5%	20.7%	18.5%	14.4%	17.3%
Assault level 1	30.4%	14.8%	35.3%	30.4%	26.8%
All other violence	21.7%	27.7%	21.5%	20.6%	17.3%
Total Violence	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**
Break and enter	40.6%	54.2%	36.8%	38.6%	36.2%
Theft under $5,000	19.3%	21.7%	20.6%	18.1%	17.0%
Possession of stolen property, mischief / damage under $5,000	11.6%	4.7%	11.1%	13.8%	16.0%
All other property	28.6%	19.3%	31.5%	29.5%	30.9%
Total Property	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Table 2b: Breakdown of violence cases and property cases sentenced to custody: 2004

**Serious violence = homicide, robbery, sexual assault levels 1, 2, and 3, and assault level 3*

Understanding jurisdictional variation in self-reported delinquency

While the self-reported delinquency across provinces appears relatively similar, it would not be too surprising to find some differences across jurisdictions. And there may indeed be differences, but the self-report questions available to us were too general to reveal them. There is some research on understanding differences in cross-national crime rates. For example, Neapolitan (1999) examined only those countries where there were adequate data on the economic, political, and social situation in the country, and where there was a reasonable level of agreement (from at least two sources) that indicated that the country was "low or high on violent crime relative to most other nations in the same geographic region" (p. 261). Six high- and six low-violent-crime countries (two each from Africa, South America and Asia) were compared. Five dimensions appeared to differentiate between high- and low-crime countries:

- Social integration in low-crime countries (e.g., intact kinship and local community systems, political and social stability, ethnic and cultural homogeneity) vs. social disorganization in high-crime countries (e.g., ethnic conflict and discrimination, urban slums and street people, diminished kinship and local community systems);

- Economic stress in high-crime countries (e.g., poverty and relative inequality, economic downturns) compared with low-crime countries, which were characterized by economic growth and effective government social welfare programs;

- Care and concern for children was a characteristic of low-violent-crime countries. This was evidenced by government programs for children, commitment by government to children's rights, and the absence of orphans, street children, child labour, etc.;

- Official or approved violence factors (such as violent insurgencies, police and/or military use of excessive violence, abuse of suspects and prisoners, etc.) characterized highly violent countries;

- Highly violent countries also tended to have criminal justice systems characterized by corruption, discrimination, abuse of rights, etc.

It is clear, then, that the level of violence in a society is not an "accident." Factors that vary within a large country and factors that affect portions of a country's population also have an impact at the national level. Countries that are likely to be low in violence tend to:

- value and provide healthy environments for children,

- have stable and healthy communities,

- provide relative economic equality,

- ensure violence within the state or by state agents is not tolerated,

- have fair and just criminal justice systems.

Other research has investigated the role of the community in explaining levels of violence among different groups. For example, in a US national study of American youth, it was found that the amount of self-reported participation in school-related physical fights in the previous year was higher among Blacks (21%), Latinos (18%), and American Indians (31%) than for Whites (13%) or Asians (11%). McNulty and Bellair (2003) examined factors that might explain those group differences. Independent of all other dimensions, it was shown that the youths most likely to be involved in fighting were male, those who thought that fighting was OK, those reporting that they had recently used drugs or alcohol, and those with low school grades. In addition, adolescents whose parents knew the parents of their friends (a measure, perhaps, of the strength of the youths' community) and youths who frequently interacted with adults were less likely to participate in physical fights.

The most interesting findings relate to the factors that "explain away" the differences among groups. If one statistically removes the impact of living in a community with a high concentration of disadvantaged families, the difference in levels of fighting between Black and White youths disappears. In other words, it seems that the different level of involvement in fighting by Black and White youths is accounted for by the fact that Black youths are considerably more likely to

live in poor communities. Similarly, the difference between White and Latino youths disappears when one controls for a measure of family disadvantage — the educational level of the adolescent's parents. Said differently, the lower levels of education of parents of Latino youths explain the difference between Latino and White youths in their involvement in fighting. Clearly then, policies that affect communities and families can also affect the level of violence in society. To the extent that the Canadian provinces control such policies, they can affect the level of violence in society by endorsing various types of policies.

In a similar theme, Simons, Chen, Stewart and Brody (2003) investigated the effect that discrimination had on delinquency. They found that discrimination predicted delinquent behaviour in a sample of African American children, even after they controlled for other factors (e.g., the quality of parenting, affiliation with deviant peers and prior conduct problems). These findings do not challenge other well-established explanations for group differences in offending. Instead, they highlight another factor that helps explain high rates of offending among certain Black youths. The results of this study clearly suggest that societies that systematically expose their most vulnerable members to discriminatory rhetoric and practices are likely to pay the price in increased crime.

Communities, in fact, play a crucial role, not only with respect to their effect on early delinquency, but also on one's ability to remain law-abiding upon release from a prison stay. Specifically, community contexts and state policies (e.g., those related to support for the homeless, the unemployed and the families of prisoners) have been identified as fundamental in understanding the determinants of successful re-entry from prison (Visher and Travis, 2003). Factors such as employment and good relationships with family and others in the community emerge as central to inmates' successful transition into the community and, as such, are important dimensions in explaining recidivism. In fact, attention to the period following incarceration may be at least as crucial to our understanding of reoffending behaviour as a focus on offenders' individual characteristics and their experience of prison.

Conclusions

Comparing self-reported delinquency across the provinces reveals relatively few differences. However, there are rather striking differences when looking at police apprehensions or guilty findings across provinces. Thus, one must be careful not to attribute changes in the behaviour of adults (charging practices) to youth (crime). For example, while Manitoba had the highest rate of self-reported violence and property offending, Saskatchewan had the highest rate of police apprehensions (and the highest rates of using court and custody). Moreover, while Ontario and Quebec had similar levels of self-reported violent offending and identical levels of self-reported property offending, Ontario consistently had much higher rates of police apprehensions, use of court and use of custody than Quebec. Ontario also appears more willing than other jurisdictions to bring minor violence (minor assaults) into youth court and sentence these cases to custody. However, across all of the four jurisdictions (the four largest provinces — Quebec, Ontario, Alberta and BC) and Canada as a whole, serious violence (homicide, robbery, sexual assaults and

assault level 3) was always a very small proportion of the youth court caseload, never accounting for more than 8% of the caseload (found guilty) or the 15% of the cases sentenced to custody.

While the self-reported delinquency across provinces appears relatively similar, it would not be too surprising to find some differences across jurisdictions (and, indeed, with more detailed questions, differences across the provinces may well emerge). There is, for example, evidence that policies that affect communities and families (e.g., concentrated disadvantage within communities or discriminatory rhetoric and practices) can also affect the level of violence in a community. To the extent that the Canadian provinces control policies that affect disadvantaged groups (e.g., social assistance, housing, transportation, daycare, employment, etc.), they can affect the level of violence in society by endorsing or discouraging various types of policies.

More generally, the level of violence in a society is not an "accident." Factors that vary within a large country and factors that affect portions of a country's population also have an impact at the national level. Countries that are likely to be low in violence tend to: value and provide healthy environments for children; have stable and healthy communities; provide relative economic equality; ensure violence within the state or by state agents is not tolerated; and have fair and just criminal justice systems.

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3. What are the relative impacts of criminal justice and developmental/ social variables on the rates of youth crime/ youth violence?

The impact of criminal justice practices on crime will largely be answered in other questions. Generally though, harsh criminal justice approaches appear to do little to reduce crime. Baron and Kennedy (1998) provide some reasons why criminal justice approaches may not work, especially among a "high-risk" sample of homeless youths. They conducted interviews with 125 male street youth, under age twenty-four, who spent a considerable amount of time each week "on the street" in Edmonton, Alberta. Respondents were asked how many times in the past year they had committed two relatively serious property crimes ("broken into a car; broken into a house") and how often they had committed a relatively serious assault ("attacked someone with a weapon or fists/feet injuring so badly they probably needed a doctor"). The results showed that those youth who thought that there was a reasonable likelihood that they would be caught by the police for property crime, and those who said that being caught for property crime would be a problem in their lives, were less likely to commit these crimes. However, the most reliable predictor of property crime appeared to be whether a youth believed that his friends were involved in such a crime.

For violent crime, the pattern was somewhat different. The youths' perceptions of how likely it was that they would be apprehended did not have an impact on the likelihood that they had engaged in serious violent behaviour. Similarly, the youths' estimates of the impact of police apprehension were unrelated to their own level of violence. As the authors of the paper point out, the serious violent activities that take place on the street "are guided more by impulse and the sway of emotion than by reflection, judgment, or premeditation" (p. 48). There is also evidence that a criminal justice approach like "mandatory minimum sentences" for drug offenders are less effective than treatment in reducing the use of cocaine (see Caulkins et al., 1997). For most offences and offenders then, "toughening up" criminal justice approaches are unlikely to be effective in reducing crime. The policy question, then, is, what can be done outside of the justice system in order to reduce offending?

Early interventions: Family and school

Although it is relatively well established that children of adolescent mothers are at risk on a number of different dimensions (including crime), it is less well understood *why* this might be the case. Using a longitudinal study of 411 boys born in 1952–3 who were followed from age

eight/nine until thirty-two, Nagin, Pogarsky and Farrington (1997) investigated this issue. They found that the reason that the sons born of adolescent mothers were more likely to commit criminal acts than were the sons born of older mothers was a combination of two factors: the lack of resources of these families and the fact that the mothers seemed to lack parenting skills or provided poor role models to their offspring. The policy question that needs to be addressed, then, is a simple one: how can communities intervene with families, in positive ways, to decrease the likelihood of later offending?

Olds et al. (1998) used the "gold standard" for attributing causality — the randomized trial experiment — to determine the effects of a broad-based intervention in a child's life — home visits by a nurse before and after the birth of a child — on offending behaviour during adolescence. Mothers in their first completed pregnancy who were "at risk" (i.e., young, single and/or of low socio-economic status) participated in the experiment. These women were randomly assigned to three different groups (a control group or one of two experimental groups), and thus the groups can be considered to be equivalent for all practical purposes. For some of the mothers (the control group), the program simply provided assessment and referrals for treatment. For one "experimental" group, they received this same assessment and referrals, but a nurse also visited them an average of nine times during pregnancy. The nurse promoted positive health-related behaviours during pregnancy and the early years of the child, as well as general help to the mother (e.g., family planning, getting a job, parenting skills, etc.) during these visits. For the second experimental group, this monthly support visitation program continued until the child was two years old.

The results are simple to summarize. The nurse visitation program, especially when the monthly visits continued until the child's second birthday, reduced the incidence of involvement with the police, arrests and contact with the child welfare system as a "person in need of supervision" during the child's early adolescent years (up to age fifteen) (Olds et al., 1998; p. 1242). "Adolescents born to nurse-visited women who were unmarried and from low-SES families had fewer episodes of running away from home, arrests, convictions and violations of probation than did their counterparts in the comparison group. They also had fewer sexual partners and engaged in cigarette smoking and alcohol consumption less frequently" (Olds et al., 1998; pp. 1241–2).

Generally, the earlier in life an intervention is provided, the more likely it will have an effect. But even programs administered to children just starting school have been found to reduce problem behaviours. For example, the program "First Step to Success" focused on "at-risk" kindergarten children, but involved teachers, peers, parents, or caregivers, as well as the child. It started with a formal screening of kindergarten children to identify problem children. The school intervention had thirty "formal" days of programming, though since a child had to "pass" each day, it took longer than thirty days to complete (on average around forty days). The first five days involved a "consultant" who did not need to be a formal professional. On each of these days, there were two twenty- to thirty-minute sessions in school. Essentially, it was a program where the child earned negotiated school and home privileges for appropriate behaviour. It was a fairly rigid "program" designed to effect change at home and at school.

Walker et al. (1998) investigated a group of children who received the program compared with a randomly assigned "waiting list control" group of children. Quite large (and statistically

significant) changes were found in the treatment group that were not found in the wait-list control group. Although the experiment was carried out when the children were in kindergarten, one group was followed through grade two. The improvements in the children's behaviour continued.

The results are "consistent with existing literature on the case for early intervention with at-risk children…. That is, comprehensive early interventions, especially those involving parents, appear to (a) teach relationships between choices and their resulting consequences, (b) develop the social-behavioural and academically related competencies that allow children to cope effectively with the demands of friendship-making… and (c) reduce the long-term probability that at-risk children will adopt a delinquent lifestyle in adolescence" (Walker et al., 1998; p. 74). Furthermore, "by the standards used in other fields, [the program] is a relatively brief and inexpensive intervention" (Walker et al., 1998; p.76). Responses to the program by teachers and parents have been "generally positive, perhaps because the demands on them during implementation are relatively low level compared to the gains achieved" (Walker et al., 1998; p. 76).

This intervention into the lives of "at-risk" kindergarten children appears to have been successful in reducing anti-social behaviour. Furthermore, it would appear to be a program that parents and teachers approve of and that can be implemented with rather minimal costs. Though it is hard to estimate the actual cost of the program, it would appear that the cost of "treating" a single child would be less than the dollar cost of charging a single child with a common assault and having that child go through the court system and receive an absolute discharge at the end. This cost estimate, of course, ignores the other beneficial effects of the program and the harmful impact of criminal justice contact.

Consequences of legal sanctions

Findings such as these suggest that social programs designed to promote healthy children can reduce crime. Resources (financial and otherwise), support, advice, help and training in child rearing matters would appear to be important for the eventual well-being of these children who are "at risk." However, programs need to occur early (prenatal or within the first few years of life). Once children are older, and perhaps already engaging in delinquency and receiving legal sanctions, there is evidence that there could be further detrimental effects that are felt into adulthood. Tanner, Davis and O'Grady (1999) found, for example, that delinquency in adolescence can reduce educational and occupational attainment in young adulthood. These findings "testify to the importance of avoiding trouble when young: early deviance, both directly and indirectly has lingering effects that negatively influence life chances (Tanner, Davis and O'Grady 1999; p. 269). And, of course, there are costs to society — in particular, all of the problems associated with low SES due to the lower educational and occupational attainment (e.g., housing problems, health issues, increased reliance on social assistance, etc.) Generally, then, focusing early in the life-course to prevent delinquency from occurring is likely to achieve the most beneficial results across a range of domains (e.g., not only reduced offending, but also stable employment in adulthood, fewer housing and health problems, lower reliance on social assistance, etc.) As Tanner et al. (1999) acknowledge, however, "responses to delinquency may have an effect on life course trajectories…. Research indicates that adults who are officially

identified and processed as criminals find it harder than other job seekers to secure employment" (p. 270).

Criminal justice responses may also affect another factor that is related to delinquency: parenting styles. There is, in fact, "an increasing body of research that suggests that delinquency is not merely an outcome but a process variable that affects and is affected by parenting in an interactional process" (Stewart et al., 2002; p. 37). Delinquency, legal sanctions and bad parenting all increase the occurrence of one another.

Stewart et al. (2002) suggested that "delinquency is most apt to have negative consequences when resulting in official responses by legal authorities" (p. 37). It is noted that legal sanctions disrupt the quality of family life by embarrassing the parents, thus increasing conflict and subsequent stress levels in the family. Stewart et al. (2002), therefore, looked at youths at three different points in time (average age: 13.5, 14.5 and 15.5 years). Poor parenting was assessed using self-reports by parents, as well as systematic observations by survey interviewers. Delinquency of the youth was assessed by way of a self-report questionnaire. Youths also reported whether they had come into contact with the justice system, as well as the type of contact that had occurred.

Delinquency and parenting were examined at ages 13.5 and 15.5. At age 14.5, the youths were asked about contact with the justice system as offenders. The statistical model that was used looked at changes in delinquency and parenting (from age 13.5 to 15.5). The findings demonstrated that poor parenting at age 13.5 was associated with increased delinquency at age 15.5. However, about half of this effect was due to the impact of legal sanctions occurring between these two ages. Not surprisingly, those youths who were most involved in delinquency and most subject to poor parenting practices at age 13.5 were most likely to receive legal sanctions. However, the impact of poor parenting practices at age 13.5 was largely mediated by the occurrence of legal sanctions. Similarly, poor parenting at age 15.5 was associated with higher levels of delinquency at age 13.5. This effect was almost completely due to the impact of legal sanctions that took place between age 13.5 and age 14.5.

"Poor parenting behaviours led to increases in delinquency and earlier delinquency led to an increase in poor parenting" (Stewart et al., 2002; p. 52). Legal sanctions were a result of delinquency and poor parenting at age 13.5. "Legal sanctions, in turn, predicted further increases in delinquency and decreases in parenting quality a year later at [age 15.5]" (Stewart et al., 2002; p. 52). Clearly, there are negative effects of increased contact with the criminal justice system. Thus, in addition to early interventions like the kind Olds et al. (1998) evaluated, laws that minimize the impact of legal sanctions (e.g., by reducing formal entry into the court, probation, or custodial systems) may also help to reduce recidivism.

Other promising types of interventions

It would be a mistake to think that the two studies highlighted here, which showed a significant reduction in problem behaviour (nurse home visits and "first steps to success"), are isolated incidents of these types of programs "working." In a review of "what works," Graham (1998)

provided examples (and references to details of programs) of interventions that have been found to reduce the likelihood of children becoming seriously criminal ***and*** that can be cost effective. These include the following:

- **Home visitation programs.** "These involve trained and committed individuals, usually nurses, health visitors or social workers, supporting, helping, and sometimes training parents of young children" (Graham, 1998; p. 8). Some of these target both children and parents. Arrest rates are typically reduced considerably (e.g., by 40% or more). The nurse home visitation programs may be most important to prevent the potential "life-course-persistent offenders" from engaging in later violence (see Howell and Hawkins, 1998).

- **Parent training programs.** For example, one program provided "training for parents of 10-year-old children for a period of six to eight months."

- **School-based programs,** which "combined institutional change with individually-based initiatives to increase educational attainment and reduce delinquent behaviour…" (p. 11). It should be noted, however, that "the initiatives based on *individuals had no effect on delinquency*…" (p. 11). "On the whole, research on school effectiveness shows that schools which are characterized by high quality classroom management, good leadership and organization and where children feel emotionally as well as educationally supported, are those which are best placed to protect their pupils from engaging in criminal behaviour" (p. 13).

- Programs that *combine parent training and school programs* and that link the two have shown an "immediate impact in terms of reducing aggressive and anti-social behaviour."

At the same time, it should be pointed out that not everything works. Among the interventions that appear to be *unsuccessful* are the following:

- "Individual and peer group counselling or therapy, [most instances of] pharmacological interventions, corporal punishment, suspension from school…" (p. 16).

- "Information campaigns, especially in relation to substance abuse" (p. 16), moral appeals, fear arousal.

There are also programs that can reduce offending among youths who are already involved in the justice system. A US government report coming from a blue-ribbon panel of experts from at least three countries (including Canadian Marc LeBlanc at the University of Montreal) draws on knowledge from the social sciences on how best to deal with serious and violent juvenile offenders. When considering "late" interventions, the study group found that interventions aimed at those youth who already had become serious and/or violent offenders were also possible, though "interventions for serious and/or violent offenders often have to be multimodal in order to address problems, including law breaking, substance use and abuse, and academic problems. The administration of multimodal programs requires integration of services of the juvenile justice

system, mental health, schools, and child welfare agencies. Aftercare programs are essential....” (Loeber and Farrington, 1998). One challenge for a country like Canada, then, is to integrate services that are often fragmented across ministries and levels of government.

Aside from family and early school interventions, there are also broad community interventions that have reduced crime. Typically, these community interventions involve changing the physical environment, and one classic example is the redesign of the Port Authority Bus Terminal in NYC (Felson et al., 1996). The Port Authority bus terminal is the biggest bus station in the world, handling about 175 thousand passengers a day. A block away from the prostitutes, porn and drugs in Times Square, it was also the home of “several hundred” homeless people. The homeless had taken over most public areas in the building, such that facilities designed for bus travellers were no longer available for them. The goal was to reduce crime (largely robbery, assaults and thefts) and to deal effectively with the problems of the homeless, drugs, prostitution, etc. The Port Authority (PA) police were incapable of taking control by “normal” police approaches. Although the PA police force is large (it is the twenty-eighth largest police force in the US), with 125 officers assigned permanently to the bus terminal, they, alone, could do little. Other approaches had to be used. Instead of seeing the problem as being dealt with by way of “law enforcement” and, for example, arresting or harassing transients in the bus terminal, the PA contracted with a social service agency to provide services to “their” transient population. The police then induced transients to cooperate with the agency by providing the alternatives of accepting help, leaving, or going to jail. The transient problem was made manageable.

Physical modifications were also important. Entrances and exits were made more accessible. Niches and dark corners were eliminated. Areas where people could hide or sleep without being observed were made into public spaces by turning brick walls into glass walls. Benches where people had slept were removed and replaced with single seats that were made purposefully uncomfortable to sleep on. Information kiosks were set up to make it easy for visitors to get legitimate information rather than being victimized by various types of hustlers. Stores — particularly chain stores that people felt comfortable patronizing — were brought in. Video games that attracted young toughs were replaced with games that problematic folk were uninterested in. Physical changes facilitated the “flow” of people quickly and easily through the station, thereby reducing the opportunity for them to be victimized.

The result of these changes was fewer complaints. Also, ratings of various aspects of the terminal went up. There were 80% fewer homeless in the facility. Public order complaints were reduced dramatically, as were the numbers of most offences. People felt more safe and saw the police as doing a better job. Only about a third as many people said that they felt insecure or very insecure in the PA terminal after the changes had been implemented as compared with before. Declines in crime had been occurring in New York (as well as other parts of the United States and in Canada) at the time that the PA bus station was being cleaned up (beginning in 1991), but decreases were larger in the PA bus station than in the surrounding areas. Equally important is the fact that “there was no evidence of displacement of robbery to nearby precincts” (Felson et al., 1996).

“Combining physical design and clever management, the Port Authority has brought its transient problem under substantial control and reduced its crime problem” (Felson et al., 1996). Some of the design changes were rather mundane: they made fourteen design changes in the washrooms,

which, in total, helped reclaim the washrooms for use by bus station users. Perhaps what is most interesting is that crime, disorder and unpleasantness were reduced dramatically without resorting to hard-line police tactics. Crime was designed and managed away.

We can be either optimistic or extremely pessimistic about findings such as those presented here. The reasons for optimism are clear: much is known about what will make a healthy (and peaceful) young person. We know that the lives of young people are shaped early, and thus early interventions are crucial. At the same time, we know that interventions in mid-to-late adolescence can have positive effects. Moreover, there are environmental changes that can reduce offending in a community. The pessimism comes from the fact that knowing what should be done and actually doing something about it are different. None of the effective approaches discussed here are interventions that can be announced, implemented and shown to have a measurable effect on crime within a single political mandate.

Cost-effectiveness

As already highlighted, Graham (1998) identified programs that were found to reduce delinquency and that were generally cost effective. However, additional research has been conducted which explored the costs of various programs aimed predominately at adolescents who were already involved in the criminal justice system. For example, one study, carried out by the Washington State Institute for Public Policy, examined programs for youth where there was sound research to examine their costs and outcomes (Aos et al., 1998). Looking at programs aimed later in adolescence, there were programs that reduced subsequent offending, but their impact on youth was often "modest." "The best interventions for juvenile offenders lower the chance of re-offending by about 40%" (Aos et al., 1998; p. 7). Typically, the programs reduce rates of recidivism by about 20–30%. This is important to keep in mind, because it means that the graduates from the best-known programs will often reoffend. It is also relevant when one hears claims about "quick-fix" interventions. But these modest impacts — e.g., a reduction of reconviction rates from 45% to 27% (a 40% reduction) for probationers in some locations — may still be worth while.

The question, from a public policy perspective, is simple: If a program is likely to reduce recidivism by only modest amounts (20–30%), is it still worth it? The answer is "yes" — sometimes. First of all, one has to ask whether one is interested only in public costs — typically "criminal justice system" costs. Some programs do not show a savings on criminal justice costs alone, but do show savings if the costs to victims of crimes are included. Also, for some programs (e.g., early intervention programs directed at health or education issues), other benefits of the program to society can be measured.

But for many of the sixteen programs that were examined by Aos et al. (1998), there were criminal justice savings that were shown within a year or two. For example, in a "program for first time minor offenders on diversion where youth appear before a community accountability board shortly after committing an offence" (the Thurston County FastTrack Diversion program), there is a 29% reduction in offending, with a savings to the criminal justice system of about $2,700

per participant after one year. In large part, this saving may come from the fact that its taxpayers' costs are low ($136 per participant). Other intensive programs funded solely with public money take longer to show criminal justice savings. And there are some expensive and thoroughly evaluated programs that will never show any kind of benefit when one looks at a measure like "felony reconvictions by age twenty-five." Juvenile boot camps are one notable example.

Cost-effective programs also exist for reducing recidivism among more serious juvenile offenders. They are not necessarily cheap to implement, but when considered as investments, they are sensible. Some of the intensive supervision programs, for example, cost $4,500–$6,000 per participant and take a few years to show criminal justice savings. A program for chronic juvenile offenders including a home placement with trained foster parents and other treatment and probation services was quite expensive, but showed benefits to victims and for criminal justice budgets. Evaluated solely in terms of changes in recidivism rates, these programs might be seen as having only modest benefits. However, as investments to achieve victim and criminal justice savings, they were very effective.

Typically, the issue of cost-effectiveness arises when one is thinking about implementing an early-intervention program or some sort of diversionary program for youths who have already offended. However, the "cost-effectiveness" of standard criminal justice approaches should also be evaluated. Those who support "getting tough" on young offenders rarely think about the costs of that which they advocate. Given that those areas of social life that are supported, in part, by government — health care, education, transportation, housing — are all in need of money, it is important to consider the costs and benefits of "tough approaches" to youths. Unfortunately, there has been little serious "cost-benefit" analysis of youth justice policies. In this light, a case study by Fass and Pi (2002) is interesting, not so much because of its conclusions, but rather because it helps to identify some of the variables that need to be assessed when evaluating the utility of youth justice policies.

Fass and Pi (2002) compared "tougher" responses with their less punitive alternatives. More specifically, their research examines: probation vs. diversion; intensive vs. regular probation; open custody vs. probation; and prison vs. open custody. The principal data for their study came from the records of 13,144 youths referred to the Texas Youth Commission in Dallas County. The results suggested that the following factors are important when thinking about the costs and benefits of "tough approaches" to young offenders:

- Apprehension rates may increase as a function of surveillance. As such, additional justice costs may exist over time.

- Second or subsequent dispositions tend to be more severe than earlier dispositions. This is also the case in Canada. Hence, criminal justice costs increase at the second disposition largely as a function of the disposition handed down in an earlier case. The "costs" of a harsh disposition, therefore, may appear later in a youth's court career.

- The first time someone is apprehended, police, court, probation, prosecution, legal aid and detention costs have to be initially considered in terms of additional costs for the harsher of two sentences. However, there are likely to be additional costs in each of

these domains at subsequent apprehensions. In this study, it was found that these expenditures tended to increase — sometimes dramatically — as a function of the disposition that was being sought. Of course, the costs largely reflect what happens after the decision is made on how to dispose of the case.

- Costs to victims and others of additional crimes clearly also have to be taken into consideration. Estimates of these factors vary enormously.

- Benefits to victims can be found in the form of short-term incapacitation effects. For instance, it was found in one case study that placement in a local facility could reduce victim costs (*including* estimated "quality of life" costs) by as much as $1,718 per offender (but only $666 if "quality of life" cost estimates were not included). The difficulty is that this "saving" was far outweighed by the additional criminal justice placement expenditures involved ($15,190 or $23,680 per offender, depending on certain assumptions).

The results of any estimation exercise such as this one have to be considered with caution. However, case studies investigated by Fass and Pi (1992) suggest that there were no criminal justice savings obtained from harsher policies compared with alternatives. In addition, the authors' estimates of gains for victims and others are only substantial when "quality of life" factors are included in the equation. In some instances, tough penalties may even increase estimated costs to victims. Indeed, harsh policies appear to augment crime and criminal justice processing in the long term, despite temporarily deferring criminal activity as a result of the sentence that is handed down.

Conclusions

There is a considerable amount of evidence that certain early-intervention programs show reductions, not only in offending, but in a range of risky behaviours. Graham (1998) provided examples of interventions that have been found to reduce the likelihood of children becoming seriously criminal ***and*** that can be cost effective (e.g., nurse home visitation programs; early school-based programs that involve the family; parent training programs; and programs that combine parent training and school programs). At the same time, there are programs that appear to be unsuccessful (e.g., individual and peer group counselling; pharmacological interventions; corporal punishment; suspension from school; information campaigns; moral appeals; and fear arousal).

Other research has examined the costs of various programs aimed predominately at adolescents who were already involved in the criminal justice system. For many programs that were examined by Aos et al. (1998), there were criminal justice savings that were shown within a year or two. For example, in a "program for first time minor offenders on diversion where youth appear before a community accountability board shortly after committing an offence" (the Thurston County FastTrack Diversion program), there is a 29% reduction in offending, with a savings to the criminal justice system of about $2,700 per participant after one year. In large part,

this saving may come from the fact that its taxpayers' costs are low ($136 per participant). Other intensive programs funded solely with public money take longer to show criminal justice savings. And there are some expensive and thoroughly evaluated programs that will never show any kind of benefit when one looks at a measure like "felony reconvictions by age twenty-five." Juvenile boot camps are one notable example.

Typically, the issue of cost-effectiveness arises when one is thinking about implementing an early-intervention program or some sort of diversionary program for youths who have already offended. However, the "cost-effectiveness" of standard criminal justice approaches should also be evaluated. Those who support "getting tough" on young offenders rarely think about the costs of that which they advocate. Unfortunately, there has been little serious "cost-benefit" analysis of youth justice policies. However, case studies investigated by Fass and Pi (1992) suggest that there were no criminal justice savings obtained from harsher policies compared with alternatives.

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4. Are the origins and meaning of more serious and persistent young offenders different from less serious offending?

There is some evidence that there are two (not completely distinct) groups of offenders: those who are referred to as "adolescent-limited" offenders and those often referred to as "life-course-persistent" offenders. Neither label is completely adequate, but the concept is important. Adolescent-limited offenders are those who are, in fact, quite ordinary youths. Indeed, self-report surveys reveal that engaging in delinquency during adolescence is normative. Few youth make it to adulthood without committing what would be offences if they were caught. Fortunately, most do not get caught. Another group of more serious offenders (life-course-persistent) seem to be offending because of a combination of events that may begin prior to birth. Before we discuss the differences between these two groups of offenders, it would be worth while to first discuss some definitional issues around identifying "persistent" young offenders.

Definitional issues

It is difficult to measure offending, and even more difficult to determine who the "high-rate" or "persistent" offenders are. Hagell and Newburn (1994), for example, cite a study that looked at all youths who had been arrested three or more times in two parts of England. Starting with this population of youths, three definitions of "persistence" were applied to the pool of 531 youths who had been arrested three times in a year (number of arrests; number of offences attributed to them; and number of offences *known* to have been committed by them). An attempt was made to identify the 10% most-persistent youthful offenders. The only problem was that sixty-nine different youths were identified by one or more of these criteria, but only thirty of these sixty-nine were identified by all three criteria.

As the authors point out, "These are the juveniles in whom the police, the courts, the press and the public are particularly interested" (p. 101). The offences they were doing were the same as other juveniles, just more of them: "It is not the case that these persistent offenders were committing the more violent or serious offences...." (p. 102). It was also noted that if one looked at persistence over time, and one used as a measure of persistence the "frequency of known and alleged offending over a three month period," those who would be defined as persistent varied across time: "It was rare for [offenders] who met the criteria in each quarter to be the same individuals" (p. 103). "Offending, particularly persistent offending by juveniles, is a relatively transitory activity" (p. 105). But the overwhelming finding bears repeating: "Persistent offenders...

– whichever of the three definitions was used – did not seem to be strikingly different from the full sample, with the tautological exception of the frequency of their offending" (p. 119). "Very serious offences – grievous bodily harm, aggravated burglary, rape and sexual offences – did not represent in total as much as one percent of all offences attributed to persistent young offenders – a pattern that is typical of juvenile offending generally" (p. 120). "Any definition of persistence will inevitably be arbitrary" (p. 122). Definitions can be created and applied, but equally reasonable-sounding definitions would identify a different group of offenders.

As another example of how difficult it can be to define and measure different "types" of offenders, one need only look at the complexities around how to define a "gang." There is, in fact, no consensus on what constitutes a youth "gang" or how one defines whether a given youth is a member of a gang. "Experts" do not appear to agree as to what is the best single definition. Hence, it is easy to get vastly different estimates of the prevalence of gangs (or changes in the prevalence) simply because there is no consensus regarding what constitutes membership in a gang. Some "gang" researchers suggest that a gang is a group of youths who are seen as a distinct group, recognize themselves as a group (usually with a name) and have been involved in a great enough number of anti-social acts that people see them in a negative way. The problem is that the first two criteria would fit the Boy and Girl Scouts or university fraternities. The third might also fit university fraternities. Aside from anything else, that which constitutes "gang" behaviour is also associated with other "memberships" (e.g., class, ethnicity, neighbourhood). (See Esbensen, Winfree and Taylor 2001 for more on this issue).

Adolescent-limited vs. life-course-persistent offenders

Keeping these definitional issues in mind, research has generally found that youths who begin offending early are more likely to persist (however defined) in their offending behaviour after adolescence. It is these youths who may end up being "life-course-persistent offenders." "The cause of antisocial behaviour for the life-course persisters, according to [psychologist] Terrie Moffitt, is a result of the interaction between neuropsychological impairments and poor social environments. This 'double hazard' of perinatal risk and social disadvantage increases the risk for deviant behavioural outcomes…." (Tibbetts and Piquero, 1999; p. 845). What is important in this theory is that it is the "*interaction* between a child's vulnerabilities to neuropsychological disorders and poor social environments that produces early onset, and not necessarily the independent influence of these determinants" (Tibbetts and Piquero, 1999; p. 847). In other words, a child has to experience both, not just one, for "early onset" problem behaviour to emerge. And these "early-onset" offenders are the ones who are more likely to continue offending and thus become "life-course-persistent" offenders.

Adolescent-limited offenders, on the other hand, are otherwise healthy youths who simply engage in some offending during adolescence. Thus, the backgrounds of "adolescent-limited" and "life-course-persistent" offenders are fundamentally different. For example, Moffitt and Caspi (2001) identified, from a longitudinal study of New Zealand children, those who had extreme and stable anti-social behaviour problems from ages five to eleven. Subsequently, they identified a group of youths who were offending in mid-adolescence, but who were not problematic children. There

were about ten times as many "life-course-persistent" (or "early-onset") boys as girls. For the adolescent-limited youths, there were only 1.5 boys for every girl. Nevertheless, the "risk predictors" from childhood for the boys and girls who were identified as having "life-course-persistent" (or "early-onset") behavioural problems were more or less the same. The "adolescent-limited" girls and boys had many fewer "risk" factors than the life-course-persistent adolescents, but, once again, the boys and girls looked very much alike. "The childhood background of delinquents in the life-course persistent path is pathological, but the background of delinquents on the adolescent-limited path is normative" (p. 367).

Identifying the specific risk factors for "early-onset" problem behaviour, then, is crucial, as it is these youths who may persist in offending throughout the life-course. Tibbetts and Piquero (1999) found that the combination of low birth weight and residence in a weak family structure (e.g., a large number of changes in the mother's marital status, absence of husband/father) was likely to lead to early-onset delinquency (for boys, but not girls). Moreover, boys from low socio-economic situations who were low birth weight were much more likely to be early-onset delinquent youth than were those of relatively high birth weight. For high SES boys, there was no impact of birth weight. Thus, for boys it would appear that being disadvantaged at birth *and* during childhood combine to create a risk of early-onset anti-social behaviour. The adverse impact of low birth weight could be reduced or eliminated through social means: "Supportive environments and early interventions stand a fighting chance at diminishing the consequences of birth-related difficulties, and such approaches may have an even more demonstrable impact on inner-city youths" (Tibbetts and Piquero, 1999; p.869). (See also Piquero and Tibbetts (1999) for a similar study, with similar conclusions).

Jarjoura, Triplett, Brinker (2002) also found that growing up in a chronically poor household was associated with youthful offending. They found that both early chronic (to age five) and late chronic (ages eleven to fifteen) poverty affected offending. This suggests that poverty may act through different mechanisms at these two developmental periods. For instance, poor prenatal and postnatal care, as well as deficient nutrition in the earlier interval and lack of educational or employment opportunities in the latter period, may constitute possible intervening variables. Whatever the mechanisms, growing up chronically poor clearly suggests a context of persistent disadvantage for the child. Unfortunately, it may only be at the moment in which the disadvantaged youth offends for the first time that the community becomes aware of the adverse effects of policies which permit chronic poverty.

It is clearly important to differentiate between "life-course-persistent" and "adolescent-limited" forms of anti-social behaviour in adolescence. It would appear that the most efficient approach to "life-course-persistent" behavioural problems for both boys and girls would be to focus on ways of minimizing risk occurring early in life. In contrast, interventions for adolescent-limited anti-social youths might be more effective if carried out during adolescence. Further, these therapeutic strategies should acknowledge the broadly non-pathological backgrounds of these youths, while also making efforts not to "incur social costs" (Moffitt and Caspi 2001; p. 370) such as those resulting from harsh treatment in the criminal system. There are, however, many more "adolescent-limited" male and female offenders than "life-course-persistent" ones. Moreover, even though their backgrounds are very different, their behaviour in mid-adolescence looked very

similar. Hence, therapeutic interventions based solely on adolescent behaviour are more likely than not to be focused on children without problems.

There are, unfortunately, no easy diagnostic tools that can be used to identify potential life-course-persistent offenders, or, for that matter, to identify those who may display psychopathy in adulthood. Research on adult psychopathy has noted that these individuals often displayed anti-social behaviour as youths. Based on this finding, researchers have begun looking for ways to identify "fledgling psychopaths" (Seagrave and Grisso, 2002; p. 219). Particularly with public concern with youth crime, it is not surprising that efforts to predict violence inevitably have started to focus on "juvenile psychopathy."

The difficulties with such a strategy are multiple in nature. First, the relatively transient quality of behavioural patterns in normal adolescence make it likely that assessment with measures adapted from adult instruments have a high probability of identifying normal youths as psychopaths. In addition, and although some of these measures have already been developed, they have not yet been sufficiently validated, nor do they yet have published guidelines on their use. These deficiencies are problematic. For example, if the existing assessment tools are to be useful, they must measure stable traits. Yet, "there have been no published studies using the instruments… at different points in time during… childhood or adolescence" (Seagrave and Grisso, 2002; p. 232). Moreover, "no published studies have addressed whether high psychopathy scores in adolescence predict high psychopathy scores in adulthood, much less a higher risk of violent and other antisocial conduct in adulthood" (Seagrave and Grisso, 2002; p.234). Further problems exist in interpreting *any*, even short–term, predictability from these measures. Indeed, some studies have shown weak relationships between juvenile psychopathy and offending, but have not even attempted to control for other known "risk" factors, such as substance abuse or ADHD.

Interestingly, supporters of efforts to measure psychopathy, such as Stephen Hart at Simon Fraser University, agree with the call for caution with respect to the infiltration of adolescence by the merchants of psychopathy. As Hart notes, "there is no consensus among developmental psychopathologists that a personality disorder as a general class of psychopathology even exists in childhood or adolescence… There are good reasons… to believe that personality does not crystallize until at least late adolescence or even early adulthood…. If stable personality does not exist… then surely personality disorder cannot" (Hart, Watt and Vincent, 2002; p. 242). In addition, the limited information "used to assess juvenile psychopathy imposes a limit on the accuracy and reliability of the assessment" (Hart, Watt and Vincent, 2002; p. 243). Other researchers note that the concerns raised with respect to psychopathy hold for other measures of psychopathology as well (see, for example, Frick, 2002 or Lam et al., 2002).

Conclusions

It is difficult to measure offending, and even more difficult to determine who the "high-rate" or "persistent" offenders are. Equally plausible definitions will result in very different youths being identified. These definitional issues must be kept in mind when reviewing the research on "persistent" offenders.

Life-course-persistent anti-social behaviour is thought to originate early in life, when the difficult behaviour of a high-risk young child is exacerbated by a high-risk social environment. As these children get older, the domain of factors that can be "risks" expands beyond the family to include a large part of their social world. In contrast, most adolescent-limited youths have had a healthy childhood and, for the most part, outgrow their delinquent activities. In addition, even though the backgrounds of the life-course-persistent and adolescent-limited offenders were very different, their behaviour in mid-adolescence looked very similar. Hence, therapeutic interventions based solely on adolescent behaviour are more likely than not to be focused on children without problems.

It would appear that the most efficient approach to "life-course-persistent" behavioural problems for both boys and girls would be to focus on ways of minimizing risk occurring early in life. In contrast, interventions for adolescent-limited anti-social youths might be more effective if carried out during adolescence. Further, these therapeutic strategies should acknowledge the broadly non-pathological backgrounds of these youths, while also making efforts not to "incur social costs" (Moffitt and Caspi 2001; p. 370) such as those resulting from harsh treatment in the criminal system.

Unfortunately there are no simple diagnostic tools for assessing who might be a "life-course-persistent" offender, or more generally, who might display psychopathy in adulthood. Assessing psychopathy in youthful offenders is almost certain to result in ordinary adolescents being labelled as psychopaths.

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5. What is the relationship of police strength to youth crime? How much of a change in the concentration of police needs to occur before a change in crime will occur?

One might have thought that the nature of the relationship of "police strength" to crime would have been a topic that would have been solved by now. It has not been solved. There are two problems in answering the original question that was posed. The first question asks, what is the impact of police strength on *youth* crime? The simple fact is that we do not have any consistent measures, in most communities, of youth crime per se. When a crime is committed, it may or may not get reported to the police. But if it is reported, one cannot attribute this crime to "youth" or "adults" unless one has an identified suspect or, preferably, a person who has been found guilty of the offence. Hence, the best we can do in this area is to look at the impact of police strength on crime more generally.

The second issue that needs to be addressed at the outset is that we are talking about the impact of variation in police strength within plausible limits. We are not going to look at the impact of situations in which it is known that there are, essentially, no police (e.g., if the police are on strike, or if the police have, for whatever reason, left the community). Such circumstances are not at the end of the continuum of police strength; they are *qualitatively* (not *quantitatively*) different.

We are also not talking about hypothetical situations in which police strength is increased to such an extent that police are, in effect, omnipresent. We have no doubt — and do not see any point in studying, at least in this context — situations in which one protects a person or facility from "normal" crime by surrounding the person or location with large numbers of police.

Let us put this issue in context. At the moment, we have about 195 police officers per hundred thousand people in the general population and about 272 police employees (sworn police officers plus civilian employees) per hundred thousand people in the general population. The density of police (and total police employees) has increased dramatically since 1962, when the comparable figures were 141 police officers per hundred thousand in the population and 171 total employees per hundred thousand in the population (All figures on police strength and resources come from Statistics Canada, 2007, "Police Resources in Canada, 2007").

In Canada, we spent about $9.88 billion on police forces in 2006. The figure for Ontario was about $3.4 billion. Roughly speaking then, since most of the expenses of a police force are in personnel costs, and since those that are not (e.g., costs of facilities, cars, etc.) are likely to increase roughly in proportion to the size of the personnel, one might assume that an increase of

10% in the size of Ontario's (total) police strength would cost an additional $300 million or so. Increases in police strength, then, are obviously costly. There is little point in talking about the impact of doubling or tripling the size of police forces or even increasing them quickly by 50%. It is highly unlikely that such changes would take place. Hence, even trying to estimate what such changes would do to "crime rates" makes little sense.

But we should consider what "plausible" increases in police strength would do. Ontario, in 2007, had approximately 24,450 police officers. An increase across the province of 1,000 police officers would constitute an increase of about 4%. We would expect that the cost might be on the order of something like $100 million.

When talking about the impact of police strength, then, one first has to consider what one means by "increase." There are some data that suggest that targeted increases in the density of policing that focus on "hot spots" of trouble *can* reduce crime in those areas and may not simply displace crime to other areas. Again, this should not be seen as a surprising finding. For example, in one study (described in a review: Braga, 2001), areas were located with high rates of drug-related calls and drug arrests. Police crackdowns on drug sales and increased patrolling in these areas for more than a year led to reduced citizen calls to police in these areas as compared with control areas that did not receive the special attention. There was little evidence of displacement into the immediate area. Braga (2001) concludes that "focusing police efforts at high-activity crime places *can* be used to good effect in preventing crime… [and that] focused crime prevention efforts *do not inevitably* lead to the displacement of crime problems" (p. 121, emphasis added).

In effect, what studies such as this one show is that heavy concentrations of police can have an impact, at least on calls for service. This is not to say that more police resources — if untargeted — will have a similar impact. Nor, of course, does it suggest that additional police resources within a community are needed in order to get additional benefit. All it really suggests — but this is an important conclusion — is that expensive resources such as police time should be used thoughtfully, in a manner that is empirically based.

The problem, however, is that the focusing of additional police resources does not, inevitably, accomplish very much. In 2002, the Philadelphia police, as part of a program dubbed "Operation Safe Streets," stationed 214 police officers at the city's highest drug-activity locations. The impact of this intervention was examined by looking at trends in 121 weeks prior to the intervention (in order to be able to compare outcomes with what might have been expected on the basis of pre-existing trends) and eighteen weeks after the intervention. Looking separately at the homicide rates, violent crime rates and drug crimes, there were no city-wide impacts. There were, however, localized impacts of the program. As the authors put it, "The program was creating 'bubbles' of relative safety near officer locations. The intervention was working in a spatially delimited fashion and benefiting residents in the immediate vicinity. The program was a success but, spatially, a small-scale success" (Lawton, Taylor and Luongo, 2005; p. 446). They further note that "Crackdowns respond to current crises. Because they are 'out of the ordinary', they cost a lot, they attract attention, and… they get results. But they are rarely sustainable because of high costs…. The goal then is to engineer more cost-effective crackdowns, which can be sustained over time" (p. 449). In this context, then, a study that showed that substantial increases in police presence in certain areas of Washington, D.C. during high ("orange") terror alerts announced

publicly by the Office of Homeland Security were associated with somewhat lower (reported) crime rates is hardly surprising (Klick and Tabarrok, 2005).

These impacts of these very specific temporary or geographically limited increases in police strength on crime are, of course, not necessarily going to be the same as overall increases in police strength in a jurisdiction. However, there is no reason to expect that there will be simple effects on crime of increases in overall police strength, since the manner in which police departments deploy additional personnel is likely to vary.

One of the more highly quoted people on the issue of crime rates generally is Steven Levitt, author of the best-seller book *Freakonomics* (Levitt and Dubner, 2005). Levitt's own empirical work has, a number of times, been questioned for simple accuracy or completeness (see, for example, Webster, Doob and Zimring, 2006). But in a paper entitled "Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not," Levitt (2004) did what he does best: present simple plausible conclusions based, apparently, on empirical evidence. The first of the "four factors that explain the decline in crime" listed by Levitt is "increases in the number of police."

Levitt starts off this section with the rather simple and empirically controversial statement that "Police are the first line of defense against crime" (p. 176), suggesting, obviously, an image of thousands of criminals on one side, peaceful citizens on the other, and "the police" holding the criminal at bay. If holding back the hoards is the imagery, it would seem logical to expect that the more police officers one has "defending against crime," the more likely one would be to be successful. Interestingly, Levitt cites four studies, including two of his own. One of these, a highly cited 1997 study, was found to contain a computational error (McCrary, 2002). When the error was corrected, McCrary found *no* significant effects of police strength. Levitt cites McCrary, but then cites his "re-specification" (Levitt, 2002), which managed to create statistical significance once again by using a completely different set of measures.

This little excursion into a little controversy about data and analysis demonstrates, unfortunately, one of the problems with this area: there are contradictory findings that would appear to us to relate somewhat, not only to whether or not the researcher made a mistake (as in the case of Levitt, 1997), but more importantly, to the exact nature of the analysis that was carried out. Thus, for example, Marvell and Moody (1996) looked at the impact of police strength measured at the city and the state level on "total" (index) crime in the US and each of the seven "index" crimes that are recorded relatively consistently across jurisdictions. They find effects of police strength for some crimes for some units of analysis (states, cities), but the results are not entirely consistent. Nevertheless, they conclude that "higher police levels reduce most types of crime, particularly at the city level." At the same time, they also warn the reader that they "only estimate the average impact over many cities and states, and impacts in some localities are sure to be quite different from the average" (p 640). Said differently, how the police use resources may be as important as the absolute level of police strength in the community.

A relatively large amount of research on this topic was stimulated by the US Congress's decision in 1994 to contribute to local policing by, among other things, funding the hiring of 100,000 new ("community") police officers across the country. These grants were designed to do a number of

different things (e.g., hiring, training and providing support to police officers). The findings are inconsistent. One study (Muhlhausen, 2006) that examined the impact of these grants and of total police expenditure per capita found quite inconsistent results across seven categories of crime. However, certain parts of the program appeared to show, perhaps, more promise than others (in particular the programs that were "intended to redeploy veteran officers from administrative tasks to community policing" (p. 1). Simply giving grants to hire more police officers did not appear, in these analyses, to be very effective.

This conclusion is not too different from the conclusion of the United States Government Accountability Office, which found declines in some areas of crime and not others. These funds were obviously being distributed at a time when crime in the US (and in Canada) was already declining. The Government Accountability Office estimated that the funds "contributed to declines in the crime rate that, while modest in size, varied over time and among categories of crime" (Summary, p. 1).

Other researchers have been more optimistic about the impact of these grants (Evans and Owens, 2007) and others less optimistic (Worrall and Kovandzic, 2007). This latter study looked only at the impact of these grants on larger cities (cities over 100,000 residents), controlling, among other things, for level of pre-existing law enforcement expenditures. In this analysis, the addition of federal grants for hiring more police had no consistent impact.

Conclusion

Clearly, the presence of police officers in a particular location at a particular time can affect whether crimes will take place at that location. Whether the addition of police officers to a community will have an additional impact on crime depends, it would seem, on exactly how they are deployed. Our view, however, is that one has to consider current police strength and then consider what the likely change would mean for a police service or police services across the province were more funds put into policing. In other words, in Ontario, we are not talking about going from impoverished police coverage of communities to some more adequate coverage. We are going from a rate that has, generally, served us quite well to some other level. The question then, is not whether "police stop crime," but whether the level of additional police that is being contemplated would have a big impact on crime. Finally, we think it worth while to note that the variation in effects across communities of the impact of (additional) police strength on crime is important: it suggests that whatever the overall impacts might be, one cannot assume that additions to police departments will have any specific impacts on crime.

A few years ago, a policing scholar pointed out that to say that the police are not an important force in preventing crime is not a criticism of police organizations. "[Police] need to be alert to the dangers of concentrating single-mindedly on traditional approaches to crime reduction. Doing so not only has inherent dangers, but it can also divert attention from other tasks and objectives of policing" (Dixon, 2005; p. 19). One might suggest, therefore, that those responsible for policies related to policing should examine carefully how police resources can best be allocated to

accomplish the various responsibilities allocated to the police. Such an approach might lead to a different and more effective allocation of scarce resources.

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6. What is the impact of proactive or targeted police practices (including crime sweeps, sting operations and undercover investigations) on youth crime?

The police, like any other organization, are often quick to embrace "quick-fix" approaches to dealing with crime. Experimenting with different approaches is obviously beneficial not only to the community in which the experimentation takes place. It is also useful for others who want to learn from the experience of others. However, these "experiments" are only useful if there are convincing data that demonstrate what the effects really are. In recent years, one very influential spokesperson for "new approaches" to policing was William Bratton, who was chief of police for New York City in the early 1990s. Bratton, among other things (see, e.g., Bratton, 1997), suggested that if the police responded aggressively to minor incivilities (the so-called "broken windows" policing), other more serious crime problems would take care of themselves.

Other police chiefs were not so sure. One such chief, Chief Constable Charles Pollard (now Sir Charles Pollard) of the Thames Valley (England) police, noted that such an approach could well undermine the legitimacy of the police, since it implies that all problems of order are police problems and should be dealt with harshly rather than sensitively (Pollard, 1997). Nevertheless, in terms of dealing with problems of order, the so-called broken windows "theory" of policing has "emerged as the dominant applied approach" (Herbert, 2001; p. 446) in many areas, for three reasons. First, it fits police culture. Second, it is consistent with cultural understanding of crime and deviance. Finally, it is compatible with the current political culture. Both "broken windows" policing and "community policing" models of policing "developed as an explicit reaction against the previously hegemonic model of policing — the professional model" — with its "dual emphases: greater aloofness from the citizenry and greater emphasis on technology" (Herbert, 2001; p. 447).

The extreme of such approaches may well be New York's experiment in the 1990s in dealing with smoking marijuana in public view. Between 1994 and 2000, the New York City police increased their arrest rate for the misdemeanor charge of smoking marijuana in public view (MPV) from fewer than 2,000 arrests to over 50,000 arrests per year. In 2000, arrests for MPV accounted for 15% of all felony and misdemeanor arrests in the city (Harcourt and Ludwig, 2006). What was the effect of this crackdown on violent crime? The answer is a bit complex. But simply put, when the violent crime rate in 1989 (*before* the marijuana crackdown) and the change in violent crime between 1984 and 1989 is taken into account, it would appear that those locations with the *most* MPV arrests had higher, not lower, levels of violent crime at the end of the decade.

The problem with many of these "quick-fix" approaches to crime is that they often occur at times when it is easy to interpret an artifact as a real effect. As one pair of authors noted, when discussing why there were so many "successes" in crime prevention in the 1990s in the United States, "Any study of the influences on American crime patterns during the past 20 years is complicated by the massive period effects that have generated dramatic year-to-year changes in crime across the country…. Those cities that experienced the largest increases in crime during the [beginning of] this period [the 1980s] subsequently also experienced the largest drops [in the 1990s]" (Harcourt and Ludwig; p. 291). The policy of targeting minor disorder and hoping that such approaches would reduce serious crime — the so-called "broken windows policing" approach — had been seen as being largely responsible for the reduction in serious crime in New York City in the 1990s. Harcourt and Ludwig (2006) demonstrated that this effect was largely or exclusively an artifact. They noted that the areas of New York that had received the most aggressive "broken windows policing" (generally, not just with respect to marijuana arrests) were the areas in which crime had increased the most in the late 1980s.

In effect, then, what goes up comes down, whether or not there is a police officer arresting people for minor offences. Another study (Rosenfeld, Fornango and Rengifo, 2007) suggested that this "order maintenance policing" might have had some effect on the rates of at least two crimes: robbery and homicide. But even these authors estimate order maintenance policing was, at most, responsible for only about 10% of the decline in homicide rates and only 4% of the decline in robbery. However, it is also possible that those precincts in which order maintenance policing was implemented most aggressively were also subjected to other changes in policy that might have been responsible for some or all of this drop.

Other studies also suggest that such policies are not likely to be overwhelmingly effective. In one such "crackdown" on minor forms of disorder in Phoenix, Arizona, for example, the crackdown appeared to have had little impact on "real crime." Its effects appeared to be restricted to problems that were the direct subject of the crackdown (Katz, Webb and Schaefer, 2001).

Part of the reason that these kinds of aggressive policing of minor forms of social disorder do not appear to be very effective is that, when looked at systematically (with appropriate controls), the relationship between general forms of disorder and crime disappears. In a systematic examination of the impact of neighbourhood disorder (Sampson and Raudenbush, 1999), measures of social and physical disorder were *not* related to personal violence and household burglary (assessed by victimization measures) once characteristics of the neighbourhood (e.g., willingness of neighbours to intervene in problems, trusting one's neighbours, mixed land use) had been controlled for. "The results are consistent and point to a spurious association of disorder with predatory crime" (p. 627). When one looks at officially recorded crime, "disorder" once again disappears as a predictor of homicide and burglary once measures of collective efficacy and prior crime rates are controlled for. "The key result is that the influences of structural characteristics and [neighbourhood characteristics related to social cohesion] on burglary, robbery, and homicide are not mediated by neighbourhood disorder" (p. 629). The exception is the case of officially recorded measures of robbery, where there was still a relationship with disorder. Whether this was due to a "complex feedback loop" (p. 637) or an artifact of official data (e.g., "citizen calls to the police or police accuracy in recording robberies is greater in areas perceived to be high in disorder" (p. 638) is not clear.

In social science, one always worries about whether the circumstances in which the problem was studied are relevant to Canada. To use but one example, there is a study that suggests that the (police) crackdown on gun violence in Richmond, Virginia, was effective in reducing homicides. When the crackdown started, the homicide rate in Richmond was about 70 per hundred thousand residents. In 2007, Toronto's homicide rate was about 3.4 per hundred thousand (it is normally about 2.5). Even if the Richmond program were effective (and there are contradictory findings on this), should we assume that the approach that might have been successful in Richmond with its 70 per hundred thousand homicide rate can reduce homicide rates in a city like Toronto, which has a rate that is less than 1/20 the rate of Richmond? But the Richmond findings themselves are problematic. Rosenfeld, Fornango and Baumer (2005) suggest what they consider to be an effect of a criminal justice crackdown on violence and drug crimes in which firearms had been used. Ludwig (2005) suggests, on the other hand, that the effect that was seen was due to a pre-existing trend downwards, which was inadequately controlled for in other studies.

These findings are quite similar to careful analyses of Boston's program called "Operation Ceasefire." This program focused on communication with gang youth, telling them in face-to-face meetings that firearm possession would not be tolerated, and that a tough approach toward youth gangs would be followed as long as the problem existed. Those apparently responsible for violence were also told that "all available levers would be pulled to ensure swift and tough punishment of violators" (p. 423). There was a drop in youth firearm homicides, but this drop was insignificant once existing trends in other cities and other known contributors to homicide were taken into account. (Rosenfeld, Fornango and Baumer, 2005).

Rosenfeld et al.'s (2005) conclusion was quite different from that of an earlier study (Braga, Kennedy, Waring and Piehl (2001), which came to a much more favourable conclusion. Those authors suggest that "Operation Ceasefire was likely responsible for a substantial reduction in youth homicide and youth gun violence in the city" (p. 220). However, even if this conclusion is accurate, it should be understood that the program was, more or less, a "problem-solving policing" program, where a number of different simultaneous interventions were carried out by a number of different agencies. If it was effective, it may have been so only while the program was being actively implemented. The "effects," if there are any, may disappear as soon as the program winds down.

We do not want to suggest that all crackdowns will not work. In some circumstances, they can. The worry is that they may work — perhaps though the fairly obvious mechanism of increasing the perceived likelihood of apprehension of those thinking about doing things that would come to the attention of the police. But these effects may be short-lived. Ludwig (2005) reports that in Pittsburgh, in response to concerns about guns being illegally carried in public places, concentrations of police on the street were increased dramatically (20%–50%) in high-risk areas during high-crime periods (specified days and times). The police officers involved in this show of force did not have to respond to normal calls for service. Their focus, instead, was on traffic stops and "stop-and-talk" activities with pedestrians who appeared to have a high "risk" for carrying guns. The analysis involved comparisons of intensively policed areas with control areas, pre- and post-implementation during the targeted times and the "regular patrol density" times.

Using "assault related gunshot injuries" and reports of "shots fired" as the measures of success, there appeared to be larger decreases in the densely patrolled areas during the times when there were many police present. Furthermore, perhaps because of intensive officer training, focused activities and community involvement, the decrease in gun violence was apparently accomplished without aggravating community-police relationships. The concern, obviously, is that if targeted patrols of this sort were employed in a city, they could be seen as giving the police a licence to target certain racial (or other) groups.

It would appear, then, that targeted increases in police patrols can suppress gun violence, at least during the time that the police are present, and that with proper procedures, it is possible to do this without creating strained relationships between the police and the community. To the extent that the focus can be narrow (i.e., on people and locations likely to have a high rate of carrying illegal guns), and to the extent that there is "extensive officer training and… [involvement of the] community in project design and implementation" (p. 682), the overall impact can be positive. Nevertheless, it would appear that the effectiveness of such strategies is likely to be limited to those times and locations in which the concentration of police is high.

As a US Department of Justice report on "The benefits and consequences of police crackdowns" (Scott, n.d.) suggests, crackdowns are likely to work largely by increasing the perception of apprehension. He suggests that "Crackdowns appear to be most effective when used with other responses that address the underlying conditions that contribute to the particular problem (Scott, n.d., p. 13). Most importantly, and consistent with the findings of Ludwig (2005) described above, "Most crackdown studies have found that any positive impact they have in reducing crime and disorder tends to disappear (or decay) rather quickly and occasionally even before the crackdown ends. The effect can wear off for various reasons, including the tendency for police implementation to become less rigorous over time and for offenders to adapt to the crackdown" (Scott, n.d., p. 15).

An example of findings consistent with this conclusion comes from a study of drug enforcement in New York City (Sviridoff and Hillsman, 1994). This was an intensive "buy-and-bust" program that was well integrated into three relatively small neighbourhoods in the city. More than 1,000 arrests were made in the first ninety days. Seventy vehicles were confiscated. There was evidence that police presence in the neighbourhood was noticed by drug dealers. There was evidence, as well, that drug dealing changed and became less visible in the neighbourhoods. These are not, however, surprising observations: people do not do things when they think they will be apprehended. From the perspective of accomplishing a short-term clean-up, then, such an approach might be seen as being effective. It appears unlikely that any effects would live beyond the crackdown.

These findings are similar to focused police attention in other areas. The results of a study (Cohen, Gorr and Singh, 2003) of a crackdown on "nuisance bars" in Pittsburgh, Pennsylvania, by their police narcotics squad demonstrates how complex some of these effects are. It was found that enforcement — in the form of raids on these nuisance bars — suppressed drug dealing in the immediate two- to three-block radius. That is, within one month of the commencement of a series of drug raids, some reduction in the number of drug calls was apparent. However, this decrease was only temporary in nature. Second, the size of this decrease — assumed to be an indication of

reduced drug dealing in the immediate area of the nuisance bar — increased as the amount of enforcement rose. Yet, while this effect continued after the enforcement ended, the suppression of drug dealing only lasted for a few months. Indeed, although "[l]arger reductions in drug calls accompany longer enforcement periods… enforcement effects achieved during an intervention do not persist after treatment is withdrawn" (p. 286). An unexpected finding was that the closure of a nuisance bar appeared to *increase* the amount of visible drug dealing in the area — possibly constituting "further indirect evidence of limits on residual suppression effects after enforcement ceases" (p. 279). Both of these outcomes — the relatively short duration of the initial enforcement effects and the negative impact of closing problematic establishments — highlight the importance of looking beyond the short term when evaluating enforcement strategies. Finally, the nature of the areas in which the bars were located was also important. For example, the (temporary) enforcement effects were largest in "low-risk" areas (e.g., areas with little vacant land, few bars and a low proportion of commercial properties). However, "even these most responsive enforcement targets… show little evidence of being able to sustain the suppression effects achieved during periods of active police enforcement into post-enforcement periods" (p. 290).

There are, of course, other papers that are more optimistic about the impact of "get tough" interventions. O'Shea (2007), for example, presented data from Mobile, Alabama, that concluded that "get tough" approaches work. However, there was no comparison group and the study used what we consider to be an inadequate number of data points to "model" pre-existing trends. Such studies are common. The difficulty is that in an era where crime rates are quite varied, the effects of interventions at a particular point in time are difficult to evaluate without adequate data collected as part of adequate research designs.

The second literature that we believe should be considered along with the material on the impact of such programs describes the research on the perceptions of those subject to such police actions. There may be a delicate trade-off between police actions and perceptions of fairness of the criminal justice institutions. This issue is particularly important when considering the views of racial minority groups. Within this latter context, one should concern oneself with the manner in which these proactive or targeted police activities can end up being targeted at minority groups.

For example, Greene (1999) reports that one set of problems with New York City's zero-tolerance policing is that it appeared to be associated with a great deal of tolerance for police misconduct and abuse. The number of complaints against the police increased 60%. These included a "sudden and sharp increase" in the number of "complaints filed by citizens… that involved incidents where no arrest was made or summons issued" (p. 176). Investigation into one incident of police torture found the incident was part of a "pattern of police abuse, brutality, and misconduct" (p. 176). Hence, even if policing *did* play a part in the reduction of crime in New York City during the 1990s, there was a cost.

In another study of the so-called "Weed and Seed" program in the United States, it appeared that from residents' perspectives, a police crackdown did not improve the quality of life. The theory behind these programs is that by encouraging and enabling the police to remove offenders from neighbourhood streets (the "weed" phase), residents will be able to take more control of their communities. Then, by providing various programs (the "seed" phase), communities will eventually become safe without the need of special police interventions. In Santa Ana, California,

a large police operation (in March 2000) took place in which scores of people were arrested and charged with offences. After the police sweep, some recreation programs and a community clean-up program were implemented, though little seems to be known about how many people from the community were involved with, or benefited from, these programs.

In the "experimental" area in which the police action took place, the police sweep seemed to have *increased* the level of concern in the community about gangs. Prior to the sweep, 5.9% of the residents had concerns about street gangs. In the years after the sweep, this increased to 21.1% having these concerns. In contrast, in "control" neighbourhoods in Santa Ana (in which there were no special police activities), complaints about gangs were fairly constant (11.7% of those interviewed in the first period and 11.4% in the second period expressed concerns). In addition, people in the "experimental" neighbourhood were no more likely to change their views about the prevalence of crime and disorder problems than were people in the "control" neighbourhoods.

Residents of Santa Ana were also asked whether they feared being a victim of crime. Prior to the arrest sweep, 9% of those in the "experimental" neighbourhood thought that they were likely to be a victim of crime. After the sweep, this proportion doubled (18.3%). In contrast, in other Santa Ana neighbourhoods, the perceived likelihood of victimization went down slightly.

We have no reason to believe that effects such as this one are universal. We raise it simply as a reminder that effects can be negative and positive. Similarly, "rounding up" large numbers of youths for relatively minor crimes can have negative impacts: One study (Sweeten, 2006) demonstrated that, controlling for the amount of crime a youth had been involved in, taking a youth to court decreased that youth's chances of finishing high school. Since society values high school graduation and having a high school diploma increases a person's life chances, policies that interfere with such outcomes should be considered carefully.

Conclusion

The findings on police programs are, not surprisingly, mixed. Nevertheless, we believe that certain relatively firm conclusions can be drawn. First of all, it is clear that there is no guarantee that a police crackdown on a particular kind of crime will have a lasting favourable impact. Some programs do appear to be capable of reducing crime. Others do not. We suspect that the difference lies in two areas: how well (e.g., how consistently) they were implemented, and how the effects were assessed. Narrow definitions of "success" (e.g., reductions at the place and time of the intervention) are more likely to lead to favourable outcomes than definitions that involve broader and longer-term measures of success. But one cannot assume that police crackdowns will have only positive effects. Their impacts on neighbourhoods and on minor offenders may well be negative.

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7. What is the impact of specialized police units (e.g., guns and gangs units, drug squads) on youth crime?

In the fall of 2007, a prominent US gang researcher, Scott Decker, wrote a short editorial-type article with the provocative title "Expand the use of police gang units." He makes the completely defensible argument that "the gang itself contributes to levels of crime, not just that gangs attract individuals already involved in crime. The group context of gang behaviour provides support and opportunities for members to engage in more illegal behaviour as well as more serious illegal behaviour" (p. 730). Although Decker provides data on the numbers of youths estimated to be in gangs in the US and the number of gangs there are estimated to be in the US, these numbers are subject to enormous problems of definition (see, for example, Gordon, 2000; Wortley and Tanner, 2006; Esbensen, Winfree and Taylor, 2001).

But Decker's conclusion needs to be understood. He notes explicitly that most police-led gang interventions have a "suppression emphasis…. that inhibits effective relationships between the police and the community, serves to further isolate the police from the community, and threatens already fragile relationships" (p. 731). Further, he suggest that "the challenges of responding to gang crime require specialized training, the development of specialized functions, and more importantly the integration of such functions into a broader workgroup with law enforcement, the community and other agencies who own a piece of the response to gangs. Such agencies include schools, community groups, neighbourhood associations and not-for-profit agencies. Failure to integrate will result in more of the conclusions [in past]… gang interventions: Many such interventions make the problem worse, more have no effect, and fewer still show positive results" (p. 732).

We cannot, in this one section, pretend to give a complete overview of all of the attempts by police to intervene in the "gang" problem, just as we cannot review all of the specialized units that police may have set up at some point in time. Specialized units are obviously designed to address very specific problems. One can easily see why these units are particularly attractive when addressing problems of youth. For example, as one study noted, "When it comes to gun policy, one of the few uncontroversial assertions is that unsupervised adolescents should not carry them in public" (Cook and Ludwig, p. 27).

Two broad approaches have been used to limit the use of firearms by adolescents: reducing demand (the motivation to carry or use a firearm) and reducing supply (the availability of guns). The latter often uses specialized units. The basic analysis, then, used in Cook and Ludwig's study, was to look at the relationship between a measure of gun ownership and reported gun carrying by adolescents. Various other factors were statistically held constant — crime rate in the community, socio-economic status, age and race of the youth, whether the youth lived in an urban area, as

well as measures of neighbourhood disadvantage. The most notable finding is that "controlling for individual characteristics, the likelihood of gun carrying is positively related to gun prevalence in the county, and strongly so" (Cook and Ludwig, 2004; p. 40). The findings suggest that "a 50% increase in county gun ownership is associated with approximately a doubling of the prevalence of teen gun carrying" (Cook and Ludwig, 2004; p. 41).

It could be argued, however, that communities in which guns are prevalent are simply more dangerous, and therefore youths are more likely to arm themselves for self-defence purposes. Two facts argue against this as an alternative explanation for these findings. First, in this study, violent crime rate was controlled for (using robbery rate as a proxy for violent crime). More persuasive was the finding that "Gun prevalence has little effect on the likelihood that the teen carries any type of weapon, either a gun, knife, or something else…. While [gun prevalence] does not affect the likelihood that a teen carries a weapon, the availability of guns clearly increases the likelihood that those teens who do carry weapons choose guns" (p. 41).

Hence, enormous efforts are spent trying to reduce gun availability as well as gun violence. In the previous section, we noted that even successful programs tend to have local and temporary impacts (see Ludwig, 2005).

Part of the problem with such suppression programs is that they ignore the social circumstances in which they operate. It can be easily seen, for example, that programs that target individuals within gangs may have completely different effects from programs that target gangs per se, since taking a few youths out of a gang may simply lead to replacement of these youths rather than any change in overall gang activity. As two top gang researchers in the United States put it, "Gang prevention is not synonymous with delinquency prevention" (Klein and Maxon, 2006; p. 114). What is generally needed is "having a clear model in place to guide a program, determining the proper targets for the program, and connecting the conceptual model to program implementations" (p. 123). Typically the problem is that the focus is simply on youth "at risk" to offend, despite the fact that "long-term successful gang control will not be achieved by intervention with youth but by intervention with the nature of gang-spawning communities" (p. 128). There is no "one size fits all" in gang control. Unfortunately, because there has been so much wasted effort as a result of repeating the failures of the past, we know less than we should about how to stop gang behaviour. But we do know that "Commonly, but not uniformly, gang formation is spawned in communities or subsections of communities with poverty, discrimination, inadequate resources, and low community efficacy and where official (police, court, school, etc.) hostility is felt" (p. 247).

Klein and Maxon (2006) suggest that if one looks at gang control efforts in the last few decades, one finds that there have been two broad approaches: approaches that attempt to control individual group members and approaches that focus on groups or gangs. Within each of these, one can focus on prevention, intervention or suppression of the behaviour that is of concern. In addition, the program can approach the problem by concentrating efforts on individual youths, on group processes, on gang structures or on the community. This matrix results in twenty-four different possible ways to focus gang control efforts. When one looks at documented gang control efforts, most programs use only one of these twenty-four approaches. The most popular approaches concentrate on individual change. Little attention is given to the community context

of gangs or group processes or group structure. "People attempting to control gang problems largely ignore the fact that gangs are groups" (Klein and Maxon, 2006; p. 255). In contrast, "Gangs in the Far East are cast as group problems and in Europe as social welfare and immigration problems. Yet in America, although gangs are groups spawned in describable community contexts, we respond to them much more as requiring individual change efforts" (Klein and Maxon, 2006; p. 256).

It is clear, then, that gang "control efforts must begin with carefully derived goals whose achievement can be measured…. More effort needs to be concentrated on gang structures, group processes and community contexts…." (Klein and Maxon, 2006; p. 261). Data need to be gathered to understand what is happening and to learn from our experience. And of course, programs need to be implemented with care. "The overall goal would be local social control – by community members, in the community, of their own problems." Though such approaches may take a long time, we are where we are because of "decades of uncoordinated, inadequately conceptualized gang programming and policy" (Klein and Maxon, 2006; p. 263).

In a paper produced by the RCMP's Research and Evaluation Branch, the approach suggested does not, interestingly enough, focus largely on simple suppression. The author notes that "in any [gang] prevention program, intensive efforts aimed at the reduction of risk factors [for gang membership] must be undertaken" (Chatterjee, 2006; p. 64). But the report goes further than focusing simply on the individual. It further concludes that "Empirical evidence has shown that community mobilization was one of the most effective strategies in addressing the gang problem" (Chatterjee; p. 65). This is not to say that some form of "suppression" may not be part of the problem. But focusing exclusively or almost exclusively on simple suppression simply will not get the job done.

Nevertheless, an American report suggests that gang units within police departments that largely focus on suppression are a common response to concerns about gangs (Greene and Pranis, 2007). One study of these gang units found that they tended to focus on intelligence-gathering and suppression and tended to be isolated from the community, except insofar as they were collecting intelligence about gang activities (Greene and Pranis, 2007; p. 70). Of course, as we have noted earlier, any program that is begun when a problem is at its highest point is almost certain to be seen, locally, as having been successful.

Perhaps part of the problem in these approaches to gangs is something that we have already noted: they tend to focus on the problem of individual offenders rather than focusing on the gang as a social institution. If "success" is measured simply in terms of the number of people who are apparently gang members who are arrested, then although this measure might show "success," true success measured as a reduction in criminal behaviour by the gang more generally is almost certainly going to demonstrate failure.

Suppression may be effective if it can be targeted in such a way as to influence the gang itself. The importance of knowing the gang structure can be illustrated by a simple comparison. If a gang is organized hierarchically, such that orders and control come from above, then those at the top of the structure might well be the appropriate people for the police to focus their efforts on. On the other hand, consider an organization that is not hierarchical, but rather has a few key members

who serve, informally, as communication links among non-hierarchically organized members. Searching for "leaders" may accomplish little compared with focusing on individuals who serve this "central" role.

In one study (McGloin, 2005), police in Newark, New Jersey, were able, collectively, to gather information from "interviews" with members of street gangs. Putting together the information that was available about the links between individual gang members made it clear that, in Newark, gangs were not tightly organized. However, an analysis of gang structure revealed that there were certain individuals who served as the connection points between other individuals or groups of individuals. In other words, if these "connecting" individuals were to disappear, there would be no linkages among various subgroups or individuals. For example, in one gang, one individual served as the only connection between two large groups of gang members. These subgroups themselves may have internal cohesion, but the "gang" as a whole did not. In other words, by using information gathered by police, it was possible to understand the importance of specific individuals to the overall *structure* of the gang. Descriptions of the "general characteristics" of a gang (e.g., hierarchically structured vs. loosely organized) does *not* reveal important characteristics of the networks that exist among gang members. By systematically analyzing "knowledge about particular individuals and their known associates, one has the capacity to gather some interesting and powerful information…. Social patterns in relationships can be easily missed or overlooked" (p. 623).

Police intervention with gangs can be effective, but it also can have paradoxical effects. It would appear that the gangs in the one city studied by McGloin (2005) were not structured such that a collective-responsibility-based approach by police could possibly reduce gang activity. Indeed, such a police strategy might have created a more cohesive and organized gang structure (p. 624). Focusing attention, on the other hand, on individual gang members who occupy key locations within the social structure may be effective in destroying the gang structure. Obviously, "the utility of this analytic technique for interventions is, at this stage, hypothetical" (McGloin, 2005; p. 628). Nevertheless, interventions based on an empirically based "network analysis" would appear to have a higher likelihood of success than interventions based on hypothetical gang structures that may not exist.

Conclusion

Specialized units within police departments, whether they are focusing on guns, gangs, drugs or pornography, should generally be seen simply as being specialized ways of accomplishing this overall goal. The challenge that all of these procedures face is that they are not *necessarily* designed to deal with the problem. The intelligent analysis provided by Klein and Maxon (2006) would suggest that if gangs are the problem, we had best analyze the range of different approaches that can be used to reduce the destructive behaviour of these gangs. Specialized police units that focus on suppression alone are unlikely to provide a sufficient response.

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8. What are the impacts on youth crime of changes in the roles of police in schools?

Young people do lots of things that can be constituted as being crime. Some of these acts involve behaviour that would fall into the category of violent crime or sexually violent crime. A push or a shove can be an assault. A demand for money can be robbery or extortion. Touching someone inappropriately and without consent can be a sexual assault. Some of these acts take place in schools.

Because schools are full of youths, there would appear to be a concentration of serious violent crime in schools. In the United States, the authors of one study published almost a decade ago (Donohue, Schiraldi and Ziedenberg, 1999) examined data from a variety of sources and came to the conclusion that lethal violence in school is rare on almost any prevalence scale. Similar to the six years prior to 1997–8, in 1997–8, there were forty shooting deaths in US schools. That number is, however, an overestimation, because the data included any deaths that occurred near, or on the way to, school. Thus, any deaths (suicides or homicides) of children or adults, committed by children or adults, were included. The authors estimated the rate of juveniles murdered outside of school to be forty times higher than the rate of murders in school. The authors concluded that "the number of children killed by gun violence in schools is about half the number of Americans killed annually by lightning strikes" (p. 2).

The authors also reported results from victimization surveys administered to students between 1989–1995, which found that there was a 0.1% increase in overall victimization. During that same time period, however, the US saw significant increases in the rate of juvenile arrests for serious violence. The authors also examined "violence-related" hospital emergency admissions. Only about 6% were said to have occurred at school. In contrast, 48% of the injuries occurred at home, 29% at work and 15% on the streets. Moreover, in a self-report survey in 1993, roughly 90% of students surveyed said that they felt "safe" or "very safe" at school.

Nevertheless, a slightly more recent study (Schiraldi and Zeidenberg, 2001) reports that "Despite remarkably stable rates of student victimization over the past 23 years, suspensions and expulsions have increased… from 3.7% of students in 1974… to 6.8% of students in 1998 (3.2 million students suspended)" (p. 3). Given that the school is one of the few institutions in which positive interventions into the lives of young people *can* occur with little difficulty (i.e., without the obstacles inherent in interventions involving the family or peers), these large percentages translate into lost opportunities for positive intervention by the educational system. The "mass exclusion of… children from the educational process" (p. 4) has been criticized on various grounds, including the fact that it appears to increase the likelihood of troublesome behaviour by these youths, as well as augment the chances that young people will drop out of school. In the US, suspensions are strongly associated with race: "African Americans are approximately 2.6 times as likely to be suspended from schools as Whites" (p. 4). Hence,

consideration of these outcomes requires one to remember that the data support neither the view that school violence is increasing nor that schools are a particularly dangerous place for youths.

The fact that violence in schools is rare — or that a given individual is probably safer in school than in other locations in which he or she spends time — does not mean that it does not occur. Nor does it mean that we should not address problems of violence in school. Hence, there is interest in what the schools can do.

One problem with the manner in which people talk about school disorder is that they seem to imply that school disorder or violence is explainable solely in terms of characteristics of youths. It turns out that school disorder is at least partly the responsibility of those who run schools. When looking at various forms of school "disorder" (victimizations, perceptions, incidents of disorder, suspensions and self-reported offending), Welsh (2001) found that "school climate variables significantly predicted all five measures of disorder… although the pattern and magnitude of effects differed somewhat for each measure…. For example, two school climate variables, 'Respect for Students' and 'Fairness of Rules', were strong predictors of both offending and misconduct" (p. 938). "Dimensions of school bonding are related to school disorder in general…. The strongest predictor of offending was Positive Peer Associations, but Belief in Rules and School Effort [commitment to school] also predicted Misconduct negatively" (p. 939).

Another study (Gottfredson, 2001) found that administrative and management practices, clear communication and goal setting, fair procedures for students and teachers, as well as consistent, although not punitive, enforcement of rules contribute to a reduction in student offending. "The research implies that principals and teachers control behaviour by setting rules, communicating clear expectations for behaviour, consistently enforcing rules, and providing rewards for rule compliance and punishments for rule infractions…. By maximizing student learning and engagement, schools increase commitment to education and attachment to school. By modeling appropriate behaviour and establishing a fair and just discipline system, school staff enhance student beliefs in the validity of rules and laws" (pp. 90–91). Put simply, well-run schools have impacts far beyond their immediate educational goals.

Hence, one could argue that rather than focusing solely on bad youths as an explanation for school disorder, this study suggests that it may be more useful to realize that "[s]chool disorder can be reduced by conscious efforts on the part of school administrators, teachers, parents, students and community groups…. Individual schools should carefully assess their own climate to determine which factors may be contributing to disorder" (p. 943). One of the most optimistic findings from this research is its suggestion that schools and school boards can reduce problems of disorder within their institutions not only by choosing "good" youths, but also by creating effective schools. The environment in which school-age children spend their time is clearly important. Focusing on identifying difficult youths (and, in many jurisdictions, excluding them from school) may not be as effective as concentrating on what could be done to improve the school. Most of the school climate variables reflect characteristics that have value without reference to disorder. However, by creating a fair environment in which youths want to work hard and, in general, feel attached to school values, one not only gets better schools, but one also gets schools that are relatively free of disorder.

Part of the reason that it is important to look at schools is that schools have been found to be a consistently important protective factor for both delinquency and drug abuse (Smith, Lizotte and Thornberry, 1995). High-risk youth who were resilient to delinquency and drug abuse had more protective factors than the high-risk youth who were not resilient. Educational factors consistently distinguished resilient youth from non-resilient youth. Those youth who were good at school, valued school, and who reported having positive interactions with teachers, were more likely to be resilient to delinquency and drug abuse. This highlights the significant positive role school plays in adolescents' lives. Since youth appear, naturally, to become resilient over time, focus should be on developing attachments to school early on. Evidence from this study suggests that developing such an attachment early on would also have an effect in preventing drug abuse much later on in life.

The American findings cited above are completely consistent with Canadian findings reported by Sprott, Jenkins and Doob (2005), who found that youths who were particularly at risk because they had many factors that were associated with high rates of violent offending were especially likely to be "protected" from committing violent crime if they experienced high levels of school attachment.

The findings described here that relate to the school emphasize the fact that school boards do not need special "anti-crime" programs in order to have an impact on crime. There are, of course, anti-crime programs in schools. Some of these, in the US, have been funded federally and have similarities across locations. The problem in evaluating such programs is often a problem of understanding what aspects of a program might have been effective, even when there are data suggesting the program was effective.

One of the largest national programs in the United States is Project DARE (Drug Abuse Resistance Education), originally developed in 1983 by the Los Angeles (California) Police Department and the city unified school district. There were many problems with the quality of the analyses that were carried out in some of the studies that were done attempting to assess its effectiveness. Nevertheless, looking at the various measures related to drug use, one meta-analysis of separate evaluations found no significant impact of the program on drug use (Ennett, Tobler, Ringwalt and Flewelling, 1994). Another, more methodologically adequate, evaluation (Rosenbaum et al., 1994) found essentially no reliable effects of the impact of the program. As the authors noted, "the study provides relatively little empirical support for the comprehensive model of school-based drug education, of which DARE is a prime exemplar" (Ennett, Tobler, Ringwalt and Flewelling, 1994; p. 26).

This is not to say that programs such as these are not popular. In the world of political acronyms, the program G.R.E.A.T. — Gang Resistance Education and Training — stands out. In a paper entitled "The Outlook is G.R.E.A.T.," it was found that "G.R.E.A.T. is generally received and evaluated positively by the middle school administrators, teachers, and counsellors.... (Peterson and Esbensen, 2004; p. 237). As the authors point out a few lines later, however, "there was less agreement from educators that the G.R.E.A.T. program had actually reduced gang participation" (p. 237).

These findings appear to have been accepted by the sponsor of the program, the US Department of Justice, which confirms that parents and educators like the program. Furthermore, there is some evidence consistent with the view that those exposed to the program developed favourable attitudes to the police. But most importantly, the Department of Justice, the sponsor of the program, concluded that "the program did not reduce gang membership or future delinquent behaviour" (US Department of Justice, 2004, p. 4; see also Esbenson et al, 2001). Perhaps this is not surprising: a nine-hour program cannot be expected to have a huge impact on youths.

Conclusion

School-based programs to deal with offending by youths can be of two sorts. First, they can be programs that deal with the nature and quality of the school. Improving schools, or more accurately, improving youths' experience with schools, appears to be an effective approach to dealing with crime. Providing contact with the police in the school may improve youths' views of the police. There was no convincing evidence that we could find to suggest that police-school liaison programs reduced crime or gang involvement.

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9. What are the impacts of tough sentencing practices (e.g., mandatory minimum sentences for gun crime, "three-strikes-you're-out" policies) on youth crime?

Over the past thirty years, many reviews have been carried out of the research literature on the marginal deterrent effect of increased sentence severity on crime. These comprehensive summaries examined a substantial number of studies on the deterrent effect of sentence severity and have concluded — almost unanimously — that no convincing evidence exists to suggest that harsher sentences deter crime. The few reviews that have claimed that severe sanctions do, in fact, reduce crime are based on a highly selected group of papers of questionable value. Despite these findings, most scholars have been reluctant to claim definitively that variation in the severity of sentences (within ranges that are plausible in Western democratic countries) does *not* have an impact on crime rates. Instead, the majority have suggested that more evidence is needed before a firm conclusion can be drawn.

Within this context, a review by Doob and Webster (2003) re-examined many of the principal summaries on this topic, as well as a substantial number of more recent studies, and found no conclusive evidence that supports the hypothesis that harsher sentences would reduce crime through the mechanism of general deterrence. Particularly given the significant body of literature upon which this conclusion is based, the consistency of the findings over time and space, and the multiple measures and methods employed in the research conducted, these scholars suggest that "[i]t is time to accept the null hypothesis" that "variation in the severity of sanctions is unrelated to levels of crime" (p. 143). Although the existence of the criminal justice system as a whole and the perception of an increased likelihood of apprehension appear to deter crime, no consistent and convincing evidence has emerged over the last quarter century to justify the claim that increases in sentence severity have a deterrent effect on criminal activity.

