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Juristat

Canadian Centre for Justice Statistics



Statistics Canada – Catalogue no. 85-002-XPE, Vol. 25, no. 4

Youth Court Statistics, 2003/04

by Jennifer Thomas¹

Highlights

- In 2003/04, youth courts in Canada processed 70,465 cases, involving 191,302 charges. This represents a 17% decline in the overall youth court caseload from 2002/03, and a 33% drop from the 1991/92 caseload.
- The overall youth court caseload has been declining gradually since 1991/92, primarily due to the steady decline in the number of *Crimes against property* cases. However, the most recent decline follows the introduction of the *Youth Criminal Justice Act* in April 2003, and represents the largest single annual decrease during this period. The number of charges laid by police against youth also fell in 2003.
- Five offences accounted for just over half of the total youth court caseload in 2003/04. These were theft (13%), failure to comply with a disposition under the *Youth Criminal Justice Act/Young Offenders Act* (11%), common assault (11%), break and enter (9%) and possession of stolen property (7%).
- Over half (55%) of the cases before youth courts involved older youth, aged 16 and 17 years. Youth aged 15 years were involved in 20% of cases while younger adolescents aged 12 to 14 accounted for about one quarter of cases.
- Six out of ten (61%) youth court cases were concluded within 4 months. Less than 10% of cases lasted longer than a year.
- Fifty-seven percent of cases heard in youth court resulted in a finding of guilt in 2003/04. Cases involving *Criminal Code Traffic* offences had the highest proportion of convictions (69%), while *Other Criminal Code* offence cases (e.g., weapons, disturbing the peace) recorded the lowest proportion (50%).
- Probation continues to be the most frequently ordered sentence for youth, with 63% of convicted youth court cases receiving a sentence of probation in 2003/04. However, this proportion represents a 7 percentage point decrease from 2002/03.
- In 2003/04, the mean length for probation sentences was about one year (381 days). Custodial sentences tended to be much shorter, with a mean sentence length of 67 days.
- Youth court cases are becoming more complex and lengthier. In 2003/04, multiple charge cases represented 56% of the total youth caseload, up from the previous high of 52% in 2001/02. In comparison, in 1991/92 multiple charge cases represented 42% of youth court cases. Both single and multiple charge cases took longer to process in 2003/04, averaging 134 days and 146 days, respectively. This compares to 105 days for single charge cases and 122 days for multiple charge cases in 2002/03.

1. Analyst, Courts Program



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Introduction

The *Young Offenders Act (YOA)*, proclaimed in 1984, introduced rights for adolescents previously guaranteed only to adults. It recognized the special needs that youth have as a result of their varying levels of maturity, the necessity for youth to accept responsibility for unlawful action, and the right of society to protection from illegal behaviour. Seventeen years later, new legislation was introduced to reform Canada's youth justice system and provide clearer legislative direction on youth crime. Having received Royal Assent in February, 2002, the *Youth Criminal Justice Act (YCJA)* replaced the *Young Offenders Act* on April 1, 2003.²

Under the *YOA*, Canada had one of the highest youth incarceration rates of the Western countries. It was also higher than the adult incarceration rate in Canada. The *YCJA* promotes the use of alternatives to custody that show youth the impact that their crime has on victims and the community, while instilling a sense of responsibility and accountability for their actions. The primary objectives of the new legislation are preventing crime "by addressing the circumstances underlying a young person's offending behaviour", rehabilitating young persons who commit criminal offences, and ensuring that they are subject to meaningful consequences in promotion of the long-term protection of the public.³

This *Juristat* presents data obtained from the Youth Court Survey (YCS), which is conducted by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for youth courts. The YCS collects data from youth courts on persons aged 12 to 17 at the time of the offence, who appear in court accused of offences under federal statutes including the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act (CDSA)*, the *YCJA*, the *YOA*, and all other federal statute offences. All youth courts in Canada have reported to the YCS since fiscal year 1991/92.

This *Juristat* presents data for cases completed in youth court under the legislative authority of the *YCJA* as well as some *YOA* cases.⁴ (see Text Box 6). As not all youth crime is reported to police and not all youth in conflict with the law proceed to court, the YCS focuses on the court process and the response to youth crime rather than the prevalence of youth criminal activity.⁵ Therefore, these data should not be used as an indicator of youth criminal activity.