This conclusion is couched in the recognition that we cannot logically "prove" that harsher sentences do not deter crime. Strictly speaking, one cannot prove the absence of a phenomenon. It may exist somewhere, but research may not have (yet) identified where this is. Having said this, these scholars argue that one can still conclude that no consistent body of literature has developed over the last twenty-five to thirty years indicating that harsh sanctions deter crime. While one must always reserve judgment for the possibility that — in the future — someone may discover persons or situations in which the relative severity of sentences does, in fact, have an impact on crime, it would not seem unreasonable to conclude that at the present time, in Western populations and with the current methods and measures available, variation in sentence severity does not affect the levels of crime in society.

In drawing this conclusion, Doob and Webster (2003) begin by examining the major published reviews of the deterrence literature (eleven summaries in total). With two exceptions — neither of which purport to be comprehensive — these reviews of the deterrence literature are pessimistic about the possibility that harsher sentences handed down in criminal courts would decrease crime. Indeed, Doob and Webster's assessment of general deterrence was found to be consistent with the views expressed by most criminologists who have reviewed the current body of literature and concluded that the evidence does not support the hypothesis that variation in sentence severity will differentially affect crime rates. Further, the summaries that challenge this conclusion not only constitute sporadic anomalies, but also do not address most of the relevant research literature on the topic.

Subsequent to this examination of many of the major reviews of the deterrence literature, Doob and Webster (2003) looked at the research that is held out, occasionally, as evidence that harsher sentences deter crime. These studies were found to be relatively few in number. Additionally, they suffer from one or more methodological, statistical or conceptual problems that render their findings problematic. In some cases, causal inferences between sentence severity and crime cannot be drawn because of the basic nature of the data under analysis (e.g., a simple comparison of crime and punishment in two locations). In other cases, alternative explanations (e.g., incapacitation) are more plausible than deterrence. In still others, there are questions of data selection, measurement or methodology that raise sufficient doubt about the generality of the findings that inferences are dangerous. Finally, while some findings do, in fact, seem to support a deterrent effect, they appear in unstable and inconsistent ways (e.g., for some offences but not others, in some locations but not others). In brief, Doob and Webster (2003) suggest that the data held out as supportive of the general deterrent impact of sentence severity are not strong enough to allow one to conclude that there is a relationship between the severity of sanctions and crime. A strong finding would be one that appears to be reliable across time, space, and perhaps offence. The research examined in this essay that is favourable to the conclusion that there is a deterrent impact of the severity of sentences clearly does not fulfill these criteria.

Simply as a relevant illustration within the Canadian context, the House of Commons Committee heard testimony in 2005, from a prosecutor from the State of Florida, in favour of the deterrent effect of a new law that required minimum sentences of ten years, twenty years or life in prison for certain gun crimes. This witness asserted that "In the 10-20-Life period, violent crime is down 30%…. fewer people were robbed… fewer people were killed… I'm a prosecutor. I'm in the courtroom every day. These laws are good." And, in fact, violent gun crime rates had dropped 28% in Florida since the introduction of this harsher legislation. However, a more careful analysis shows this conclusion to be flawed. Specifically, Piquero (2005) demonstrated that crime generally, and violent crime in particular, had already been decreasing in Florida since about 1990. In fact, the rate of decrease appeared to be somewhat higher before the change in the law as compared with subsequent to it. Using sophisticated statistical analyses, Piquero showed that — contrary to the prosecutor's claims — there was no real evidence of a decrease associated with the timing of the change in the law. These analyses also demonstrated that results are "highly sensitive to when you start calculating the percent change and this is especially true in Florida's case because some percent change calculations used by the state of Florida to assess [the] 10-20-Life [minimum sentence law] use data from the years before the passage of the law. Because total

crime and homicides were high in these time periods, the use of data from these years as a base for calculating change is likely to inflate the apparent impact of [the law]" (p. 792).

However, this examination of the apparent deterrent effect of the Florida legislation also makes a more important general point: "Simple before/after comparisons cannot tell the public definitively whether the law was the cause of the change in crime. Many other factors that were occurring at the same time could also have led to changes in crime rates" (p. 793). These issues underscore the problems associated with making sweeping claims about a law's effects in the absence of rigorous analyses that are sensitive to the possibility that other factors may be responsible for a drop in crime.

Similarly, the same Canadian House of Commons Committee was repeatedly told that another study — by Kessler and Levitt (1999) — showed conclusive evidence that harsher sanctions deter crime. This study examined the impact of Proposition 8 — a sentencing enhancement for repeat offenders — for a number of eligible crimes in California. Kessler and Levitt demonstrate that immediately following the introduction of this new legislation, California experienced a 3.9% drop in the crime rates of those offences falling under Proposition 8, independent of other state or national changes occurring during this period that may have also affected the crime rates of the eligible offences. This decrease in crime was attributed exclusively to a deterrent effect, as there would have been "no additional incapacitation effect from the sentence enhancement in the short run…[b]ecause the criminal would have been sentenced to prison even without the law change" (p. 343).

Despite this compelling finding, this conclusion of a deterrent impact failed to withstand scrutiny when more complete and more detailed crime data were examined and the comparability of "control" groups was examined. In a study by Webster, Doob and Zimring (2006), these scholars found that "the addition of annual crime levels for all years (versus only the odd-numbered years that Kessler and Levitt examine) calls into question the prima facie support for a deterrent effect presented" (p. 417) in the original research. "Specifically, it demonstrates not only that the crime drop in California began before, rather than after, the passing into law of the sentence enhancements in 1982 but also that the downward slope did not accelerate after the change in law. Furthermore, the comparability of the two 'control' groups with the 'treatment' group is challenged, rendering suspect any findings based on these comparisons" (p. 417). These scholars conclude that "[w]ithout any confidence in the validity of the analyses, the findings must logically be rejected" (p. 439).

In their review, Doob and Webster (2003) also examine the research that does not find support for a deterrent effect on variation in sentence severity, focusing largely — albeit not exclusively — on those studies that assessed the general deterrent impact of the structural changes in sentencing laws occurring over the last decade in the US. This recent body of literature is not only impressive in its scope and number, but also in its ability to take advantage of dramatic sentencing changes that have occurred, particularly with respect to three-strikes legislation. In addition, these studies were frequently conducted in almost ideal research conditions in which one would expect to find a deterrent effect in the case that one existed. In particular, there was generally a substantial amount of publicity surrounding the introduction of these new sentencing laws. Hence, people would be likely to know (or at least believe) that harsh sentences would follow conviction for the

offences covered by these laws. Further, these studies of sentencing changes have been replicated in different countries and with different units of analysis (e.g., states, counties, cities, etc.) and have produced similar findings. Finally, some of these studies were able to break down "punishment" into its various components (i.e., apprehension, conviction, sentencing), permitting an assessment of the separate or unique effects of sentence severity.

Even under these conditions, sentencing levels were not found to be important in determining crime. Indeed, Doob and Webster (2003) continued to find no consistent and plausible evidence that harsher sentences deter crime. This conclusion is potentially even more dramatic when one notes the scope of the studies that were reviewed. Specifically, the findings were consistent across simple descriptive comparisons of crime rates between harsh "three-strikes" sentencing states and those without these severe sentencing laws, as well as studies examining the effects of variation in the implementation of three-strikes legislation. In addition, similar conclusions were drawn from research on the impact of changes in sentencing policy, more generally, as well as studies on the specific effect of mandatory minimum penalties or the impact of habitual offender laws in deterring crime. Further, research on offenders' thought processes was found to corroborate the same findings.

As an illustrative example, a study by Stolzenberg and D'Alessio (1997) of California's "three-strikes" legislation uses month-by-month data from California's ten largest cities to examine trends in crime rates before and after the introduction of the new "three-strikes" law. "The results generally indicate that the three-strikes law did not decrease the California Crime Index [a crime rate based on the rate of reported "index" crimes] below that expected on the basis of pre-existing trends" (p. 464). As already discussed in the context of Piquero's study (2005), it is important to look at pre-existing trends, since crime in California — as elsewhere in North America — was already going down *before* the three-strikes law came into force. As such, one cannot logically attribute any drop in crime to a law that is introduced after crime has already begun falling. Further, this general finding of no measurable impact on the law beyond what was happening before the law came into force held for nine of the ten California cities under analysis. In addition, there seems to be no reasonable explanation related to the three-strikes law for the data from the tenth city (Anaheim).

Similar conclusions are drawn by even more sophisticated studies examining a larger number of instances of similar changes in the law. Using data from 188 US cities with populations of 100,000 or more, a study by Kovandzic, Sloan and Vieraitis (2004) examines the deterrent impact of state-level sentencing laws on crime. These scholars report that "Of the 147 estimated impacts of the [three-strikes] law on crime rates (21 states by seven crime categories), 42 represented statistically significant decreases in crime on passage of the laws and 44 represented statistically significant increases. Overall [the results show that there were] 73 decreases and 74 increases in crime" (p. 229). Analogous findings are reported by Schiraldi and Ambrosio (1997). Without any theoretical basis to justify a deterrent effect in some states but not others or with some offences but not others, this type of finding simply underlines the unreliability of isolated support for deterrence. One would look for other events occurring at the same time as the passage of the new laws that may explain the changes in crime rates.

Indeed, the lesson appears to be that little weight — in general — should be put on single "case studies," such as the one reported by the Florida prosecutor in the Canadian House of Commons, in concluding whether increases in the length of prison sentences have an impact on crime. Both the Kovandzic et al. (2004) and the Schiraldi and Ambrosio (1997) papers would suggest that the careful choice of comparisons could "demonstrate" any desired result — a point well illustrated by Kessler and Levitt. In fact, Piquero (2005) reiterates this observation — in another context — by warning us that analyses such as those used by Kessler and Levitt (1999) frequently choose simply to attribute a change in crime to one particular event, which took place during the relevant time period, without ruling out other possible situations or circumstances that may have occurred simultaneously with the targeted intervention. Illustratively, evidence of a drop in levels of crime in California (or Florida or, for that matter, anywhere else) around the time of the introduction of a new harsher law does not necessarily signify that it was the new legislation that was the cause of this change in crime rates.

This conclusion — and, for that matter, those of the majority of criminologists who have examined the hypothesis that variation in sentence severity has a deterrent effect — defies an intuitive appeal that is inherent in the logic of deterrence. Indeed, we seem to naturally (want to) accept the notion that any reasonable person — like ourselves — would be deterred by the threat of a more severe sanction. However, Doob and Webster (2003) suggest that this continued belief in the deterrent effect of harsh sentences — even in the face of consistent evidence to the contrary — is rooted, at least in part, in a simplistic form of reasoning about deterrence. On the one hand, we may not adequately separate the effects of certainty of apprehension and severity of punishment in our minds and, by extension, think of the latter largely within the context of a high likelihood of the former. As research has shown us (see Ross, 1982, for a pertinent example), the assumption that the majority of offences have a high probability of apprehension is clearly not a safe one. On the other hand, we may not adequately break down the actual process by which deterrence works.

In fact, many people may not be aware of the complex sequence of conditions that must be met in order that variation in sentence severity can potentially affect levels of crime. As von Hirsch et al. (1999, p. 7) have outlined, individuals must first be aware that the punishment has changed in order for harsher sentences to deter crime. It does no good to alter the sanction if potential offenders do not know that it has been modified. Indeed, consequences that are unknown to potential offenders cannot affect their behaviour. Unfortunately, this requirement would appear to lack empirical support. As Roberts and Stalans (1997) report (also noted elsewhere in this report), public opinion studies have found repeatedly that the majority of citizens are generally unable to correctly identify the maximum sanction for most offences. Even more notable within the context of harsh penalties, Roberts (2003) found that even fewer people are aware of those crimes for which mandatory minimum sentences are assigned. In a similar vein, a study by Kleck, Sever, Li and Gertz (2005) compared criminal justice processing measures with estimates from members of the general public of these same measures in fifty-four of the largest counties in the US. In general, respondents to the survey underestimated the proportion of offenders who received prison sentences, but were reasonably accurate on the length of the average sentence. However, those individuals living in more punitive locations did not perceive their locations to be more punitive than those of people living in less punitive areas — a finding inconsistent with deterrence notions. Ironically, this result is consistent with other criminological research, which has shown

that people are largely ignorant of punishment levels in their communities. Changes in actual penalties being handed down are not accompanied by changes in the proportion of citizens who think that sentences are too lenient.

A second requirement for there to be a deterrent effect of harsher sanctions is that potential offenders rationally weigh the consequences of their actions before engaging in criminal activity. Similar to the first condition, this assumption lacks empirical support. Specifically, many offences — particularly those of a violent nature — tend to be committed in the heat of the moment rather than based on rational decision-making processes. For instance, a Canadian study by Baron and Kennedy (1998) on homeless male youth in Edmonton suggested that serious crimes committed on the street "are guided more by impulse and the sway of emotion than by reflection or rational judgement, or premeditation" (p. 48). More broadly, research conducted in three Canadian penitentiaries by Benaquisto (1997) found that when describing their "crime story," only 13% of inmates explicitly spoke of their actions in terms of costs and benefits.

As a third requirement, this criminal justice strategy is equally dependent on the potential offender perceiving the actual increased penalty as costly or punitive. Even in the case that rational decisions are, in fact, being made, general deterrence is ultimately perceptual in nature, whereby an individual's assessment of criminal justice costs associated with illicit activity may not correspond to those projected by legislation (Doob and Webster, 2003). Corroborating this premise, this same research conducted in Edmonton on street youth by Baron and Kennedy (1998) concluded that "[h]arsher penalties would not deter those most at risk for criminal behaviour, [precisely] because [this population is] involved in a lifestyle that reduces the perceptions of risk and provides an environment [in which] criminal behaviour is required and rewarded" (p. 52). In other words, punishment — less or more severe — is frequently seen simply as a rite of passage or part of the "normal" course of life events. Similarly, Foglia (1997) found, in her study of the perceived likelihood of arrest on the behaviour of inner-city teenagers in a large US northeastern city, that "the threat of formal sanctions means little to young people from economically depressed urban neighbourhoods…. The irrelevance of arrest is understandable considering these young people have less to lose if arrested" (p. 433). Simply put, if penalty structures are irrelevant to potential offenders, it does not matter how severe they might be.

Fourth, individuals must also believe that there is a reasonable likelihood that they will be apprehended for the offence and receive the punishment that is imposed by a court in order for harsher sanctions to deter crime. In fact, potential offenders rarely even think about getting caught, and when they do, they generally assume that the likelihood of being apprehended is low. In one study by Tunnel (1996), 87% of offenders interviewed who had been in prison twice or more (at least once for armed robbery or burglary) reported that they never thought that they would be caught. Similarly, Pogarsky, Kim and Paternoster (2005) examined data from a panel study of American young people who were interviewed when they were seventeen to twenty-three years old and again four years later. It was found that the number of times the respondent was arrested between the two interviews was unrelated to the respondent's estimate of the change in the perceived certainty of apprehension. This finding was true for both theft and violence-related offences. In other words, being arrested did not change a person's view of the likelihood of arrest in the future. Furthermore, this lack of effect was found both for those with relatively high rates of offending prior to the first interview and those with relatively low rates of offending. Indeed, "this

finding that arrests do not affect certainty perceptions contradicts one of the central tenets of deterrence theory. Punished individuals should be less apt to recidivate at least partly because they increase their estimate of the certainty of punishment" (p. 20).

In fact, Pogarsky and Piquero (2003) provide one possible — albeit partial — explanation for this apparent contradiction. Using a sample of University students who are asked to consider the hypothetical situation in which they had been drinking, were probably intoxicated and had to decide whether to drive home, these subjects estimated the likelihood that they would, in fact, drive. They were also asked to report the number of times that they were "stopped by the police when they believe their blood alcohol content was above the legal limit" (p. 103). The results of this study initially showed that those respondents who had previously been caught were more likely to indicate that they would drink-drive than their non-apprehended counterparts. However, a more detailed analysis reveals that this effect is attributable largely to low-risk offenders. Compared with low-risk individuals who had not been apprehended, those (low-risk) people who had previously been caught were considerably less likely to think that they would be apprehended if they drove while impaired. Said differently, those with a relatively low risk of offending appear to believe in the gambler's fallacy — that is, the belief that relatively rare events are unlikely to recur, especially soon afterward — whereby their initial apprehension is seen by them as a shield from being caught in the future. In contrast, there was no impact of previous apprehensions and no evidence that the belief in the gambler's fallacy was related to the perceived likelihood of future apprehension for those at high risk of offending. In sum, it may be that vicarious punishment — the perception that *others* are likely to be apprehended — makes individuals less likely to offend. However, the personal experience of being apprehended appears to make low-risk people believe that — next time — they can get away with it.

An additional limitation of the assumption underlying the theory of general deterrence that individuals considering criminal acts will perceive a reasonable likelihood of apprehension is demonstrated by research conducted by Foglia (1997). This study examines the impact of perceived risk of arrest on the delinquency of 298 inner-city teenagers in a northeastern US city who were drawn from schools in "high-risk" neighbourhoods. This scholar found that perceived risk of arrest was not related to the respondent's own delinquency. In fact, while "the threat of legal sanctions did not deter these inner-city youths… they were influenced by the behaviour of their friends, their own sense of right and wrong, and their parents (and perhaps other adults in their lives)" (p. 437). Indeed, the likelihood of being caught for criminal activities may be important for middle-class people (and middle-class politicians who talk about deterrence) because, as sociologists point out, they have a "high stake in conformity." However, this would not appear to be the case for disadvantaged youth who see formal sanctions as arbitrary and, as such, unpredictable. Consequently, the youths' perceptions of the likelihood of being apprehended have no impact on the likelihood that they will engage in crime.

Fifth, deterrence-based strategies assume that potential offenders not only know about the change in punishment, perceive that there is a reasonable likelihood of apprehension and rationally weigh the general consequences of their actions, but also conduct sophisticated analyses of the relative costs of various penalties. Indeed, in order for harsher sentences to be an effective deterrent, individuals must be willing to commit a crime for which they think that there is a reasonable likelihood of serving the current sanction (for instance, four years in prison — the current

minimum sentence for the eight most serious gun-related offences), but would not do so if they thought that the penalty would be harsher (for instance, a five-year custodial sentence as proposed by Bill C-2 for those who carry out certain offences with a handgun or prohibited weapon) (Doob, 1996). In fact, one Canadian study of three federal penitentiaries, conducted by Benaquisto (1997), found that the vast majority of inmates interviewed never even considered the possible consequences of their actions, much less distinguished fine gradations between them.

When viewed from this strictly logical perspective, the lack of evidence in favour of a deterrent effect for variation in sentence severity may gain its own intuitive appeal. Clearly, the number of intervening processes that must take place between (a) the change in penalties for a crime and (b) the possible impact of that alteration on the population of potential offenders may be considerably greater than most of us imagine. When one factors in the perceptual element at the root of deterrence, the complexity of the process only increases. In fact, the very logic upon which deterrence rests may break down.

However, the problem with tough sentencing practices is not only the lack of empirical evidence supporting their effectiveness in reducing crime through deterrence mechanisms. Rather, there are also a number of collateral effects. For instance, a study by Harris and Jesilow (2000) examined the impact of California's three-strikes laws by surveying as well as interviewing judges, prosecutors, and public defenders in five large California counties. It was found that "Three Strikes has significantly disrupted the efficiency of the courtroom and has made the prediction of case outcomes difficult" (p. 192). For example, in four of the five counties studied, it appears that almost all prior strikes were introduced into evidence. As such, plea bargaining became difficult because it became hard to predict when prosecutors would be willing to dismiss prior "strike" allegations. Similarly, even though judges "routinely offered second strike defendants the lowest possible sentence, seemingly to encourage defendants to plead guilty… substantial numbers of [prosecutors, lawyers and judges] believed that they could not predict which cases were likely candidates for leniency" (p. 201). However, "[t]he greatest effect of Three Strikes for workgroup (judges, prosecutors, defence) members has been an increase in trials…. Three strikes prohibits such deals [where a guilty plea is substituted for a lesser punishment]. Defendants who face extended prison terms are unlikely to agree to plead guilty…. Overall the felony trial rate is higher than before Three Strikes…." (p. 198). In sum, the three-strikes law in California has had a disruptive impact on the sensible running of the courts. Similar findings were found by Austin, Clark, Hardyman and Henry (1999). In their study of the impact of California's three-strikes legislation, they reported a dramatic increase in trial rates for second- and third-strike cases (4% of non-strike felony cases go to trial, compared with 9% for second-strike cases and 41% for third-strike cases). Further, they also found that the law had an initial impact on the number of preliminary hearings, although this increase did not last long. These findings are corroborated by Merritt, Fain and Turner (2006), who also noted an increase in trial rates for the first two years after the introduction of a new "tough on crime" law was passed in Oregon in 1994.

Beyond these disruptions to the efficiency of the courts, harsh sentencing laws have also been found to impact on the balance of powers in the courtroom. Specifically, there has been an enlargement "of the discretionary powers – and hence sentencing powers – of the prosecutor at the expense of the judge" (Austin, Clark, Hardyman and Henry, 1999; p. 158). As Merritt, Fain and Turner (2006) note within the specific context of mandatory minimum sanctions, it is clear

that "prosecutorial discretion is the force that drives the implementation and… the impact of mandatory minimum sentencing policy" (p. 33). This enhancement of prosecutorial authority to determine which offenders are prosecuted while judges lose much of their authority over the sentencing process also appears to impact on non-targeted offences as well as those which fall under harsher legislation.

As an illustrative example, a study by Merritt, Fain and Turner (2006) examines the effect of a sentencing referendum (Measure 11), brought in by the voters in Oregon, which resulted in long mandatory minimum sentences for sixteen violent and sex-related crimes. Further, it prohibited "early" release from prison and it provided automatic transfer of youth to adult court for these same offences. These scholars reported that there was a decrease in the prosecution of Measure-11-eligible cases and an increase in the prosecution of "alternate" cases (typically, lesser degrees of the same offences, which did not attract the mandatory penalty). Further, it was found that the nature of pleas changed: there was an increase in the number of cases in which the accused decided to plead to lesser included offences and a decrease in pleas involving the original charge. However, the rate of prison sentences increased both for Measure-11-eligible cases and for Measure-11-alternate cases. The group contributing most to the increased use of prison sentences for Measure 11 cases were cases in which the offender had no history of offending. The average prison sentence increased from seventy-seven to 105 months. However, this "success" has to be understood in the context of another effect: sentence lengths for some of the Measure-11-alternate cases decreased. Over all, though, imprisonment rates in Oregon increased during this period.

Indeed, what seemed to be happening was that after the new law came into effect, rather than being charged with a Measure-11-eligible offence, an offender may be charged with a lesser offence, yet receive approximately the same sentence that the Measure-11-eligible offence would have drawn before Measure 11 came into effect. In other words, "fewer offenders have been sentenced for the [Measure 11] offences, whereas a greater proportion of offenders have been sentenced for Measure-11-alternate offences. [The] analysis suggests that this shift resulted from the use of prosecutorial discretion and the downgrading of cases, that, although technically Measure-11-eligible, were not deemed appropriate for the associated mandatory minimum penalty" (p. 31). Said differently, prosecutors were sometimes willing to downgrade the offence when the mandatory minimum punishment did not fit the crime.

In fact, because the law requires disproportionately severe sentences for large numbers of offenders, there are frequent efforts to avoid the harshness of the law on the part of prosecutors as well as judges. For instance, Harris and Jesilow (2000) noted in their study of California's three-strikes legislation that public defenders — recognizing the possibility of jury nullification — would attempt to inform the jury that the current offence is a third strike. Freiberg (2000) also found that the draconian measures frequently associated with harsh sanctions have — in many cases — led prosecutors to circumvent mandatory penalties by altering charges. Similarly, Morgan (2000) reported that judges will do what is within their power to avoid imposing some of the harshest applications of mandatory sentencing laws — particularly with youth — when they feel that they are in conflict with standard criminal law principles such as proportionality, discretion and natural justice. Further, Harris and Jesilow (2000) noted that in Californian counties in which prosecutors went by the book, there was some evidence that judges were more willing to ignore prior convictions.

Beyond these problems of inconsistencies in the application of the law and the outcome of criminal cases, harsh sentencing policies, such as habitual offender legislation, have also led to disproportionate sentences. Indeed, Austin, Clark, Hardyman and Henry (1999) provide multiple examples, resulting from California's three-strikes legislation, of individuals receiving twenty-seven years to life (to be served in prison) for attempting to sell stolen batteries or a minimum of five years (to be served) for selling $5 worth of marijuana. Distortion in sentencing is also rooted in the increase in the prison population resulting from dramatically longer sentences. Although less than initially projected, Austin, Clark, Hardyman and Henry (1999) report that the impact of California's three-strikes legislation on the prison population still led to an increase of approximately 10,000 (three-strikes) sentenced offenders in prison admissions each year. This number translated into an increase of almost 30,000 (roughly 27%) between spring 1994 and the spring of 1998. More importantly, Vitiello (1997) noted that the "time served" for non-three-strikes offenders in California has had to be reduced dramatically in order to make room for three-strikes offenders. Specifically, a one-year sentence translated — at the time of his study — into seventy-one days, on average, in custody.

Equally problematic is the "profoundly discriminatory impact" of such harsher sentencing policies (Morgan, 2000; p. 182). As Vitiello (1997) reports on California, African Americans make up 7% of the state's population, but account for 38% of those sentenced under these provisions (p. 399 and n. 20). Indeed, the law is particularly harsh on them because it includes drug offences. Though there is evidence (see p. 456, footnote 350) that Whites and Blacks use cocaine and marijuana at the same rate, arrest rates are much higher for African-Americans. To this list of problematic issues rooted in harsher sentences, Vitiello (1997) also adds the problematic increase in the elderly prison population, whose care is very expensive, as well as the (more or less) impossibility to consider what might be called "selective rehabilitation" (pp. 448–449) that may be more effective as a crime control method than incapacitation.

Perhaps more worrisome are the findings of a study by Kovandzic, Sloan III and Vieraitis (2002), which used data from 188 American cities — only some of which had three-strikes legislation. This research examined the potential homicide-promoting effects of this legislation in the period before, during and after these laws came into effect. Starting from a "rational decision-making" perspective, these scholars examined the possibility that offenders in three-strikes states will attempt to avoid apprehension for serious offences by acting in a rational way. More specifically, it is argued that because the penalty for an offence like robbery is, in effect, the same as the penalty for homicide for many serious offenders, the "rational" criminal may attempt to avoid apprehension by killing victims, potential witnesses or police officers. The results demonstrated that "[h]omicide rates have grown faster (or declined at a slower rate) in three strikes cities compared with cities without the laws" (p. 408). Further, "[p]assage of a three-strikes law has increased homicides, on average, by 13% to 14% over the short term, and 16% to 24% over the long term" (p. 409). Finally, "there is no evidence that increases in homicide rates promote state legislatures to enact three strikes laws" (p. 412). While one cannot be certain — from these results — that this effect occurs because of the hypothesized mechanism of sophisticated offenders killing innocent people in attempts to avoid detection and prosecution or, alternatively, because of some other plausible explanation (e.g., homicide as a defiant reaction against more severe sanctioning practices), these findings remind us again that "policy makers should take more care to weigh not just the potential benefits of a proposed crime control solution but the costs as well" (p. 419).

Conclusions

Despite intuitive expectation, political appeal, and the seductive promise of quick fixes, harsh sentencing practices such as mandatory minimum sentences or three-strikes legislation have not been shown to be effective in reducing crime. Numerous reviews of the criminological literature have repeatedly found no conclusive evidence that supports the hypothesis that harsher sanctions reduce crime through the mechanism of general deterrence. Further, the studies that have found support for the notion that tough sentencing practices deter crime are few in number and suffer from serious methodological, statistical, or conceptual problems that render their findings problematic. In contrast, the research that finds no support for the deterrent effect of harsher sanctions has frequently been conducted in almost ideal research conditions, in which one would, in fact, expect to find a reduction in crime through the mechanism of general deterrence in the case that one existed. Further, the sheer number of these studies, the consistency of their findings over time and space, and their use of multiple measures and methods to conduct the research constitute compelling arguments to accept the conclusion that variation in sentence severity (within the ranges that are plausible in Western democratic countries) does not cause variation in crime rates.

Despite this pessimistic conclusion, it is important to note that it does not — in any way — challenge the notion that the criminal justice system as a whole inhibits or deters most people from committing crime. Indeed, we know that the mere criminalization of certain behaviour and the knowledge that an array of sanctions is imposed with some regularity is sufficient to dissuade most people from illicit activity. Rather, it simply questions whether legal sanctions can be used above and beyond this overall effect to achieve additional crime reduction. Within this more restricted context, it would be necessary to demonstrate that for those individuals who are not inhibited by the general threat of the criminal justice system as it currently operates, the introduction of specific changes in the severity of criminal laws would, in fact, discourage them from criminal acts. Despite extensive testing, little empirical support has been found for this latter supposition. In fact, this conclusion is consistent with the growing notion that politicians — through the enactment of harsher legislation — are generally not well placed to reduce crime. Indeed, despite the obvious appeal inherent in the notion that the problem of crime can be resolved — at least in part — by a simple flick of the legislative pen, this strategy does not appear to hold the key to the solution of crime.

In fact, our mistake seems to be in always thinking that crime can somehow be reduced — if only we can figure out how — by the courts, in particular, or by the criminal justice system more generally. Clearly, the criminal justice system plays a crucial role in maintaining a just and fair society, particularly through the criminalization of certain behaviour and the imposition of appropriate sanctions. Unfortunately, this system is simply not well placed to reduce crime, particularly through tougher sentencing practices. Indeed, public safety needs to be conceptualized within a much broader framework, involving a multitude of sectors. As a former Canadian minister appropriately noted, "crime prevention has as much to do with the Minister of Finance, the Minister of Industry and the Minister of Human Resources, as it does with the Minister of Justice" (cited in Webster, 2004; p. 120). Precisely by looking beyond the criminal justice system, Canada can begin to catch up with many other countries that have already begun turning to other crime preventative initiatives to more effectively address crime. Indeed, North

America has lagged behind in this shift in primary policy emphasis from law enforcement to crime prevention, continuing to focus on changes in criminal laws, enforcement techniques and sentencing policy.

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10. What are the impacts of the transfer of youths to the adult justice system on youth crime?

Transferring youths to adult court has always been possible in both Canada and the US. Since Canada enacted its first youth justice legislation (1908), the only way in which a youth could be transferred to adult court is for a judge to look at the case and decide. Traditionally, in the US, a similar provision (judicial waiver) was also the most commonly used means to transfer a case into adult court. However, beginning "in the 1970s, state legislatures… changed laws to move juvenile offenders into criminal court based on age and/or offense seriousness without the case-specific consideration offered by the discretionary juvenile court judicial waiver process. State transfer provisions changed extensively in the 1990s. Since 1992, all states but Nebraska have changed their transfer statutes to make it easier for juveniles to be tried in criminal court. But the pace of such changes has slowed considerably. From 1992 through 1995, 40 states and the District of Columbia enacted or expanded transfer provisions. From 1998 through 2002, legislatures in 18 states enacted or expanded their transfer provisions. From 2003 through 2004, only 4 states made substantive changes in transfer provisions, and only 2 of those states expanded them." (Snyder and Sickmund, 2006; p. 113). In addition to "judicial waiver," some US states (twenty-nine states by the end of 2004) also exclude certain cases from youth court jurisdiction (statutory exclusion or automatic transfer) or allow prosecutors to decide where the case should be heard (direct file or prosecutorial waiver, though only seventeen states had such provisions by the end of 2004). Currently, there are some estimates that up to 200,000 youths are transferred into adult court each year in the US.

Canada also amended its transfer laws during the 1990s — once changing the test for whether a case should be transferred (presumably to make it easier to get a case into adult court), and another time creating "presumptive transfers," which meant that certain serious violence cases should "presumptively" be held in adult court unless the defence could show why the case should be kept in youth court. Unlike the US, these changes in Canada had no impact on the number of cases transferred each year — anywhere from around fifty to 120 cases were transferred during the 1990s (on average a little over eighty cases). Currently, under the *Youth Criminal Justice Act*, there are no "transfers" to adult court; instead, the youth court judge can impose an adult sentence if the prosecution seeks it and if a youth sentence could not achieve proportionality.

While Canada appears not to have increased its use of transfers during the 1990s, the US did. In most cases, when the laws in the US were changed to either exclude certain cases from youth court jurisdiction (statutory exclusion or automatic transfer) or to allow prosecutors to decide where the case should be heard (direct file or prosecutorial waiver), it resulted in large numbers of youths being transferred to adult court. Also, in most cases, the decision to change the laws was not based on any problems with the administration of the laws, but rather was based on an extraordinary case that was not well understood by the public. For example, when a young

offender, Willie Bosket, killed two New York City subway passengers shortly after being released from a maximum security youth facility in 1978, the public focus was not on why the state had failed to deal effectively with a young person who had spent only eighteen months out of state agency placements between age nine and age fifteen. Instead, the focus was on the fact that the law, as it was at that time, "only" allowed him to be incarcerated for five and a half years — until his twenty-first birthday. Just as the story of another Willie (Willie Horton) was to influence a presidential election in 1988, Willie Bosket was the unambiguous cause of the introduction, two weeks after he was sentenced, of a change in New York's law deeming children thirteen years old or more to be dealt with *automatically* (though statutory exclusion) as adults if they were charged with murder. And those fourteen years old or older, charged with a range of offences including robbery and certain forms of burglary and assaults, were also *automatically* dealt with as adult offenders.

Canada's changes to its transfer laws during the 1990s were also based more on political reasons as opposed to any identifiable problems with the law. As already mentioned, the first change occurred in 1993 (changing the "test" for when a case should be transferred) and the second change occurred just three years later in 1996 (creating "presumptive transfers"). Given the short time between amendments, the government had absolutely no evidence, in 1996, that there were any problems in the law that might not have already been "fixed" by the amendments that went into effect in 1992. Clearly, then, the "need" to change the transfer laws was political, not substantive. This suggests that, similar to the US, Canada also amended its transfer laws for political rather than substantive reasons. Unlike the US, however, Canada's changes appear to have had no effect on the number of youths transferred.

The American research on the effect of transfers on crime rates is of two sorts. First, one body of literature examines the impact of transfer policies on crime by way of a presumed *general deterrence* effect. In other words, do certain "easy" methods of transferring youths to adult court (prosecutorial waivers, statutory exclusion, or judicial waiver) act as a deterrent? The second body of literature looks at the youths who were transferred (in the US) and asks the question whether these youths were more or less likely to reoffend as a function of being transferred (*specific deterrence*). There is now a considerable amount of research on both the general and specific deterrent effect of transfers. The research is easy to summarize: transfers appear to have no deterrent effect (general or specific).

General deterrence

Transfers appear to have no consistent general deterrent effect. For example, one study of the change in New York's law, which was accompanied by a lot of publicity, showed no measurable change in crime rates over time or in comparison with a jurisdiction where the law did not change (Bishop, 2002). Similar findings have been reported for other jurisdictions. For example, Steiner, Hemmens and Bell (2006) analyzed violent crime rates in twenty-one states, for which there existed five years of data prior to and five years of data after the date of a new "statutory exclusion" law, to assess the possible impact on crime. For seventeen of the states, there was no significant change in the juvenile violent crime rate (as measured by juvenile arrest rates). In four

states, however, there were changes. In two of the four states, there were increases, and for the other two, there were decreases. For only one of these states (Maine) was the change as predicted: an abrupt, permanent decrease after the change in the law. For these four states, control states were identified that did not have legislative waivers at around the same time as the intervention states and that resembled the intervention state on other dimensions (e.g., size, location, juvenile arrest rate). In no cases did these control states show effects similar to the intervention state, suggesting that the changes in crime rates were real. However, the inconsistent direction of these changes in juvenile crime rates suggests that the law change may have been completely irrelevant to the change in crime rates even in these four states. When arrest rates for homicide were examined, there were no significant effects coinciding with the changes in law.

Though there are no clear explanations for why there might have been a significant drop in crime that coincided with the implementation of legislative transfers of violent juvenile offenders to adult court in two states (Maine and Wisconsin), these findings need to be considered alongside the *increases* in crime that took place in two other states (Indiana and Missouri). Isolated instances in selected jurisdictions of "success" in lowering crime through harsh practices need to be evaluated in a larger context. In these instances, there are as many significant negative impacts of the transfer provisions as there are positive impacts. Similar results were found when Steiner and Wright (2006) examined the effect of prosecutorial waivers on youth crime rates.

Specific deterrence

Transfers appear not to have any specific deterrent effects, either. Youths who are transferred are, if anything, *more* likely to reoffend than those who are dealt with in youth court. For example, Bishop (2002) found no difference between transferred and non-transferred youths for burglary, but for robbers, "transfer was associated with a higher prevalence of re-arrest" (p. 131). Similar findings appear in other studies. For example, Winner et al. (1997) examined all juvenile cases resulting in a transfer in the State of Florida in 1987. In all, Florida transferred 3,142 juveniles to adult court that year (Florida's population is about half of that of Canada). Juveniles who were not transferred but who shared a set of similar characteristics were used as a comparison group. A problem with such approaches, however, is that the matching may not be completely adequate. Nevertheless, in this study, the matching criteria look reasonable. Over all, 42% of the young people who were transferred in 1987 were rearrested before November 15, 1994, compared with 43% of those dealt with in juvenile court — essentially no difference. When the data were broken down by eight classes of offences, however, there was some variability in the impact of a transfer across groups. One group (those being prosecuted for felony property offences) were more likely to recidivate if they were *not* transferred. Most of the other offence groupings were more likely to recidivate if they were transferred (some groups were significantly more likely). A more sophisticated analysis showed that "the net effect of transfer was to increase recidivism in the long term, a finding that was consistent with the short-term analysis" (p. 553). Moreover, as a group, "the transferred subjects tended to be rearrested more quickly than the non-transferred subjects throughout the long follow-up period" (p. 555), and the "average number of re-arrests was higher for transfers than for non-transfers." All in all, then, even for the property felons, "when [those who were transferred] did reoffend, they reoffended more often and more quickly."(p. 558)

More recently, Myers (2003) investigated the specific deterrent effect on transfers, but to reduce a potential selection bias (the possibility that high recidivism among transferred youths merely reflects the fact that only the worst youths are treated as adult), he looked only at robbery and aggravated assault. Further, he statistically held constant other variables known to be associated with recidivism in order to assess the impact of transfer on reoffending. Recidivism was defined as arrests that occurred after the final disposition of the case. Not surprisingly, a number of differences (e.g., criminal record of the youth) existed between the transferred population and those retained in youth court. However, the results are easy to describe: "Waived [transferred] youths were more likely to be rearrested following final disposition than were their counterparts in juvenile court" (p. 90). In fact, "[b]eing waived to adult court more than doubled the simple odds of a post-disposition arrest" (p. 90). Furthermore, "youths transferred to adult court were rearrested more quickly following final disposition than were their counterparts who remained in juvenile court" (p. 92). In addition, this same population was more likely to be rearrested for a violent offence than the young offenders who remained in youth court.

There are a number of possible explanations for this effect. One possibility is that appropriate treatment facilities may be more available in youth court than in adult court. It is also plausible that those youth transferred to adult court gain the opportunity to learn from more experienced adult offenders about how to commit crimes. Finally, it is possible that the impact of being publicly labelled as a criminal has negative repercussions. These findings are similar to those from other studies. "It seems, then, that legislative waiver laws… can realistically be expected to have little or no deterrent utility. In fact, the evidence suggests a criminogenic effect – or that these laws may serve to increase the frequency and seriousness of future offending by those youths who are excluded from juvenile court" (Myers, 2003; p. 94).

Other consequences

There are other issues to consider in addition to the deterrent effect — or lack thereof — of transfers. Redding (1999), for example, found that:

Adult court processing typically takes more time than youth court processing (p. 6).

It is not clear that young offenders, especially serious and violent offenders will serve more custodial time in the adult system than in the youth system (p. 7).

Juveniles in adult prisons are, compared with juveniles in juvenile facilities "eight times more likely to commit suicide, 500 times more likely to be sexually assaulted and 200 times more likely to be beaten by staff…" (p. 9).

In addition, adult facilities typically lack programs appropriate for youth, in part because the number of youth in a given facility tends to be small.

The US Department of Justice has even concluded that "[Transfer] does not appreciably increase the certainty or severity of sanctions" (quoted, p. 12). Interestingly, one of the suggestions was

that "juvenile courts [be empowered] to impose adult sentences, with authority to supervise rehabilitation… into adulthood…" (p. 12). This is similar to the provisions in the *Youth Criminal Justice Act.*

Conclusions

The transfer of youths into adult court appears to be done more for political reasons than to address actual problems with the administration of the law. And while transfers may well make short-term political sense, a careful examination of the data suggests that the increased use of transfers by any mechanism — judicial decisions, legislative mandates, or prosecutorial decisions — makes bad policy. Crime is not reduced and, in fact, there are reasons, given the lack of rehabilitative programs in the adult system, to expect that wholesale transfers of youth will cause an increase, rather than a decrease, in crime. The policy conclusions then, presuming that one is interested in reducing crime, are clear: "Minimize the number of juvenile cases transferred to [adult] court…" (Redding, 1999; p. 12). There are few, if any, benefits in terms of either short-term or long-term safety that flow from sending youths into adult court.

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11. What are the impacts of harsher correctional environments (including "boot camp facilities") on youth crime?

As crime issues and crime control agendas became increasingly part of political campaigns, boot camps were particularly appealing to politicians who wanted to look "tough on crime." The boot camp model — with military style discipline "that would not be mistaken for lenient, bleeding-heart corrections" — constituted another criminal justice "quick-fix" fad whose language "resonated with the prevailing political climate" (Cullen, Blevins, Trager and Gendreau, 2005; p. 58). In fact, boot camps were seen as able to fulfill — simultaneously — the goals of retribution, deterrence and rehabilitation by instituting "the discipline of military experience [which] would transform the immature and wayward into mature and contributing citizens" (Cullen, Blevins, Trager and Gendreau, 2005; p. 58). Not surprisingly, they became one of the fastest-growing "fixes" to youth crime. For example, only two states operated boot camps in 1984. However, thirty-six states were operating boot camps by 1994. Even Canada jumped on the bandwagon with the introduction of its own boot camp in Ontario during the late 1990s.

The problem with this "miraculous" solution to youth crime is that empirical research has repeatedly found no differences between boot camps and traditional correctional regimes in terms of recidivism rates. For instance, a study carried out in Oklahoma among first-time offenders (primarily for property offences) by Wright and Mays (1998) compared the recidivism rates of youth placed on probation with those in traditional custodial institutions or in boot camps. The results revealed that offenders who were placed in boot camps were *more likely* to recidivate after release than the offenders placed on probation or in a normal prison. During a 2.5 year period, 17% of the offenders placed on probation and 20% of the offenders in prison reoffended, while 35% of offenders from boot camps reoffended. This finding — that offenders from boot camps are more likely to recidivate than offenders in prison or probation — is also consistent with other evaluations of boot camps. Further, this study showed that, no matter where offenders served their sentence, they became less likely to reoffend as they got older. This finding is consistent with other criminological research which demonstrates that offenders appear to "mature out" of crime. Further, any attitudinal changes among boot camp attendees were found to be only temporary in nature.

Similar findings were reported in a study carried out in California, which used an experimental design (considered to be the highest standard of research). Conducted by Bottcher and Ezell (2005), this study targeted the California Youth Authority's least-serious male offenders (mostly property offenders). Further, the two boot camps under analysis had almost twice the number of staff as a standard facility and had "lively, lengthy daily schedules of physical training, military drill and ceremony exercises, school classes, group counselling sessions, substance abuse treatment groups…" (p. 314). Youths who dropped out of the boot camp (more than a quarter of those

assigned to it) were appropriately maintained as "boot camp" youths in the study. All youths (boot camp and the youths assigned to traditional institutions) were subsequently followed for an average of 7.5 years (range: two to nine years). Arrests for charges *other than* probation violations were recorded. In total, sixteen different recidivism comparisons were examined, as well as "time to first arrest." The vast majority of the comparisons showed no difference between the boot camp youths and the controls. Specifically, both immediately (year one) and in the long term, boot camp youths were just as likely to reoffend as were youths sent to ordinary custodial facilities.

Ironically, the exception to the consistent, empirically-based findings of the ineffectiveness of boot camps in reducing youth crime seemed to be Ontario's first young offender "strict discipline" boot camp for sixteen- to seventeen-year-olds. According to the Ministry of Correctional Services's press release, the independent evaluation of this institution (T3 Associates Training and Consulting, 2001) suggested that the boot camp was responsible for a drop in recidivism from 50% (for a "comparable sample of youth who were not exposed to the program") to 33%. The problem is that a careful examination of this same evaluation shows that boot camp "graduates" are not — in fact — significantly less likely to commit new offences than are youths in standard institutions.

Specifically, this study compared boot camp graduates and a "comparison" group on two sets of dimensions: psychological changes between the beginning and the end of their custodial experience and recidivism after they were released. The comparison group was comprised of youths who met the criteria for the boot camp, but did not participate because there was no space at the time. They differed from the boot camp group on several dimensions, though it is difficult to know whether these differences were important. The "comparison" group (n=60) was used as a baseline for comparisons with (a) all boot camp participants (n=59 for the highly advertised comparison) and (b) boot camp completers (n=51). This last group is problematic for the obvious reason: the "non-completers" are clearly a troubled group. They have a high rate of recidivism. Their omission from the boot camp group, with no attempt being made to eliminate "failures" from the comparison group, is a lethal methodological error for two reasons. First, the two groups are no longer comparable, since the "worst" kids have been excluded from the boot camp group but not from the other sub-sample. Second, we are no longer looking at the impact of the institution itself: we are looking only at the impact of the institution on a subset of youths.

For almost all recidivism comparisons, no standard statistics are presented in the report. However, they can be calculated from the data that are available. The main comparison that is highlighted by the government (p. 47 of the report) shows differences that do not even approach normal statistical significance for the contrast of the comparison group and all boot camp participants. Furthermore, when one looks at the "boot camp completers" vs. the comparison group, the difference does not approach statistical significance when the appropriate statistical test is carried out (a "corrected" chi-square test). Even when the somewhat inappropriate "uncorrected" chi-square test is performed on this inappropriate comparison, the difference is not statistically significant. In other words, using traditional, conservative, common-sense statistics, there is no difference on recidivism between boot camp participants and a group whom the evaluators claim to be comparable.

Further, the report is very thorough in its investigation of differences between subsets of boot camp graduates and the comparison group. There are over thirty sets of comparisons drawn between

subsets of boot camp and non- boot camp youths (for various periods of time). In none of these comparisons was a proper "statistically significant difference" found between the groups. When the report is quoted as saying that "recidivism rates [for boot camp graduates] were consistently lower than the rates observed for a comparable sample of youth…" (p. 1 of 24 March 2001 Government of Ontario press release), what is omitted from this statement is that the results are not statistically significant. Even the inappropriate comparison emphasized by the government and described in the report as having "approached conventional levels of statistical significance (p. 10)" (p. 43) can only be stated in this way when conventionally conservative "corrections" (related, in part, to the relatively small sample size) are not included in the calculations.

Psychological changes were also examined. The government claims that boot camp graduates "also showed more positive changes in behaviour, self esteem and respect for the law" (p. 1 of press release). The press release omits to report an increase in their scores on a scale measuring the tendency to lie. The "positive results" also have to be examined carefully. Changes in the boot camp participants are assessed on approximately fifty-seven dimensions. They did show changes on approximately twenty-three dimensions. Unfortunately, these improvements could be due to other factors (e.g., re-testing or simple maturation) which would need to be ruled out by comparison groups. However, the comparison group data — instead of being in the report itself — are in an appendix. Nonetheless, the results are summarized by the evaluators: the data suggest that while both groups "made positive gains on the majority of the measures, greater or more significant changes could not be attributed to either group" (p. 29). Moreover, on tests of "academic competence," "the pattern of results suggested that greater gains were made by comparison offenders than by [boot camp] offenders" (p. 29) on all but two measures.

The report concludes with a note that "[s]ome evaluators and researchers would be highly speculative of the findings that we have qualified as non-significant trends. Based on lack of statistical significance, they might dismiss any positive findings, arguing that without statistical significance there is no evidence to conclude that [the boot camp] has any impact on post-release recidivism. However, we conclude that the pattern of findings, albeit statistically non-significant, was consistently evident across three examinations of the data (2 interim reports and the current final report)" (p. 74). Statistical tests are used for good reason: they help us evaluate whether what we are examining is "real" or, alternatively, likely to be the result of chance variation. To say that the data are consistent across three reports is meaningless. Essentially, what is being said is that, as the data were collected over time, these same data (presumably with some new data added in each subsequent report) showed the same non-significant results. Finding the same thing three times on the basis of largely the same evidence does not make it more "true" than finding it only once. In brief, the findings from Ontario's boot camp are — in fact — consistent with the numerous other studies which have found no positive effects. Using traditional social science standards of evaluation, a thorough examination of the data showed no significant differences on recidivism between boot camp participants (or boot camp completers) and a comparison group. There was also no evidence of any overall beneficial psychological or academic impact of the boot camp experience over a standard correctional institution.

Such findings should not be surprising. On the one hand, boot camps are based on a model that makes little sense in the context of youth corrections. The "theory" behind the movie-style (US Marine) boot camp for armed forces recruits is to create a group of people who will follow orders

from those in command even when those orders put the individual at risk. As scholars have pointed out, one of the concerns about youths who offend is that they follow peers even when following them puts them at risk. Said differently, the irony of the popularity of the "boot camp" approach is that it is exactly wrong for offending youths. Further, while "many [boot camp] staff [are] good role models and clearly [care] about their cadets, the program itself [is] not specifically designed to incorporate any of [the elements of] effective [correctional] treatment" (Bottcher and Ezell, 2005; p. 328). In addition, there is no serious attempt — for political reasons — to build in effective treatment. As Bottcher and Ezell (2005) note about the boot camps that they studied, although "continuously refined in an ad hoc but often creative manner, the [boot camp] was fundamentally a militarized quick fix and its aftercare a hastily designed and unevenly implemented… service…. [The program] did not focus much on individual needs or provide much by way of treatment services" (pp. 328–9).

Within this context, it is not surprising that the one element of the (American) boot camp experience that was, in fact, found to be successful was the use of targeted and often well-implemented aftercare for young people released from these facilities. Kurlychek and Kempinen (2006) examine a post-release "re-entry" program for inmates who had served six-month sentences in a Pennsylvania boot camp. The program involved ninety days of residential aftercare, which included cognitive behaviour therapy, job readiness and job acquisition skills, and substance abuse counselling. In most instances, individual treatment plans were developed and executed. In March 2002, a new policy mandated that all of those released from the boot camp would receive this program. Those who went through the program immediately prior to March 2002 served as a control group (n=383) and were compared with those who had the new treatment immediately after the change in policy (n=337). The two groups did not differ on any major demographic variables (e.g., age, education level, offence, prior arrests). There were some minor differences between the two groups on some attitude measures (taken as they completed their term of incarceration). These differences were controlled statistically in the recidivism analyses. Aftercare services were provided by twenty-three different accredited providers, and program content varied somewhat across providers. Nevertheless, there were no differences in recidivism rates across program providers; hence, results cannot be attributed to special characteristics of one provider.

Recidivism was measured by arrest for a new crime within two years. At the end of a two-year period following release from the boot camp, 33% of the untreated control group had been arrested, in comparison with only 22% of the treatment group. It could be argued that those in the aftercare program were not as much at risk during the program because they were in a rather structured environment for ninety days of the two-year follow-up. The analysis was repeated, therefore, using release from the boot camp as the starting point for the control group and release from the aftercare program for the "aftercare" group. The results were essentially the same. Indeed, it would appear that while the boot camp experience itself has no impact on recidivism rates, structured aftercare — focusing on the needs of offenders on release — clearly affects subsequent offending. Although these (effective) programs differed from one another, "they all were accredited programs, all but one used individual treatment plans and all provided a vast array of services from employment and social skills to drug and alcohol rehabilitation and counselling."(Kurlychek and Kempinen (2006), p. 380)

Ironically, the other positive element associated with boot camps is rooted in youths' perceptions of them. In a national evaluation of the perceived conditions of youth confinement in the US, Styve, MacKenzie, Gover and Mitchell (2000) compared twenty-two pairs of juvenile institutions: a boot camp and the state facility into which the youth would have gone had he not been sent to the boot camp. Thirteen different "conditions of confinement" were measured using questionnaires. In at least three-quarters of the pairs of institutions, inmates of boot camps tended to see their institution as having more therapeutic programs, more planned activities, more structure and control, and to be better preparing them for release than traditional juvenile institutions. Boot camp inmates also felt less at risk from other inmates and from the correctional environment generally.

However, not all boot camps were seen as being better than their "unbooted" counterparts. On some dimensions — danger from staff, quality of life, and freedom — there were significant differences across the pairs of institutions, with the boot camp sometimes looking better and sometimes looking worse than the traditional prison. Indeed, it would seem that one of the advantages of having highly structured environments is that juvenile inmates feel safer and feel that someone cares about what happens to them. Similar findings were reported by Bottcher and Ezell (2005). Specifically, they note that in other boot camp settings, youths also felt less fear of being attacked by other youths than in traditional correctional facilities and were generally enthusiastic about the military milieu, the physical training, and the various treatment programs.

Conclusions

As in other areas, quick-fix fads like military-style boot camps for youth have not proven to be effective in reducing recidivism rates. Specifically, boot camp graduates appear to do no better in the community upon release than those released from traditional correctional facilities. In fact, neither recidivism nor participation in constructive activities in the community (e.g., work and school) on release appears to be affected by the boot camp experience. Rather, it seems that any positive impacts of boot camps are related to the nature of the aftercare programs that are often attached to boot camps or simply to the correctional environment that it creates for youth. In other words, lessons can still be learned from the operation of boot camps. Indeed, structured intervention by accredited programs that use individual treatment plans and provide a wide array of services that are able to target particular needs of each offender appear to offer the greatest likelihood of impacting on youth crime. Further, institutions that are perceived by youth to be safe, controlled, structured and active would seem to constitute minimum standards for any incarcerated youth.

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12. What are the impacts of "alternatives to incarcerations programs" on youth crime?

The devastating effects of prison on offenders and their successful reintegration into the community are well documented elsewhere. Indeed, a simple example will suffice. A study by Pager (2003) using an experimental design (considered the gold standard of research methodology) examined the impact of a prison record on subsequent reintegration of ex-offenders. Specifically, Black and White male research assistants pretended to be ordinary job applicants and applied for entry-level jobs with 350 different employers in the Milwaukee, Wisconsin area. They randomly described themselves as either having a prison record or not. Two different people applied for each position — one of whom either indicated that he had a criminal record when asked (a situation which occurred in 74% of the jobs applications or interviews) or simply listed his parole officer as a reference if information about his criminal history was not requested. In all other ways, the two applicants did not differ.

Of the White applicants, 34% of those without a criminal record were "called back" (to be offered the job or for a formal interview) compared with only 17% with a criminal history. For Black applicants, while 14% of those without a criminal record were called back, a mere 5% of those with a prison record were contacted. In other words, when comparing the White applicant with no criminal record to the Black person with a criminal record, the likelihood of the latter obtaining a job was reduced by approximately 85%. This effect held for those employers who specifically asked about the applicant's criminal record as well as those who did not explicitly request this information. Similarly, the pattern of findings was the same for applicants with and without personal contact with a decision-maker (i.e., those who were either asked simply to fill out an application or were given an initial interview).

Clearly, beyond the negative effects of prison on the inmate while incarcerated, the presence of a prison record is shown by this research to render the reintegration of ex-inmates into the community as productive citizens more difficult. In addition, it demonstrates that being Black and having a criminal record constitute two enormous — albeit separate — impediments to getting a job. These results are consistent with previous research (Western, 2002), which shows that imprisonment has a permanent effect on wages. More specifically, those who have been incarcerated are likely to have reduced wage income. Further, the effect of imprisonment *increases* as workers get older. Hence, the rise in wages that ex-offenders experience as they age is smaller than the increases received by non-offenders. Taken together, these findings demonstrate not only that a criminal record renders it more difficult for the ex-inmate to enter the workforce, but that people with criminal records are also more likely — once employed — to be trapped in low-paying jobs. Clearly, a criminal record has costs for both the offender and society.

Within this context, non-custodial sentences emerged as a strategy for avoiding many of the negative effects of imprisonment. Further, criminological research has not found any demonstrable superiority on the part of institutional sentencing in controlling recidivism. In fact, a study by Killias, Aebi and Ribeaud (2000) examined the recidivism rates of offenders assigned to either community service orders or a short period of incarceration (up to fourteen days) in one district in Switzerland. Based on a randomized controlled experiment (the gold standard in evaluation research), the results showed no significant difference on the likelihood of being re-convicted or the average number of convictions within twenty-four months of the prison/CSO experience. However, when "re-arrest" data were examined, it appeared that those who were assigned to do community service were somewhat less likely to be re-arrested than those who served their sentences in prison. Further, the offenders who experienced community service were more likely than those who went to prison to report that they believed that the sanction they received would reduce recidivism and was fair. Those who went to prison were more likely to indicate that they no longer had a "debt" to society and were more likely to believe that the sentencing judge (but not the correctional authorities) had been unfair. Indeed, it would seem that short prison sentences are no better — and may even be worse — than community service.

This finding is consistent with other evaluations (see, for instance, Brownlee, 1998), which have also shown that — all things considered — there is no evidence that "prison works" (pp.173–4). In fact, Brownlee (1998) notes that it is surprising that the recidivism rates for probation are not dramatically higher than prison, as the seriousness of the offence of conviction is a poor indicator of the likelihood that someone will reoffend. A "seriously recidivist" shoplifter is more likely to get probation than is a person who committed a serious, though uncharacteristic, violent offence. Even given this reality, community-based punishments are — in the aggregate — "at least as effective in tackling recidivism as an institutional sentence. Put the other way around, the research evidence certainly does not rule out the use of community sentences on the grounds of public protection, especially when what is being looked for is long term efficacy against recidivism rather than some shorter term incapacitative effect" (p. 179).

However, the fact that a criminal justice program or sanction is run outside rather than inside a prison does not ensure that it will be effective in reducing crime. Indeed, there is enormous variability not only in the types of alternatives to incarceration programs, but also in their effects. More importantly, one cannot assume that "anything" is better than "nothing" in terms of programs (whether they involve prison or non-prison sanctions). For instance, "Scared Straight" and other "juvenile awareness" programs have remained attractive — since their emergence decades ago — to those looking for quick fixes. In these programs, young people are taken for visits of prisons and are "educated" by inmates about the consequences of offending. Like boot camps, the theory is that "tough" treatments work. The idea appears to be that the youth learns that penitentiaries are unpleasant places and, by extension, that crime does not pay.

The problem is that they have repeatedly been found to be ineffective in reducing youth offending. Petrosino, Turpin-Petrosino and Buehler (2003) examined the nine highest-quality evaluations of these programs. Carried out in eight different states, these studies involved approximately 1,000 juveniles who were randomly assigned to either a Scared Straight-type program or a control group. Various official measures such as arrests, juvenile court intakes or charge measures were used to assess group outcomes. Taken as a whole, these studies "do not yield evidence for a

positive effect for Scared Straight and other juvenile awareness programs on subsequent delinquency" (p. 52). In fact, when one looks across all of the studies, most of the comparisons between the experimental and control groups on measures of subsequent offending — though not always individually statistically significant — showed that the Scared Straight youths committed *more* crime. Only one of the nine studies demonstrated positive impacts of the program. Indeed, "[t]he intervention increases the odds of offending by about 1.7:1 overall (i.e., 1.7 treatment participants offend for every control youth who offends)" (p. 55). Clearly, "[d]oing nothing would have been better than exposing juveniles to the program" (p. 58).

Similar findings were reported by McCord (2002) in her examination of the long-term effects of intensive social interventions in the lives of youth in "congested urban areas" of Cambridge and Somerville, Massachusetts between 1939 and 1945. Each youth was matched with another similar young person, and one of these individuals was randomly assigned to a control group in which normal social services in the community were provided. In contrast, the other youth was given intensive interventions including guidance, after-school activities, social support, tutoring, summer camp, assistance in finding a job, and medical and psychiatric attention. In the follow-up study conducted twenty years later, it was found that almost equal numbers of youths in both groups showed unexpected improvement. Similarly, the overall involvement of the two groups in the criminal justice system was nearly identical.

However, when these individuals were re-examined in a follow-up study between 1975 and 1981 (the youths were middle-aged at this time), disturbing differences emerged. Those in the treatment group were more likely to have been convicted of serious crimes, to have died early, to have serious mental illness problems and to be alcoholics than those in the control group. In fact, the deleterious effects of treatment appeared to occur most often with those youths who had cooperated most with the youth study staff. Indeed, the more frequently that they received treatment, the worse off they were. Indeed, one cannot automatically assume that social interventions in the lives of youth — no matter how benevolent they seem — will necessarily have beneficial effects or, at worst, no effects at all. In fact, similar adverse effects of treatment have been found for a number of criminal justice programs.

Further, it is important to consider not only the "main" or principal effects of non-custodial programs, but also collateral impacts, which can also be problematic. Home detention provides an illustrative example. Indeed, despite the dramatic increase in its popularity in Canada as well as elsewhere, this alternative to incarceration strategy has also been found to have serious problems. In a careful examination of this strategy, Bagaric (2000) notes that costs will not necessarily be reduced by the use of home detention. For example, a study in New Zealand suggested that the real costs of this sentencing option may not differ dramatically from those associated with imprisonment. As well, the impact of home detention will also vary dramatically with the nature of the "home." The single mother with three children living in a one-bedroom apartment will clearly experience home detention quite differently from the white collar offender who is restricted to a luxurious mansion.

With the introduction of home detention into a sentencing structure, obvious concerns also arise regarding the possibility of net-widening — that is, that potential offenders will be drawn largely from those who would not otherwise have been incarcerated rather than from the prison population.

Finally, the effects of home detention on other members of the family need to be taken into account as well. On the one hand, these "innocent" cohabitants may be arguably seen as being punished alongside the offender, as they are being forced to reside with someone who is "detained" in their household. On the other hand, some jurisdictions (e.g., the State of Victoria, Australia) have given these additional members of the household a veto on whether the offender can be ordered into home detention. This practice raises delicate issues of genuine "consent" — particularly if the alternative for the family is to have their main source of support imprisoned. Of equal concern is the question of the appropriateness of partially turning over the sentencing function to members of the household who, in effect, can veto the imposition of a particular sanction.

Clearly, the fact that a program is non-custodial in nature does not automatically mean that it is effective or even neutral (versus harmful). Rather, it simply underlines the necessity of continual evaluation. Specifically, each strategy must be considered on its own merits, as one can never assume that "good intentions" will necessarily produce "good results." Certainly, in light of the possibility that certain programs can, in fact, have negative effects on people's lives, a careful assessment of each intervention is imperative before it can ever be presumed to be safe, let alone helpful.

Despite the sheer diversity of "alternatives to incarceration" approaches, which renders generalizations difficult, a number of general statements can be made to increase a program's likelihood of being effective. In a study of the effectiveness of a number of "intermediate sanctions" in reducing recidivism, Altschuler (1998) attempted to understand how best to design effective programs. First, he found that aftercare programs were generally not well implemented. For example, offenders usually only receive general support as opposed to support that targets specific problems and risk factors (e.g., dealing with drug abuse, unemployment, etc.) In a similar vein, the primary focus of many of these programs is on control and surveillance. Addressing specific problems (e.g., drug dependence) is not seen as particularly important. Programs that focus mainly on control and surveillance of the offender are not as effective as programs that incorporate treatment and rehabilitation.

The same problems emerged when examining alternatives to custody. Generally, many of the programs have been poorly conceptualized and implemented. Further, there are no clear goals for what the program should achieve and the specific type of offender that is supposed to benefit most from the program is not identified. Finally, Altschuler also noted that while the "prison" phase of boot camps has no effect on recidivism, there is evidence that those facilities that devoted time to treatment programming (i.e., education, substance abuse, etc.) showed the most promise. However, this custodial phase needed to be followed by intensive supervision and aftercare support. Once released into the community, offenders benefited from quality support services such as education, employment and counselling. Altschuler concluded that programs that have the main focus of control and surveillance do not appear to be effective in terms of lowering recidivism rates. To be effective, quality treatment that targets specific problems needs to be part of the program. Moreover, the specific offender who is to benefit from a particular program needs to be identified. Further, clear goals of the program should also be outlined. Finally, the proper — and sufficient — implementation of the program is crucial.

Similar criteria for success were identified by Gottfredson, Cross and Soule (2007) with regard to effective after-school programs for youth. Thirty-five after-school programs in Maryland were

examined, and a number of factors appeared to predict program effectiveness. First, more highly structured programs with a published curriculum were found to be more effective in reducing substance abuse, and possibly delinquency more generally. Second, the presence of a high portion of staff with undergraduate degrees was also associated with lower levels of substance abuse and lower levels of general delinquency. Third, a higher proportion of male staff (the average was about 24%) was associated with reduced delinquency and reduced victimization of the youths as well. Finally, youths attending large programs were more likely to be involved in delinquency and were also more likely to be victims. It is, perhaps, not surprising that "the use of published curricula - an alternative measure of program structure - produced significant reductions in substance use" (p. 310), nor is it surprising that programs with a more educated staff were more likely to be effective. It may be that a higher proportion of male staff running the program was associated with maintaining order. The overall view that one gets is that more "professional" programs (those with structured curricula and educated male staff) were more likely to be effective, in part because these programs had a clear agenda and focused activities rather than simply filling the after-school hours with something that appeared to be good.

The inverse also appears to hold true. As described by Savolainen (2005), the government of Finland — working through its municipalities — launched a national crime prevention program in 1999. Local governments were expected to identify the nature of the crime problems in their communities, propose solutions and raise money to fund those solutions. The national program would, in turn, match the funds raised at the local level. A wide range of different programs were implemented under the overall program, including programs addressing risk behaviours (e.g., drinking and drug use) amongst youth, experiments in community policing, and programs to address learning disabilities. Generally, the "social-preventive" model tended to dominate the programs in the communities. Participation of the local communities in the national program was voluntary. The result was that communities varied as to how involved they were in the overall program. Some only submitted a plan for community safety. Others applied for funding, but did not receive matching funds from the national government. Some municipalities received national funding for only one program, whereas others received multiple matching grants. As such, communities could be described as having different levels of involvement in the overall program.

Looking at the prevalence of property crime victimizations as a function of the intensity of the involvement in the national crime prevention program, the "findings support the conclusion that there is no relationship between program participation and the decline of crime at the local level" (p. 184). While there may well have been specific programs that had an impact in some locations, the national funding program as a whole appeared to have no overall impact. It was suggested that part of the reason for this failure may have been the "radically decentralized nature of the [national crime prevention program]" (p. 188). Adequate program design and attention to what is known about crime prevention is not likely to have occurred in all communities. Furthermore, adequate evaluations were impossible, in part because of the breadth and number of different programs that were implemented. In addition, the programs were typically implemented in a manner that made it impossible for them to be evaluated. A similar study of a national funding program focused on youth crime, published in Denmark in 1990 (cited by Savolainen, 2005), came up with the same results: "Trends in youth crime between municipalities with different levels of participation" (p. 177) in the program showed no differences in crime rates. Similarly, a

study by Maguire (2004) of the Crime Reduction Program (1999–2002) in England and Wales noted many of the same factors as having contributed to the failure of this initiative.

In fact, the fulfillment of these criteria may also help to explain some of the apparent contradictions in the criminological literature. For instance, studies on the effectiveness of intensive supervision programs have produced mixed results. On the one hand, research on an Intensive Surveillance and Supervision program in New Jersey by Paparozzi and Gendreau (2005) demonstrated that the recidivism of parolees can be reduced by providing intensive supervision. Conversely, a study by Lane, Turner, Fain and Sehgal (2005) in California found no differences in the recidivism rates of youth who received either ordinary or intensive probation supervision. In the former case, the positive findings may be rooted — at least to some extent — in the appropriate (targeted) rehabilitative services that the intensive parolees received. In contrast, it was noted by the researchers of the latter study that, although the intensive intervention program was designed for relatively high-risk youths (and a high proportion of the youths in the program were, in fact, apprehended for subsequent offences), it is possible that these were not high enough risk youths to benefit from the high-intensity intervention (p. 43).

While the fulfillment of these general criteria undoubtedly increases the likelihood of effective non-custodial programs, a "one-size-fits-all" model would still be inappropriate. Above and beyond general or overall effects of these "alternatives to incarceration" strategies, one must also be conscious of subgroup differences that may alter their effectiveness or appropriateness. For instance, a study by Wood and May (2003) examined the ratings of various alternatives to imprisonment by probationers in Indiana. Specifically, respondents were asked to indicate the number of months of each of ten alternative sanctions that they would be willing to endure to avoid imprisonment of four, eight and twelve months. This research found that more Blacks than Whites indicated that they would choose the prison sentence over any length of the alternative sanction for each of ten alternatives when contrasted with each of three different lengths of imprisonment (thirty comparisons in all).

In fact, when given a choice between prison and alternatives such as day reporting, regular probation or electronic monitoring, Blacks were two to six times more likely than Whites to choose the custodial sentence. For those willing to choose a non-prison sanction over imprisonment, Blacks were more likely than Whites to indicate that the alternative had to be very short for it to be an attractive substitute for custody. In fact, Black adults on probation rated alternatives to imprisonment as being more punitive than did White probationers. Further, it appears that Blacks — in comparison with Whites — are more likely to prefer to avoid non-custodial options. Clearly, this study suggests that alternatives to imprisonment may not be seen as equally desirable by all groups in society. Particularly within the context of the overrepresentation of certain disadvantaged groups in prisons (e.g., Blacks in the US and Canada; Aboriginal people in Canada), and — by extension — the suggestion that additional effort should be expended to find alternative sanctions for these offenders, attempts to impose the least onerous sentence may not be the same for different subgroups in society.

Similarly, a study by Staff and Uggen (2003) examines the traditional notion that "getting a job" is an all-purpose cure for adult — and, by extension, adolescent — problems. In fact, the relationship is more complex than originally thought. Using data from a longitudinal study in

Minnesota, these researchers found that the effect of working on deviance in adolescence depends on the nature of the job. For example, looking at arrests in grade twelve, those youths who thought that their work reduced their grades in school were more likely to report being arrested than were those youths who reported that they had a great deal of autonomy in the workplace. Alcohol use in grade twelve was associated with longer work hours, a belief that the job did not provide useful skills, more autonomy in the workplace, a belief that the work was interfering with grades and the belief that the work enhanced one's reputation with peers. Misbehaviour in school was most common among youths who were involved in long hours of work, who saw work as interfering with their grades and whose work provided a great deal of autonomy in the workplace.

Clearly, it is not simply the number of hours that is important in understanding the impact of adolescent work on deviance. Rather, certain characteristics of the work environment are important in understanding whether it will increase, decrease or not affect adolescent deviance. Although long hours of work (e.g., more than twenty hours per week) generally appears to increase deviance in high school students, long hours of work that helped the students' grades appears to decrease use of alcohol in grade twelve. Indeed, in order to reduce delinquency, "'good jobs' in adolescence must support rather than displace academic roles and offer genuine opportunities to learn something useful. Such jobs should also provide extensive controls, with circumscribed levels of autonomy, wages, and status among peers" (p. 283).

A subsequent study conducted by Apel, Bushway, Brame, Haviland, Nagin and Paternoster (2007) on this relationship between work and deviance further reminds us of the inappropriateness of a "one-size-fits-all" model of intervention with youth. Using a representative sample of American youths, these researchers found that the effect of intensive work (averaging more than twenty hours a week) beginning at age sixteen on subsequent criminal and substance abuse behaviour also depends on the youth's developmental history. Without imposing any controls for pre-existing differences between those youth who start working substantial numbers of hours after age sixteen with others who do not take on paid employment at this time, overall rates of offending and substance use were found to be higher for those who were working. However, when the effect of different patterns of offending were controlled for — that is, when those who started work at sixteen years old were, in effect, compared with those youths who had similar offending backgrounds but did not start work at age sixteen — there were no overall effects of working on crime or substance use. Further, when looking at the group of youths whose offending started early and continued to increase until their sixteenth birthdays, taking on work at age sixteen appeared to reduce their rates of offending. "These results suggest that the effect of intensive work during the school year may not be uniform, but it is dependent on the prior developmental history of the worker. That is, the effect of work on subsequent behaviour depends on the youth's developmental history" (pp. 84–5).

Indeed, one must also be aware of other factors that condition or qualify the effectiveness of "alternatives to incarceration" programs. Within this context, it may be equally important to note that a substantial number of non-custodial programs for youth focus their intervention on the adolescents themselves. While attempts to change individual characteristics (e.g., job skills, attitudes, education, addictions, self-esteem) are undoubtedly central to the effectiveness of interventions, such a sole focus misses the complexities of crime causation. For instance, a study by Kubrin and Stewart (2006) examined 5,000 offenders who were receiving community

supervision in the Portland, Oregon area. Using arrests within a twelve-month period as the measure of recidivism, it was found that the usual set of individual characteristics — e.g., being male, Black, or Native American, being released from prison (as opposed to simply serving time on probation), being a property or drug offender, and having larger numbers of prior arrests — increased the likelihood of reoffending.

However, this study also found that above and beyond characteristics of the individual offenders, there was also a neighbourhood effect. That is, offenders who return to disadvantaged neighbourhoods are more likely to reoffend than are those who return to less-disadvantaged neighbourhoods, even when the characteristics of the offenders are held constant. Particularly given "the challenges of prisoner re-entry, [especially] in a 'get tough on crime' era, former prisoners are even more reliant than ever on community services and personal networks not just to comply with the terms of their supervision but also to curb recidivism" (p. 189). As such, investments in poor communities can serve to reduce reoffending by those returning to these neighbourhoods. Indeed, consideration of the wider contexts in which offenders (youth or adult) live would also seem to be a necessary dimension of effective interventions.

Similar conclusions may be drawn from a study by Osgood and Anderson (2004) of 4,000 grade eight students from thirty-six schools in ten US cities. Not surprisingly, the amount of time that the youth spent in unstructured, unsupervised activities was related to self-reported delinquency. In fact, the time spent in unstructured activities was more important than other individual characteristics of the youth (e.g., sex, race, parents' education). However, it was also found that above and beyond this individual-level effect, there was also a school effect. Specifically, students attending schools in which youths generally had a great deal of unstructured, unsupervised time were more likely to report high levels of delinquency above and beyond the youth's own reports of time spent in unstructured activity. Said differently, attending a school in which many youths spend a lot of time "hanging out" with their friends away from adults is likely to increase the level of delinquency above and beyond the time that the individual youths spend in unstructured activities. In effect, the results show that the local culture (in this case the youth's school) also has an impact on a youth, independent of his or her own circumstances. This finding would suggest that interventions at the school level would also be important in tackling youth crime.

Indeed, effective interventions — whether inside or outside of prison — need to recognize the multi-dimensional nature of crime causation and provide a concerted front against recidivism. From a policy perspective, governments or communities that are serious about reducing youth crime need to ensure a multi-pronged approach that recognizes these complexities. Indeed, Visher and Travis (2003) provide an illustrative example of the multi-level strategies that are necessary in order to increase the likelihood of success of offenders transitioning from prison to the community. Specifically, these scholars argue that a sole focus on individual characteristics of the offenders and treatment while in prison is not sufficient to ensure successful reintegration. Rather, those ex-offenders who had stable environments (e.g., conventional ties to the community, jobs skills) were more able to rejoin the work force and obtain assistance from family and friends.

Similarly, the ability to re-establish family roles and one's identity as a responsible citizen also seems to be an important factor in the reintegration process. However, one of the preconditions for success on this dimension appears to be the willingness of family, peers and the community to

accept the ex-offender. Not surprisingly, "strong ties between prisoners and their families or close friends appear to have a positive impact on post-release success" (p. 99). As such, some jurisdictions have invested in programs that work directly with the family members of inmates and provide special services to them. Further, the first month after release seems to be particularly crucial in the reintegration of the offender, in that such factors as emotional support and housing assistance during this period are related to desistance from offending. As such, government policies may equally be important, in that they determine eligibility for not only social assistance in the early days of re-entry into the community, but also public housing and various treatment (e.g., drug) programs.

Conclusions

As Petrosino, Turpin-Petrosino and Buehler (2003) remind us, crime fighters are constantly looking for "quick, short-term and inexpensive cures to solve difficult social problems" (p. 43) such as crime. In fact, this phenomenon has been referred to as the "Panacea Phenomenon" (p. 43). Unfortunately, a review of the criminological literature will quickly show that "alternatives to incarceration" programs are not "quick fixes." In fact, effective interventions — whether custodial or non-custodial in nature — reflect the complexities of the crimes that they are trying to reduce. Perhaps the most important lesson from a review of the literature is that when considering the impact of a program, the worst-case scenario is typically thought to be that an intervention has no effect on young people. As such, many intuitively sensible programs run for years without being evaluated. The problem is that they can harm as well as help. Indeed, programs that sound good do not ensure that they will be "good" in practice. Said differently, we cannot automatically assume that interventions will have beneficial effects or at worst will have no effects. As such, social interventions into the lives of youths need to be assessed carefully and monitored regularly before they can be presumed to be safe, let alone helpful.

Second, effective interventions with youth require the fulfillment of a number of criteria. Specifically, programs need to target known problems facing youth and the specific type of offender who is to benefit from a particular program needs to be identified. In addition, the program needs to be properly and sufficiently implemented as well as professionally operated. Similarly, it needs to have structure — with a clear agenda, adequate program design and focused activities. Further, a "one-size-fits-all" model should be seen as nothing less than inappropriate and misguided given the complexities of crime causation and the multiple interactions that occur between various types of offenders, offences, individual and community-level factors, etc. As such, the political challenge — it would seem — is not only to fund and continuously evaluate "effective programs," as well as have the courage to stop funding programs simply because they "look good." Rather, it is also to provide the overarching framework to conceptualize crime prevention/reduction on a much broader scale in which individual programs can contribute in a concerted, multi-dimensional effort.

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13. How are "communities" (broadly defined) important in understanding the nature and extent of (youth) crime?

In the past decade or so, there has been renewed interest in the impact of characteristics of communities on crime. Popular understanding of crime tends to focus on the impact of individual or family characteristics on crime (e.g., the impact of personality factors such as psychopathy, impulsiveness, presence of learning disorders, being brought up in a family headed by a single mother) or on the impact of the criminal justice system (most commonly, the harshness of sentencing) on deterring crime.

The work on communities suggests that there are impacts on crime of the community that people find themselves in, above and beyond the characteristics of the individuals who live in those communities. The underlying theory is easily understood: people commit crimes in a social and physical context. If the community has characteristics that appear not to be supportive of crime, then crime will not be committed. Some of the early research on this phenomenon — the work on the physical design of communities — did not typically get thought of as "community" research, in that the focus was on physical characteristics of communities and building that were conducive to crime.

As described in detail in Section 3 of this report, the redevelopment and clean-up of the New York City Port Authority Bus Terminal in the 1990s illustrates how a non-criminal justice approach to "cleaning up" a community can affect crime (Felson et al., 1996). In effect, in that "crime prevention" program, crime was designed and managed away.

We are not suggesting that communities can always "design away" all of their crime problems. We are suggesting, however, that some communities (including schools) may be designed in such a manner that they either encourage or discourage disorder. The point of this example is simply that "disorder" does not occur in a vacuum. Part of the success of approaches such as this one may be that disruptive or violent crime simply was "out of place" in the redesigned space.

If crime is a social phenomenon, it is not surprising that community culture would be an important determinant of crime. One rather intriguing set of findings comes from looking at the way in which communities treat their poor. Cities can be ordered along a continuum in terms of how generous they are to those in need of help. It turns out that cities in which community values have been encouraged, and people are willing to make sacrifices for their fellow citizens, tend to be safer. This was operationalized in one study (Camlin and Cochran, 1997) by looking at contributions to the United Way in 354 cities. Controlling for all of the usual predictors of crime (e.g., proportion of single-person households, poverty measures, etc.) cities in which people are

more generous in their donations to the United Way (operationalized by the amount given to the United Way per million dollars of total income in the city) were more likely to have low property and violent crime rates. Altruistic motives within a community, it would appear, can have an impact on crime.

Of course, communities can show generosity in other ways. Social assistance programs are one way in which communities take care of those who find themselves without resources. Social assistance programs are seen, typically, as dealing largely with acute problems within families or long-term problems (e.g., for people with disabilities) for those who cannot be self-sufficient. But the impact of these programs can be larger (and perhaps more permanent): they may provide opportunities for those most needy in the community to participate fully in the community. A youth from a poor family who lacks what is seen as proper clothing may avoid school or may not be able to dress appropriately for certain job interviews. A person without funds may not be able to afford public transportation to get to a job interview or some other necessary appointment. A number of studies (e.g., De Fronzo and Hannon, 1998; Hannon and De Fronzo, 1998) carried out in the late 1990s in the United States demonstrated quite clearly that cities with more generous welfare systems (measured as the amount of public assistance per person under the federally established poverty line) had lower homicide, other violence and property crime. With respect to homicide, these authors noted that "The results emphasize the role of material deprivation and suggest that the state can do more than just punish homicidal violence, it can also prevent it" (De Fronzo and Hannon, 1998; p. 42–3).

Welfare is, of course, the "end of the line" in terms of the manner in which the poorest members of a community survive. Strong economies generally, measured in one American study as the gross state product (the total production and income generated by a state in a year), are also important. This measure — the overall economic strength of the community — is only slightly correlated with unemployment rates, though it did show a substantial relationship with rates of property crime, but not with violent crime other than the acquisitive crime of robbery (Arvanites and Defina, 2006).

But related characteristics of the community are important: communities (or provinces, in the case of a study of homicide rates in Canada and the US) with high rates of economic inequality are likely to have high homicide rates. Economic inequality in one study (Daly, Wilson and Vasdev, 2001) was defined as the distribution of after-tax income and *after* social transfers (such as social assistance and employment insurance payments). Economic inequality affects homicide rates independent of average income. Economic inequality, a phenomenon that is, to some extent under the control of public policy and a growing feature of our lives as Canadians, is associated with high homicide rates.

The relevance of the research on the relationship between communities and crime is, we hope, obvious: the nature of a community is, to some extent, under public policy control. We can increase or decrease economic inequality though economic policies, just as we can decide to be generous or stingy in the manner in which we devise social assistance policies. Taxes on the wealthiest members of society can be increased or decreased. Each of these policies is almost certainly devised for reasons other than crime, but the impact on crime is hard to deny.

Even factors that contribute to youth violence, such as parenting style, are, to some extent, a product of other policies that relate, more generally, to the manner in which we develop policies for communities. As one prominent youth violence researcher (Steinberg, 2000) noted in the context of a discussion of the relationship of parenting style to crime by youths: "By far, the most insidious cause of negative parenting is poverty. Economic stress... increases the risk for negative parenting, which in turn increases the risk for youthful violence" (Steinberg, 2000; p. 36). "Parents under stress, because of deteriorating housing, inadequate childcare [and]... terrible schools... cannot parent as effectively as those who live under more benign conditions" (Steinberg, 2000; p. 36).

Interventions designed to improve the state of the family can have direct beneficial impacts on families and also reduce levels of violence of children growing up in these households. Hence, public health approaches, which would help reduce the stresses experienced by all families, are much more likely to have a substantial impact on youth violence than programs that target individual violent children. "Any attempt to reduce youth violence... must include a systematic effort to improve the home environments of... children and adolescents and, in particular, to engage... parents in the business of parenting.... We can do this by improving prenatal care, expanding parent education, and promoting family friendly policies that reduce poverty, prevent and treat mental health and substance abuse problems, and enhance parental effectiveness" (Steinberg, 2000; p. 38).

It is not surprising, then, that nations that spend a high proportion of their gross domestic product on health care and public education and have relatively low income inequality tend also to have lower homicide rates (Pratt and Godsey, 2002; Messner et al., 2002). High rates of violent crime (e.g., homicide) do not just happen: they are the result, in part, of policies that relate to the nature of our communities.

Such help can come about in various ways. In one review of twenty-eight separate studies, it was concluded that "interventions with high-risk families *can* change the parenting behaviour which many theories identify as the first stop in a chain of events that can lead to anti-social behaviour" and that "early childhood interventions can have a positive impact on the three most important risk factors for juvenile delinquency: disruptive behaviour, cognitive skills, and parenting. Furthermore, experiments with long-term follow-ups which have targeted at least two of these risk factors in childhood have shown a significant impact on criminal behaviour. From these results, it can be concluded that early and intensive preventive interventions can have the desirable impact which appears to be so difficult to achieve with disruptive elementary school children and juvenile delinquents" (Tremblay and Japel, 2003; p. 237).

Hence, there is some reason to believe that public policy can have an impact even on youths who have not been raised in what might be considered to an optimal fashion. Hay et al. (2006) demonstrated that "the effects of family problems [on delinquency were] greater at high values of community poverty and perceived community weakness" (p. 343). The effects were strongest when looking at the family environment as a whole, rather than as individual parts, indicating that it is the accumulation of family problems, combined with the nature of the community, that is most important.

In other words, children who grow up in problematic families — families with parenting styles conducive to the development of offending — appear to be especially likely to engage in crime when the community in which they live is also disadvantaged (i.e., it is poor and has high unemployment, or is seen simply as not a good place to raise children). Said differently, "a given cause [of crime] may be more likely to increase crime when it occurs in the presence of other causes" (Hay et al., 2006; p. 348). Improvement in communities — changes that turn these communities into places where parents would want to bring up their children or policies that address the disadvantaged nature of certain communities — will have a disproportionately positive impact on exactly those children most likely to engage in crime — those from families whose child-rearing approaches are less than optimal.

It seems that one of the most important aspects of "healthy neighbourhoods" is that people are willing to intervene to prevent disorder. In what might be called "healthy" neighbourhoods, people can be counted on to intervene if there is a problem (e.g., children misbehaving). Neighbourhoods are less violent when individual residents feel that it is their responsibility to ensure that the neighbourhood is a peaceful and helpful place (Sampson, Raudenbush and Earls, 1997). Of course, urban neighbourhoods are not always stable: one study of urban neighbourhoods in the Netherlands found that urban neighbourhoods that are in the process of being gentrified are likely to have high levels of crime, in part because of the social instability that results from the influx of higher-income people (Wilsem, Wittebrood and De Graff, 2006).

Finally, neighbourhoods can be important factors in reintegrating people into society. One study demonstrated that for a group at high risk to reoffend after release from prison — Black males — the community to which they returned was an important determinant of whether or not they reoffended. For this particular group of offenders, it turned out that communities that were characterized as having high levels of racial inequality (measured in terms of the relative incomes, jobless rates, and poverty rates of Blacks and Whites) were associated with high levels of recidivism for those offenders who returned to them.

Conclusion

Rather than focusing solely on characteristics of individuals, or criminal justice policies, those who are interested — perhaps especially in cities — in doing something about crime might consider what can be done to create communities that are associated with low crime rates. In general, those communities that are low in crime are those with low levels of inequality (financial and racial) and, in various ways, are supportive of its poorest citizens. Supportive communities can, to some extent, help individuals who are at risk to reoffend overcome those deficits. From a policy perspective, the work on communities is particularly important because many of the characteristics of healthy, low-crime neighbourhoods are under direct policy control.

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14. Is fair treatment by criminal justice agents (e.g., the police) relevant in terms of understanding why certain people (or groups of people) are likely to commit offences?

We would like to start this section with an anecdote. One afternoon, one of AND's graduate students, who is carrying out a study for JBS, happened to mention that she was in youth court that morning in connection with the study she was carrying out. A youth, on first appearance in court for a very minor offence, was asked whether he had a lawyer. Duty counsel — not the regular knowledgeable duty counsel — was there in court, but not doing anything visible to assist this youth. The youth answered that he had been talking to one of his friends who had been in court for a similar offence and he did not think he needed a lawyer. The justice of the peace and the Crown made fun of his remark. And, to make it worse, the youth before the court was (literally) laughed at by the justice of the peace and by the Crown. The duty counsel was silent.

It is fair to say that few people would suggest that one should ignore actions that undermine the legitimacy of the criminal justice system. In the research literature, there is a growing body of findings on the importance of "procedural justice." In the context of examining what the impact is of the justice system, it is equally important to consider the perceptions of justice. How do people form judgements about the legitimacy of the criminal justice system?

The data suggest, quite consistently, that the justice system is judged largely on whether it is perceived as being *fair* in the manner in which it uses its authority. Drawing from a number of different surveys, Tyler (2001) suggests that procedural fairness is more important than specific outcomes. "People often assume that the outcomes received when dealing with specific police officers and judges shape reactions to those encounters. In contrast… research consistently suggests that people actually react to their personal experiences primarily by judging the procedures used by the authorities" (Tyler, p. 215). The manner in which people are treated, as well as whether they feel that decisions are made fairly appear to be of crucial importance. "People are willing to accept the decisions of police officers, judges, mediators, and other third party authorities when they think that those authorities are acting in ways they view as fair" (p. 216). Hence, the public's views of criminal justice institutions are linked more to perceived justice than to specific outcomes or utilitarian concerns. In the context of race in Canada, such findings are especially important, since, as shown by Wortley (1996) Black residents of Canada are more likely than White residents to perceive that the criminal justice system is biased on racial grounds, and contact with the police or the courts increases the perception of bias for Black residents.

The problem seems to be that negative experiences with the police (and perhaps other parts of the justice system) are much more important in understanding negative views of the police (and perhaps other parts of the system) than are positive experiences (Skogan, 2006). What is important, then, in convincing citizens that they are being treated fairly? Clearly, not treating them in a manner that does not show them basic respect would be a good start. But acts as simple as giving citizens an opportunity to explain to police their situation and to communicate their views, or receiving fair and polite treatment from the police, have a direct impact — on all demographic groups — on how the police are perceived. "Unlike many of the outcomes of policing, including safer streets and healthier communities, these are factors that recruitment, training, and supervision by police departments can assuredly affect… Process based reactions benefit the police, because they cannot always provide desirable outcomes, but it is almost always possible to behave in ways that people experience as being fair" (Skogan, 2005; p. 318).

The difficulty for the police is that "behaviour" as simple as the language that they use is important in determining how citizens will react to them. In one study, ordinary citizens read about a police encounter with a citizen. These encounters were described in various ways. The researchers concluded that offensive language directed at the citizen "may be part of everyday speech [but] it carries a very different meaning when voiced by police officers" (Seron, Pereira and Kovath, 2004; p. 702) in an encounter with a citizen. Along with abuse of authority and use of unnecessary force, language turns out to be very important in shaping citizens' views of the police. At the same time, however, non-cooperative behaviour on the part of the citizen does lessen, somewhat, the rated seriousness of police misbehaviour. The mitigating impact, however, is small compared with effects of police misbehaviour. Though the public may, under some circumstances, tolerate police misconduct, "the public's tolerance for [police] misconduct in an encounter with a civilian does *not* extend to unnecessary use of force" (p. 703). Police may be described by some as simply being "ordinary citizens," but it seems that ordinary citizens expect something special from those whom it has authorized to use force upon them.

Another fact that undermines the perceived legitimacy of the police is the belief that racial profiling is being practised. However, these same data suggest that "the police can maintain their legitimacy by exercising their authority fairly" (Tyler and Wakslak, 2004; p. 273). The data do not support the view that the public thinks that profiling is the result of prejudice: only 12% of Whites and 33% of non-Whites thought that "when the police do stop minorities more frequently than Whites, they are doing it out of prejudice" (p. 275). However, for both White and Black respondents, if a police officer profiles, that officer's behaviour is seen as less legitimate. "When people indicate that they have experienced fairness from the police and/or when they indicate that the police are generally fair in dealing with their community, they are less likely to infer that profiling takes place" (p. 276). "Three aspects of procedural fairness — quality of decision-making, quality of treatment, and inferences about trustworthiness — were found to significantly affect the inferences people make about their interactions with the police" (p. 277).

We should be concerned with police conduct (as well as the conduct of other criminal justice professionals) for a number of reasons, among them being the findings that suggest that police misconduct in highly disadvantaged neighbourhoods can lead to increases in violent crime. Kane (2005) examined crime and police data from seventy-four local police precincts in New York City for the twenty-two-year period from 1975 through 1996. An index of structural disadvantage was

created by combining data on the proportion of female-headed households with children, the percent of Black residents, the proportion of households receiving public assistance, the unemployment rate and the proportion of residents with low educational achievement. Police misconduct was operationalized as the number of officers compulsorily separated from the department due to misconduct, including the number of officers allowed to resign under "questionable circumstances" (e.g., while under suspension or after having been charged). The dependent measure was the violent crime rate.

The results are quite straightforward. Precincts were divided into low, high and extreme (structural) disadvantage. Within high and extreme disadvantage precincts, the level of police misconduct predicted the violent crime rate. The effect of police misconduct was higher in the extremely disadvantaged communities. There was no impact of police misconduct on violent crime rates in precincts characterized by low structural disadvantage.

The results of this study suggest that police misconduct can lead to increases in crime in the most disadvantaged neighbourhoods. The findings are consistent with the view that formal institutions, as well as informal institutions, can be important determinants of the crime rate in certain neighbourhoods. "In [the poorest] communities, residents may feel the most marginalized and socially dislocated and they may respond the most adversely to (real or apparent) violations of procedural justice norms by the police, who represent the most visible agents of official social control… These findings suggest the importance of police departments meeting procedural justice expectations, specifically in extremely disadvantaged communities" (p. 492).

There are other findings, at a more individual level, suggesting that when the police intervene in cases of domestic violence, repeat violence is higher for those men who perceived that they had been treated unfairly, even within the group of those who had been arrested (Paternoster, Brame, Bachman and Sherman, 1997).

Conclusion

It is hard to argue against the proposition that there is social value in having people hold their criminal justice system in high regard. Those who have contact with the criminal justice system as suspects or as accused people would appear to evaluate the system by the manner in which they are treated more than the actual outcome. Said differently, if people are treated fairly, they see the system as being fair regardless of the outcome. A few inappropriate negative words may be enough to lead to a negative evaluation. In addition, one of the reasons that we all should have concern about fair treatment is that, for certain groups of people, it has been shown that when people have respect for their criminal justice system, they are more likely to be law-abiding citizens.

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15. Why does the public want harsh criminal justice laws and policies?

Every public opinion poll carried out over the past thirty years in Canada, of which we are aware, has shown that most Canadians think that sentences are too lenient. Specifically, approximately 60–80% of Canadians have told pollsters that they want the courts to hand down harsher sentences (Roberts, Crutcher and Verbrugge, 2007). Those (relatively few) polls that ask the same question with respect to youth court give similar answers. It would seem sensible — from our perspective — to attempt to understand these findings. The published research literature that we have reviewed would suggest three principal explanations.

First, these findings reflect the methodologies generally employed in these types of opinion polls. Specifically, questions assume that the respondent is knowledgeable about the topic and, by extension, his/her answers are informed. Unfortunately, criminological research would not appear to support this assumption. For instance, Roberts, Crutcher and Vergrugge (2007) report that respondents to a nationally representative survey were given a detailed definition of "mandatory minimum sentence" and then were asked to name which offences, other than murder, had mandatory minimums. Forty-three percent could not name any of the thirty-one offences that carry mandatory minimums, and only 19% mentioned impaired driving offences. Only 6% mentioned any of the firearms offences that currently have these penalties. Nevertheless, 58% of the respondents in the national poll indicated that they thought mandatory minimum sentences were a "good idea" — a finding that echoes similar research in the US and Australia.

Similarly, the questions are typically asked in such a way that thoughtful answers are not possible. Specifically, the use of general questions masks more thoughtful and nuanced attitudes which emerge from more specific questions about particular cases. For instance, respondents are generally not asked to consider the actual or opportunity costs of harsher sanctions or the fact that many sentences (in particular, mandatory minimum sentences) violate the principle of proportionality in sentencing. As Doob (2000) notes, a survey of Ontario public attitudes on adult and youth crime issues demonstrated that by reminding Canadians that an offender would — if imprisoned — be released after a few months, prison became a less attractive sentence. Further, when Canadians are told the cost of incarceration, the preferred sanction shifts somewhat away from imprisonment.

Corroborating this limitation of public opinion polls, Roberts (2003) makes reference to a study on the public's views on mandatory sentencing laws that found that part of the popular support for three-strikes sentencing laws is derived from people who only think about this legislation in broad, abstract terms. For instance, 88% of respondents supported the notion of harshly punishing third-time felony offenders. In contrast, only 17% of these same people indicated support for concrete sentences presented to them that would be imposed as a result of three-strikes laws.

Clearly, it would appear that people may not be thinking of actual cases when indicating support for harsh mandatory sentences. In other words, "[t]he mandatory sentence appeals to the public in principle, but once confronted with actual cases, people quickly [abandon] their position and express a preference for less punitive punishment" (p. 501). This phenomenon may be explained — in part — by the fact that consideration of mandatory sentences for individual cases calls attention to violations of proportionality — a principle that the public has been shown to strongly support.

Further, respondents are rarely given a choice between harsher sanctions and other, more lenient alternatives. For instance, Roberts (2003) notes in his study of Canadian opinions regarding mandatory minimum sanctions that public opinion polls do not generally give the respondents a choice between mandatory sentences and the obvious alternative (i.e., allowing judges to determine sanctions). In fact, Roberts, Crutcher and Verbugge (2007) reported that respondents to a nationally representative survey in Canada were asked whether they "agree or disagree that there should be some flexibility for a judge to impose less than the mandatory minimum sentence under special circumstances" (p. 96). The results show "strong support for the concept of judicial discretion" (p. 96): 74% agreed with the idea (30% strongly agreed and 44% somewhat agreed).

Similarly, 72% agreed with the idea that a court should be allowed to impose a lesser sentence if the judge had to provide a written justification for a decision in which he or she goes below the mandatory minimum sentence. Further, 68% agreed with the idea that judges should be able to sentence below the mandatory minimum term "if Parliament had outlined clear guidelines for the exercise of discretion…." (p. 97). Indeed, it would seem that the Canadian public wants Parliament to give some guidance on sentencing. If told that there are only two choices — no guidance on minimum sentences or mandatory minimums — they will choose the latter. On the other hand, if the public is given a middle-ground option of what is, in effect, a presumptive minimum sentence — an option similar to those available in other countries — Canadians clearly prefer a sentencing structure that blends guidance and discretion.

Second, criminological findings suggest that the public's views of sentencing are more nuanced and contradictory than they are usually thought to be. As such, it is necessary to "relativize" — in a certain sense — the public's desire for harsher criminal justice laws and policies. Using data from a standard survey, focal group discussions, and discussions from a large day-long meeting of ordinary citizens in Scotland to try to understand their views about sentencing and punishment, Hutton (2005) found that "[p]unitive attitudes exist alongside more liberal views" (p. 246). For example, focus groups favoured "more extensive use of constructive community based [sentences] instead of short prison sentences for less serious offenders" especially when costs were made salient. These results are, in fact, quite similar to Canadian findings (Doob, 2000).

In the American context, Beckett and Sasson (2004) also reach similar conclusions. Despite the emphasis that American politicians have placed on "the severity and pervasiveness of 'street crime' and [by] framing the problem in terms of immoral individuals rather than criminogenic… social conditions, [which has] … effectively redefined the poor – especially the minority poor – as dangerous and undeserving" (p. 8), these scholars argue that the public does not completely accept this explanation for crime, nor is the public content with imprisonment as a solution to crime. In fact, popular attitudes and beliefs about crime in the US (as in Canada) are ambivalent and contradictory: "Even when the get-tough mood was at its peak, most Americans were still

eager to see a greater emphasis placed on crime prevention and were willing to support a variety of alternatives to incarceration" (p. 9).

This same contradictory nature of public opinions is reflected in the Dutch context. Using a nationally representative sample of Dutch residents surveyed in early 2005, Mascini and Houtman (2006) demonstrate that from the perspective of ordinary people, support for repressive approaches to crime and criminals does not automatically mean a rejection of rehabilitation. Despite the tendency of many criminologists and policy-makers to "conceive of public support for repression and rehabilitation as two diametrically opposed options" (p. 832), these scholars suggest that such a view is without empirical foundation. Specifically, they found that "rehabilitation is equally popular among the constituencies of conservative political parties as among those of progressive ones" (p. 832). As such, it would appear that support for rehabilitative approaches to crime or approaches that improve offenders' life chances is more evenly distributed across the population than previously thought.

Third, this more nuanced and contradictory picture of the public's desire for harsher responses to crime and criminals may also reflect a much more complex set of factors creating this sentiment than we typically envision. For instance, Garland (2000) has argued that tough criminal justice policies in recent decades in the US and the UK are the result of changes in the way in which crime is experienced, particularly by the "liberal elite." Indeed, this group has shifted from being the strongest supporters of "welfarist and correctionalist objectives" in the 1950s to being strong supporters of the new approaches rooted in enhanced control and expressive punishment. Historically, the middle class has been insulated from the problems of crime. In the 1960s, however, "crime became a prominent fact of life" for the middle class (p. 359). Work and family patterns have changed, such that "crime has become one of the threats that the contemporary middle class household must take seriously" (p. 362). A crime control deficit was identified and was perceived as a threat to those who previously were not affected directly by crime. The mass media, and TV in particular, have institutionalized the experience of crime by providing us with "regular, everyday occasions in which to play out the emotions of fear, anger, resentment and fascination that crime provokes" (p. 363).

As a result of these changes, daily routines have changed, especially for those who can afford to change them, in the face of a society that is perceived to have changed. Consequently, we have a distinct cluster of beliefs around crime, which include high crime rates, highly politicized and emotive representations of crime, and the perception of state inadequacy. Crime has become part of daily consciousness for the middle class who previously lived lives that were insulated from crime. Support for "understanding" the offender is replaced with condemnation of offenders. Reintegration of offenders is perceived as less realistic or morally compelling (p. 368).

On a more micro level, Sims (2003) has argued that the level of an individual's punitiveness toward offenders is rooted — in large part — on that which he/she perceives to be the causes of crime. Based on a survey of Americans conducted in 1996, this scholar found that the standard "explanations" for a desire for harsher sanctions (i.e., fear of crime, various demographic measures) do not predict punitiveness above and beyond people's theories of crime causation. Those who believed that crime is caused by: 1) inadequate punishments and citizens' perceptions that they can "get away with" crime (classical theory); 2) such factors as inadequate ties with non-criminal friends

and family (social process theories) or 3) membership in a group that tends to support or encourage crime (sub-cultural theory), were also found to be more punitive in nature. In contrast, those who believed that crime is caused by: 1) social/economic factors (structural positivism), or 2) contact with the criminal justice system (labelling theory), were found to be less punitive.

Support for harsh criminal justice policies and opposition to preventive crime policies within the American White community has also been found to be associated with symbolic racism. Green, Staerkle and Sears (2006) argue that in contrast with overt racist behaviour, symbolic racism "stems from a blend of anti-Black affect and traditional values" (p. 438) in which Whites attribute high levels of violation of social norms to Blacks (e.g., on such dimensions as work ethic, respect for authority, self-reliance), and in which Whites view Blacks as getting too many special privileges. Using data from White respondents to surveys carried out in Los Angeles in the late 1990s, these scholars found that above and beyond the effects of a person's view of crime causation, political ideology, or the amount of local news watched, high ratings on "symbolic racism" predicted one's support for punitive policies. This effect was particularly strong for those whose income was lowest.

Similar findings were found by Chiricos, Welch and Gertz (2004). Based on a national sample of Americans, which focused largely on White respondents, these scholars found that those who hold the most punitive attitudes about crime are also most likely to see crime as being disproportionately committed by Blacks. This effect held above and beyond the effects of age, education, gender, concern about crime, respondent's estimate of the proportion of crime that is violent, fear of crime, racial prejudice and whether the respondent lives in the southern US. However, while each of these other factors also predicts punitive attitudes, the overall effect — that those White people who link race to crime believe that the criminal justice system should be more harsh — holds only for certain types of people. Specifically, it is only those from less punitive groups (e.g., from northern states rather than southern states, those not prejudiced rather than more prejudiced) who show the effect. For those already relatively punitive — those more concerned about crime, those who think that a high proportion of crime involves violence, those high in racial prejudice, or from the southern part of the US — there was no added effect of believing that crime was disproportionately caused by Blacks.

Indeed, it would seem that explanations for punitiveness are not only rooted in crime-related beliefs and attitudes. Rather, they may also be a reflection of broader-based views of one's community or society generally. Indeed, Garland (2000) notes that "[t]he new strategies [in response to crime] - expressivity, punitiveness, victim-centredness, public protection, exclusion, enhanced control, loss-prevention, public-private partnership, responsibilization - are grounded not only in a new collective experience from which they draw their meaning and their strength" (p. 369) but also in a "reactionary current of culture and politics that characterizes the present in terms of moral breakdown, incivility, and the decline of the family...." (p. 369) While these patterns differ across countries, they have similar origins and appear to persist even when governments change.

Similarly, Hutton (2005) comments that the difficulty for those interested in sensible criminal justice policy is what might be called a "narrative of insecurity," where people believe that crime is a growing problem (especially among young people) and have lost faith in the institutions of

society — judges, courts and prisons — that they have been repeatedly told can control crime. "This lack of confidence may be, at least in part, a reflection of the loss of faith in authority and expert knowledge more generally and not simply a response to perceived failures of criminal justice institutions in particular" (p. 254). Indeed, talk about crime and punishment by participants in his study would sometimes reflect "anxieties and insecurities about living in the modern world" (p. 252).

Reiterating — to some extent — this same theme, Tyler and Boeckmann (1997) argue that the desire for tougher laws in the US relates more to factors such as the public's belief in the decline of morality and increases in the diversity of the population than it does to perceptions of fear and risk. Using a small scale (but reasonably representative) survey in Northern California, crime-related concerns were shown to have — at best — only a moderate relationship with punitive responses. In contrast, authoritarianism and dogmatism, as well as concerns about social conditions (especially the view that traditional family values have disappeared) were strong predictors of support for three-strikes legislation, general punitive policies, and a willingness to abandon procedural protections.

Conclusions

When trying to determine the meaning of public opinion polls that consistently show that Canadians think that sentences are too lenient, it would seem important to consider a number of factors. First, the findings may not, in fact, be an accurate representation of the views of the respondents. Indeed, the methodologies used in these types of surveys tend to produce superficial, incomplete, uniformed and, in some cases, misrepresented information. Second, a desire for harsh punishment does not necessarily signify that respondents do not also support more rehabilitative approaches. In fact, endorsement of these two criminal justice strategies may coexist within individuals. In other words, there would appear to be openness to alternative approaches, even within more conservative groups. As Turner, Cullen, Sundt and Applegate (1997) remind us, it is not surprising — given the results of most public opinion polls — that "virtually every elected official has jumped aboard the 'get tough' bandwagon and is wary of supporting policies that appear to treat offenders leniently" (p. 7). Recognition (and divulgation) of the limitations of this type of poll may be particularly important in curbing the current political and media support of increased punitiveness.

Third, the impact of people's views of crime causation on punitive attitudes toward crime and criminals would suggest that politicians (as well as others who speak publicly about crime policy) may affect the level of punitiveness in a society not only as a result of their statements about punishments, but by the way in which they conceptualize the causes of crime. Finally, punitiveness would appear to be linked not only to one's views about crime and to fear, but also to broader social values such as judgments about the cohesiveness of society and views of the family. Indeed, perceptions that their communities (or country more generally) have deteriorated morally may create a need to reassert social values and to re-establish the obligation to obey the law. As such, broader social interventions that address these wider problems may constitute a more effective (albeit a more long-term) approach to crime reduction.

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16. Is there likely to be public support for criminal justice policies that support prevention and rehabilitation approaches (rather than simply punitive approaches)?

Ironically, it would appear that support for preventive and/or rehabilitative approaches may reside — at least to some extent — in the growing perception of the failure of harsher sentences. For instance, Males, Macallair, Rios and Vargas (2000) examined the effectiveness of California's harsh drug enforcement policies, which resulted in a drug imprisonment rate of approximately 132 per 100,000 of the population in 1999 — roughly 2.5 times the US national average — , and found no evidence of a beneficial impact. Specifically, "[t]he absence of differential effects between counties with strict drug enforcement policies and counties with more lenient drug enforcement policies does not support the deterrent and incapacitation arguments of drug enforcement advocates" (p. 6).

In fact, there were some suggestions of negative impacts of harsh policies, in that "[c]ounties that made fewer drug arrests, and concentrated their enforcement efforts on felony manufacture or sale rather than simple drug-possession offences were significantly more likely to experience declines in violent crime…. Counties that rarely imprisoned low-level drug offences showed the largest reduction in violent and property crime" (pp. 10–11). Minor drug arrests appear to have "no relationship to, and no impact on, either crime or drug abuse" (p. 14). Notably, Californians voted by a 61%–39% margin in 2000 to require drug treatment instead of jail for those arrested for drug possession or use. Indeed, it would appear that they have learned that they are not getting "value for money" from the billions of dollars being spent to imprison small drug-users. In fact, California voters were not alone in demanding reform of harsh drug laws: there were drug policy issues on ballots in seven states in the recent election, and in five of them, harsh drug laws were voted out.

Combined with the long-term drop in crime (especially violent crime) that has taken place over the past ten to fifteen years, as well as the budget crises at the state level, this gradual recognition in the US of the enormous costs of harsh sentences, with little criminal justice benefits, has — in fact — led to a decline in support for prisons as a one-(jumbo)-size-fits-all solution. As King and Mauer (2002) noted already in 2002, this decline in the attractiveness of prisons as political institutions is reflected in the "roll-back" of pro-prison policies in a number of state legislatures across the US. To name simply a few, certain mandatory minimum sentences have already been eliminated or reduced. For example, Louisiana has recently imposed the three-strikes requirement that all three offences be violent, sex or drug crimes punishable by at least ten years in prison, rather than just any three felonies. Mississippi has allowed certain non-violent offenders to become eligible for parole earlier in their sentences. North Dakota has eliminated mandatory

minimum sentences for certain drug offences. Idaho had planned on building one new prison every two years for the "foreseeable future" (p. 7), but, instead, expanded its drug treatment programs. Montana now diverts certain drinking drivers to treatment rather than prison. Texas presently releases chronically ill inmates from the prison system. In total, eleven states have plans to reduce correctional budgets. Ten states have considered delaying prison construction and/or closing facilities. For example, Missouri has, as the result of a state budget cut, delayed the opening of an already built facility which cost $168 million to construct.

Similar findings were reported by King (2007). In the three years ending in 2006, at least twenty-two American states brought in more moderate criminal justice policies. For instance, at least thirteen states have moved from the almost automatic incarceration of drug offenders toward treatment programs. For example, Texas has new legislation that allows judges to sentence certain low-level offenders to community correctional treatment facilities. The state of Washington now permits judges to sentence defendants to a community-based residential drug treatment program. Prior to the change in the law, such offenders had to serve half of their sentences in a normal correctional facility before being assigned to a specific drug treatment facility. In a number of states (e.g., Michigan), access to drug courts has been expanded. In addition, non-prison sentencing provisions are being permitted. For instance, Texas prosecutors were given the power, in certain cases, to charge people with misdemeanours rather than felonies, thus avoiding sentences of incarceration.

Further, changes in community supervision have been adopted to reduce the number of prison admissions resulting from technical violations of probation and parole. For example, Arizona and California permit the authority that supervises these offenders to employ alternative approaches that allow them to impose new conditions of supervision and monitoring (e.g., electronic monitoring) in the community rather than placing these offenders in custody. Connecticut has mandated that parole hearings be held for certain prisoners and that release into community-based facilities be available for certain classes of prisoners. Louisiana capped (at ninety days) the length of time a person who committed a technical violation of probation or parole could be incarcerated.

Finally, sentencing reform has also been introduced that softens sanctions. For instance, changes in the "Rockefeller Drug Laws" in New York have doubled the quantity of drugs necessary to trigger certain penalties. In addition, certain groups of prisoners were made eligible for release earlier in their sentences. Programs encouraging reintegration into society were supported by requiring New York judges to consider "what kind of sentence will best help to promote the defendant's reintegration into society," thus recognizing explicitly that such a sentence could contribute to public safety. Oregon now requires pre-sentence reports indicating, among other things, how a sentence (community or prison) will help reduce future offending.

These changes are also reflected in (and/or reflect) recent surveys of public attitudes. In one American survey of public attitudes, Peter D. Hart Research Associates (2002) reported a decline in support for "tough on crime" strategies between 1994 and 2001. Even Republicans were found to be more likely to be in favour of addressing the causes of crime than simply adopting a tough approach to crime itself. A similar decline was found for mandatory sentences. Prevention was also reported to be the current top priority for dealing with crime, and a majority of Americans thought that America's approach to crime was on the wrong track. In particular, the war on drugs

was seen — at the time of the survey — as more of a failure than a success by 70% of Americans. People viewed prisons simply as warehouses, with 58% seeing attempts at rehabilitation as having been very unsuccessful or somewhat unsuccessful. Indeed, "[t]here is widespread agreement that the [American] nation's existing approach to criminal justice is off-target" (p. 6).

Specifically, most respondents (76%) wanted mandatory treatment rather than prison time for drug possession, and 71% also desired treatment instead of imprisonment for selling small amounts of drugs. Alternatives to prison were also favoured for youthful offenders (85% in favour) and non-violent offenders (75% in favour). Other similar programs (e.g., intermittent custody) that reduce prison sentences for non-violent offenders were also favoured by the majority of the American public. In addition, most Americans (56%) — even Republicans (51%) — wanted to get rid of mandatory minimum sentences. Further, the majority of Americans were shown to favour job-related rehabilitation programs such as mandatory prison labour (94%), required classes (91%) and job training for released prisoners (88%). Finally, most Americans (77%) agreed that the expansion of after-school programs and other crime prevention strategies would lead to long-term savings by reducing the need for prisons. An equal proportion of the American public believed that treatment programs for drug offenders would save money. Indeed, it would seem that Americans are looking for effective ways of addressing the real problems of crime, with a clear shift in recent public opinion surveys from punitiveness to effectiveness.

Corroborating these findings, but with a larger, nationally representative sample of US residents, Cohen, Rust and Steen (2006) report overwhelming support for increased spending on preventing youth crime, as well as for drug treatment for non-violent offenders, and for the police, but little support for spending money on building more prisons. However, it also appears "that those who currently worry about crime are more concerned about immediate responses to crime at the expense of long-term youth crime prevention" (p. 327) and indicated that they would spend more money on prisons and on drug treatment for non-violent offenders and on the police, and less money on prevention programs to keep youth out of trouble. Interestingly, those who had reported having been victims of crime "tended to give less money to prisons and police and more to prevention (though these [effects] are significant only for certain groups of victims)" (p. 330). Similarly, Black Americans were more likely than White and Latino Americans to want to allocate funds for programs to keep youths out of trouble, and were less likely than members of these groups to want to allocate funds for prisons.

Clearly, "despite the overall punitiveness of the public toward criminals, there is also significant support for both rehabilitation of offenders and early intervention programs designed to prevent high risk youth from later engaging in criminal activity" (p. 333). Though the public would spend considerably more of any allocation of funds on the police than they would on the building of more prisons, even the police would not receive as high a proportion of any special "crime prevention" funds as would prevention programs.

With specific reference to the youth justice system, findings only appear to differ in the degree of support for preventive or rehabilitative approaches. Schiraldi and Soler (1998) examined the degree of support expressed by a representative sample of US adults for various harsh provisions of a Senate bill that would — among other things — allow youth to be imprisoned along with adults, make juvenile records available to colleges that the youth might apply to later in life, provide funds

for prison construction, and give federal prosecutors sole discretion to decide whether those youth charged with offences would be tried as adults or as youth. They found that the majority of the American public (67%) disagreed with the proposal that would allow youth to be housed in adult jails on arrest. This finding was similar to that obtained in a survey of 548 American police chiefs by Johnson et al. (1997), in which 83% of them agreed with the view that the focus for youth should be rehabilitation and the avoidance of placing youth with adult criminals.

Additional data from the study by Schiraldi and Soler (1998) showed that 70% of the American public also disagreed with the proposal to allow the sharing of juvenile records with colleges to which the youth might apply later in life. A similar proportion of respondents (72%) disagreed with the proposal to expel youth from school for using tobacco, while 74% agreed with the suggestion that the bill should earmark money for prevention. Finally, 56% disagreed with the proposal to give prosecutors total discretion on whether to try youth as adults or as youth. Indeed, although the public may make demands for tougher laws to deal with violent and repeat juvenile offenders in the abstract, they seem to be more pragmatic than tough when it comes down to particular ways in which this goal might be accomplished. Canadian findings are similar in nature (see, for example, Doob, Sprott, Marinos and Varma, 1998). Specifically, "tough" standards for the youth justice system do not appear to be endorsed by the majority of Americans or Canadians.

Similar support — particularly for early intervention programs for youth at risk of developing into offenders — has been found even in conservative parts of the US. In a survey of Tennessee residents who generally identified themselves as moderate or conservative and in favour of capital punishment, Cullen, Wright, Brown, Moon, Blankenship and Applegate (1998) reported that roughly three-quarters of respondents favoured "spending tax dollars on programs that try to prevent crime by identifying youths early in life and rehabilitating them..." rather than "spending tax dollars to build more prisons so that more criminals can be locked up for longer periods of time." When faced with specific early intervention programs, more than three-quarters of respondents favoured each of the following: expanding preschool programs, giving special services to troubled kids, education programs to help parents of troubled kids deal with them effectively, school programs to identify troublesome youth and provide services, after-school recreational programs, drug education programs, programs to keep delinquent kids in school, and rehabilitation programs for youths and the parents of those convicted of offences.

This support is particularly encouraging when one recalls — as these scholars note — that empirical research has demonstrated that "[t]he origins of serious delinquency and adult crime can often be traced to childhood..."(p. 189) and that researchers can predict — at an aggregate level — who will become delinquent, though obviously such predictions are not perfect. Further, early invention has other justifications: "Because of the link between offending and numerous other social problems, any measure that succeeds in reducing crime will have benefits that go far beyond this. Any measure that reduces crime will probably also reduce alcohol abuse, drunk driving, drug abuse, sexual promiscuity, family violence, truancy, school failure, unemployment, marital disharmony and divorce..."(David Farrington, quoted on p. 189).

Despite this consistent support for more rehabilitative and/or preventive approaches to crime and criminals, the published literature would also suggest that the public's attitudes are more complex than these findings might — at least at first blush — indicate. In a study carried out in Ohio — a

state that does not have the reputation of being liberal in criminal justice matters — Applegate, Cullen and Fisher (1997) examined the relative weight that should be given to rehabilitation in prison (in contrast with "punishment" and "protecting" society). As previous research has suggested, they found that people valued rehabilitation more for juveniles than for adults, and seemed generally supportive of rehabilitative efforts in prison and in the community. In fact, respondents generally also supported the expansion of rehabilitative programs.

However, this study also found that while respondents were more likely to list "rehabilitation" than other factors as what they thought should be the "main emphasis" in most prisons, protection and punishment were each listed as very important (or important) goals of imprisonment by roughly 95% of those surveyed. In fact, rehabilitation was listed as being important or very important by *fewer* people (approximately 83%). Indeed, it would seem that respondents are, in effect, saying that one must punish and protect — goals that come naturally from being in prison — but that rehabilitation is also very important and, as such, needs to be the "main emphasis" of prisons. Said differently, although "the public desires punishment and... people want to be protected from predatory criminals, it appears... that the public still is receptive to treating offenders; the appeal of the rehabilitative ideal remains widespread" (p. 253).

This same combination of punitive and rehabilitative goals is reflected in a study of Tennessee residents (who were primarily White and politically conservative) carried out by Moon, Sundt, Cullen and Wright (2000). These scholars found that respondents overwhelmingly favoured a rehabilitative approach over a simple punishment or "public protection" model of juvenile corrections. When asked what the main emphasis in juvenile prisons should be, 63% said it should be rehabilitation, compared with 19% who favoured punishment and 11% who favoured "protecting society from future crime [the youth] might commit." At the same time, most respondents (92%) indicated that they agreed with the statement that "young offenders deserve to be punished because they have harmed society" (p. 48). In other words, people prefer to have a justice system which favours prevention and which combines rehabilitation with holding young offenders accountable for their actions. This finding is similar to that found in some national US polls, which have suggested that "the public continues to support the correctional treatment of juveniles… [but] is less willing to support rehabilitation when this option is portrayed as a lenient response to crime or when it is suggested that an emphasis on rehabilitation will lessen the punishment given to youths" (p. 43).

Indeed, it would seem that public support is linked — more broadly — to responses that have meaningful consequences for offenders. As Roberts, Crutcher and Verbrugge (2007) noted in their survey of Canadians' views of mandatory minimum sentences, respondents did not appear to be as enthralled with deterrence-based sentencing as some might expect. However, when asked to rate the importance that they would give to various sentencing purposes, Canadians' most popular choice was "making offenders acknowledge and take responsibility for crime." It is equally notable that general deterrence ranked a distant fifth in Canadian citizens' priority of sentencing purposes.

This "requirement" or goal of "meaningful consequences" would also seem to shed light on the wider variation in people's preference for — and acceptance of — different community sanctions. In a survey conducted in Cincinnati by Turner, Cullen, Sundt and Applegate (1997), the data

suggest that while community-based alternatives are supported (even in a population that typically says that sentences are too lenient) even for relatively serious cases, "the public is reluctant to tolerate community based sanctions that do not include close monitoring of offenders" (p. 17). In fact, "regular probation" — in which the only real consequence was that the offender had to meet with the probation officer once a month for two years — was seldom seen as preferred or acceptable.

Similar findings are reported in the Canadian context. Doob (2000) examined public attitudes on adult and youth crime issues for a sample of Ontario residents. For both adults and youth, non-punitive approaches (increasing the availability of social programs, addressing unemployment, increased use of non-prison sanctions) were seen as being better strategies for controlling crime than making sentences harsher. In fact, in addressing both youth and adult crime, most Canadians would prefer to invest in prevention or non-prison sanctions rather than pay the cost of a harsher sentencing structure (more prisons).

However, harsh sentences (typically involving prison) are still attractive to people — at least at first blush — precisely because they seem to promise something — incapacitation and punishment, at a minimum. In contrast, community sanctions (e.g., community service orders) are viewed by many Canadians with much greater skepticism. Specifically, over 60% of Canadians think that half or fewer community service orders for adults or youth are actually carried out. Indeed, Canadians appear to want a "response" to wrongdoing by adults and youth. It need not involve imprisonment. However, the sanction must be seen as having meaningful consequences.

In fact, it would seem that less punitive responses to crime and criminals — to be acceptable and desirable to the general public — cannot simply rely on "rational" or "technical" arguments rooted in such observations as the cost reduction reaped from non-custodial sentences, or the failure of harsher approaches to reduce crime, or the beneficial collateral social effects of early intervention. Rather, Freiberg (2000) argues that any crime policy must deal with "the *affective* as well as the *effective*, with both instrumental and sentimental aspects of penal policy" (p. 266). Indeed, "the urge to punish the criminal is deep-seated and probably universal" (p. 268). People want order and are antagonistic to those who break it. Thus, it is not surprising that those who appeal to these emotions are likely to be successful, as their approaches resonate with public wishes.

As a result, "[t]he discourse is pitched less at the instrumental level than at the symbolic and emotional" (p. 271). It is suggested that people appear to want harsh sentences, for example, for four reasons: security, desert (what is right or proper), the welfare of others, and a desire for change in the hope of creating a better society. Although people can be forgiving of deviance, "they could suffer from compassion fatigue" (p. 271), whereby they are overwhelmed by apparent social problems and "fall back on simpler solutions, on the myths about the effectiveness of severe punishment" (p. 271). As such, crime prevention (or other rational approaches) — to be effective — must go beyond "technical perfection" (p. 272) and "develop philosophies and programs which could compete with law and order at both the symbolic and the practical levels" (p. 272). Unfortunately, crime prevention strategies have a tough row to hoe, particularly because they lack "drama and focus" (p. 272). A necessary condition appears to be that an approach must "stress the ideas of integration, solidarity and cooperation" (p. 273).

Using a similar argument, Cullen, Wright and Chamlin (1999) propose the promotion of "social support" as a sensible alternative approach to "getting tough," precisely because "the idea that social support protects against crime appeals to people's common sense and thus has intuitive legitimacy" (p. 190). Specifically, conservative narratives are attractive because they "have drama ('Superpredators are now roaming free…'), they stir our emotions [by referring to victims], they acquit us of blame ('Society doesn't commit crime, offenders do'), they pinpoint who the real culprit is ('Liberal courts…'), and they give simple solutions that promise to have large results ('Lock up the predators….')" (p. 196). Social support may combat this attractiveness, because it is a matter of common sense and "many citizens want more than a society of atomized individuals…" (p. 197). Further, early intervention programs and community support programs (e.g., Big Brothers/Sisters) have been shown to be effective. As such, rehabilitative programs can be described in support terms, but also in terms of being a means of making society safer.

Conclusions

It would seem that the time is ripe for more rehabilitative or preventive approaches to crime and criminals. On the one hand, crime rates have been falling for more than a decade and budgetary cuts are becoming more widespread. In addition, more repressive strategies are being shown as ineffective and are consequently being reduced or reversed in many places. On the other hand, the general public would appear to be supportive of more moderate approaches — particularly for youth. Further, preventive programs have been shown to be effective not only in reducing criminal activity, but also in bringing wider social benefits.

The challenge — it would seem — resides in creating responses that are both effective and affective — that is, that can offer a combination of meaningful and sensible consequences. In this light, community-based sanctions need to developed, applied and promoted in such a way as to ensure not only (cost-effective) control/safety, but also the sense that offenders are being held responsible for their crimes. Indeed, "[s]uccessful penal reform must take account of the emotions people feel in the face of wrongdoing" (Freiberg, 2000; p. 275).

More broadly, "[t]he key to countering the myths of law and order must lie in the ability of programs to help overcome the sense of helplessness and insecurity that crime engenders. They must overcome the 'compassion fatigue', the feeling that 'it is all too much', the sense that there are no definitive answers to complex social problems" (Freiberg, 2000; p. 274). While the criminal justice system needs to recognize its inherent limitations in "fixing society," certain approaches (e.g., restorative justice models) appear to have been able to capture the public imagination, in part because they "appeal to the creation of social bonds… Their appeal can… best be explained as expressions of social values, sensibility and morality rather than whether these techniques 'work' or not in reducing disputes or levels of crime" (Freiberg, 2000; p. 273). Similar approaches (e.g., early intervention programs) — with the same focus on integration, solidarity and cooperation that de-legitimizes crass utilitarian individualism — may have an intuitive appeal by being more consistent with our visions of what a good society entails.

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Conclusion

Readers of this report might conclude — after reading more than 100 pages of text — that the nature of the criminal justice system has relatively little to do with level of crime in society. Similarly, readers might suggest that implicitly — in the sections that deal with the effectiveness of the police, for example — we were critical of those who work in the criminal justice system since they do not appear to be very effective in reducing crime. If a reader were to think that we endorsed either of these positions, however, such a reader would be wrong. We think that it is inappropriate to blame the police or the courts for crime in our society.

The criminal justice system in Canada serves a number of crucial functions in our society. Most obviously, it is the social institution that responds to crime. As we point out in our discussion of police effectiveness and in our discussion of deterrence in Topic 9, the mere presence of the criminal system (and legal prohibitions contained in the Criminal Code), as well as the overall penalty structure of the Criminal Code, serves to give notice to members of society of the kinds of behaviour that are unacceptable.

When, for example, Canada decided to criminalize driving after ingesting large amounts of alcohol in the 1960s — what, in some jurisdictions, is referred to as the "drinking driving per se" laws — our national government made a statement to all of us that even if a person did not *exhibit* dangerous behaviour (i.e., impaired driving) as a result of drinking, we would criminalize those behaviours that put people at risk. Anyone who remembers the years prior to that time (or watches certain movies made prior to that time) knows that driving while impaired by alcohol was sometimes described in humourous terms (e.g., "the car must have driven itself home last night"). No longer is this the case: people understand that it is morally wrong to put oneself and others at risk by driving with high levels of blood alcohol. The criminalization of certain behaviours — and using criminal punishments for those who engage in these behaviours — is an important statement about what constitutes our most serious types of misbehaviour.

Criminalizing certain behaviours is one process. Punishing these same behaviours is something else. The suggestion is often made that since the criminal justice system can most obviously be described as a punishment system, and if the criminal justice system as a whole can act as a deterrent, then surely "more" punishment is better in reducing crime. Many parts of this report have demonstrated quite conclusively that this notion is incorrect: our society will not be safer if we increase the level of punishment of ordinary criminal offences that are currently subject to criminal sanctions.

As we have already stated, we do not blame the police or the courts for crime. We do not suggest that "if only" there were more or harsher police or courts, crime would disappear. To a large

extent, those who make such suggestions often seem confused about the dominant role of different parts of the criminal justice system.

People are less likely to commit offences if they think that they are going to be apprehended. However, within this context, one must also consider the magnitude of changes in level of police presence that would be necessary for ordinary citizens even to notice that there are more police on the streets. In addition, the police are not simply "deterrence" objects: their role in apprehending and collecting information for the prosecution of criminal matters is crucial. Just as it is unfair to blame the police for crime, it is unfair to blame judges (because of sentencing practices or bail decisions) for crime. The same could be said for Canada's youth and adult correctional systems. The popular slogan is that people are sent to prison (or are given community sanctions) *as* punishment rather than *for* punishment.

Part of the confusion about the role of the justice system in Canada can be seen as coming directly from the Criminal Code. Section 718.1 of the Criminal Code states that sentences must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Unfortunately, section 718 states that legitimate objectives of sentencing include factors such as general deterrence. As is quite clear by now, variation in sentence severity (within ranges that are plausible in Western countries) will have no impact on levels of crime. Interestingly, the equivalent sentencing sections of the Youth Criminal Justice Act can be seen as clarifying the role of the (youth) justice system. Sentencing judges are required to attempt to hand down rehabilitative sentences, within the limits determined by proportionality. But the purpose of sentencing is more simple: it is to hold the youth accountable for the offence. Long-term protection of the public is seen as a natural consequence of handing down sanctions to youths that are meaningful and that promote his or her rehabilitation and reintegration into society.

Youth sentences are required to be proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence. The choice of sanctions — based, for example, on rehabilitative potential — must be made within the framework of proportionality. In an important sense, then, we would suggest that the *Youth Criminal Justice Act* is more realistic about the ability of harsh sentences to stop crime than is the Criminal Code. Unlike the Criminal Code, the *Youth Criminal Justice Act* does not suggest that sentences should be crafted so as to contribute to a "peaceful and safe society" (s. 718).

What, then, do we do about crime? If one were concerned about preventing lung cancer, one would not turn automatically to surgeons or oncologists. One might consider carefully what can be done — to our communities and with individuals "at risk" — to reduce the likelihood of being afflicted with this deadly form of disease. At the same time, we would respond to the problem with appropriate treatments. In medicine, we are beginning to understand the importance of prevention. Perhaps in time, we will understand crime prevention.

We know that crime generally, and youth crime in particular, is not equally distributed across our communities. We also know enough about the structural factors in our community that are responsible for higher rates of crime in some parts of our communities than others. Our suggestion is that both our crime prevention efforts and our methods of responding to crime need

attention, but in responding to concerns about these aspects of our institutions, we should keep in mind what we are doing.

Finally, we believe that it is important to realize that even though we are not optimistic about the criminal justice system's ability to play a central role in the prevention of crime, this does not mean that any community program will fare any better. Community programs can be effective. They can also be ineffective. Indeed, in some countries, it has been shown that national crime prevention programs have had no impact on crime. More disturbing are the "crime prevention" programs that have been shown to *increase* crime in society.

Few people would advocate the use of public money for medical treatment that had not been demonstrated to be effective. Fewer still would subject themselves to untested, intrusive medical treatments. We need to experiment with different approaches to crime prevention just as we have to experiment with medical treatments. But experimentation without careful monitoring and evaluation can lead to wasted resources at best, and harm at worst. In other words, although we have been focusing largely on the criminal justice system, we cannot assume that any "non-criminal justice" program that has "crime prevention" as its goal should be supported.

A Comparative Analysis of Youth Justice Approaches

A Report Prepared for the Review of the Roots of Youth Violence

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Executive Summary

This is one of four papers commissioned in the fall of 2007 by the Ontario Review of the Roots of Youth Violence. It provides a brief overview of the *Juvenile Delinquents Act* (JDA); *the Young Offenders Act* (YOA); and the *Youth Criminal Justice Act* (YCJA). In this discussion, we consider various questions related to the development of youth justice in this country. In support of this analysis, we examine how various Canadian provinces (Québec, Ontario, Alberta and British Columbia) have implemented the YCJA. We also discuss existing Canadian data on the operation of the youth justice system including police and youth court statistics related to charges, dispositions, recidivism, and diversion. An overview of the youth justice systems of selected western nations (England and Wales, France, United States, and Scandinavia) is also provided in order to compare their approaches with our own.

The methodology used to complete this work included a systematic review of relevant literature, in-depth interviews with provincial youth justice representatives, police officers and youth service providers; an analysis of reports and other relevant materials identified through the interviews; and an analysis of police and youth court statistics available from Statistics Canada, Canadian Centre for Justice Statistics.

Several patterns and recurring themes emerged during our research. Many western nations developed separate youth justice systems at the beginning of the twentieth century. In Canada this was evident with the passage of the *Juvenile Delinquents Act of 1908*. The forces present in Canada at the time were also visible in other western nations. These included two competing concerns: i) the notion that children were different from adults and needed care and protection; and ii) rates at which youth were being charged with crimes were rising and the authorities were under pressure to respond.

After World War II, the child welfare and crime control concerns which had sparked the introduction of the original youth justice legislation re-emerged. The rates at which youth were being charged with crimes were rising, prompting calls for increased crime control measures. At the same time, child welfare advocates pressed for a rehabilitative approach. Labelling theory and the "de-institutionalization" movement of the early 1970s saw an increase in the use of diversion and community alternatives.

By the middle 1970s, however, the "nothing works" idea became popular, supporting those who called for minimal state intervention and a "just deserts" approach. As well, during the late 1960s and early 1970s, children's rights activists criticized the enormous power of the youth court and the lack of due process safeguards available to young people. These forces led many western

nations to revise their youth justice legislation. In Canada, this was evident with the passage of the *Young Offenders Act* in 1982.

The calls for change, however, did not end with the introduction of new legislation. Public concerns over rising youth crime and youth violence helped to politicize youth justice. After several rounds of amendments, the *Young Offenders Act* was replaced in 2003 by the *Youth Criminal Justice Act*. The pressure for change did not end there, since amendments to this legislation are currently being considered. The *Youth Criminal Justice Act* intended to reduce the use of custody for minor offences, since Canada had one of the highest youth custody rates in the western world. At the same time, the *Act* includes harsher measures for those young people convicted of serious and repeat offending.

Interviews with provincial and federal youth justice representatives and a review of available materials indicate that since the *Youth Criminal Justice Act* was implemented, the number of youth charged has decreased substantially. So, too, has the number of youth receiving custodial sentences. Additional resources have been directed at community alternatives for youth, including community service orders and restorative justice measures. As well, more resources have been devoted to young people in the youth justice system with mental health and substance abuse problems.

An analysis of police and youth court statistics shows that since the mid 1990s, the rates at which youth have been charged with crime have been slowly decreasing, despite slight increases in 2003 and 2006. At the same time, several tragic incidents of youth violence, coupled with sensationalized media coverage, have politicized the issue of youth violence far beyond what is supported by the statistical evidence. The media frenzy has been driven by events occurring in a few major urban centres, including Toronto. In many ways, this has led to the demonization of youth.

Police charging practices have changed considerably under the YCJA. More and more young people are being dealt with through extrajudicial measures and sanctions, and the number of youth referred to court has also dropped. This indicates that the police and Crown prosecutors are focusing on more serious crimes. We also observed a fundamental shift in the sentencing of youth under the YCJA, with custodial sentences decreasing. However, a large number of youth are still being given custodial sentences for non-violent crimes, despite the YCJA provisions regarding the use of custody.

The patterns observed in Canada are similar to those we noted in other western nations. Several key trends are visible, which have had a profound impact on the nature and operation of youth justice systems in these countries. First, there has been an uneasy relationship between child welfare and crime control in youth justice legislation since separate youth justice systems first appeared. The emphasis in youth justice has alternated between the two approaches, depending on the social, economic and political climates of the countries involved.

Second, increasing rates for youth charged with crimes have led to calls for more emphasis on crime control and harsher punishments. This has resulted in amendments, and in some cases, the introduction of new youth justice legislation. At the same time, public perceptions of the nature

and extent of youth crime have been higher than is warranted by the statistical evidence. This, too, has had an important impact on youth justice.

Third, in addition to concerns over child welfare, there has been ongoing attention paid to children's rights. While early gains in this area led to the introduction of due process safeguards, there has been a tension associated with children's rights insofar as they have an impact on the right of the public to be protected from the misdeeds of youth. Many of the jurisdictions we looked at have tried to balance child welfare, children's rights and the protection of society. Again, the nature of the consensus on these issues has varied in relation to the social and political context of particular jurisdictions.

Fourth, there has been a steady move away from the child welfare approach that inspired early youth justice legislation toward a more adversarial, criminal court approach. This has come about largely in response to concerns over youth violence. As a result, there is pressure to move toward harsher and more punitive sentences. In Canada, this has been seen in the creation of longer sentences and presumptive offences for serious and repeat offenders. However, some jurisdictions, including the United States, are beginning to move away from this approach, since harsher sentences have not resulted in the types of outcomes that were expected. Interestingly, many jurisdictions are adopting a more holistic approach and developing a comprehensive continuum of services, including community-based treatment, rehabilitation and reintegration. This reflects a recognition that they must address the root causes of crime rather than respond only to its symptoms. As well, they are putting additional resources into mental health and drug abuse treatment programs for youth. In Canada, we discovered that many of the young people in conflict with the law are facing serious mental health and substance abuse issues.

Fifth, in most of the jurisdictions we examined, youth justice has been increasingly politicized. This is due to both public concerns over perceived increases in youth crime and youth violence and to sensationalized media accounts of tragic but isolated incidents. The Bulger case in England, the revolt of second-generation immigrant youth in the "banlieues" in France and the school shootings in the U.S. and Canada are examples of the incidents influencing the debate over youth justice. In the United States, for example, this has led a number of jurisdictions to lower their minimum age waivers so that harsher punishments are available for younger people. In Canada, public fears have kept youth justice near the top of the policy agenda. This has led to a significant public and political reaction, which has reverberated throughout the justice system. The data reviewed in this paper indicate that this is a complex problem requiring careful analysis. It is too easy to define the problem on the basis of what is going on in only a few large cities.

Finally, the balance between child welfare, children's rights and the protection of the public has resulted in an uneasy compromise in Canada as well as the other western nations. In Canada, the YCJA has led to harsher punishments for serious and violent young offenders as well as fewer charges, fewer custodial sentences, and an increase in the availability and use of community alternatives for those involved in less serious offences. A similar pattern is visible in England and Wales, France, Scandinavia, and the United States. However, the pressure for harsher and more punitive responses has not abated. Such a move is being resisted in most countries by the people who work with and provide services to young people. They understand that we must address the root causes of crime if we are to have a positive impact on youth crime and violence.

Introduction

This is one of four papers commissioned in the fall of 2007 by the Review of the Roots of Youth Violence. This paper provides an overview of how youth justice legislation in Canada has developed since the 1970s. This is compared with approaches in other countries (England and Wales, France, the United States, and Scandinavia) with broadly comparable systems of justice. A synopsis is also provided of the youth justice approaches used in recent years in Quebec, Ontario, Alberta and British Columbia. The specific focus here was on the way these provinces have designed and implemented their youth justice systems and on what is known about victimization rates, reported youth violence levels, and recidivism rates in these jurisdictions. Finally, these four jurisdictions were contrasted with one another and with available information from other jurisdictions with respect to issues surrounding youth violence.

It is clear that during the time period in question, Canada's youth justice legislation has undergone a number of significant changes. These began in the 1950s when criticism over the existing *Juvenile Delinquents Act* (JDA) began to grow. Discussion and debate continued throughout the 1960s and 1970s, until, in 1982, the JDA was replaced by the *Young Offenders Act* (YOA). In the years that followed, several amendments were made to this legislation, until it too was replaced, in 2003, by the current *Youth Criminal Justice Act* (YCJA). In the process, youth justice in Canada has been fundamentally altered.

Despite two new pieces of youth justice legislation since 1982 and several amendments along the way, debate over youth justice in Canada has continued unabated for over three decades. Many of the issues that led to the original calls for change are still with us today. More importantly, however, the focus of Canada's youth justice system has shifted away from its original concern over the care and treatment of young people toward an increasingly harsh and punitive approach that focuses more narrowly on their criminality. Ironically, while those young people charged with the most serious crimes are being dealt with more severely, the legislation has also led to efforts to provide a broader and more comprehensive set of community-based alternatives for youth involved in less serious offences.

In Part I of this paper, we provide a synopsis of the major changes that have been made to Canada's youth justice legislation since the 1970s. In the process, we examine the context within which these changes were made, the issues driving the changes and the intended outcomes. We also consider research and statistical evidence related to the operation of the youth justice system, to try to better understand the issues that have influenced the ongoing public debate over youth justice during this period.

Building on this analysis of the history of legislative change, a brief overview is provided in Part II of how various Canadian provinces have implemented the YCJA. We examine, in particular, what they have done in response to concerns over youth violence and consider the strategies that have been developed to prevent young people from becoming violent in the first place. This review is followed by a short description of a few initiatives supported by Justice Canada aimed at reducing youth violence. An assessment is also provided of statistical information available on the operation of the Canadian youth justice system, including police and youth court data related to charges, dispositions, recidivism, and diversion. We then explore how various western nations with youth justice systems similar to Canada's have responded to these issues in order to compare their approach to our own. We conclude with an assessment of what we have learned in the process of completing this work. In particular, we reflect on the nature of the changes that have been made to youth justice legislation since the 1970s; the impact they have had on the youth justice system; and the implications that can be drawn regarding the future of youth justice in this country.

Objectives

The specific objectives of this research paper included the following:

1. Provide a synopsis of the development of Canadian youth justice legislation since the 1970s.

2. Provide a synopsis of the youth justice approaches used in recent years in Alberta, British Columbia, Ontario and Quebec.

3. Compare the approaches taken in these four jurisdictions with respect to their relative capacity to reduce the rate of violent crime involving youth.

4. Compare Canada's legislative approaches with those of four western nations (England and Wales, France, the United States, and Scandinavia) with broadly comparable systems of juvenile justice.

Methodology and Data Sources

In order to successfully complete this research paper, a multi-faceted approach was used to gather the different types of information required. The specific activities undertaken are outlined below. They included the following:

1. A Focused Review of Relevant Literature and Related Documents

The core activity of this project involved a focused review of relevant research literature and related documents on the youth justice system in Canada and in comparable jurisdictions. This literature review was based on our own papers and reports as well as our extensive collection of

materials related to youth justice. As well, a search was conducted of electronic data bases (available through Carleton University) and of federal and provincial government youth justice-related websites.

2. In-Depth Interviews With Key Informants

A series of in-depth interviews was completed with key informants from Alberta, British Columbia, Ontario, and Quebec, as well as from Justice Canada. This research received ethical approval from the Research Ethics Committee at Carleton University. Semi-structured interviews were conducted with federal and provincial youth justice representatives, law enforcement officers, and youth service providers. The interviews with the provincial and federal youth justice representatives lasted from sixty to ninety minutes, while those with law enforcement officers and youth service providers lasted approximately thirty to forty-five minutes. The interviews were conducted by telephone and extensive notes were taken. Each of the respondents was asked to provide any relevant documentation. Once a draft summary was completed of a particular jurisdiction in Canada, it was sent for comment to the provincial representatives we had interviewed. The structured interview guides used to conduct this research are provided in Appendix I, while a list of those interviewed is provided in Appendix II.

Part I:

Youth Justice Legislation in Canada since the 1970s

The Juvenile Delinquents Act

At the dawn of the twentieth century, the threat of increasing levels of street crime focused attention on the working classes and their children (West 1984). These concerns were exacerbated in the late 1880s by the arrival of some 75,000 homeless British "waifs" and "street urchins" who came to Canada over a period of forty years or so. During this era, juvenile offenders were dealt with in the same manner as adults and held in the same institutions. The "child savers," as they are known, deplored this situation and fought for the establishment of a separate and distinct system of justice for young people. Eventually, their efforts (known as the Children's Court Movement) led to the passage of the *Juvenile Delinquents Act* in 1908. This legislation would define the youth justice system in Canada for the next seventy-four years.

A parens patriae approach to children and youth was institutionalized by the JDA such that the juvenile court was to act as a surrogate parent when the family or school failed. The key provisions of the legislation were based on the underlying notion that decisions were to be made by the juvenile court "in the best interests" of the child. Children could not be detained in the same place as adults but had to be kept in special institutions designed exclusively for them. Importantly, the JDA provided judges with almost absolute authority over the lives of the young people who appeared before them.

Children were not found guilty of a specific offence, but rather were adjudicated as juvenile delinquents. This usually resulted in their being placed in the care of provincial child welfare authorities. Consequently, the type of crime (violent or not) was not the prime focus of the treatment and rehabilitative intervention they received. Their state of delinquency was. In this regard, the JDA contained provisions that applied only to children, which were known as status offences. These included such things as sexual immorality, vice and incorrigibility. However, while these status offences did not represent crimes per se, the potential consequences of a finding of delinquency under the JDA were considerable. The juvenile court could intervene in the lives of young people from the time they were seven, and in some cases, until they reached twenty-one years of age. As well, no formal appeal procedures existed under the JDA to challenge the vast discretion exercised by the juvenile court.

Any child found to be a juvenile delinquent became a ward of the court until he/she was discharged by the court or reached age twenty-one. The provincial child welfare authority administered these dispositions and decided the type and length of intervention, including whether placement in a secure or open residential facility (usually a training school) was necessary. The recommendation of the provincial child welfare authority was a key factor in the juvenile court decision because children could be brought back to court at any time. Children found to be in a state of delinquency were deemed to be suffering from a "maladie'" from which they needed to be cured. Indeterminate treatment and rehabilitative services were used in this respect and their nature and extent were the responsibility of the provincial director of child welfare.

Concepts such as diversion, community alternatives and restorative justice did not exist under the JDA. Juvenile Court Committees were mandated to provide general advice and guidance to the youth court; however, the *Act* did not refer to diversion or screening per se. The police (who in most instances also served as de facto prosecutors) were expected to exercise their discretion and screen out the cases that did not require the court's attention. However, in 1926, the *Act* was amended to include a provision called "adjournment sine die," which was to be used as a type of diversion mechanism. This finding allowed a juvenile court judge to adjourn a case indefinitely and let the young person be dealt with informally while retaining the option of returning the youth to court if warranted. In Ontario, formal diversion programs utilizing the "adjournment sine die" disposition began to be piloted during the mid-1970s (e.g., Kingston, Windsor, etc.). In Québec, the 1979 *Youth Protection Act* (QYPA) significantly limited the capacity of the police to exercise discretion in charging youth. In fact, the vast majority of the cases that were diverted through "voluntary measures" were decided by the Director of Youth Protection (DYP). As Bala and Corrado (1983) note, some of the QYPA dispositions that were implemented across the province might have been legally questionable under the JDA.

The last important amendment to the *Juvenile Delinquents Act* was in 1929. During the next twenty years or so, the only meaningful youth-related activities that occurred were in regard to youth crime prevention initiatives, most of which were spearheaded by the RCMP. While the JDA did not make reference to preventing youth crime per se, support for such an approach can be inferred given its particular focus on rehabilitation and treatment. Preventing children from committing delinquency was an appropriate goal of the legislation. The RCMP Gazette and documents produced by the Ministry of the Solicitor General of Canada provide some information on the nature of crime prevention efforts during this period.

During the 1940s, crime prevention was characterized by several themes, including the prevention of juvenile delinquency. Crime causation (home environment; mental development; not being able to attend school; facing unemployment) and acting out were the main concerns of the RCMP. Kelly and Kelly (1973) suggest that from the mid-1950s to the late1960s, the primary concern of the police, and the RCMP in particular, shifted away from prevention to other priorities such as drug trafficking, organised crime, white-collar crimes, spies, politics, and security. It wasn't until a major conference in Toronto in 1965 that interest in youth crime prevention was renewed. This occurred at about the time that the MacLeod Committee (see below) tabled its report on juvenile delinquency in Canada. Participants at the conference and the members of the Committee reached a similar conclusion on increasing crime rates and the role that youth were playing in this increase.

By the late 1950s, concern over increasing juvenile crime rates brought the operations of the juvenile justice system to the publics attention. At the same time, the extensive powers available to the court came under scrutiny, since critics charged that despite its enormous powers, the juvenile justice system failed to prevent delinquency or to rehabilitate delinquents. By the late 1960s, pressure to change the juvenile justice system mounted as many of the practices that existed under the JDA were undermined by various court decisions related to youth rights.

The first comprehensive effort to examine the issue of juvenile delinquency in Canada began in 1961, when the Diefenbaker government created the MacLeod Committee which submitted its report in 1965. Importantly, it did not recommend significant modifications to the key provisions of the JDA. However, its recommendations did not generate much support with practitioners and youth workers. In 1967, a U.S. Supreme Court ruling (*In re Gault*) provided young people with many of the due process safeguards already available to adults. This created pressure in Canada to enact similar changes. The federal government in Canada, however, would not table new youth justice legislation for several more years.

Concerns over children's rights underscored many of the challenges levelled at the JDA. For example, status offences were criticized since they applied only to juveniles. Furthermore, the substantial variation that existed across the country in the maximum age of juvenile delinquents meant that young people could be treated differently for the same offence depending on where they lived. The lack of appeal procedures and the limited due process safeguards available to youth under the JDA were also questioned. Finally, the JDA allowed the court to intervene in a young person's life to a far greater extent than was possible for an adult charged with the same offence (Hudson et al., 1988:5).

These and related criticisms of the JDA prompted the government of the day to introduce new juvenile justice legislation. On November 16, 1970, Bill C-192, *An Act Respecting Young Offenders and to Repeal the Juvenile Delinquents Act*, was introduced in the House of Commons. It was given second reading on January 13, 1971. The proposed legislation sought to respond to the criticisms levelled at the JDA by emphasizing children's rights while simultaneously maintaining a social welfare orientation toward children's needs. Despite the modest nature of the proposed changes, Bill C-192 was met with a torrent of criticism. The Bill was called a new Criminal Code for children and described as "the most punitive, enslaving, vicious and tyrannical piece of legislation that has ever come out of the Legislative grist mill" (House of Commons Debates January 13, 1971:2374).

In the face of considerable opposition, Bill C-192 was left to die on the order paper. However, concerns over increasing levels of youth crime and demands for children's rights continued to characterize the public debate over youth justice. Various consultations and legislative proposals were undertaken by the government, which sought to satisfy both the proponents of children's rights as well as those who were more concerned with crime control issues. In the legislative proposals that were eventually developed, the prominent role given to children's rights provided the basis for a compromise that had been lacking in Bill C-192. The proposals that emerged included dropping status offences and confining the juvenile court to dealing with young people who violated the *Criminal Code*. Due process safeguards were to be implemented to protect children's rights and minimize arbitrary treatment at the hands of juvenile justice authorities. The

proposed legislation shifted the focus away from children's needs to children's crimes, and from rehabilitation to the protection of society.

A detailed report entitled *Young Persons in Conflict With the Law* was submitted in 1975 by a Solicitor General of Canada committee. This report took into account the changing political and ideological climate of the time. A series of consultations were undertaken between 1975 and 1977 in order to strike an acceptable political compromise. The result was new draft legislation that appeared in a document entitled *Highlights of the Proposed New Legislation for Young Offenders,* which was tabled on March 21, 1977. The defeat of the governing federal Liberal party placed the initiative for juvenile justice reform in the hands of the newly elected Progressive Conservative government. In 1979, this government tabled a document entitled *Legislative Proposals to Replace the Juvenile Delinquents Act,* which was essentially the same as the one that had been introduced two years earlier by the Liberals. This proposal would eventually become *Bill C-61, An Act Respecting Young Offenders and to Repeal the Juvenile Delinquents Act*. Parallel to these efforts, in 1979 the Government of Québec passed their *Youth Protection Act*, which included a number of provisions (including the right to counsel for delinquency-related charges) that mirrored those in the proposed new federal legislation. These ultimately found their way into the final version of Bill C-61.

Throughout the 1970s and early 1980s, criticisms about the existing juvenile justice legislation in Canada revolved around several issues, including

1. the inability of the legislation to either prevent crime or rehabilitate offenders;
2. the lack of due process safeguards;
3. the over-reliance on indeterminate sentences;
4. the inconsistent application of the law across the country;
5. the variable maximum ages that existed across the country;
6. the tensions that existed between child welfare and legal principles; and,
7. the potential for the JDA to be inconsistent with the Canadian Charter of Rights and Freedoms that was about to be implemented.

The Young Offenders Act

The *Young Offenders Act* attempted to strike a balance between the needs, rights, and responsibilities of young people on the one hand and the protection of society on the other. This balance was articulated in an unprecedented preamble included in the legislation called the Declaration of Principles. The rights of young people were acknowledged in the Preamble, including their right to retain independent legal counsel. A series of due process safeguards were also introduced, which were counterpoised to society's right to be protected from the criminal misdeeds of young people.

The YOA emphasized individual responsibility and the protection of society. It moved the youth justice system away from the social welfare philosophy that had informed juvenile justice policy for the better part of the twentieth century. While the JDA blamed the child's environment for their state of delinquency, the YOA recognized that young people (adolescents) were responsible for their illegal behaviour but not in the same way as adults. This was referred to as "mitigated responsibility." The Declaration of Principles stressed the special needs of young people and the fact that they should not be dealt with in the same manner as adults.

The YOA provided a range of dispositions, which were much wider than those available under the JDA and which essentially reflected those available for adults. The youth court was required to consider pre-disposition reports, representations and any other relevant information prior to sentencing, especially when considering a custodial disposition. The dispositions included: forfeiture, prohibitions, fines (up to a maximum of $1,000), compensation, restitution, community service (to a maximum of 240 hours), probation, treatment, and custody up to a maximum of three years. While restorative justice approaches were not mentioned specifically in legislation, it was clear from the range of community alternatives that the YOA provided many more opportunities for community intervention than the JDA.

Custodial sentences were to be decided by the youth court and consisted of two kinds: open and secure. Secure custody was considered a measure of last resort under the YOA, to be used for young offenders fourteen years of age or older involved in serious crimes, and for twelve- or thirteen-year-olds in exceptional circumstances. Under the YOA, detention was intended to ensure the safety of young persons and of society while minimizing the exposure of young persons to adult criminals.

A controversial aspect of the YOA was the question of transferring cases to ordinary (adult) court. While transfer under the JDA was based on the judge's authority, it took a different form under the YOA. The YOA provided that a youth court could order a transfer taking into consideration the interests of society and the needs of the young person. At its inception, the needs of the young person superseded the interest of society. This eventually changed, however, as the *Act* was amended over time.

The introduction of a uniform age for young offenders under the YOA was also contentious. Under the JDA, young persons could be subjected to different types of treatment, depending on where they lived. The demands of the Canadian Charter of Rights and Freedoms for universality and uniformity made this disparity untenable. When the YOA was proclaimed in April 1984, the

minimum age of criminal responsibility was set at twelve and the maximum age at seventeen. The Uniform Maximum Age provisions of the *Act* were not proclaimed until a year later, however, to give provinces time to make necessary arrangements.

The compromise that led to the passage of the YOA reflected the type of political compromise that was possible at the time. However, many issues remained unresolved and the government had to continually address criticisms directed at the legislation. For example, numerous critics charged that the legislation was too punitive. Complaints about the legislation also came from the police, the provinces and advocates of child welfare regarding its administration. As a result of mounting criticisms, a series of minor amendments to the YOA were passed in 1986. The most important of these allowed a youth court judge to authorize the publication of the identity of a youth where the young person posed a danger to self or to the public or was being sought for apprehension. The changes also allowed the youth court to impose consecutive sentences where the young person had committed another criminal act after having been previously charged. As a result, the aggregate sentence a young person could face could exceed the three-year maximum established under the YOA.

At its inception, the YOA did not focus on preventing youth crime or youth violence. While the Declaration of Principles discussed youth accountability, rights, special needs, the protection of society, and roles and parental responsibilities, the issue of prevention was not discussed until 1995. The 1995 amendments to the YOA added two new principles. The first espoused a multidisciplinary approach to preventing crime, while the second asserted that the protection of society is best served by the rehabilitation of young persons. These principles appeared in conjunction with the federal government's efforts to promote crime prevention through social development as a means of focusing on the root causes of crime. In a sense, crime prevention through social development represented an acknowledgment of the notion that had existed under the JDA, namely that youth delinquency is greatly influenced by the general living environment and the social-economic context in which children and youth find themselves (i.e., family, schools, peers and neighbourhoods).

In the latter part of the 1980s and early 1990s, non-governmental organizations provided much of the leadership in crime prevention, along with some political stimuli. This political impetus was based on international pressure brought by some European countries, including France and England, who had joined efforts to promote the "Safer Cities Approach." Here, the community is seen as the focal point for effective crime prevention activity, encouraging problem identification and resolution through inter-agency, citizen, and business community partnerships.

Another internal force was the work of the House of Commons Standing Committee on Justice and the Solicitor General. From November 1992 to February 1993, this committee undertook a national study on crime prevention. The report, called *Crime Prevention in Canada: Towards a National Strategy* (the Horner Report) recommended that Canada develop and promote a national strategy to reduce opportunities for crime and to respond to underlying factors contributing to crime (Canada: 1994). Additionally, the Horner Report recommended the promotion of a national strategy involving partnerships and information-sharing among all levels of government, all agencies in the criminal justice system, and non-government organizations and special interest groups.

Also, given the growing interest in preventing crime and in prioritizing children and youth as the focal point of social development efforts, it was not surprising that the federal government of the day encouraged a multi-faceted approach to preventing crime by inserting its crime prevention philosophy into the Declaration of Principles in the 1995 amendments. However, it is worth mentioning that the focus of these crime prevention efforts were not limited to youth violence, since one of the prevailing views within the National Strategy on Community Safety and Crime Prevention was that most of the children and youth demonstrating delinquent and criminal characteristics were initially victims of their living environment and influenced by the root causes of crime.

The pressure to change the YOA did not end with the amendments made in 1986. A series of sensational cases involving the commission of violent crimes by young people generated considerable support for further change. These criticisms were voiced by the public and the police as well as provincial authorities. During the late 1980s and early 1990s, the problem of youth crime was at the centre of political debate in Canada, particularly with respect to making youth justice policies tougher. Hogeveen and Smandych (2001) note that many western governments became committed to a law and order approach during this period and subsequently made their youth justice legislation harsher and more punitive. They believe that this is what happened in Canada. Pushed by the Canadian public and members of the opposition political parties, the federal government attempted to deal with the perceived crisis in youth crime by taking steps to enact tougher youth justice legislation.

Importantly, while the media profiled the increases in youth crime during the early 1990s, they did not emphasize the subsequent decreases that took place later in the decade. According to Carrington (1999), Canada's experience during this period was not unique. He states that "in retrospect, the short term 'hump' in Canadian youth crime rates in the early 1990s was also evident in other countries (Du Wors, 1997 and Kong, 1997) and therefore, not explainable by the workings of the YOA" (cited in Tanner, 2001: 226).

While some critics charged that the YOA was too lenient, official statistics showed a sharp increase in custodial dispositions for youth. In a 1993 evaluation of the YOA, Moyer found that the only discernable and statistically reliable correlation that could explain the increased number of young people referred to youth court and sentenced to custodial dispositions under the YOA was the increased level of police charging and formal processing that was taking place. This view was echoed in a number of other studies that found that the police were charging more and not exercising their discretion as much as they had prior to the enactment of the YOA (Doob and Meen, 1993; Carrington and Moyer, 1994; Carrington, 1999; Carrington, 2001). This was an important, if unintended, consequence of the YOA. It reflected, in part, the changing perceptions and response of the police to their role in the new youth justice system.

Schissel (1997) analyzed official juvenile crime rates and noted that despite the YOA's articulation of diversion and alternative measures as policy objectives, more young offenders were being handled formally — by arrest and institutionalization — since the legislation was proclaimed in 1984-85. Further, Schissel, like Corrado and Markwart (1992) before him, argues that rather than making the juvenile justice system more balanced, the YOA in practice imposed more control on adolescents than its predecessor. On the other hand, Corrado and Markwart

(1994) agreed with critics who insisted that the small number of serious habitual criminals were being treated too leniently by the youth court; too few were transferred to adult court and insufficient use was being made of long custodial sentences. Corrado and Markwart point out, however, that the paradox was that the YOA was both too lenient and too harsh.

As for the increase in youth violence, youth crime statistics did show a significant increase in youth charged with violent crimes after 1986. This was particularly evident between 1989 and 1993, after which the increase in violent crime rates levelled out. A number of observers have pointed out, however, that looking at the statistics in a more detailed or comparative context presents a less dramatic view of youth violence. As noted above, many supported the view that the increase in the rates of youth charged with crimes reflected changes in police charging practices. The introduction of school zero-tolerance policies also contributed to this phenomenon (Bell, 1999; Tanner, 2001; Carrington, 2001).

A further examination of official statistics on violent youth crime shows that public perceptions did not match the empirical evidence. Bell (1999) reported that the homicide rates where young offenders were the accused were no higher in 1997 than they were in 1974. Similarly, both Silverman (1990) and Silverman and Kennedy (1993) found no increase in the per capita rate of youth homicide in Canada between the 1970s and the 1990s, even if the rates were higher in 1974. Bell (1999) notes that in 1986, there were thirty-eight homicide cases and these accounted for 0.03% of all young persons charged by the police that year. By comparison, in 1993-94, thirty-nine young people were charged with murder or manslaughter, which represented 0.03% of all youth court charges in that year.

In addition, while the proportion of violent crimes increased from 9% in 1986 to 18% in 1994 in terms of overall youth-related criminal offences, Bell and others have pointed out that about half of the young people charged with violent crime were charged in connection with minor assaults (1999:29). Bell (1999) also suggests that while the homicide rate in 1997 was higher than in the previous year, it was lower than it had been in the three preceding years. In addition, Schissel's examination of the ratio of youth to adult charges compared with total incidents from 1973 to 1995 showed a dramatic increase in youth charged for violent offences after the YOA was implemented. This suggests that youth were processed through the justice system for violent offences in greater numbers than adults (Schissel, 1997:80-81). The implication is that either young people suddenly became inherently more violent than adults during this period or that the justice system was dealing with youth differently.

The YOA was also criticized for having done little or nothing to curb the problem of repeat offending. Using the Canadian Centre for Justice Statistics 1998-1999 Youth Court Survey data to illustrate this concern, the data reveal that 42% of the cases heard in youth court involved young recidivists. However, this is a common pattern not unique to the YOA. Indeed, as Tanner (2001) points out, studies carried out in other jurisdictions also show a high rate of recidivism and that both adult and youth courts are sentencing many people they have sentenced before.

Leonard and Morris (2000) note that the public was increasingly vocal about the need for changes to the *Act*. They state, "It would seem that the level of public involvement in the debate, the level of anger and hostility toward the legislation, and, the specific nature of the calls for reform were

difficult for the government to ignore" (Leonard and Morris, 2000: 127 cited in Winterdyk, 2000). Based on this level of criticism, it was not surprising that in 1992, the federal government enacted further amendments to the YOA. This time, the changes were more significant because they focused on lengthening the maximum sentence for murder from three to five years, and on facilitating the potential transfer of youth to adult court by stating that the protection of the public was to be the paramount consideration in the transfer decision (Bala, 2005).

Three years later, more amendments to the YOA were introduced in Bill C-37, which included a two-part strategy to reform the youth justice system; the next step was to involve a Parliamentary Committee Review (Department of Justice, 1994:1, cited in Leonard and Morris, 2000). Bill C-37 was proclaimed on December 1, 1995. It contained provisions for

- increasing sentences for youth convicted of first- or second-degree murder in youth court to ten and seven years respectively (part custody and part intensive community supervision);
- transferring sixteen- and seventeen-year-olds charged with serious personal injury offences to adult court (reverse onus) unless they could show a judge that public protection and rehabilitation can both be achieved in youth court;
- extending the time that sixteen- and seventeen-year-old young offenders convicted of murder in an adult court must serve before being considered for parole;
- improving measures for information-sharing between professionals such as school officials and police and with selected members of the public when public safety is at risk;
- retaining the records of serious young offenders longer; and,
- establishing provisions that encourage rehabilitation and treatment of young offenders in the community when appropriate (Department of Justice Canada, 1994:1-2, cited in Leonard and Morris, 2000).

From the mid-1990s onwards, the rates for youth charged with crimes began to decline and continued to do so until the YOA was replaced in 2003. However, the Canadian public continued to believe that youth crime in general and youth violence in particular was increasing. With respect to the issue of transfer to adult court, it is evident that the new provisions had little if any impact on the operation of the youth court, since the rate of transfer to adult court was unaffected by them. Transfers to adult court remained steady between 1984 and 2003, accounting for less than 1% of all cases. It seems that the 1995 amendments to the transfer provisions had more to do with creating the impression that the legislation was being toughened rather than with what actually happened in practice.

Bala (2005) suggests that as Canadian politics became more conservative, there was a continued demand to adopt a "get tough" approach to youth crime. As well, he points out that with its "law and order" agenda, the Conservative-Reform party pressed for major changes to many criminal laws, including those related to youth. As the demand for tougher laws and harsher sanctions

continued, so did the high rate of incarceration of young people. Most young offenders who were placed in custody under the YOA, however, were there for non-violent offences. Ironically, by the late 1990s, Canada had one of the highest youth incarceration rates among western nations; higher even than the United States (Hornick, et al., 1996).

Despite several rounds of amendments to the YOA, Leonard and Morris (2000) note continued calls for a further toughening of the *Act*. Hogeveen and Smandych (2001) argue that there was a growing perception that new legislation was needed to replace the YOA. In 1997, the House of Commons Standing Committee on Justice and Legal Affairs issued its report entitled *Renewing Youth Justice*, which contained fourteen recommendations for overhauling the youth justice system (Canada: House of Commons, 1997). In the spring of 1998, the federal government released its report entitled *A Strategy for Youth Justice*, in which it recommended replacing the YOA with a new *Canadian Youth Criminal Justice Act* (Canada: Department of Justice, 1998). Hogeveen and Smandych (2001) point out that both of these reports recommended that the "protection of society" should be the main goal of youth justice legislation, and specifically, that legislation should be aimed at dealing more severely with violent young offenders.

When the then Minister of Justice, Anne McLellan, tabled the *Youth Criminal Justice Act,* she stated that its intention was, "to respond more firmly and effectively to the small number of the most serious violent young offenders" (McLellan, 1999). She noted, however, that the federal government had made too much use of custody for young offenders who had not committed serious violent offences. This issue would also be addressed under the new *Act.* With this introduction, the federal government signalled a fundamental change in the approach taken to youth justice in Canada.

The Youth Criminal Justice Act

After much debate, the *Youth Criminal Justice Act* was proclaimed on April 1, 2003. Its objectives include the following: to prevent crime; rehabilitate and reintegrate young persons into society; and ensure meaningful consequences for offences. The Declaration of Principles also states that the needs and individual circumstances of a young person should be taken into account in determining the nature of the response to an offence. However, these should not result in longer or more severe penalties than would normally apply to adults, indicating that the youth justice system should not be used to meet social welfare objectives.

An important change in the YCJA requires the police to consider all possible options when dealing with young offenders before proceeding formally and laying charges. Similarly, Crown attorneys have to make an effort to screen out those young offenders who do not require formal processing through the courts. They, too, are to consider extrajudicial sanctions, including formal community alternatives. While the YCJA allows for the referral of a young person to a child welfare agency for assessment (s. 35) with respect to the need for child welfare services at any stage of proceedings against a young person, the *Act* also recognizes that pretrial detention is not to be used as a substitute for child protection, mental health or other social measures.

Custody under the YCJA is reserved primarily for violent offenders and serious repeat offenders. Before imposing a custodial sentence, however, the court must consider all reasonable alternatives to custody and must determine that there is no reasonable alternative that would be capable of holding the young person accountable in accordance with the purpose and principles of sentencing. Some concerns, however, have been raised with respect to the limit and scope of the definition of a "violent offence" under this legislation, especially after a 2005 Supreme Court decision which provided some clarification on this issue. The Supreme Court ruled that for an offence to be deemed a "violent offence," it had to cause or threaten to cause bodily harm.

In general, the sentencing options that were available to the court under the YOA were retained in the YCJA. However, the YCJA contains additional options regarding custody orders, non-custodial sentencing options and sentencing for serious violent offenders. The YCJA replaced the usual custody order with an order of custody and supervision. This new sentence requires that the custodial portion of a sentence be followed by a period of supervision and support in the community. In addition, new sentences were added to the YCJA, such as reprimands, intensive support and supervision orders, attendance centre orders (for day centres), deferred custody and supervision orders, and intensive rehabilitative custody and supervision orders. The latter order is a special sentence for serious violent offenders. The court can make this order if the young person has been found guilty of murder, attempted murder, manslaughter, aggravated sexual assault, or has a pattern of repeated, serious violent offending; the young person is suffering from a mental or psychological disorder or an emotional disturbance; an individualized treatment plan has been developed for the young person; and an appropriate program is available and the young person is suitable for admission. This is an important new sentencing option because of its potential impact on specialized child welfare and youth mental health facilities, which could conceivably provide such services if they are designated by provincial authorities.

Under the YCJA, the transfer process to ordinary court that existed under the YOA has been eliminated. Instead, the youth court may make a determination that a young person should be given an adult sentence depending on a predetermined set of criteria. A pattern of repeat, serious violent offences and/or one or more presumptive offences (i.e, first- and second-degree murder, attempt to commit murder, manslaughter, aggravated sexual assault, and a serious violent offence (for which an adult is liable to more than two years of imprisonment) can give rise to the presumption of an adult sentence. Under normal circumstances, the Crown must indicate its intent to seek an adult sentence at the beginning of the proceedings. However, in the case of a presumptive offence, the accused young offender is deemed to be an adult and must show cause as to why he/she should be treated as a youth. In some instances, such as the case where a young person has been previously found guilty of at least two serious violent offences, the Crown prosecutor can seek permission from the court to impose an adult sentence before the sentencing process has begun.

The age at which the presumption of an adult sentence can apply was lowered to fourteen. However, provinces have the authority to set the age at fifteen or sixteen. The effect of this is that if a province chooses to set the age at sixteen, there would be no change from the practices that applied under the YOA. If the Crown notifies the youth court that it will not be seeking an adult sentence for a presumptive offence, the court may not impose an adult sentence. The test for an adult sentence requires the court to determine whether a youth sentence would be of sufficient

length to hold the young person accountable. The accountability of the young person must be consistent with the greater dependency of young persons and their reduced level of maturity. If a youth sentence would be of sufficient length to hold the young person accountable, the court must impose a youth sentence. A young person under age eighteen who receives an adult sentence is to be placed in a youth facility unless it would not be in the best interests of the young person or would jeopardize the safety of others.

Prior to the *Act* coming into force, the Government of Québec launched a Reference case before the Québec Court of Appeal challenging the constitutional validity of a number of the provisions of the YCJA. While it rejected most of the arguments, the Québec Court of Appeal did rule some of the provisions that deal with the application of presumptive offences for fourteen- and fifteen-year-olds unconstitutional. In addition, while not making a definitive statement about the general application of the presumptive offences for sixteen- and seventeen-year-olds, it did question its constitutionality.

In March 2006, the Ontario Court of Appeal (OCA) reconfirmed the Québec Court of Appeal (2003) decision with regard to an actual case involving the offence of manslaughter. The issues in the case related to the constitutionality of the reverse onus provisions with respect to presumptive offences (and the related publication issue) and the question of who should assume the costs related to the appeal process. The OCA was asked to review a youth court decision that rendered the reverse onus provision unconstitutional, partially based on the Québec Reference Case. The OCA agreed with the Ontario trial judge and ruled that the reverse onus provision was unconstitutional, and it ordered the Crown to pay the respondent's costs of the application. The case is presently under review by the Supreme Court of Canada. Bala (2005) points out that the principal effect of these decisions, and the federal government's reaction to them, is that the specific provisions of the YCJA that were most directly aimed at "toughening" the response to serious youth crime were ruled unconstitutional.

Two of the more important goals of the YCJA are that the youth justice system should reserve its most serious interventions for the most serious crimes and that it should reduce its over-reliance on incarceration for non-violent offenders. The *Act* provides stringent guidelines as to who should be considered for a custodial disposition and ensures that there is some post-incarceration follow-up to facilitate the reintegration of young offenders into the community. It also provides for more treatment opportunities for those young offenders who need them, including the possibility of a referral to child welfare services [s. 35] and the intensive rehabilitation custody and supervision order [s. 42.2 (r) and s.42.7] for those involved in serious criminal behaviour who exhibit mental health problems. In addition, the inclusion of a parole-like mechanism within the custodial order should facilitate meeting the treatment needs of the young offender. Similarly, while the *Act* might encourage better links between the child welfare and youth justice system, it also recognizes that pretrial detention is not to be used as a substitute for child protection, child mental health or other social measures [s. 29(1)]. The YCJA's policy intent is that referral for service assessment is quite different from encouraging or ordering placement in child welfare facilities. The *Act* might encourage the former, but it does not permit the latter.

The YCJA puts significant emphasis on restorative justice and the use of community alternatives, both pre- and post-disposition. It directs the police and Crown attorneys to use their discretion

through extrajudicial measures and extrajudicial sanctions respectively. It promotes the use of conferencing to encourage the involvement of the community and the use of community alternatives. As well, it provides for a full range of community alternatives, such as restitution, compensation, community service orders, intensive probation supervision and non-residential attendance centres.

The YCJA promotes the prevention of youth crime through specific references in both the Preamble and the Declaration of Principles. The Preamble states, "Whereas communities, families, parents and others concerned with the development of young persons should, through multi-disciplinary approaches, take reasonable steps to prevent youth crime by addressing its underlying causes, to respond to the needs of young persons, and to provide guidance and support to those at risk of committing crime." This is an important statement, since it suggests four key messages with respect to crime control: (1) a focus on the root causes of crime; (2) collaborative efforts; (3) a recognition that many young offenders were victims at one point of their lives; and, (4) society has the right to protect itself, but it might be better served in the long term if it guided and supported those young persons with the greatest needs. These goals are also reflected in the Declaration of Principles [3 (1) (a) (i)] by reaffirming the need to "prevent crime by addressing the circumstances underlying a young person's offending behaviour."

Part II:

The Implementation of the Youth Criminal Justice Act in Selected Canadian Jurisdictions

Youth Justice in Alberta

Alberta did extensive planning in anticipation of the implementation of the *Youth Criminal Justice Act*. They reviewed and updated provincial legislation and provided training to all stakeholders, including the police, probation, and treatment centre workers. Jurisdiction over youth justice matters in the province is split between the Ministry of Justice and Attorney General and the Ministry of the Solicitor General and Public Security. The Ministry of Justice and Attorney General is responsible for, among other things, Crown prosecutors, youth justice committees, extrajudicial sanctions, and the Aboriginal Court Worker Program. The Ministry of the Solicitor General and Public Security is responsible for police in the province as well as youth corrections. An Intensive Rehabilitative Custody and Supervision program was established, and attendance centres were opened in both Edmonton and Calgary to meet the requirements of the new legislation. They also developed policies and procedures around the new sentencing options available under the YCJA, including Intensive Support and Supervision programs. A major development in the province was the establishment of youth justice committees to handle extrajudicial sanctions and other responsibilities.

The Provincial Court of Alberta deals with the *Youth Criminal Justice Act*. It also addresses matters related to: Criminal, Family, Youth, Civil, and Traffic. The Criminal Court generally deals with criminal offences; the Family Court handles most Child, Youth and Family Enhancement Act matters and certain custody and maintenance disputes; the Youth Court hears matters under the *Youth Criminal Justice Act*; the Civil Court handles civil claims where the amount claimed does not exceed $25,000; and the Traffic Court primarily hears matters under the *Traffic Safety Act*. All provincial court judges may hear any of the foregoing matters. Sitting justices of the peace hear matters in Traffic Court. The Court of Queen's Bench of Alberta is a superior court of civil and criminal jurisdiction. It holds jury trials for both criminal and civil matters (including decisions by the Youth Court under the *Youth Criminal Justice Act*) and can hear some appeals from the Provincial Court as they apply to the *Youth Criminal Justice Act* and civil matters, and it can hear civil trials for damages regardless of the amount. It also handles matters such as divorces, adoptions, foreclosures, and bankruptcies, in addition to matters relating to wills and estates.

Applications under the *Dependent Adults Act* are also made in the Court of Queen's Bench. The Court of Appeal can hear most civil and criminal appeals, and can also hear applications and appeals respecting certain judgments, orders, and decisions of the other courts, including decisions under the *Youth Criminal Justice Act*.

The provincial representatives we interviewed noted that those working in youth justice saw a great potential in the objectives of the new legislation. They felt it provided an opportunity for them to move forward, especially in the area of custodial dispositions. Importantly, the development and implementation of the YCJA came at a time when there was considerable activity under way in the province with respect to children and youth services. Specifically, the Alberta Children and Youth Initiative (ACYI) had been generating a lot of discussion about how they were dealing with children and youth. As a result, service providers in the province recognized they had to work together to better coordinate and provide services.

Their IRCS process is probably the best example of how they are dealing with violent or dangerous young offenders. The significant aspect of the IRCS program is that it has influenced the way the rest of their youth justice system operates. In IRCS cases, they begin with a thorough assessment and then develop a plan for the client (even before the sentencing stage). Two case coordinators monitor the young person throughout the process and ensure that the plan is current and being applied properly. They bring in people from all parts of the system in order to provide an integrated and comprehensive package of services to IRCS clients. The rest of the youth justice system has seen how the IRCS process is working and there has been a very positive response to the process, to the point that, now, it would be followed even without additional funding. They currently have four IRCS cases before the courts. They hope to expand the lessons learned in IRCS cases to the rest of the system.

Alberta responds to youth violence in each community, in part through the enforcement activities of the police. Some police agencies in the province have established specialized units to deal with youth violence and they are being more proactive in sharing information and intelligence in order to make their response to violence more effective, especially as this relates to youth gangs. Alberta is also attempting to coordinate its activities and information-sharing right across the system and involve other criminal justice and community partners.

Alberta has also developed crime prevention programs that address various aspects of youth violence. They provide numerous community grants to support local crime prevention efforts. While some of these are focused specifically on youth violence, others focus on early intervention, education, public awareness and youth engagement strategies. These grants have also been used to fund anti-bullying programs in schools. School bullying has been especially important in the province as a result of the Taber shooting. After this tragic event, school bullying initiatives became more intensive and focused.

With respect to diversion, the police in the province can decide to take no action, warn a young person or refer the young person to a community program. The police can also make referrals directly to Extrajudicial Measures (EJM) and Extrajudicial Sanctions (EJS) programs, which can also be made by a Crown prosecutor. The difference between a police referral (extrajudicial measures) and a Crown referral (extrajudicial sanctions) is that a young person can be referred

back to court for not successfully completing the extrajudicial sanctions program. A major development in the province since 1992 was the establishment of youth justice committees to assist in the administration of extrajudicial sanctions (alternative measures under the YOA) and other responsibilities.

Youth Justice Committees (YJC) are community-based groups run by volunteers. Not all communities have YJCs, but those that have courthouses usually do. There are currently 123 such committees, involving about 1,400 community volunteers. The YJCs are in contact with the police in each community. The volunteers are provided with training and a probation office is connected to each YJC. They also have an annual conference where they share information and discuss common concerns. Youth justice committees can also undertake crime prevention and public education. For example, they can bring youth crime issues to the attention of the public and start public discussions about how best to respond to youth crime

The changing demographic trends in Canada have had an impact on both the child welfare and youth justice systems. Perhaps this is most visible in the decrease in youth crime. The question is whether the decrease experienced in the province of youth in custody has resulted in more young people being directed into the child welfare system. The provincial officials we interviewed indicated that there are no statistics available which would allow us to answer this question.

With respect to mental health, the province does not currently have a provincial mental health system for children and youth. Services are provided in different locations by different agencies. Some of this work is done by the government and some by the private sector. The ACYI obtained some funding to look at youth issues, including mental health services. A framework was developed five years ago and they have a ten-year-plan they are currently working on.

The provincial officials we interviewed indicated that there was support in the province for the philosophy behind the YCJA, especially since it dovetails with what they are trying to accomplish through the ACYI. A number of improvements have been made to youth services as a result of the new processes they have put in place. However, they are trying to get more resources to address both youth mental health and substance abuse issues, since many of the young people coming to their attention often have both types of problems.

They do not have a database in either corrections or forensics that they can access to determine whether there have been changes in their client profiles. They are trying to develop a database so that they can undertake analyses of current trends. In the meantime, they are implementing screens and assessments at the front end of their systems. They have noticed, however, that as a result of the YCJA, while overall numbers of youth in custody have declined, the needs of those in the system have increased significantly. Those being sentenced to custody have much higher risk and needs profiles than they did under the YOA. The provincial officials we interviewed noted that they used to have a large number in custody with available resources used to provide services to all of them. This meant that there were limited resources for individualized treatment plans. With smaller numbers in custody, they have been able to develop more individualized programs.

There is some concern among provincial officials that the YCJA is a very complex piece of legislation. As a result, it is open to multiple interpretations. They have been working with their provincial counterparts to get consistent interpretations of the legislation across jurisdictions. In general, however, the *Act* has been positively received, especially as a result of its emphasis on using custody for the right young people. This objective is part of a process that needs to be constantly monitored. In fact, the values of the youth justice system have had a positive influence across provincial government services for youth, including in both youth and adult corrections.

Youth violence has not been addressed as an issue unto itself, but rather as part of a broader whole. That is, they want to look at all aspects of a person and not just his/her behaviour. They also recognize that it takes time to develop a relationship with young people. They have not developed strategies that are specific to youth violence, but what they have been doing does affect youth violence indirectly. For example, they are now doing a much better job at collaboration. The Howard House Bridges Treatment Program is an example of a new, more collaborative approach to providing youth services in the province. This project involves six partners: The Edmonton John Howard Society, Alberta Solicitor General and Public Security, Alberta Education, AADAC, Northern Alberta Forensic Psychiatry Services, and Capital Health. These groups now work under one roof to address a range of mental health, education and addictions issues. They provide a wide range of education, counselling, recreation and life skills programs (John Howard Society, 2005-06).

This initiative was organized differently from what would have been the case in the past. For example, instead of having one agency develop a program through which the other five partners provide services, they work together in the Bridges program to be holistic in their approach. The actual services each partner provides are the same as they would have been in the past; however, they are now much more aware of what the other partners are doing. Everyone expects the young people in the program to apply the lessons learned in one module to the rest of their program activities. In this way, the individual components in the program are now much more integrated than they would have been. Early reports suggest that the new model of service delivery has had a marked impact on the youth involved the program.

Within the mental health system, they just completed a review of young offender forensic services. The ideas that came out of this review were that they should not look at where the services are delivered (for example, Calgary or Edmonton), but rather at the types of service required. They decided that it would make sense to look at services for different groups of clients such as sex offenders, young offenders, violent offenders, and a low functioning group. They are reorienting their focus away from institutions toward service recipients.

Youth Justice in British Columbia

British Columbia was well positioned to implement the provisions of the YCJA when they came into force in 2003. Until ten years ago, youth justice was part of the youth corrections branch, but in 1997, the Ministry of Children and Family Development was created, and it was given jurisdiction over youth justice matters, with the exception of provincial prosecutors, who are

under the jurisdiction of the Ministry of the Attorney General. The province used the YCJA as a catalyst to review its existing provincial youth justice legislation. Eventually, both the BC YOA and the youth-related provisions of the *Corrections Act* were replaced with one consolidated Youth Justice Act revised. The Youth Justice Act addresses procedures and sentences relating to provincial statutes offences, as well as youth custody and community programs for young offenders.

The Provincial Court is the first level of court in British Columbia. The Court's jurisdiction includes criminal, family, child protection, small claims, and traffic cases. The Provincial Court has jurisdiction in all criminal matters, except murder committed by adults, and a few obscure offences, such as treason and "alarming Her Majesty." Under the *Youth Criminal Justice Act (*YCJA*),* the Provincial Court is designated as the Youth Court for British Columbia. Criminal cases, including cases under the YCJA, can be heard by any provincial court judge, criminal division. The Provincial Court cases may take the form of guilty pleas, preliminary inquiries, applications or trials before a judge. There are no jury trials in Provincial Court. Over 95% of all criminal cases in the province are heard by provincial court judges in Provincial Court, with the remainder heard in the Supreme Court of British Columbia. The Supreme Court of British Columbia also has jurisdiction in cases for which the accused elects trial.

The Ministry of Children and Family Development rewrote its two main policy manuals in order to address the custodial provisions contained in the YCJA: 1) the Community Youth Justice Manual of Operations; 2) the Youth Custody Manual of Operations (for youth custody staff). They also revised youth custody regulations. To better meet the provisions of the YCJA, they enhanced community alternatives by creating new restorative justice and conferencing positions to deal with youth court referrals. These specialists are not available in every community, but they are in every region of the province. There were originally two on Vancouver Island, two in Vancouver, three in the Fraser Valley, one in Prince George, one in Kelowna and one in Kamloops. The ministry insisted on having staff with a youth justice background, and these conferencing specialists focus on youth involved in serious and violent crimes, including those likely to serve a period of time in custody. There has not been as much uptake as expected of restorative justice and conferencing. As a result, two of these positions have been reassigned to other youth justice responsibilities.

After the passage and implementation of the YCJA*,* a number of changes occurred in the youth justice system in British Columbia. According to their youth custody plan (British Columbia: Ministry of Children and Family Development. Youth Custody Service Plan. 2007/8, April:6):

> The most notable has been the dramatic decline in the number of young persons in the youth justice and youth custody systems. In 2000/01 there was an average of 290 youth in custody. This declined to 151 in the 2003/04 fiscal year. Since then the number of youth in custody has been relatively stable with a further slight decline in the past two fiscal years (135 in 2005/06 and 139 in 2006/07).

In addition to the decline in the total average count in the youth custody centres, the profile of the youth in custody also changed. They began to deal with proportionately more older youth who had had more contact with the system and who were involved in more serious crimes.

The province has responded by providing a number of service options in the community. For example, they have an Intensive Support and Supervision Program (ISSP) as well as a Violent Young Offender Treatment Program. They were able to enhance programming as a result of the increased federal funding the province received between 1999 and 2002. The ISSP is currently available province-wide.

They also have a violent offender treatment program available in all three youth custody centres, and in the community through Youth Forensic Psychiatric Services Clinics available in eight locations. This began as a group program in two youth custody centres, but is now more individualized. Their position is that if it is more individualized, it is more effective. They also offer both Youth Psychiatric Services and Youth Forensic Psychiatric Services. These have not been formally evaluated as yet, although there is a plan to do so in the near future. These programs are evidence-based and build on best practices models. Psychological education programs are also available, and there is one youth worker assessing treatment readiness. This program is for youth that do not need full psychiatric treatment. They are also exploring home visits and risk assessment programs.

Extrajudicial Measures (EJM) in British Columbia are a continuation of what they did under the YOA and include restorative justice programs. They have a Crown approval process for all charges as well as a Crown caution program. Their EJM program involves "informal police-initiated resolution, where police use their discretion to refer those involved in minor offences at the pre-charge stage to local community-based programs" (British Columbia: Ministry of Public Safety and Solicitor General (2004:28). Extrajudicial Sanctions are a "formal Crown-initiated resolution, where the Crown uses its discretion to refer offences to an accredited alternative measures program, Youth Justice Services (probation), or Community Corrections (adult probation) after the charge-approval process has been completed" (British Columbia: Ministry of Public Safety and Solicitor General (2004:28). Referrals from the Crown are made to a youth probation officer who meets with the youth and parents. The youth probation officer reports to the Crown with recommendations. They also have two Aboriginal-specific programs where referrals are made to a community-based Aboriginal agency that provides culturally appropriate services to Aboriginal youth.

The British Columbia Ministry of Public Safety and Solicitor General supports restorative justice programs in the province through its Community Accountability Programs (CAP). As noted above, these are part of their Extrajudicial Measures. The province offers grants of up to $2500 each year for ongoing services. In 2005, there were seventy-four CAP programs operating across the province that had received funding (www.pssg.gov.bc.ca/community_programs).

The CAP most closely resembles the youth justice committees that exist in other jurisdictions. They have to adhere to the ministry's Framework for Restorative Justice to be eligible for funding. For example, CAP programs have to be community-based, involving volunteers, representatives of the criminal justice system and victims' organizations. They can accept referrals only from the police for category 3 and 4 offences and they cannot deal with sexual offences, relationship violence/abuse, child abuse, and hate-motivated crimes. They provide volunteer training as well as administrative and operational support. CAP restorative justice programs can include victim-

offender mediation, family group conferencing, healing circles/circle remedy approaches and neighbourhood accountability boards/panels.

British Columbia has had crime prevention programs operating for many years, including some related to youth violence. For example, they have a youth gang / youth crime prevention program that started in 1990. As well, they have a Youth Against Violence Line, which is a multilingual toll-free phone and email service that operates twenty-four hours a day (www.passg.gov.bc.ca/community_programs). British Columbia, Community Accountability Program).

They also provide ministry-wide support for the Roots of Empathy program that is offered through school boards and school districts (http://www.mcf.gov.bc.ca/early_childhood/toots.htm). This program builds empathy in young primary school children and attempts to curb aggression. It is currently being offered in schools across the province, including several in Aboriginal communities.

The Safe Streets and Safe Schools Grant Program is another crime prevention program that encourages the development of innovative, community-based crime prevention projects for addressing local problems while building community capacity (http://www.mcf.gov.bc.ca/early_childhood/toots.htm). Moreover, the province has been actively involved with the federal National Crime Prevention Centre for many years, with a variety of municipal and community partners in crime prevention activities, including recognition and awards programs, conferences, and consultations.

A new secretariat was established in British Columbia in 2007, known as the Criminal Justice Reform Secretariat. It involves the Ministry of the Attorney General, the Ministry of Public Safety and Solicitor General, and the Ministry of Children and Family Development. It has three streams: 1) criminal justice efficiencies (e.g., bail reform); 2) crime reduction through strategic approaches (e.g., prolific offenders) and 3) crime prevention. As part of the crime prevention approach, they are looking at two tiers: 1) a longer-term, more integrated strategic plan across government; 2) they are attempting to come up with priorities, like enhancing services around a home visiting program and a middle-childhood group at risk. They do not have a lot of services for six- to ten-year–olds, but they do have a lot of programs for preschool children as well as for older adolescents who come under the jurisdiction of the youth justice system. Since there are far fewer programs and resources available for children and youth in the middle years, they are trying to engage partners and work on integration.

The provincial representatives we interviewed felt they have an advantage in British Columbia with respect to mental health, youth justice and child welfare issues since they have child and family services in one ministry. As a result, they have an integrated approach, with everyone reporting to the same supervisor or manager. Child welfare legislation in British Columbia covers youth up to their nineteenth birthday, and this is really advantageous because the province has to provide services to youth throughout their teen years. This is important since older youth are often more difficult to serve.

Child and Youth Mental Health Services have stand-alone programs that are part of the ministry. As well, Youth Forensic Psychiatric Services provide programs for youth in conflict with the law.

They do a court assessment under Section 34 and from referrals sent by probation officers (British Columbia: Youth Custody Services Annual Report (2006/7:6). They provide treatment that is court ordered and for clients referred by probation officers. Their budget is $12–$13 million for youth going through the court system. They have in-patient assessment and treatment that is provided by psychiatric social workers and nurses, psychiatrists, and psychologists. This program has helped them deal effectively with young people with mental health issues. It allows them to focus more on integrated approaches and to treat the youth in the community with available resources and supports. This program is also in the institutions, since many of the serious violent offenders are too dangerous for the community.

Child welfare and child mental health data is difficult to obtain for a variety of reasons. As a result, it is hard to assess what the impact of the YCJA has been on child welfare services. The provincial representatives we interviewed felt that, in any event, there is not going to be a significant impact on the youth in-care count based on the youth justice system since the numbers are very small. They do, however, keep an eye on what is happening in this area. They also try to track adult sentences, including how many applications are made to transfer to adult court versus how many are actually sent. However, due to the reverse onus provisions in the *Act*, there are not large numbers receiving adult sentences. Importantly, they have had five IRCS cases since the legislation was implemented.

Integrated case management conferences have been started, but they already had these before the YCJA was passed. The availability of both federal and provincial funding has allowed them to decrease their use of custody, since more community-based options are now available. Funding increased significantly between 1999 and 2002, when a net increase of approximately $6 million of federal money went to British Columbia as part of their costs-sharing agreement. These funds were used to support the implementation of the YCJA. For example, some of the funds went into the Intensive Support and Supervision Program, while others were put into substance abuse programs or community alternatives. They have found that by providing appropriate alternatives to custody, the youth courts are increasingly using them. In addition, the police are using their discretion more extensively at the front end of the system, which puts less pressure on community services. They are trying to refer only the young people who really need services to the community-based programs.

There is strong support in the province for the policies contained in the YCJA. The provincial youth justice representatives we interviewed were more concerned with how the legislation is being implemented. It is very complex around records and enforcement. Their area of greatest concern is with the pretrial detention provisions contained in the legislation. The province does not have an official policy on this. There is also some concern over the criteria for custody. The Supreme Court definition of violence does not include offences such as arson or high speed chases. The restricted eligibility for custody under the YCJA leaves out some of these very dangerous behaviours. It restricts the youth justice system's ability to deal with some young people who represent a real risk to themselves and the community.

The provincial representatives we interviewed suggested that we need to look at prevention and deal with young people before they are in the youth justice system. Some examples include

programs for pregnant mothers and preschool children and school-based programs that emphasize youth decision-making.

Youth Justice in Ontario

In anticipation of the passage of the YCJA, Ontario began a significant restructuring of its youth justice system. This transformation included the consolidation of youth justice services under the Ministry of Children and Youth Services (MCYS), with a specific mandate given to its Youth Justice Services Divisions. In addition, the Ministry of the Attorney General is responsible for prosecution services, including those related to the YCJA. It is also responsible for the development of their youth justice committee program and the extrajudicial sanctions program. Prior to 2003, jurisdiction over young offenders in the province was split between the Ministry of Community and Social Services, which dealt with young people twelve to fifteen years of age, and the Ministry of Corrections, which dealt with sixteen- and seventeen-year-olds. Not only did the consolidation under the Ministry of Children and Youth Services end jurisdictional issues, it also ensured a consistent philosophical approach across the province to young offenders.

The Ontario Court of Justice can broadly be said to exercise jurisdiction in three distinct areas: criminal law, family law and provincial offences. In the area of criminal law, the Court has extensive jurisdiction and renders final judgment in well over 95% of all matters under the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Youth Criminal Justice Act* and other federal statutes. The Court deals with the vast majority of prosecutions involving young persons between the ages of twelve and seventeen years under the *Youth Criminal Justice Act* (except when the young person elects to be tried by a judge and jury or a judge without a jury in the Superior Court of Justice). Some of the judges from the Ontario Court of Justice specialize and others can sit in more than one of the three areas, e.g., adult criminal matters and YCJA matters.

The implementation of the YCJA resulted in a significant decrease in the use of custodial dispositions in the province and a corresponding increase in the use of community-based alternatives. In response, the Youth Justice Services Divisions (YJSD) of the Ontario Ministry of Children and Youth Services began to develop a comprehensive framework within which it could provide a continuum of programs and services to meet its obligations under the new legislation. These programs and services are being developed with an evidence-based philosophy in mind, including the use of established best practices and evaluation frameworks. The nature and extent of the changes under way amount to a major overhaul of the way youth justice services are delivered in the province.

The Alternatives to Custody and Community Interventions Strategy (ATCCIS) is at the heart of the transition currently under way in Ontario (Mazaheri, 2006). Its objective is to guide the development of community-based programs and services that are youth-centred and build on the resources available in communities. The ATCCIS seeks to deal with young people in a holistic and integrated manner based on a partnership model of service delivery that recognizes the complexity of youth crime.

A wide range of programs and services is being developed as part of the ATCCIS. Funds for these activities have come from the rationalization of underused open custody beds in seventeen open custody residences in the province. This rationalization allowed ATCCIS to shift youth justice services from residentially based programming toward a broad range of services provided in the community. As a result of these rationalization decisions in 2004–5 and 2005–6, $18.5 million has been provided for the ATCCIS (Mazaheri, 2006:4). Interviews with provincial officials indicated that $28.7 million has been made available to date, which has included funding for 176 new or enhanced programs.

The emerging continuum of service is suitable for dealing with youth involved in both minor and more serious offences. This includes the development of school-based prevention and diversion pilot projects, which offer peer mediation and other school-based services to assist young people. The pilot projects use a "brokerage model" of community services to provide support to these young people and their families, in the community, while assisting them in dealing with the factors that contributed to the offending behaviour (Mazaheri, 2006:6).

The MCYS has invested a great deal since 2005 in the development of Extrajudicial Measures and Extrajudicial Sanctions. YJSD, in collaboration with the Ministry of the Attorney General, has implemented twenty-seven EJM pre-charge pilot projects and six EJS post-charge pilot projects to identify best practices. Both EJM and EJS deal with various types of offences (e.g., all class 1 and 2 and some class 3 offences). A comprehensive framework for EJM and EJS is currently being developed and will be available in the fall of 2008.

Restorative Justice pilot projects have also been developed (Ontario: MCYS, 2006). These take several forms, including family-group conferencing, facilitated conferencing, school-based conferencing and victim-offender mediation. Referrals to restorative justice programs may be made either pre- or post-charge. They represent an effective community-based alternative that emphasizes a holistic approach to youth in conflict with the law.

An Attendance Centre pilot program has also been launched to meet specific provisions of the YCJA. The Attendance Centres are supervised sites that offer intensive, structured and closely supervised programs. These services are a condition of probation and are intended to address the underlying needs of the youth while providing intensive supervision, which helps to manage the risk to the community. Specific services offered may include anger management, substance abuse counselling, education, employment and life-skills training. The program is flexible, allowing young people to attend during the day, outside of school hours or on weekends. Young people in the program are encouraged to pursue recreational and other activities in the community to help them achieve success.

The province has also instituted Reintegration and Support Services, as well as a Youth Outreach Worker program, to provide support and link young people to services that are available at the community level. For example, the Eastern Ontario Youth Services Agency (EOYSA) offers such programs through its Community Support Teams that provide a full range of community alternatives. As well, they have launched an Aboriginal Alternatives to Custody program, which is culturally appropriate and focuses on providing a continuum of meaningful programs to

Aboriginal youth. These programs are operated by Aboriginal community agencies. The focus of these programs is on prevention, diversion and alternatives to custody.

Interviews with provincial youth justice officials revealed that they have not noticed any real impact on the use of child welfare or child protection services as a result of the implementation of the YCJA. In fact, there are very few referrals under Section 35 of the YCJA. Section 35 has not been seen as a very effective way of addressing the needs of young people with serious problems. The experience in Ontario is that the average age of the young people being provided with youth justice services is increasing, and there are fewer cases that are subject to child welfare jurisdiction. We were told that it is possible that Children's Aid Societies could be involved in cases where short-term residential services are needed for probation cases, but this is unlikely.

We also communicated with nine Program Supervisors from the MCYS Program Management Division (PMD) in the hope of accessing additional information pertaining to the impact of the YCJA on child welfare-related services. We were informed that there were no available data on the impact of the YCJA on child welfare residential services. The comments we received are anecdotal and are based on either personal observation by the PMD Program Supervisors or conversations between them and services providers. From the information we received, there have not been many s.35 referrals nor any significant number of children placed in child welfare residential services as a direct result of the YCJA. In some situations, residential care may have been provided to a youth not sentenced to a custodial facility; for example in instances where the family did not want him/her to live at home. However, in such situations, the key question was, "Is the youth really in need of protection?" Given the paucity of data, it is difficult to assess the impact of the YCJA on child welfare residential placements.

According to provincial YJSD representatives, there are no real differences between the YOA and the YCJA periods in the way young people with mental health problems are dealt with. There was some pressure on child mental health services in the early days of the YCJA, but this is no longer the case. Interviews with provincial justice officials also indicated that IRCS orders are not used very often. In fact, there have only been seventeen IRCS cases in Ontario since 2003, with thirteen of these being currently active.

Young people in the youth justice system who do have mental health issues can get services through the Intensive Support and Supervision Program (ISSP). The MCYS developed the ISSP in accordance with s. 42(2)(1) of the YCJA. This program is intended for young people with a diagnosed mental illness or disorder who are at risk of being placed in custody and who require intensive clinical and community supports, supervision, and crises management (Mazaheri, 2006:7). "While many community programs offer support to youth and their families, it is the level, type and intensity of mental health programming that distinguishes [ISSP] from other structured, community programs (Ontario: MCYS, 2007)." ISSP is designed to reduce the risk of recidivism, promote community safety through monitoring these young people, and expand the range of alternatives available to them while reducing the use of custody and avoiding the use of custody as a substitute for appropriate mental health services. There are nine ISSP pilot programs operating across the province involving about 200 young people, including many that have serious mental health problems. They have also established The Youth Mental Health Court Worker Program to provide services to youth with mental health problems. The provincial

representatives we interviewed felt that 40–60% of the youth on probation or in custody in the province have some kind of mental health issue.

Youth violence has not been singled out in the transition process currently under way in the youth justice system in Ontario. All programs are being designed with the continuum of services in mind and a "root cause" and "outcome-based" philosophy. However, a number of specific programs were put in place in response to incidents of gang violence in Toronto. These include: (1) the African Canadian Youth Justice Program, and (2) the response to youth violence being made through the Youth Opportunities Strategy. For example, the Youth Opportunities Strategy provides some funding to initiatives such as the Violence Intervention Project (VIP), which is run by the East Metro Youth Services in Toronto. This is an accredited mental health centre that provides a range of services, including "youth-led violence prevention workshops on such topics as Bullying, Gang Violence, Dating Violence/ Healthy Relationships, Diversity (including Anti-Racism and Homophobia), Anger Management, Conflict Resolution, Boys and Violence, and Girls and Violence. Additionally, VIP staff and youth participants organize and host violence prevention forums and conferences (Violence Intervention Project, 2005)." The Violence Intervention Project engages and mobilizes young people and encourages them to find ways to enhance school and community safety. The program focuses on developing skills in problem-solving, conflict resolution, communication, public speaking, negotiation, assertiveness and decision-making. Youth are encouraged to take leadership roles in developing violence prevention initiatives within their school or community.

The MCYS is not experiencing any real problems with the YCJA. They are noticing that the young offenders they now deal with are older and have been involved in more offences, including more serious ones. At the same time, the sentences for serious violent offenders are getting longer, resulting in twenty-one-, twenty-two-, and twenty-three-year-olds being in the youth justice system. The province is looking at ways of dealing with these young people. Some young people convicted of serious violent offences may be transferred to the adult system, but this is not automatic. They indicated that they currently have ten serious cases to deal with, which is quite low. As noted above, they have also had seventeen young people on IRCS since the YCJA came into force.

The provincial officials we interviewed did not want to focus too narrowly on youth violence, since they believe in the progress that has been made with their holistic approach. They felt that the transition that is under way, with its emphasis on a comprehensive continuum of services which is youth-centred and promotes a "brokerage" approach to services, is very effective. Such an approach focuses on the causes of crime for each young person in their system, as opposed to targeting particular types of offences. They do not advocate for longer sentences, but instead refer to the principle of proportionality in their programs and services. That is, those involved in more serious crimes require more serious interventions. The NGO representative (EOYSA) interviewed was quick to point out that high-risk violent youth represent only a small percentage of their total clientele. He also informed us that they have always taken a holistic approach with violent youth, since they have a history of dealing with these types of young people. Their intervention strategy includes cognitive, self-change approaches, restorative thinking, anger management and empathy exercises.

The transition under way in youth justice in Ontario reflects a focus on two key principles of the YCJA. With respect to reducing its over-reliance on incarceration for non-violent offenders, the province is striving to provide a wide range of community-based alternatives to custody. These have been designed with evidence-based practices in mind and include ongoing assessments. They are to be holistic, youth-centred, and encourage community involvement and participation. The second principle, reserving the most serious interventions for the most serious crimes, has resulted in a new set of custody and reintegrative services. As well, specific services for young people with mental health issues have been developed.

The experience in Ontario indicates that a more comprehensive and integrated approach to young people in conflict with the law is emerging. This includes a commitment to an overarching philosophy that is expressed in each of the program components discussed above. The result is that the YCJA has already resulted in significant changes in the approach taken to youth justice in Ontario and more are likely in future.

Youth Justice in Québec

The Government of Québec had many policies and programs in place that anticipated the changes introduced in the *Youth Criminal Justice Act.* For example, Québec has a long history of paying special attention to the needs and rights of young people at risk, including those who may be in conflict with the law. The province also has experience with diversion and alternative sentences that dates back to the late 1970s. This was when Québec's *Youth Protection Act* was introduced (1979). It provided legal counsel to those young people charged with a criminal offence and institutionalized voluntary alternatives to formal court processes, which were the precursors to alternative measures and extrajudicial measures. As a result, Québec did not have a difficult time meeting the requirements of either the *Young Offenders Act* or the *Youth Criminal Justice Act*. They did, however, provide training and coordinated their efforts with the Youth Centres [Centres jeunesse (CJs)] in preparation for the implementation of the new legislation. They also prepared a comprehensive guide for use by Youth Centre workers.

The Court of Québec has three divisions: the Civil Division (that includes the Small Claims Division), the Criminal and Penal Division, and the Youth Division. The Youth Division hears all cases involving minors, such as applications under the *Youth Protection Act* concerning the security or development of a child under eighteen years of age. It also hears adoption cases. In criminal matters, the Youth Division applies the *Youth Criminal Justice Act*. It hears first instance cases in which individuals between the ages of twelve and eighteen are accused of offences under the *Criminal Code* (including murder) and other federal statutes. In penal matters, the Youth Division applies the Penal Code Procedure and hears cases involving individuals between the ages of fourteen and eighteen who are accused of offences under Québec statutes and municipal bylaws. In criminal matters, the Superior Court has exclusive jurisdiction in first instance to try criminal cases, heard before judge and jury, involving murder and treason. The Superior Court also has jurisdiction in cases for which the accused elects trial by jury, including cases relating to the *Youth Criminal Justice Act*. As is the case for the Court of Appeal, the Superior Court is

competent to hear appeals of decisions under the *Criminal Code* made by a judge of the Youth Division, the Criminal and Penal Division or a municipal court, or by a justice of the peace.

In Québec, services to young offenders are provided mainly through sixteen Youth Centres (CJs) located across the province. These are para-governmental agencies, entirely funded by the Ministry of Health and Social Services (MSSS). They provide a full range of services to children, youth, and their families, including young people up to eighteen years of age who are subject to the YCJA and/or the Québec Youth Protection Act. CJs do all assessments and treatment interventions except for psychiatric and psychological assessments and therapy services. They provide counselling and probation, pre-disposition reports, extrajudicial evaluation, monitoring of sentences, and custodial services. However, they do not provide the post-referral service components of extrajudicial measures and sanctions or some sentencing alternatives such as community service orders. These are provided by community-based agencies. In addition, the Ministry of Justice of Québec provides prosecution services, including for the YCJA, and Crown prosecutors participate in extrajudicial sanctions. The Ministry of Justice is also involved in other initiatives related to youth, with examples of these provided below.

The Québec Government updated its provincial statutes to comply with the new *Act*, including those related to extrajudicial measures and sanctions, the age of reverse onus (sixteen- and seventeen-year-olds), and the powers of temporary detention given to the provincial director. They also ensured that all the CJs put an intensive monitoring program for high-risk violent youth in place that includes two basic treatment options. This can consist of either sixty hours or 100 hours of direct counselling or treatment intervention, depending upon the level of risk that the youth represents.

We were advised that consultations were held with First Nations communities in the province regarding the management of youth justice services under the *YCJS*. As part of this effort, the province authorized several Youth Justice Committees in First Nations communities.

A number of Youth Centres have also tried to establish working protocols with the police with respect to their dealings with young offenders and in regard to staff safety issues. However, we were advised by one of their representatives that only the Montréal Youth Centre has been successful in doing this, primarily because it only has to deal with one police service. Work in this area in other regions is still ongoing.

The Québec government has put an intervention plan in place to deal with youth street gangs, with Montréal as the focal point. The plan is to run from 2007 to 2010. More specific programs will be developed in the near future since, in December 2007, Québec's Ministers of Justice and Public Safety announced a $17.6 million plan to deal with street gangs. This plan consists of a two-pronged approach aimed at preventing youth from joining gangs as well as helping those who want to leave them. The strategy also includes an enforcement component.

The Québec Justice Ministry funded a multimedia high school play on youth justice. This initiative was designed by youth for youth. It has reached over 30,000 young people during its first two years of being performed in Québec high schools. As well, they have had a Provincial Coordinating Round Table on Youth Violence in Schools since 1995.

Québec is also providing support to communities through the Ministry of Public Safety toward the development of crime prevention programs, some of which focus on reducing youth violence. They provide numerous community grants to support local crime prevention efforts. Québec also invested, several years ago, in a major early intervention program throughout the province, under the leadership of Richard E. Tremblay at the University of Montréal, on Children's Psychosocial Maladjustment.

In their update of provincial Extrajudicial Measures and Extrajudicial Sanctions Programs, the use of "cautions" has been excluded. Moreover, these programs do not permit the laying of charges if the young offender does not complete the agreed-upon tasks.

Psychiatric services are offered through hospitals or clinics specializing in such services. When young offenders are under supervision in the community or in open custody facilities, they make use of available services in the community. If the young offenders are in a secure custody facility, then the services are either provided by a psychiatrist who travels to the facility or the young person obtains the services in the community while under escort.

As for psychological services, we were told that the CJs have some resources to provide assessment and follow-up services. However, given that these resources are limited, young offenders also have access to services provided through Local Community Health Centres or hospitals. The CJs have the financial responsibility for the psychological and psychiatric assessments required by the youth court or requested by a youth worker who is doing a pre-disposition report. The Pinel Institute provides services for those young people requiring residential intervention for psychiatric problems.

We were informed that Québec officials were originally quite concerned about the potential impact of s. 35 referrals, especially with respect to the potential use of this section as an informal alternative to custody. However, their concerns were unfounded, as there have been very few s. 35 referrals since the legislation was implemented. They were also concerned about custodial orders under s. 42.2 (r) and 42.(7). Here, again, there have been very few intensive rehabilitative custody and supervision orders since the legislation was enacted. However, mental health cases are increasingly becoming an important issue, including problems related to drug dependency, suicide and co-morbidity.

It may be much easier for Québec than for other Canadian jurisdictions to limit the impact of the YCJA on child welfare services, including residential facilities, because the CJs are responsible for both youth in need of protection and young offenders. In fact, the philosophical perspective informing youth services is based on the notion that there is little difference between the services provided to children and youth who are in need of protection or in trouble. Moreover, Québec's philosophy on young offenders is: "They view them first and foremost as young people in a stage of development. They are seen as susceptible to making errors. They have special learning needs and require structure and counselling. They can become productive citizens if appropriate measures are used such as rehabilitation rather than correction. Their criminal responsibility is attenuated and different from adults" (Québec, MSSS, n.d:1).

The Québec representative of the Ministry of Health and Social Services provided us with an informal report highlighting some statistics they had gathered on the implementation of the YCJA in that province. Québec had a high diversion rate under the YOA and continues to experience a high rate of diversion under the YCJA. Most of the additional diversion cases are due to increased police discretion. In addition, data on youth justice from Québec shows that the rates for youth charged with crime are also going down For example, the number of young offenders serviced by the CJs decreased by 32% from 2002–03 to 2005–06. Those services provided by community-based agencies also showed a decrease of 23%. This suggests both that the police are handling cases more informally under the YCJA and that the rates themselves are decreasing. Similarly, the number of cases referred by the Crown attorney has also decreased by 22.5% since the implementation of the YCJA. At the same time, the youth population in Québec (twelve to seventeen inclusive) has increased by an average of 1.5% per year since 2002. However, the Québec data does indicate that while fewer youth have been involved in crime in recent years, they are proportionally more involved in crimes against the person, since these types of offences went from 24% in 2002 to 27% in 2005. On the other hand, the proportion of property crimes decreased from 51% in 2002 to 45% in 2005.

Pretrial detention has decreased since the implementation of the YCJA. For example, in 2005–06, 1,975 youth were subjected to pretrial detention orders, compared with 3,235 in 2002 under the YOA. Custodial sentences have also decreased considerably in Québec since the advent of the YCJA. The decrease is more prevalent with respect to open custody than secure custody, which is logical given the fact that the *Act* restricts the use of custody to those young people who represent a danger to society. For example, in 2005–06, 446 youth were placed in open custody, compared with 1,251 in 2002–03; and 723 were placed in secure custody in 2005–06, compared with 1,104 in 2002–03. In addition, under the YCJA, young offenders are being incarcerated for shorter periods on average than under the YOA. It should be noted that Québec had a high custody rate under the YOA. On average, over 30% of youth charged received custodial sentences. This outcome was often justified by Québec government representatives by the fact that it also had the lowest court referral rate in Canada. Consequently, those referred to court were the more serious cases, thus generating more serious dispositions.

Finally, the data provided by a Québec representative on the use of new sentencing alternatives under the YCJA, such as absolute discharge, intensive support and supervision, non-residential attendance programs, deferred custody and supervision, and intensive rehabilitative custody and supervision, do not indicate a general growth in their use in 2005–06. For example, deferred custody was used 11% less in 2005-06 than in 2004. Non-residential attendance programs were used 30% less and the intensive rehabilitative custody and supervision orders were only used twice in three years.

In general, Québec officials were very concerned about the potential impact of several provisions in the YCJA, such as general custody, referrals to child welfare services, intensive rehabilitative custody and supervision, etc. They were worried the legislation might lead to reduced access to custodial dispositions for dangerous young offenders and that they would have to deal with an increased use of chid welfare services to compensate for the lack of services available to young offenders. They were reassured by the fact that in Québec, the reduction in custodial placements appears to be coming more from open custody facilities than secure ones, which are generally

reserved for the more difficult and dangerous young offenders. However, they believe it is too soon to assess the full impact of the legislation in this area. Their view is that they need to invest more resources in monitoring and doing follow-up assessments with the more difficult cases. Also, there were very few court ordered referrals of young offenders for child welfare assessments. Finally, while no data was made available pertaining to adult sentences, we were informed that there were very few of these in Québec and this has always been the case.

Federal Youth Justice Representatives

We also met with federal justice representatives to get an overview of special projects or initiatives relating to youth violence that were part of the YCJA implementation strategy. We learned that the federal government encouraged several strategies aimed at reducing youth violence. First, they felt that the promotion of community alternatives and the concomitant reduction in the use of custodial dispositions were in themselves a means to reduce future youth violence. They also supported several First Nations violence reduction projects aimed at urban Aboriginal youth in Western Canada, such as the Cities Project. The goal of this project was to marshal existing federal, provincial, and municipal resources and programs in several specific cities to develop a collaborative approach to Aboriginal youth at risk and in conflict with the law. The Cities Project was launched in Winnipeg in January 2003. They also supported several youth gang-related projects in the general Toronto area aimed at children and youth who are likely to become involved in gangs because of their involvement in the youth justice system. They supported two gang-related forums in Toronto (2006 and 2007) involving over thirteen neighbourhoods. In addition, they are investing $1.5 million in drug prevention-related strategies for youth in conflict with the law.

The federal justice representatives we interviewed mentioned that some provincial Crown attorneys had voiced concerns about the difficulties in seeking more pretrial detention decisions for those cases they believe pose a risk to society. Finally, they mentioned that Justice Canada provided YCJA bridge funding to all the provinces and territories interested in building up front-end community alternatives programs and services from April 1, 2000 to March 31, 2005. All the jurisdictions made use of the special funds, with the exception of Ontario, which did not avail itself of this funding during the first three years that it was available.

An Overview of Youth Crime Trends and Youth Court Dispositions

A recurring theme in the public debate about youth crime over the last twenty years has involved the perception that youth crime is increasing and getting more violent. The data and related analysis presented in this section will not resolve this debate, but will provide some evidence regarding the nature and extent of youth crime in Canada since the beginning

of the twenty-first century. Most of the data for our analysis come from Statistics Canada, Centre for Justice Statistics.[1]

In this section, we present an analysis of various statistics available on youth crime, including those related to police charges, diversion (extrajudicial measures and sanctions), youth court decisions, sentencing data (including adult sentences), recidivism, and victimization. The focus is on available data from 2000 and 2006. This time period was selected in order to examine data for both the pre- and post-YCJA period.

In the discussion of the evolution of youth legislation outlined in Part I, reference was made to the differences between perceptions of increasing levels of youth crime and the existing evidence on youth crime. The impact of these perceptions formed the basis of much of the public debate and government response. We noted that the rates at which youth were being charged with crimes did indeed increase through the 1950s and 1960s and stabilized in the 1990s. As well, we noted that violent offences committed by young people were high in the early 1990s, but these too levelled off by the mid-1990s. Police charging practices were discussed in relation to the increased charges after the implementation of the YOA, as was the introduction of zero-tolerance policies in schools. Moreover, a number of studies indicated that a significant portion of the violent offences were minor assaults (the CCJS defined minor assaults as Level 1 assaults). For example, Doob and Cesaroni (2004) assessed the nature of the changes in the level of youth crime for 1986 to 1999 and found that the increase in violent crime was driven mainly by an increase in minor assaults.

As Sprott and Doob state, "Overall, then, there is no clear evidence of an 'increase' in youth crime generally, or youth violence specifically" (quoted in Campbell 2005:121). In addition, serious youth violence is a rare occurrence, even if the public believes that many young people are involved in serious crimes. Doob, Sprott, Marinos and Varma note that "in 1997, 79 percent of Ontario residents reported, in a public opinion poll, that they believed the number of youth named as suspects in homicides was increasing. However, the data indicated otherwise" (quoted in Campbell: 119). Finally, earlier data suggested that girls were generally less prone to committing violent offences. While this may still be the case, recent studies (e.g., Sprott and Doob, 2003, in Campbell, 2005) indicate that proportionately, girls are now referred to court in greater numbers than in the past. This is a process that began after the proclamation of the YOA. In general, there has been little change in the nature and extent of youth crime over the past ten years, and as Sprott and Doob point out, "where there have been increases, it is difficult to interpret what those increases mean" (in Campbell: 133).

Crime Statistics: 2000–2006

CCJS data indicate that the national crime rate was at its lowest level in over twenty-five years in 2006. The crime rate dropped 3%, following a drop of 5% in 2005. The data indicate that the rate dropped by about 30% from its peak in 1991 after increasing steadily throughout the 1960s, 1970s,

[1] *We would like to thank Ms. Jennifer Thomas for providing us with police and court data derived from the CCJS's core databases.*

and 1980s. The crime rate is determined by totalling the number of incidents reported to the police, dividing this number by the total Canadian population and multiplying the result by 100,000, which gives a crime rate per 100,000 population. The youth (aged twelve to seventeen) crime rate includes youth who are formally charged or recommended to the Crown for charging by police, as well as youth cleared by means other than the laying of a charge, divided by the total youth population (twelve to seventeen) and then multiplying the result by 100,000 to produce a crime rate per 100,000 population.

The youth crime rate increased by 3% in 2006, and this was its first increase since 2003. The increase was due primarily to charges for "*other Criminal Code offences,"* such as mischief and disturbing the peace. However, youth violent crime also rose 3% while property crime decreased by 3%. For violent crimes, youth rates (including youth formally charged or recommended to the Crown for charging, as well as youth cleared by means other than the laying of a charge) increased for homicide, assault and robbery, and decreased for sexual assault. The 2006 rate of youth accused of homicide was the highest since 1961, when data were first collected. In 2006, eighty-four youth (aged twelve to seventeen) were accused of homicide, involving fifty-four different victims. It should be noted that since these numbers are relatively small, changes are amplified when they are converted into percentage change. We discuss the issue of homicides in more detail below.

Police Charging Practices

Tables 1, 2, 3 and 4 (see Appendix II below) provide data on the evolution of charging practices by the police in Canada as a whole and for the four comparison provinces (Québec, Ontario, Alberta and British Columbia) from 2000 to 2006. However, for the purposes of our analysis, we relied mainly on the data from 2002 to 2006. We wanted to look at the changes in charging practices during the last year of the YOA and subsequent years under the YCJA. We looked at all incidents of crime, *Criminal Code* offences, violent offences and property offences. We then compared the charging practices and the charging ratio with the youth population (number of youth charged in comparison with the total number of youth charged and total youth population twelve to seventeen). We also looked at the number of minor assault offences (the formal term referred to in the CCJS data base is Assault 1 offences) so as to have a better idea of their role in the level of violent offences. We reviewed the information pertaining to homicide, since this was one of the categories of offence that were viewed by CCJS as responsible for a portion of the increase in violent offences for 2006 involving youth. In addition, youth involvement or perceived involvement in homicides in larger cities (particularly in Toronto) have been at the centre of the concern raised by the public, politicians, and the media around youth violence.

The data indicate a significant decrease in the number of youth charged by the police for all the major offence categories (all incidents, *Criminal Code* offences, violent crimes and property crimes). For example, nationally, the "all incidents" category revealed that 113,119 youth had been charged in 2002 (the last year of the YOA), while 85,947 youth were charged for this category of offence in 2006. This represents 27,172 fewer charges, resulting in a 24% decrease. The rate of charging decreased in Ontario 24%, by 30% in Alberta, by 37% in BC and by 10% in

Québec, although Québec already had the lowest charging rate in the country by far under the YOA. The number of female youth charges for "all incidents" decreased more significantly nationally and in the four provinces reviewed. For example, for Canada, the figures for the decrease in charges in this category were 29% young females and 23% young males, while in Ontario the decrease was 31% for young females and 22% for young males. The decrease is even more pronounced when we compare 2000 with 2006. On the other hand, when we take into account the population ratio (total youth charged ÷ youth population × 100,000), Ontario proportionately charges more youth than Québec and BC, but is about equal to the national average and is lower than Alberta. This conclusion is valid for both 2002 and 2005. The general implication for Ontario is that while it appears to follow the national average in terms of reducing the number of youth charged, it remains proportionately higher than other jurisdictions with higher overall crime rates.

With regard to *Criminal Code* offences, we find a very similar trend with respect to police charging practices, with the differences between the four provinces being significant. For example, nationally, the decrease is about 24% for young males and 30% for young females. Ontario follows the trend with 23% and 32% respectively, while Alberta and BC are ahead, showing a 32% reduction for young males and a 28% decrease for young females in Alberta and 38% and 34% decrease respectively for BC. When taking into account the population ratio, the results are very similar to those of the previous category. In 2005, Ontario's decrease in the number of youth charged was slightly lower than the national average, much higher than Québec and BC and lower than Alberta. However, Ontario was charging more youth than all other provinces in 2002. Consequently, while police in Ontario continue to charge proportionally more youth than their counterparts in Québec and BC, they appear to be charging fewer young people now than they did in 2002.

With regard to violent crimes, the trends in the reduction in the number of youth charged follow a similar pattern, although it is not as pronounced as for the other categories. Nationally, between 2002 and 2006, the reduction in the total number of youth charged for violent offences decreased by 12%, while the number of females charged decreased by 16%. Comparable statistics for Ontario show a 14% decrease for all youth charged with violent crime and a 19% decrease for female youth charged with this type of offence. These data should be considered in light of the fact that the rates at which youth are being charged with crime have decreased over the last decade. The results of the population ratio analysis indicate that Ontario charges proportionately more youth with respect to crimes of violence than all three other jurisdictions and its charging ratio is higher than the national average. This is valid for both 2002 and 2005. The fact that Ontario could be a significant driver with respect to the overall crime rate because of the size of its population does not explain the variations related to police charging practices. Ontario has a lower overall crime rate (per 100,000 population) than British Columbia, Alberta and Québec.

We also looked that the proportion of youth charged for minor assaults to see if this had any impact on the charging practices. The results of this analysis revealed that the ratio of youth charged for minor assaults in comparison with all violent crime charges is almost the same in Ontario as it is in Québec and BC, and is comparable to the national average. Only Alberta has a slightly higher proportion of youth charged with minor assaults. Consequently, the proportion of

youth charged with minor assault offences does not appear to have any impact on overall number of youth charged with violent crimes.

Table 5 shows the impact of minor assault charges on the violent crime rate. This category of offence has historically represented a significant portion of those youth being charged for violent offences, particularly since the early 1990s (i.e., the average has been in the range of 40% to 45% since the proclamation of the YCJA). Nationally, as well as in Alberta and BC, the proportion of youth charged for minor assaults continued to decrease up to 2006, but at a slower pace than in 2003 and 2004. However, in Ontario and Québec, the charging trends for minor assaults have different patterns, i.e., a slight upswing in Québec from 2005 to 2006 and stable proportions in 2005 and 2006 for Ontario. The relatively stable charging patterns for this category of offence might indicate that the police screening of minor offences that began with the implementation of the YCJA may have begun to reach its limit.

Tables 6 and 7 present information related to homicides. Table 6 shows an increase in the overall homicide rate (adults and youth) since 2000, both nationally and for three of the four provinces we reviewed. Only Québec (2.04 per 100,000 population in 2000 to 1.22 in 2006) has had a significant decrease. At the same time, Alberta showed a substantial increase in its homicide rate during this period (1.96 in 2000 to 2.84 in 2006). Ontario ranks in the middle of the four provinces with a rate of 1.54, which is below the national average rate of 1.85. On the other hand, the number of youth charged for homicide, while still very small in comparison with the overall number of youth charged, has increased significantly nationwide from forty-three in 2000 to eighty-three[2] in 2006. This occurred when the actual youth population (twelve to seventeen) increased by 4% between 2000 and 2005 (figures for 2006 were not available). However, while the number of youth accused of homicide increased in 2006, the number of victims remained about the same as in 2005. In addition, the 2007 CCJS Juristat Report on Homicide in Canada, 2006 indicates that "Compared with adults, a higher proportion of homicides with youth accused of homicide involve multiple accused. Of all incidents involving youth in 2006, about half (52%) involved more than one accused, compared with 15% of incidents involving adults." (CCJS, 2007: 06)

The rate of youth charged with homicide in 2006 was at its highest point since data were first collected in 1961. Except for Québec, the three other provinces we looked at experienced significant increases in the number of youth charged with homicide. The homicide rates were at their highest in 2005 for Ontario, Alberta and BC, and nationally. In addition, given that the youth population (twelve to seventeen) is about one-tenth of the adult population, these rates are disproportionately higher than the adult rates, suggesting that proportionately more young people than adults are charged with homicide. For example, nationally in 2006, eighty-three youth were charged with homicide, in comparison with 426 adults (a ratio of approximately 1:5); the figures for Ontario were twenty-three youth, versus 128 adults, representing a ratio of 1:4.5; in Alberta, the figures were twenty-four youth, compared with sixty-nine adults and a ratio of 1:3; and for BC, they were twelve youth, compared with seventy-four adults, with a ratio of 1:6. These should be in the 1:10 range if they actually represented the proportion of youth to adults in the population. We should also keep in mind that overall, Ontario fared better in 2006 with respect

[2] *The Juristat (no. 85-002-XIE, Vol. 27, no. 8) publication entitled "Homicide in Canada, 2006" indicates that eighty-four youth were charged with homicide in 2006. However, the CCJS database indicates a total of eighty-three youth. Because the database is corrected on a regular basis, it is preferable to utilize its figures rather than those published.*

to youth involved in homicides compared with both national figures and in relation to Alberta, and BC. The adult and youth comparison is pertinent mainly because the number of youth involved in homicides is increasing at a faster pace than their adult counterparts and because youth have a different involvement pattern than adults, i.e., more multiple accused.

Given the Ontario focus of this study, we looked specifically at homicides in Ontario. This data is presented in Table 7 (see Appendix II). We used the CCJS CMA database to look at homicides in Ontario cities and specifically at the involvement of youth in this offence. We examined data for the largest cities in Ontario and included data from the largest cities in the three other provinces for comparison purposes. We decided to present absolute numbers here as opposed to rates per population, since homicide is the type of crime that garners a great deal of public and policy attention. Individual incidents, in this case, can have a dramatic impact on public perceptions and policy initiatives, quite apart from the rate at which this type of crime is occurring. In this regard, the actual number of homicides taking place in Toronto is an important fact to be considered on its own vis–à-vis the public and political response to violent crime. This point is further emphasized when these figures are compared with the number of homicides that were reported in Canada's other large cities.

According to Table 7, in 2006, Toronto homicides represented 50% of all the actual incidents of this crime in Ontario. Ottawa was a distant second in this year. A review of 2005 data, the year with the most homicide incidents in Ontario, gives a similar picture, with the exception that Ottawa, Hamilton, St. Catharines and London have very similar numbers. These results indicate that most of the homicides in the province occur in Toronto. We also found that Toronto surpassed the number of homicides in other major cities across Canada by a substantial number. For example, in 2006, Toronto reported almost twice as many homicides as Montréal or Vancouver. The results were very similar for 2005, except that the number of homicides in Vancouver was also high but still significantly lower than Toronto. Interestingly, in 2006, the number of youth charged with homicide in Toronto was proportionately lower than the number of adults charged in comparison with the overall numbers and proportions for the province. Thus, while the number of homicides in Toronto is an important issue, youth should not be viewed as major contributors to this category of crime.

In sum, while Québec may not have had the biggest reduction with respect to charging practices, when taking into account its youth population, it has had the lowest charging rate in all the offence categories in comparison with Canada as a whole and the three other provinces. This was the case under the YOA and this trend has continued under the YCJA. Ontario appears to be following the national trend in terms of reduction in the number of youth formally charged, but lags behind Québec and BC when we take into account the comparative youth populations. This is particularly true for crimes of violence, where Ontario has a higher ratio of charging in proportion to its youth population (twelve to seventeen) than all the jurisdictions and the national average. Also, in 2006, Toronto homicides represented 50% of all Ontario incidents of homicide, but youth were not overrepresented in these charges as they were in homicides in the rest of the province.

The key question here is, why does Ontario charge proportionately more youth than the other three jurisdictions? The formal answer is that we really do not know. One contributor may be the fact that in Ontario, until recently (2003), sixteen- and seventeen-year-olds involved in crime were

dealt with by correctional staff who were also responsible for adults. Working in a more correctional philosophy-based milieu could have an impact on the pre-sentence recommendations made to the youth court. As well, Ontario's stance with respect to alternative measures under the YOA was among the most conservative in Canada. Further, the development of extrajudicial measures in Ontario is relatively recent. On the other hand, Ontario had the lowest overall crime rates in Canada in 2005 and 2006. The province fared better in 2006 with respect to youth involved in homicides compared with both national figures and in relation to Alberta and BC. In addition, the portion of minor assault charges in comparison with total crimes of violence are very similar in Ontario and the national figures, as well as those in the other three jurisdictions. This leads us to conclude that it is likely not the nature of the offences or the level of crime that can help explain the charging practices in Ontario. The role of the police and Crown attorney must be assessed with respect to charging policies and practices.

Finally, the use of official statistics of the type reviewed above does not allow for any direct conclusions to be drawn about the relative effectiveness of the approach to youth justice being taken in the different jurisdiction under review. The most that can be said is that there are distinct patterns evident among the four provinces. The approach in Québec has generally resulted in lower charges, lower court referrals and lower custodial sentences. One possible explanation for this pattern is that their policy and program responses have emphasized social interventions in contrast with more corrections-focused measures. The similarities between the statistical data for Québec and BC may similarly reflect the use of front-end alternatives in those provinces. The apparent convergence of approaches with respect to the development of integrated and comprehensive service continuums may also result in more homogenous approaches and outcomes in the future.

Diversion: Extrajudicial Measures and Extrajudicial Sanctions

Under the YOA, diversion was done at different levels. Police used their discretion for informal diversion in all provinces and most provinces implemented post-charge alternative measures programs, usually under the authority of Crown attorneys. Québec had informal police diversion and two categories of alternative measures; one under the authority of the Director of Youth Protection and the other directed by Crown attorneys. Tables 1, 2, 3, 4, and 5 also show a substantial increase in the exercise of police discretion from 2002 to 2006 in all the key offence categories, both nationally and for the four comparison provinces. It should be noted that youth who are "not charged" by the police represent the number of youth cleared by means other than the laying of a charge.

With respect to the category "*Criminal Code* Offences" in 2006, the percentage of youth who were not charged go as high as 70% for BC and as low as 53% for Ontario. Ontario is also the lowest for 2002 in this crime category. The data for violent crimes show that Ontario also has the lowest percentage of youth not charged. However, when comparing police discretionary practices from 2002 to 2006, Ontario is the province that has most dramatically increased the number of youth not charged at the police level.

In regard to property offences in 2006, Ontario police appear to exercise less discretion than those in Québec, BC and nationally. However, Ontario is also the province that has changed the most with respect to decisions not to charge since 2002. Police discretion went from 36% in 2002 to 62% in 2006.

In addition, we need to keep in mind that Ontario's alternative measures programs at the post-charge level were conservative, but they still diverted many youth. The problem is that it was not possible to access the post-charge alternative measures data directly through the CCJS database. The Youth Court Survey data includes the post-charge outcomes, but they are reported together with charges that were withdrawn, stayed or dismissed. This will be discussed further below. Moreover, Table 5 shows that minor assault charges represent a very significant portion of the violent offences that were diverted through extrajudicial measures. In addition, we compared our results with Carrington and Schulenberg's (2005, 2006) findings on police charging practices after the proclamation of the YCJA and found that our results are similar to what they reported (i.e., a significant increase in police discretion under the YCJA).

In a pre- and post-YOA study on police charging practices, i.e., from 1980 to 1990, Moyer (1994) observed that most of the provinces (including Ontario, Alberta and BC) saw a significant increase in police charging practices after the proclamation of the YOA. A few provinces stayed at the same level and Québec reported a reduction. As Carrington and Schulenberg point out, "Research on the impact on police practices of the YOA has found that immediately after the *Act* came into force, there was a substantial decrease in the exercise of police discretion not to charge apprehended youth, and that this increase in charging persisted throughout most of the period when the YOA was in force" (2005:3). Carrington and Schulenberg further state that "in 2003, approximately 1 out 6 six young people apprehended in Canada was not charged, who would have been charged if the police had continued to use the same charging practices as in 2002" (2005:14). It is clear that the YCJA has been quite successful in encouraging changes in police practices. Further, Carrington and Schulenberg (2007) found that "Levels of charging were 30% to 50% lower in 2004 than in 2002 for minor offences such as theft under and drug-related offences, while levels of charging for serious and violent offences (other than common assault) decreased only slightly" (2007:2).

The data pertaining to extrajudicial sanctions are much more difficult to access, since there are no systematic means to collect this information nationally. CCJS indicates that cases stayed or withdrawn are often indicative of charges set aside pending completion of extrajudicial sanctions/alternative measures (under the YOA). For this reason, we examined court decisions pertaining to cases that had been stayed or withdrawn from 2000 to 2006. These are presented in Table 8 below. A number of provinces, including Ontario, had implemented post-charge alternative measures programs under the YOA. In such programs, the option of charges stayed or withdrawn was often used pending completion of the measures. Consequently, a reduction in the use of this mechanism does not necessarily mean that extrajudicial sanctions are utilized less often. It could mean that this diversion tool has now been replaced by police-driven extrajudicial measures, which occurred in provinces that were using a post-charge alternative measures program. The number of such cases decreased for Canada as a whole from 2002 to 2006, but remained relatively high; they increased in Québec (QC had pre-charge Alternative Measures (AM)), which likely accounts for their increased use of extrajudicial sanctions. These decreased

in Ontario, which had post-charge AM; they remained relatively steady in Alberta and decreased in BC. In short, because of data ambiguities, it is difficult make definitive statements about the use of extrajudicial sanctions, except to say that they have been implemented in the four provinces examined in this study.

In summary, our analysis has shown that police discretion has increased under the YCJA, and in particular in Ontario in comparison with the national average and the three other provinces. It remains lower for *Criminal Code* offences, almost the same for violent offences, and is comparable to the national average and the rate in Québec with respect to property offences. Police discretion represents only one form of diversion. It is important to keep in mind that under the YOA, Ontario and a few other jurisdictions had implemented a post-charge alternative measures program. However, it was not feasible for us to deconstruct the results pertaining to the post-charge alternative measures because of the way these cases are defined in the Youth Court Survey data. This being said, diversion is being used more extensively than it had been under the YOA, and Ontario is at the forefront of the change in police discretionary practices.

Youth Court Sentences

Data on sentencing decisions were examined with particular attention given to the new sentencing options included in the YCJA, including those viewed as more intensive or interventionist, such as deferred custody or referral to an intensive support and supervision program. We examined the number of cases referred to youth court and the type of decision, such as "stayed, withdrawn and dismissed," because we were advised that a large portion of these cases are generated by the use of extrajudicial sanctions. We also examined custody and probation data. CCJS youth court data includes court sentences and reports them according to the "most serious" sentence. For example, if a young person was sentenced to probation and a fine, only the former would be included in the database. This data is presented in Tables 8, 9 and 10 in Appendix II below.

First, it is evident that there is an across-the-board decrease in the number of cases referred to youth court from 2002–2003 to 2005–2006. These numbers range from 11% in Québec to 57% in BC, with Ontario at 42% and the national average at 35%. Ontario also has the lowest percentage of guilty pleas, which is understandable under the circumstances, since they historically made more use of post-charge alternative measures via the "stayed, withdrawn and dismissed" provisions; as well, they continue to implement extrajudicial sanctions under the YCJA. Thus, this approach would logically reduce the number of guilty pleas in comparison with many jurisdictions that had implemented pre-charge alternative measures. An analysis of youth court data also indicates a very substantial across-the-board decrease in the use of custody between 2002–2003 and 2005–2006. More specifically, nationwide, the number of youth court custody sentences was down by 100% (Canada-wide), 100% in Québec, 74% in Ontario, 137% in Alberta and 130% in BC. However, Ontario continues to incarcerate proportionately more youth than it should, taking into account the proportion of its population in comparison with the rest of the country. For example, with approximately 40% of the Canadian population, Ontario incarcerated about 54% of the total number of youth incarcerated in Canada as a whole. This is particularly worrisome when we

consider that this proportion was 45% in 2002–2003. The upside is that things appear to be changing in Ontario, but not as quickly as in other regions of the country.

While it is likely that the YCJA restrictions on the use of custody and its sentencing principles have had a major effect on the reduction in the use of custody, it is also possible that the changes in police charging practices have had an impact on the level of custodial sentences. In a 1994 study of the YOA, Moyer (1994) concluded that the only factor that could be correlated with the increased use of custody after the proclamation of the YOA was the change in police charging practices. As noted above, the police charged many more youth under the YOA than they had under the JDA, and often for minor offences. It should be noted that Ontario continues to lag behind the other comparison provinces in its reduction of the use of custody. Thus, it is likely that Moyer's conclusions would apply to Ontario's performance under the YCJA.

With respect to Intensive Rehabilitative Custody and Supervision (IRCS) orders, it should be noted that all of these were not included in the CCJS data because the available data ends with the 2005–2006 fiscal-year, and there have been several cases since then. More up-to-date counts for these orders were provided by federal youth justice officials, since the provinces are provided with special funding related to these types of interventions, so that the federal figures contain the most recent claims for support. CCJS data suggests that only eleven IRSC sentences were given from April 1, 2003 to March 31, 2006. However, the figures provided by Justice Canada showed that there have been thirty-four IRCS cases from April 1, 2003 to December 31, 2007. Ontario reported the highest number, with sixteen cases in total, Alberta had six cases, BC had five and Québec had none. We were also informed by Ontario representatives that they had had seventeen IRCS cases since the implementation of the YCJA and that thirteen of these were still active. The difference in count for Ontario is likely the result of the fact that Ontario had not yet submitted a financial claim to Justice Canada for one of the IRCS cases.

The data reveal that youth courts are increasingly using some of the new sentencing options included under that YCJA, such as deferred custody, intensive support and supervision, and non-residential attendance centre orders. However, probation use is decreasing across the board nationally and in the four provinces we looked at. The use of non-residential attendance centres in Ontario is low, with only one case identified in 2005–2006. This low figure may be due to the fact that Ontario put this option in place recently and CCJS does not include data for 2006–07 or 2007–08. Finally, CCJS has not collected data on the number of adult sentences given to youth since the proclamation of the YCJA. However, we were advised by representatives of the Ontario Youth Justice Services Division (YJSD) that they have had thirty-one cases since April 1, 2003 in which adult sentences were given to youth. Youth court judges under the YOA only transferred a very small number of young offenders to adult court (i.e., about 0.4 to 0.6 of 1% of cases where a finding of guilty was made). Also, if Ontario serves as a model with its thirty-one cases, it is unlikely that many adult sentences have been given across the country since the YCJA came into force.

Table 9 indicates that there was a reduction in probation orders between 2002–2003 and 2005–2006. During this period, probation sentences in Ontario and Alberta declined by 56%. These numbers are both lower than the national average but higher than Québec and BC. This change is likely the result of reduced charging practices as indicated by Moyer's (1994) research on pre- and post-YOA police charging. In addition, during that same period, there was an increase in the

use of deferred custody orders in Ontario and Québec, as well as across Canada. Intensive support and supervision orders are extensively used in BC and across Canada, but not in Alberta, Ontario, and Québec. Finally, non-residence centre sentences were not very common, and only in Alberta was this sentence used extensively. These results indicate that the data on the new range of sentences varies so much that it is difficult for us to make an assessment of their use beyond noting the patterns described above.

We also reviewed the data pertaining to the length of custodial sentences and probation orders. Table 10 shows that the total number of custodial days has been substantially reduced nationally and in the four comparison provinces from 2002–2003 to 2005–2006. These results were expected given that the total number of custodial cases had also decreased substantially during this period. However, the mean and median duration of sentences were almost exactly the same under the YCJA and the YOA nationally and for the four comparison provinces. The only variation was in BC, where the number of days increased by almost 16% and 80% respectively. In addition, Alberta's mean number of days also increased by 13%.

The relationship between custodial decisions and type of offence was also examined. While we did not present the data in a table, what we observed was quite interesting. After an examination of a number of offence categories (crimes against the person, crimes against property, administration of justice, other *Criminal Code* offences, etc.) for which young persons were found guilty in 2005–2006, we observed that a lot more young people were being given custodial sentences for non-violent offences than for crimes against the person. This was the case nationally as well as in all four of the jurisdictions reviewed in this report. For example, in Canada for 2005–2006, there were only 1,723 cases in which custodial sentences were awarded for crimes against the person out of a total of 6,355 custodial cases. In Ontario, the same pattern is evident, with 1,038 receiving custody for crimes against the person out of a total 3,446 cases in which custodial sentences were given. Thus, while progress is being made on the number of youth sent to custody under the YCJA, a large number of young people are still receiving custodial sentences for non-violent offences.

To summarize the data reviewed in this section, it is clear that Ontario is sending fewer cases to court, since it is second only to BC and well under the national average. BC and Québec have high rates of guilty pleas, while these are low in Ontario and Alberta. For Ontario, the lower percentage of guilty pleas is likely due to its higher use of extrajudicial sanctions. As well, there have been large decreases in the use of custody nationally and in the four jurisdictions. However, Ontario lags behind in comparison with the other three provinces and in comparison with the national average. The average custodial sentence is almost the same under the YCJA as it was under the YOA. The mean and median number of days are almost exactly the same under the two *Acts*. Finally and importantly, the Youth Court Survey data revealed that despite lower charging rates and lower overall custodial sentences, a substantial number of young people are being given custodial sentences for non-violent offences in all jurisdictions.

Recidivism

The CCJS has not collected recidivism data through its Youth Court Survey since the proclamation of the YCJA. Consequently, with no accessible national figures, it is difficult to provide an analysis of the potential impact the YCJA could have on youth recidivism in Canada. Past self-report studies with youth indicate that most young people will commit at least one delinquent act during adolescence, but a small proportion of youth commit most of the delinquent acts. For example, Savoie (2006:1) reported the results of a recent study on youth self-reported delinquency among Toronto students in grades 7 to 9. She found that "37% of Toronto students in grades 7 to 9 had been ngaged in one or more delinquent behaviours in their lifetime, through either acts of violence, acts against property or the sale of drugs." She further found that "violent behaviour was twice as prevalent among boys (30%) compared with girls (15%); and, that boys were also slightly more likely than girls to report delinquent behaviour against property (30% versus 26%)" (2006:01).

Since an increasingly large proportion of youth in contact with or arrested by the police will be screened out of the youth justice system, it is likely that those appearing in court will have past criminal experiences. Furthermore, repeat contact with the youth justice system is a strong predictor of future adult criminality. For example, Doob and Cesaroni (2005) commented on Lee's (2000) study. which showed "that the more times a youth is brought to court, the higher the likelihood of recidivism. She presented data on re-conviction within six months, one year, and two years of disposition" (2005:111). In another study, Thomas, Hurley and Grimes (2002) found that "in 1999/2000, 60% of the nearly 57,000 convicted offenders between 18 and 25 years of age had at least one previous conviction, either in adult criminal court or youth court." They further found that "among recidivists, 28% had one prior conviction and 72% had multiple prior convictions" (2002:1). In another study, Carrington, Matarazzo and deSouza (2005) linked the CCJS Youth Court Survey to the Adult Court Survey to describe the court careers, up to the twenty-second birthday, of 100 Canadian-born persons, in six provinces, accounting for 78% of the population in Canada (including Québec, Ontario and Alberta). The study found, among other things, that an involvement in crime in the latter part of adolescence generally leads to fewer criminal incidents as adults. The study also observed that there was no clear pattern with respect to escalation, de-escalation or stability in the seriousness of repeated court referrals, since all three categories of behaviour were present in the cohort. These results confirm previous research that most youth will experiment with delinquent behaviour, but a small number account for the bulk of delinquent acts. Fréchette and LeBlanc (1987) refer to adolescent delinquency as an epiphenomenon.

As more minor young offenders are screened out of the youth justice system, those ultimately referred to court will likely be more criminalized. Our interviews indicated that those youth who are presently processed through court and end up on probation or more stringent sentences under the YCJA are likely to have been previously involved in more delinquent behaviour than those who might have been processed under the YOA.

Victimization

The 2004 General Social Survey[3] (Aucoin and Beauchamp, 2007) found that 28% of Canadians aged fifteen years and older reported being victimized at least once during the preceding twelve months. This represented a slight increase (26%) from 1999. Québec (59) had a lower rate of violent victimization per 1,000 households than the rest of Canada (106). Ontario (112) and BC (108) had slightly higher rates while Alberta's (160) was considerably higher. With regard to household victimization, Québec (232) and Ontario (233) had similar rates, which were lower than the national average. Alberta (331) and BC (376) were also similar and much higher than the Canadian (248) average. The Canadian Centre for Justice Statistics suggests that personal lifestyle characteristics such as sex, age, marital status, main activity, frequency of going out in the evening, household income and location of residence are all contributing factors to personal victimization.

The risk of violent victimization in 2004 remained low and stable compared with 1999, but the rate of household property theft and vandalism increased from previous years (1988, 1993, and 1999). Women and men experienced similar levels of violent victimization, but rates of violent victimization were the highest among young people and First Nations people.

In summary, data on victimization from the CCJS indicate that the level of victimization in Canada has remained stable for the most part. The nature, scope and profile of victimization has essentially not changed over the past fifteen years or so.

A Comparative Analysis of the Four Provincial Jurisdictions

Provincial authorities in Canada were aware of the changes that would be required under the YCJA and had ample time to prepare for the new legislation. The changes that were required were different for each provincial jurisdiction, depending on what they had in place under the YOA. In this regard, Québec may have been most prepared, given the extensive array of community-based programs it had prior to the implementation of the YCJA. This was a result of their philosophy and approach to young offenders and the way services are provided to young people in the province under the *Québec Youth Protection Act*. However, jurisdictions such as British Columbia also had well-established community alternatives under the YOA. In Alberta, youth justice committees were established in the province in 1992 and dealt with extrajudicial sanctions, which were alternative measures under the YOA. The situation in Ontario is somewhat different, since community-based alternative programs have not been extensive in the province and efforts are now under way to expand these type of "front-end" options. While there is no direct evidence about the impact of these differences, some insight can be gleaned from the data available on the use of diversion in each of these provinces since its use could vary based on the availability of community options.

[3] *As part of the General Social Survey (GSS) program, Statistics Canada conducted a victimization survey. Similar surveys were conducted in 1999, 1993 and 1988. For the 2004 survey, interviews were conducted by telephone with about 24,000 people, aged fifteen years and older, living in the ten provinces.*

An important point of comparison is how the response to young people in conflict with the law is organized in each jurisdiction. In general, there appears to be a movement toward an integrated, holistic approach in all four provinces. In the past, such an approach distinguished Québec from other Canadian jurisdictions since it provided a range of integrated services based on the needs of the young person, which included both child welfare and youth justice interventions. At the present time, services for young people in Québec are provided through Youth Centres funded by the Ministry of Health and Social Services (MSSS). These centres provide a range of programs for young people up to eighteen years of age who are subject to either the YCJA or the *Québec Youth Protection Act*.

The situation in British Columbia is that youth justice was part of youth corrections until 1997, when the province consolidated youth services under the newly created Ministry of Children and Family Development. This ministry now has jurisdiction over all aspects of youth justice. A similar development has taken place more recently in Ontario where, prior to the YCJA, young offenders who were twelve to fifteen years of age were dealt with by the Ministry of Community and Social Services, while the Ministry of Corrections dealt with sixteen- and seventeen-year-olds. Currently, jurisdiction over all young offenders lies with the recently created Ministry of Children and Youth Services through its Youth Justice Services Division. In Alberta, jurisdiction for youth justice is the responsibility of the Ministry of Justice and Attorney General, while youth corrections is the responsibility of the Ministry of the Solicitor General and Public Security. However, through the Alberta Children and Youth Initiative, a great deal of discussion and planning has taken place regarding how to best integrate services for young people in the province.

The changes in jurisdiction described above represent a movement toward a more holistic and comprehensive approach to young people in conflict with the law. The provincial representatives we interviewed mentioned the benefits of having the jurisdiction for young offenders in one ministry. Not only does this result in a common philosophy and purpose, it also avoids the fragmentation that can develop when multiple players are involved in providing services if they are from different disciplines, organizations, and with different mandates. The benefit of an integrated approach has also been noted in the research literature on international jurisdictions, where the changes that have taken place, in England and Wales for example, were seen as a way of providing a common purpose and eliminating the potential for conflict and fragmentation that had existed among different service providers in the past. The ability to deal effectively with whatever problems or issues a young person is facing was mentioned as a real advantage in several of the jurisdictions, including British Columbia and Québec, where child welfare and mental health services are under the same ministry as youth justice, thereby providing the potential for a comprehensive response.

Preparing for the implementation of the YCJA meant investing in the creation of new sentencing options available under the *Act*, such as IRCS, ISSPs, Attendance Centre orders, as well as community alternatives for EJM and EJS, including those using a restorative justice approach. The federal government offered to contribute to these new services by providing bridge funding. All of the jurisdictions benefited from these additional resources except Ontario, since it did not participate in the first three years of this five-year funding program.

With respect to IRCS, these have been used sparingly since the YCJA was implemented. Figures provided by the federal Department of Justice indicate that there have been thirty-four IRCS cases to date across the country, including sixteen in Ontario, six in Alberta, five in BC, and none in Québec. The discrepancy between Ontario and the other jurisdictions is surprising, since in 2006, they had the lowest overall crime rate for all offences. The number of youth charged by the police and, more importantly, the number of youth given custodial sentences should be of concern to those in Ontario responsible for administrating youth justice.

Perhaps even more noteworthy is the fact that while Québec had the second lowest crime rate in 2006, it has only had two IRCS cases since the YCJA came into effect. This suggests a very different approach to the use of IRCS in Canada's two largest provinces. It is also important to note that the number of IRCS cases over all is very small given the number of youth charged each year. During our interviews with provincial representatives, this reality was evident, such that while they were aware of and concerned about youth violence, it accounts for a very small proportion of youth crime and their response to it.

While Québec may not have had the largest reduction with respect to charging practices, when taking into account its youth population, it had the lowest charging rate in all offence categories under the YOA in comparison with Canada as a whole and to the three other provinces. This trend has continued under the YCJA. Ontario appears to be following the national trend in terms of reductions in charging rates, but lags behind Québec and BC when we take into account the comparative youth populations. This is particularly the case for crimes of violence, where Ontario is higher than all the jurisdictions and the national average.

The provincial representatives reported that the needs of those young people who make it into the system have increased significantly as their number have dropped. Each of the jurisdictions has devoted more resources to these young people, including for mental health and substance abuse treatment programs. This was the focus of much of the discussion with the Alberta and BC representatives who noted the mental health needs of many of the young people charged with serious or repeat offences. They were also very positive about their new mental health resources, including the impact that a comprehensive planning approach has had. The lower number in custody has allowed them to provide more intensive services to these young people.

Police discretion has increased under the YCJA, and in particular for Ontario in comparison with the national average and the three other provinces. Police discretion is lower for *Criminal Code* offences, while it is almost the same for violent offences. The situation with respect to property offences is that police discretion has remained steady at the national average. In Alberta, the police can decide to take no action, warn a young person, refer the young person to a community program or refer directly to an extrajudicial measures program. The difference between a police referral (extrajudicial measures) and a Crown referral (extrajudicial sanctions) in Alberta is that a young person can be referred back to court for not successfully completing the extrajudicial sanctions program. However, pursuing the charges in question requires a judicial review before the Crown attorney can proceed. In British Columbia, the police can also use their discretion to refer young people involved in minor crimes to local community-based extrajudicial measures programs at the pre-charge stage. All charges in BC, however, are Crown approved. The Crown also has the option of issuing a caution or making a referral to extrajudicial sanctions. In Ontario,

the police may refer a young person to a youth justice committee before a charge is laid, while the Crown may refer a youth after a charge is laid. The situation in Québec is slightly different. The police are using their discretion and handling many cases informally while also making referrals to community alternatives. However, they are not using cautions in the province. While they have youth justice committees in some Aboriginal communities in Québec, extrajudicial measures and extrajudicial sanctions are provided through community-based youth-serving agencies.

The evidence gathered on the implementation of the YCJA in the four provincial jurisdictions reviewed in this paper suggests that there is more commonality in their approaches than there had been in the past. Many of the factors that made the Québec approach unique are being adopted in other provinces since the YCJA, such that a comprehensive continuum of services is being developed in Alberta, BC and Ontario. While the connection between youth justice and child welfare/child protection is still more direct in Québec, the differences are less pronounced now that jurisdictions such as BC and Ontario have created single ministries responsible for services for children and youth. Part of the reason for this convergence may be due to the provisions of the YCJA with regard to reserving custody for only the most serious young offenders. This has resulted in more specialized and intensive services for the small group of individuals being sentenced to custody. As well, the implementation of the YCJA has resulted in the creation of more extensive programs and services for young people in the community.

Differences in the various approaches remain important, however, with respect to the way each province responds to young people in conflict with the law. Thus, for example, charging rates and the use of diversion vary considerably. So too does the use of custody, including IRCS. These variations reflect the particular policies and protocols developed in each jurisdiction so that even though the police in each province are able to exercise their discretion, this is happening more often in some jurisdictions than others. The same is true with respect to the use of discretion by Crown attorneys. The results are evident in the data available for each jurisdiction with respect to charges, diversion and the use of custody.

Part III:

Youth Justice in Selected International Jurisdictions

In order to better understand how countries across the world approach youth justice, we considered the experiences of four countries with youth justice systems comparable to Canada's, including England and Wales, France, Scandinavia, and the United States. Conducting an international comparison is difficult, and Tonry and Doob (2004) suggest that we need to understand the broad context of a country's history and institutions if we are to understand their approach to youth justice.

There are few comprehensive international comparative analyses of youth justice and, as Muncie and Goldson (2006) indicate, even those that do exist often limit their research to describing the historical emergence and the powers and procedures of particular jurisdictions. In light of this, we reviewed available comparisons of youth justice systems undertaken by recognized experts in the field. We decided to include an overview of England and Wales because of the common law approach taken there and since, historically, their criminal justice policies have been emulated in Canada. As well, both countries have comparatively high youth incarceration rates. France was included in this overview because of the similarities it has to Québec's social intervention philosophy. As well, its recent responses to violent and repeat young offenders may offer valuable insights for how we address these issues. We also chose to review the youth justice system in the United States because of its proximity to Canada and its ongoing influence on our youth justice system. We were also asked to review the approach taken in Scandinavian countries to explore how they deal with youth justice.

While a detailed and extensive review of the youth justice systems of these four jurisdictions is beyond the scope of this paper, it is possible to provide a general overview of how the youth justice systems in these countries have developed and changed over time. Such an international comparison can help to put the current discussion about youth justice in Canada into a broader context. Moreover, considering how other countries have dealt with common concerns such as youth violence can provide insights and ideas about how we might proceed in the future. Thus, for each of the four jurisdictions reviewed, we provide a brief overview of the historical development of their youth justice systems. We then consider how the specific features of their respective approaches relate to our experience, including the forces for change and the nature of the response. Finally, we examine if youth violence has been a concern, and if so, what types of strategies have been developed in each of these jurisdictions.

Youth Justice in England and Wales

The development of the youth justice system in England and Wales (hereafter England) is similar to what happened in other western nations such as Canada and the United States, with several important exceptions. In particular, the intense politicization of youth justice in England over the past fifteen years has resulted in changes that have differentiated its youth justice system from those in continental Europe and North America. In this brief synopsis, we review the major developments in youth justice in England and consider them in light of the implications they have for the Canadian youth justice system.

The beginning of a separate youth justice system in England dates to the passage of the *Children Act of 1908,* the same year as the *Juvenile Delinquents Act* was passed in Canada (Gelsthorpe and Kemp, 2002:130). Not surprisingly, the forces that were at work in Canada at the turn of the twentieth century also played a role in promoting changes to the way young people were dealt with in England. For example, there were growing concerns that juvenile offenders were being held in the same institutions as adults and treated in the same manner. At the same time, however, there were concerns over increasing juvenile crime rates. This led to delinquency being defined as a social problem. The *Children Act* attempted to address both of these concerns.

The philosophy underlying the new English legislation was based on social welfare principles, much as it was in the other countries that established a separate youth justice system at the time. These principles included a belief that children should be treated differently from adults and that their care and well-being should be a primary concern. Moreover, the sentiment was that young offenders should be dealt with separately from adult criminals so as to avoid the deleterious influences that exposure to them might cause. As well, the new *Act* stated that parents should take greater responsibility for their children and be more responsible for their wrongdoing (Gelsthorpe and Kemp, 2002:130).

The establishment of youth courts in England appears similar to what happened in Canada. However, Bottoms and Dignan (2004:23) suggest that beyond dealing with children separately, English youth courts operated in much the same manner as adult criminal courts. While the English legislation contained both child welfare and juvenile crime provisions, "the so-called care jurisdiction of the juvenile court was always numerically and ideologically subordinate" (Bottoms and Dignan, 2004:23). Gelsthorpe and Kemp (2002:130) suggest that the introduction of the juvenile court in England resulted in a largely symbolic change in the prevailing attitudes toward juvenile offenders while remaining essentially a due process criminal court in practice.

According to Gelsthorpe and Kemp (2002:130), there was little change in youth justice in England until 1933, when the *Children and Young Persons Act* was passed. This legislation introduced a number of changes, including raising the age of criminal responsibility from seven to eight and establishing a select panel of magistrates for dealing with juveniles. The youth court magistrates were to have "the welfare of the child" in mind. They could also act "in loco parentis" and adjudicate "on family socialization and parental behaviour, even if no 'crime' as such had been committed" (Gelsthorpe and Kemp, 2002:131).

After the Second World War, the consensus that emerged over the expanding welfare state supported a child welfare approach to youth justice and increased state involvement in social programs. At the same time, a growing concern over rising youth crime led to calls for a tougher stand, including "a new type of punishment to bring offenders to their senses and to act as a deterrent" (Gelsthorpe and Kemp, 2002:132).

Goddard (2003:330) notes that increasing rates of youth being charged with crimes began to draw public attention in England in the middle 1950s, much as they did in other western nations. He states that "while recorded crime rose by only 5 percent in the decade following the end of the Second World War, there were major rises from 1957 onwards (121 percent between 1957 and 1967 and doubling again in the decade after that)." He goes on to indicate that the crime rate slowed down between the late 1970s through to the early 1990s, but it was still substantially higher than it had been a decade earlier. It was not until the mid-1990s that crime rates began to fall; again paralleling developments in other developed countries such as the United States (Goddard, 2003:330). Importantly, both Labour and Conservative governments in England would struggle with this issue.

The concerns over youth crime in the late 1950s and throughout the 1960s led to a decade of discussion and consultation over youth justice. Two government white papers were produced during this period as well as two major reports (the *Ingleby Report* and *Crime – A Challenge to Us All*). This culminated in the introduction of the *Children and Young Persons Act* of 1969. A number of important changes to the youth justice system in England were proposed in the 1969 *Act*. For example, the *Act*

> dictated that juveniles under 14 were not to be referred to the juvenile court solely on the grounds that they had committed offences (thus bringing Britain into line with many other European countries). Rather, where it could be established that such juveniles were not receiving the care, protection and guidance a good parent might reasonably be expected to give, it was proposed that "care and protection" proceedings should be brought (Gelsthorpe and Kemp, 2002:133).

Gelsthorpe and Kemp (2002) point out that young people between the ages of fourteen and sixteen could face criminal hearings only after there had been a consultation involving the police and social service professionals. This provision reflected the expectation that these young people would also be dealt with under "care and protection" proceedings. The *Act* also restricted the power of magistrates both to transfer young people fifteen and over to adult courts and to sentence them to substantial periods of custody. Instead of detention and attendance centres, indeterminate sentences were created as a new type of treatment whose form would be decided by social service professionals. The consequence of these provisions was to "decriminalize" the court's jurisdiction and reduce the number of young people sent there by diverting them. Earlier forms of detention, such as borstals, were also eliminated in a move toward "de-institutionalization." These sentences were to be replaced by community alternatives (Gelsthorpe and Kemp, 2002). As was the case in other western nations, the impact of social theories such as "labelling" and "de-institutionalization" were evident in the provisions contained in the 1969 *Act*.

The shifting political currents in Britain at the time played a major role in the changes that would be made to youth justice. The Labour Party, which had introduced the *Children and Young Persons Act*, was replaced by the Conservative Party in 1970. This resulted in a shift in ideology, including pressure on the consensus around which the 1969 *Act* had been built. Instead, the new government preferred to limit the role of the state and cut government spending, providing social services only as a last resort. What this meant in the case of juvenile justice was a split which had the Conservative Party, the magistrates, and to some extent the police on one side, and the Labour Party, social workers, and liberal reformers on the other. As Gelsthorpe and Kemp (2002:136) note, "the Conservatives made it clear that they would not fully implement the *Act*. When the Labour Party were re-elected in 1974, it was no longer politically or popularly viable to implement the *Act* in full. Thus, new welfare measures were added *on to* but did not replace the old punitive ones."

In 1979, the Conservatives regained power under Margaret Thatcher. Crime control was once again an important issue in the election. The Conservative's *Criminal Justice Act* of 1982 emphasized their law and order approach while dismantling many of the social welfare provisions of the 1969 *Act*. Personal and parental responsibility was stressed, as was the need for punishment to deter offenders. The 1982 *Act* contained new youth custody provisions, care orders with residential requirements, and community service orders. The impact of the 1982 legislation was paradoxical, however, since it resulted in both a reduction in the length of time young people spent in detention as well as a decrease in the number of care orders issued by the juvenile courts. Gelsthorpe and Kemp (2002) explain these apparently contradictory developments by suggesting that the magistrates did not follow the statutory procedures contained in the *Act* while case law emerged during this time which indicated that an offence had to be serious to warrant custody.

Bottoms and Dignan (2004:24) refer to what happened next as "merely the first stage in a series of often bewilderingly rapid changes in the English youth justice system, from the mid-1970s to the late 1990s." These culminated with the return to government of the Labour Party after an eighteen-year hiatus. Reform of the youth justice system again represented a major issue in the election campaign, and it became a policy priority of the new government. New legislation soon followed in the form of the 1998 *Crime and Disorder Act*, which was implemented in June of 2000. The often-quoted promise of the Labour Party was, "We will be tough on crime and tough on the causes of crime, and halve the time it takes persistent juvenile offenders to come to court" (Bradford and Morgan, 2005). According to Bottoms and Dignan (2004:25), the result was a "youth justice system that was more interventionist and correctionalist than the approaches that had immediately preceded it." As Bradford and Morgan (2005:283) note,

> the reasons for the change of mood in the early 1990s were: continuation of the upward trend in crime as measured by the British Crime Survey; some well-publicised urban disturbances involving young people (Campbell, 1993); shock waves from the Bulger case; police and official preoccupation with 'persistent juvenile offenders' (Hagell and Newburn, 1994); and New Labour's ambitions to replace the Conservatives as the natural party of 'law and order'.

The impact of the Bulger case in particular warrants comment. Giller (1999:395) argues that it led to "the persistent demonisation of youth, characterised most noticeably in the response to the two 10-year-old boys found guilty of the murder of James Bulger in 1993." Goddard (2003:331) suggests that the case "prompted considerable national debate on the supervision and control of children." As Graham and Moore (2006:65) point out, "within a year, new legislation – the *Criminal Justice and Public Order Act* of 1994 – introduced stiffer penalties for juvenile offenders, including the extension downwards of long term detention to include 10 to 13-year-olds."

The tensions between crime control and child welfare that had characterized the development of youth justice in England and Wales during the first half of the twentieth century continued to be play out as the century came to an end. As was the case in Canada, pressure for changing the youth justice system emanated from several competing sources. One expressed concern over the status of children and their need for special treatment and care and protection when these were not being provided by their families. A competing set of concerns had to do with the right of society to be protected from the misdeeds and harmful criminal behaviour of youth. Historically, those focusing on this concern have called for more and harsher punishments to deter youthful wrongdoing. A third concern focused on protecting children's rights in their interactions with the state, whether this was to receive care and treatment or punishment. The latter reflected the views of groups with different ideological orientations, including those promoting children's rights and those favouring a "just deserts" perspective. As we have seen, these competing perspectives have existed in England, often in the form of an uneasy and contradictory compromise.

The significance of the changes ushered in by the 1998 *Crime and Disorder Act* cannot be overstated. As Prior (2005:104) notes, "Commentators were quick to recognise the 1998 *Act* as a landmark piece of legislation in the history of youth justice, heralding a radical and far-reaching set of reforms." Arthur (2004) argues that the *Act* included an ideological commitment to punishing wrongdoing, which resulted in an increase in the number of young people brought before the court. According to Goldson (1999), this reflected the Labour government's tough stance on youth crime. The consequence, according to Arthur (2004:309), was that "the innovative approaches in the *Act* were not prioritised. What's more, they have been underfunded and only partially implemented." He goes on to point out that the Youth Justice Board that was established in the legislation to oversee youth justice was only going to allocate 1.11% of its total budget on innovative projects over the following three years. According to Giller (1999), "most commentators on the English and Welsh criminal justice scene identify that at the end of the 1990s there has been a marked return to a political consensus on youth crime, a consensus based on 'punishment and responsibility' as the core concerns."

While a detailed description of the provisions of the *Crime and Disorder Act* of 1998 are beyond the scope of this brief overview, several of its major elements can be outlined. First, the stated purpose of the *Act* was to prevent offending and re-offending by children and young people. According to Graham and Moore (2006:66), this represented "a new single statutory aim for the juvenile justice system," which was supposed to unite practitioners and have them all working toward a common purpose. According to Field (2007:311), the focus on a common purpose was to help overcome "established tensions between diverse practice cultures. A range of practitioners were brought together within the newly created Youth Offending Teams (henceforth YOTs) to coordinate youth justice services and implement the local youth justice plan."

Besides the clear crime control provisions of the *Crime and Disorder Act*, it also focused attention on the "causes of crime," namely the social forces related to criminality. To address these, the *Act* included provisions "to prevent re-offending through an interventionist, welfare approach reminiscent of the interventions in the 1960s and 1970s" (Gelsthorpe and Kemp, 2002:143). The *Youth Justice and Criminal Evidence Act* was passed in 1999, a year after the *Crime and Disorder Act*. It introduced a sentence of referral to a young offender panel which was based on the family conferencing approach developed in New Zealand, as well as reparation experiments that had already been conducted by the Thames Valley Police (Goddard, 2003:334). As a result of these changes, Gelsthorpe and Kemp (2002:143) suggest that "it is unclear where the balance lies between crime control and welfare."

The age of criminal responsibility under the *Act* is ten, making England and Wales unique in Europe in this regard. If the police believe a young person has committed an offence, they can give an informal warning. The parents must be consulted and the child must be interviewed before formal action can be taken. In the case of a minor offence, no formal action can be taken by the police if the young person admits guilt. The police can act formally and give a reprimand as well as a final warning. The latter will result in a referral to a Youth Offending Team for assessment and intervention. Further criminal activity by the young person would result in a court appearance.

If the young person appears in court, a variety of actions can follow. The court has the power to "bind over," which is an order to the young person to keep the peace. The 1998 *Act* also established various options ranging from a reparation order, which could include writing a letter of apology, fixing whatever damage had been done or doing up to twenty-four hours of work over a three-month period. Referral orders were also created, which are for first-time offenders who plead guilty. In these cases, the youth is referred to a "young offender panel" of a Youth Offending Team. An attempt is made to develop a "young offender contract," which can require the young person to attend school, make reparation to the victim or engage in a mediation program. Absolute discharges are also available under the *Act*, as are fines, compensation and a wide array of community service orders. The latter are for those sixteen and over and involve unpaid work in the community for up to 240 hours (Gelsthorpe and Kemp, 2002).

Young people under eighteen charged with an offence appear before specially constituted magistrates' courts known as a Youth Court. These courts operate in an adversarial manner. They are closed to the public, but the press is allowed to be present and report on the proceedings (Graham and Moore, 2006:71). Children and young people can be tried in the adult Crown Court under special circumstances and they can be sent back to youth court for sentencing. "These circumstances include: those charged with homicide; those charged with a serious offence for which a person aged 21 or over could be sentenced to at least 14 years imprisonment; those charged with the offence of indecent assault; and those charged jointly with a person aged 18 or older (who may also be committed to an adult magistrates court)" (Graham and Moore, 2006:72).

A number of principles are articulated in the *Act* with respect to sentencing. For example, sentences must reflect the seriousness of the offence. In the case of serious violent crimes and offences of a sexual nature, the sentence must take notice of the need to protect the public. A second principle related to sentencing is that the welfare of the child or young person should be

considered, but this should be secondary to the seriousness of the offence. If the accused is under fifteen years of age, the parents are implicated. They are expected to attend court and can be required to pay fines or compensation. The youth court can also order them to take care of and exercise control over their children (Graham and Moore, 2006:78).

Prior (2005) identifies three additional elements of the *Act* that require consideration. First, he says that the *Act* emphasizes new institutional arrangements based on a multi-agency, partnership approach. He also notes that in practice, numerous programs and initiatives have been developed to respond to a range of "at-risk" youth. These programs are targeted at youth with problems that may lead to offending. They also offer ways of addressing the social and economic factors that have an impact on criminality. Finally, the new *Act* stresses the importance of research by requiring that policy and practice be evidence based.

Critics of the legislation argue that it has resulted in an expansion of control over young people, with many more being given custodial dispositions. The number of juvenile offenders dropped between 1992 and 2002 by 8%, going from approximately 197,000 to 181,000. However, an increasing number of younger children and adolescents appeared in the youth justice system for less serious offences than in the previous decade. What is more, Prior (2005:104) argues that the system blurs the line between criminal and non-criminal behaviour "by introducing the concept of 'anti-social behaviour', which includes behaviour that does not constitute a criminal offence, and establishing new court orders to deal with it; and by making it possible for children below the age of criminal responsibility, and who are therefore legally incapable of committing crimes, to be made subject to court orders to control their behaviour."

Graham and Moore (2006:80) report that nearly 7,000 juveniles were given custodial sentences in England and Wales, including 237 who were under the age of fourteen. They go on to suggest that this represents approximately 3.1% of the prison population, which is much higher than other countries in Europe. Goldson and Muncie (2006:92) concur, arguing that the rates of child imprisonment in England are higher than those found in most other industrialized democratic countries in the world.

Bradford and Morgan (2005:286) list a number of criticisms of the legislation, noting that "The 2004 Audit Commission report, for example, found that too many minor offenders are appearing before the courts; the amount of contact time with offenders subject to supervision orders has not increased; public confidence remains low; and black, minority ethnic and mixed race offenders remain substantially overrepresented among this stubbornly high custodial population." Further, they note that in addition to the Audit Commission Report, a number of academics have been critical of the legislation. The critics have concluded that there is little evidence that the new system has been effective. Instead, it has drawn ever-increasing numbers of young people into the criminal justice system (Bradford and Morgan, 2005:286).

There can be little doubt that the *Crime and Disorder Act* has had a tremendous impact on the youth justice system in England and Wales. What is less clear, however, is how the legislation is balancing the child welfare and youth justice concerns that have influenced the development of youth justice in England and Wales for over a century. The increased use of custody provides evidence that its "law and order" provisions have been enacted. Its record on child welfare, on

the other hand, is equivocal at best. There is little doubt, however, that for England and Wales, the *Crime and Disorder Act* represents "the most radical overhaul of the youth justice system in fifty years" (Goldson, 2000, p. vii, cited in Goddard, 2003:332).

Youth Justice in France

The population of France is 64 million, giving it roughly twice as many people as Canada. The country is divided into twenty-six administrative regions, which are further subdivided into 100 units (known as departments) and 342 communes. It has a centralized form of government, which is similar to what exists in England and Wales. The difference is that the national bureaucracy that is situated in Paris is much more powerful. In recent years, the metropolitan regions have been given a greater say in the operation of the government.

Historically, the French bureaucracy has provided stability and consistency with respect to administrative and judicial decision-making. However, critics of the system charge that it can be rigid, inaccessible and somewhat independent of political pressure. This has had an impact on the creation and implementation of criminal law, including youth justice (Gendrot, 2006). It is important to recognize that there have been many efforts during the last twenty years or so to make legislative changes in France. Most of these have failed, mainly because of the bureaucracy's power to delay and even reject proposed legislation. Because of this, French politicians have used the enactment of new policies rather than legislation to bring about change. This particular situation makes it more difficult for us to describe France's legislative evolution with respect to youth justice, because it is often intertwined with a variety of policy initiatives brought about by the various right- or left-leaning governments.

A Legislative Perspective

Prior to 1945, youth justice in France was influenced by the notion of "discernment," which led judges to lean either toward corrections or detention when dealing with young people in conflict with the law. Major changes were made immediately after World War II to the way children and youth are dealt with in France. The ordinance or edict of February 2, 1945 altered existing practices and gave priority to educational measures over criminal sanctions. As well, the right to education for delinquent minors was affirmed, and this right remains in effect. According to Gendrot (2006), the objective of the 1945 ordinance was to establish education over repression. Wyvekens (2006:180) concurs and goes on to point out that

> French juvenile court judges have a dual competence: criminal in the case of a delinquent minor, based on the ordinance of 2 February 1945, and civil when protecting a child in danger, based on article 375 and following of the Civil Code. In both cases, the measures that the judge may impose are essentially educational.

The election of a conservative President and Parliament in the spring of 2002 brought legislative changes to the country. On September 9, 2002, a new law was passed that defined new priorities for justice. Wyvekens (2006) concludes that most of the changes focused on expanding pretrial detention provisions, particularly for minors sixteen years of age or older.

There are three categories of offences in the French youth justice system. These include serious violent offences ("crimes"), lesser violent offences and property offences ("delits"), and minor offences ("contraventions" with five levels). Each type of offence is dealt with by a different type of court. This is the case regardless of whether the accused is an adult or a minor. The youth justice system in France has three age categories: i) ten- to thirteen-year–olds, who are referred to as "jeunes mineurs;" ii) thirteen- to sixteen-year-olds; and iii) those sixteen and seventeen years of age. It is also possible for young adults (called "jeunes majeurs") who are eighteen to twenty-one years of age to ask to be dealt with as youth under special circumstances.

In general, the police do not have discretionary power; however, they can exercise quasi-judicial discretion in four of the five types of minor offences termed "contreventions." However, as Wyvekens (2006:178) notes,

> When a minor is arrested, he cannot be held in police custody without the agreement of the prosecutor's office ('*parquet*'). To avoid police custody, the prosecutor occasionally asks the police to call the minor back for voluntary questioning. The prosecutor also has the right to decide whether the minor will be brought before him or not. He can ask the police to proceed with a "*rappel à la loi,"* whereby the police officer informs the minor, with his parents present, of the sentence he can incur for the offence of which he is accused. If the minor does not have a police record and the charges are not serious, the prosecutor can also impose a settlement; this is accomplished by means of the judicial police officer. And lastly, in areas that have a community justice centre (*maison de justice et du droit,* MJD), the prosecutor can order the minor to be brought before the prosecutor's representative.

As a general rule, minors under the age of sixteen cannot be held in police custody. However, as Wyvekens (2006) indicates, an exception can be made when a thirteen- to sixteen-year-old has committed or attempted to commit a serious violent offence that is punishable by five years or more imprisonment. Minors thirteen to seventeen years of age can be put on probation under certain conditions, and as Wyveken (2006) notes, pretrial detention is an exceptional measure.

The youth court system in France is structured along the lines of the age of the accused and the nature of their offence. The "cour des assises des mineurs" deals with "crimes" involving youth aged sixteen or older, while those less than sixteen involved in these types of crimes are dealt with by the "tribunal pour enfants." In the case of "delist," these are heard by a "juge des enfants" or by a "tribunal pour enfants." Finally, "contraventions" are dealt with by a "juge des enfants" or by a police court in the case of the least serious of the minor offences (level 5).

In the case of custodial sentences (art. 20–2), juvenile judges cannot impose a custodial sentence longer than half the sentence that would be given to an adult convicted of the same offence. This type of sentence can only be imposed in exceptional cases and only with minors over sixteen

years of age. Minors can only be incarcerated in a special prison section or in a specialized penal institution for minors.

France has different types of non-residential centres, such as the centres d'action éducative en milieu ouvert and residential facilities. All have an educational approach to the young people they serve. The secure educational centres (centres éducatifs renforcé) provide treatment to minors who are delinquent or seriously marginalized and are in danger of recidivism. Placement in a closed educational centre represents a recent development providing a new form of placement. The term "closed" in this case refers to the fact that the sanction for failure to respect such a disposition is placing the young person in a youth jail for pretrial detention

A Policy Initiatives Perspective

France has gone through four distinct youth justice phases. The first phase involved the enactment of the 1945 ordinance mentioned above, and its priority was to establish education over repression. The second phase essentially began with the successful revision of the ordinance in 1958, in which the concepts of "youth at risk" or youth "as a risk to others" were introduced. A youth court judge could send a minor to one of the many and diversified types of institutions that began to appear at the time. These institutions ranged from private boarding facilities to specialized educational institutions. The third phase came about during the early 1980s. Gendrot (2006) suggests that this transformation of French youth justice resulted from the implementation of a new prevention policy, which itself was a reaction to the shortcomings of specialized prevention and social work. Wyvekens (2006) believes that crime prevention in France is an area closely associated with the general issue of how to deal with minors. In fact, crime prevention was viewed as the major tool to reduce youth crime and prevent youth at risk from embarking on a life of crime. Thus, during the third phase, crime prevention policies superseded legislative intervention. French-style prevention is known primarily for its social and educational nature, which differs from the Anglo-American emphasis on situational crime prevention.

Both Gendrot and Wyvekens suggest that crime prevention experienced a renaissance in France in the early 1980s. This renaissance was based on the work done by a commission comprised of the mayors of medium and large French cities. They published a document known as the "Bonnemaison Report" (Commission des maires sur la sécurité, 1982). This report promoted what would later be termed local public safety policies or partnerships, based on the authority of the mayor, under the banner of prevention. Several types of crime prevention strategies for dealing with young people were developed as a result of the Bonnemaison Report. These were undertaken initially by Crime Prevention Councils set up by cities (conseils communaux de prévention de la délinquance, CCPD). Later, prevention activities were developed under Local Security Contracts. The crime prevention activities consisted of community initiatives, extracurricular and general recreational activities offered mainly to youth in the most troubled neighbourhoods.

The shift from social prevention policies to security-oriented policies marks the beginning of the fourth phase in the recent history of French juvenile justice. Gendrot (2006) suggests that the

change, which is currently underway in France, is best understood as a change in attitudes and perceptions related to urban safety. During the 1980s and 1990s, "banlieues" came to epitomize the anxiety elicited by deep political, economic and social/spatial transformations. "Banlieues" are the ghettos that have developed in the suburbs of French metropolitan areas. They mainly house the poor and ethnic minorities, who have come to feel increasingly marginalized by French society. The young people in these areas have been particularly vocal and active in the past several years, contributing to violence and unrest.

As both geographic and social entities, "banlieues" have focused the debate in France on social insecurity. Gendrot (2006:54) states that while "some countries construct 'dangerous others' out of asylum seekers, racial minorities, nationalists, and hooligans, France has constructed a 'peril out of an urban male youngster, particularly the poor Muslim male, born from North-African parents.'" The unrest and violence that has taken place in the "banlieues" has resulted in a push for increased crime control in France.

The Recent Youth "Crisis"

Wyvekens (2006) suggests that over the past few years, public perceptions in France are that juvenile delinquency is on the rise and that those involved are becoming younger and more violent. A debate has begun on these perceptions, including whether the evidence is sufficient to justify the crime control policies that have emerged. Data from the Ministry of the Interior suggest that the number of juvenile delinquents (pretrial) has skyrocketed from 76,846 in 1974 to 180,382 in 2000, an increase of 137%. As well, juveniles are thought to be responsible for 21% of all crimes, particularly street crimes. However, Gendrot (2006) believes that these statistics refer only to cases that were cleared. She and others (such as Mucchielli, 2004 and de Cavarley et al. 2002a) believe that the higher number of juvenile delinquents coincides with crimes that are the easiest detected by the police because they are the most visible. At the same time, they include the crimes that are most frequently sent to prosecutors. Wyvekens (2006) cites figures for 2004 and argues that they indicate a stabilization or slight decrease in the number of offences involving minors. She looked at self-report studies and concluded that the results indicate an overrepresentation of delinquency among youth of foreign origin and that most youth involved in delinquent acts are seldom arrested. This is quite similar to the results of most North American self-report studies.

Youth charging and youth court processing data from the French Ministry of Justice indicate that over a five-year period, the number of youth actually processed through court only increased by 1% (from 59,476 individuals in 2001 to 60,291 in 2006), while the number of police contacts had increased by almost 10%. This implies that most of these, additional youth were diverted, likely because they were involved in minor offences. Further, during 2006, a total of 3,350 minors had been incarcerated. On January 1, 2007, of all those incarcerated in French prisons, only 729 were minors, with 63% of these being held in pretrial detention. Furthermore, of the 268 minors actually sentenced to a custodial period, slightly less than two-thirds had sentences of less than six months, while 21% had sentences of between six and twelve months. Only 16% of the young people sentenced to custody had sentences that were longer than twelve months.

At any given time, the number of youth thirteen to eighteen years of age who are incarcerated in France ranges from 500 to 1000. This represents 1% to 1.5% of the total number of inmates (ENAP 2002 in Gendrot 2006:49). France ranks in the middle among European countries with respect to youth custody, between the United Kingdom on the one hand and the Scandinavian countries on the other. On average, the length of detention is between five to seven weeks. According to public opinion polls, 63% of the French approve of transferring juvenile delinquents to adult courts (Libération, 28 October, 2001 in Gendrot: 49). Nevertheless, France continues to respect article 37 of the UN Convention on the Rights of the Child, which requires specific treatment for juveniles and their isolation from detained adults.

Some of the statistics from the Ministry of Justice of France suggest a significant level of recidivism involving youth. For example, studies that monitored youth over a five-year period after their original sentences revealed that 55% of them were sentenced for at least another offence. However, 50% of those who re-offend do so during the year following the initial sentence. In another example, 24.6% of the youth sentenced in 2005 had been sentenced before. The 2005 data also suggest that youth recidivists are more at risk of getting a custodial sentence. In fact, only 4% of those with no previous court disposition were given a fixed custodial sentence for "délits," while 19% of those previously sentenced were given a fixed custodial sentence for this category of offence. With respect to youth convicted of "crimes," that is, much more serious offences, the proportions are 56% and 100% respectively.

The Recent Legislative Effort to Control Youth Crime

Wyvekens (2006) suggests that while the concern over youth crime is increasing in the country, French institutions remain singularly resistant to punitive populism and to its obsession with security. She believes that strategies such as trying juveniles as adults, using boot camps or other American style "law and order" measures would not be well received. A recent effort at legislative change in France illustrates this point. On March 5, 2007 new proposals were introduced by the government focusing on preventing delinquency. These were entitled "Renforcement de la lutte contre la récidive des majeurs et des mineurs." These proposals were put forward to combat recidivism for both adults and youth. The proposals generated significant opposition from a number of youth professionals, including the judiciary. For example, Judge Daniel Pical (2007), the Associate President of the Versailles Youth Court of Appeal, authored a formal letter of opposition to the proposals as the representative of the International Association of Youth and Family Court Judges for the Council of Europe. The proposals would allow a thirteen-year-old to be given a twenty-year sentence. A minor, as defined by French law, who is a repeat offender, could see his/her sentence double. As well, attenuating circumstances could be eliminated for consideration in the sentencing of those aged sixteen or older, which would be similar to imposing an adult sentence under the YCJA.

We interviewed Judge Pical about his views on France's youth justice system and the changes that have been proposed. He indicated that such an approach is not well received by those who provide youth-related services, including the judiciary. Nevertheless, attempts are under way to make the French juvenile justice system tougher in response to an increase in youth delinquency. Measures

like the creation of closed educational centres are evidence that such a change is under way. Similarly, Wyvekens (2006) suggests that in France, as in other countries, an increase in the prosecutor's power can be noticed, which has given rise to concerns about the double risk of more repressive sanctions and less protection of civil liberties. However, as noted at the outset, French institutions are known for their conservative nature. Importantly, the procureurs de la République, juges d'instruction and juges de la court all receive the same specialized Ministry of Justice training through l'École de la magistrature in Paris. Given this common professional socialization and their ongoing professional contacts, it should not be surprising that French legal institutions continue to resist public pressure for more punitive measures (Wyvenkens, 2006). Gendrot (2006) agrees, citing a1990 effort by the government to disregard the 1945 ordinance. This proposal never reached Parliament! Moreover, the 1945 ordinance still retains its main ideas, despite the fact that French politicians have amended it more than sixteen times over the years.

Youth Justice in Scandinavia

An in-depth assessment of the specific characteristics of the youth justice systems in each of the Nordic countries is beyond the scope of this paper. However, it is possible to present a broad overview of the underlying philosophy guiding youth justice in Scandinavia, as well as some of the historical and contemporary developments that have characterized their youth justice policy and practice. According to Storgaard (2004), the youth justice systems in Scandinavian countries can be considered together, since they have collaborated for much of the last century and, as Kyvsgaard, (2004:350) notes, until 1990, "a standing Nordic committee worked toward harmonization of penal codes."

As a result of such close relationships and extensive cooperation, the Nordic countries have developed comparable youth justice systems. The approach taken in Scandinavia is closer to the German and French civil law tradition than it is to the common law approach used in Canada, the United States and England. However, its unique culture and history makes youth justice in Scandinavia markedly different from what has developed in continental Europe.

In order to facilitate this overview, specific examples were drawn from Sweden and Denmark to illustrate the key features and trends in Scandinavian youth justice. With this in mind, it is immediately apparent that one of the main differences between Canada and Scandinavia is that there is no formal youth justice system in Scandinavian countries. Instead, young people are dealt with by either the social welfare or legal authorities, depending on their age and the specifics of each case. The age of criminal responsibility in Scandinavia is fifteen. Children below this age involved in delinquent behaviour are dealt with by local welfare councils. Those older than fifteen are handled by the criminal courts in the same manner as adults. However, there are various options that can be used, depending on the age of the young person and their particular circumstances. For example, fifteen- to seventeen-year-olds can be dealt with by either a social welfare committee or the criminal justice system, and there are a variety of sanctions and measures that can be used to address their criminal behaviour. These include both voluntary and compulsory options, as well as different forms of custodial placements or even prison. In practice, however, almost no youth fifteen to seventeen end up in prison or in closed youth care. For

example, in 2001, Sweden sent only three of 12,029 convicted youth fifteen to seventeen to prison and another 1% to closed youth care.

Youth between the ages of eighteen and twenty-one can also have access to social welfare remedies in certain special instances, and within the criminal justice system, they are subject to more moderate sanctions than adults. For example, in 2001, Sweden sent 7% of convicted youth eighteen to twenty to prison (733 out of 10,033) and only seventeen more to closed youth care (Junger-Tass, 2006; Sarnecki and Estrada (2006; Kyvsgaard, 2004; Feld, 1994).

The fact that Scandinavian countries like Sweden do not have formal youth justice systems does not mean that the way they deal with young people differs significantly from our own approach. As Feld (1994:626) points out, "the welfare authorities' power to impose compulsory 'care orders' on young criminal offenders effectively creates a 'quasi-juvenile court' within an administrative, rather than a judicial, framework."

In many ways, the development and evolution of youth justice in Scandinavia broadly reflects the Canadian experience. For example, at the beginning of the twentieth century, pressure mounted in the Nordic countries for a change in the way that young people were being treated, and there was a move to deal with them differently from adults. Several laws were passed in Sweden in 1902 that reflect this sentiment. Similar laws appeared in other Nordic countries around the same time. Denmark passed such a law in 1905, except that there, the age of criminal responsibility was set at fourteen (Kyvsgaard, 2004). As a result of these changes to the law, all sanctions for offenders under fifteen years of age were removed from the penal law (Janson, 2004:395). In Norway, the sentiment was that children below the age of eighteen should be educated and not punished (Kyvsgaard, 2004:354).

Norway fell in line with its Nordic neighbours in 1987, when it changed its age of criminal responsibility from fourteen to fifteen. Currently, young people under fifteen in Scandinavia cannot be held responsible for criminal acts. The criminal law in Sweden, for example, states that "No sanction shall be imposed upon a person for an offence committed before the age of fifteen" (Swedish Penal Code 1990:Ch. 1 § 6, cited in Feld, 1994). Instead, the matter is referred to a local Social Welfare Committee (SWC), which determines whether the child has committed a crime and what action is most appropriate to address the factors related to the behaviour and that meet the needs of the young person.

SWC members are local citizens with expertise in social welfare. Their responsibility is to ensure that the context within which a child is living is safe and healthy. The treatment response is voluntary; however, compulsory care orders can be made. As Feld (1994) points out, receiving welfare services is based on need and not on criminality. Voluntary participation is deemed to be very important, since it deals with the motivation young people and their parents will have to benefit from the services provided.

The humanistic philosophy that characterized Scandinavian society at the turn of the century was visible in its response to young people in trouble, such that their social welfare needs were emphasized over concerns about their delinquent behaviour. The social welfare authorities had a responsibility to attend to the care and guidance of children and provide them with an

opportunity to live moral lives. As Janson (2004:395) points out, in Sweden, "child welfare committees were created to deal with *vanart* – advanced delinquency or moral neglect – in children below the age of 15."

And while young people between the ages of fifteen and seventeen could be held criminally responsible, Sarnecki and Estrada (2006:474) note that they were sentenced to "forced care" instead of prison. This sentence was provided as a remedial measure by social welfare authorities, who sought the proper moral upbringing of the youth, either in the family home or in a foster home. In 1935, the *Act on Child Care* extended social welfare options even to those young people eighteen to twenty, but under specific circumstances. However, as Sarnecki and Estrada (2006:3) state, "youth prisons were established for young people who could not be treated within the social youth welfare system."

In discussing youth prisons in Denmark, Kyvsgaard (2004) states,

> The preamble to the law asserted the "the construction and arrangement of the youth prison will take care that it will be healthy and well situated by a lake or the seashore and with sufficient land so that gardening and agriculture besides different trades can form part of the work which is learned and conducted (Straffelolvskommissionen, 1917; cited in Kyvsgaard, 2004:356).

As was the case in Canada, the guiding principle behind the Scandinavian approach to youth justice was based on the social welfare principle that the authorities should act "in the best interests" of the child. As was noted above, the sentiment in Sweden was that this is best accomplished by the welfare system working at the local level, with the voluntary involvement of the young person and his or her parents. A comprehensive approach was favoured, including the participation and support of a wide array of key stakeholders in the community, such as the school, social services, the police, and the church. The abiding principle in these cases was to keep the family intact and provide services to the young person in the community. According to Feld (1994:630), "service options for children include day-care and free time centers, measures of assistance, advice, and support, admonitions to parents and warnings to children, and provision of alternative living arrangements."

The Scandinavian countries did not follow the lead of other western nations, such as the United States and Canada, in setting up a separate and distinct system of juvenile justice. Instead, they took a pragmatic approach by creating a wide range of responses to young people that were consistent with the culture and values of the Scandinavian people. The social welfare approach evident in Sweden and throughout Scandinavia during most of the twentieth century reflects many of the beliefs that informed our own *Juvenile Delinquents Act.* For example, they saw young people in trouble as needing care, guidance, and protection, and they did not differentiate between neglected, dependant, and delinquent children. All were seen as needing care and support.

After World War II, a number of changes were introduced, which further emphasized the social welfare nature of the Scandinavian youth justice system. For example, in Sweden, the use of prison sentences for young people under eighteen were further limited, and "forced care was abolished and replaced by protective foster care in community homes" (Sarnecki and Estrada,

2006: 474). There was a concern that exposure to formal processing by the courts and living in institutions was deleterious for young people and should be used only as a last resort. This reflects the impact of labelling theory and the potential harm that it identified. In general, the emphasis in Scandinavia at the time was on treatment rather than punishment, and their goals were educative as opposed to punitive.

The same forces that were at work in Canada during this period, however, also influenced developments in Sweden and throughout Scandinavia. By the late 1950s and early 1960s, there was growing disillusionment with the treatment and rehabilitation philosophy that had informed youth justice from the turn of the twentieth century. In particular, concern was mounting over increasing rates for youth being charged with crimes. At the same time, the tremendous power of the authorities was being criticized, since it allowed extensive intrusion into the lives of young people while being ineffective in preventing youth crime. In then end, it did not matter whether a young person was in care or custody, or whether the institution was part of the social welfare or youth justice system. The key point was that these dispositions restricted a young person's freedom and threatened their rights.

The growing disillusionment with treatment was exacerbated in Scandinavia, as it was throughout the western world, by the "nothing works" criticism that gained prominence during the middle 1970s. At the same time, the "de-institutionalization" movement made all forms of custodial orders increasingly unpopular. There was a general concern about the deleterious impact of treatment on young people, and especially the indeterminate sentences used in treatment orders. This raised issues related to the lack of proportionality in the way young people were being handled.

By the middle 1980s, there were clear signs that things were changing. The essential nature of the shift was away from rehabilitation and treatment toward a "just deserts" approach. Interventions into the lives of young people could no longer be justified on the basis of acting "in the best interests" of the child, even if the goal was to provide care or treatment. Restrictions of liberty were increasingly seen as punishment and unjustifiable when dealing with youth. Proportionality demanded that interventions only be undertaken in relation to the seriousness of the criminal offence committed.

At the same time, there were growing criticisms of the lack of consequences for young people involved in criminal behaviour. The use of withdrawal of charges (the equivalent of a suspended sentence in Canada) was seen as too lenient and having little impact on the accused. In response, a new sentence was introduced in 1997 known as the "youth contract." This option was introduced in order to allow a more timely and meaningful response to crimes. Youth contracts involve the young person, his or her parents, and the social authorities who "prepare and sign a contract, which typically obliges the offender to participate in certain activities, for instance, finishing a training program. The contract must be approved by the court" (Kyvsgaard, 2004:371). This is an important development, since as Junger Tas notes, there are no alternative sanctions or community service orders available and mediation is rare (2006). The new youth contracts have met with mixed results, as there is no effective consequence for non-compliance and they have not been able to speed up the process to any great extent (Kyvsgaard, 2004:371).

As has been the case in Canada, there have been ongoing calls for change to the youth justice system. Several factors have been driving the push toward a more punitive approach. Chief among them is the perception that the level of youth crime has been growing steadily. The issue of youth violence has also received particular attention in Scandinavia, as it has here. The debate over the level of youth crime and youth violence has drawn the attention of the public, politicians, and social scientists alike. Several studies have attempted to examine existing data on youth crime to provide some factual information on what is actually going on. This has been challenging, however, since the complexity of the Scandinavian system makes it difficult to track the wide range of dispositions available through both social welfare and youth justice authorities. In response, researchers have looked at variety of sources of information, including official statistics on youth crime, self-report studies, and, in the case of violence, hospital records.

There is a general sense that the levels of reported youth crime increased in Scandinavia during the 1960s and 1970s. In Denmark, the youth crime rate "has remained stable for the last fifteen years, with a slight downward trend in the last few years" (Kyvsgaard, 2004:358. Janson (2004:427) notes that in Sweden, the rate of youth crime increased quickly after 1960, but levelled off in 1990. Storgaard (2004:192) concurs, noting that while there was a large increase from the 1950s to 2000, there was a levelling-off trend in the 1980s. She also points out that Scandinavian criminologists and other experts have agreed that juvenile crime rates are declining.

On the other hand, there is evidence that youth violence is on the rise. Kyvsgaard (2004:358) states that in Denmark, around 2% of reported criminal code offences are for violence. She notes that reported incidents of violence increased in the early 1990s, but levelled off at the end of the decade. According to Storgaard, (2004:192), Danish self-report studies among fifteen-year-old students showed that there were lower levels of violence in 1999 than there were in 1979.

Sarnecki and Estrada (2006) examined the results of victim surveys in Sweden and found that juvenile violence increased somewhat from the mid-1980s and levelled off by the 1990s, when they matched the levels of the late 1970s and early 1980s. However, they suggest caution in interpreting data on youth violence, since it is complicated. For example, they note that much of the increase is related to an increase in reporting of minor assaults taking place in schools. In their view, "the increase is preceded by a clear change in public awareness of juvenile crime. 'Youth violence' became the focus of the media in the summer of 1986, and politicians started campaigns, appointed commissions and amended legislation" (Sarnecki and Estrada, 2006).

Sarnecki and Estrada (2006) then examined hospital admission records to get another view of what was happening with respect to youth violence. They discovered that there was "no general increase in the numbers admitted for hospital care as a result of violence." More importantly, perhaps, the statistics on fatal incidents of youth violence showed that "since the 1970s, violence resulting in death has not increased in terms of either the number of youths who are perpetrators or the number who are victims. The number of youths who die as a result of acts of violence has remained constant at approximately 16 individuals per year" (Sarnecki and Estrada, 2006).

A variety of explanations have been offered for the increase in rates for youth charged with crime and the focus on youth violence in Scandinavia. For example, demographic changes, and in particular, the growth in the youth population after the World War II is seen as a major

contributor to the increased rates of youth crime that occurred from the 1970s to the 1990s. However, other social factors have also been identified as playing a role. Janson (2004), for example, argues that much of the increase in youth crime reported in Sweden from the 1950s onwards was related to an increase in property crime, and theft in particular. He points to the rise in auto thefts and joy-riding that were reported beginning after the war and relates this to the number of private automobiles present in the country. He notes that as the number of automobile increased, so did the incidents of auto theft and joy-riding. He also points out that the number of auto thefts peaked in 1991 (Janson, 407).

While other factors such as poverty, unemployment and drug use are mentioned in relation to the increases seen in youth crime, two factors require particular attention. The first is immigration. After World War II, Scandinavian countries retained much of their cultural and ethnic homogeneity. Thereafter, however, increasing levels of immigration led to a more heterogeneous society. In the 1980s, immigration was mainly from the Middle East and non-European countries. A number of authors have related the appearance of a large number of immigrants to the rise in the youth crime rate. Janson (2004), for example, notes that the rise in immigration created discontent based on the costs involved. More importantly, he reports on the widespread attitude that "immigrants have a higher propensity to crime than the general population" (2004:434).

Immigration has been especially significant to the political culture in Denmark with respect to youth violence. As Kyvsgaard (2004:386) states, "immigration and crime are often associated, and the Danish People's Party has linked these issues by coupling 'group rapes' a new term in the Danish vocabulary." Kyvsgaard goes on to describe the uproar that occurred in the country as a result of four incidents of rape involving immigrant or second-generation youth. She notes that the number of rapes committed by more than one person had been stable, but that it was higher in 2000 than it had been before. She is uncertain, however, whether the debate that ensued in the country was due to the rapes or the ethnicity of the perpetrators.

This last example is related to the role of various key actors in the Scandinavian response to youth crime and youth violence. Kyvsgaard (2004:387) points out that the media "has accentuated attention on violent and sexual offences." She suggests that the focus is on specific crimes rather than crime trends, resulting in more severe punishments for these crimes and the impression that crime is an increasing problem. Sarnecki and Estrada (2006) suggest that press reports of "tragic and particularly bloody cases of violence" give the general impression that there has been a dramatic increase in violent youth crime, foreclosing discussion of what the data say. They note that there is a growing sentiment that these young people are being treated too leniently, and conclude that "this atmosphere has led politicians to perceive a need to show that they take juvenile crime seriously, and in particular violent crime" Sarnecki and Estrada, 2006).

The result has been a move toward toughening the response to youth crime across Scandinavia. As Kyvsgaard (2004:385) notes, "politicians to an increasing extent respond to specific celebrated crime, and such responses nearly always go in one direction – toward more interventions and harsher sentences." In this way, the politicization of youth crime in Scandinavia has had a marked impact on the nature of their youth justice system. As Sarnecki and Estrada (2006) state, "The substantial reduction in the number of young persons convicted of crime has therefore been followed by a substantial tightening of both the law and its application in relation to young

offenders." They go on to conclude that while the humanistic view that has informed Scandinavian youth justice remains intact, it is under pressure to become more effective and tougher.

Youth Justice in the United States

The United States is viewed by many as an enigma with respect to its treatment of youth at risk and in conflict with the law. It has an international reputation of being tough on crime while being simultaneously at the forefront of new community interventions. It has a high rate of incarceration and waiver to adult court, it did not sign the UN Convention on the Rights of the Child, and until recently, a number of states had the death penalty for youth. Moreover, as Muncie and Goldson (2006) note, the justice system in the United States is often perceived worldwide as the pinnacle of punitiveness.

The US does not have a national juvenile justice system. In fact, youth justice varies substantially from state to state, though as Snyder (2002) suggests, the US Constitution, federal policies and legislation, and political pressures produce significant common features. He further states that "these inherent variations provide many opportunities to test different approaches and new programs and to learn from others, but they make it difficult to describe succinctly the delivery of juvenile justice in the United States" (2002:43). On the other hand, observers such as Bishop and Decker (2006) believe that during the 1970s, there was a considerable degree of "federalization" of juvenile justice policy in the US, resulting in somewhat lesser heterogeneity across states than was true in the past.

The American positivist movement provided strong leadership in the development of a separate justice system for juvenile delinquents during the latter part of the nineteenth and early twentieth centuries. The states of Illinois and Colorado were at the forefront of this movement. It promoted a parens patriae philosophy, which cast the youth court as a firm but understanding parent when the family failed to meet its obligations. Pound (cited in Krisberg, 2006) believes that the American juvenile court was the greatest step forward in Anglo-American law since the Magna Carta.

Bishop and Decker (2006) suggest that over the last century, and most especially since the 1960s, juvenile justice policy has shifted dramatically, undergoing a series of reforms that have reshaped the system and challenged the principles upon which it was founded. More specifically, the 1960s and 1970s brought doubts about rehabilitation, and the 1967 Supreme Court decision in the Gault case, among others, spearheaded a movement toward a more structured legal framework for juveniles, which stressed their rights and created due process safeguards. Krisberg (2006:7) states that "the conception of a benign Children's Court that always acted in the best interests of the child was replaced with new attention to the legal rights of minors." In the end, the changes that took place during this period brought the youth justice system much closer to the adversarial adult criminal justice system.

In the majority of states, the juvenile courts still have jurisdiction over children and youth with respect to status offences and criminal matters, although, as mentioned by Bartollas (2003), several states, including Maine, New York, and Washington, have decriminalized status offences, thus removing them from the juvenile court's jurisdiction. It is often difficult for policy-makers and

practitioners to determine which of the two models should be used; that is, the child welfare or the youth justice system. Moreover, as Snyder (2002) points out, most states in the United States have not been able to decide between them. Hence, they characterize thirty-two states as having both a prevention/diversion/treatment orientation and a punishment orientation in their legislative goals.

The 1970s brought widespread efforts to deinstitutionalize juvenile facilities, as was done in 1972 in Massachusetts and later in California. At the national level, this movement led to the proclamation of the *Juvenile Justice and Delinquency Prevention Act* of 1974 (JJDPA). This also led to the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which became the focal point for reform of the American juvenile justice system. Its mandate was to conduct research, provide training and make grants to states and jurisdictions that wanted to voluntarily comply with the mandate of the OJJDP. However, as Krisberg (2006) notes, OJJDP's history was not without difficulties during the Ford, Reagan and Bush (Sr.) years when its budget and mandate were significantly reduced. The arrival of President Clinton and the appointment of Janet Reno as US Attorney General brought a renaissance to federal juvenile justice programs. Krisberg (2006) suggests that President G.W. Bush has returned to the earlier practice of appointing a head of OJJDP with virtually no experience in juvenile justice.

Krisberg (2006) reported that there was a significant surge in serious violent youth crime between 1989 and 1993 (+ 30%) in the United States. This is similar to what was experienced in Canada and most of the western world during this period. His view is that "this led to the belief by some experts that a new wave of 'super predators' were reaching their teen years and would drive up the rates of juvenile crime for the foreseeable future; and, that conservative academics such as James Q. Wilson (1975) and John DiIulio (1995) led a small band of hysterical criminologists to predict the worst" (Krisberg, 2006:11). The US media and some politicians generated fear and literally created a moral panic over youth violence that led to tougher responses to youth crime in general and youth violent crime in particular. For example, Torbert et al. (1995) indicate that over forty states introduced tougher legislation and made it easier to transfer youth to adult courts. In some states, the minimum age for transfer in the case of murder was brought down to between ten and twelve years. In Florida, for example, prosecutors can choose to treat sixteen-year-olds charged with *any* felony as either juveniles or adults. They can also transfer youth as young as ten to adult court, although the criteria are more restrictive. Bishop and Decker (2006) also indicate that at the upper end of the age category, the majority of states use age seventeen (thirty-seven states and the District of Columbia), while ten states specify age sixteen, and three states use age fifteen as the maximum age of the juvenile court's jurisdiction.

While there has been a great deal of concern over youth crime and violence in the US, the much-feared arrival of the "super predator" has not materialized. As Krisberg (2006) shows, the rate of serious violent offences committed by young people declined significantly after 1993, well before tougher juvenile penalties were enacted. Bishop and Decker (2006) looked at more recent crime trends and observed that UCR data for the year 2000 indicates that an estimated 2.4 million juveniles were arrested that year; however, the vast majority were for minor offences. Only 4% of juvenile arrests (99,000) were for Violent Index Crimes, and of these, 1,200 were for murder. Twenty-two percent of juvenile arrests were for Property Index Crimes, over 70% of which involved larceny-theft.

In 2000, 58% of delinquency cases referred to intake resulted in a formal petition. Seventeen percent were closed without action, and the remaining 25% were handled informally. An additional (and unknown) number of cases were referred for prosecution in (adult) criminal court rather than juvenile court. In addition, of those referred to juvenile court, 1% of the cases were subsequently transferred to (adult) criminal court by the juvenile court judge through a process called judicial waiver. Bishop and Decker indicate that nationally, the trend is toward sentencing youth based on notions of punishment and accountability rather than rehabilitation. They further state that,

> Significantly, the federal government has endorsed a policy of 'graduated sanctions' under which youth who have been adjudicated delinquent receive sanctions proportionate to the offence to hold them accountable for their actions and to prevent further law violations (2006:29).

Bishop and Decker (2006) also believe that if the first wave of change to the youth justice system in the United States was aimed at serious, chronic and violent offenders, the second is directed toward the other end of the spectrum; that is, toward children and youth who are at risk for delinquency. In the past ten to fifteen years, governmental support for delinquency prevention and early intervention policies and programs has grown. They further believe that although it is clear that the US has embraced retributive and deterrent objectives for convicted juvenile offenders to a degree not seen since the nineteenth century, there are some indications that they have not embraced this position single-mindedly. Restorative justice is gaining ground, and there is another movement afoot that may be even more important. Specifically, Bishop and Decker (2006:28) suggest that "in the midst of all the indications of a criminalized juvenile justice that we have discussed, there are signs of a revitalization of rehabilitation." They go on to suggest that recent research has produced fairly consistent evidence that treatment-oriented programs, especially those that focus on interpersonal skills development and parent/family interventions, are considerably more effective than punishment-oriented ones.

Krisberg (2006) believes that the American juvenile court is experiencing new life as it enters the twenty-first century. It appears that three major strategies have had an impact on the direction of the US juvenile justice system. Two of these were spearheaded by the OJJDP, which sponsored new ideas that helped many communities reinvent the ideal of juvenile justice. The first is known as Balanced and Restorative Justice (BAR). It brings together traditional rehabilitation, the community and the victim. The second is the Comprehensive Strategy (CS). The CS envisioned a continuum of services, including prevention, early intervention, community-based programs for middle-level offenders, residential programs for the more serious offenders, and appropriate re-entry services. Krisberg (2006) suggests the third thrust was proposed by the Annie E. Casey Foundation in 1994. The goal of this initiative was to reduce the overuse of juvenile detention facilities and to redirect funding toward more pertinent services for at-risk youth.

A discussion about youth intervention strategies in the US is incomplete without an analysis of trends relating to crime prevention in recent years. Crime prevention programs and services in the US are locally driven in most instances. Moreover, as Snyder (2002:47-48) indicates, the role of the federal government in general is "(1) to develop, test, and promote model crime prevention programs; and, (2) to encourage the implementation of these programs by providing states and local jurisdictions with funds that may be spent on such programs" (2002:47-48). As a result, crime prevention efforts produced a full range of interventions, from the more rigid sentencing policies involving long-term

incarceration, to prenatal and preschool programs aimed at families and children at risk. However, as noted above, some observers have begun to feel that the US is slowly outgrowing its need for crime control-related prevention strategies, while renewing its youth justice system with more comprehensive community approaches that include social development elements. The mood appears to be shifting toward non-traditional crime prevention approaches.

While some of the strategies being adopted in the US might appear to be out of the ordinary, a number of them offer the potential for significant change. For example, a recent collaborative study by Austin et al. (2007) suggests that the US should unlock America's prisons and reduce the prison population (adult and juvenile) through such measures as reducing time served in prison, eliminating the use of prison for technical violations of parole or probation, reducing the length of parole and probation supervision periods, and by decriminalizing "victimless" crimes, particularly those related to drug use and abuse. It is their view these decarceration measures will generate cost savings and not jeopardize public safety. As well, the savings can be invested in more proactive front-end interventions such as supporting higher education for disadvantaged or at-risk students.

Another novel idea comes from the independent (non-federal government) Task Force on Community Preventive Services (Task Force, 2007) which produced the *Guide to Community Preventive Service*. The Task Force conducted a systematic review of published scientific evidence concerning the effectiveness of laws and policies that facilitate the transfer of juveniles to the adult criminal justice system on either preventing or reducing violence: (1) among those youth who experience the adult criminal system; or (2) in the juvenile population as a whole. The Task Force stated,

> On the basis of strong evidence that juveniles transferred to the adult justice system have greater rates of subsequent violence than juveniles retained in the juvenile justice system, the Task Force on Community Preventive Services concludes that strengthened transfer policies are harmful for those juveniles who experience transfer. Transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence" (2007:1).

Tonry (2007), who reviewed the study, concurred with its conclusions and states that "in the 1970s and earlier, most informed observers would have predicted what the Task Force found: transferring juveniles to adult court does harm to them, which diminishes their life chances, thereby increasing their likelihood of committing crimes in the future" (2007:53). The core finding of the report was that transfer increases future violence rates and that it was unlikely this applies only to young people under the age of eighteen.

A final example that represents a comprehensive crime prevention strategy comes from Boston, where a broad coalition of federal, state, and local government agencies, non-profit community service organizations, businesses, religious leaders, parents and residents developed a series of innovative public safety strategies to address the escalating number of juvenile homicides. More specifically, following the development of a strategic plan, two initiatives were developed. First, they identified some specific law enforcement strategies, such as Operation Ceasefire, Operation Night Light and the Boston Gun Project, which were designed to vigorously enforce a ceasefire among rival gangs in the community. Second, they implemented a variety of interventions and prevention programs, such as the Boston Community Centers' Street-Workers Program, Youth Services Providers Network, Alternatives to Incarcerations, the Safe Neighborhood Initiative, the Summer of Opportunity, etc.

Each of these programs was designed to address the root causes of gang violence, including a lack of educational, recreational, social and employment opportunities. The overall approach taken in Boston is an example of a comprehensive strategy for dealing with youth gang violence. In the end, Jordan et al. (1998) found that they were able to significantly reduce the number of homicides (i.e., from 152 in 1990 to twenty-three in 1998) following the implementation of their approach.

Krisberg (2006:15) reviewed the evidence regarding youth violence and concluded that "despite regular examples of abusive practices that continue to plague American juvenile corrections facilities in many states, the juvenile court ideal continues to recover from the moral panic over 'super predators.'" And Tonry and Doob (2004:16) point out that "much of the toughening in youth justice came after the apparent increase in youth crime levelled out." In the end, we can only concur with what others have said and conclude that youth justice in America is an enigma. While in some cases it leads the way on progressive reforms and continues to create innovative ways of dealing with youth in conflict with the law, in other cases, it sounded the clarion call for more punitive and repressive practices. Ironically, only the US and Somalia have failed to ratify the UN Convention on the Rights of the Child.

A Comparative Analysis of International Jurisdictions

The historical factors that influenced the introduction and development of youth justice in Canada have also had an impact on other western nations, such as those considered here. For example, the acknowledgement that children should be treated differently from adults led to the establishment of youth justice systems in the United States, Canada, and England and Wales at the turn of the twentieth century. And while the Scandinavian countries did not replicate this pattern exactly at that time, they did achieve essentially the same results administratively through the use of local Social Welfare Councils to deal with youth under fifteen years of age. The situation in France reflects a different approach from that found in the aforementioned common law countries, such that youth in conflict with the law were dealt with by judges who leaned either toward corrections or detention during the first part of the last century. This would change in 1945, however, to reflect an educative approach similar to that in the other countries.

The age of criminal responsibility was established as seven in Canada, the United States and England in the early 1900s, while it was fifteen in Scandinavia. In 1933, it was raised to eight in England, while in 1945, it was set at ten in France. Currently, the age of criminal responsibility is twelve in Canada, ten in England and France, and in the US, it varies from state to state, but seven years of age remains the official minimum. Their response was to change the minimum age at which a young person could be transferred to adult court. This is effectively ten years of age in a number of American states. The situation in Scandinavia has not changed since the turn of the last century, with the age of criminal responsibility remaining at fifteen.

The general pattern visible in the approaches of these four countries is similar to what happened in Canada, insofar as rehabilitation was in favour after World War II. However, rising crime rates in the 1960s and 1970s led to calls for more attention to crime control. This was a period when labelling theory and diversion programs appeared, as well as efforts at crime prevention to keep young people out of the formal youth justice system. The children's rights movement also had an impact at this

time. In many countries, this prompted a review of youth justice and the introduction of changes, including new legislation. This now seems to be part of a larger shift, such that Canada, England and France introduced new legislation containing major changes in the late 1990s or early 2000s. In the United States, given the decentralized state approach, the response at this time was to amend the provisions dealing with transfer to adult court. In Scandinavia, pressure to make the youth justice system tougher led to the introduction of new dispositions.

The shift in the 1990s and 2000s toward a law and order approach finds its base, in all five countries, in concerns over growing youth crime and violence. The role of the media was mentioned above, as was the politicization of youth justice. However, the role of race and ethnicity warrants specific attention. In France, the recent violence in the suburban "banlieues" reflects the association of youth crime and violence with the children of Algerian immigrants. In Scandinavia, youth violence has been closely associated with immigrant Muslim youth. The situation in England reflects concerns over ethnic and racial minority youth, while in the United States, Black and Latino gangs have been associated with much of the inner-city violence witnessed during this period.

The response to the public's demands for something to be done about youth violence resulted in the introduction of harsher sentences and the facilitation of the transfer of young people to the adult court. Transfer provisions had been available, but were used sparingly in the past. The push toward a law and order approach in the four countries has seen custodial sentences increase, as well as transfers and waivers to adult court.

In the midst of this apparent shift toward a get tough approach, several important developments are worth mentioning. For example, while some harsher measures have been introduced in France, the powerful bureaucracy has resisted a more full-scale shift in this direction. As well, they continue to rely on the youth court judges to act in the best interests of the child, and they have enhanced their efforts toward community-based crime prevention. A similar situation exists in Scandinavia, where pressure for more punitive responses has been muted by the longstanding social welfare traditions in these countries. The situation in England is similar to that in Canada, such that the harsher measures for serious young offenders were coupled with an effort to prevent crime at the local level and develop community-based alternatives. Interestingly, recent developments in the United States have shown that they are becoming disillusioned with the outcomes of a get-tough approach and the use of custodial dispositions. There are indications that a more comprehensive, community-based approach is emerging, such that ongoing law enforcement efforts are occurring alongside initiatives that seek to provide education and employment opportunities for youth.

Conclusions

The concern over child welfare that emerged in the late nineteenth and early twentieth century in Canada and other western democracies tells only part of the story. This was also a period during which the public in these countries was growing increasingly concerned over the rising levels of youth crime and demanding that the authorities take action. In essence, balancing child welfare and crime control has been an ongoing challenge in the approach to youth justice taken in Canada and in the four international jurisdictions discussed in this paper. Our own *Juvenile Delinquents Act*, for example, incorporated elements of both child welfare and crime control, since it did not differentiate between neglected, dependent, and delinquent youth. All were deemed in need of guidance and protection. The particular consensus that developed around these two thrusts in each of the countries reviewed above reflected their unique social, political and legal cultures. Thus, in Scandinavia, child welfare was given priority over crime control through the use of social welfare councils to deal with children fifteen years of age and under. This approach was consistent with their broader cultural values. In contrast, in England and Wales, child welfare played a subordinate role to crime control, as the youth courts in that country operated in a way that resembled their adversarial adult criminal courts.

By the mid-twentieth century, concerns over child welfare and crime control re-emerged as forces at play globally that influenced both issues. On the child welfare side, the popularity of rehabilitative approaches saw these practices expand in many western nations. At the same time, the demographic changes that followed World War II resulted in a rapidly growing youth population, followed by rising rates of youth charged with crimes. Several additional factors were introduced into the discussion over youth justice at this juncture. For example, by the 1970s, the favour previously enjoyed by child welfare approaches began to wane and there was growing disillusionment with rehabilitation. At the same time, an emerging rights movement called into question the enormous power of youth courts and the lack of due process safeguards for youth. The swing toward child welfare witnessed after the war began to change as the provisions of rights moved youth courts increasing toward a legalistic and formalistic approach, which leaned toward a crime control orientation. The passage of the *Young Offenders Act* in Canada, with its right to retain counsel provision and other due process safeguards, attempted to strike a balance between the needs and the rights of a young person on the one hand and the protection of society on the other. However, once the balance began edging toward the protection of society, each successive set of amendments to this legislation moved it closer to the approach found in the adversarial adult system. Importantly, the result was that instead of juvenile delinquents, we had young offenders. Similar developments were observed in each of the four international jurisdictions, as public concerns over rising rates of youth charged with crimes provided support for approaches that favoured crime control over child welfare concerns.

By the middle 1990s, the push toward a harsher and more punitive approach was experienced in Canada, as it was in all of the countries we reviewed. In some jurisdictions, such as England and Canada, this pressure eventually led to new legislation, which was supposed to deal more severely with young people involved in serious offending. In the other countries, the pressure to move toward a law and order approach and tougher sentences was also visible. This represented an era during which youth justice became extremely politicized. While rates for youth charged with crime had been increasing (including violent youth crime) in the early 1990s, this trend began to abate in the latter half of the decade in all five countries. Public concern over youth crime, however, remained high. This was due in part to the role of the media and its treatment of tragic but isolated incidents of violent youth crime. The Bulger case was mentioned in this regard in England. The school shooting incidents in the United States and Canada represent similar examples in North America. Youth crime became an important political issue during this period, prompting the move toward youth justice approaches that emphasized the protection of the public over child welfare and children's rights. In Canada, this resulted in the replacement of the relatively recent YOA with a new *Act*, the YCJA. In England and Wales, the 1998 *Crime and Disorder Act* fundamentally altered their approach to youth justice. While the jurisdictional division of powers in the United States makes a direct comparison with Canada and England difficult, it is clear that youth justice in that country took a sharp turn toward a law and order approach during this period as well. Nor did France and the Scandinavian countries escape this pressure. In France, the power of the bureaucracy was able to resist numerous attempts to move their system toward a crime control model, but in 2002, strong political pressures overcame some of the resistance. The social welfare tradition in Scandinavia has been able to soften demands for change, but there too, crime control concerns are being pressed.

Interestingly, and perhaps ironically, there is a movement under way in many of the countries discussed in this paper toward a more comprehensive and integrated approach to youth in conflict with the law. In Canada, an unintended consequence of the YCJA and its focus on reserving custody for the most serious offenders has been the development of both more specialized resources for the small number of youth in this category, as well as many more community-based programs for those dealt with outside of the formal justice system. As we noted in our review of youth justice approaches in four Canadian provinces, the introduction of the YCJA has led to sharply decreased charging rate, court appearance and custodial dispositions. At the same time, all of the provinces are making greater use of front-end community-based alternatives. And while there are variations among the provinces in the way they are implementing the YCJA, they are much more similar in their approaches than they were before the introduction of this legislation.

We discovered that the youth coming into the system now represent, for the most part, those involved in the most serious behaviour. However, we still observed that a large number of youth not involved in violent crime are being sentenced to custody. We were informed, during our discussions with provincial officials, youth services providers and police officers, that young people in the system are faced with more serious issues and needs, including mental health and substance abuse problems, than those who had received custodial sentences in the past. This has resulted in the need for more planning, as well as a more integrated response by the various service providers involved. Importantly, the approach being taken in many of the provinces is holistic, and deals with the young person and not their criminal acts. This orientation has begun to influence the way that other youth justice services are delivered, such that the notion of a

comprehensive continuum of services was mentioned by all of the provincial youth justice representatives we interviewed. Obviously, some jurisdictions are farther along in developing this continuum than others, since some are just beginning to develop a wide spectrum of community-based alternatives and a more socially-oriented intervention philosophy. Importantly, Québec is no longer alone in Canada in adopting this type of approach.

The experience in Canada is similar to what is happening in England and Wales. Their approach was also designed to deal more harshly with youth involved in serious, violent crime, while providing many more community-based alternatives for those involved in less-serious offending. This tendency is also apparent in several recent developments in the United States. This is especially the case with respect to the use of custody, since research has shown that it has not produced the types of outcomes that were expected. As a result, there is growing support in the United States for restricting the use of custody and adopting a broader approach. Current strategies being developed are moving the youth justice system in the United States away from a get-tough approach toward one that is more comprehensive and which focuses on community-based initiatives. This represents a move away from punishment toward a continuum of programs and services that attempt to assist young people in becoming contributing members of society.

The ongoing attempt to balance child welfare, youth rights, and crime control has resulted in a bifurcated system of youth justice in Canada and other western democracies. This has seen the creation, in some of these jurisdictions, of a dangerous class of young offenders. And, while an unintended consequence of this approach has been the emergence of a more comprehensive and holistic orientation, it has also served to reinforce the demonization of youth and the public's perception that young people are dangerous. Paradoxically, the dual images of young people as victims and villains dominate public images of youth. When considering youth crime and society's response to it, the artificial dichotomy of youth as victims or villains often misses the point that many young people are both. Equally important is that the responses to young people in conflict with the law are often cast in terms of the characteristics and behaviour of the young people involved, with limited attention being paid to the social contexts in which they live and the root causes of crime. Even in situations where the importance of the root causes of crime have been recognized, they receive only a tiny fraction of the attention and resources devoted to dealing with law enforcement and crime control. The bulk of these resources continue to be directed toward controlling these young people.

The evidence presented in this paper suggests that those who work closely with children and youth recognize that they must be understood in a holistic manner and in a way that attends to their social environments. At the same time, we have seen that changes in youth justice policy and practice can result in dramatic differences in the way a society responds to young people. Importantly, this power to alter policies and practices can be used either to create a more humane and respectful way of dealing with young people or one that is harsher and more punitive.

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Her Majesty The Queen Appellant v. B.W.P., Respondent, and Attorney General of Ontario, Attorney General of Alberta, Canadian Foundation for Children, Youth and the Law, Youth Criminal Defence Office, Interveners
(2006) 1 S.C.R. 941 (2006) S.C.J. No. 27 and 2006 SCC 27
File No.: 30514, 30512
Heard: November 10, 2005
Judgement: June 22, 2006.

Appendix 1:
Tables

Years and Provinces	Youth, Males Charged	Youth, Females Charged	Youth Not Charged	Youth Population (12-17)
2006				
Canada	66,353	19,594	117,513	N/A
Québec	9,533	1,388	16,227	N/A
Ontario	25,932	7,943	37,165	N/A
Alberta	8,348	2,684	15,376	N/A
BC	5,477	1,818	17,237	N/A
2005				
Canada	66,792	18,933	111,591	2,566,450
Québec	9,365	1,163	17,688	575,350
Ontario	26,204	8,022	35,666	1,006,334
Alberta	8,871	2,594	13,897	274,281
BC	5,376	1,767	17,323	324,433
2004				
Canada	69,298	20.027	117,446	2,551,176
Québec	9,098	1,329	19,394	567,131
Ontario	25,938	8,005	37,175	996,490
Alberta	9,265	2,928	15,468	274,311
BC	6,141	1,866	18,390	323,725
2003				
Canada	72,798	20,799	116,144	2,536,221
Québec	9,629	1,461	19,593	557,702
Ontario	25,842	8,053	33,084	987,035
Alberta	10,754	2,972	16,278	274,581
BC	6,945	2,242	20,573	323,946
2002				
Canada	85,703	27,416	87,307	2,519,316
Québec	10,352	1,815	14,136	547,986
Ontario	33,052	11,384	19,292	976,743
Alberta	11,923	3,675	17,717	274,154
BC	8,690	2,978	19,631	325,358
2001				
Canada	89,024	27,094	86,0440	2,494,061
Québec	10,753	1,677	15,262	541,972
Ontario	34,711	11,198	18,108	958,896
Alberta	11,746	3,461	14,201	270,515
BC	9,286	3,158	20,284	326,042
2000				
Canada	87,807	25,788	78,704	2,475,212
Québec	10,713	1,578	14,616	541,844
Ontario	33,907	10,956	18,253	942,308
Alberta	11,744	3,226	11,964	267,206
BC	9,704	3,295	18,592	324,380

Table 1. Youth Crime Statistics 2000–2006, All Incidents*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Years and Provinces	Youth, Males Charged	Youth, Females Charged	Youth Not Charged	Youth Population (12-17)
2006				
Canada	56,739	17,202	103,924	N/A
Québec	7,914	1,185	12,789	N/A
Ontario	21,673	6,858	32,085	N/A
Alberta	7,314	2,449	14,512	N/A
BC	4,598	1,495	14,829	N/A
2005				
Canada	57,977	16,618	97,452	2,566,450
Québec	7,780	978	13,779	575,350
Ontario	22,109	6,881	30,509	1,006,334
Alberta	7,949	2,395	13,207	274,281
BC	4,573	1,456	14,607	324,433
2004				
Canada	59,873	17,613	102,112	2,551,176
Québec	7,466	1,133	15,052	567,131
Ontario	21,771	6,805	31,663	996,490
Alberta	8,322	2,686	14,631	274,311
BC	5,134	1,585	15,470	323,725
2003				
Canada	64,460	18,603	102,999	2,536,221
Québec	8,026	1,265	15,612	557,702
Ontario	22,734	7,115	23,384	987,035
Alberta	9,860	2,759	15,489	274,581
BC	5,845	1,889	17,562	323,946
2002				
Canada	74,253	24,428	76,885	2,519,316
Québec	8,397	1,574	11,233	547,986
Ontario	27,980	10,100	16,531	976,743
Alberta	10,749	3,380	13,927	274,154
BC	7,423	2,435	16,742	325,358
2001				
Canada	78,024	24,666	75,898	2,494,061
Québec	8,716	1,449	12,235	541,972
Ontario	30,115	10,283	15,656	958,896
Alberta	10,596	3,148	13,419	270,515
BC	7,954	2,740	17,339	326,042
2000				
Canada	77,562	23,298	70,370	2,475,212
Québec	8,775	1,325	11,946	541,844
Ontario	29,002	10,094	16,039	942,308
Alberta	10,689	2,938	11,424	267,206
BC	8,267	2,797	16437	324,380

Table 2. Youth Crime Statistics 2000–2006, Total Criminal Code*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Years and Provinces	Youth, Males Charged	Youth, Females Charge	Youth Not Charged	Youth Population (12-17)
2006				
Canada	15,261	5,239	18,972	N/A
Québec	2,600	547	3,307	N/A
Ontario	6,348	2,156	6,131	N/A
Alberta	1,727	612	2,084	N/A
BC	1,500	472	2,102	N/A
2005				
Canada	15,195	5,145	17,839	2,566,450
Québec	2,515	412	3,431	575,350
Ontario	6,575	2,237	5,902	1,006,334
Alberta	1,718	612	1,804	274,281
BC	1,364	449	2,112	324,433
2004				
Canada	14,653	5,223	18,336	2,551,176
Québec	2,405	450	3,632	567,131
Ontario	6,203	2,176	6,106	996,490
Alberta	1,676	608	1,902	274,311
BC	1,327	497	2,069	323,725
2003				
Canada	15,156	5,278	18,215	2,536,221
Québec	2,262	464	3,651	557,702
Ontario	6,405	2,168	5,353	987,035
Alberta	1,766	623	2,230	274,581
BC	1,499	564	2,450	323,946
2002				
Canada	16,961	6,192	13,752	2,519,316
Québec	2,396	575	2,813	547,986
Ontario	7,223	2,660	3,319	976,743
Alberta	2,052	732	1,835	274,154
BC	1,976	660	2,335	325,358
2001				
Canada	17,524	6,095	13,720	2,494,061
Québec	2,515	486	2,779	541,972
Ontario	7,608	2,512	3,405	958,896
Alberta	2,003	741	1,856	270,515
BC	1,939	746	2,466	326,042
2000				
Canada	16,919	5,736	13,606	2,475,212
Québec	2,399	477	2,834	541,844
Ontario	7,449	2,471	4,017	942,308
Alberta	1,960	619	1,602	267,206
BC	1,870	715	2,523	324,380

Table 3. Youth Crime Statistics 2000–2006, Total Crimes of Violence*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Years and Provinces	Youth, Males Charged	Youth, Females Charge	Youth Not Charged	Youth Population (12-17)
2006				
Canada	19,747	6,033	39,681	N/A
Québec	2,867	348	5,576	N/A
Ontario	7,060	2,367	15,560	N/A
Alberta	2,766	1,092	4,647	N/A
BC	1,514	620	4,961	N/A
2005				
Canada	21,477	5,753	39,868	2,566,450
Québec	2,926	350	6,322	575,350
Ontario	7,429	2,279	14,630	1,006,334
Alberta	3,154	1,014	5,124	274,281
BC	1,702	605	5,303	324,433
2004				
Canada	23,921	6,214	44,147	2,551,176
Québec	2,928	427	7,000	567,131
Ontario	7,763	2,292	15,244	996,490
Alberta	3,432	1,093	6,478	274,311
BC	2,219	713	5,774	323,725
2003				
Canada	26,996	7,194	45,901	2,536,221
Québec	3,348	538	7,088	557,702
Ontario	8,451	2,632	15,367	987,035
Alberta	4,470	1,230	6,910	274,581
BC	2,602	887	6,748	323,946
2002				
Canada	32,238	10,939	33,062	2,519,316
Québec	3,638	712	5,096	547,986
Ontario	11,217	4,559	8,691	976,743
Alberta	5,050	1,601	6,099	274,154
BC	3,390	1,274	6,091	325,358
2001				
Canada	34,221	10,954	32,166	2,494,061
Québec	3,827	702	5,882	541,972
Ontario	12,187	4,580	7,605	958,896
Alberta	4,813	1,384	5,851	270,515
BC	3,799	1,473	6,291	326,042
2000				
Canada	35,525	10,736	30,717	2,475,212
Québec	3,988	642	5,557	541,844
Ontario	12,293	4,611	7,274	942,308
Alberta	5,190	1,398	5,756	267,206
BC	4,204	1,565	6,014	324,380

Table 4. Youth Crime Statistics 2000–2006, Total Property Crimes*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Provinces/Years	Total Crimes of Violence	Total Assaults # 1	% of Assaults 1 / Total Crimes of Violence
Canada			
2006	20,500	8,964	44
2005	20,340	8,880	44
2004	19,876	9,010	45
2003	20,434	9,273	45
2002	23,153	11,698	51
2001	23,619	11,811	50
2000	22,655	11,629	51
Québec			
2006	3,147	1,355	43
2005	2,927	1,184	40
2004	2,855	1,235	43
2003	2,726	1,184	43
2002	2,971	1,443	49
2001	3,001	1,431	48
2000	2,876	1,492	52
Ontario			
2006	8,503	3,696	43
2005	8,812	3,799	43
2004	8,379	3,760	45
2003	8,573	3,886	45
2002	9,883	5,053	51
2001	10,120	5,173	52
2000	9,920	5,151	52
Alberta			
2006	2,339	1,138	49
2005	2,330	1,078	46
2004	2,284	1,103	48
2003	2,389	1,064	45
2002	2,784	1,390	50
2001	2,744	1,395	51
2000	2,579	1,223	47
British Columbia			
2006	1,972	813	41
2005	1,813	821	45
2004	1,824	819	45
2003	2,063	990	48
2002	2,636	1,360	52
2001	2,685	1,372	51
2000	2,295	1,364	59

Table 5. Youth Crime Statistics 2000–2006: Assaults 1,* Number of Youth Charged**

** The CCJS uses the term Assaults 1 to describe minor assaults. For the purpose of our study, we used the term minor assaults when referring to Assaults 1.*

***Adapted from Statistics Canada, Centre for Justice Statistics database.*

Provinces /Years	Number of homicide victims	Homicide rates per 100,000 population	Number of adult males charged	Number of adult females charged	Number of youth, males charged	Number of youth, females charged
Canada						
2006	605	1.85	367	59	71	12
2005	663	2.05	476	50	62	10
2004	624	1.95	451	51	39	5
2003	549	1.73	388	49	47	9
2002	582	1.86	396	47	33	9
2001	553	1.78	366	57	27	5
2000	546	1.78	352	47	38	5
Québec						
2006	93	1.22	46	8	2	1
2005	100	1.32	59	10	13	0
2004	111	1.47	80	7	3	0
2003	99	1.32	61	6	2	2
2002	118	1.58	80	7	1	0
2001	140	1.89	82	9	2	0
2000	150	2.04	78	8	5	0
Ontario						
2006	196	1.54	117	11	20	3
2005	219	1.74	189	9	12	3
2004	187	1.51	152	12	15	1
2003	178	1.45	144	14	21	4
2002	178	1.47	133	14	11	3
2001	170	1.43	115	18	10	1
2000	156	1.34	100	13	11	1
Alberta						
2006	96	2.84	57	12	22	2
2005	108	3.30	85	13	9	3
2004	86	2.68	52	7	5	1
2003	64	2.02	42	6	4	0
2002	70	2.25	43	6	5	0
2001	70	2.29	42	11	5	2
2000	59	1.96	43	8	6	0
British Columbia						
2006	108	2.51	64	10	12	0
2005	101	2.37	69	7	6	0
2004	113	2.69	57	7	5	2
2003	94	2.26	50	7	4	0
2002	126	3.06	80	10	9	2
2001	84	2.06	51	6	4	0
2000	85	2.10	52	6	3	1

Table 6. Crime Statistics 2000–2006: Homicides*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

	Actual incidents							Adults charged							Youth charged						
	2006	2005	2004	2003	2002	2001	2000	2006	2005	2004	2003	2002	2001	2000	2006	2005	2004	2003	2002	2001	2000
Ottawa	16	12	10	10	8	3	8	8	16	13	15	9	5	6	2	0	0	1	1	0	1
Kingston	2	5	0	5	3	3	-	1	6	0	3	2	5	-	0	0	0	0	1	0	-
Toronto	99	104	94	95	90	78	81	60	86	65	75	65	50	50	10	8	10	17	9	3	4
Hamilton	7	11	9	9	13	13	10	8	8	7	5	17	19	7	2	1	0	2	0	1	1
St. Catharines-	4	14	8	6	8	5	4	5	17	8	8	4	6	4	0	1	0	0	0	3	1
Kitchener	2	7	6	1	3	6	8	1	7	4	1	2	1	2	1	0	0	0	0	1	0
London	5	14	5	8	4	6	2	3	13	7	7	4	7	3	0	0	1	2	1	0	1
Windsor	5	5	4	9	7	3	6	7	4	8	6	6	3	5	0	0	0	0	1	0	1
Greater Sudbury	2	2	0	1	2	5	1	2	2	0	1	1	6	1	0	0	0	0	0	0	0
Montréal	52	48	63	56	66	78	75	25	29	42	36	42	46	43	2	7	3	2	0	0	1
Calgary	26	25	20	11	15	15	16	26	17	16	7	11	10	18	1	0	3	0	1	2	2
Edmonton	39	44	34	22	27	25	19	18	42	14	16	19	21	15	11	8	1	1	1	2	2
Vancouver	55	62	57	45	69	43	42	28	37	31	26	43	23	22	7	5	2	3	7	3	3

Table 7. Homicide Statistics 2000–2006 - Ontario & Selected Census Metropolitan Areas*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Provinces /Years	Total Cases	Total Guilty Cases	Total Stayed/ Withdrawn/ Dismissed[4]
Canada			
2005/2006	56,271	34,626 (62%)	20,487
2004/2005	57,588	35,865 (62%)	20,499
2003/2004	64,002	39,323 (61%)	23,539
2002/2003	76,153	49,169 (65%)	25,736
2001/2002	77,828	51,260 (66%)	25,183
2000/2001	77,663	52,272 (67%)	23,869
Québec			
2005/2006	6,930	4,936 (71%)	1,580
2004/2005	7,027	5,082 (72%)	1,440
2003/2004	7,256	5,330 (73%)	1,088
2002/2003	7,689	5,824 (76%)	1,334
2001/2002	8,787	6,853 (78%)	1,385
2000/2001	8,365	6,659 (80%)	1,156
Ontario			
2005/2006	25,084	14,418 (57%)	10,393
2004/2005	25,943	15,314 (59%)	10,336
2003/2004	28,306	16,407 (58%)	11,769
2002/2003	35,710	21,234 (60%)	14,179
2001/2002	34,828	21,017 (60%)	13,569
2000/2001	34,507	21,458 (62%)	12,851
Alberta			
2005/2006	7,919	4,502 (56%)	3,233
2004/2005	8,094	4,587 (57%)	3,328
2003/2004	10,121	5,869 (58%)	4,025
2002/2003	10,439	6,803 (65%)	3,464
2001/2002	10,604	7,225 (68%)	3,207
2000/2001	10,759	7,306 (68%)	3,279
BC			
2005/2006	4,111	2,923 (71%)	1,041
2004/2005	4,269	3,070 (72%)	1,100
2003/2004	4,995	3,483 (70%)	1,371
2002/2003	6,473	4,532 (70%)	1,787
2001/2002	7,314	5,163 (71%)	1,910
2000/2001	7,755	5,906 (75%)	1,586

Table 8. Youth Court Decisions 2000–2006 - Total Cases, Total Guilty, Total Stayed/Withdrawn/Dismissed*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

[4] *The Canadian Centre for Justice Statistics informed us that cases stayed or withdrawn are often indicative of charges set aside pending completion of extrajudicial sanctions/alternative measures.*

Provinces / Years	Custody	Deferred Custody & Supervision	Intensive Support & Supervision	Non-Residence Program	Probation
Canada					
2005/2006	6,355	1,197	348	194	20,822
2004/2005	7,578	1,065	341	143	22,380
2003/2004	8,683	550	282	237	24,847
2002/2003	13,246	0	0	0	34,440
2001/2002	13,831	0	0	0	33,594
2000/2001	15,005	0	0	0	33,779
Québec					
2005/2006	559	110	23	30	3,123
2004/2005	777	0	0	0	3,603
2003/2004	845	0	0	0	3,692
2002/2003	1,236	0	0	0	4,310
2001/2002	1,495	0	0	0	5,162
2000/2001	1,543	0	0	0	4,893
Ontario					
2005/2006	3,446	549	12	1	10,945
2004/2005	4,059	516	0	0	11,016
2003/2004	4,589	0	0	0	12,233
2002/2003	6,013	0	0	0	17,068
2001/2002	6,221	0	0	0	14,418
2000/2001	6,833	0	0	0	14,452
Alberta					
2005/2006	554	144	14	163	2,030
2004/2005	600	190	12	143	1,908
2003/2004	752	239	24	237	2,342
2002/2003	1,313	0	0	0	3,103
2001/2002	1,433	0	0	0	3,215
2000/2001	1,441	0	0	0	3,388
BC					
2005/2006	622	131	298	0	1,358
2004/2005	660	174	328	0	1,529
2003/2004	767	146	255	0	1,901
2002/2003	1,429	0	0	0	3,177
2001/2002	1,532	0	0	0	3,599
2000/2001	1,840	0	0	0	4,041

Table 9. Youth Court Decisons 2000–2006, Most Serious Sentence*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Fiscal Year	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Canada						
count	14923	13708	13113	8631	7509	6093
mean	71	71	70	68	78	70
median	30	30	30	33	40	33
Quebec						
count	1543	1495	1236	845	777	553
mean	108	107	114	132	147	110
median	60	60	60	90	90	60
Ontario						
count	6833	6221	6013	4589	4042	3430
mean	57	57	60	51	65	60
median	30	30	30	30	30	30
Alberta						
count	1441	1433	1313	752	600	554
mean	75	67	68	65	63	77
median	30	30	30	28	30	30
BC						
count	1760	1410	1297	718	610	559
mean	56	49	49	45	68	57
median	14	20	14	21	30	25

Table 10. Youth Court Sentences 2000–2006, Custodial Days*

**Adapted from Statistics Canada, Centre for Justice Statistics database.*

Appendix 2:
Contact List

Berday, Arlene – Ontario
Brault, Pierre – Québec
Clapham, Ward – British Columbia
Dagenais, Guy – Ontario
Dompierre, Joanne – Justice Canada
Elliott, Dale – Ontario
Faris, Lynn – Ontario
Houldsworth, Mark – Ontario
Ionescu, Ana-Marina – Québec
Kimmitt, Anne – British Columbia
Laporte, Clément – Québec
Latimer, Catherine – Justice Canada
Marceau, Bruno – Justice Canada
Mulder, Suzanne – Justice Canada
Neff, Kathy – Ontario
Perreault, Claude – Québec
Pical, Daniel – France
Robinson, Stephanie – Justice Canada
Rodziewicz, Paulette – Alberta
Thomas, Jennifer – CCJS
Wheeler, Paul – Ontario
Wright, Gerry – Alberta

Racial Minority Perspectives on Violence

A Report Prepared for the Review of the Roots of Youth Violence

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Executive Summary

Preface

As a review of the existing literature, this paper provides an analysis of recent events in Ontario (Toronto) by drawing on scholarly work that seeks to make sense of how violence and crime operates for Black people and other racialized minorities. We focus on Black people, especially Black youth,[1] and at the end, we make four recommendations that speak specifically to the situation faced by our young citizens and the metropolitan city as a whole. Our central thesis is that we cannot make sense of violence and crime without addressing racial oppression and the way such oppression produces poverty. In this regard, we draw attention to the mechanisms enacted since the 1980s by the three levels of government to dismantle the welfare state and to replace various welfare provisions with a greater reliance on market forces — a collection of measures that has been the hallmark of neo-liberal social and political policies.

In the midst of the Great Depression, and extended and revised after World War II, welfare policies as an attempt to make sure every resident received the daily requirement of goods and services to keep body and soul together had been a significant component of the social good and collective citizenship. Recent policy decisions, by contrast, have resulted in greater levels of poverty. This, in turn, has led to greater expressions of alienation, or what in the sociological literature is called *anomie* — a loss of solidarity among members of a collectivity, where some members feel a sense of alienation to the point of having no sense of belonging or fulfillment in the society. In the popular literature, solidarity is a *raison d'etre* for citizenship in western or liberal democracies. This citizenship is usually deemed to be made up of three major components: the civic; the social/political and welfare (Marshall 1950, Clarke 1996, Heater 2004). Where all three of the components exist together, thick citizenship or solidarity exists. Where any of them is missing, only a thin relationship or sense of citizenship or belonging prevails. This anomie often results in what is generally referred to as anti-social behaviour, such as a disdain for law and order in some circles and a failure to subscribe to some collective social ideals.

However, neo-liberal policies, with their whittling away at a collective social welfare base, also bring with them a moral side, which is often a knee-jerk reaction to the above behaviour, which then only extends the chain of anomie by further breaking down the remaining planks of society

[1] *We are using as our guide the definition by Statistics Canada of black as an ethnicity. Statscan segments the Canadian population into 12 ethnic groups, one of which is Black, defined as "Black (e.g., African, Haitian, Jamaican, Somali). See Statistics Canada.* Race: Detailed Classification.
http://www.statcan.ca/english/concepts/definitions/ethnicity01.htm.
For greater clarity see Ann Milan and Kelly Tran's Blacks in Canada: A Long History*, Statistics Canada. http://www.statcan.ca/english/freepub/11-008-XIE/2003004/articles/6802.pdf, accessed Feb 6/08*

that might connect the alienated to any feeling of belonging. We seek to demonstrate that racial minority scholars often bring very different analyses to these questions and concerns. Some minority scholars present a relevant and often overlooked perspective, which pays attention to the links between the violence that is innate to poverty, the violence of the history of racism and its continuation, the disenfranchisement of the Black poor, and a system that is systematically constructed to produce widespread failure for non-white peoples. The prescription many racial minority scholars offer provides meaningful insights for the situation in Canada and Ontario. In this sense, racial minority scholars' analysis often begins with the wider issues of placement or positioning of specific groups, usually defined by race, ethnicity, and class, in relation to a dominant mainstream society often assumed to be white. We contend that, at heart, the concerns over growing acts of violence by Black youth are all issues related to citizenship, in terms of questions and concerns about belonging and, among those youth, feeling a sense of empowerment to meaningfully contribute to the nation-state as genuine, accepted, and cherished members of the society, recognized as practising their full and active citizenship rights.

Therefore, we have used recent events to frame our conversation and to highlight the ways in which racism and a history of racial oppression continues to actively shape life in Canada, and more specifically, in Ontario. At the same time, we focus on the poor because we believe it is more accurate to speak of racisms rather than racism. Middle class Black and other racial minorities experience racism very differently from the way poor racial minorities do.

We think it is imperative that these distinctions be made if any meaningful solutions are to be achieved. Indeed, too often the so-called Black community is viewed as a homogeneous group with little or no difference or diversity within it (Walcott 2003, Foster 2007). As suggested in the Statscan definition referred to earlier, we contend that the opposite is true. Therefore, poverty and racialized violence appear in many guises and with varied outcomes for and reactions to and by those defined as Black in Canada. Indeed, solutions might very well have to be targeted at specific groups to be effective and to achieve the wider goal of creating a desired social and common good. We suggest this targeting based on specific needs, such as those of Black youth, rather than the application of an off-the-shelf, one-policy-fits-all approach to the specific issue of racialized violence.

Introduction: Defining Violence, Racism, Racial Minority and Youth

Racial minority scholars studying violence and crime in North America have by and large reached the consensus that ideas of race, practices of racism, and the history of racial oppression are a fundamental, significant, and determining factor in the outcome of violence and crime among certain groups or communities. A survey of the literature shows that these scholars consistently demonstrate that, in North American and Western societies, the history of racial oppression plays a primary role in the manner in which violence and crime are experienced and practised within, among, and beyond marginalized groups and their communities (Cashmore and McLaughlin, 1991, Gilmore, 2007, Hall, et al, 1978, Martinez and Valenzuela, 2006, McLagan, 2005, Palmer and Pitts, 2006, Richardson, 2003, Sudbury, 2005).

Although there exists a widespread consensus on the role that racial oppression plays in the production of violence and crime, scholars take different approaches to what racial oppression means and how racial oppression influences various outcomes. The approaches differ in the ways scholars account for how marginalized people practise various forms of agency or the freedom to go after what they want in a racist society.

Scholars who understand racism as an obstacle or hurdle to be overcome produce analyses that locate crime in various individual and group pathologies (Lemann, 1991, Wilson, 1987). Scholars who understand racism as a form of violence and a fundamental organizing mechanism and practice of human life analyze violence and crime along a continuum in which marginalized people are punished, incarcerated, and deemed deviant because they do not have the power to name the various ways in which crime and violence are understood and legislated against, and how citizens are made to be accountable to other members of the society for violence and crime (Gilmore, 2007, Giroux, 1996, Hall et al, 1978, Sudbury, 2005).

In what follows, we place emphasis on the latter understanding of crime — **that is, that racism is a form of violence that gives rise to other kinds of violence, of which crime is but one form**. Indeed, violence is not only physical, but also epistemic — in the way others are spoken to, the body language, the treatment, and the many symbolic ways of making individuals or groups feel excluded from full citizenship. Often, physical actions might be a response to the epistemic — maybe to a slight that is real or perceived, often as an act of lashing out by those who feel helpless, vulnerable, and excluded. Of course, physical violence can also be rooted in dominance and the need to dominate. Often, this latter form of violence is singled out for special attention over all others, primarily because there is usually a direct connection between it and the violation of liberalism's notions of an individual's life and property.

For racial minority scholars, violence cannot be conceptualized without accounting for the violence of racism and the ways in which racial oppression violently marginalizes racialized peoples. With the terms race and racism, we are referring to a systematic treatment of groups of people by other groups based on notions of innate superiority and inferiority between the groups (Mills 1997, Walcott 2003, Edward-Galabuzi 2006, 2007, Foster 1996, 2005, 2007). In this way, violence and crime does not arise out of some inherent biologically and culturally defective place, but rather, violence and crime are socially produced, and therefore can be socially addressed in the context of unequal power relations. It is our view that the state and its various legitimating practices play a significant and profound role in crime and violence as experienced by racialized people and as practised by them. Thus, the state, as constituting a set of legitimate institutions through which people as citizens are valued or not valued, is deeply implicated by the school of thought that maintains that state racism is a fundamental aspect of how violence and crime arise in communities and among groups. Our perspective is informed by what David Theo Goldberg (2002) calls the "racial state."

For Goldberg, the racial state is the way in which modern nation-states, especially those in the West, have "through repression, through occlusion and erasure, restriction and denial, delimitation and domination" (2002, p.33) produced homogeneity, a perceived and imposed unity of norms that is always white and therefore always racialized negatively for non-whites. These western nation-states have, in various ways, incorporated and simultaneously denied the existence of their

racialized others, or non-whites. In so doing, they do not offer to the non-privileged the hope of belonging fully in the nation-state. All the while, they evade or make very difficult the creation of the necessary conditions under which belonging might become a reality for all. Thus, in important areas like employment, education and policing, racial minorities tend to find themselves in marginal areas compared with whites. In most instances, those conditions lead to a denial of full citizenship as expressed through access to and ownership of the society's legitimating institutions. Practices of racism play a central and important role in how racial states operate.

Here, we are thinking of racism as the ways in which the various institutions of the nation and state work to render racialized citizens, both as individuals and as groups, subordinate to whites. Racism takes many forms: from individual insults, stereotypes, and physical violence, to more wide-ranging conditions that involve systematic practices of deliberate exclusion from the nation's institutions, to unconscious ways of privileging whites, to disadvantaging racialized people through social and cultural networks, to cultural assumptions and practices which place non-white or racial minorities outside legitimate avenues of power and decision-making. Racism is both historical and contemporary; it changes over time, but it also builds on its history to accrue the power to name, place, and displace, and by so doing, to inflict violence on those at its receiving end — those whom racism makes into racial minorities through history and through the power to control the lives of other human beings. Racism is thus a process that unfolds over time and changes over time, taking different forms with different social, political, economic, and cultural effects (see Goldberg, 2002, 1993 for more elaborate discussions). Again, we emphasize the point that racism is violence, both physical and epistemic. Perhaps what makes it most odious is that this violence is often practiced and/or condoned by the state and the institutions and agencies that make citizenship meaningful.

Throughout this paper, we used the term "racial minority." Significantly, we do so when we speak to the context of how white racist power works to make non-white peoples into minorities. Additionally, we focus our attention on Black people since, as we will suggest below, the long history of racial oppression that Black people have endured sometimes works as a template for the racial domination and control of other non-white peoples. For us, racial minority as a term points to the ways in which white power works to name and organize the society and the culture we all inhabit. However, as we will demonstrate below, terms like racial minority can also work to homogenize vast and multiple experiences into single experiences and histories, thus occluding and erasing other experiences like class, gender, and sexuality. In this discussion, we offer a rich and thick description of racial minority as a category of naming and experience, in which Black people are only one group among many others.

Therefore, racial minority is not a demographic signifier for us. Racial minority is a shorthand way to point to the many different processes at work in how racism functions to make people inferior, to render their lives less than those lives deemed to be more important, and to control their access to the nation's institutions and thus the practice of their citizenship. Racial minority is, for us, a compromise term that points to the unequal ability to name oneself in the face of white power and authority. Another term that we also use is that of "visible minority," of which Blacks are one group. Here, we are applying the term as developed by the federal government, specifically the definition in the Employment Equity Act of 1995, which states that "members of visible minorities means persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour."

Finally, we define "youth" as a person between the stages of childhood and adulthood. Although various institutions and agencies additionally define youth in chronological terms, we refrain from doing so since there is no consensus on chronology for youth; figures can range from 12 years old to 30 years old inclusive. Since the category of youth is a fairly recent invention, with some scholars arguing that "youth" was invented as recently as after the World War II (Fisk, 1989), we understand youth in relationship to society's institutions, like mandatory schooling, cultural practices, self-identification, and other variables that might involve taste, music, clothing, etc. Furthermore, we specifically focus on Black youth in this paper as constituting a significant segment of the minority community in Canada. In this regard, we are hyper-aware that Black youth, especially males, have been significantly implicated in the kinds of violence and crime that this paper seeks to put into context — both in Canada and in the scholarly research elsewhere. The perception of Black male youth as violent and criminal has led to a kind of moral panic in the larger society.

What do we mean by a moral panic? Stanley Cohen, the British criminologist offers the classic definition of a moral panic:

> Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved (or more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. (Cohen 1972: 9).

What is important to note is that the moral panic must emerge from some series of anxieties or fears that were already there, and then, in a given situation, take on a kind of life of their own. So, our question is: How do young men from poor urban neighborhoods, marked with the racial history of Blackness in Canada, become part of a moral panic around the presence of "guns and gangs?" What were and are the processes that created this moral panic? And what must be done to alleviate these problems in the future?

Let us be clear: our argument is not that there are no "guns and gangs" in racial minority neighborhoods in Toronto. That is to say, there are troubling circumstances, borne out by the racial history of Canada, from which guns and gang activities have emerged as a state of affairs in some racialized minority Toronto neighborhoods. We take time, below, to analyze the factors that have contributed to the presence of "guns and gangs" in racialized minority Toronto neighborhoods. But the reality is nowhere near the epidemic level that was announced in the salacious headlines and talk shows that for weeks were an ongoing part of our lives in the City of Toronto. Our argument is that the panic around the presence of "guns and gangs" is in part precipitated by the coming together of what criminologist have called the fear of crime, which seems to be an integral part of our neo-liberal age, and a series of incidents that have been named as high profile by the press. What then is the racial history in Canada that marks these young men's lives, and inevitably leads to some young men from racial minority neighborhoods carrying guns and organizing themselves as gangs, and leads to societal moral panic?

Thus, we suggest that this generation of youth violence cannot be adequately dealt with without addressing the long and enduring past of racial oppression and anti-Black racism in Canada. We suggest that contemporary forms of racism are part of the problem of youth violence, and that addressing racism in a sustained fashion would go a long way toward stemming the tide of violence. We understand that investments in people, communities, and multiple and diverse youth services would have an impact on crime and violence. In this regard, our recommendations speak to the need for sound and profound political leadership, vision, and will to invest in the human resources that would contribute greatly to halting what we argue is the first generation of street crime that can yet be interrupted and replaced with other alternatives if racism and poverty are seriously tackled.

Recommendations

1. Institution-Building

a) An Institute for Black Research and Innovation. This should monitor and provide continued research and policy input on the interests of Black people and other racialized people in Ontario. This will be an enhanced "Anti-Racism" Secretariat, which will be responsible for compiling, documenting, researching and maintaining the evidence necessary to make the case for how well or how poorly Ontario is doing in regard to racial and cultural diversity and the issues that arise from such contexts. By this we mean that both government and corporate investments and collaborations with the community will be adequately assessed, improved, and sustained based on informed, research-based perspectives.

b) Research Chairs in Black Studies, Multicultural Studies and Urban Studies. These chairs should be housed both at the Institute for Black Research and Innovation and at strategic Ontario universities. These researchers should see their scholarship as involved in public policy questions and concerns.

c) A Black Cultural Institute/Museum/Gallery. This Institute would program, develop, document, and preserve the rich cultural traditions of Black Ontarians and Canadians. It would be multidisciplinary in scope. Its focus would be cultural in the largest possible sense, but it would also be intellectual, drawing on the expertise of the Institute of Research and Innovation and universities, as well as on other sources, for its intellectual engagement with the wider public across Ontario and Canada.

2. Education Reforms

An education review is needed once again. This time, however, this review should narrow its scope and focus specifically on faculties of education, and particularly their teacher education programs. Teacher education programs need to be retooled for the diversity of Ontario. As it currently stands, questions of racism, diversity and marginalization are addressed in teacher

education based on the "goodness" factor of the particular program. Even in these "good" programs, issues of diversity and social justice operate as empty rhetoric, as admissions committees decide on potential teacher candidates based on their "comfort level" with an application, in some cases never meeting any of the applicants in person. This must change. This review is even more necessary following the calamitous discussion we have just witnessed in the Toronto School Board on the question of a Black-focused or Afrocentric school(s). In addition, we point to the recent report by Julian Falconer, which paints a disturbing picture of violence in our schools, including the violence of the collusive silence of those officials who should be speaking up and speaking out (Falconer, 2008). Too often, we see these issues as separate and distinct. We argue that, to the contrary, they flow from the same source or sources — exclusion from full citizenship, and teacher training that is badly broken.

3. Public Campaigns

Public history campaigns that begin to address, document, and educate all Canadians about Black peoples' place in and contributions to the national story must be initiated (again). Simple regurgitations of an Underground Railroad story that begins and ends with a benevolent Canada are completely inadequate, and serve only to silence underserved populations. These campaigns should begin to educate Ontarians and other Canadians about why the above-mentioned resources are necessary. But these campaigns should also be concerned with highlighting the ways in which Black people have always belonged to Canada. The establishment of all of recommendation 1, above, would go a long way toward achieving this goal.

4. Employment, Recreational and Arts Programs

While the above programs are in the process of being created a network of programming initiated among government, private industry, voluntary organizations and foundations should be established in varying degrees of partnership. Although a number of these kinds of programs already exist, a more extensive and active range could be developed. These programs would introduce youth to a wide range of opportunities and help to build civic responsibility, citizenship skills, and a sense of belonging to Toronto, Ontario, and Canada. Such programs would go a long way toward stemming the disenfranchisement and alienation that many youth currently feel. A clearly defined network or portal of pre-existing programs also needs to be established as a "one-stop shop" of programs for youth.

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As a review of the existing literature, this paper provides an analysis of recent events in Ontario (Toronto) by drawing on scholarly work that seeks to make sense of how violence and crime operate for Black people and other racialized minorities. We focus on Black people, especially Black youth,[2] and at the end, we make four recommendations that speak specifically to the situation faced by our young citizens and the metropolitan city as a whole. Our central thesis is that we cannot make sense of violence and crime without addressing racial oppression and the way such oppression produces poverty. In this regard, we draw attention to the mechanisms enacted since the 1980s by the three levels of government to dismantle the welfare state and to replace various welfare provisions with a greater reliance on market forces — a collection of measures that has been the hallmark of neo-liberal social and political policies.

In the midst of the Great Depression, and extended and revised after World War II, welfare policies as an attempt to make sure every resident received the daily requirement of goods and services to keep body and soul together had been a significant component of the social good and collective citizenship. Recent policy decisions, by contrast, have resulted in greater levels of poverty. This, in turn, has led to greater expressions of alienation, or what in the sociological literature is called *anomie* — a loss of solidarity among members of a collectivity, where some members feel a sense of alienation to the point of having no sense of belonging to or fulfillment in the society. In the popular literature, solidarity is a raison d'etre for citizenship in western or liberal democracies. This citizenship is usually deemed to be made up of three major components: the civic, the social/political, and welfare (Marshall 1950, Clarke 1996, Heater 2004). Where all three of the components exist together, thick citizenship or solidarity exists. Where any of them is missing, only a thin relationship or sense of citizenship or belonging prevails. This anomie often results in what is generally referred to as anti-social behaviour, such as a disdain for law and order in some circles and a failure to subscribe to some collective social ideals.

However, neo-liberal policies, with their whittling away at a collective social welfare base, also bring with them a moral side, which is often a knee-jerk reaction to the above-mentioned behaviour, which only extends the chain of anomie by further breaking down the remaining planks of society that might connect the alienated to any feeling of belonging. We seek to demonstrate that racial minority scholars often bring very different analyses to these questions

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[2] *We are using as our guide the definition by Statistics Canada of black as an ethnicity. Statscan segments the Canadian population into 12 ethnic groups, one of which is Black, defined as "Black (e.g., African, Haitian, Jamaican, Somali). See Statistics Canada.* Race: Detailed Classification.
http://www.statcan.ca/english/concepts/definitions/ethnicity01.htm.
For greater clarity, see Ann Milan and Kelly Tran's Blacks in Canada: A Long History*, Statistics Canada. http://www.statcan.ca/english/freepub/11-008-XIE/2003004/articles/6802.pdf, accessed Feb 6/08.*

and concerns. Some minority scholars present a relevant and often overlooked perspective, which pays attention to the links between the violence that is innate to poverty, the violence of the history of racism and its continuation, the disenfranchisement of the Black poor, and a system that is systematically constructed to produce widespread failure for non-white peoples. The prescription many racial minority scholars offer provides meaningful insights for the situation in Canada and Ontario. In this sense, racial minority scholars' analysis often begins with the wider issues of placement or positioning of specific groups, usually defined by race, ethnicity, and class, in relation to a dominant mainstream society often assumed to be white. We contend that, at heart, the concerns over growing acts of violence by Black youth are all issues related to citizenship, in terms of questions and concerns about belonging and, among those youth, feeling a sense of empowerment to meaningfully contribute to the nation-state as genuine, accepted, and cherished members of the society, recognized as practising their full and active citizenship rights.

Therefore, we have used recent events to frame our conversation and to highlight the ways in which racism and a history of racial oppression continues to actively shape life in Canada, and more specifically, in Ontario. At the same time, we focus on the poor because we believe it is more accurate to speak of racisms rather than racism. Middle class Black and other racial minorities experience racism very differently from the way poor racial minorities do.

We think it is imperative that these distinctions be made if any meaningful solutions are to be achieved. Indeed, too often the so-called Black community is viewed as a homogeneous group with little or no difference or diversity within it (Walcott 2003, Foster 2007). As suggested in the Statscan definition referred to earlier, we contend that the opposite is true. Therefore, poverty and racialized violence appear in many guises and with varied outcomes for and reactions to and by those defined as Black in Canada. Indeed, solutions might very well have to be targeted at specific groups to be effective and to achieve the wider goal of creating a desired social and common good. We suggest this targeting based on specific needs, such as those of Black youth, rather than the application of an off-the-shelf, one-policy-fits-all approach to the specific issue of racialized violence.

Introduction: Defining Violence, Racism, Racial Minority and Youth

Racial minority scholars studying violence and crime in North America have by and large reached the consensus that ideas of race, practices of racism, and the history of racial oppression are a fundamental, significant, and determining factor in the outcome of violence and crime among certain groups or communities. A survey of the literature shows that these scholars consistently demonstrate that, in North American and Western societies, the history of racial oppression plays a primary role in the manner in which violence and crime are experienced and practised within, among, and beyond marginalized groups and their communities (Cashmore and McLaughlin, 1991, Gilmore, 2007, Hall et al, 1978, Martinez and Valenzuela, 2006, McLagan, 2005, Palmer and Pitts, 2006, Richardson, 2003, Sudbury, 2005).

Although there exists a widespread consensus on the role that racial oppression plays in the production of violence and crime, scholars take different approaches to what racial oppression means and how racial oppression influences various outcomes. The approaches differ in the ways scholars account for how marginalized people practise various forms of agency or the freedom to go after what they want in a racist society.

Scholars who understand racism as an obstacle or hurdle to be overcome produce analyses that locate crime in various individual and group pathologies (Lemann, 1991, Wilson, 1987). Scholars who understand racism as a form of violence and a fundamental organizing mechanism and practice of human life analyze violence and crime along a continuum, in which marginalized people are punished, incarcerated, and deemed deviant because they do not have the power to name the various ways in which crime and violence are understood and legislated against, and how citizens are made to be accountable to other members of the society for violence and crime (Gilmore, 2007, Giroux, 1996, Hall et al, 1978, Sudbury, 2005).

In what follows, we place emphasis on the latter understanding of crime — **that is, that racism is a form of violence that gives rise to other kinds of violence, of which crime is but one form**. Indeed, violence is not only physical, but also epistemic — in the way others are spoken to, the body language, the treatment, and the many symbolic ways of making individuals or groups feel excluded from full citizenship. Often, physical actions might be a response to the epistemic — maybe to a slight that is real or perceived, often as an act of lashing out by those who feel helpless, vulnerable, and excluded. Of course, physical violence can also be rooted in dominance and the need to dominate. Often, this latter form of violence is singled out for special attention over all

others, primarily because there is usually a direct connection between it and the violation of liberalism's notions of an individual's life and property.

For racial minority scholars, violence cannot be conceptualized without accounting for the violence of racism and the ways in which racial oppression violently marginalizes racialized peoples. With the terms race and racism, we are referring to a systematic treatment of groups of people by other groups based on notions of innate superiority and inferiority between the groups (Mills 1997, Walcott 2003, Edward-Galabuzi 2006, 2007, Foster 1996, 2005, 2007). In this way, violence and crime does not arise out of some inherent biologically and culturally defective place, but rather, violence and crime are socially produced, and therefore can be socially addressed in the context of unequal power relations. It is our view that the state and its various legitimating practices play a significant and profound role in crime and violence as experienced by racialized people and as practised by them. Thus, the state, as constituting a set of legitimate institutions through which people as citizens are valued or not valued, is deeply implicated by the school of thought that maintains that state racism is a fundamental aspect of how violence and crime arise in communities and among groups. Our perspective is informed by what David Theo Goldberg (2002) calls the "racial state."

For Goldberg, the racial state is the way in which modern nation-states, especially those in the West, have "through repression, through occlusion and erasure, restriction and denial, delimitation and domination" (2002, p.33) produced homogeneity, a perceived and imposed unity of norms that is always white and therefore always racialized negatively for non-whites. These western nation-states have, in various ways, incorporated and simultaneously denied the existence of their racialized others, or non-whites. In so doing, they do not offer to the non-privileged the hope of belonging fully in the nation-state. All the while, they evade or make very difficult the creation of the necessary conditions under which belonging might become a reality for all. Thus, in important areas like employment, education and policing, racial minorities tend to find themselves in marginal areas compared with whites. In most instances, those conditions lead to a denial of full citizenship as expressed through access to and ownership of the society's legitimating institutions. Practices of racism play a central and important role in how racial states operate.

Here, we are thinking of racism as the ways in which the various institutions of the nation and state work to render racialized citizens, both as individuals and as groups, subordinate to whites. Racism takes many forms: from individual insults, stereotypes, and physical violence, to more wide-ranging conditions that involve systematic practices of deliberate exclusion from the nation's institutions, to unconscious ways of privileging whites, to disadvantaging racialized people through social and cultural networks, to cultural assumptions and practices which place non-white or racial minorities outside legitimate avenues of power and decision-making. Racism is both historical and contemporary; it changes over time, but it also builds on its history to accrue the power to name, place, and displace, and by so doing, to inflict violence on those at its receiving end — those whom racism makes into racial minorities through history and through the power to control the lives of other human beings. Racism is thus a process that unfolds over time and changes over time, taking different forms with different social, political, economic, and cultural effects (see Goldberg, 2002, 1993 for more elaborate discussions). Again, we emphasize the point that racism is violence, both physical and epistemic. Perhaps what makes it most odious is that this violence is often practised and/or condoned by the state and the institutions and agencies that make citizenship meaningful.

Throughout this paper, we used the term "racial minority." Significantly, we do so when we speak to the context of how white racist power works to make non-white peoples into minorities. Additionally, we focus our attention on Black people since, as we will suggest below, the long history of racial oppression that Black people have endured sometimes works as a template for the racial domination and control of other non-white peoples. For us, racial minority as a term points to the ways in which white power works to name and organize the society and the culture we all inhabit. However, as we will demonstrate below, terms like racial minority can also work to homogenize vast and multiple experiences into single experiences and histories, thus occluding and erasing other experiences like class, gender, and sexuality. In this discussion, we offer a rich and thick description of racial minority as a category of naming and experience, in which Black people are only one group among many others.

Therefore, racial minority is not a demographic signifier for us. Racial minority is a shorthand way to point to the many different processes at work in how racism functions to make people inferior, to render their lives less than those lives deemed to be more important, and to control their access to the nation's institutions and thus the practice of their citizenship. Racial minority is, for us, a compromise term that points to the unequal ability to name oneself in the face of white power and authority. Another term that we also use is "visible minority," of which Blacks are one group. Here, we are applying the term as developed by the federal government, specifically the definition in the Employment Equity Act of 1995, which states that "members of visible minorities means persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour."

Finally, we define "youth" as a person between the stages of childhood and adulthood. Although various institutions and agencies additionally define youth in chronological terms, we refrain from doing so since there is no consensus on chronology for youth; figures can range from 12 years old to 30 years old inclusive. Since the category of youth is a fairly recent invention, with some scholars arguing that "youth" was invented as recently as after World War II (Fisk, 1989), we understand youth in relationship to society's institutions, like mandatory schooling, cultural practices, self-identification, and other variables that might involve taste, music, clothing, etc. Furthermore, we specifically focus on Black youth in this paper as constituting a significant segment of the minority community in Canada. In this regard, we are hyper-aware that Black youth, especially males, have been significantly implicated in the kinds of violence and crime that this paper seeks to put into context — both in Canada and in the scholarly research elsewhere. The perception of Black male youth as violent and criminal has led to a kind of moral panic in the larger society.

What do we mean by a moral panic? Stanley Cohen, the British criminologist, offers the classic definition of a moral panic:

> Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved (or more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. (Cohen 1972: 9).

What is important to note is that the moral panic must emerge from some series of anxieties or fears that were already there, and then, in a given situation, take on a kind of life of their own. So, our question is: How do young men from poor urban neighborhoods, marked with the racial history of Blackness in Canada, become part of a moral panic around the presence of "guns and gangs?" What were and are the processes that created this moral panic? And what must be done to alleviate these problems in the future?

Let us be clear: our argument is not that there are no "guns and gangs" in racial minority neighborhoods in Toronto. That is to say, there are troubling circumstances, borne out by the racial history of Canada, from which guns and gang activities have emerged as a state of affairs in some racialized minority Toronto neighborhoods. We take time, below, to analyze the factors that have contributed to the presence of "guns and gangs" in racialized minority Toronto neighborhoods. But the reality is nowhere near the epidemic level that was announced in the salacious headlines and talk shows that for weeks were an ongoing part of our lives in the City of Toronto. Our argument is that the panic around the presence of "guns and gangs" is in part precipitated by the coming together of what criminologist have called the fear of crime, which seems to be an integral part of our neo-liberal age, and a series of incidents that have been named as high profile by the press. What then is the racial history in Canada that marks these young men's lives, inevitably leads to some young men from racial minority neighborhoods carrying guns and organizing themselves as gangs, and leads to societal moral panic?

A Brief History of Blacks in Canada

Black people have been a part of the Canadian polity from the founding of the colonial state until its present post-colonial moment. The first Black person is reported to have arrived in the 1600s. Since that time, Black people have been coming to Canada at various periods in Atlantic and colonial history, continuing well into our contemporary moment. Each new group brings with it an addition to the diversity and complexity of Black Canadians. Therefore, Black Canadians of many generations, whether in Ontario, Nova Scotia, British Columbia or the Prairies, share similar and very different experiences of life in Canada. More recent immigrations of Black peoples from the Caribbean and Africa also share and differ in their experiences of life in Canada (Cooper, 2006, Hill, 1981, Walker, 1976, Winks, 2000).

Although the history of physical or chattel slavery in Canada is a comparatively short one in the Americas, it is important to understand that, as a part of the British Empire in the Americas, Canada shares a white colonial and settler history that imbues it with many of the assumptions, practices, and attitudes that have come to characterize and shape white settler colonies. Issues related to genocide and near genocide of Aboriginal communities, chattel slavery and the dehumanization of Africans and African-descended peoples, a privileging of whiteness and European cultural institutions, customs and norms, as well as an assumption of civilizing non-white peoples or racial minorities, are some of the basic and pervasive taken-for-granted attitudes that underpin modern settler colonies. Canada is a part of this ideological stance, which assumes that non-white people historically required civilizing.

In this sense, then, neo-slavery continued well into the second half of the last century, particularly during the period when Canada was officially a White man's country and Black and other visible minority immigration was effectively prohibited. Canada did not officially abandon its White-man's-country ideal until 1971, when a policy of official multiculturalism was announced, which suggested an end to the white male as the template for Canadian citizenship. Multiculturalism is also an attempt to deal with the issues of neo-slavery in terms of Canadian institutions and who those institutions recognize fully as citizens. This new policy coincided with some specific legislative initiatives around this time, including a new immigration policy in 1967 that allowed a more universal approach to accepting who would become future citizens; the federal multicultural policy of 1971; a new Citizenship Act in 1977; and the Multiculturalism Act of 1988. Other major initiatives aimed at creating a new Canada — one that is committed ideologically to a "Just Society," that is, a liberal democracy that is multicultural — include the inclusion of a Charter of Rights and Freedoms in a patriated Canadian Constitution and, at the provincial level, the institutionalization of an Ontario Human Rights Bill and various changes to the Ontario education system.[3]

Although the Black population in Canada remained a small one compared with those in the Caribbean and the US, the growth of the Canadian Black population remained identifiable well into the 1970s, when increased numbers of Blacks continued to migrate, in a number of different waves, and establish themselves in Canada. The first stream was home-grown slavery, in both the British and the French colonies in what later became Canada. The second stream corresponded with the US War of Independence, in which Loyalists were allowed to bring their property (slaves) with them (some Black Loyalists also came as freed men). A third stream of Blacks emigrated, fleeing the Fugitive Slave Law of 1852 in the US, well into the US Civil War of 1860–1865. Yet others came after British emancipation in 1832, and so on. Thus, Black peoples have been migrating to the geographic space of Canada for some time now.

However, it was not until the end of the World War II that significant numbers of Blacks and other racial minorities entered Canada. The period prior to that is noted for Canada's authorities' attempting to institute and establish policies to produce and maintain itself as a white settler nation with a racist immigration policy (Stasiulis, 1995, Walker, 1980, Alexander and Glaze, 1996). It is the period of modern immigration reform that most concerns us in regard to Black life in Canada. However, it behooves us to point out that patterns emerge in Ontario similar to those in Nova Scotia, where a significant portion of the Black community can trace its roots to the Loyalists (whether freed or slave) and Jamaican Maroons. Although the bulk of Black Ontarians are recent migrants and their Canadian-born children, many of the issues affecting contemporary Black people in Ontario are very similar to the issues confronting the descendents of the Black Loyalists, the Maroons, and new immigrants and their Canadian-born children. Indeed, it is worth noting that fully a third of the United Empire Loyalists, many of them Blacks, resettled in what would later become Ontario (Foster, 1996). The one thing that unites all these waves of Black people into a coherent history, if not a community, across generations and cultural differences, is the history of racial oppression experienced in Canada.

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[3] *In terms of education, this would mean the elimination of a segregated system; various initiatives in the 1970s and after to diversify teaching; and multicultural and anti-racism curriculum in the 1980s and 1990s. More recently, these changes continue with the debate about, and now the promise of, at least one black focus school.*

Well into the 1960s, Blacks were allowed into Canada in any substantive numbers only under special and strict provisions. Two programs best characterize this period. Both programs targeted women. From 1922 to 1931, Caribbean women were recruited as domestic workers, and again from 1955 to 1961, a second wave of Caribbean women was allowed in as domestics (Calliste, 1993 Carty 1994). In his Toronto Trilogy (*The Meeting Point*, 1967; *Storm of Fortune*, 1971; *The Bigger Light*, 1975), eminent Canadian author Austin Clarke documents the conditions of life for these women and the small group of men who made up their community at that time. Thus, restrictions on Black immigration to Canada have been at the forefront of Black political organizing in the history of Blacks in Canada (Taylor 1994; Hill, 1996, Grizzle 1998). Yet, despite this history of "being deemed unsuitable," the most popular narrative about Blacks in Canada is the Underground Railroad, which has been rewritten as a Canadian story of benevolence and tolerance.

Across all historical periods, Blacks in Canada have organized to protect their rights, enhance their freedoms and refuse to be made subordinate (Smardz-Frost, 2007, Cooper, 2006, Taylor 1994). But after World War II, Blacks organized in a fashion that since has been unbroken. From the Sleeping Car Porters Union of the 1950s (Hill, 1981, Grizzle, 1998, Mathieu, 2001) to the Black Action Defense Committee of the 1980s and after (Taylor 1994, Foster, 1996, Grizzle 1998), Blacks in Canada have organized to seek redress for racial oppression and inequality along a range of issues; they have founded many different organizations and associations to articulate their interests in regard to freedom and equality.

From the 1960s to the 1980s, Caribbean immigration to Canada grew at an unprecedented rate, with over 400,000 Caribbean people and their Canadian-born children calling Canada home by the 1990s. The Black population is reported by Statistics Canada to be as high as 600,000 today, although there is some discussion that this might be an underestimation (Torczyner 1997). A significant portion of the Black population resides in Ontario, over 300,000, with the largest percentage living in Toronto and its suburbs. The Black community consists of people from the diverse nation-states of the Caribbean (many of them multicultural), as well as the diverse nation-states of post-colonial continental Africa. Particularly in the latter group, many Canadian Blacks come from religious and ethnically diverse societies as well, where clan or ethnic loyalties are sometimes more important than national designations. Thus, the profile of the Black community is truly diverse and multi-ethnic, and its evolution and composition reach back to more than 400 years on Canadian soil.

To reiterate, but with a difference, racial oppression and white power make this diverse community one, but this should by no means reduce the Black community to a homogeneous community. Indeed, we contend in this paper that class, ethnicity, gender, and sexuality further complicate the story of Black life in Canada, Ontario, and Toronto. In this sense, then, much of our analysis of events, literature, and an array of circumstances for making sense about violence and crime will be in regard to how poor and working poor Black people and other racial minorities living in poverty are affected by violence and crime.

Some Context in Brief: Neo-Liberalism and Its Impact

Neo-liberalism might be understood as constituted from a number of different forces that put various practices into play for the management of populations. Most notable is neo-liberalism's economic rationale for whittling away at the welfare state. Black British scholars have pointed to the managerialism of neo-liberalism policy and practices. In this view, neo-liberalism is more than trade liberalization; it is a set of policies and practices, which are unevenly implemented, and these policies stretch across the economic, the social, and the cultural. Seen this way, we also begin to realize how neo-liberalism might be understood as a part of the production of violence and crime among racial minorities.

In the late 1970s, and then in the 1980s, in a series of elections around the globe characterized by symbolic figures like Margaret Thatcher in Britain in the late 1970s, Ronald Reagan in the US in the 1980s, Brian Mulroney in Canada in the mid-1980s, and similar-minded chancellors in Germany and presidents in Japan, the neo-liberal economic agenda took shape and became normalized in much of the capitalist world. At the provincial level, we also saw the election of the Mike Harris government, committed to its neo-liberal policies under the framework of a "Common Sense Revolution." This revolution was marked by the downloading of specific welfare services to municipalities, which, because of severe funding restraints, were often left in the position of having to eliminate welfare programs. This normalization of neo-liberal approaches included more than the unfolding of international economics, international trade, and domestic policies; it also produced narratives of demonization (i.e., the so-called Black youth mugging crisis) and practices of managerialism that reached into the cultural and everyday lives of citizens, well beyond the economic (Hall, 2007, Harvey, 2005). For example, Thatcher's Britain demonized Black youth, helping to produce a crisis of mugging, which continues to frame Black youth experiences in Britain today. Ronald Reagan's two terms saw the over-policing of African American and Latino/a working classes and their communities (Hall *et al*, 1978, Kelly, 1997, Reed, 1991). Through a series of rewriting of laws, so-called gang violence was targeted in US urban centres, producing and reconfiguring what many scholars and activists have come to call the new slave system of the US: the prison industrial complex (Davis, 2005, Wilson, 2007).

Most important for our purposes are the forms of demonization, surveillance, and practices of "otherization" that accompanied the putatively non-economic side of the neo-liberal triumph. Indeed, the same thing has been said about the Ontario "Common Sense Revolution," with its acute emphasis on policing and the suggestion of tougher sentences and longer periods of incarceration, and the debates in Ontario concerning the adoption of a three-strikes approach to criminal sentences, which was widely seen in the Black community as itself a strike against Black youths, particularly males, both in the school system and in the judicial system. The Safe Schools Act, a policy forged out of those kinds of debates, which was aimed at showing zero tolerance for violence in schools, led to the expulsion of many Black students involved in various incidents in schools. This policy coincided with the introduction of boot-camp discipline in penal institutions, the creation of private jails that replicate the U.S method of penal warehousing of offenders, and the institutionalization of "workfare" to replace welfare payments, mainly for "welfare queens," a derogatory concept for Black female welfare recipients borrowed from the US.

At the federal level, "Mulroneyism" contradictorily supported the international and national withering of the welfare state, especially with the signing of the North American Free Trade Agreement. At the same time, Brian Mulroney made multiculturalism an Act of Parliament, enshrining it as an important national policy statement. Thus, Mulroney's years are often not assessed as the beginning of neo-liberalism's entry into Canada. But it was not until the election of Mike Harris in the mid-1990s that the conditions of neo-liberalism really affected Ontarians in ways other than the economic. It is important to note that economic decisions, as we have pointed out in the Introduction, have effects that manifest themselves beyond the realm of numbers. In the Ontario case, decisions made under the pretext of economic rationalization included the dissolving of the anti-racism secretariat, the termination of employment equity programs and after school programs, the closing of recreational facilities and/or the charging of user fees, cuts to social assistance, cuts to social housing programs, and so on. This created conditions which impacted the social and cultural lives of Ontarians and exacerbated conditions of poverty for those already on the margins. It is within those conditions that the violence with which this Review is concerned came to be. Thus, this Review's work is actually about a context that is far greater than violence. It is, in large part, about government's will to invest in human resources and community infrastructure. The important thing to note, in light of the ways in which economic policy affected the most vulnerable people, by which significant numbers of poor Black and visible/racial minorities found themselves impacted, is that this economic policy was also followed by a cultural arm of neo-liberalism. This cultural arm is the management of poor communities through various forms of "policing," whether it is racial profiling, Safe Schools Acts, various policies of zero-tolerances, and so on, which continue to send the signal to the marginalized that they do not belong. It is in the context of the whittling away at the welfare state and other policies that limit poor peoples' life chances that Canada's and Ontario's "underclass" begins to solidify itself in Toronto, Canada's most important city.

How to Think about the Literature: A Review

There is no doubt that poor Black youth are in crisis. We make the distinction between poor Black youth and middle-class or upper-class Black youth, not to deny that the latter also face racism (our definition above includes them), **but rather to point immediately to the ways in which racism and class oppression and disadvantage has specifically impacted poor Black people and other poor racial minorities.** As we point out above, racism changes over time and with context. Thus, it is more effective to think in terms of racisms than to think of a single transhistorical racism. It is our view that racism, in the singular, often tends to end up not addressing the specific issues that makes life for poor racialized peoples particularly violent.

Whether in Canada, Britain, or the US, poor Black people and other racial minorities are dealing with vast amounts of violence in their lives and communities (Bennett, 2003, Cashmore and Troyna, 1982, Hales, 2005, Hallsworth, 2005). Significantly, in all these cases, young Black men have been identified as carrying the brunt of this violence and crime as both victims and perpetrators (Barn, 2001, Cashmore and McLaughlin, 1991, Durant, et al, 1994, McLagan, 2005, Palmer, 2002, Tilley and Bullock, 2002). Many different reasons have been offered for why this is the case. Cultural reasons have come to dominate the public-sphere debate, with ideas about

popular culture (specifically hip hop) and family (i.e., single mothers and lack of fathers) being the two most important. As we have already suggested, the research literature tends to point in the direction of the history of racial oppression and its continuing contemporary impact. Here, we are offering an analysis of the literature as it applies to the Canadian case. We will, in other sections, address directly the cultural argument demonstrating how that argument is also infused with racist assumptions and ideas about Black people.

The media, too, play a significant role in this conversation. Often, the media has reported crime and violence as if it is merely an outgrowth of the Black community. In such a fashion, crime and violence are understood and represented as belonging to "the Black community," and Black people are thus portrayed as cut off from the larger citizenry. Such forms of reporting draw on a history of stereotyping, which positions Black people as more deviant, dangerous and violent than others. Media reporting has tended to cover "the Black community" most extensively when the issues are negative ones, and even when the centre of the coverage is not negative, negative inferences are the impetus for the story. Thus, reports that might look at community picnics or festivals often begin or conclude by reminding viewers or readers that the neighborhood being covered is one plagued with crime, thus making the coverage of the community for such events appear unusual. It might thus be argued that such forms of media reporting make it appear that Black people are "naturally" linked to crime and violence in very primary ways.

The issues of gun violence, crime and Black people have taken on a certain urgency, most recently (2005) marked by incidents, high-profiled in the media, such as the shooting of Amon Beckles on the steps of the church, while attending the funeral of his friend Jamal Hemmings who was also shot to death. However, things really heated up with the tragic death of Jane Creba on Boxing Day in downtown Toronto in the same year. Ms. Creba's death marked a shift in the public conversation concerning this "new" phenomenon of gun crime in Toronto and Ontario. Unfortunately, Ms. Creba's death highlighted the deeper discourse that makes Black people appear to be more aberrant, less humane, and in need of more constant policing, surveillance, and control. All those sentiments were well expressed in the public debate that followed Ms. Creba's death, including a highly publicized media event by the then-leader of the opposition, Stephen Harper, which used the murder scene as the backdrop for his electioneering — particularly for the announcement of proposals for a get-tough-policy on crime — and for his party's plans to return the streets to *Canadians.* Such kinds of discourse are really available to Canadians through our intimate experience of the US, but importantly, such discourses skillfully suggest that Black people do not intimately belong to the nation. Mr. Harper won the election and has since introduced tough anti-crime legislation that has recently passed the Senate. This suggests that this issue — and the same or similar backdrops — might be reprised in the next federal election.

As we pointed out in our discussion of neo-liberalism and its rearrangement of contemporary life, making sense of this "new" phenomenon of gun crime has to be located within at least a 35- year period in Canada, Ontario, and across the globe. In many Western nations, the anxieties about the increasing numbers of Black peoples in places they are seen not to "naturally" belong (Canada, Britain, and other parts of the West; in this regard the US is different) have led to the demonization of them in difficult economic times, but the demonization also has a much longer history in terms of the larger story of European colonial expansion and its accompanying anti-Black racism.

If we recall the police shootings of the late 1970s, 1980s, and early 1990s in Canada and Ontario, alongside the Toronto Star's reports on racial profiling from October 19–27, 2002, which statistically confirmed what many of us knew and had personally experienced (often racial minority scholars write from and analyze information from insider knowledge since some of us are subject to the same conditions we observe and study as scholars), we see a pattern of Black victimization and resistance to it by Black people. What is significant is how the conditions of the last 30 years have produced an inward turn of violence as it is unleashed on the working poor and poor in their communities, often on themselves but not exclusively so. Violence in these communities must also be understood as over-policing, inadequate health access and care, gender violence in families and beyond, and homophobic and trans-phobic violence, alongside the social control and the political and cultural disenfranchisement of these affected communities from full citizenship in the province and the country. (For a discussion of these kinds of effects in the US, see Gilmore, 2007).

For example, tensions involving the Toronto police service from the 1970s to the 1980s laid the groundwork for their contemporary relations with poor Black communities and other poor racialized communities like the Vietnamese, who in the 1980s were also perceived to be involved in the gang drug trade. The many Black men shot by Toronto police in that period and the allegations of racial profiling recently legitimated by the Toronto Star's reporting mentioned above all contributed to a context in which tensions existed and continued to exist, despite changes in practice and procedure of policing during that time. Without a solid understanding of the history of suspicion, we cannot even begin to make sense of practices like "no snitching" in some communities. These communities have a long, and quite often justified, suspicion of the police and other authorities like children's services in their communities.

In this regard, these communities more often see themselves reflected in "the ghetto politics" of US cities than in Canadian social life. Such cross-border affinities are well documented in the mixture of real and imaginary narrations of "hood life" espoused by local rappers from Regent Park, Flemington Park, Lawrence Heights, and Jane and Finch. The tension between police and racialized communities in the 1990s best pinpoints the ways in which poor racial minority communities have come to identify with cross-border expressions of social life. Indeed, these tensions have made their way into the literature of Black Canadians, such as in Governor General's Award-winning poet Dionne Brand's *Thirsty* (2002), which deals in part with tensions between the police and Blacks in Toronto, and the plays of Joseph Pierre, which deal with youth, masculinity, crime, and poverty.

In 1992, when the Yonge Street Riots occurred and young Black people said that they felt the treatment they received from police in Toronto was not different from the ways in which police treated African Americans in US urban areas, Canadians by and large disapproved of such sentiments and claimed a difference from their counterparts in the US. Several major newspapers, radio and television news reports responded that Canada was quite different from the US. Our multicultural policies and law were used as a buttress against claims that racism similar to that in US had taken root and was fast creating an underclass of Black and other racial minority citizens. But Stephen Lewis's report of 1992 pinpointed "anti-Black racism" as a central feature of the lives of young Black people in Toronto and the province and, we can say, across this country. Thus, from the 1970s to the 1990s, it was deemed incorrect by some of the nation's most powerful

institutions for Black Canadians to identify with African American racial oppression. However, by the turn of the century, this outlook had changed. Canadians were now looking to the US for answers to dealing with the emergence of gun crime and violence among its urban poor.

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Over a hundred years ago, W.E.B. Du Bois (1899) published *The Philadelphia Negro: A Social Study*, a comprehensive study of African American social and cultural life in an American city, Philadelphia. In that study, which Elijah Anderson describes as no "mere museum piece" (ix), Du Bois identified and offered an analysis of the conditions that gave rise to what has now emerged as successive generations of working poor and endemic poverty among African Americans. The brilliance of Du Bois's analysis was in the way in which he spoke to the conditions he studied and the prophetic nature of his argument, which continues to point to the conditions of economic rationality that produce particular kinds of social and cultural effects for African Americans. Du Bois's *The Philadelphia Negro* still offers a useful counterpoint to texts and theories like William Julius Wilson's (1987) underclass theory, as well as to culture of poverty theories (Moynihan, 1965). What Du Bois offered was a critique of the racialization of capitalism, which produced a Black surplus labour force or population that had to be socially controlled by authorities, which limited the citizenship rights of Blacks, which in turn impacted on their identification with the nation.

Similarly, in 1978, Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke and Brian Roberts published the still relevant and ground-breaking *Policing the Crisis: Mugging, the State, and Law and Order*. In the study, they demonstrated, across a range of nation-state mechanisms, how the invention of mugging as a state technique of control of unruly and undesirable bodies worked to suggest that those who were non-white or Black in Britain needed a special kind of control. In Hall et al, the social history of the moral panic of mugging provides readers with a methodology for making sense of moral panics — how "events are produced, perceived, classified, explained and responded to" (p.18). By providing a methodology of a moral panic, Hall et al pointed to how moral panics are used, both discursively and in regard to state policy, to police and control those citizens who pose contradictions for the nation as surplus labour in neo-liberal capitalist arrangements.

We have turned to Du Bois and Hall et al as a backdrop for thinking about race and crime in Canada, specifically Blackness and crime in Ontario, because we think their insights help us to explore differently what might be at stake in various responses to and analyses of what might be the first generation of "street gang crime" among Canada's and Toronto's Black diasporic youth populations. In what follows, we try to work across a fairly wide terrain to offer an analysis that makes the nation-state present as a unit of investigation. As well, we point to diaspora identifications and practices to make sense of them. We identify what we call *migrant subjectivities* (more on this in the section on belonging) to discuss cultural practices and attitudes. Finally, we discuss the ways in which a range of institutions, including those established by Black people (like churches), has failed the Black poor.

The history of North American anti-Black racism, along with the unfolding of neo-liberalism, specifically "Mulroneyism," federal Liberal cutbacks of the 1990s, and the severe policy reforms

and cutbacks by Mike Harris of the 1990s in Ontario, helped to create conditions of severe poverty and other forms of social and cultural disenfranchisement for poor racial minorities (Ornstein Report, York University). Some estimates, such as in the Ornstein Report, suggest that 50% of Black Canadians live on or below the national poverty line. But his suggestion fits well with others. The Canadian Association of Social Workers (2005), using Statistics Canada data, suggests that about 50% of Black Canadians live on or below the Canadian line of poverty. Racialized young people in Canada experience much of this poverty, the experts point out. It is in fact these kinds of social and economic conditions that give rise to the kinds of violent phenomena we are witnessing and that Du Bois's *The Philadelphia Negro* can help us make sense of in our times. Du Bois's study demonstrated how social conditions produced numerous kinds of social problems. Importantly, he showed how the history of racial oppression had worked to make life difficult even for Black Philadelphians who sought to do better economically. It is our contention that a similar process has been under way in Ontario, and Canada more generally, since the at least 1980s.

Most interesting is that Canada has been repeatedly rated as one of the top 10 Western counties in which to reside. But persistent poverty among Canada's Black and Aboriginal/First Nations peoples tells a different story of that top rating. As Hall et al and Du Bois point out, in such cases, social control and authoritarian measures become at least one way to blunt the force of such capitalist contradictions, which are often remedied by programs of moral regulation. It is the cultural aspect of neo-liberalism that blames people for their poverty and thus for social ills that we are now forced to address. In this regard, the racialized poor find themselves the victims of a social rhetoric that understands their cultural practices as degenerate. Ideas of new and old racisms allow us to think about how state power positions racialized class as a failure of the individual, and not as socially produced and therefore requiring social action. What Hall et al (1978) call the "social history of social reaction" is crucial to the policing of Black youth. They write:

> Schematically, it begins with the unresolved ambiguities and contradictions of affluence….It is experienced first, as a diffused social unease, as an unnaturally accelerated pace of social change, an unhingeing (sic) of stable patterns, moral points of reference. It manifests itself…as an unlocated surge of social anxiety… on the hedonistic culture of youth, on the disappearance of the traditional insignia of class….Later, it appears to focus on more tangible targets: specifically, on the anti-social nature of youth movements, on the threat to British life by the black immigrant, and on the 'rising fever chart' of crime (p.321).

What Hall et al are diagnosing is how a social, moral and political panic comes into being. For our purposes, we point to the ways in which the contradictions concerning the unequal distribution of wealth is managed by suggesting that poor people are at fault for not doing better. Such ideas turn poverty into an individual experience and condition, as opposed to an experience and condition that is produced by the decisions of the larger society.

In societies that pride themselves on attempting to achieve social good, poor people, especially poor racialized people, always represent a societal "stain" that must be cleaned up or erased in various ways. This is often achieved through housing, as the poor are pushed farther away from the central operations of the nation's business. We see this in Toronto, Montreal, Paris, London, Amsterdam — all cities where the racialized poor live on their borders and hardly ever

in the core of the city (Centre for Urban and Community Studies, "Three Cities in One"). (This is not entirely so for Toronto, but increasingly becoming so.) All kinds of poorly funded and staffed agencies exist, in each of those cities, to address poverty and various forms of marginalization and disenfranchisement. Each of those agencies tends to have its specific moral and political agenda, and into this context the Black church and its social agencies have emerged again as an important voice.

The Contemporary Black Church: Answer or Part of the Problem?

The Black church is one such agency these days. The Black church has come to have a significant role in helping to morally police the Black poor in a post-civil rights era. Faith-based social agencies have emerged, and play an important role, if not sometimes a contradictory role, as we shall point out below. Although the Black church is historically important (Clarke, 1991, Foster, 1996), the church also plays a role in gender-related and homophobic violence (Cohen, 1999). Many faith-based agencies do not address or respond to crises considered sinful by their theological doctrine. Therefore, in the realm of social issues, faith-based leadership is often compromised leadership that cannot reach out to a wide cross-section of the community concerning difficult social matters.

A brief analysis of Reverend Eugene Rivers's visit to Toronto in January 2007 accentuates our concerns. Reverent Rivers is a Boston Minister who, in the mid-1990s, gained national attention in the US on two fronts. The first and most important was what has been hailed as "the Boston miracle," in which Reverend Rivers was commended for his work in helping to reduce crime, specifically gun-related crime in one of Boston's most dangerous communities. The second bit of notoriety is built around his attempt to shame the W.E.B. Du Bois Institute for African and African American Research at Harvard by claiming that the intellectuals had failed "the people." Rivers's claim resulted in a symposium at Harvard's Kennedy School of Government in the mid-1990s, infamously called "The Role of the Black Intellectuals in the Age of Crack."

Rivers's subsequent visit to Toronto was well covered by all media, and he met with important city officials like the mayor and toured communities affected by violence. In Rivers's many statements, he mentioned the need for social programs to stem the tide of violence. However, we would say that his advice, though generally useful, did not speak to the local context of conditions in Canada, Ontario and Toronto. His overemphasis on fatherless homes, spiritual poverty and a "family values" agenda speaks of the kind of moral policing we mentioned earlier, which tends to exclude rather than include.

It is important to point out that such arguments are cultural arguments, and therefore the assumption behind the problems' resolution appears to rest with individuals and/or the community, who are understood in such arguments to be culturally deficient. In such assessments, no structural changes are required. The redistribution of wealth or power is not addressed, and the social problems lie only with individuals and communities. Culture of poverty arguments date back to the 1960s at the least, but might have a deeper resonance in term of the kinds of poverty the ex-slaves were released to. Such cultural arguments, quite frankly, work to absolve governments from having

to participate in social programs and other responses that might require monetary investments in people and communities. Significantly, such arguments also pathologize Black peoples, making it appear that the very constitution of their cultural practices and expressions are deviant and abnormal. What such arguments do not account for are the ways in which the economic and the social work together to produce cultural responses, expressions, and habits.

There can be no doubt that the post-civil rights era has ushered in a diminishment of the political reach of the Black church across North America. This decline in political reach is a complex one and we cannot easily summarize it in this paper. Therefore, we want to point to one or two general claims about its decline that might help us to situate its role today. The church has diminished in stature as it has failed to grapple seriously with issues related to feminism (especially domestic violence and child abuse) and homophobia (especially HIV/AIDS) (Husbands, 2007). As Husband's points out, there is an assumption, still, in some Black communities, that HIV/AIDS is related to immoral practices, and such assumptions are used to limit women's access to insisting their men use condoms and practise safer sex, since such an insistence might be understood as suggesting that one or the other engaged in some kind of immoral behavior. Quite often, religious beliefs and moral attitudes sit behind these kinds of "choices."

The Black church, in the US context, played an important role helping to usher in a Black middle class in the civil rights and post-civil rights era. The "new" Black middle class, like all middle classes, sought to separate themselves from the working poor and poor around them, thus, similarly to whites, fleeing to US suburbs. Thus, what was once imagined (and we stress imagined) and perceived as a united Black community became fractured politically, socially, and culturally. What emerged was that the Black middle class was able to be a power broker, or at least the authorized Black voice within governmental and institutional spaces on behalf of an imagined national Black community — a national Black community that usually means middle class interests and concerns, especially around glass-ceiling employment issues and stereotyping, but hardly ever issues around poverty. So, let us be clear: the Black church accrued its power from the deep and historical disenfranchisement of African Americans from the formation of the US nation-state, in particular its governmental apparatus, which was put in place shortly after the Reconstruction period following the Civil War (1860s). The Black church thus filled a void that was as much civic as it was religious in the US. As has been well documented in the US, the Black church only became a central force in the US civil rights movement because there were no other organizations well populated and organized enough to reach the necessary demographic and mobilize various communities in acts of resistance to segregation. The church's position arose out of political necessity, not out of some preordained and predestined order. The church's unrivalled power has now mostly past, but like many other mighty institutions, it struggles to reclaim its lost power through faith-based social agencies.

Governments, hampered by the effects of neo-liberal reforms, have turned to faith-based social agencies to address the social and cultural impact of economic reforms. Thus, these governmental programs, made popular by the current US President Bush, have opened up an important space for the Black church (and more broadly, other Christian denominations as well as other religious communities) to enter political and thus secular life through the back door by distributing public dollars to faith communities' social agencies. These faith communities have become the sites of distributions for important funds, like HIV/AIDS education and sex education, community social

and recreational programs, and other programs like the skills training necessary for ameliorating the sometimes dire conditions of social and cultural life for the poor and working poor in urban areas of the US. However, it must be understood that a series of serious problems around faith-based programs, ranging from homophobia to gender discrimination to patriarchal practices, are emerging from community activists in the US. Others have begun to document how faith-based agencies have been a central force in attempts to push back against youth contraception, sex before marriage, and queer youth coming out, and have even been providing young men with skills to be better patriarchs, fathers and husbands, in their future homes (See *ColorLines*, Spring 2005). Thus, we believe that faith-based agencies must be greeted with caution as they come to the table around these issues in Canada.

The Black church in Canada is an even more complex entity than its US counterpart is. The Black church in Canada draws on its many different denominations, but it is also constituted from many different periods of migration to Canada. For example, fifth- and sixth-generation Black Canadians have a relationship to the Black church that is very different from that of recent immigrants from the Caribbean and Africa. In many cases, Black people worship and form a community in Baptist, Pentecostal, and other Christian denominations, but they also worship in mainstream denominations like the Anglican and Catholic churches. Additionally, there are the syncretic religious practices, which combine African and Christian practices that remain somewhat outside the mainstream in Canada (here, we mean Vodun, Yoruba, and Kumina, as a few examples). Thus, the Black church in Canada is as diverse and multi-faceted as the Black community is. We should therefore be cautious about elevating the church and its faith-based agencies into central sites for social redress of social ills.

The language and the politics of faith-based programs have consequences. They help cement the cultural impact of the neo-liberal triumph of the last 30 years. They help to put in place the continued surveillance and control of the urban poor (a project that has been with us since humans invented cities and thus "moral soldiers" to police the practices of the poor). They aim to convince those among us who have been rendered obsolete by global capitalism that it is our fault, and not that of the radical remaking of the welfare state — a state that, even within the confines of previous periods of capitalism, was willing to tacitly acknowledge that a good society looks after those who cannot look after themselves. Faith-based programs work to put in place the cultural side of the neo-liberal economic program. The social and economic largely drop out, and culture (music, dress, language, etc.) takes its place along with religion. These programs are fundamentally concerned with control — the control of conduct and the governance of the self. Indeed, there is a danger in reading the Black community as too homogenized; in this case, owing to the imagined unity stemming from one place: the Black Christian church. A significant number of Black/African Muslims are now an element of the community, further complicating the Christian bias in many of these conversations and responses, since it is often (but not exclusively) Christian-led churches that head these agencies.

Law and Order: Part of the Problem?

The death of Jane Creba pushed many politicians to articulate a more forceful law-and-order agenda. Many of the politicians' positions abdicated their responsibility to represent the interests of Black Canadians as constituents and citizens in their immediate responses to the tragedy. We want to stress that such calls often reinforce the idea that Black people do not belong or that they are barely citizens and constituents. For poor racialized people, such positions become a part of the profound disenfranchisement that they experience, often causing them to believe that no one is looking out for their interests.

All three levels of government have made law and order a priority in relation to gun crimes. New funding has been found for policing, and debates about various legislation are under way. Ontario's government found a reported $50 million to invest in law and order, and both Chief of Police Bill Blair and Mayor David Miller supported the investment. Such developments suggest that law and order investment, not community investment, is the way to respond to these crises. Those actions further suggest that the Black community is solely responsible for the crises. Thus, the law and order debates often tend to suggest that Black people are not a part of the larger society, and therefore, that all of the society should not share in the resolution of the problems identified. In essence, some communities are policed while others are told they will be kept safe, as if all do not share the same city, province, and nation.

When the Toronto police raided numerous homes in affected neighborhoods (like, for example, Jamestown in Etobicoke) in search of alleged "gang members," these actions suggest that a "war" had been declared on the poor. Such "wars" have a long history in the US urban context and were most visible in the 1970s and 1980s. But importantly, such practices target all those who are young and phenotypically Black, and those who are Black identified and/or "Black tainted" (tainted in terms of identifiable forms of dress, attitude, and other markers of Black popular culture, especially hip hop fashion and style). We would argue that these raids produce fear, and help to further push people away from the authorities. Such practices, like raids and helicopter surveillance, have produced these effects in US urban centres. Earlier, when we claimed that poor Black people identify with "US ghetto" politics, it was with the above-mentioned kinds of practices in mind, like large-scale raids in communities that the poor in Canada's marginalized neighborhoods identify with, for better or worse. Such practices tell people that they are, and make them, less than citizens. In this sense, citizenship is treated like a gift and not a right.

For example, with respect to the much sensationalized and excerpted DVD *The Real Toronto*, little has been made of the voices of the disenfranchised and alienated Black youth in that DVD who pointed to a history of harassment and criminalization (see more on this below). One of the on-screen personalities points out that, from about age thirteen, they are being criminalized by the police. In the US context, such measures have failed. Three-strikes laws have disproportionately incarcerated young Black men for crimes that are often not very serious, and over-policing of communities has led to mistrust and even more violence (Wilson, 2007, Sudbury, 2005). The evidence of gun crime is clear and requires serious solutions, but equally problematic are the solutions being offered. One of the most profound aspects of *The Real Toronto* is the sense that the viewer gets from the people in it, namely that they do not belong to Canadian society and that they are totally responsible for themselves.

Intense focus on the *The Real Toronto* DVD by law enforcement and the general public has made inaudible the rebuttal by Black youth concerning hip hop culture in a 2006 documentary called *The Toronto Rap Project*. Despite a glowing review from the Toronto Star, and despite winning "Best Documentary" at the 2006 Reel World Film Festival, *The Toronto Rap Project* has not significantly impacted how the general public connects rap music with violence. This DVD and soundtrack presents a counter-narrative to the dominant images proliferated by the media via selectively sensationalized news coverage. The documentary covers the "year of the gun," 2005, and attempts to disentangle the simplistic, linear way in which violence is blamed on rap music. These DVDs speak more profoundly to the need to belong than to the sensationalism for which they have been excerpted. It is clear that young people possess the knowledge and skills to contribute to and to engage in refuting the demonization and caricatures applied to them.

The Politics of Belonging and Multiculturalism

For racial minorities, the larger and more general concern of how to belong to Canada is something that must be seriously considered. As our brief history of Blacks in Canada points out, despite being in Canada since its founding, Black people are consistently seen as not belonging. This problem of not belonging is particularly acute for the second and third generations of the 1960s and 1970s migrations. Those generations know no home other than Canada. Yet, their presence in this country seems to disturb many, even in the context of state multiculturalism. Taken together, second- and third-generation Black poor and working poor youth force us, in a number of different kinds of ways, to account for the excluding machinations of modern nation-state citizenship as it continues to produce a narrative of the country that views itself as white, placing Black youth outside of the only home they have ever known. Therefore, we argue that the narratives and public histories of citizenship in the modern West (Canada included) is a particular kind of violence with which the racialized poor must constantly contend.

To make sense of the last five years of intensified gun violence in Canada, at the centre of the analysis must be an appreciation, understanding, and acknowledgement of persistent racisms, xenophobia, and the production of what we call *migrant subjectivities* in the Western Metropolis. In the case of the latter, migrant subjectivities, its production is simultaneously one of agency and one of exclusion. By this we mean that many of the young people concerned in our analysis cannot be considered migrants by any stretch of the imagination, because they have either migrated at such a young age that memories and or pertinent engagements with another homeland are tenuous, or they are second- and third-generation children, born in the West (Canada), of immigrant parents. However, they are produced, and have experienced life, within a context of having to negotiate *a here and a there*, in both the public and private realms (school and home), for which their only reference point is the production of *there here*. *There here* is a constant interchange of understanding their parents' homeland here and never there, and understanding their (youths') homeland as elsewhere, while here (Walcott, 2001). In this way, they have an experience and engagement with migration, even when they themselves have not migrated — such is migrant subjectivity. This migrant subjectivity constitutes a significant critique of nation-state inadequacies: it can be a nostalgic longing, or it can be a perverse and disturbing *anthropologisation* of an imagined

homeland culture, always somewhere outside of the metropolitan place. Multiculturalism in its most unsophisticated practices, such as food festivals and celebrations, produces such experiences of alienation and disconnection. This is the stuff of anomie.

Recent debates concerning multiculturalism pinpoint its ambivalent role in questions of belonging for poor racial minority people. The debate on multiculturalism has been led by public intellectuals of all kinds (Bliss, 2006, Foster, 2005, 2007, Gregg, 2006, Stein, 2006, Stein et al, 2007). Except for Foster's (2007, 2005), the focus has been on Canada's identity crisis. With that focus, a significant amount of anxiety concerning Canada's racialized others is very evident. For example, Bliss states that "the assertions of ethnic minorities to the effect that Canada should have no official culture" (p. 4) has fueled the failure of the nation. This assertion by ethnic minorities, in his view, radically affects Canada's foreign policy, and, in fact, he cautions that: "In the global struggle against Islamic fundamentalist terrorism, Canada, where the Muslim population outnumbers and is growing faster than the Jewish population, veers uncertainly" (p. 5). Similarly, Gregg offers us a picture of immigrant enclaves with little or no exchange between a host community and a second generation that refuses to be integrated into a mainstream Canada, as he claims was once the case. Stein and others suggest that Canada's social values do not register for racial minorities, and thus *we* are headed for a crisis. Now, although this debate is driven by the question of violence, and in particular, terrorism in a post-9/11 world, issues of gun violence, the education system, and unemployment for racialized minorities all underlie the debate, too.

In this country, proponents and critics of multiculturalism have waged war in favour of and against the idea from a range of political camps and ideological positions. The trio of camps, Right, Left, and liberal, understood multiculturalism as a necessary social cohesion proposition (liberal), saw it as the undoing of the nation's cultural heritage (Right), or called into question its power to place cultural expression outside of the political and legislative avenues of power, especially in relation to race and class (Left). Those different positions have sat behind the ways in which the idea of multiculturalism has been deployed in Canadian life for some time now. Ideas of benevolence and tolerance are the foundation of Canadian multiculturalism, and thus must always represent Black people and other people of colour as a problem for the nation. For example, African Canadian writer/scholar Cecil Foster praises Canada for its multicultural accomplishments, suggesting that the queen of Canada is now Black due to the appointments of Nova Scotia's Lieutenant-Governor, Mayann Francis, and the Governor General, Michaëlle Jean. Foster's position ironically supports the idea that where race appears, power becomes absent — a long-held opinion in anti-racist and Left multicultural critiques. Foster makes his case for celebrating Francis's induction in the context of having before argued that, in Canada, multiculturalism should have made race irrelevant if how it was practised was true to the original ideal. Foster's is a curious argument, since many would argue that ideas of race remain central to Canadian citizenship (Walcott, 2003). But as he said in the same work, multiculturalism in Canada now serves to highlight what he calls "the dream deficit" for visible minorities — the alienation caused by the chasm between what was promised and what has been realized. Indeed, by Foster's accounting, Canada still has a ways to go before it can be a place where race actually does not matter (Foster, 2005). In this context, anti-Black racism clearly points to the continuing dilemmas of race and nation in Canada.

Political and Social Reponses to Belonging

In recent memory, there have been too few responses to the social ills that plague poor racialized communities, especially Black ones. After the Lewis report of 1992, some programs were briefly initiated to stem the tide of disenfranchisement and poverty among Ontario's Black youth. The Fresh Arts Program, for example, run out of the Toronto Arts Council, was highly regarded. But it no longer exists. The significant finding of Lewis's report, we reiterate, was that "anti-Black racism" constituted a serious threat to the livelihoods of Black Canadians. Despite the various social projects and programs recently announced by the province, as well as the City's ongoing projects, this "first" generation of violence appears to be on its way to becoming endemic violence, in part because much remains piecemeal and short-sighted in terms of social programming and social projects to impact youth culturally and economically. In February 2006, the province announced, with much fanfare, The Youth Challenge Fund, which targets 13 communities suffering from the effects of violence. It also provided provincial monies to faith-based groups to run a series of programs in similar communities. The latter has been touted as new approach. We see this approach in the larger context of the above discussion of the Black church. We are skeptical of the idea that such approaches will bear significant fruit or make any significant contribution to dealing with the kinds of social issues affecting those communities. Such approaches can only be but one small part of a much larger investment in people and their communities. More profound political leadership is needed.

Although it is not clear and remains to be seen, it is somewhat predictable, given the route the province has taken with The Youth Challenge Fund and the faith-based funding, that this type of social engineering is most likely to fail in the long term, even though it is producing seductive effects in the short term. The churches will attract the youth who were already there, along with a few others, and the terms of The Youth Challenge Fund offer a promise that requires far more than the terms and resources of the fund would allow it to do. Therefore, such a fund also needs strong and insightful government commitments to real, sustained investment in communities and people — their infrastructure, economic, cultural, and social lives. Similarly, we would suggest that most faith-based agencies are funded on trust in the idea that their actions will help, but few of them have mechanisms in place for actually measuring whether they do help. We believe that having well-funded social agencies with trained professional staff remains the best route in these matters. Finally, to date, not one level of government has seriously offered any kind of assessment of how to bring deeply alienated and excluded citizens into the Canadian family. It is that alienation and disenfranchisement that is so disturbingly present on *The Real Toronto* DVD.

Culture: In Brief

In the final part of this paper, we want to use *The Real Toronto* DVD as a way to think about culture. It is reported that the DVD has been used twice by the police to arrest "gang members," and more recently as "evidence" in the lead-up to the raid in Jamestown. *The Real Toronto* is an interesting document of the issues we have been pointing to. The DVD is a disturbing mix of masculine bravado and the desire for a hip hop musical star life. Most of the young men in the

video seem to desire to be rappers. And many of them perform for the camera a specific discourse of hip hop and masculinity that concerns itself with hip hop's creditability as embedded in the street. This particular discourse thus circumscribes what the young Black men can and will say to the camera. A hard-and-dangerous masculinity has come to define and to be considered an essential quality by many urban Black youth. The history of this is complex, and it goes well beyond fatherless homes to also engage with toughness as a way of surviving in an environment where both community members and legitimate authorities might mean you harm.

Indeed, some of the young men in *The Real Toronto* represent and act upon a nihilistic response to the social and cultural conditions of their lives. Some brandish weapons and make statements that suggest a deep and frightening interpretation of the world they inhabit. These particular young men (only one woman appears in *The Real Toronto)* seem to represent the most extreme form of alienation and disenfranchisement from Canadian society. But what is most interesting is that isolating any of the youth from the larger context of the DVD, which is about much more than crime and criminal behavior and intent, makes all the youth in the DVD even scarier, and this is what the mainstream media has done in its excerpting of the DVD. Effectively, the youth act out the anomie with which we started this discussion, except that, this time, the result could be recuperated as the evidence needed to jump-start serious investment in attempting to achieve a societal good.

The Real Toronto moves across at least five different neighborhoods, interviewing young men and showcasing the dire social and physical decay of the infrastructure of the communities. The DVD interviewees offer analyses of their communities and the decay, alongside "evidence" of community projects to combat decay, where possible, through the rebuilding of basketball courts and such by community members. These participants attempt to take responsibility against the background of the effects that neo-liberal restructuring have unleashed on their communities. *The Real Toronto* offers a blunt assessment of the neo-liberal undoing of poor and poor Black neighborhoods. It is curious that none of the media reports have produced any discourse around this aspect of the DVD. However, if we consider how the mainstream media have largely ignored *The Toronto Rap Project* documentary, then we should not be surprised, since that later and well-produced documentary takes aim in a fashion similar to that of the underground *The Real Toronto*. Taken as a whole, with its nihilism and its exposition of social decay and the always-lurking criminalization of youth in those communities (some say that from age 12 or 13, the cops are getting their names and addresses), the *The Real Toronto* DVD offers a critique and assessment that returns issues of class, nation, labour, race, and state practices to the table. That *The Real Toronto* has only been used as a tool of state repression should give us pause, since it documents a much larger ethical imperative of our citizenship. The striking importance of *The Real Toronto* DVD is that its interviewees know their future, and know it to be no different from their present. Thus, we can all learn something about the failure of the state and its projects of inclusion by spending time carefully viewing both *The Toronto Rap Project* and *The Real Toronto* and by listening to how people describe the conditions under which they experience Canada.

Finally, hip hop culture is often scapegoated as a reason for violence and crime in many Black communities across North America. There can be no doubt that hip hop has been a part of the larger story of how many Black youth come to see and understand themselves (Jasper, 2002, Palmer and Pitts, 2006, White, 2004, Zylinska, 2003), but hip hop is not by its very nature violently inclined. In fact, there now exists much evidence to show that engaging various marginalized youth through hip hop is one way to stem the tide of violence, particularly among youth.

Conclusion: Recommendations

In 1992, after the Yonge Street Riots, Stephen Lewis identified anti-Black racism as central to youth alienation. Those conditions still remain. In the aftermath of that report, a number of short-lived social programs were put into place to stem youth alienation. One of those programs at the city level, Fresh Arts, was run out of the Toronto Arts Council. The Fresh Arts program has given this city a significant number of cultural producers — artist, singers, rappers, poets, film-makers, video directors, etc. (McNamara, 2007). If we look at the now-defunct Fresh Arts program, the youth it mentored in 1994 are now leading figures in the "urban" music industry, the performance arts and television. But to measure the success of Fresh Arts by its constituents would be to miss the real accomplishment of the program. Fresh Arts provided an institutional base through which young Black artists could explore issues of identity, belonging and race. Trey Anthony's hugely successful play and television show, "Da Kink in my Hair," d'bi young's numerous plays and poetry, Motion's CBC award-winning poetry, and Little X's music video portfolio are all works made possible by the training provided at the Fresh Arts program. The efforts of these artists are small but significant contributions towards building desperately needed spaces of belonging, where Black youth can explore and articulate their cultural identity and belonging to the nation.

In our view, what we need are programs that will allow young people to engage with and make sense of the ways in which they can contribute to the culture of their communities and beyond. This kind of approach means providing young people with spaces where they can offer critiques of the culture and society and offer up alternatives generated by them. We believe these spaces cannot be ones designed to monitor young people through theology, or through the seductions of a sporting life, even if the glamour of the program is diminished. The emerging evidence in the US suggests that both sports-inspired and faith-based programs have failed to stem the tide of violence there (*ColorLines*, Spring 2005). In Canada, we have the opportunity and the hindsight advantage to learn from the US. Du Bois's study of over 100 years ago still resonates in the US context as the prison industrial complex overflows with Black males and we find few of them in college class rooms. This does not have to be the case in Canada.

Therefore, our recommendations speak to the political leadership and will to implement meaningful and sustained change to stem the tide of a permanent and racializied underclass in Ontario. These recommendations are made with the understanding that the building and provision of sustained institutions, with which youth can identify in meaningful ways, will have a solid impact on their and our overall well-being. With respect to each of the recommendations, we believe that youth should play a fundamental role in their development, programming, management, employment and direction. In this way, we bring youth into practices of citizenship well before the age of majority, voting and other markers of adulthood. In our view, it is not enough to offer youth summer employment, special educational classes, recreational facilities, and so on (all of which are very important and should be a part of this process) if their aspirations will be impeded in the larger society when they reach adulthood. Thus, we believe that our recommendations would work to provide youth with evidence that their community is one that is valued in the society through the prominence of institutions that are seen to contribute to the well-being of all. In our view, this is a long-term project that requires time, energy, resources, and political will and leadership for long-term sustained change. We believe that such powerful recognition would have a major impact on Black youth in Ontario and, in fact, all of Canada.

Recommendations

1. Institution-Building

a) An Institute for Black Research and Innovation. This should monitor and provide continued research and policy input on the interests of Black people and other racialized people in Ontario. This will be an enhanced "Anti-Racism" Secretariat, which will be responsible for compiling, documenting, researching, and maintaining the evidence necessary to make the case for how well or how poorly Ontario is doing in regard to racial and cultural diversity and the issues that arise from such contexts. By this we mean that both government and corporate investments and collaborations with the community will be adequately assessed, improved and sustained based on informed, research-based perspectives.

b) Research Chairs in Black Studies, Multicultural Studies and Urban Studies. These chairs should be housed both at the Institute for Black Research and Innovation and at strategic Ontario universities. These researchers should see their scholarship as involved in public policy questions and concerns.

c) A Black Cultural Institute/Museum/Gallery. This Institute would program, develop, document, and preserve the rich cultural traditions of Black Ontarians and Canadians. It would be multidisciplinary in scope. Its focus would be cultural in the largest possible sense, but it would also be intellectual, drawing on the expertise of the Institute of Research and Innovation and universities, as well as on other sources, for its intellectual engagement with the wider public across Ontario and Canada.

2. Education Reforms

An education review is needed once again. This time, however, this review should narrow its scope and focus specifically on faculties of education, and particularly their teacher education programs. Teacher education programs need to be retooled for the diversity of Ontario. As it currently stands, questions of racism, diversity and marginalization are addressed in teacher education based on the "goodness" factor of the particular program. Even in these "good" programs, issues of diversity and social justice operate as empty rhetoric, as admissions committees decide on potential teacher candidates based on their "comfort level" with an application, in some cases never meeting any of the applicants in person. This must change. This review is even more necessary following the calamitous discussion we have just witnessed in the Toronto School Board on the question of a Black-focused or Afrocentric school(s). In addition,

we point to the recent report by Julian Falconer, which paints a disturbing picture of violence in our schools, including the violence of the collusive silence of those officials who should be speaking up and speaking out (Falconer, 2008). Too often, we see these issues as separate and distinct. We argue that, to the contrary, they flow from the same source or sources — exclusion from full citizenship, and teacher training that is badly broken.

3. Public Campaigns

Public history campaigns that begin to address, document, and educate all Canadians about Black peoples' place in and contributions to the national story must be initiated (again). Simple regurgitations of an Underground Railroad story that begins and ends with a benevolent Canada are completely inadequate, and serve only to silence underserved populations. These campaigns should begin to educate Ontarians and other Canadians about why the above-mentioned resources are necessary. But these campaigns should also be concerned with highlighting the ways in which Black people have always belonged to Canada. The establishment of all of recommendation 1, above, would go a long way toward achieving this goal.

4. Employment, Recreational and Arts Programs

While the above programs are in the process of being created, a network of programming initiated among government, private industry, voluntary organizations and foundations should be established in varying degrees of partnership. Although a number of these kinds of programs already exist, a more extensive and active range could be developed. These programs would introduce youth to a wide range of opportunities and help to build civic responsibility, citizenship skills, and a sense of belonging to Toronto, Ontario, and Canada. Such programs would go a long way toward stemming the disenfranchisement and alienation that many youth currently feel. A clearly defined network or portal of pre-existing programs also needs to be established as a "one-stop shop" of programs for youth.

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A Methodology to Identify Communities in Ontario Where High or Increasing Relative Disadvantage May Lead to Youth Violence

A Report Prepared for the Review of the Roots of Youth Violence

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Executive Summary

The primary objective of this proposal is to describe a methodology that will identify neighbourhoods in Ontario as priorities for interventions aimed at alleviating disadvantage. The proposal opens with a review of methodologies implemented in national and international studies on poverty. Methodologies implemented in them are reviewed and evaluated with respect to their study designs, sampling designs, definition/measurement of major concepts, data collection and data analysis. Findings from the review/evaluation provide the basis for implementing the methodology to be used for achieving the primary objective of the proposal. Salient features of this methodology are:

- *The use of a longitudinal study design.* This study design measures change. This is required because neighbourhoods are constantly changing, at different rates and in different directions. The use of a longitudinal study design permits the identification of neighbourhoods characterized by high levels of relative disadvantage as well as those characterized by increasing (or decreasing) levels of relative disadvantage. This design also enables researchers to assess the impact of interventions aimed at alleviating disadvantage through studying the same neighbourhood before and after interventions are implemented.

- *Studying the population of neighbourhoods in large urban, small urban and rural areas of Ontario rather than a sample of them.* Studying the population of neighbourhoods in Ontario is required to meet the objective of identifying and ranking all of them according to their levels of relative disadvantage.

- *Explicit definition of the concepts of "poverty," "disadvantage" and "neighbourhood" prior to measuring them.* Among Canadian researchers, poverty is equated with low income. European researchers tend to equate poverty with the broader concepts of "deprivation" or "disadvantage." Following Townsend (1979), disadvantage is

- a multi-dimensional concept, defined in terms of low income *and* adverse material and social consequences associated with an impoverished quality of life and minimal participation in civil society. Disadvantage is relative to the experience of others residing in the same or different areas.

- Neighbourhood is defined in terms of residential propinquity, frequency of face-to-face interaction, shared use of local facilities and services, ties of friendship and support, homogeneity in values, norms, perceptions, beliefs and material possessions, and attachment to and identification with a relatively small place.

- *Selecting a population of 19,177 Dissemination Areas (DAs) for study.* DAs were selected for study for a number of reasons. One is that a DA more closely approximates the definition of a neighbourhood than a census tract does. (The census tract is the area invariably selected for study by poverty researchers in Canada.) Another reason is that DAs provide a more specific place focus for policies aimed at alleviating disadvantage.

- *Data on five indicators of relative disadvantage in 19,177 Ontario DAs will be collected from the Statistics Canada census for the years 2001 and 2006.* Each of these indicators measures disadvantage in five different, consensually validated domains or contexts of disadvantage. The domains are: Economic, Employment, Education, Housing and Family. The indicators are: "% LIM families" (Economic), "% owner/occupied dwellings" (Housing), "% failed to graduate from high school" (Education), "% children aged 0 to 16 living in single, female-headed households" (Family) and "% males aged 25 and over who are unemployed" (Employment).

- *Data collected from the Statistics Canada census will be analyzed with two objectives in mind.* First, common factor analysis will be used to create an Index of Relative Disadvantage (IRD) from data on five indicators of disadvantage in five different domains. The IRD yields a disadvantage score for each of the DAs, or aggregate of DAs, in Ontario. Second, disadvantage scores will be used to rank all DAs according to their level of disadvantage and to identify those that are priorities for interventions aimed at alleviating disadvantage.

Introduction

This proposal is presented in three segments. In the first one, research methods used in post-1986 studies on poverty are described, focusing on study designs, sampling, definition/measurement, data collection and data analysis. The second segment is devoted to a critical evaluation of the methods used in the studies reviewed in the first segment. Using the results of the evaluation, the third segment presents a proposal for a methodology to identify neighbourhoods in Ontario characterized by high or increasing relative disadvantage that may lead to youth violence.

The proposal describes five salient methodology features. First, is the implementation of a longitudinal design. Second, a population rather than a sample of DAs in Ontario is to be selected. Third, a multi-dimensional definition of disadvantage is to be applied, which includes economic, material, and social conditions and the creation of an IRD that summarizes disadvantage in five different domains (housing, family, education, employment and income). Fourth, information about levels of disadvantage in each of Ontario's 19,177 DAs is to be collected from the Statistics Canada census for two census years, 2001 and 2005. Fifth, common factor analysis is to be used to create an IRD. This analytical procedure also yields a score indicating the level of disadvantage characterizing a DA. The scores are to be used to rank DAs according to their levels of disadvantage and to compare them with appropriate benchmarks.

Description of Research Methods in Previous Studies*

The studies described and evaluated in this proposal fall into three study design categories: cross-sectional, longitudinal and cross-national.

Cross-Sectional Design Studies

In his seminal publication, *The Truly Disadvantaged: The Inner City, the Underclass and Public Policy* (1987), William Julius Wilson described and explained the concentration of poverty in the inner-city census tracts (ghetto neighbourhoods) of Chicago and other major American cities. Ghetto neighbourhoods were characterized by "joblessness, teenage pregnancies, female-headed households, welfare dependency and serious crime" (p. 3). Ghetto neighbourhoods; that is, areas made up of adjacent census tracts; are also characterized by a high (30%) or a very high (40% or higher) proportion of families living below the poverty line. The poverty line used by Wilson was constructed by combining the yearly amount spent on purchasing enough cheap food to feed a family (of varying sizes) for a year with the proportion of annual family income

devoted to buying food (Social Security Administration in 1964). Major findings reported by Wilson include the urbanization of poverty, the concentration of poverty in inner city areas (adjacent census tracts) and marked increases in the number of ghetto neighbourhoods between 1960 and 1980.

Encouraged and assisted by Wilson, Hajnal investigated "the nature of concentrated urban poverty in Canada and the United States" (1995). The Canadian part of his comparative, cross-sectional study included an examination of concentrated urban poverty in the census tracts of Canada's 25 consolidated metropolitan areas (CMAs) in 1986. Using pre-tax LICO's to determine poverty lines and a definition of a "severely disadvantaged neighbourhood" as a census tract with a 40% poverty rate, Hajnal found that poverty was geographically widespread across Canadian cities and concentrated in urban areas. He also found that male employment, the percentage of persons earning income from government transfers, the percentage of persons aged 15 and older with less than nine years of high school education, and the percentage of residences built 20 or more years earlier discriminated "all neighbourhoods" from "over 40% poor neighbourhoods."

* *The income measures and spatial terms referred to in this proposal are defined in the Glossary (pp. 61–62xx [this report]).*

Hou and Miles (2004) investigated linkages among neighbourhood inequality, relative deprivation and the self-perceived health status of neighbourhood residents. They implemented a sample design that focused on CMAs. Census tracts were defined as "the basic neighbourhood unit" (p. 8). Median family income for individuals residing in a census tract/neighbourhood was calculated on the basis of their adult-equivalent adjusted family incomes.

Relative deprivation was not defined. It was conceived of as an intervening variable; that is, a variable mediating the impact of neighbourhood income inequality and health. Five domains of relative deprivation were selected. They were: education (percentage of adults with a university degree), age (percentage of persons aged over 65), family (percentage of single-parent families) immigrants (percentage of persons living in Canada for 10 years or less), and race (percentage of non-white persons) (p. 11).

Hou and Miles collected health data from 34,592 individuals who responded to Statistics Canada's 1996–1997 National Population Health Survey. Covariate data were collected from residents of one CMA residing in 3,044 census tracts. Because of the ordinal level of measurement, the ordered logit model was used to analyze the data. Hierarchical lineal models were used to analyze neighbourhood-level observations that were not independent of each other. One of the major findings reported by these authors was that self-perceived health status of poor individuals improves when they live in the same neighbourhoods as richer, better-educated individuals do.

Using tax-filer data, the authors of *Falling Behind: Our Growing Income Gap* (Federation of Canadian Municipalities, 2007) examined the concentration of poverty in the Letter Carrier Walks (LCWs) of Calgary and Saskatoon and the Forward Sortation Areas (FSAs) of Toronto for the year 2000. One of their major findings had to do with the proportion of tax filers in low-income neighbourhoods who reported low incomes: 47% in Saskatoon and 43% in Toronto. They also found that the neighbourhoods in Toronto and Calgary were "more mixed;" that is, they included a greater variety of family types and income groups (p. 55).

Finally, they found that low-income neighbourhoods were more widely distributed in Toronto compared with Calgary and Saskatoon.

Longitudinal Design Studies

Hajnal's cross-sectional study was described as "an important baseline study" by Canadian poverty researcher Kazemipur (2000:3). One reason for this attribution was the extant body of Canadian poverty literature, which Hajnal had found to be "almost completely devoid of any mention of concentrated urban poverty" (1995:499). Since 1995, a number of researchers have made significant contributions to the literature on the geographic distribution of poverty in Canada by conducting longitudinal investigations of this topic.

In their 1997 study, MacLachlan and Sawada investigated income inequality in 22 of the largest CMAs in Canada. To that end, they compared the distribution of household incomes across the

census tracts of these cities for the years 1971, 1981 and 1991 (p. 1). Using average household income to measure the distribution of income in these census years, MacLachlan and Sawada found that household income inequality increased in the census tracts of all 22 cities over the 20-year period. They also found that intra-city differences in household income inequality were highest in five of the cities in their sample: Toronto, Montreal, Winnipeg, Calgary and Hamilton. A noteworthy methodological feature of their research was the use of the GINI Concentration Ratio to measure income inequality.

In 2000, Kazemipur published *Ecology of Deprivation: Spatial Concentration of Poverty in Canada.* He investigated the concentration of poverty in the census tracts of 46 Canadian cities for the years between 1986 and 1996. Using pre-tax LICOs to measure census tract poverty rates, Kazemipur followed Wilson and Hajnal by defining ghetto neighbourhoods as "census tracts with a poverty rate of at least 40%" (p. 410). One of his major findings was that the proportion of ghetto neighbourhoods had increased significantly in a few cities (e.g., Montreal and Winnipeg), increased in a greater number of others (including Toronto, Windsor, and Ottawa), and decreased in a few others (St. Catharines, Guelph, and Kitchener). He also found that Toronto and Hamilton were two of six cities in which 10% or more of the census tracts were ghetto neighbourhoods.

Using four indicators of deprivation/disadvantage associated with low income, Ley and Smith (2000) compared census tracts in three CMAs, Toronto, Montreal and Vancouver, at two points in time, 1971 and 1991. The indicators selected by Ley and Smith measure disadvantage in four domains. These are education (percentage of adults completing grade 9), unemployment (percentage male), family (percentage of female lone-parent households), and income (government transfer payments relative to total tract income) (p. 43).

One of their major findings was that one census tract in Vancouver and one in Toronto (Regent Park) had high ratings on all four indicators and also had a high concentration of social housing. Six census tracts in Toronto and five in Montreal had high ratings on three indicators. Supporting the concept of an "archipelago" (p. 39), one census tract that received elevated scores on all four indicators (Regent Park) was located adjacent to two census tracts that received elevated scores on three indicators. *Poverty by Postal Code* researchers found that the poverty rate for families in Regent Park was almost 72.8% and the family poverty rate was 59.1% in an adjacent census tract (p. 27).

Another finding supporting the archipelago concept was reported by Wilson (1987) for ghetto neighbourhoods in Chicago and other American cities. Ley and Smith also found that deprivation/disadvantage ratings for census tracts changed over time. Between 1971 and 1991, census tracts with high ratings on multiple indicators of disadvantage were transformed into census tracts with high ratings on none of the indicators or fewer of the indicators.

In 2000, Miles, Picot and Pyper (2000) published the results of their investigation of neighbourhood inequality in Canadian cities. Their longitudinal study design used data from four sequential census years, 1981, 1986, 1991 and 1995. The sample they selected was a focused one: eight of Canada's largest CMAs, with populations of 500,000 plus. Neighbourhoods were defined "at the level of the census tract" (p. 3). Income inequality was implicitly defined as inequality in per capita income of individuals within census tracts. As many individuals lived in families, per

capita incomes were adjusted for family size. GINI indices were used to describe income inequality in the eight major cities in their sample. Within and between cities, comparisons were analyzed using an economic segregation index.

Three of their findings are noteworthy. First, the relatively stable distribution of incomes in Canada during the 1981–1995 census years masked changes in income inequality among neighbourhoods in its major cities. Second, increasing unemployment was mainly responsible for increasing economic inequality in high-poverty neighbourhoods. Third, economic spatial segregation was mainly responsible for increases in neighbourhood inequality in Toronto, Montreal, Ottawa-Hull, and Quebec City, while increasing family income inequality was mainly responsible in Vancouver, Edmonton, Calgary, and Winnipeg.

In 2004, the United Way of Greater Toronto and the Canadian Council on Social Development published *Poverty by Postal Code. Poverty by Postal Code* researchers identified geographic concentrations of poverty across 522 City of Toronto census tracts over a three year period, 1981, 1991 and 2001. Pre-tax LICOs were used to measure poverty. City neighbourhoods were categorized as Low, Moderate, High or Very High poverty neighbourhoods, depending upon the proportion of census families (parent/s and children) in them who fell below the average 1981 Canadian census family poverty line. In "high poverty" neighbourhoods, 26.0% to 39.9 % of families fell below the poverty line (double the national average). In "very high poverty" neighbourhoods, 40% or more fell below the poverty line (three or more times greater than the national average). Another major finding reported by the authors of this report was that the number of "high poverty" neighbourhoods increased from 26 in 1981 to 97 in 2001. The number of "very high poverty" neighbourhoods was almost six times greater, having increased from four in 1981 to 23 in 2001 (p. 20). Another finding was that the spatial distribution of concentrated poverty; that is, poverty neighbourhoods; had changed from the inverted U pattern described by Ley and Smith (2000) to an O pattern in the former cities of Toronto and Etobicoke (p. 19).

The City of Toronto is subjected to an annual "Vital Signs Check-Up" by the Toronto Community Foundation (TCF). The study designs used for their reports are longitudinal and the samples selected are focused. Concepts are not defined. The data are subjected to a number of bivariate analyses. The methodology adopted by the authors of the annual reports are appropriate for communicating with members of the public, many of whom may not understand more complex multivariate statistical analyses. Compared with the TCF reports, the TCF website www.tcf.ca presents more detailed information on each of the vital signs measured annually. The nine City Vital Signs or domains of advantage/disadvantage are: income, safety/health, employment, education, housing, transportation, recreation, environment, and ethnicity. The Low Income Measure (LIM) was used to measure poverty.

One of the major findings was a 56.5% increase in child poverty in the Greater Toronto Area (Toronto plus 23 other municipalities) during the 25-year period 1980–2005 (TCF website, 2007). Increasing income inequality in the City of Toronto was another socially significant finding. Specifically, between 1980 and 2005, the median income gap between families in the top and bottom income groups increased from approximately 5% to 10.7% (TCF website 2007:6). Another important finding was an increase in the City poverty rate from 16.6% in 2000 to 24.7%

in 2005. The poverty rate reported for the City of Toronto was found to be 17% higher than the comparable rate for Ontario and almost 14% higher than the rate for Canada.

Losing Ground: The Persistent Growth of Family Poverty in Canada's Largest City (2007) was published by the United Way of Greater Toronto and used a longitudinal and comparative study design. Four geographical locations with varying populations were compared (Canada, Ontario, the City of Toronto and the CMA excluding the City of Toronto) across three points in time (1990, 2000 and 2005).

Poverty was measured using median income and Statistics Canada's after-tax Low Income Measure (LIM). LIM is defined as "having an income less than half the median income of a family of the same size and age composition for all of Canada" (Statistics Canada, 2004). After-tax LIM thresholds were calculated for families (parent/s with children aged 0 to 17). Families falling below this threshold were classified as "being in poverty" (p. 25). Income data were collected from tax-filer information.

One of the major findings reported by the authors of *Losing Ground* was that a higher proportion of Toronto's families fell below the poverty line (28.8%) than did families in Canada (19.5), Ontario (19.7), and the Rest of Toronto CMA (16.3). A second major finding was that in 1990, one-third of the City of Toronto's poorest families; that is, single-parent families; fell below the poverty line. The comparable proportion for 2005 was over half (51.6%). In 2005, the median income of single-parent families was $21,700. The comparable figure for two-parent families was twice as high ($53,300) (pp. 21–22).

In their longitudinal study (1920–2000), Saez and Veall (2005) used income tax data to investigate the proportion of total income; that is, income from all sources before taxes and excluding transfer payments and capital gains; accruing to the top 1% of income earners in Canada. Their findings revealed a U-shaped curve, in which the proportion of income earned was high (17%) during the 1920s, began going down during the World War II years, reached a low point of about 8% during the 1970s/1980s, and then increased to approximately 18% during the 2000s. The extremely high incomes earned by top company executives during the 1920s and 2000s, which made them "very rich," were mainly responsible for the pattern of income inequality in Canada during this period. In the City of Toronto, Hulchanski (2007) found the very rich to be over-represented in "City 1," the City's core.

In December 2007, Hulchanski published the results of a 30-year (1970–2000) study on changes in the spatial distribution of income inequality across all 527 City of Toronto census tracts. Income inequality was measured using average individual income from all sources. Changes in census tract (neighbourhood) income, 1970–2000, were measured. Inequality was measured using income ratio differences. The benchmark against which census tract/neighbourhood changes were assessed was average individual income for the CMA. The criterion used was a 20% change up or down the income ladder.

One of the major findings reported by Hulchanski was a change in the pattern of income inequality. Over the 30-year period, a City of mixed-income neighbourhoods was transformed into three homogenous-income cities. City 1 accounted for 20% of the population and 103 census tracts where

average individual income increased by 20% or more. City 2 accounted for 43% of the population and 224 census tracts where average individual income decreased or increased by less than 20%. City 3 accounted for 36% of the City population and 192 census tracts where average individual income decreased by 20% or more. (p. 1) The pattern of income inequality had changed from an inverted U in 1970 to three concentric residential rings formed by a wide band of low-income census tracts (36%) circling a narrower band of middle-income tracts (43%) circling a small core of high and very high-income tracts (20%) in 2001. Another major finding was a significant decrease in the percentage of middle-income earners, from 66% in 1970 to 32% in 2000.

Conclusions

The "poverty studies" in Canada that examined the period 1970–2000 yield the following conclusions:

- An increasing number of city census tracts have fallen below LICOs, LIMs and other measures of income distribution.
- Income inequality (polarization) has been increasing.
- There has been increasing concentration of low-income families and households in specific census tracts.
- There has been increasing income homogenization of census tracts.

Cross-National Studies

In addition to being included as a unit of comparison in the national *Urban Poverty Project* study, Canada has been included in cross-national studies of poverty. The reliability of national and international comparisons of poverty depends on the degree to which key variables are defined and measured in the same way (Brady, 2003:716). The Luxemburg Income Study (LIS) made reliable comparisons across 25 countries possible because it included harmonized measures of income inequality and poverty (Brady, 2003b). Using LIS data and a Headcount definition of poverty (percentage of the population below a certain threshold, 50% of median income), Brady (2003:75) compared market-generated poverty, a measure that excludes taxes and government transfers, among 16 Western nations during different years in the 1990s. Belgium ranked highest (40%), Switzerland ranked lowest (24%), the US ranked twelfth (31%), the UK ranked fifth (37%) and Canada ranked thirteenth (30%).

LIS does not yield data on poverty dynamics. Cross-National Equivalent Files (CNEF) provided data on poverty dynamics in Canada, the United States, Great Britain and Germany, which is

important for three reasons. First, the study of poverty dynamics, (entering into, remaining in and leaving poverty) required the collection of the same data from the same households over the same period of time. CNEF provided longitudinal household panel survey data. Second, income and other variables associated with it were measured in the same way. For example, LIMs were used to measure income inequality in all four countries. Third, the countries compared were similar with respect to levels of economic determinants and development (Valetta, 2005).

Valetta measured household income. Poverty dynamics, however, operate at the level of individuals in households. Individual-level data were produced by dividing total household income by the square root of the size of the household (p. 10). Using LIMs to measure poverty "from the 1980s to the 1990s," Valetta found that the annual poverty rate for Canada and Great Britain were the highest, 19.5 and 19.4 respectively. The comparable rates for Germany and the United States were 16.2 and 18.3 respectively. Canada was also found to have the highest percentage of individuals "always in poverty." "Always in poverty" rates for the four countries were: Canada (8.0%), United States (5.5%), Germany (3.6%) and Great Britain (3.1%). Different study designs, different time periods and different units of analysis may account for differences in the findings of Valetta and Brady.

Valetta also identified the factors that explain poverty dynamics in the four countries. In Canada, it was one factor: family structure. In the United States, the factors were educational attainment and unstable employment in poorly paid jobs. In Great Britain and Germany, the factors were government tax and income transfer policies (p. 15).

The cross-national findings reported by Valetta lead to two conclusions. First, poverty, as measured by LIM, is a more serious problem in Canada than it is in the United States, Great Britain or Germany. Second, family structure should be included in indices used to measure relative disadvantage in Canada.

Using a different cross-national, historical (1969–1997) and harmonized source of data on poverty (LIS), Brady (2003a) found that the presence of active left-leaning political institutions increased the contribution made by governments towards decreasing poverty through tax and income transfer policies. As a result, state-mediated poverty levels were found to be lower than market-mediated levels. Brady's analysis of LIS data for Canada revealed significant differences in market-generated and state-mediated interval poverty in each of the years 1971–1997 (p. 740). Similar findings have been reported by other researchers using the same (LIS) source of data on relative poverty (Moller and associates, 2003).

Methodological differences characterizing the foregoing studies are summarized in Table 1. Not included in the table are noteworthy differences between Canadian and European studies on poverty. Compared with the European researchers, Canadian researchers tend to:

- Use a single domain (income) to measure a multi-dimensional concept (poverty)
- Ignore findings indicating that material disadvantage can vary independently of income
- Fail to define what they are measuring

- Investigate income levels and inequality rather than poverty
- Ignore the multi-dimensional concept of relative disadvantage
- Use larger areas (census tracts) as units of analysis

Conclusion

The methodology used by researchers to measure poverty in Canada is not as robust as the methodology used by European researchers to measure poverty/disadvantage in European societies such as England and Ireland.

Evaluation

The following evaluation of the studies reviewed above is presented with a view to identifying some methodological contributions that are worth reproducing and others that must be added in devising a robust methodology appropriate for achieving the objective of identifying communities in Ontario where high or increasing relative disadvantage may lead to youth violence.

Study Design

(a) Cross-Sectional Studies

Cross-sectional designs possess a number of strengths. First, compared with longitudinal studies, they can be completed relatively quickly and inexpensively. Second, cross-sectional studies are contemporary with respect to their procedures, measurements and analyses. Longitudinal (panel) studies, especially those covering longer periods of time, cannot make changes reflecting progress in theory, measurement and analysis without losing their main strength, which is the ability to apply the same measures to the same respondents over time. Third, cross-sectional studies are far less likely than longitudinal studies to lose subjects due to attrition.

Cross-sectional studies also have a number of weaknesses. First and foremost among these is their static nature. Societies and their constituent parts and places are constantly changing, but cross-sectional studies do not measure change. Instead, they offer a snapshot in which time is held constant. Second, although researchers are unlikely to completely solve the problem of causal ordering of the six indicators included in the IRD, the solution offered by cross-sectional researchers is likely to be less convincing than one offered by longitudinal researchers. Only the latter can identify the time-ordering of these variables. For example, although the former may calculate reverse correlations between the income and family indicators, the latter can actually determine whether children were below the poverty line before their families became single-parent families or whether single people became poor before they had children.The social policy implications are far clearer when such a determination can be made.

(b) Longitudinal Studies

Some of the weaknesses of longitudinal studies identified by advocates of cross-sectional studies (e.g., Hirschi and Selvin, 1967) were also identified in the preceding segment. First, they are more costly in terms of money and time. Second, in some cases, less-costly cross-sectional studies yield the same findings as more-costly longitudinal studies. An example that comes to mind is investigations of the association between age and crime (Loeber and Le Blanc,1990). Third, the loss of respondents through attrition is greater in longitudinal studies than it is in cross-sectional studies. Fourth, methodological advances cannot be implemented during the course of a longitudinal (panel) study because that would destroy the unique virtues of such studies, such as retaining original definitions, measures and analytic procedures during the entire course of the project.

For many if not most poverty researchers, the strengths of longitudinal study designs greatly outweigh their weaknesses. First, neighbourhoods and communities are constantly changing, and such designs measure change. Second, they can also be used to make cross-sectional comparisons. Third, a panel design can reveal poverty dynamics.

With specific reference to studies of poverty/disadvantage, cross-sectional studies cannot be advocated on the ground that they yield findings similar to those produced by longitudinal studies. Dissimilarity may be partly due to differences in study design and partly to differences in measurement, units of analysis, years studied, and methods of analysis. Attrition is a more serious problem, but the problem is restricted to panel studies where persons are the units of analysis. Through time, the number of panel members decreases for a variety of reasons, including that panel members move or lose interest in participating. Where places (cities, census tracts, DAs) rather than people are selected as units of analysis, creation of new places (particularly census tracts and DAs) can be a problem. However, this problem is not as great as attrition, because the "new place creation rate" is usually is far lower than the person attrition rate. Finally, the studies reviewed here indicate that methodological advances have been incorporated into longitudinal studies.

(c) Cross-national Studies

Canada is part of a wider global society. Cross-national studies that include Canada have a number of strengths. First, they yield findings comparing and rank-ordering Canada and other societies according to their levels of poverty/disadvantage. Second, rank-ordering before an international audience helps mobilize action aimed at reducing poverty/disadvantage in the societies studied. Third, they facilitate multi-societal collaboration aimed at advancing the measurement of poverty/disadvantage. Examples include the Luxemburg Income Study in Europe and the UN Human Development Index world wide.

The validity and reliability of findings from cross-national studies depend on the degree to which they use harmonized measures of poverty/disadvantage. Great progress has been made in Europe and some progress has been made in North America towards harmonizing and then using harmonized measures of relative poverty/disadvantage. In many other societies, there has been

far less progress towards creating and using harmonized measures of relative disadvantage than there has been in measuring absolute disadvantage (United Nations, 2006).

The use of un-harmonized measures of relative disadvantage is a weakness of cross-national studies. Global harmonized measured of relative poverty/disadvantage are unlikely to be achieved, because harmonized measures may be appropriate only for societies that are structurally and culturally similar.

Historical, comparative cross-national household/individual panel study designs using harmonized definitions and measurement yield valid and reliable findings on poverty dynamics, but they are far more costly in terms of money and time than are longitudinal studies where panel members are not the units of analysis.

Sample Design [C/R from page 48]

Large populations are rarely studied by social scientists doing macro studies, for at least three reasons. First, studying large populations costs far more than studying samples selected from them.

Second, errors associated with generalizing from samples to populations can be statistically estimated. Third, large-population studies are more likely to yield unreliable findings due to non-sampling errors associated with non-response, coverage, and coding and entering data.

Notwithstanding these disadvantages, there are circumstances under which a population rather than a sample may quite appropriately be selected for study. One of the most compelling of these is where a population study better meets the objective of the researcher. Specifically, if the objective is to alleviate disadvantage and suffering in all the places where it is concentrated, then populations should be studied. Thus, the United Nations selects populations and not samples of nations because its objective is to alleviate Absolute (biogenic) Disadvantage in all nations in which it is found to be concentrated.

Census tracts for the City of Toronto and the GTA were selected for study by Toronto Community Foundation's Vital Signs researchers. The use of focused samples is appropriate for achieving their objective of mobilizing support for meliorating adverse conditions in and around the City of Toronto. The salience of this objective may be reflected in a tendency to select samples and analyze data idiosyncratically rather than systematically. For example, without explanation, TCF researchers report income inequality comparisons (e.g., child poverty) for the City, but not for the GTA.

A population of City of Toronto census tracts, not postal codes, was studied by *Poverty by Postal Code* researchers because they were interested in describing the geographic distribution/concentration of poverty in geographical units smaller than FSAs. Money costs and non-sampling error costs were probably higher in this study than they would have been had a probabilistic sample been selected for study. However, given their objective, selecting a probability sample would have been inappropriate.

Probabilistic sampling designs were not used by the authors of any of the studies of poverty in Canada reviewed herein. Instead, "focused" sampling designs were implemented. Specifically, the authors selected census tracts in CMAs or CSDs in which they expected to find a range of variation in poverty and/or or census tracts in CMAs or CSDs in which poverty was likely to be concentrated.

The use of focused urban sampling designs is appropriate for "poverty/income inequality" researchers because poverty/income inequality is concentrated in cities. At the same time, focused sampling is inappropriate for studying rural areas and First Nations reserves, where poverty/income inequality may be even more highly concentrated.

Collectively, researchers studying poverty in Canada included census tracts in over 46 Canadian cities and selected CMAs and CSDs in their focused samples. All data available for census tracts is also available in the 2001 census for DAs (75% of them clustered in the 400–700 population range). The benefits of sampling a smaller geographical unit were mentioned by Hulchanski, the *Poverty by Postal Code* researchers, and Miles, Picot and Pyper, but they may have considered DAs too small or too many to sample. The ratio of DAs (8,140) to census tracts (530) in the City of Toronto, for example, is 15:1. In Kingston the ratio is 6:1 and in Ontario the ratio is 9:1 (Statistics Canada, 2007b). An alternative (and more likely) reason is that sampling DAs would not permit comparisons with Statistics Canada data entry points (census) earlier than 2001.

Neighbourhood poverty researchers using longitudinal study designs using 2001 and post-2001 census data may want to consider the relative costs and benefits of sampling DAs and census tracts. The former offer a closer approximation of the definition of neighbourhoods and provide a basis for implementing more focused policies of melioration.

Definitions and Measurement

Definition and measurement are interrelated. In the present context, definitions of poverty, relative disadvantage, and neighbourhood should precede their measurement. If researchers cannot define these concepts, they cannot measure them. Most if not all methodologists would agree with this statement.

Statistics Canada does not define poverty, but uses LICOs (Low Income Cutoffs) to measure income inequality. LICO is defined as "an income threshold below which a family will likely devote … 20 per cent more of its income on the necessities of food, shelter and clothing than the average family" (Statistics Canada, 2004:7). LICOs refer to thresholds that vary according to the size and areas of residence of families.

Statistics Canada also uses LIM (Low Income Measure). LIM is defined as "a fixed percentage (50%) of median adjusted family income," where "adjusted" means that the needs of families of different ages and sizes are taken into account (Statistics Canada, 2004:11). Families that fall below LICO and LIM thresholds are living "in straightened circumstances."

LICOs and LIMs are widely used. Both measure relative income inequality. Both are more appropriate for measuring income inequality in advanced capitalist societies such as Canada than they are in underdeveloped countries where an absolute "basic needs" measure is more appropriate (United Nations, 2006). Both are grounded in the Canadian cultural context in the sense that Canadian values are used to define the needs, and the level of needs, of Canadian families. To this extent, LICOs and LIMs frame families "living in straightened circumstances" as a social condition (Brady, 2003b:722).

After-tax LICOs and LIMs share the strengths noted above. Compared with these measures, pre-tax LICOs yield slightly higher estimates of income inequality because the progressive taxes and government transfer payments that increase the income of poor recipients are not taken into account (Human Resources Development Canada, 2003:11; Statistics Canada*, 2006).* In this connection, the authors of *Falling Behind* report that in 1998, "families in the bottom income group received 29.8% of total transfers compared with 11.9% received by families in the highest quintile" (2007:9).

Researchers who choose to use pre-tax LICOs claim that federal and provincial taxes account for approximately 40% of government revenues. If the remaining 60% of mandatory contributions to the revenues of these governments (EI, CPP premiums, GST, property taxes) were also included in the adjustments made by Statistics Canada, then pre- and post-tax measures would yield similar low income thresholds (Ross et al, 2000). This has not been demonstrated in any of the studies reviewed herein. In the absence of such adjustments, pre-tax LICOs consistently yield higher income inequality thresholds. Findings reported by Human Resources Development Canada researchers indicate that 10.9% of "All Canadians" fall below the after-tax LICO threshold, 14.7% fall below the pre-tax LICO threshold and 11.15 fall below the LIM threshold. For "Female Lone-Parent Families," the thresholds are 33.9%, 44.2% and 35.6% respectively (p. 11).

After-tax LICOs and LIMs yield more conservative and, some would claim, more accurate estimates of the economic wellbeing of families. At the same time, they do not share other strengths to an equal degree. The greater strengths of LIMs were identified by Wolfson and Evans (1990), and served as a rationale for using LIMs in national and cross-national studies of income inequality. Today, LIMs are routinely used in international comparisons of income inequality (Brady, 2003a).

LICOs and LIMs also share weaknesses. Both are based on surveys of income. These routinely "produce a greater concentration of families at both the upper and lower tails of the income distribution and hence higher values of standard inequality measures" (Miles, Picot and Pyper, 2000:26). Researchers analyzing Luxembourg Income Study data follow bottom- and top-coding procedures that increase the validity of inequality measures (Heisz, 2004). These procedures were used in only three of the Canadian studies reviewed: Heisz (2004), Myles, Picot and Pyper (2000) and Hou and Miles (2004). Researchers who do not increase the validity of their pre-tax LICOs by using the aforementioned LIS procedures are likely to find higher levels or degrees of income inequality than do researchers who increase the validity of their after-tax LICOs and LIMs by using LIS coding procedures.

Statistical indicators of economic wellbeing typically measure either central tendency (median or average income) or dispersion (income inequality). Most researchers use a measure of central tendency (La Free and Drass, p. 615). According to Brady (2003a), such measures ignore the depth of poverty. This criticism does not apply to researchers who report and take into account in their analyses the size of the gap below the threshold into which families, households or individuals fall. For example, LIM thresholds are based on families earning/receiving less than 50% of the median gross income of Canadian (or city, census tract) families. Analyses of LIM families could, however, include families whose income fell below the threshold by 5%, 10%, 15%, 20%, and 25% below the median gross income of the comparison unit.

A second criticism stated by Brady (2003a:717) has greater merit. Both LICOs and LIMs were constructed with administrative, political or other objectives in mind. Most "poverty researchers" attached to universities and other organizations and associations probably use official measures of income inequality, rather than poverty, because they are harmonized measures available for rather long periods of time, they are available from a source (census) that includes many covariates, and their use facilitates comparison with studies conducted by others. Over time, their use is becoming conventional.

Canadian researchers, though fully aware of European contributions to policy-relevant theory and research on poverty, have contributed to making the use of measures of income inequality conventional. For example, Raphael first acknowledges that "Canadian efforts at defining poverty have been limited," then describes the Townsend (1993) and Rainwater and Smeeding (2003) multi-dimensional definitions of poverty, then notes that Statistics Canada regards LICOs and LIMs as indicators of low income not poverty, and then uses pre-tax LICOs to measure poverty because their use for this purpose has become conventional (2007:37).

In sum, though Statistics Canada informs users about "the absence of an accepted definition of poverty," researchers who use LICOs and LIMs routinely equate them with poverty (e.g., *Losing Ground,* p. 25).

Statistics Canada also states that the use of LICOs and LIMs is limited to studying "the characteristics of relatively worse-off families in Canada" (Statistics Canada,2005), yet researchers who use these measures routinely investigate the spatial distribution/concentration of only one characteristic: low income.

Statistics Canada researchers who created LICOs and LIMs, as well as the researchers who use those measures, may be very surprised to discover that Townsend's (1979) definition of poverty, later refined by Gordon et al (2000), has been generally accepted in Europe for some time. In his account of *Poverty in the United Kingdom,* Townsend defines poverty in these terms: "Individuals, families and groups can be said to be in poverty if they lack the resources to obtain the types of diet, participate in the types of activities and have the living conditions and amenities which are customary, or at least widely encouraged or approved in the societies to which they belong" (p. 13). Defined in this way, poverty is most validly measured by the degree to which families and individuals possess resources of various kinds that either prevent them from experiencing deprivation or help them escape deprivation (Townsend, 1979:131-140). Disadvantage is defined

as "suffering from social and/or economic deprivation" (Oxford English Dictionary, 2006). Therefore, it can be substituted for deprivation in Townsend's definition.

Disadvantage has been found to vary with income held constant. In this specific connection, a number of researchers report findings indicating that "people who have low income are not the same as the population who are most materially deprived" (Capellari and Jenkins, 2006:2) Additional evidence is provided by Berthoud, Bryan and Bardasi, 2004; Bradshaw and Finch, 2003; and Callan, Nolan and Whelan,1993. Therefore, low income *and* its material and social consequences must be included in indices and scales measuring relative disadvantage.

One lesson to be learned from a review of European studies of poverty informed by Townsend's definition is that poverty is a multi-dimensional concept, appropriately measured by indices or scales that combine a number of dimensions or domains (Noble and associates, 2006).

Like poverty, "neighbourhood" is frequently referred to but not explicitly defined by most of the researchers whose work was reviewed herein. For example, Wilson (1987) does not define neighbourhood but frequently refers to inner-city areas characterized by "high rates of joblessness, teenage pregnancies, female headed families and welfare dependency" as "ghetto neighbourhoods" (p. 3). As his unit of analysis was census tracts, the implication is that neighbourhoods are defined in terms of census tracts.

Fully aware of the fact that census tracts "by no means perfectly define how local residents would delimit their neighbourhoods" (p. 9), *Poverty by Postal Code* researchers used census tracts to define neighbourhoods without defining neighbourhood because "it was the only measure available" (p. 9). Authors of the *Urban Poverty Project 2007* and Miles, Picot and Pyper (2000) also used census tracts to define neighbourhoods without defining neighbourhood.

Without explicitly defining neighbourhood, authors of *Falling Behind: Our Growing Income Gap* (2003) used Forward Sortation Areas (FSAs), designated by the first three characters of the postal code, to define "neighbourhoods with common characteristics" (p. 8). They reported that in urban areas such as Toronto, some FSAs have 10,000 people and others have close to 60,000. Variation in characteristics within a larger FSA may be greater than variation between FSAs. Given that low income and disadvantage can vary independently, the residents of even the smallest FSAs may not fully share both of these characteristics. In our research on youth street gangs in the GTA (2005), we found that in Victoria Village, one of the "the 13 unmet-needs communities" identified by the United Way of Greater Toronto (2006), the census tract rate for the characteristic "low income" was 8% of families, but the rate for one DA within this census tract was 41%.

After rejecting the City of Toronto's "group of 3.7 census tracts, 17,600 persons" definition of neighbourhood because they were "too large to represent the lived experience of a neighbourhood," Hulchanski selected individual census tracts because "they come closer to that experience" (2007:3). The nature of the lived experience he had in mind is not used to explicitly define neighbourhood.

Despite these limitations, the idea of commonality or homogeneity expressed by these researchers is central to the project of defining neighbourhood. The definition becomes useful when content is identified. Specifically, reference could be made to residential propinquity, homogeneity in values, norms, beliefs, perceptions, material possessions, and attachment to and identification with place.

Generally, the smaller the geographical unit, the greater the homogeneity among its residents. In Saskatchewan and Calgary, the other two cities studied by the authors of *Falling Behind,* neither census tracts with a population between 2,500 and 8,000 (Statistics Canada, 2007a), nor FSAs (population between 8,000 and 60,000 households), nor postal codes (population between zero and 10,000) were selected for study. Instead, the authors focused on letter carrier walks (LCWs) with a population between 500 and 2,500 persons. Progress towards the objective of identifying neighbourhoods in terms of their homogeneity was, however, undermined by aggregating them into larger geographical units: Calgary's "planning areas" and Saskatoon's "defined neighbourhood areas." These two locations were constructed with administrative objectives in mind. Their relation to neighbourhoods is not self-evident and was not made evident by the authors of *Falling Behind.* Chicago had 75 official neighbourhoods, but researchers such as Hunter (1975) discovered "206 smaller, but meaningful, neighbourhoods embedded in the 75" (p. 10).

The Strong Neighbourhoods Task Force (2005) "based its research and recommendations" not on a reflexive definition of neighbourhood, but on the City of Toronto's operational definition formulated for "planning and program implementation purposes" (p. 19). The City identified 140 neighbourhoods with populations ranging from 7,000 to 11,000. Hunter's research suggests that three times as many (n=420) neighbourhoods would be identified by residents.

Kingston, Ontario is one of the very few cities in Canada that uses aggregations of "five to seven" DAs to define its neighbourhoods. The City defines neighbourhoods as, "areas of common social, physical and political attributes" (2007:11). Kingston's 42 neighbourhoods are derived from 252 DAs spread across 40 census tracts (Personal communication, Planning Department, Kingston, January 5, 2008).

Research by Hunter and Suttles(1972) and Slovak (1986) remains the starting point for some of the most valid and useful contemporary work on defining neighbourhoods as areas smaller than census tracts. Hunter and Suttles found neighbourhoods to be embedded in "a pyramid of progressively more inclusive groupings" (1972:61). Slovak named and defined these groupings. The first is the "face block," which is one side of a city block. Statistics Canada defines a "block face" as "the whole residential block between two consecutive intersections" (Census Dictionary). Face blocks and block faces are grounded in residential propinquity and the shared use of local shops and other facilities. They help define neighbourhoods because they are the major source of friendship and acquaintance groups.

In Canada, the location that comes closest to measuring block faces is the DA. Face blocks and block faces are embedded in a larger grouping, the "nominal community;" that is, a place with a name and boundaries recognized by residents and strangers. In other words, residents of neighbourhoods share "cognitive maps" (Block, 1992; Kennedy and associates, 1996). In the cognitive maps of Jane-Finch residents, the nominal Jane-Finch community is defined as an area

bounded by Highway 400 to the West, Black Creek to the East, Shepherd Avenue to the South, and Shoreham Drive or Steeles Avenue West to the North (Ellis and Sociology 4200 students, 2005). Much of the inter-gang violence, however, does not occur between Jane-Finch and other nominal communities, but rather between neighbourhoods constituted by archipelagos of DAs such as Downbottom, Driftwood, Shoreham, Tobermory and Eddystone that are embedded in the Jane-Finch nominal community.

Neighbourhoods (block faces) and nominal communities, in turn, are embedded within larger "communities of limited liability." These include police and school districts, health regions, and political wards or constituencies. Resources controlled by government and other agencies, which are part of such communities, help create and change the quality of life experienced by neighbourhood residents.

Differences in the definition and measurement of neighbourhood are important because positive associations between relative disadvantage and health and safety outcomes, based on the analysis of data from larger areas such as provinces and CMAs, may be nullified when smaller areas such as census tracts are selected for analysis (Hipp, 2007; Land et al,1990; Miles, Picot and Pyper, 2000). Similarly, findings based on the statistical analysis of census tracts may be modified, qualified or even reversed when DAs are studied.

Absolute deprivation/disadvantage is present when families or households do not have access to economic resources that are sufficient to meet basic biogenic needs. Measures of central tendency, such as average and median income, are used to measure absolute deprivation. Relative deprivation/disadvantage is present when economic resources are, or are perceived to be, distributed unequally across families or households. Neither absolute nor relative disadvantage are *conceptually* defined in a way that includes the consequences of either absolute or relative disadvantage. Instead, in a majority of the studies of poverty in Canada, disadvantage tends to be equated with the presence of a single indicator of the single domain of income.

In some studies, for example Ley and Smith and Boardwalk, relative disadvantage is implicitly defined as multi-dimensional and multiple indicators of multiple domains are used to measure it. A definition of absolute or relative disadvantage as multi-dimensional is, however, more economical and useful when multiple indicators of multiple domains are combined in an index that yields a single measure of multiple domains.

Kazemipur (2000) was the only author of a Canadian study who referred to relative deprivation theory in the introductory segment of his article. One would therefore expect to find an index of deprivation/disadvantage in the method segment. Instead, deprivation/disadvantage was measured in a way that equated it with a single indicator: low income.

Hulchanski described his objective as determining "how the average socio-economic status of residents in each of 527 (city of Toronto) census tracts has changed over 30 years" (2007:1). Socio-economic status (SES) is invariably measured by combining and weighting social and economic indicators (e.g. Blishen Scale), yet Hulchanski uses one economic factor, average individual income, to measure the multidimensional concept of SES.

Like the European researchers whose publications were reviewed, Canadian researchers Hou and Miles, Ley and Smith, and Boardwalk conceived of relative disadvantage as a multi-dimensional concept. Unlike members of the former group, they identified multiple indicators but did not combine them in a single measure such as an index or scale. Thus, Ley and Smith simply examined ratings on the indicators present in census tracts and then ranked census tracts according to the number of high ratings on each of the four indicators. Those with high ratings on all four indicators were categorized as extremely disadvantaged. Hou and Miles (2004) identified five "correlates of neighbourhood income inequality" (p. 11) but provided neither a rationale for their selection nor an index that combined them into a single measure of relative deprivation.

In 2005, the Strong Neighbourhoods Task Force published a report on the "vitality" of neighbourhoods. The report asserted that "there is no typical "depressed" neighbourhood, nor a typical 'strong' one, and no single measure can accurately represent their overall health" (2005: 21). It is not clear from this statement whether they were referring to a single indicator, or to a single measure of neighbourhood vitality, or to depression based on an index including multiple indicators. At any rate, they did not combine indicators in an index or scale. Instead, they identifed five domains (economic, education, urban fabric, health and demographics), listed 11 indicators, and then (implicitly) defined a neighbourhood as "challenged" when it "measured 20% worse than the City average" on each of them (p. 21).

The selection of indicators to be included in an index or scale of relative disadvantage is, or should be, guided by theory, definitions, research findings, and the purpose the selection is meant to serve (Noble and associates, 2006). Guided by these criteria and by a reinterpretation of Robson, Bradford and Tye's (1995) concept of "domain," Noble and associates (2006) selected indicators from the domains of income, education, housing and employment (p. 201).

With the objective of social inclusion in mind, Percy-Smith (2000) selected 26 indicators from seven domains: education, social, political, neighbourhood, individual, spatial and group. The indicators for the social domain were: breakdown of traditional households, unwanted teenage pregnancies, homelessness, crime and disaffected youth. Apart from the problem of overlapping domains (spatial/group and social/neighbourhood) and the requirement of collecting survey data to measure a number of the subjective indicators, the indicators themselves were not combined in an index or scale, either for each domain or for all domains. The latter would yield an index of social exclusion if a principal components analysis revealed the existence of a single underlying factor. If all of the indicators identified by Percy-Smith are not highly correlated with one another, this outcome is unlikely.

Layte, Nolan and Whelan (2000) selected resources (low income) and multiple indicators of disadvantage/deprivation defined as "items generally regarded as necessities which families must do without." Using household survey data, Lugo (2005) selected per capita household income, years of formal education and life expectancy at birth (2005, p. 28). Using survey data, Vranken (2002) selected low education, unemployment and "in arrears on payments." Armand and Sen 1997 created a global Human Poverty Index derived from the proportion expected to die before age 40, illiteracy and economic deprivation.

These indicators were selected for the purpose of the targeted reduction of poverty. Indicators selected with crime, delinquency and youth violence reduction in mind were quite similar. For example, Krivo and Peterson (2006) created an Index of Concentrated Disadvantage based on low income, male joblessness and female-headed households (p. 4). To measure concentration, they created an Index of Isolation derived from inter-group (black/non-black) contact, and to measure community stability, they created an Index of Community stability based on homeowner occupancy and race-specific houses that are owner-occupied.

The Index of Concentrated Disadvantage included four domains and indicators (income, housing, family and employment) that are frequently used in research on crime generally and violent crime in particular. Indicators of these four domains were included in the IRD. The domains of education and income inequality within ethnic groups have also been included in similar indices (Table 2), yet Krivo and Peterson offer no rationale for excluding them. In addition, the Index of Concentrated Disadvantage was designed to identify conditions associated with homicide, and not conditions that may lead to youth violence.

European researchers who identify housing as a domain of disadvantage would also conceptualize their indicators of "community stability" as indicators of disadvantage (Noble and associates (2006)). Single-parent households and the high school dropout rate have been found to be so reliably and strongly associated with delinquency generally, and youth violence specifically, that "they must be included in any index of relative disadvantage that is created for the purpose of reducing these outcomes" (Loeber and Le Blanc, 1990). Table 2 reveals the similarity in disadvantage domains selected by some researchers studying income inequality and other researchers investigating linkages between relative disadvantage and crime, violent crime, youth violence, and delinquency.

The methods used to combine multiple indicators varied across researchers whose common objective was to construct a summary measure of relative disadvantage (index or scale) from multiple indicators of disadvantage. Some researchers constructed measures of multiple disadvantage/deprivation using multivariate probit regression analysis (Capellari and Jenkins, 2004). The benefits of using this rather complex method over methods that are equally valid and easier to use are not obvious.

For Noble, Wright and Dibben (2006), community or neighbourhood deprivation had the following compositional meaning: "An area is considered to be deprived if it has a large number or proportion of deprived people" (p. 170). They used the concept of domain to refer to "area-level dimensions of deprivation…which aggregate as a measure of multiple deprivation" (p. 173). Income, housing, education and family are domains identified by a number of researchers. Each one is measured using different indicators of disadvantage. Then, weights are attached to them based on (a) a review of the relevant literature, and (b) the results of consultation with experts, policymakers, and other stakeholders. Domain scores measure specific sources or types of disadvantage. Aggregated domain scores measure multiple disadvantage.

One of the major problems with attaching weights to indicators using this approach has to do with resolving contradictions or differences within and between "literature" and "stakeholder" sources.

Many if not most researchers use factor analysis (Curry and Spergel, 1988; McKay and Collard, 2003; Krivo and Peterson, 2000; Rosenfeld, Bray and Egley, 1999; Taylor and Covington, 1988). Although it has a number of weakness (Coombes and associates,1995; Senior, 2002), factor analysis has been effectively employed by researchers such as Callan and associates (1993) and McKay and Collard (2003) to identify a number of underlying domains of disadvantage and to attach weights to them. In the proposal herein, indicators selected for principal components analysis were selected on theoretical grounds.

Data Collection

In two of the Canadian studies reviewed, data relevant to identifying places where people living below the poverty line are concentrated were collected from taxpayers who file tax returns annually. As tax returns are filed annually, tax-filer data provide useful information about income distribution during inter-census years. However, census tract and DA income data are even more useful because, unlike tax-filer data, they include a relatively large number of covariates which permit multivariate and time-lagged analyses, and because from these analyses, indicators of relative disadvantage can be selected (Frenette, 2006).

In the remaining studies of income inequality in Canada, data were collected from the Statistics Canada census. In almost all cases, data from two or more census years were collected. In Europe, objective data on objective indicators of disadvantage were collected from the census, other government agencies, and universities (e.g., English Indices of Deprivation, 2005), and subjective data on what it means to be poor were collected from multi-year panel studies (e.g., Irish Deprivation Index, 2001).

Data Analysis

Descriptive statistics (means, medians, standard deviations, range and frequency distributions) and bivariate relational statistics (frequency distributions by geographical locations and time) were the modal methods of analyzing data in the studies reviewed. These were usually appropriate for the descriptive and policy objectives of the researchers.

Proposal

Study Design

A longitudinal design with two data entry points, 2001 and 2006, will be implemented. Change characterizes the DAs (neighbourhoods) being studied and the direction, strength and patterning of change is captured in longitudinal study designs.

Sample/Population

Like youth violence, disadvantage is not randomly distributed across geographical locations in Ontario. Instead, it is concentrated in large urban areas (CMAs) Approximately 88% of Ontario's population resides in large urban areas. The remaining 12% reside in small urban areas (any urban area not part of CMA with a minimum population of I,000 persons) and rural areas (any area not falling into large urban or small urban places) (Statistics Canada, 2002). Within these three places, disadvantage is likely to be non-randomly distributed across DAs. If the requisite funding is available, and the primary objective is to identify DAs in large urban, small urban, and rural areas in Ontario characterized by high or increasing levels of relative disadvantage, then the population rather than a sample of DAs (n=19,177) should be studied. There are advantages to studying the population of DAs. First, it will yield information on levels of disadvantage in all of Ontario's DAs. A sample will not produce this output. Second, to protect the privacy of families and individuals, Statistics Canada suppresses information on DAs with less than 500 persons, but in the present case, the use of archipelagos (contiguous DAs with similar IRD scores) will markedly decrease the number of DAs for which information on indicators is suppressed.

Third, the higher monetary costs usually associated with studying populations rather than samples drawn from them are, in the present case, quite reasonable. Statistics Canada personnel responsible for costing special orders for data collection roughly estimate that the cost of collecting data on five indicators for 19,177 DAs would fall somewhere between $20,000 and $25,000.

Fourth, non-sampling errors (see Sample Design, p. 21xx) are usually higher when populations rather than samples are studied, but in the present case, non-sampling errors are likely to be relatively low. Non-response rates are low because citizens are required to participate as census respondents and to answer all questions. Coverage is exhaustive because Canadian "reference persons" in all dwellings in Canada answer census questions about all persons who reside in

them. Data entry errors are likely to be low because data on five indicators for 19,177 DAs was entered by well-trained, experienced Statistics Canada personnel.

Fifth, studying the population of DAs will enable researchers in any region of Ontario to investigate the impact of disadvantage on health, youth violence, in/out migration and other outcomes.

The population of DAs selected for study will permit the identification of "archipelagos," defined as two or more contiguous very highly or highly disadvantaged DAs, and "islands," defined as very highly or highly disadvantaged areas with no contiguous very highly or highly disadvantaged DAs. Scores on the IRD will be used to identify levels of relative disadvantage in the population or sample of DAs.

DAs were selected as the primary unit of analysis for several reasons. First, as they aggregate to census tracts findings on relative disadvantage, they can be compared with the results of income inequality studies in Ontario using census tract data. Second, compared with census tracts, archipelagos of DAs more closely approximate neighbourhoods generally and multi-disadvantaged neighbourhoods in particular (Ley and Smith, 2000; Mears and Bhati, 2006; Wilson, 1987).

Third, census data available for census tracts is also available for DAs. Fourth, stereotyping entire census tracts making up larger areas, such as "Jane and Finch" or Scarborough, is more easily avoided (Bursik and Grasmick (1993)).

Fifth, neighbours living in the same building, or in buildings close enough to each other to make their lifestyles known to each, other constitute the significant comparison group for assessment of relative advantage/disadvantage in wellbeing made by DA residents (Bursik and Grasmick, 1993; Lafree and Drass,1996; Messer, Raffalovich and Mcmillan, 2001).

Sixth, they provide a more specific focus for policies aimed at alleviating disadvantage and preventing youth violence (Noble and Associates, 2006). Seventh, they have been neglected as units of analysis by poverty researchers.

Definitions and Measurement

Following Townsend (1979), disadvantage is defined as a multi-dimensional concept that refers to living in circumstances or conditions that are associated with an impoverished quality of life and minimal participation in civil society. Disadvantage is relative to the experience of those residing in the same or other locations.

Index of Relative Disadvantage

The IRD is a multi-dimensional measure of relative disadvantage. Five domains of disadvantage are combined in the index. Each domain is measured by an indicator. Factor analysis is used to

weight each of the indicators according to its importance and to combine them in such a way as to produce a single score measuring a factor called disadvantage. The higher the plus (or minus) score received by a DA compared with other DAs, the greater its level of relative disadvantage.

The construction of an IRD is a two-step process. The selection of domains is step one. The rationale for selecting domains is empirical and theoretical. The theoretical rationale is provided by relative disadvantage, social disorganization and social control theory (Agnew, 1985; Clark, 1964; Bursick and Grasmick, 1993; Clark, 1964; Hipp, 2007; Osgood and Chambers, 2000).

The empirical rationale is evident in Table 2. The domains selected for inclusion in the IRD are identified as domains of disadvantage by almost all of the authors of both the poverty and youth violence studies reviewed.

Five domains of disadvantage were selected. They are income, housing, education, family and employment. Findings presented in Table 2 indicate that income was included in 22 of the 28 studies, family was included in 21 of them, employment in 15, housing in 10, and employment in 15. Of equal if not greater importance is the finding that, collectively, the five domains were included in four of the most methodologically robust indices of deprivation/disadvantage reviewed (Sampson and Raudenbush,1997, Social Disadvantage Research Centre, 2007; Noble and Associates, 2004; Layte, Nolan and Whelan, 2000). Finally, articles using these domains of disadvantage were published in prestigious journals and included in some of the most highly regarded indices of deprivation/disadvantage (e.g., English Indices of Deprivation).

Each of the five domains is measured by an indicator. In social research, one important criterion used in selecting indicators is validity. An indicator may be said to be valid if the same or a very similar indicator is used by different researchers or by the most competent methodologists measuring the same domain of disadvantage. As discussed above, Low Income Measures (LIMs) are widely used to measure the domain of income in national and cross-national studies of poverty. Moreover, LIMs were used as an indicator of income disadvantage in some of the most methodologically robust European indices of deprivation/disadvantage. (e.g., Irish Index of Deprivation, Layte et al, 2000). Creators of the Irish Index selected LIMs because this indicator most clearly reveals the consequences of receiving an income below LIM thresholds for everyday living. Individuals and family members in this income group are excluded from experiencing a quality of life experienced by the average Irish family.

The indicator "percentage owner/occupied" is used as an indicator of the domain of housing. Indicators used by other researchers (e.g., Strong Neighbourhoods Task Force, creators of the Irish Index, the English Indices of Deprivation, and Hajnal) can be subsumed under this indicator because they are likely to be highly correlated with it. Unique to this indicator is the disjunction between home ownership promoted as a Canadian value and perceived/real barriers to meeting this standard. The disjunction is the source of real/perceived disadvantage (Bursik and Grasmick, 1993).

The indicator "percentage adults who failed to graduate from high school" is used to measure the domain of education. The same indicator is one of six indicators included in the English Indices of Deprivation – Education. Other researchers, for example Hajnal, Ley and Smith, and the Strong Neighbourhoods Task Force, use an indicator (percentage of adults aged 15 and older who

have achieved less than grade nine education) that can be subsumed under the indicator included in the IRD. Unique to this indicator is the degree and duration of disadvantage of persons who fail to graduate from high school compared with those who complete high school but fail to "enter higher education" (English Indices of Deprivation), or "percentage of population with college or university qualifications" (Strong Neighbourhoods Task Force).

The indicator "percentage children aged 0 to 16 living in single, female-parent households" is used to measure the domain of family. This indicator is used to measure disadvantage among dependent children. Disadvantage is material, stemming from low income, and psycho-social, stemming from the inability of single mothers struggling to make ends meet to adequately care for and control their children. This indicator was included in the English Indices of Deprivation, and almost all of the researchers included in Table 2 have used the indicator "percentage single, female-parent households" to measure the domain of family.

The indicator "percentage males aged 25 and over who are unemployed" is used to measure the domain of employment. Disadvantage in this area has obvious material consequences. The stigma associated with unemployment is an important psychological consequence. These consequences may be expected to weigh most heavily on males who have reached an age where they are expected to support themselves and members of their own families. For this reason, the age of 25 was selected. Strong Neighbourhood Task Force researchers selected the same indicator. Male unemployment was selected, not only because it is used an indicator of the employment domain by all of the researchers included in Table 2, but also because it is highly correlated with low income and a high percentage of single, female-headed households (Wilson, 1987).

The domains and indicators are summarized below:

DOMAIN	**INDICATOR**
Income	% LIM economic families
Housing	% owner/occupied dwellings
Education	% failed to graduate from high school
Family	% children 16 and under living in single, female-headed households
Employment	% males 25 and over who are unemployed

Step two involves combining the theorized, empirically validated indicators in an index. A purely mathematical/empirical procedure, common factor analysis, will be used for this purpose. The five domain indicators (variables) will be entered into the factor analytic program. This is the input. The program analyzes the association among all indicators (variables) and the association (correlation) between each indicator and the hypothesized underlying factor. The output will be one underlying factor, disadvantage, together with factor loadings (relative importance or weights) for each of the indicators (variables). Taken together, all five factors should explain a significant proportion of the variation in the factor we call disadvantage.

The expected (hypothetical) results of the factor analysis for all DAs in Ontario can be described as follows:

Indicators (variables)	**Factor (Disadvantage)**
% LIM families	.721
% children under 16 in female-headed households	.668
% males over 25 unemployed	.638
% non-high school graduates	. 616
% owner-occupied dwellings	. 594
Variance explained	74.9%

The coefficients in this table (.721, .668 etc.) are factor loadings or weights. These are specific to the population of DAs in Ontario. Data on the population of Ontario DAs (n=19,177) is used to create the Index of Relative Deprivation. In order to examine the stability of the factor loadings, similar output will be generated for all DAs in larger urban, small urban and rural areas. Major differences are not expected in the strength and direction of factor loadings for any of the five indicators. If differences are found, it will means that the pattern of relationships among the five variables is different in large urban, small urban and rural areas. It does not mean that variables with the highest factor loadings in each of these areas should be the focus of alleviating interventions. This is because the loading on this variable is a function of its association with, and the contribution of, the other four variables. Thus, policy-makers with a stake in education, housing, employment, family or income distribution cannot use factor loadings on variables in the IRD to justify the specific interventions they advocate. Instead, IRD scores can only be reduced by decreasing the values (percentages) of all five domain indicators (variables).

If the strength and direction of the factor loadings on the five variables are significantly different in the three different areas, the option of using area-specific IRDs to measure relative disadvantage may be exercised. If this were to be done, relevant benchmark large urban, small urban and rural IRD scores would be used to rank order DAs in them.

The concept of eigenvalue is used to refer to the amount of variation explained by the five variables. As there are five variables, the total variance to be explained is 5. Squaring each of the five coefficients in the table above results in a value 4. Dividing the latter by the former (4 by 5) yields an eigenvalue of .8 or 80%.

Finally, the factor analysis will yield IRD scores for each DA that may vary between, let us say, plus 3 and minus 3. Depending on the nature of the findings, plus or minus 3 may mean greater or lesser levels of disadvantage. IRD scores all DAs can be used to rank them according to their levels of disadvantage.

The objective of identifying communities characterized by relative disadvantage is shared by researchers such as Toronto Strong Neighbourhoods Task Force (2005) and the creators of the English Indices of Deprivation, researchers at the Social Disadvantage Research Centre (SDRC) at the University of Oxford in England (2007). Instead of creating a new, untested IRD, why not simply use the domains and indicators created by the former and the indices created by the latter?

Strong Neighbourhoods Task Force researchers identified five domains and 11 indicators of disadvantage "to determine the challenges faced by Toronto neighbourhoods" (p. 22). The challenges faced by Ontario's rural and small urban areas may not be the same as those faced by the City of Toronto. Secondly, an index would have to be created and tested because the Task Force researchers did not create one. Third, because the rationale for the indicators selected by Task Force researchers was not stated, we do not know whether it is more compelling that the rationale presented for the indicators included in the IRD. Fourth, collecting data on 11 indicators from at least two different sources (the census and Ontario hospitals or health authorities) and then "fitting" the health data to DAs is almost certain to be more than twice as costly as collecting DA data on five indicators from one source (the Statistics Canada census).

The English Indices of Deprivation (SRDC, 2007) have a number of strengths. First, they measured multiple deprivation. Specifically, 33 indicators were used to measure seven different domains of deprivation. These were: Income, Employment, Health/Disability, Education, Housing and Crime. Second, they measured multiple deprivation at a level ("small area") that more closely approximates the size of DAs than census tracts do (p. 4). Third, a relatively wide range of deprivations was measured. Fourth, individual domains were weighted and can be combined into an index of multiple deprivation.

Despite its evident strengths, there are good reasons for not using the English Indices of Deprivation in Ontario. First, the cost of collecting data on 33 indicators of seven domains from 16 different government, private and university sources is likely to be far more costly than collecting data on five indicators from one source.

Second, data on specific domain indicators may not be available, because data are not collected (e.g., barriers to owner-occupation, recipients of Job Seekers Allowance, Participants in the New Deal for 18–24s who are not in receipt of JSA, Participants in the New Deal for Lone Parents, Working Tax Credit Households), or because the data are collected by agencies unwilling to release the information for privacy or organizational reasons (e.g., hospital statistics on acute morbidity), or because the data are not included in the Statistics Canada census (e.g., road distances to services and facilities) and therefore require additional effort to collect and then "fit" to DAs. The English census is cited as the source for only three of the 33 indicators (household overcrowding, houses without central heating and workers with low qualifications). A majority of the indicators included in the English indices are not included in the Statistics Canada census.

Third, there is likely to be very little variation across discrimination areas in "households without central heating," one of the indicators of the living environment deprivation domain, and all four indicators of the crime domain should not be included in the IRD (or the English Indices – Crime) because they measure crimes reported to the police and not actual rates of criminal victimization. The stated rationale for the crime domain indicators was "representing the risk of personal victimisation at small area level," but the indicators used represent an unknown fraction of actual acts of criminal victimization (burglary, theft, criminal damage and violence).

In sum, the data to construct the IRD are far less costly to collect. The IRD includes four of the domains included in the English indices (income, employment, housing, education) and also uses

the same or very similar indicators of them. The IRD does not include three of the domains of disadvantage that are included in the English indices for the following different reasons.

Health was excluded because the indicators are not included in the Statistics Canada census and the cost of collecting health data from other sources and then "fitting" them to DAs would be quite costly in terms of money and time. Still, the domain of health is important enough for inclusion in the IRD of any future index or scale of relative disadvantage that attempts should be made to persuade Statistics Canada to include questions measuring poor health, disability and early mortality, and acute morbidity in the census. These indicators measure the domain of health deprivation in the English Indices of Deprivation (p. 6). Alternatively, hospitals or regional health authorities may be persuaded to collect and record case information by DA.

Living environment was excluded because indicators of the "outdoor" living environment are not included in the Statistics Canada census, and one indicator of the "indoor" living environment (household central heating) is probably a constant in Ontario households. Crime was excluded because its indicators will yield an inaccurate measure of this domain.

Data Collection

Domain data measuring relative disadvantage at two points in time will be collected from the 2001 and 2006 census (Statistics Canada). All the information available for census tracts is also available for DAs.

Data on DA areas may be collected from sources other than the census, depending upon their availability, feasibility and applicability to DAs. Aggregate level data collected from the census are fully applicable to census tracts. They are also fully applicable to DAs with 500 plus individuals. Data are suppressed for DAs with smaller populations.

Researchers who may be interested in collecting data for the purpose of constructing an Index of Youth Violence, or in adding additional variables to the IRD and then conducting a principal components factor analysis to identify a smaller set of variables that may not include the ones selected for the IRD, are invited to peruse Appendix 1.

Data Analysis

As indicated earlier, common factor analysis will be used to create an IRD, which will yield a disadvantage score that will probably vary between plus 3 and minus 3. The interpretation of these numbers and signs will depend on whether plus or minus means more/less disadvantaged or more/less advantaged. In either case, all Ontario DAs can be ranked according to their plus or minus IRD scores. Different colours can be assigned to each of them and their locations can be identified on a map of Ontario showing the location of all 19,177 DAs. Computer software can be

created for this purpose. For example a user would be able to click on the ten most disadvantaged DAs in 2001, then enter place-specific, post-2001 alleviating actions implemented, and then click on the same ten DAs for 2005. The strength and direction of change will be revealed.

The data can also be analyzed to compare levels of disadvantage in archipelagos or individual DAs with an Ontario benchmark; that is, the IRD score for the population of Ontario DAs. Similar comparisons can be made for large urban areas, small urban areas and rural areas using appropriate area benchmarks. These analyses will permit researchers to state that levels of disadvantage in a specific DA or archipelago of DAs is two, three, four, or more times higher or lower than the Ontario or specific-area benchmark.

Finally, reductions in the percentage places and proportion of the Ontario population suffering from high levels of disadvantage between 2001 and 2005 can be assessed by examining decreases in (a) the number of the most highly disadvantaged DAs, such as DAs with IRD scores of minus three or four, and (b) the proportion of the population residing in them during this five-year period.

Summary

This proposal describes the methodology to be used in identifying neighbourhoods in Ontario where high or increasing relative disadvantage may lead to youth violence. Methodology includes study design, sampling, definition/measurement, data collection and data analysis. The proposed study design is longitudinal because it is appropriate for measuring relative disadvantage at two periods of time (2001 and 2006). Neighbourhoods are defined in terms of DAs. Poverty is conceived of as disadvantage. Poverty/disadvantage is conceived of as a multi-dimensional variable for which the multi-dimensional definition presented is appropriate. Relative disadvantage among DAs in Ontario is measured using an IRD that includes five domains of disadvantage and one indicator of each of them. The domains are income, housing, education, family and employment. Instead of a sample, the population of Ontario DAs is selected for study, and relative disadvantage is measured in DAs in all three types of area: large urban, small urban and rural areas. Data on the indicators used in constructing the IRD were collected from the Statistics Canada census at two points in time, 2001 and 2006. Common factor analysis was used in creating the IRD. Data will be analyzed using disadvantage scores produced by factor analysis. These scores are used to (a) rank all DAs with respect to their levels of disadvantage; (b) rank DAs according to the degree to which they fall above and below Ontario, large urban, small urban, and rural benchmarks; (c) assess reductions (or increases) in disadvantage that may have occurred during the five-year period 2001–2006; (d) evaluate the impact of alleviating interventions on the proportion of the population suffering from high levels of disadvantage and on the number of highly disadvantaged DAs.

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Appendix 1:

Domains and indicators of relative disadvantage*

Income

- % below poverty line
- median household income
- average household income
- median family income
- average family income
- intra-racial income dispersion
- median income of males aged 14 plus year round, full time workers
- median income of males aged 14 plus
- inter-quartile range of family income
- pre-tax LICO's
- after-tax LICO's
- LIM's
- % on public assistance
- equivalized family income

Education

- median years of schooling
- % aged 15 with less than grade nine
- lack of high school diploma
- % with university/college qualifications
- % passing OSS literacy test

Housing

- mortgage investment per unit
- % owner occupied
- % subsidized housing
- % spending 30% or more on shelter
- % of occupied private dwellings requiring major repairs
- % of households occupied by persons who have moved from another dwelling in the previous 5 years

Family

- % female headed households
- % children aged 17 and under living in poverty
- % children aged 5 and under living in poverty

Employment

- % employed in low-wage service sector
  unemployment rate
  male unemployment rate
- % males 15 to 24 unemployed
- % aged 25 plus unemployed

Ethnicity

- % visible minority
- proportion of households occupied by
- white versus non-white persons

Immigration

- recent immigrants

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* *Identified in studies of the spatial distribution/concentration of "poverty" and relative disadvantage.*

Appendix 2:
Glossary

Census Geographic Units of Canada*

Blocks
Polygons formed by the intersection of streets.

Dissemination Areas
The smallest geographic areas for which census data are made available by Statistics Canada. The areas are composed of one or more neighbourhood blocks with a population of 400 to 700 persons. DAs respect the boundaries of census subdivisions and census tracts and therefore remain stable to the extent that census subdivisions and census tracts do. Each DA is assigned a four-digit code that is unique within a census division and a province or territory. In order to identify each DA uniquely in Canada, the two-digit province code and the two-digit CD code must precede the DA code.

Census Tract
Relatively stable geographic areas that usually have a population of 2,500 to 8,000. CTs are located in large urban centres that must have an urban core population of 50,000 or more

Census Subdivisions
Usually correspond with the municipalities of Canada.

Census Metropolitan Areas
A grouping of census subdivisions comprising a large urban area (urban core) and those surrounding "urban fringes" and "rural fringes" with which it is closely associated. To become a CMA, an urban area must register an urban core population of 100,000 at the previous census. CMA status is retained even if the core population later drops below 100,000.

Postal Code
Postal codes take the form ANA NAN (alphabetic character, numeric character, alphabetic character, numeric character, alphabetic character, numeric character). The first character represents a province or territory.

* *Source: Statistics Canada Census Dictionary, 2006*

Forward Sortation Areas
Forward Sortation Areas are identified by the first three letters of the postal code and are associated with a postal facility from which mail delivery originates. The average number of households served by an FSA is approximately 8,000, but the number can range from zero to 10,000 households. Zero households exist because some postal codes contain only businesses (zero households).

Letter Carrier Walks
The average number of households to which mail is delivered by mail carriers based in local FSAs. Such walks may cover more than one postal code. The average number of households served by a postal code is approximately 19, but the number can vary between zero and 10,000.

Income

Average Household Income
The weighted mean total income of households in the year preceding the census.

Economic Families
A group of two or more persons who live in the same dwelling and are related to each other by blood, marriage, common-law relationship, or adoption

Low Income[*]
Refers to the position of an economic family or an unattached individual 15 by years of age and over in relation to Statistic Canada's low-income cut-offs.

Low Income Measures
(a) LIM, the most commonly used low income measure, is a fixed percentage (50%) of median adjusted family income, where "adjusted" indicates that family needs are taken into account. Adjustment for family size reflects the fact that a family's needs increase as the number of family members increases. Similarly, the LIM allows for the fact that it costs more to feed a family of five adults that it does to feed a family of two adults and two children. Procedures for calculating adjusted family size and adjusted family income are described in Statistics Canada publication 75F0002MIE-2005003.

(b) LICO is an income threshold below which a family will likely devote a larger share of its income to the necessities of food, shelter and clothing than the average family does. The approach is essentially to estimate an income threshold at which families are expected to spend 20% more than the average family on food, shelter and clothing. Such families are in "straightened circumstances." LICO's cut-offs vary by seven family sizes and five different populations of the area (urban vs. rural) of residence. Two types of LICOs, before-tax and after-tax, are available for use by researchers. Before-tax LICOs only partly reflect the entire redistributive impact of Canada's tax/transfer system because they include the effects of transfers but not taxes. After-tax LICOs also take the effects of income taxes into account. Moreover, since the purchase of

[*] *Source: Low Income Cut-Offs for 2006 and Low Income Measures for 2006. Statistics Canada, Cat # 75F0002MIE - # 4.*

necessities is made with after-tax dollars, it is logical to use people's after-tax income to draw conclusions about their overall economic wellbeing. For these reasons, Statistics Canada advocates the use of after-tax LICOs.

Procedures for calculating LICOs are described in the publication describing calculations for LIM adjustments.

*Income Inequality**
The GINI coefficient is one of a number of measures developed to measure inequality in the distribution of income. More specifically, it shows the percentage of income received by a given percentage of the population. For example, households can be divided into fifths (quintiles) and ranked according to their aggregate household income. Then the percentage of Ontario's or Canada's income earned by households in the lowest to the highest quintiles can be calculated. If the top fifth receives over 80% and remaining fifths receive only 20% of Ontario's/Canada's income, then the GINI coefficient will come close to equaling zero. On the other hand, if 20% of households received 20%, 40% of households received 40%, 60% of households received 60% and 80% of households receive 80% of Ontario's/Canada's income, then a straight line (diagonal) would describe the relationship between percentage of income and percentage of households and the GINI coefficient would be 1.

A Lorenz curve is frequently used to illustrate inequality in income and wealth, and the GINI coefficient transforms the curve into a single variable. Specifically, the GINI coefficient is A/(A+B), where A is the area between the diagonal (perfectly equitable distribution), and B is the area under the curve.

Appendix 3:
Comparison of Previous Studies

Table 1: Methodology implemented in selected income inequality studies, 1986–2007

Authors and Dates	Study Design		Sample		Measurement Indicators of Relative Disadvantage		Data Collection		Data Analysis	
	Long	C.S[1]	Prob.	Foc.[2]	Single	Multiple[3]	Sec.	Prim.[4]	Bi	Multi[5]
Federation of Canadian Municipalities (2007)		X		X	X		X	X	X	
United Way of Greater Toronto (2007)	X			X	X		X		X	
Canadian Council on Social Development (2007)	X			X	X		X		X	
Hulchanski (2007)	X			X	X		X		X	
Frenette et al. (2006)	X			X	X		X			X
Walks and Bourne (2006)	X			X		X	X			X
Brady (2005)	X		X			X	X			X
Capellari and Jenkins (2004)	X		X			X		X		X
Hou and Miles (2004)		X		X	X		X			X
Heiss and McLeod (2004)	X			X	X			X	X	
United Way of Greater Toronto (2004)	X			X	X		X		X	

1. *longitudinal/ cross-sectional*
2. *probability/ focused*
3. *single/ multiple*
4. *secondary/ primary*
5. *bivariate/ multivariate*

Authors and Dates	Study Design		Sample		Measurement Indicators of Relative Disadvantage		Data Collection		Data Analysis	
	Long	C.S[1]	Prob.	Foc.[2]	Single	Multiple[3]	Sec.	Prim.[4]	Bi	Multi[5]
Ley and Smith (2000)		X		X		X	X			
Miles, Picot and Pyper (2000)	X			X	X		X		X	
Kazemipur (2000)	X				X		X		X	
Kazemipur and Halli (2000)	X			X	X		X		X	
Hajnal (1995)		X		X	X		X		X	
MacLachlan and Sawada (1997)	X			X			X		X	
Wilson (1987)	X			X	X		X			

1. *longitudinal/ cross-sectional*
2. *probability/ focused*
3. *single/ multiple*
4. *secondary/ primary*
5. *bivariate/ multivariate*

Table 2: Domains of disadvantage identified in studies of relative disadvantage

	DOMAINS							
Authors and Date	**Income**	**Housing**	**Family**	**Education**	**Employment**	**Ethnicity**	**Welfare Dependency**	**Violent Crime**
SRDC (2007)	X	X		X	X			
Sharkey (2006)	X		X		X		X	
Noble and associates (2006)	X	X		X	X			
Mears and Bhati (2006)	X		X		X			
International Youth Survey (2006)			X					
Belair and McNulty (2005)	X		X		X			
Valetta (2005)	X		X	X	X			
Strong Neighbourhoods Task Force (2005)	X	X		X	X			
Hou and Miles (2004)			X	X		X		
Heiss and McLeod (2004)	X		X					
Kubrin and Hertig (2003)	X		X	X		X		
Messer et al. (2001)	X		X		X			
Layle, Nolan and Whelan (2000)	X		X	X				
Ley and Smith (2000)	X		X	X	X			X
Osgood and Chambers (2000)		X	X			X		
Bellair and Rosigno (2000)	X				X			
Krivo and Peterson (1999)	X	X	X		X			
Rosenfeld, Bray and Edgley (1999)	X	X	X		X	X	X	
Ricketts and Sawhill (1998)			X	X	X		X	
Sampson and Raudenbush (1997)	X		X		X		X	
Harries (1997)	X					X		
Wilson (1996)	X	X	X	X				
Bursik and Grasmick (1993)	X					X		
Broadway (1992)	X	X	X	X				
Land et al. (1990)	X		X			X		
Hughes (1990)			X	X	X		X	
Taylor and Covington (1988)	X	X	X	X		X		
Shihadeh and Ousey (1988)		X		X				

Appendix 4:

Additional Variables for Further Study

Variables listed under the heading Relative Disadvantage may be of interest to researchers interested in creating their own indices of relative disadvantage.
For researchers interested in youth violence, one of the outcomes to which relative disadvantage may lead, data are available from a variety of sources. These data can be subsumed under two headings. The first one is Available but not Obtainable. The data are not available because they are because they are protected by the Canadian Criminal Code, The Youth Criminal Justice Act or privacy laws.

The second heading is Available and Obtainable with Costs. Costs can take the form of additional time, money and effort (work/persuasion). Such costs can be incurred in collecting data of different kinds from the sources listed below.

Relative Disadvantage

- # of loans-until-payday offices (yellow pages)
- % of families (not seniors) living in subsidized housing units (CMHA)
- % of families receiving government transfer payments (welfare agencies)
- % of families using food banks (food banks)
- % of teenage pregnancies (hospitals)
- % of cognitively or emotionally challenged male students (schools)
- % of students failing high school literacy tests (schools)
- rate of school transfers (schools)
- rate of school suspensions (schools)

Youth Violence

- % of youthful victims of violence attending emergency departments of hospitals because of injuries inflicted by others or themselves (local hospitals)
- % of perpetrators and victims of violence in schools (local schools)
- % of perpetrators and victims who have been found to be, or are suspected to be, members of gangs (Street Gang Unit, Toronto Police Service) (SGUTPS)
- names and numbers of youth street gangs (SGUTPS)
- estimated number of youth street gang members (SGUTPS)
- % violent crimes perpetrated by or on young persons in police patrol areas (Toronto Police Service (TPS)
- addresses defined as "hot spots" by police forces (TPS)
- # of shots fired by location (TPS)
- findings on youth violence in Toronto District School Board schools reported by the authors of the International Self-Reported Delinquency Study (2007)
- % deaths of young persons, self-inflicted as well as other-inflicted (coroners' reports)
- % life-threatening situations involving youth aged18 to 24 (Emergency Medical Services)

Using data collected from these sources will almost certainly involve "fitting costs" because they are unlikely to have been collected specifically for DAs. Fitting costs include paying research assistants to fit data collected for larger or other geographical units to DAs. For example, it took a considerable amount of unpaid time for 25 students in my Youth Street Gangs Course (2005) to fit police patrol area crime data to DAs in the 13 "unmet-needs" communities in the City of Toronto. In some cases, it may not be possible to fit data collected for larger geographical units to disseminations areas because they are aggregated in "health region" data collected by regional hospitals or "catchment data" collected by schools.

Governance Models for the Roots of Youth Violence

A Report Prepared for the Review of the Roots of Youth Violence

Institute on Governance

16 April 2008

The Institute On Governance (IOG) is a Canadian, non-profit think tank that provides an independent source of knowledge, research and advice on governance issues, both in Canada and internationally.

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Introduction

Review of the Roots of Youth Violence

On June 11, 2007 the Premier of Ontario established a Review of the Roots of Youth Violence, headed by former Chief Justice Roy McMurtry and former Speaker of the provincial legislature Alvin Curling. The establishment of the Review followed the May 23, 2007 homicide of 15-year-old Jordan Manners at C.W. Jefferys Collegiate Institute in Toronto.

The objective of the Review is to help identify and analyze underlying factors contributing to youth violence and to make recommendations on how to create opportunities for youth to maximize their potential and how to make communities and schools safer.

In undertaking its work, the Review will consider existing provincial investments and programs, assess approaches in other jurisdictions, and identify further opportunities for the prevention of youth violence and for the rehabilitation of youth. This will be done through research, targeted consultation and community insight sessions.

The Report of the Review is due in September 2008 and its recommendations have not yet been formulated. For the purpose of this report, we have assumed that an effective response to the issue of youth violence requires not only the sharing of information and the coordination of activities, but also more sharing of authority, resources and results, and ultimately the delegation of responsibilities and resources linked to a shared vision.

Review of Governance Models

As part of the Review, the Institute On Governance (IOG) was contracted to look at governance and structural issues that must be addressed in order to develop a coordinated and multi-level response to youth violence. This included a review of research and reports (refer to References) and an analysis of examples in Canada and in other countries that were designed to coordinate at policy and operational levels within an order of government, across governments, and with communities. Critical success factors were to be identified for horizontal, vertical and community-based coordination on the kinds of issues and ranges of interests being addressed by the Review of Roots of Youth Violence and options identified for recommendation by the Review to the Government of Ontario.

Deliverables

This report represents the final deliverable under the contract. It is based upon the results of an extensive literature review and a desk study of 16 examples of coordination, complemented by the Institute's previous experience in conducting research into governance and working with various public purpose organizations on governance issues. Barriers to coordination and mechanisms and structures to overcome those barriers have been identified and presented to two focus groups — one with senior government officials in the Ontario Public Service in February 2008 and one with community representations in Ontario in March 2008. These focus groups commented on the findings and conclusions and provided advice on what options would be most applicable in the Ontario context. Preliminary conclusions were also presented to the Co-Chairs and the Secretariat and discussed.

The report first outlines some terminology and concepts related to the issues of governance and coordination. It then applies this conceptual framework to the examples in order to explore the issues further and draw out various aspects related to improving coordination within one order of government, across different orders of government, and at the community level. It concludes by identifying various options that could be recommended by the Review to the Ontario government for a coordinated response to the roots of youth violence.

Governance

What Is Governance?

The Institute On Governance defines governance as:

> *the process whereby societies or organizations make important decisions, determine whom they involve and how they render account.*

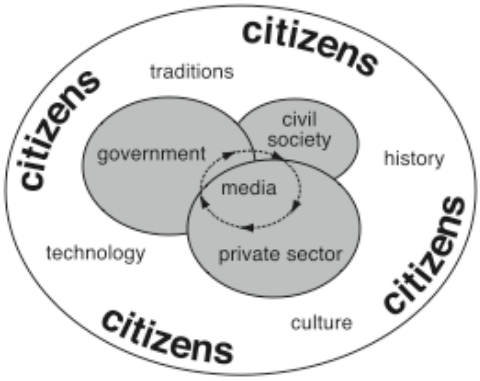
Governance is therefore *not* synonymous with government. It is about how governments and other social organizations interact, how they relate to citizens, and how decisions are taken in a complex world.

Since a process is hard to observe, we tend to focus our attention on the governance *system* or framework upon which the process rests — that is, the agreements, procedures, conventions or policies that define who gets power, how decisions are taken, and how accountability is rendered.

Who Are the Players? Who Has Influence? Who Decides?

Understanding governance is made easier if one considers the different kinds of entities that occupy the social and economic landscape.

Governance Across Sectors



This diagram illustrates the four sectors of society, situated among citizens at large: governments, the institutions of civil society (including the voluntary or not-for-profit sector), business and the media. The size of each sector as illustrated may provide a crude indication of their relative power in many western countries. They overlap because the borders of these organizations are permeable. Finally, governance is influenced by the history, traditions, culture and technology of the context within which it takes place.

Five Principles of Good Governance

We base our work on a set of five governance principles drawn from the literature and international precedence:[1]

1) Legitimacy and voice — participation and a consensus orientation

2) Direction — strategic vision

3) Performance — responsiveness, effectiveness and efficiency

4) Accountability and transparency

5) Fairness — equity and the rule of law.

In grouping the principles under five broad themes, we recognize that they often overlap or are conflicting at some point, that they play out in practice according to the actual context, that applying such principles is complex, and that they are about not only the results of power but also how well it is exercised.

[1] *Further details on the origins of the principles can be found in Graham et al. (2003).*

Coordination

What Is Coordination?

Our review of the literature indicates that working across line departments, sectors of society and orders of government, and with communities on complex policy issues and problems is not a new phenomenon, but one that has received increased attention in the past decade or so. It has been variously called horizontal and vertical management, joined-up government, whole of government, and collaborative or networked government in countries like Canada, the UK, Australia, and the U.S.

In terms of this report, there is no one term that easily encompasses all of the issues and the examples that we have looked at. We have therefore found it useful to try and categorize the various terms by making a distinction according to *what is being shared*.[2] The following table presents a continuum in the "degrees of coordination" from communication through cooperation to collaboration and ultimately delegation.

[2] *Adapted from a number of sources, including Institute of Public Administration Australia (2002) and Rounce and Beaudry (2003).*

Degree of Coordination	Definition	What is Being Shared	Related Terms
communication ↓	to exchange information of common interest and benefit	knowledge, views, advice = shared information	consultation
cooperation ↓	to harmonize separate activities or services to achieve mutually beneficial results	schedules, activities = shared work	association networking
collaboration ↓	to combine separate activities into a joint activity, service or enterprise to achieve mutually agreed results	authority, resources, results = shared authority	partnerships integration
delegation	to delegate responsibility and accountability to another entity to achieve common goals or a shared vision	goals, aims, objectives = shared vision, shared power	decentralization, devolution, enablement, empowerment

Cooperation, collaboration and delegation all require new ways of working, new leadership, new structures, and a new culture. The degree of coordination that you are trying to achieve also influences the kinds of processes, structures, and tools that you use.

For ease of reference we will use the term "coordination" in the remainder of this paper to refer to cooperation, collaboration and delegation unless there is a particular point that we want to make in terms of collaboration or delegation.

Types of Coordination

Another way of looking at coordination is in terms of what actors are involved. From this perspective, we will be using three main categories:

Horizontal	across different departments and agencies within one order of government
Vertical	across different orders of government
Community-based	across a number of organizations or agencies, both governmental and non-governmental, at a community level. Community can be defined in spatial terms or in terms of interests or identity, but our focus will be more on the former definition. As such, this includes municipalities, neighbourhoods or other geographically-defined communities.

In reality, many initiatives include aspects of all of these types of coordination; hence the use of terms such as "whole of government" or "joined-up government."

Focus of Coordination

There are various types of government activities that can be the focus of coordination:[3]

Policies — for example, cross-cutting spending reviews

Transfers — for example, the collection of provincial income tax by the Canada Revenue Agency or the administration by nine provinces and territories of the Canada Student Loan Program

Regulations — for example, joint inspections by health and safety, environment, and data protection regulators

Programs — for example, a joint initiative of schools, police, health, and other agencies to combat juvenile delinquency

Services — for example, integrated child welfare program with inter-professional targeting of cases, or integrated online package of services defined by "life events" (birth, death, marriage, etc.)

[3] *Perri, 6 (2004), p. 109.*

Furthermore, these activities may be targeted at individuals, specific groups, organizations or communities. Depending on the issue that is being addressed, all of these activities may be relevant. At the community level, the coordination of programs and services is likely to be the most critical.

Drivers of Increased Coordination

In response to the inherent unwieldiness of large governments separated into departments, ministries, and assorted agencies, and the division of powers and jurisdictions across orders of government, there have long been calls for enhanced coordination.[4] A recent review by the Australian government corresponds with Canadian research in suggesting that the drivers for horizontal or whole-of-government approaches are: increasingly demanding citizens, new information and communications technologies, continuing pressure on public sector budgets, experimentation with new ways of delivering services, and greater recognition of the complexity of social problems and the range of expertise from different institutions and sectors required to tackle them.[5] Similarly, research done for the Ontario Public Service identified increased expectations among citizens and businesses, increased expectations from other jurisdictions, aging infrastructure, the pace of change, and the fiscal environment as the drivers for partnership.[6]

Previous and current models of public service management based on hierarchical command and control are no longer considered to be adequate. The causal factors for many social problems are the same, the costs of intervention are escalating with little evidence of a return on investment, and communities are becoming increasingly disillusioned by governments' inability to solve their problems. Short-term approaches such as one-off pilots or demonstration projects are not sustainable enough to have a long-term impact.[7]

When Is Coordination Most Appropriate

Coordination is assumed to increase effectiveness, improve quality, reduce gaps in services or programs, and/or avoid duplication. Community-based organizations are included in order to improve access to previously excluded groups and give them a voice in decision-making, and to take into account the local context and dynamics. As a result, social capital is expected to be increased and communities renewed.

[4] *Peters (1998),, p. 1.*

[5] *Management Advisory Committee (2004), p. 4–6.*

[6] *Ministry of Consumer and Business Services (2003), p. 6–7.*

[7] *Institute of Public Administration of Australia (2002),, p. 77.*

Coordination can also be more expensive and require more time and a sustained commitment. It may compete with other political and community agendas or the ongoing delivery of regular services and programs. It is therefore important to be selective about when to apply such an approach.

Coordination is considered to be best suited for "wicked or sticky problems"[8] or "intractable social issues" that "defy jurisdictional boundaries and are resistant to bureaucratic routines."[9] This includes issues such as social exclusion, crime prevention and racism being considered by the Review. Coordination is also considered suitable for issues that require joint priority and attention by relevant agencies for a more limited time. Finally, it may also be used to establish integrated service centres responsive to certain clients or communities.[10]

Many social problems are spatially concentrated in cities and certain neighbourhoods within cities — problems such as poverty, homelessness, crime and so forth.[11] These problems demand place-sensitive, holistic approaches — strategies built from the ground up on the basis of local knowledge and delivered through networked relations, crossing program silos and even jurisdictional turfs.[12] All levels of government are active in cities, but their activities are not coherently and systematically coordinated.

Four elements have been proposed for a place-based policy framework combining an urban planning perspective and a community perspective:

1) Tapping local knowledge

2) Finding the right policy mix between spatially targeted measure for distressed areas and aspatial policies for health, employment, education, etc.

3) Governing through collaboration, with new relationships among government, society, and the economy and across governments at different levels

4) Recognizing local governments as key actors in terms of their legitimacy, access to local citizens and actors, and as convenors.[13]

---

[8] *"The term 'wicked issues' is reserved for those policy problems that cannot be addressed within the structures, processes and cultures conventionally managed by public policy. Wicked issues challenge conventional approaches in a number of ways: they are issues that do not appear to belong to any single organization, they represent problems that are difficult to define and even more difficult to link to causes, and they are intractable in that there do not appear to be readily available solutions at hand." Saint-Martin (2004), p. 1.*

[9] *Management Advisory Committee (2004), p. 10.*

[10] *Ibid.*

[11] *Bradford (2004).*

[12] *Ibid, p. 40.*

[13] *Bradford (2005), p. vi.*

Barriers to Increased Coordination

A study by the Institute of Public Administration Australia identified four types of barriers to greater coordination:[14]

1) Structural — e.g., constructs that are not easily changed, such as federalism, the separation of powers across jurisdictions, branches of government, constitutional and legal requirements

2) Bureaucratic — e.g., constructs which may also be difficult to change but can be influenced within the bureaucracy, such as civil services, regulatory issues, public accountability versus flexibility

3) Political — e.g., political and stakeholder influences

4) Internal — e.g., organizational culture.

Of these barriers, the IPAA found that the bureaucratic ones were the most prominent and therefore most likely to be addressed by senior management within government. Structural barriers affect the options that are available, and success may be hampered by the lack of a political mandate for change.[15]

[14] *Institute of Public Administration of Australia (2002), p. 95.*

[15] *Ibid, p. 96*

Illustrative Examples

Having outlined our understanding of governance and the different aspects of coordination in the previous two sections, we will now look at some examples to illustrate various points and identify critical factors that could be related to the Review of the Roots of Youth Violence and its recommendations to the Ontario government.

A selection of 16 examples was initially made, based on our proposal, suggestions made by the Review of the Roots of Youth Violence Secretariat, and our review of the literature. The examples represent horizontal, vertical and/or community-based coordination to varying degrees. Many cover all types of coordination, although they may illustrate one type more clearly.

The following table provides the complete list of the examples. A more detailed summary is provided in Annex 1.

Initiative	Order of Government
Horizontal Initiatives	
Social Exclusion Task Force, Cabinet Office, UK	National/Local
Race, Cohesion and Faiths Directorate, UK	National/Local
National Homelessness Initiative, Canada	National/Provincial/Local
National Strategy to Combat Poverty and Social Exclusion, Quebec	Provincial/Regional/Local
Cabinet Committee on Race Relations, Ontario	Provincial
Smart Growth, Ontario	Provincial/Regional
Vertical Initiatives	
Vancouver Agreement, Canada	National/Provincial/Local
National Crime Prevention Strategy, Canada	National/Provincial/Local
National Homelessness Initiative, Canada	National/Provincial/Local
National Strategy to Combat Poverty and Social Exclusion, Quebec	Provincial/Regional/Local
Local Health Integration Networks, Ontario	Provincial/Regional
Community-Based Initiatives	
Local Strategic Partnerships, UK	National/Local
Youth Inclusion Programme, UK	National/Local
National Homelessness Initiative, Canada	National/Provincial/Local
National Crime Prevention Strategy, Canada	National/Provincial/Local
Children's Services Committees, Ontario	Provincial/Local
Neighbourhood Action Teams, Toronto	Local
Neighbourhood Integrated Service Teams, Vancouver	Local
Community Safety & Crime Prevention Council, Waterloo Region	Community
Community Action, Quebec	Provincial/Community

The examples by no means illustrate all of the possible approaches that can be taken, but they do provide some insight into a number of different approaches. They deal with issues such as youth violence, crime prevention, social exclusion, urban or community development, health, housing, and the environment. They come from a number of jurisdictions — municipalities in Ontario and elsewhere, provincial governments including Ontario, and national governments in Canada and the UK. Most of the examples have taken place within the last ten years, but there are a few that are older.

It is important to note that we were not able to determine the "success" of each example. In some cases, the outcomes were not clearly defined and therefore success could not be measured. In other cases, the initiative is too new and therefore it is too soon to assess the results. In a few cases, the initiative was cancelled or changed before its outcomes could be assessed. Finally, our review was based almost entirely on desk research, the time available was limited, and therefore our understanding of the dynamics and processes of each initiative is incomplete. We have however been able to draw on evaluations or research studies for some of the examples.

The following sections examine the governance issues related to each type of coordination in more detail. One or two examples are used to illustrate some of the difficulties that may typically be encountered, and one or two of the more interesting examples are drawn on to look at how these challenges may be addressed in new or innovative ways.

Horizontal Coordination

Examples Used	**Order of Government**
Horizontal Initiatives	
National Homelessness Initiative, Canada	National/Provincial/Local
National Strategy to Combat Poverty and Social Exclusion, Quebec	Provincial/Regional/Local
Social Exclusion Task Force, Cabinet Office, UK	National/Local
Cabinet Committee on Race Relations, Ontario	Provincial

The ***National Homelessness Initiative*** (NHI)[16] was an initiative of the Government of Canada to address the homelessness crisis in Canada. It was created in response to political pressure, announced in December 1999 as a three-year initiative, and eventually extended to 2007. The total budget over the seven years was almost $1.3 billion.

[16] Although we will use the National Homelessness Initiative to illustrate a number of challenges related to horizontal, vertical and community-based coordination, this is not intended to imply that the Initiative was particularly bad. In fact, our experience with other initiatives of the federal government would indicate that the problems NHI faced are typical of most federal government initiatives. Rather, the NHI has been chosen because it has been particularly well documented.

The Initiative was designed to develop community-based measures that assisted homeless individuals and families to move toward self-sufficiency. It was made up of nine components, including several new programs, enhancements to existing programs and a national research program. Federal funding was linked to the development of community plans that identified and addressed needs and gaps over the immediate and long term.

At the federal level, the NHI ostensibly involved nine or more departments or agencies. Human Resources Development Canada (HRDC) was the lead department, and the National Homelessness Secretariat in that department provided some overall direction and coordination. Interdepartmental meetings were held largely to exchange information. Implementation authority for NHI was delegated to federal regional councils across the country and interdepartmental committees of the Federal Councils provided some coordination at that level.[17]

An audit in 2005 found that related federal programs under the NHI were not brought together, already existing programs were not redesigned when the new ones were introduced, and various federal areas of expertise (e.g., health or housing) were not drawn upon for the design and delivery of the initiative.[18] As a consequence:

- Some community organizations received separate funding from Health Canada and HRDC for the same homeless population.
- The same types of capital projects in the same cities were funded by both HRDC and Canada Mortgage and Housing Corporation (CMHC).
- In Toronto, both CMHC and HRDC transferred program administration to the City, but there was no attempt to work out how their two separate programs could be better aligned for delivery by the City.
- Within HRDC, there were delays in allocating or disbursing funds for certain programs because of limitations or restrictions in the funding mechanisms that were to be used.
- It was not clear which federal departments were actually involved, how they were supposed to participate, and what outcomes they expected.

A case study on the NHI suggested several possible reasons for the lack of horizontality:[19]

- The urgency of the issue faded during the long period of negotiation and program development.
- Only three departments or agencies received incremental funding and therefore the motivation for other departments to participate actively was limited.

[17] *Treasury Board of Canada Secretariat (2006), Ontario and British Columbia.*

[18] *Office of the Auditor General of Canada (2005), Chapter 4.*

[19] *Smith (2004), p. 12-13.*

- There was no reference to the issue of homelessness in the mandates of Cabinet ministers other than the minister responsible. There was no personal accountability in the performance contracts of senior managers to accomplish shared or horizontal goals.

- There were different procedures for transferring funding — CMHC transferred much of its funding through the provinces, whereas HRDC transferred its funding to communities or through other organizations. There were also tight or inflexible program authorities that inhibited joint action and partnership.

- The federal regional councils had difficulty coordinating at a community level outside of municipalities where they had already been involved (and presumably where they were based, i.e., the provincial capitals). There was also limited delegation of authority to the regional level and limitations in the skills of regional or local staff to work on horizontal initiatives.

In our view, the challenges facing NHI were primarily of a governance nature:

- No clear direction: There was no overall national framework and strategy to guide all of the players at the federal level.

- No transparency and overall accountability: The initiative was a combination of new federal programs, the enhancement of existing programs, and a broad set of aspirations that were not captured, planned, or reported on consistently and comprehensively. It was therefore difficult for the public or Parliament to hold the government accountable in terms of the funds that had been spent and the outcomes that were or were not achieved.

- No interdepartmental accountability framework: There was no formal agreement with the relevant departments defining roles and responsibilities, accountabilities, and decision-making. This could have been linked into Cabinet ministers' mandates and senior managers' performance contracts. Although a Federal Coordinator for Homelessness (who was also the Minister of Labour) was appointed, she had no authority to institute cross-departmental management strategies.

- No overall performance measures: The performance of the initiative as a whole could not be evaluated. The evaluation that was conducted was limited to the programs that were under the authority of HRDC only.[20]

- Inadequate resourcing: There were no resources provided to departments other than HRDC to coordinate their activities, either nationally or regionally.

- No alignment of funding mechanisms: There was no alignment of funding mechanisms across the departments or within HRDC, leaving it up to communities to coordinate programs and transfers as best they could.

[20] *Human Resources Development Canada (2003).*

In terms of these issues, Quebec's ***National Strategy to Combat Poverty and Social Exclusion*** provides an interesting contrast. The idea of a framework law for the elimination of poverty was initiated by a broad-based citizens' movement called the Collective for a Poverty Free Quebec. The Collective consulted widely over a number of years and tabled its proposed law in May 2000 in the National Assembly. In June 2002, the Quebec government introduced Bill 112, An Act to Combat Poverty and Social Exclusion and in August 2002 a ten-year National Strategy to Combat Poverty and Social Exclusion was released. In December 2002, the bill was unanimously approved by the Quebec National Assembly and in April 2004 a five-year Action Plan to implement the National Strategy was adopted. A total of $2.5 billion was set aside in the Budget of 2004/05 for the various measures in the Strategy, and this has been increased to a total of $3 billion to date. A fund was also set up to finance social initiatives to combat poverty and social exclusion at a regional and community level.

The act guides the government and Quebec society as a whole towards a process of planning and implementing activities to combat poverty, prevent its causes, reduce its effects on individuals and families, counter social exclusion, and strive towards a poverty-free Quebec. The National Strategy sets a collective goal of progressively transforming Quebec, over a ten-year period, into one of the industrialized societies with the least poverty. It focuses on initiatives in five major areas:

1) Prevention: promoting personal empowerment through the support of families, young people and vulnerable adults

2) Strengthening the social and economic safety net by increasing basic income guarantees for individuals and families and providing more social housing

3) Promoting job access and employment through employment assistance, the social integration of individuals unable to work, and improved job quality

4) Mobilizing society as a whole by encouraging public involvement, supporting local and regional initiatives, recognizing and rewarding socially responsible enterprises, and strengthening the role of community organizations

5) Ensuring consistency and coordination of action at all levels through a framework for action and monitoring mechanisms.

The Action Plan sets forth a set of 47 measures to be undertaken by various departments in the provincial government over a five-year period to achieve the goals of the National Strategy. There are nine departments and sectoral agencies involved, covering employment, social assistance, education, recreation and sport, health, social services, immigration, cultural communities, family, labour, municipalities and regions, housing, and youth.

The Minister of Employment and Social Solidarity (MESS) is the lead minister, responsible for the administration of the act, tabling the action plan, annual progress reports, and a status report every three years in the National Assembly, and making any agreements with national, regional,

and local partners. The minister acts as advisor to the government on issues related to poverty and social exclusion, gives other ministers advice, takes part in the development of measures that could have a significant impact on persons and families living in poverty, can request specific reports from other ministers on activities carried out in their fields of jurisdiction, and may propose amendments to the Action Plan.

Each minister is required to give an account of the impacts of any proposals of a legislative or regulatory nature on the incomes of persons or families living in poverty when presenting such proposals to the government. There are three interdepartmental committees — one for monitoring the implementation of the Action Plan, one for evaluation and one for communications.

The act required that an observatory on poverty and social exclusion be set up to provide dependable and objective information on poverty issues and social exclusion, particularly of a statistical nature. This observatory was created in the spring of 2005 and is attached to the research, evaluation, and statistical directorate of MESS, but managed by a committee composed of representatives from government, the academic and research community, and persons working in the field of poverty and social exclusion. The Centre not only conducts qualitative and quantitative research and transfers knowledge, but is also responsible for developing and proposing to the minister a series of indicators to be used to monitor progress achieved within the scope of the National Strategy.

Finally, the act also required that an advisory committee on the prevention of poverty and social exclusion be set up at the provincial level to advise the minister on the planning, implementation, and evaluation of actions taken under the National Strategy. This advisory committee was established in March 2006 and consists of 17 members — five members from representative bodies or groups involved in the fight against poverty and social exclusion, 10 members from the management, organized labour, municipal, community and other sectors of civil society, and two members from the public service who are not entitled to vote. The committee reports to the minister annually and makes its advice, advisory opinions, and recommendations public 10 days after transmitting them to the minister.

The Quebec approach to poverty and social exclusion is therefore enshrined in law, set out in a strategy, implemented through an action plan, carried out within an expanded governance framework that includes an independent advisory committee and an independently managed research and evaluation centre, subject to accountability, open and transparent, and monitored using statistical indicators.[21] This integrated legislative approach was a first in Canada, but has been implemented in France and Belgium.[22] Newfoundland and Labrador became the second province in Canada to adopt a comprehensive poverty reduction strategy in 2006.[23]

[21] *Roy (2007).*

[22] *Eliadis and Leduc (2003)..*

[23] *Chantal (2007).*

The Quebec example therefore addresses many of the issues that hampered the NHI in its horizontal coordination:

- Clear direction — through an act, a national strategy, and an action plan, as well as ongoing policy coordination through the review of any new proposals or regulations: Interestingly, despite a change in the ruling party from the Parti Québecois to the Liberals in the provincial election of 2003, the act ensured that the action plan was developed and other aspects were implemented.

- Overall accountability — through annual progress reports on the action plan and regular status reviews of the strategy tabled in the legislature: In addition, an independent advisory committee from the voluntary sector and civil society also monitors implementation and reports to the legislature.

- Interdepartmental accountability — through the action plans and reports

- Performance — linked to an overall target and to indicators that are still being defined through a quasi-independent body.

- Substantial resources — resources were provided for provincial measures, as well as for regional and local initiatives (refer to section on vertical coordination).

The ***Social Exclusion Task Force*** in the UK illustrates another approach to poverty and social exclusion in a different context and with a different history. In the 1990s, most of the successes in coordination across departments to address issues of social exclusion had taken place at the local level. At the policy level, there was less of a history of horizontal coordination. Different departments stressed different aspects — income, crime and disorder, health, and job creation. Only the Department of Environment, Transport and the Regions (DETR) had a place-based focus and stressed the need to look at multiple problems on an area basis.[24]

With a new Labour government elected in 1997, a Social Exclusion Unit was created, closely linked to the Prime Minister but located initially in DETR, then in the Office of the Deputy Prime Minister and then briefly in the newly created Department of Communities and Local Government.[25] The Unit pursued three initial areas of public policy — the worst housing estates, leading to the creation of the Neighbourhood Renewal Unit, provision for people sleeping rough, leading to the creation of the Rough Sleepers Unit, and the problem of truancy. It also incorporated a social inclusion perspective into the substantive policies of Departments. In all, the Unit produced over 40 reports during its existence.

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[24] *Department for Communities and Local Government (1999), p. 43.*

[25] *John Prescott, who was elected Deputy Leader of the Labour Party in opposition, was appointed Deputy Prime Minister by Tony Blair in 1997, in addition to being Secretary of State for the Environment, Transport and the Regions. In 2001, this "superdepartment" was split up, with Prescott being given his own Office of the Deputy Prime Minister, with fewer specific responsibilities, but retaining responsibility for social exclusion. In May 2006, in a Cabinet reshuffle, the department was removed from the control of the Deputy Prime Minister and renamed as the Department for Communities and Local Government, with Ruth Kelly as the Secretary of State for Communities and Local Government. Up to 2006, therefore, the location of the Social Exclusion Unit followed the Deputy Prime Minister.*

A Social Exclusion Task Force was set up in Cabinet Office in June 2006, drawing together the expertise of some staff from the former Social Exclusion Unit and policy specialists from the Prime Minister's Strategy Unit. The Task Force was initially headed by a Minister for Social Exclusion, appointed to spearhead a renewed drive to address the most socially excluded in society and reporting to a Cabinet Committee on Social Exclusion. The Social Exclusion Minister was also Minister for the Cabinet Office.

With the change in Prime Ministers from Tony Blair to Gordon Brown in 2007, there is no longer a Minister for Social Exclusion; the Task Force is now headed by the Minister for the Cabinet Office and it reports to the Cabinet Subcommittee on Social Exclusion, which is under the Cabinet Committee on Life Chances,[26] chaired by the Prime Minister. The budget for the Task Force in 2007/08 is £2 million with a staff of 19 people.

The Task Force focuses on those groups who are most at risk and hard to reach, including children in care, people with mental health problems, teenagers at risk of pregnancy, and families with complex problems. It promotes five guiding principles for all of government:

1) Better identification and earlier intervention

2) The systematic identification of what works and the dissemination of best practices,

3) multi-agency working through local authorities, sharing data, and sharing information on costs

4) Personalization, rights and responsibilities — piloting of service delivery based on budget-holding lead professionals and on brokering in order to tailor services around the needs of individuals and families, extending tariffs for the delivery of particular outcomes, and negotiating compacts with at-risk families and individuals

5) Supporting achievement and managing underperformance in service providers across government and in local authorities.

The Task Force itself does not deliver any services on the ground, but supports other departments undertaking pilot schemes, the reform of systems and services, and research. It therefore operates at the policy level rather than the program or service level

An Action Plan on Social Exclusion was published in September 2006. It outlines principles for a renewed approach and a series of immediate changes and pilots focused on the most-excluded groups. Annual progress reports are provided on implementation of the Plan. A wider 10-year strategic review is under way to look at the long-term drivers of social exclusion and government

[26] *The terms of reference of the Life Chances Committee are to consider policies which maximize the life chances of all in the UK. The Subcommittee on Social Exclusion includes the Secretaries of State responsible for justice, home affairs, health, employment, communities and local government, education, training, sports and recreation, and business development.*

responses. Both the Action Plan and the 10-year review are informed by stakeholder engagement and discussion, within and outside of government. The Task Force has also contributed to cross-government Public Service Agreements addressing the unique needs of the most socially excluded.

Public Service Agreements (PSAs) were introduced in the UK in 1998. They are linked to the key priorities of the government for a three-year spending period. Initially, the PSAs were related to individual departments, with very few cross-cutting themes. There were also hundreds of targets, primarily related to outputs but also to inputs and processes. Following a Comprehensive Funding Review in 2007, the number of PSAs and targets was reduced, the focus was shifted to key outcomes, and they deal primarily with cross-cutting issues.

The 30 PSAs for the 2008-2011 period are organized around four key themes:

1) Sustainable growth and prosperity (PSAs 1–7)

2) Fairness and opportunity for all (PSAs 8–17)

3) Stronger communities and a better quality of life (PSAs 18–26)

4) A more secure, fair and environmentally sustainable world (PSAs 27–30).

There is no one PSA for social exclusion, but aspects of the issue are addressed under a number of PSAs in the second and third theme areas — for example, PSA Delivery Agreement 14 sets out actions that the government will take for an integrated response to increase the number of children and young people on the path to success.

Each PSA consists of a vision, performance indicators, and a delivery strategy identifying delivery partners, priority actions, and accountability and governance at the central and local government level. A lead minister is nominated for each PSA and the relevant cabinet committee(s) monitors progress, holds departments and programs to account, and resolves interdepartmental disputes where they arise. A PSA delivery board of senior officials comprised of all lead and supporting departments is also established, which monitors progress and reviews delivery regularly. Each Department remains responsible for developing and meeting its Departmental Strategic Objectives covering the full breadth of its work.

The Social Exclusion Task Force therefore illustrates a couple of interesting innovations:

- Leadership: The issue of social exclusion had strong leadership from the Prime Minister and Deputy Prime Minister for almost 10 years, followed by a Minister for Social Exclusion. It is currently located in Cabinet Office, reporting to a Cabinet Subcommittee on Social Exclusion. With a very limited budget and small staff, it has been able to provide intellectual leadership on issues related to poverty, leverage other departments' resources for pilot projects, and contribute to their policy development.

- Interdepartmental accountability: The use of Public Service Agreements for cross-departmental issues as one tool for overcoming the traditional departmental silos of accountability.

- Performance: Public Service Agreements include indicators and targets and progress is monitored at both a cabinet and senior official level.

In Ontario, a successful example of horizontal coordination is the ***Cabinet Committee on Race Relations*** (CCRR). The CCRR existed from 1979 to 1990 and had a special mandate to develop policies to respond to concerns about racism and discrimination against racial minorities. For most of its history, it was chaired by the Attorney General. After 1987, it was chaired by the Minister of Citizenship. The committee included ministers from seven other ministries. The CCRR was supported by a secretary in Cabinet Office and a working group of policy persons from all of the member ministries. For at least part of its history, there was also a deputies' committee composed of deputy ministers from the member ministries. Senior staff from the Human Rights Commission and its Race Relations Division also participated.

The committee relied heavily on the working group, the policy branch in the Ministry of the Attorney General, the use of inter-ministerial task forces on particular subjects and on the expertise located in the ministry or ministries whose mandate(s) were directly affected by the issue being addressed. The committee occasionally heard from community delegations and staff would engage community representatives in some of the projects.

The Cabinet committee developed policies on a wide range of issues of direct importance to race relations that resulted in Cabinet submissions that were brought to and endorsed by Cabinet. These issues included: racial diversity in government advertising and communications, publicly assisted housing, access to the trades and professions, the racial composition of the civil service, the composition of boards and commissions, curriculum and other changes in the school system, policing, race relations training in government and key public institutions, and the participation of visible minority youth in job creation, training, and apprenticeship programs.

With a change in government in 1990, the Cabinet Committee on Race Relations ceased to exist. Subsequently, after a report on racism submitted by Stephen Lewis, a new Cabinet Round Table on Anti-Racism was formed that functioned for a fairly short period of time. It was an advisory committee rather than a Cabinet committee and monitored the government's progress in implementing the recommendations of the Report on Racism. It was supported by a small staff group in the Anti-Racism Secretariat in the Ministry of Citizenship.

The Cabinet Committee on Race Relations represented a unique approach to a specific government policy priority and its successes can be attributed to a number of factors:

1) It had direct access to Cabinet in one defined policy area and was able to access funding for initiatives from the Management Board.

2) It had strong chairs and committee members.

3) The working group had capable policy persons on it, with direct access to ministers and deputies because their work was for a Cabinet committee.

4) It was proactive in identifying and doing initial work on issues it identified.

On the other hand, the committee's success may have been tempered by the fact that it did not have the personnel to do continuing, in-depth research or to monitor the effectiveness of the policies it approved. It relied on individual ministries to implement policies that were implemented, and for the most part there was no formal method of holding ministries accountable to the committee for achieving agreed-upon outcomes. It also had no guaranteed access to funding.

The committee's work was also not totally analogous to the work of the Review of the Roots of Youth Violence. Although some of its work affected publicly funded institutions — such as the police and publicly assisted housing — it was primarily focused on provincial government policy, and communities were not involved unless included in a particular task force. Its primary focus was on individual areas of policy development rather than on comprehensive long-term policy goals.

Vertical Coordination

Examples Used	**Order of Government**
Vertical Initiatives	
National Homelessness Initiative, Canada	National/Provincial/Local
National Strategy to Combat Poverty and Social Exclusion, Quebec	Provincial/Regional/Local
Vancouver Agreement	National/Provincial/Local

The ***National Homelessness Initiative*** was weak in terms of coordination with the provinces. Consultations were held with the provinces and territories from 1999 to 2000 on issues such as the communities to be funded, the allocation of the funding, and project sustainability — but the provinces and territories preferred a multilateral federal/provincial/territorial (F/P/T) process to explore fundamental social policy and funding priorities. The federal government wanted to act quickly and took the position that the NHI was not a national program but rather a time-limited, targeted, demonstration initiative. The Initiative was therefore launched without P/T agreement and negotiations continued on a bilateral basis with each province and territory after the announcement.

Negotiations with each province centred on agreement that the Government of Canada could invest directly in the province's municipalities. Provinces protested that this approach to

negotiation was not in the spirit of the Social Union Framework Agreement, and that the federal government's focus on "absolute homelessness" was too narrow since it excluded the issue of affordable housing.[27] Eventually all of the provinces agreed, and a separate agreement was negotiated with the Province of Quebec.

During implementation, provincial governments were generally represented at the community tables approving community housing plans and individual projects to be funded, but with a few exceptions, they did not provide any additional resources or connect and fine-tune their own existing programs. Although funding from the federal government for communities had to be matched by other resources, these other resources generally came from already existing investments by the provincial or municipal governments. The federal funding did not therefore leverage much new monies, despite that being the original intention.

NHI's coordination with the provinces was constrained by the following factors:

- Limited engagement of the provinces during the development of the initiative and the design of the new programs
- No agreement on the overall direction
- No integration of federal and provincial programs
- No consolidation of federal and provincial funding
- Limited joint decision-making at a policy and program design level — the joint decision-making took place at a project level.

With the election of the new Conservative government, the National Homelessness Initiative was changed into a two-year Homelessness Partnering Strategy in April 2007. The Strategy will apparently focus more on partnerships with the provinces and territories to improve linkages between federal programs and P/T social services, although federal funding continues to flow directly to community entities while partnership agreements are being negotiated.

The ***National Strategy to Combat Poverty and Social Exclusion*** in Quebec is interesting because it is led by a provincial government. Part of the Strategy was to negotiate with the federal government for more financial support. An agreement was reached for the transfer of parental leave employment insurance funds from the federal government to Quebec to finance the Quebec Parental Insurance Plan, but we could find no other indication of increased federal funding.

Collaboration between the provincial and federal governments is hampered by longstanding disputes over federal fiscal transfers to the provinces and territories in areas of provincial jurisdiction, with or without conditions, and cash transfers from the federal government directly to individuals or institutions, also in areas of provincial jurisdiction.[28] The Province of Quebec's position is that there

[27] *Smith (2004), p. 9-11.*

[28] *This point was already raised in the discussion on NHI. A more detailed review of the governance of federal-provincial fiscal relations is provided in Advisory Panel on Fiscal Imbalance (2006), p. 17-19.*

has to be formal consent from the province for any initiative in its territory in an area of exclusive provincial jurisdiction, together with the right to opt out and receive financial compensation from the federal government.[29] There is an indication in the most recent Speech from the Throne that the federal government is willing to place formal limits on the use of federal spending power for new shared-cost programs in areas of exclusive provincial jurisdiction and allow provinces and territories to opt out with reasonable compensation if they offer compatible programs.[30]

The other aspect of the Quebec example that is interesting is that of regional and local coordination. The Action Plan provided for an integrated territorial approach at both a regional and a local level. The province is organized into 17 regions or territories, 86 regional county municipalities, and two metropolitan communities (Montreal and Quebec City). Regional Conferences of Elected Officials (CREs) have been set up for regional and local planning and prioritizing — not just in relation to social exclusion, but also in relation to all provincial programs and services. The elected officials are from the county and municipal governments in the region.

The CREs are in the process of developing cooperative strategies with their various regional partners — including organizations representing the poor — regarding regional priorities and areas requiring more intensive action. Local and regional agreements based on the strategies are being negotiated with the provincial government, and as of April 2007, 10 such agreements were in place. Agreements with the Cree, the Inuit of Nunavik and with the Innu nation in the province have also been negotiated. Vertical coordination at the regional and local level is therefore being implemented as part of an overall strategy related to regional and local decentralization and negotiated with new regional governing structures that are democratically representative.

Probably the best-known example of vertical coordination in Canada is the ***Vancouver Agreement*** (VA). The Agreement is one of a number of urban development agreements that have been negotiated in Western Canada,[31] but one that took a public health approach to economic development with an initial focus on the Downtown Eastside. It was signed on March 9, 2000 by the federal government, the provincial government and the City of Vancouver. It offers interesting insights into the sorts of processes and structures that are used for vertical coordination and into their efficiency and effectiveness.

The Vancouver Agreement aims to increase coordination among the three orders of government and related agencies, within their jurisdictions and mandates and with communities in Vancouver.[32] It provides for the development and implementation of a coordinated strategy, with an implementation schedule including activities, timelines, and financial commitments. It also provides for community engagement to advise on gaps in services and programs, community priorities, and strategies and action plans.

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[29] *Pelletier (2008), p. 8.*

[30] *Government of Canada (2006), p. 8.*

[31] *The other agreements are with Edmonton, Saskatoon, Regina and Winnipeg. An agreement with Victoria is currently under negotiation, as well as one with Surrey, BC.*

[32] The Vancouver *Agreement (2000), p. 1, emphasis added.*

A Proposed Downtown Eastside Strategy was appended to the Agreement, which identified goals, objectives, principles, processes and components. The three components were: Community Health and Safety, Economic and Social Development, and Community Capacity Building. An Integrated Strategic Plan was not released until March 2002 — two years after signing the Agreement. It defined 31 strategies and actions under four headings: revitalize the Hastings Street Corridor, dismantle the open drug scene, turn problem hotels into contributor hotels, and make the community healthier and safer for the most vulnerable.

For the first three years, the Agreement did not have any designated funding but relied on existing funds. By 2003, projects worth nearly $50 million had been announced "under the Vancouver Agreement's objectives," and many additional projects were also considered to have contributed to the VA goals but were developed and announced under different programs (e.g., NHI funding for homelessness). In 2003, the federal and provincial governments each contributed $10 million to implement the Agreement's Integrated Strategic Plan, and an additional $5.7 million was subsequently contributed by the provincial government. This funding was intended to be used to supplement existing funds or to fund priority projects that would otherwise not be funded. The City of Vancouver contributes in-kind goods and services, including office space and staff as well as funding for capital projects.

Twelve federal departments are involved, led by Western Economic Diversification Canada. Nineteen provincial ministries or agencies are also involved, as well as 14 municipal departments. We looked at planning, budgeting, and reporting documents in each order of government and could find no indication of horizontal coordination across departments at the federal, provincial, or municipal level. A finding by the Auditor General of Canada in 2005 probably applies equally to each order of government — there was active and ongoing federal engagement in intergovernmental committees and ongoing support from officials in three federal government departments, but it was not clear who was involved from the federal side, how they were involved, or what the criteria were to report on certain projects as being "in the spirit of the Agreement."[33]

In terms of vertical coordination, regular meetings of the three orders of government are held at a number of levels, ranging from elected public officials to mid-level civil servants. The governing body is the Policy Committee, consisting of the federal Minister of Western Economic Diversification, the provincial Minister of Community Services, and the Mayor of Vancouver. This committee has ultimate responsibility for decision-making and accountability, and decisions are made by consensus. In practice, the committee meets about twice a year.

A Management Committee reports to the Policy Committee and consists of senior officials of the lead provincial ministries and federal and municipal departments. It is responsible for intergovernmental relationships, external communication, monitoring and evaluation, investment decisions, and oversight of operational activities. It meets every two months. One problem in both the Policy Committee and the Management Committee is the frequent use of alternates, thereby slowing decision-making and weakening continuity.[34]

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[33] *Office of the Auditor General of Canada (2005), p. 15–18.*

[34] *Bakvis and Juillet (2004), p. 42.*

The Vancouver Agreement Coordination Unit provides secretariat services to both committees, oversees the day-to-day management of the Agreement, and consists of seven staff headed by an executive coordinator. There are a number of task teams that work on various issues, consisting of a staff member from the Coordination Unit, liaison persons for each order of government, and community members in some cases. It is at this level that most of the work under the Vancouver Agreement is conducted and most of the coordination takes place.

The main problem for the task teams is that they have little delegated authority and therefore have to frequently refer back to their own departments for instructions or approvals. It also proved to be more difficult than anticipated to use existing departmental program funds to support VA projects because of their terms and conditions. For example, HRDC funding support had to be used for the disabled or youth — criteria that were often not suited to the target groups in the Downtown Eastside.[35]

One case study in 2004 observed that the transactional costs of the Vancouver Agreement for the three parties may have outweighed its benefits. These costs were mainly related to the time spent in numerous meetings and the delays in getting the necessary approvals from different departments. It also noted that many of the activities that took place under the rubric of the VA would likely have taken place in any event, but without the additional administrative burden — the one exception being the use of Western Economic Diversification funding for a public health approach to economic development.[36]

There was not a high level of community engagement in any systematic way under the Agreement. Two of the City's programs — the Downtown Eastside Community Development Project and the Four Pillars Coalition — did involve Downtown Eastside residents. There were however antagonisms between groups that claimed to represent various constituencies, and the City questioned the representativeness of some of these groups. Non-profit organizations delivering social services were well regarded. Participation by the Aboriginal population remained a challenge and there was a multiplicity of groups claiming to represent Aboriginal interests — "a fragmentation of voice accentuated by fractured federal-provincial responsibilities."

The Agreement was renewed for a second phase in March 2005. The three key priorities for the second phase are:

1) Vancouver's Inner City Communities — including but not limited to the Downtown Eastside

2) 2010 Inner City Inclusivity Initiative — to ensure inner-city neighbourhoods benefit from the Olympic Winter Games through "legacies" such as employment and training, business opportunities, housing, and community sports and culture

3) Accessible/Inclusive Cities and Communities Project — to provide greater opportunities for people with disabilities.

[35] *Ibid, p. 43.*

[36] *Ibid, p. 44.*

It is difficult to assess the success of the Vancouver Agreement in the absence of clear and measurable outcomes, monitoring, and reporting. A study done for the Management Committee in 2003 indicated that the VA had succeeded in forging shared objectives and developing an integrated strategic plan. Agencies or programs were working together in ways that had not happened before the VA. For example, Canada Customs and Revenue Agency, HRDC, BC's employment standards branch, the Vancouver Police Department, and municipal building inspectors collaborated to solve problem hotels. Also, the Vancouver Coastal Health Authority and the Vancouver Police Department coordinated their efforts to set up a safe injection site program for drug users.

The study highlighted four issues in relation to governance:[37]

1) No clear decision-making criteria for VA management decisions and decisions about what projects to bring under the VA's umbrella.

2) No holistic approach to community involvement.

3) The VA's model of distributive authority — with each partner working within its own jurisdiction, mandate and budget — as opposed to a model of delegated authority with a separate entity to manage expenditure from a separate fund. The study did not however recommend one model over the other.

4) The lack of distinction between project outcomes and outcomes of the partnership itself, and no evaluation of the VA itself.

Another study of the Vancouver Agreement assessed it in terms of five successful characteristics of area-based urban partnerships with socially inclusive development goals — with mixed results:[38]

1) Resource pooling: The VA did not pool resources, but instead chose a model of more flexible financing across the three governments, although dedicated funds were provided to the City by the provincial and federal governments after the initial three years.

2) Leadership: There was high-level political leadership in all three governments, and champions within the senior bureaucracies: the assistant deputy ministers of participating federal and provincial agencies, the chief executive officer of Vancouver Coastal Health and the chief of the Vancouver Police Department.

3) Community involvement: There had not been a high level of community engagement.

[37] *Macleod Institute (2004).*

[38] *Mason (2006), p. 16–28.*

4) Mutual learning: Participants in the VA from each tier of government identified learning as a key dynamic and outcome, primarily within and across task teams through working relationships and interactions.

Horizontal accountability through monitoring and reporting program outcomes: This was not evident in the first phase of the Agreement, but had apparently been addressed when it was renewed in 2005. We could find no evidence of this.

Community-Based Initiatives

Community-Based Initiatives	
National Homelessness Initiative, Canada	National/Provincial/Local
Local Strategic Partnerships, UK	National/Local
Neighbourhood Action, Toronto	Local
Community Safety and Crime Prevention Council, Waterloo	Community
Community Action, Quebec	Provincial/Community

The main component of the ***National Homelessness Initiative*** was the Supporting Communities Partnership Initiative (SCPI), which provided a total of $563 million in funding to communities to work with governments and the private and voluntary sectors to make more services and facilities available to the homeless. A total of 61 communities were supported, with 80% of the total funds dedicated to the 10 most affected cities. Federal funding was linked to the development of community plans that identified and addressed needs and gaps over the immediate and long term. Communities received funding to cover their planning costs, as well as up to 50% of the cost of eligible projects in the community plan.

The community homelessness plan was considered to be one of the key factors for success in collaboration, since it brought together stakeholders, examined assets and gaps, and made the selection of priorities more legitimate in the eyes of the public.[39] At the same time, it required a lot of time to develop and strong direction from HRDC or the municipality. In the larger communities, 50 or more organizations might participate initially, with 20 to 30 organizations staying active throughout.[40]

[39] *Smith (2004), p. 19.*

[40] *Human Resources Development Canada (2003), p. ii.*

There were two models for the management and delivery of the SCPI at the community level that the community could choose between.

1) *Community entity model.* A community entity was chosen by the community in consultation with HRDC. This entity could be the municipality or an incorporated organization. The community entity was responsible for coordinating the development and implementation of the community plan and deciding which projects should be funded. It was also responsible for ensuring an inclusive community planning process and transparency in decision-making and administrative processes and practices.

   HRDC then negotiated a contribution agreement to transfer all of the federal funding to this entity. The community entity in turn negotiated individual project agreements with various community organizations or groups for approved projects. The projects were recommended for funding by a community advisory board.

2) *Shared delivery model.* HRDC staff, in partnership with community groups, coordinated the development of the community plan, approved projects and negotiated project agreements. The community advisory board still recommended what projects should be funded, and the Minister of HRDC had to give final approval.

Two-thirds of the communities in the first phase of the NHI selected the shared delivery model and one-third of the communities selected the community entity model. In the latter case, two-thirds of the community entities were municipalities.

An evaluation of the NHI in 2003 indicated that in the majority of the 61 communities, homelessness had not been addressed in a coordinated way and it was not a municipal priority. In those communities, the establishment of a community entity to manage and administer the SCPI was not considered feasible by most community members for the following reasons:

- The heavy workload of the community entity model
- Insufficient local capacity and resources
- Difficulty in identifying an entity that would be neutral and independent
- Concerns that the community entity would not be eligible to access SCPI funding.[41]

The evaluation found that having a choice in terms of the best delivery model given the local context and capacity was a positive design feature. The evaluation did not however find any evidence that one particular governance model was more effective than the other in meeting community and federal objectives. Instead, the critical factors in determining progress included:

[41] *Ibid, p. 17–18.*

- Pre-existing relationships among service providers and the three levels of government
- Planning and decision-making structures
- Dynamic individuals leading the process

The composition and selection of the community advisory boards varied across the various communities. In most of the communities, new committee and subcommittee structures were created to deal with homelessness in general and specific sectors in particular (Aboriginal, addictions and mental health, youth, seniors, transitional housing, etc.) These structures discussed needs and the allocation of available resources. In about half of the communities — particularly the larger ones — "funders'tables" were also created to coordinate governmental and non-governmental funders. For example:

- In Calgary, the Calgary Homeless Foundation was selected as the community entity and its Community Action Committee (CAC) takes the lead in planning and reviewing proposals. The CAC encourages participation from a broad range of stakeholders and voting membership is determined by a process of review of individual requests and acceptance or rejection of those requests by the current membership. The CAC's funding recommendations are forwarded to funders' tables, consisting of representatives of more than 12 foundations, government departments, agencies and the United Way of Calgary.
- In the Greater Vancouver Regional District (GVRD), a partnership was developed among the municipalities in the region, with participation to some degree by all 22 municipalities, and active involvement by nine of them. The GVRD Steering Committee on Homelessness also includes provincial and federal government representatives, community service agencies, Aboriginal organizations, the private sector, labour unions, and the United Way — for a total of 40 members as of December 2007. The Steering Committee develops the community plan and recommends projects for funding — i.e., the shared model.
- In Winnipeg, a shared model was also adopted. Representatives of 36 community groups involved in service delivery to homeless people formed the Community Partnership for Homelessness and Housing and worked with the Social Planning Council of Winnipeg to produce a community plan for homelessness and housing in 2001. This group however refused to take part in reviewing and recommending proposals for funding. Instead, this was done by the Winnipeg Housing and Homelessness Initiative, which is a tripartite partnership of the City of Winnipeg, the Province of Manitoba, and the federal government.[42]
- In St. John, a large SCPI Planning Group developed the community plan and decided that a smaller community advisory board should be set up to review and recommend projects for funding. The advisory board included members representing the private

[42] *Christopher and August (2005), p. 10–15.*

sector, affordable housing, the province, health interests and youth. Representatives were nominated by organizations in those fields and asked to serve on the board. Any organization whose member sat on the board was not eligible to receive SCPI funds.[43]

One of the key instruments to promote collaboration at the local level was the creation of a new role for a federal employee (or employees) in each of the communities — the "community facilitator."[44] The community facilitators attended meetings, provided advice, coordinated with the NHI Secretariat in Ottawa and supported the community governance structure. In some cases, the community facilitators had to take leadership on some issues. Facilitators were also appointed by the provincial and municipal governments in some provinces, such as Alberta.

The example with the highest delegation of authority and responsibility to the community level is the ***Local Strategic Partnerships*** (LSPs) in the UK. LSPs were created under the Local Government Act 2000 and are single non-statutory multi-agency bodies aligned with local authority boundaries. LSPs bring together organizations like the health service, the police service, the fire service, local and regional government, business, and voluntary and community organizations. Although they are not required by law, certain types of funding require that they be established — e.g., the Neighbourhood Renewal Fund. LSPs exist in all areas of England, covering unitary and two-tier local authorities.[45]

The core tasks of the LSPs are:

- To identify the needs of the local community and reconcile competing interests
- to oversee and coordinate the community consultation and engagement activities of individual partners
- To produce a Sustainable Community Strategy including a shared local vision and priorities for action
- To produce a Local Area Agreement (LAA) based on the priorities identified in the Sustainable Community Strategy
- To oversee the planning and alignment of resources in the locality — each partner remains accountable for its decision taken in relation to funding streams allocated to it
- To review and performance-manage progress against the priorities and targets.

In summary, LSPs are responsible for setting the long-term vision, integrated planning, community engagement and monitoring. Local councils are expected to play a leadership role in

[43] *August and Christopher (2006), p. 17–18.*

[44] *Smith (2004), p. 17–18.*

[45] *Some areas in England have only one local authority responsible for all council services — called a unitary authority. Other areas have a district council for some services and a county council for others, like education and social services, and these are called two-tier authorities. In these cases, most of the resources lie with the county council. Rural areas and some urban areas also have parish councils.*

the LSP and often chair it. The plans and LAAs generated by the LSPs have to be formalized by the local authority or one of the LSP partners. The organization and composition of LSPs are up to the community to decide. They typically do not have many staff or large budgets of their own and local authorities often provide most or all of the administration.

Local Area Agreements are three-year, negotiated agreements between local authorities and central government. They were piloted in 2004, are being rolled out across England from 2007/08, and will be a statutory requirement soon. The Agreements set out a series of targets that the council must achieve and the funding streams the central government will pay to the council. There are also enabling measures — changes that the central government agrees for a particular area to help it meet its targets. Some targets are stretch targets and reward money (Performance Reward Grants) is given for meeting them. Increasingly, Local Area Agreements will have a "single pot" rather than separate funding streams. Local authorities will then have the freedom to spend the funding on achieving any of the outcomes agreed as part of the LAA.

Community networks are often developed alongside LSPs so that community groups, residents' organizations and voluntary organizations can coordinate themselves. Community networks in the neighbourhood renewal areas receive special funding to assist their formation and operation. Funds have been provided by several departments in the central government for community and voluntary sector engagement at the local level. From 2005, these funds were consolidated into a single Safer and Stronger Communities Fund. A National Community Forum advises central government on how local communities can be effectively involved in local government initiatives.

An evaluation of the LSPs in 2004 indicated that in a relatively short time, they had established themselves as a vital part of the institutional arrangements of modernized local governance.[46] Governance arrangements that were effective and inclusive depended on a number of factors, including:

- Strategic capacity of the board or executive and leadership
- Structural rationalization of the often overlapping and confusing pattern of partnerships at a local level
- Process rationalization by means of planning, protocols, coordination and better ways of working
- Performance management processes to improve accountability of the LSP to partners and the accountability of partners to the LSP, as well as wider public accountability. A key issue was the relationship of the LSP to local democratic processes. Accountability to central government and specific departments was often emphasized at the expense of accountability to local partners. The status of LSPs as non-statutory, non-executive organizations limited their ability to performance-manage partners.
- Capacity to take hard decisions and resolve conflicts

[46] *Office of the Deputy Prime Minister (2006), p. 7-9.*

- Support from both government and local partners
- Engagement of partners and stakeholders: Public sector partners were making a strong contribution, but change within those organizations was needed in line with LSP priorities. Other partners, including local councillors and the private sector, needed to be more actively engaged. The voluntary and community sector was stretched and under-resourced.

Similar partnerships are being developed in Toronto at a neighbourhood level, initiated by the municipal government. ***Neighbourhood Action*** is an initiative directed by the City of Toronto's Community Safety Plan and Strong Neighbourhoods Strategy and is designed to increase community infrastructure, programs, and services in 13 priority neighbourhoods. Neighbourhood Action Teams have been established in each of the neighbourhoods, composed of City local service managers. Core divisional and City board participation includes:

- Economic Development, Culture and Tourism
- Children's Services
- Parks, Forestry & Recreation
- City Planning
- Shelter, Support and Housing Administration
- Social Development, Finance and Administration
- Toronto Social Services
- Toronto Community Housing Corporation
- Toronto Police Service
- Toronto Public Health
- Toronto Public Library.

The purpose of the NATs is to ensure cross-divisional knowledge, leading to better horizontal needs identification, service planning, and city service delivery at the neighbourhood level. In the first phase, City services and resources located in the neighbourhood were identified and priorities and outcomes developed. In the next phase, the membership of the NATs is being expanded to include broader community stakeholders that are active in priority areas and piloting initiatives identified at NAT tables. In many of the neighbourhoods, NATs are developing into Neighbourhood Action Partnerships (NAPs) and including residents, other orders of government, the United Way, and school boards. As of December 2007, Councillors are also to be engaged in NAPs.

Each NAT is led by a director from the Toronto Community Housing Corporation or another City department. Administrative support is provided by the Social Development Finance and Administration division of the City. An Interdivisional Committee on Integrated Responses for Priority Neighbourhoods, comprised of senior divisional managers, provides overall coordination. The federal and provincial governments have observers on the committee.

The ***Community Safety and Crime Prevention Council*** of Waterloo Region provides another example of a community-based partnership. The Council was set up by the Waterloo Regional Council in 1994 to act as a key community resource for the prevention of crime and the promotion of public safety and security. It brings together representatives from justice and law enforcement agencies and services, regional and municipal governments, community-based health and social service agencies, the private sector, and faith-based organizations to close the gaps between service silos and to identify new directions to address the root causes of crime. It has a modest budget, its office space is provided by the Regional Municipality, and the Waterloo Regional Police and community partners provide support. The National Crime Prevention Centre has also provided project funding.

The Council's key activities are:

- Facilitating and supporting problem solving
- Region-wide partnership-building through capacity-building, supporting community actions, and facilitating connections
- Public education and the promotion of neighbourhood action.

Community Engagement Coordinators of the Council work directly with the community to find and implement creative solutions to community safety issues and provide a link to key community resources including residents, neighbourhood associations, funders, agencies, faith groups, police, governments, and schools. The Council itself meets monthly to discuss various issues and to monitor progress and solutions.

As the NHI illustrated, the community entities that take the lead in coordinating at a community level may not be municipal governments, but rather a community-based non-governmental organization. The Quebec government has explicitly recognized the contribution of these organizations to Quebec's social and economic development by adopting the ***Community Action Policy*** in 2001.[47] Community action organizations are non-profit organizations that are community-based and pursuing a social mission, such as fighting against poverty, discrimination, and social exclusion[48]. There are close to 5,000 such organizations in Quebec, and 56% of their funding comes from the Quebec government, 7% from federal or municipal governments, and 37% from private donations or fees. Quebec is unique in treating this sector separately from other non-profit organizations or civil society as a whole.

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[47] *Ministère de l'Emploi et de la Solidarité sociale (2001)*

[48] *Organizations that are excluded from the policy include professional associations, unions, religious or political organizations, and foundations whose sole purpose is to raise and allocate funds.*

The policy aims to harmonize the administrative practices and various funding mechanisms related to supporting community action. Three streams of funding are provided for:

1) Core funding — support provided in a lump sum to support the operating costs of the independent community action organizations over a number of years. It is intended to complement other sources of funding.

2) Service agreements — contracts for the delivery of services by community action organizations that complement public services.

3) Ad hoc or short-term projects — each department or agency of the provincial government remains responsible for the terms and conditions governing access to this kind of financial support and for assessing the relevance of the projects.

The provincial government also provides non-financial support to community action organizations related to recruitment and training. It is committed to harmonizing and simplifying its accountability and other administrative procedures, and to adapting the procedures to the nature of the funding and the features of the organization (i.e., size, budget, etc.) Evaluation means, mechanisms, procedures and indicators are to be developed in collaboration with the community sector itself.

The policy is being implemented through an action plan and national guidelines for government departments and agencies.[49] Administrative agreements with each ministry or agency implicated by the action plan have also been negotiated, covering a three-year period. The Ministry of Employment and Social Solidarity has overall responsibility for the policy and a Secretariat within that ministry provides administrative support and advice as well as collecting statistics on government support to community action organizations. There is an interdepartmental community action committee of 20 government departments and agencies, and an advisory committee of the 16 community sectors (e.g., youth, housing, recreation, immigrants and ethnic communities) and four multi-sectoral groupings.

Total funding for community organizations in 2006/07 was $666.7 million. Of this amount, 65% was core funding provided to about 85% of the organizations, 28% for service agreements, and 7% for short-term projects. The amount of core funding has steadily increased over the past five years. The Ministry of Health and Social Services was responsible for 55.5% of the value of the transfers and Employment Quebec for 22.55%.[50]

As part of the policy, a fund to assist independent community action was established to support rights advocacy organizations, community development corporations,[51] and multi-sectoral

[49] *Gouvernement du Québec (2004).*

[50] *Gouvernement du Québec (2007).*

[51] *Community development corporations were first set up in 1984 and currently exist in 40 communities in the province. They bring together community organizations working on a range of social and economic issues, for the purposes of dialogue, information sharing, joint training, development of community resources, and advocacy.*

organizations. This fund was financed primarily through Loto Quebec and is administered by the secretariat in MESS. The total amount transferred in 2006/07 through this fund was $19.3 million. The Social and Community Initiative Support Program of the National Poverty and Social Exclusion Strategy is also administered by the same secretariat. It provided $4.9 million in transfers in 2006/07.[52]

The policy is in the process of being evaluated in preparation for its revision. According to a survey conducted in 2005, there are two key aspects of the policy that have been most appreciated by organizations:[53]

1) The provision of core funding: The core funding has stabilized and improved the situation in most community action organizations. The amount is however not considered to be sufficient, and newer and smaller organizations have difficulty accessing the funds.

2) The consolidation of funding related to a particular sector and certain organizations into one ministry: For example, core funding for community development corporations has been consolidated in MESS. This fosters closer relationships between the government department and the organization, improves accountability and oversight, and reduces the duplication of reporting requirements.

[52] *Ministère de l'Emploi et de la Solidarité sociale (2007)* Rapport.

[53] *Ministère de l'Emploi et de la Solidarité sociale (2007)* Enquête.

Conclusion

A coordinated response to the roots of youth violence is appropriate given the nature of the issue — complex, crossing organizational boundaries and orders of government, and place-based. This would require not only the sharing of information and cooperation in undertaking activities, but also more sharing of authority, resources, and results, and ultimately the delegation of some responsibilities and resources linked to a shared vision.

From a governance perspective, such a response should be based on five principles:

1) Ensuring legitimacy and giving voice to all of those affected

2) Providing a clear direction

3) Driving performance

4) Ensuring accountability and transparency

5) Treating all those involved fairly and equitably.

There are however strong barriers to increased coordination — structural, bureaucratic, political and internal.

The barriers to **horizontal coordination** are primarily of a bureaucratic and political nature. They include a lack of political and senior management leadership, no clear direction, no overall accountability framework and no interdepartmental accountability agreements, the absence of clear performance measures, inadequate resources, and no consolidation or alignment of funding mechanisms. The National Homelessness Initiative illustrates most of these barriers.

Mechanisms to overcome these barriers include:

- Sustained and committed political and senior management leadership, with specific mandates (ministers) or performance objectives (senior management) related to horizontal coordination, and clear ownership of the initiative

- A coordinated and coherent policy framework

- Outcomes-based strategies and action plans that provide a clear direction about what is to be accomplished over the medium to long term
- Key performance indicators and targets linked to the outcomes that are tracked
- Interdepartmental agreements linked to the strategy and action plan, which commit departments to the agreed objectives, performance measures, and delivery strategies, and which outline what they are specifically responsible for, and for which they will be held accountable
- Adequate resources to support implementation of the strategies as well as to support coordination
- Alignment of funding mechanisms or their consolidation into a single source of funding
- Regular and transparent progress-reporting on the outcomes
- Independent monitoring and advice from key stakeholders outside of government to increase transparency and legitimacy
- A well-resourced and integrated research and evaluation component to support the development of policies, strategies, and plans, define targets and indicators, monitor progress, and suggest revisions to approaches.

The National Strategy to Combat Poverty and Social Exclusion in Quebec illustrates most of these mechanisms, and the Public Service Agreements in the UK provide an example of the sort of interdepartmental agreements that could be negotiated on cross-cutting issues, with a clear delivery strategy.

A variety of structures have been used to implement these mechanisms, including:

- A Cabinet committee to drive policy coordination, strategy development, and action planning, and to monitor progress, supported by a small but highly skilled unit or task force. Under this model, implementation of the various actions remains the responsibility of various line departments. The Social Exclusion Task Force in the UK is an example of this type of structure.
- A lead department with a dedicated and well-resourced unit or directorate to coordinate implementation and to leverage and consolidate funding. This type of structure was most common in our examples — including the National Homelessness Initiative and Quebec's National Strategy on Poverty and Social Exclusion. The lead department most often had responsibility for the majority of actions or programs that were to be undertaken, although other line departments were also involved in the implementation of certain aspects.

- An interdepartmental coordinating committee of senior officials from each of the key departments. Most of our examples had this type of structure, with some functioning better than others. Performance seemed to be linked more to leadership, commitment, continuity, clarity of purpose, and political clout than to the actual structure.

- An independent advisory council, with clear terms of reference, consulted at key points in the process of developing and implementing the strategy and action plan, and provided with sufficient resources to enable it to undertake its work, particularly in terms of engagement. The Quebec example had this type of structure.

- A research and evaluation unit to support the planning, monitoring, and evaluation of strategies, as well as the building and sharing of knowledge among all stakeholders. This was either part of the overall support structure, as in the case of the Social Exclusion Task Force or the NHI Secretariat, or was a separate structure as in the case of Quebec.

The barriers to **vertical coordination** across orders of government are of a political, bureaucratic and structural nature. The political barriers are similar to those of horizontal coordination — i.e., no sustained commitment at the political and senior management levels. The bureaucratic barriers are also similar — no clear direction, no overall accountability, no intergovernmental accountability, inadequate resources, and no consolidated or aligned funding mechanisms. The National Homelessness Initiative and the Vancouver Agreement provide examples of most of these bureaucratic barriers.

Vertical coordination in Canada appears to be most constrained by structural barriers, however. These barriers include poor intergovernmental relations, the fiscal imbalance between the federal and provincial governments and between provincial governments and their municipal governments, federal spending in areas of provincial jurisdiction, and the unclear roles and responsibilities of the federal and provincial governments in relation to Aboriginals. There are mechanisms and structures that have been established to address these issues at both a federal and provincial level, but they are beyond the scope of any single initiative or cross-cutting issue.

The mechanisms for addressing the political and bureaucratic barriers are similar to the mechanisms listed under horizontal coordination, with a few variations to take into account the different levels of government involved. These mechanisms include:

- Strong political commitment and leadership

- Tripartite or bilateral agreements with clear accountabilities for each order of government

- Strategies and action plans for clear direction

- Performance measures

- Regular progress-reporting

- Adequate resources
- Alignment of funding mechanisms
- External advice, monitoring and reporting
- Decentralization of planning and decision-making to a regional or local level.

Some of the structures that have been used to increase coordination across governments — particularly in terms of the Vancouver Agreement — include:

- Intergovernmental policy committees consisting of political representatives from each order of government
- Intergovernmental management committees consisting of senior managers from each order of government
- Facilitators from each order of government who participate in planning, decision-making and monitoring at a community level
- Task teams of persons from relevant departments or divisions in all three orders of government, as well as community organizations or members that work on various projects or issues
- A coordination unit to provide support to the various committees and task teams.

Coordination in a vertical arrangement therefore seemed to be best achieved on the ground, through people from each order of government working together in teams on projects and issues. This being the case, it was important to delegate sufficient authority and resources to these people and task teams so that they could perform efficiently and effectively.

This type of coordination had high transaction costs, however, due to the number of meetings and the number of people involved. The costs versus the benefits therefore need to be carefully considered for any initiative involving more than one order of government. Alternatively, responsibility, authority, and resources from one or more orders of government could be delegated to a single community entity to manage — as was done in the case of the NHI. This would reduce the transaction costs, but could weaken the links to other government activities that might be relevant.

Much of the successful horizontal and vertical coordination in Canada on place-based cross-cutting issues occurs at the **community level** through community-based organizations or municipal governments. Although there has been some delegation of authority to the community level to plan and manage the implementation of projects and activities that are funded by higher orders of government, there are a number of constraints affecting coordination. These include:

- Constraints set by funders on the priorities, outcomes, or approaches that can be used, despite the recognized need to adjust initiatives to the local context, needs, and resources
- Insufficient emphasis on the time and resources required in order to engage communities, build relationships, and develop partnerships to deliver programs or initiatives
- Constraints in terms of the amount of funding available, what it can be used for, how long it is available, and who is eligible to receive funding
- A multiplicity of funders and funding sources, as well as administrative arrangements for accessing, transferring, and reporting on the funding
- Increased competition to access the funding that is available
- Overemphasis on the accountability relationship to the funder at the expense of the community or the beneficiaries
- A lack of capacity at the community level to engage stakeholders, plan, implement, monitor, evaluate and report on initiatives
- Challenges to the legitimacy, neutrality, or independence of community-based organizations, particularly where decisions are being taken at the community level and resources are being allocated.

Measures and related structures to improve coordination at the community level that came out in our examples were:

- The formation of partnerships across local service agencies, community-based organizations and local government in order to:
  - identify and prioritize community needs
  - map community assets and resources
  - coordinate the engagement of communities
  - develop long-term strategies and plans
  - monitor implementation of the strategies and plans
- The formation of community networks of various interest-based, identity-based, or geographically based groups to engage in the planning and implementation of the partnership plans

- Increased flexibility and sustainability of funding
- The consolidation of funding for local government or for community-based organizations into a single pot or funding stream, and channelling funding through a single community entity
- The provision of more core funding to increase the capacity for planning, coordination, and monitoring at a community level — as opposed to project-based funding or funding for the delivery of specific services
- Increased delegation of authority and resources to the community level.

The Local Strategic Partnerships in the UK and the Neighbourhood Action Partnerships in Toronto provide more detail on these sorts of measures in terms of local government primarily. Quebec's Community Action Policy provides more detail on a potential approach specifically related to community-based organizations.

In summary, in order to address the roots of youth violence, there is a need to coordinate policies, priorities, and programs at a number of levels — across all three orders of government, across different departments within each order of government, and at the community level. Community-based coordination needs to involve both governmental and non-governmental organizations and agencies, as well to engage youth, residents, and other groups. Increased delegation, the formation of partnerships and new funding mechanisms are required at the community level in order to foster this coordination.

Implications for Ontario

Feedback on Critical Success Factors

The critical success factors for horizontal, vertical, and community-based coordination were presented to a focus group of deputy ministers and a focus group of community representatives in order to solicit their views and discuss how those factors might be applied in the Ontario context. The purpose of the focus groups was not to make decisions, but rather to explore the issues and come up with possible options.

In general, both focus groups agreed with the critical success factors that are identified in this report. Both focus groups also emphasized the need to work concurrently at a provincial level and at a community level. The involvement of the federal government was considered to be less critical or more problematic.

More detail on each of the focus groups is provided below.

Deputy Ministers' Focus Group

The deputy ministers were drawn from a number of relevant ministries and had experience working on horizontal initiatives, both in Ontario and in other provinces, as well as some knowledge and experience in the UK. They suggested that the focus of ***horizontal coordination*** at the provincial government level should be on the development of a policy framework, policy coordination and the definition of outcomes, leaving specific ministries to implement various initiatives. They indicated that there would need to be a governance body at a fairly high level to achieve this.

When asked whether a special Cabinet committee would be the best structure at the political level to monitor results, hold ministries to account and suggest re-direction, the deputies suggested that a "results team" might be a better option given the approach of the present government. These results teams report to the Premier and are made up of senior executives and external experts. Results teams currently exist for health, education, and most recently, climate change. Experts could assist with the development of outcomes and provide a methodology and outside legitimacy for the selection of outcomes and communities of focus. Independent monitoring and public reporting might also add legitimacy and ensure that ministries kept on track over the longer term.

The deputies noted that the Cabinet Committee on Poverty Reduction will be developing a policy framework, outcomes, indicators, targets, and a strategy for reducing child poverty and lifting more families out of poverty. This committee is chaired by the Minister of Children and Youth Services and consists of 14 ministers or parliamentary assistants, supported by a small unit in Cabinet Office of about six persons. Responsibility for implementation and monitoring of the policy has yet to be determined.

The deputies advised that the Ministry of Children and Youth Services has been assigned responsibility for responding to the Review of the Roots of Youth Violence report. They agreed on the need for a "driver" to pull all of the threads or ministries together and to be assigned overall responsibility — it was suggested that the lead ministry could be selected based on whatever the biggest "root" of the roots of youth violence was — e.g., education, health, justice, etc. It was noted that marginalized youth often have no natural advocate in the government and they need a designated minister to bring their voice to the table. The lead ministry could hold other ministries to account and be accountable to the public, and there could be rewards for good performance or sanctions for poor performance.

In terms of ***vertical and community-based coordination***, the deputy ministers saw benefit in allowing the community coordination mechanism or partnership to emerge "organically" rather than requiring a particular model. They also thought it was important to build on what already exists. They thought that the community entity would not necessarily need to be part of or directly connected to the municipal government, although local government would clearly need to be involved. In some communities, coordination might need to be encouraged — as, for example, has been done with a recent call for pilot proposals to coordinate the community-based governance of services to new immigrants. The ability to collect and share best practice across various communities and various community entities was thought to be key.

The deputies suggested that provincial funding to community partnerships could be provided based on clear objectives, outcomes, targets and client groups rather than specific services. Communities would then have the flexibility to take different approaches. The Service Accountability Agreements between the Ministry of Health and Long-Term Care and the Local Health Integration Networks (LHINs) were referred to as an example of the sort of outcomes-based agreement that could be negotiated with community entities. In terms of these Service Accountability Agreements, the ministry retains responsibility for overall planning of the health system and sets the performance framework for the LHINs. Each LHIN then engages with local stakeholders, identifies needs, prepares an integrated strategic plan, and sets its own performance objectives and targets consistent with the provincial framework.

Separate pots of provincial funding could be merged where possible, but this was not considered to be absolutely necessary, particularly at the outset. Funding to community partnerships could also serve as a platform for additional investment by various sectors, such as health.

The preference of the deputies was for the transfer of federal resources through the provincial government rather than the negotiation of tripartite agreements. It was noted that the three levels of government have very different cultures — the federal government wants to talk at a high policy level, whereas municipalities deal with more practical matters such as getting youth to go

to school. The deputies thought that if the province provided a concerted investment, then the federal government might get involved if it fitted with their priorities and interests. The rationale for involving the federal government would have to be clear — e.g., would it be just for their funding or for their knowledge and expertise?

Community Representatives' Focus Group

The community representatives came from a variety of non-governmental organizations involved with children and youth, families, ethnic communities, mental health, and community safety, as well as from a couple of foundations, one municipality, and two school boards. They had experience working together on a number of projects and initiatives, and also experience working with three or four levels of government (federal, provincial, regional, and municipal).

In terms of ***horizontal and vertical coordination***, the community representatives agreed on:

- The need for the provincial government to provide a coherent policy focus for youth, as was done for the 0-6-year-old population, and to develop a youth strategy covering all youth requirements (inclusion, resilience, education, employment, etc.), including measurable outcomes, performance agreements, and a learning system with formative and reflective evaluation. It was suggested that an "umbrella vision" rather than a "siloed approach" was needed. It was also suggested that the approach should be asset-based rather than deficit-based — in that respect, "roots of success" might be a better term than "roots of violence."

- The need for an ongoing consultation process rather than one-off consultations, and for the engagement of youth and communities in the determination of the outcomes to be achieved.

- The need for more sustained support for collaboration beyond individual projects or initiatives — a ten-year time frame was suggested.

- The need to fund not only well-established community-based organizations, but also newer and smaller organizations that are created to deal with single issues or interest groups, because these new organizations are often more innovative and better able to engage youth or residents. The larger organizations could act as hubs for these smaller organizations, providing a certain infrastructure and support.

- The need for more capacity-building or core funding. The Ontario Trillium Foundation's funding was considered to be too short-term and project-based, whereas the United Way provides funding for core and critical mission activities.

- The need to fund community engagement and to make youth engagement in funding and decision-making a requirement.

- The need to build in funding for formative and reflective evaluations.

- the need for more harmonization and consolidation of funding, with shared outcomes across all three levels of government — with a caution that consolidation of federal and provincial government funding into a single pot can sometimes lead to less funding being available, less flexibility for organizations in sourcing funds, and increased competition for funds. Some thought that a clearinghouse approach rather than a single pot might be more appropriate — although not discussed in detail, this suggestion sounded like the funders tables that were referred to in the discussion of the National Homelessness Initiative at the community level.

It was suggested that the structure at the provincial level should mirror the partnership at the community level.

In terms of ***community-based coordination***, the community representatives agreed on:

- The need at the community level for greater coherence in programming that is more proactive and strategic rather than reactive and responsive

- The need to incorporate communities of interest and identity in addition to spatial communities, since the issues are not only place-based but also transcend place

- The need for community-based organizations to focus on outcomes that reflect a real impact on families, individuals, and poverty, as well as effective collaboration and partnerships

- The importance of shared interests and common values as the basis for collaboration among community-based organizations.

The community representatives also agreed that there should be flexibility in terms of selecting the community entity to coordinate a partnership. It was suggested that this entity should be skilled and provide leadership, and that the issue should be part of its mission and mandate. Successful models of partnerships and community leaders in a number of communities, including Toronto and Kitchener-Waterloo, were referred to, and it was suggested that these should be built on. Funding was recommended for this coordination function — although core funding may be modest, it was considered important. The coordinating entity should have a clear mandate and might not want to continue to deliver services itself if it is managing and allocating funding to others. Trust and relationship-building was recommended as the initial focus and the basis of the partnership.

Challenges

We have identified a number of challenges, in the Ontario context, to introducing the types of governance models, mechanisms and structures that we found in our examples. These include:

- The breadth of the approach that is required, involving the whole of the Ontario government
- Already existing governance models, structures, and mechanisms that are being used to address similar or related cross-cutting issues
- The structure and division of responsibilities across the various Ontario government ministries
- The political mandate and priorities of the current government and the political risks associated with a senior political commitment to the prevention of youth violence
- The need for concurrent action at a provincial, municipal and community level
- The need to involve the federal government, at least on certain issues such as youth employment
- Fiscal imbalances between the federal and provincial government, and between the provincial and municipal governments
- Capacity constraints at a municipal and community level.

These challenges need to be considered further when selecting the best option in terms of governance for the recommendations of the Review.

Governance Options

The definition of an appropriate governance system or framework depends first of all on what is being governed, and secondly on the different players and the context within which it takes place. Our advice for the Review of the Roots of Youth Violence on the governance options or cluster of options for Ontario in the current and foreseeable future is therefore constrained by two key considerations:

1) The Review has not finalized its recommendations and therefore it is still not known what will need to be governed.

2) The focus groups provided some insight into the Ontario context, but we did not undertaken a comprehensive review of the current situation in Ontario related to the

issues under consideration by the Review. Our focus was on examples from other jurisdictions or for similar cross-cutting issues in order to gain insight into critical success factors and possible governance approaches that could be taken.

The following discussion of governance options therefore presents alternatives or suggestions for further consideration in the light of other information and research conducted by the Review.

Options at the Provincial Level

The critical success factors for horizontal coordination at the provincial level are:

- Strong, committed, and sustained political leadership — either the Premier or a strong minister
- Strong, committed, and sustained senior management leadership — from deputies and from other senior public servants in relevant ministries
- Interdepartmental coordination at various levels, from the political through the management to the operational levels
- Engagement of youth and other key stakeholders in the design, delivery, monitoring, and evaluation of any policy or initiative
- The engagement of expertise for policy development and review, advice on best practices, and ongoing research and evaluation
- A well resourced support unit.

Another way of looking at the issue is to consider the key governance tasks that will need to be undertaken at the provincial level. These tasks include the development of a policy framework, the development of strategies and action plans, resourcing, implementation, monitoring and evaluation, public engagement and communication, and public accountability. The following table indicates who could take the lead on these various tasks between the executive (Cabinet) or the bureaucracy (ministries).

Governance Task	Lead
Development of a policy framework, including objectives, principles and key outcomes.	Cabinet
Development of strategies, approaches, or action plans to achieve the objectives and outcomes.	Ministries
Providing adequate resources to implement approved policies, strategies, approaches and action plans.	Cabinet
Implementing policies, strategies, approaches and action plans.	Ministries
Monitoring implementation and holding ministries to account.	Cabinet
Public engagement and communication.	Ministries
Accounting to the public.	Cabinet

At the executive level, therefore, a Cabinet committee or subcommittee of relevant ministers could be set up to develop the policy framework, identify and align resources, monitor implementation, hold ministers to account, and account to the public. The Cabinet committee should have a strong chair — either the Premier or a strong lead minister. It could be supported by a small but highly skilled secretariat in the Cabinet Office or in the lead ministry, as well as an interdepartmental committee of deputy ministers.

At the bureaucratic level, working groups, task forces, project teams, and other partnerships could be established to develop and implement strategies and action plans. These working groups could bring in the required expertise from within and outside of government and could be under the overall direction of the interdepartmental committee of deputy ministers.

The commitment and accountability of relevant ministries and provincial agencies and service providers to the plans could be secured through formal accountability agreements. The information required to enhance decision-making, demonstrate results, and improve accountability should be defined and captured through these agreements. The Cabinet committee and the Premier should be regularly informed of the results achieved, and there should also be an annual report to the public on progress.

Youth and other external stakeholders could be engaged at the provincial level through a provincial advisory council. This council could provide advice to the Cabinet committee through the lead minister, provide independent monitoring of implementation, and appoint representatives to the working groups or task forces. It could also set up regional or community-based substructures to engage and provide feedback across the province.

There are a number of ministries that could potentially be involved in addressing the roots of youth violence, including: the Ministry of Children and Youth Services, the Ministry of the Attorney General, the Ministry of Community and Social Services, the Ministry of Health and Long Term Care, the Ministry of Community Safety and Correctional Services, the Ministry of

Education, the Ministry of Citizenship and Immigration, the Ministry of Municipal Affairs and Housing, the Ministry of Training, Colleges and Universities, and the Cabinet Office. The criteria for selecting which ministry should take the lead could include:

- The mandate and responsibilities of the ministry in relation to the policy areas to be addressed
- The relative clout of the minister and the ministry in relation to other ministers and ministries
- The capacity and commitment of the minister and the ministry to take on additional responsibilities
- The perception of the ministry by external stakeholders and the ability of the ministry to constructively engage youth and other stakeholders and build partnerships between government and communities.

Options at the Community Level

The critical success factors and our discussions would indicate that in order to achieve coordination at the community level there should be:

- A methodology and approach for identifying targeted communities, based on external expert advice as well as work that has been done in certain municipalities
- Community-based planning, delivery, monitoring, evaluation and engagement linked to the provincial policy framework
- Community-based partnerships involving a range of organizations, including those representing youth and other target groups, those involved in issues related to the roots of youth violence, those delivering services at the community level, and those willing to cooperate with other services and agencies
- Flexibility in terms of who should lead the partnership — whether it be a municipality or a community-based organization
- Building on what already exists at the community level rather than reinventing the wheel
- The provision of resources for coordination, capacity-building, and engagement at a community level, in addition to transfer payments for services and project-based funding
- Harmonization, consolidation, and increased delegation of funding to the community level in a way that is sustainable and flexible and linked to outcomes rather than inputs or outputs.

The transfer of responsibility to the community level could be done through a phased and iterative approach — starting with pilot initiatives and the provision of support to learning and knowledge sharing, and extending to a more general approach to community-based provincial support for the delivery of youth services in priority communities.

Options for Vertical Coordination

Municipalities in the province are key stakeholders and must be part of any strategy that links provincial policies and funding with community-based planning and delivery. Municipal engagement in provincial policy development, planning, the development of measurable outcomes, the identification of targeted communities, and the monitoring of results would be important. The relevant municipalities would also be key partners in coordination at the community level — regardless of whether the community coordinating body was part of, or led by, local government.

As already noted, it will be important to build on models already in place or under development — for example, Toronto's Neighbourhood Action Partnerships. A formalized agreement or memorandum of understanding with each municipality where community coordination is to be tested and supported may be necessary — with the appropriate funding, measurable outcomes, methods of assessing progress against those outcomes and strategies for supporting community-based coordination identified.

At the provincial level, municipal engagement could be facilitated through the Ministry of Municipal and Urban Affairs, through municipal representation on the provincial advisory council and its substructures, and through membership on working groups and other planning and implementation structures.

Coordination with the federal government could be done through the community level partnerships and/or through the provincial level structures, depending on the issue or initiative that is involved. Over the longer term, the provincial government could negotiate more alignment of federal policies and programs with the provincial policy frameworks, strategies, and action plans.

Conclusion

Ultimately, the selection of the appropriate governance options will be informed by the priorities and recommendations of the Review, by the other work that it has conducted on existing provincial investments and programs and the best approaches for the prevention of youth violence, and by the targeted consultation and community insight sessions. The details of the preferred option could be further developed through additional discussions with provincial ministries, municipalities, and community-based and youth organizations.

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Appendix 1

Summary of Illustrative Examples

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
Social Exclusion Task Force, Cabinet Office, UK ◆ Set up in 2006 ◆ To coordinate the government's drive against social exclusion, focusing on those that are hardest to reach ◆ To ensure a cross-departmental approach	Horizontal (central government)	Policy	◆ Consultations ◆ Guiding Principles ◆ Action Plan and annual progress reports ◆ 10-year strategic review ◆ Public Service Agreements ◆ Cross-departmental pilot schemes ◆ Ongoing policy work — reviews, policies, centres of excellence, code of practice for evaluation ◆ Research	◆ Located in Cabinet Office ◆ headed by Minister for Cabinet Office ◆ Reports to Cabinet Subcommittee on Social Exclusion ◆ Formerly part of Office of Deputy Prime Minister and closely connected to the Prime Minister
	Vertical (central, regional, local)	Policy	◆ Local Area Agreements ◆ cross-governmental pilot schemes	◆ Government offices in the regions ◆ Local authorities ◆ Local Strategic Partnerships
Race, Cohesion and Faiths Directorate, UK ◆ Formed in May 2006 ◆ Works with other departments to reduce race and faith inequalities in education, health, housing, and the criminal justice system, as well as the labour market	Horizontal (central government)	Policy Projects	◆ cross-departmental strategy, indicators & annual progress reports ◆ Public Service Agreements ◆ Strategic grants for national organizations ◆ Other initiatives to engage stakeholders or address particular issues	◆ a directorate in the Department for Communities and Local Government ◆ formerly part of Home Office
	Vertical (central, regional, local)	Policy Projects	◆ Local Area Agreements ◆ Project grants for regional organizations and community grants for local groups	◆ Government offices in the regions ◆ Local authorities ◆ Local Strategic Partnerships

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
National Homelessness Initiative, Canada ◆ 1999-2007 ◆ To address the homelessness crisis by developing community-based measures and strengthening community capacity	Horizontal (federal government)	Programs	◆ Consultations ◆ National Homelessness Initiative ◆ New programs ◆ Enhancement of existing programs ◆ Research and action learning ◆ Enhancement to existing information system on homeless individuals & families ◆ Surplus federal real property	◆ Federal Coordinator on Homelessness in initial stages ◆ National Secretariat on Homelessness, HRDC ◆ Interdepartmental meetings ◆ Federal regional councils ◆ Community facilitators
	Vertical (federal, provincial, municipal)	Projects	◆ Community homelessness plans	◆ Provincial and municipal facilitators in some cases ◆ Community tables with federal, provincial and municipal representation
	Community-based	Projects	◆ Community homelessness plans ◆ Federal funding for planning & eligible projects ◆ Leveraging of other funding	◆ Supporting Communities Partnership Initiative ◆ Community advisory board reviews and recommends projects for funding and participates in community planning ◆ Municipality or other community entity receives funds, negotiates project agreements, and disburses funds, OR HRDC negotiates project agreements and disburses funds
	Delegation Example: Calgary Homeless Foundation	Projects	◆ Three Year Plan to Address Homelessness ◆ Grants to non-profit organizations to address housing needs ◆ Research and evaluation ◆ Public advocacy	◆ Community entity model — Foundation ◆ Board of Directors with three levels of government, United Way, and business and community leaders and service providers ◆ Community Action Committee — inclusive community advisory forum ◆ Funders' table — coordinates funding decisions

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
National Strategy to Combat Poverty and Social Exclusion, Quebec ◆ Legislated in 2002 ◆ To combat poverty, prevent its causes, reduce its effects on individuals and families, counter social exclusion, and strive towards a poverty-free Quebec ◆ Originated with a broad-based citizens' movement	Horizontal (provincial government)	Policy Programs	◆ Citizen mobilization and petition ◆ Act to guide government and Quebec society as a whole ◆ National Strategy ◆ Action Plan, annual progress reports, status report every three years ◆ Assessment of proposed legislation or regulation for impact	◆ Minister of Employment and Social Solidarity has lead responsibility ◆ Reports to Cabinet committee on social, education and cultural development ◆ Interdepartmental committee responsible for monitoring and evaluating the action plan and communications ◆ Advisory committee from outside government ◆ Research centre with managing committee
	Vertical (federal, provincial, regional, municipal)	Projects	◆ Negotiation with federal government for financial support ◆ Grant funds, largely financed by lottery, for regional and municipal pilots ◆ Regional and local planning and agreements, including decentralization ◆ Devolution of grant management to City of Montreal ◆ Aboriginal agreements	◆ Regional conferences of elected officials and others for regional and local planning and prioritizing
	Community-based	Projects	◆ Community support grants to act as a catalyst for private, public and community partners	◆
Cabinet Committee on Race Relations, Ontario ◆ 1979 to 1990 ◆ To develop policies to respond to concerns about racism ◆ Up to 1987, chaired by the Attorney General; after 1987, chaired by the Minister of Citizenship.	Horizontal (provincial government)	Policy	◆ Initial policy statement ◆ Individual areas of policy development ◆ Individual ministries implemented policies that were approved	◆ Cabinet committee with eight ministries ◆ Deputies' committee of DMs ◆ Supported by a secretary in Cabinet Office, policy branch in the Ministry of the Attorney General and a working group of policy persons ◆ Inter-ministerial Task Forces

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
Smart Growth, Ontario[54] ◆ Announced in 2001 ◆ Based on three principles: strong economy, strong communities and a clean, healthy environment ◆ To manage growth and development to ensure planning and budgeting of infrastructure maximizes the use of existing infrastructure and is well coordinated locally and regionally	Horizontal (provincial)	Policy	◆ Vision ◆ Principles ◆ Consultations ◆ Goals ◆ Regional Smart Growth Plans ◆ Amendment of Planning Act ◆ Infrastructure investment plan ◆ Greenbelt Plan ◆ Places to Grow Act	◆ Smart Growth Secretariat (SGS), Ministry of Municipal Affairs and Housing to 2003, then Ontario Growth Secretariat, Ministry of Public Infrastructure Renewal ◆ Inter-ministerial Corporate Steering Committee ◆ Five Inter-Ministerial Zone Committees ◆ Five Smart Growth Panels ◆ Executive committee of panel chairs and SGS ◆ Ontario Smart Growth Network
Vancouver Agreement ◆ Signed in 1999 ◆ Partnership of federal, provincial and municipal governments to work in collaboration with communities on economic, social and community development	Vertical (federal, provincial, municipal)	Projects	◆ Agreement ◆ Joint planning and priority setting ◆ Information-sharing, ◆ Research and evaluation ◆ Specific funds and leveraging of existing funds	◆ Policy Committee — political decision-making and accountability ◆ Management Committee — senior officials of lead departments — relationships, communication, monitoring and evaluation, investment decisions, oversight ◆ Intergovernmental Coordination Team
National Crime Prevention Strategy, Canada ◆ Launched in 1998 ◆ A policy framework for the implementation of crime prevention interventions in Canada, based on a social development approach	Vertical (national, provincial, local)	Programs	◆ National Crime Prevention Strategy ◆ Principles ◆ Funding programs for community-based projects ◆ Research and knowledge development fund ◆ Partnership arrangements with P/Ts ◆ Protocols with other federal departments	◆ National Crime Prevention Centre in PSEPC ◆ Regional offices ◆ F/P/T Working Group on Community Safety and Crime Prevention ◆ Joint Management Committees to set funding priorities and recommend projects; includes reps from police services and community agencies

[54] *We could not determine the status of the Smart Growth Strategy, the five regional smart growth plans, or the current structure for coordinating at the provincial and regional level.*

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
Local Health Integration Networks, Ontario ◆ Created in March 2006, operational from April 1, 2007 ◆ To plan, coordinate and fund health care service provision by major health care providers in 14 regions	Vertical (provincial, regional)	Services	◆ MOHLTC Strategic Plan (forthcoming) ◆ Three-year integrated health service plan and annual integrated reporting ◆ Accountability Agreement between MOHLTC and LHIN with performance indicators and targets and standards ◆ Service Accountability Agreements between LHIN and each health service provider	◆ MOHLTC health system divisions ◆ Local Health Integration Networks — non-profit corporation — nine-member appointed board of directors ◆ Health Professionals Advisory Committee ◆ Health service provider boards ◆ Champlain LHIN: ◆ Communities of care ◆ Communities of practice ◆ Councils of expertise
Local Strategic Partnerships, UK ◆ Created in 2000 ◆ Single non-statutory multi-agency bodies aligned with local authority boundaries ◆ Set vision, integrate planning, engage communities, monitor progress	Community-based (central, local)	Services	◆ Sustainable Community Strategy ◆ Local Area Agreement — three-year agreement between council and central government based on Strategy ◆ Performance indicators ◆ Consolidation of funding to local government and to community and voluntary organizations ◆ Performance Reward Grant ◆ Community networks	◆ LSPs — health services, police service, fire services, local and regional government, business, voluntary & community organizations ◆ Local authority administration
Youth Inclusion Programme, UK ◆ Established in 2000 ◆ To prevent offending and reoffending by children and young people by engaging them in constructive activities ◆ Operates in 110 of the most deprived/high crime estates in England and Wales	Community-based (local authority, neighbour-hood)	Services	◆ Local youth justice plan ◆ Identification of those at risk, assessment, increased access to mainstream and specialist services ◆ Identification of priority neighbourhoods, audit of what projects exist, prioritize problems, draw up action plan, implement, monitor and report ◆ Annual grants that must be matched ◆ MIS for management, monitoring and evaluation	◆ Youth Justice Board for England and Wales — monitors, advises, identifies and promotes good practice, makes grants to local authorities ◆ National Supporter and Regional Supporters to provide support in project management ◆ Regional evaluators ◆ Youth Offending Teams — probation officer, social worker, police officer, health worker, education worker — coordinate provision of youth justice services ◆ YIP Managers

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
Children's Services Committees, Ontario ◆ To unify separate programs directly related to children's services into an integrated system ◆ To enable local governments to take responsibility for ensuring the provision of services to children in their area	Community-based (municipal government)	Services	◆ Consultations ◆ Pilot projects ◆ Relationship-building within committee and with other sectors ◆ Structures — three models in terms of representation: municipal, provider, mixed ◆ Assessment of needs and resources ◆ Strategy ◆ Program and budget review capability ◆ Local community service plans ◆ Protocols with Area Offices ◆ External monitoring and evaluation from the outset	◆ Children's Services Division in Ministry of Community and Social Services ◆ Area offices ◆ Children's Services Committees of municipal, provider and citizen members for service coordination at the municipal level ◆ Launched in 1977, piloted from 1978 to 1982, cancelled before devolution of responsibility and funding to municipal government
Neighbourhood Action, Toronto ◆ Adopted in 2005 ◆ To strengthen priority neighbourhoods through targeted investment in infrastructure, programs and services	Community-based (municipal, neighbour-hood)	Programs Services	◆ Community Safety Plan (2004) ◆ Strong Neighbourhoods Task Force (2004) ◆ Strong Neighbourhoods Strategy (2005) ◆ Identification of neighbourhoods ◆ Identification of City services and resources, development of integrated service delivery priorities and outcomes ◆ Pilot initiatives	◆ Interdivisional Committee on Integrated Responses for Priority Neighbourhoods ◆ Social Development Finance and Administration ◆ Neighbourhood Action Teams (13 neighbourhoods) — City divisions and boards ◆ Neighbourhood Action Partnerships — expanded to include broader community stakeholders and councillors ◆ Community Development Officers
Neighbourhood Integrated Service Teams, Vancouver ◆ Adopted in 1994 ◆ To shift decision-making and responsibility for solving issues to front-line workers	Community-based (municipal, neighbour-hood)	Services	◆ Respond to complaints that require collaboration across departmental and agency boundaries ◆ Residents identify issues, responsibilities clarified, action plan developed	◆ NISTs — police, fire, engineering, planning, permits and licences, community centres, libraries, school board, health authority - in all 16 neighbourhoods ◆ Lead facilitator ◆ NIST Steering Committee of lead facilitators ◆ NIST coordinator

Name of Initiative & Brief Description	Type of Coordination	Focus	Mechanisms	Structure
Community Safety & Crime Prevention Council, Waterloo Region ◆ Set up in 1994 ◆ To bring police service, community agencies, social, neighbourhood, and health programs together in partnership, close gaps in service, and identify new directions for preventing crime	Community-based (community organizations)	Projects Services	◆ Demonstration projects ◆ Advice to local government ◆ Partnership building ◆ Public education	◆ Community Safety & Crime Prevention Council — 25 members ◆ Community engagement coordinators
Community Action, Quebec ◆ Adopted in 2001, implemented from 2004 ◆ Recognizes the contribution of community actions organizations to Quebec's economic and social development ◆ Provided funding for core operations in addition to contracts for services and project-based funding	Community-based (community organizations)	Programs Services	◆ Community Action Policy ◆ Action Plan ◆ Guidelines for government departments and agencies ◆ Consolidated funding into three streams — core, service agreements, and projects ◆ Consolidated relationship with similar organizations into one ministry ◆ Harmonization and streamlining of funding ◆ Fund to assist community action	◆ Ministry of Employment and Social Solidarity is lead ministry ◆ Secretariat for community action ◆ Interdepartmental committee ◆ Advisory committee of community sectors and multi-sectoral groupings

Appendix 2:
Focus Group Attendees

February 20 Government Representatives

Joan Andrew. Deputy Minister, Ministry of Citizenship and Immigration

Kevin Costante, Deputy Minister, Associate Secretary of the Cabinet, Policy

Michelle DiEmanuele, Deputy Minister, Ministry of Government & Consumer Services

Nancy Matthews, Executive Director, Social Development, Finance and Administration Division, City of Toronto

Cliodhna McMullin, Assistant Deputy Minister, Ministry of Community and Social Services

Cindy Morton, Deputy Minister, Ministry of Health Promotion

Ron Sapsford, Deputy Minister, Ministry of Health

Philip Steenkamp, Deputy Minister, Ministry of Training, Colleges and Universities

Judith Wright, Deputy Minister, Ministry of Children and Youth Services

March 6, 2008, Community Representatives

Carrie Butcher, Program Manager, Toronto, Ontario Trillium Foundation

Denise Campbell, Manager, City of Toronto

Dr. Gervan Fearon, Tropicana Community Services

Lew Golding, Manager, SAPACCY, Centre for Addiction and Mental Health

Violetta Iikiw, Program Manager, Laidlaw Foundation

Laura Palmer Korn, Senior Vice President, Employment and Community, YMCA Toronto

Gillian Mason, VP Strategic Initiatives and Community Partnership, United Way of Greater Toronto

Stoney McCart, Executive Director, Students Commission

Lidia Monaco, Director, Children and Youth, St. Christopher House

Les Nemes, Deputy Director of Education, Academic Affairs, Toronto Catholic District School Board

Donna Quan, System Superintendant, Toronto District School Board

Christine Sadeler, Executive Director, Community Safety and Crime Prevention Council, Waterloo

Sue Wilkinson, Executive Director, Jane Finch Community and Family Centre