Cases heard in youth court

Youth courts in Canada processed 70,465 cases involving 191,302 charges in 2003/04. The large majority of cases (82%) had a *Criminal Code* charge as the most

2. For further information on the *YCJA*, consult Justice Canada's "YCJA Explained" website at <http://canada.justice.gc.ca/en/ps/yj/>.
3. S. 3, *YCJA*.
4. Those charges which were laid and for which proceedings commenced under the *YOA* prior to the enactment of the *YCJA*, and not disposed in court as at April 1, 2003, fall under the legislative authority of the *YOA*. In this report, however, these charges have been reported together with *YCJA* offences.
5. For further information about charges laid by the police, see M. Wallace, *Crime Statistics*, 2003.

Text box 1:

Note to readers – Impact of the YCJA on the Youth Court Survey

The changes in the administration of youth justice brought about by the April 2003 implementation of the YCJA also created the need for new information collection. Modifications to provincial and territorial court information systems were needed to accommodate the new court activities, procedures and case outcomes such as the new sentencing options introduced by the new legislation.

Survey data elements related to the YCJA have been implemented within a set of new national data requirements (NDR) which were developed for the Integrated Criminal Court Survey (ICCS). The ICCS integrates the survey specifications for the Youth Court Survey and the Adult Criminal Court Survey, and will be collected at the court activity level for all federal statute charges against accused persons, beginning with the collection of data for 2004/05.

Important note concerning sentencing data in this report: Since the new YCJA sentencing options were not part of the 2003/04 data extraction programs used by the Youth Court Survey (YCS), the new sentences have been reported in the 'Other' sentence type category.⁶ Consequently, sentencing data in this report are limited to existing sentencing categories used by the YCS. Also, analysis by most serious sentence for a case is not possible and comparisons with historical sentencing data have not and should not be made.

In the past, youth custodial sentences were presented in terms of the level of custody to which a youth was sentenced (i.e., open or secure). Although the YCJA provides for various levels of custody⁷, it does not specify these levels. Accordingly, the majority of the provinces and territories no longer maintain this level of detail; hence, custodial sentences in this report have been presented as simply 'Custody'.

The new YCJA sentencing options will be presented as separate categories in future reports, as provinces and territories make the transition from the YCS to the new ICCS. Analysis of the most serious sentence in a case and historical sentencing analysis will also resume for provinces and territories upon the provision of data in ICCS format. It is expected that nine provinces and territories⁸ will have completed automated data extraction programs allowing for the provision of ICCS data for the 2004/05 edition of the *Youth Court Statistics Juristat*.

6. See Text Box 6 for a list and description of the new sentences introduced by the YCJA.
7. Subsection 85(1) of the YCJA specifies that provinces and territories must provide at least two levels of custody for young persons distinguished by the degree of restraint of the young persons in them.
8. YCJA sentencing data will be available for Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Alberta, British Columbia, Yukon and Nunavut.

Text box 2:

Youth and Youth Crime in Context

- Population - 2003⁹
 - Total Canadian population was 31.6 million with 2.5 million youth aged 12 to 17 years (8% of total)
- Persons charged by police in 2003¹⁰
 - 548,217 adults and youths were charged with federal offences (excluding traffic).
 - 95,185 (17%) of these were youth.
- Cases processed in youth court, 2003/04
 - 70,465 cases were heard in youth courts in 2003/04.
 - This represents a decrease of 17% from 2002/03, and 33% from 1991/92.
- Convictions in youth court, 2003/04
 - 40,184 cases (57%) resulted in a conviction in 2003/04.

9. Postcensal estimates as of July 1st, 2003, Demography Division, Census and Demographic Statistics Branch, Statistics Canada
 10. Uniform Crime Reporting Survey, 2003, Canadian Centre for Justice Statistics, Statistics Canada

serious offence in the case.¹¹ The types of cases processed in youth courts most often involved *Crimes against property* (36%) and *Crimes against the person* (29%) (**Table 1**). Less frequent were cases involving offences under the *Youth Criminal Justice Act (YCJA)/Young Offenders Act (YOA)* (11%), offences against the *Administration of Justice* (10%), *Drug-related offences* (6%), *Other Criminal Code offences* (6%), *Criminal Code Traffic* (2%), and *Other federal statute offences* (1%).

Ten offences accounted for three-quarters of the total caseload

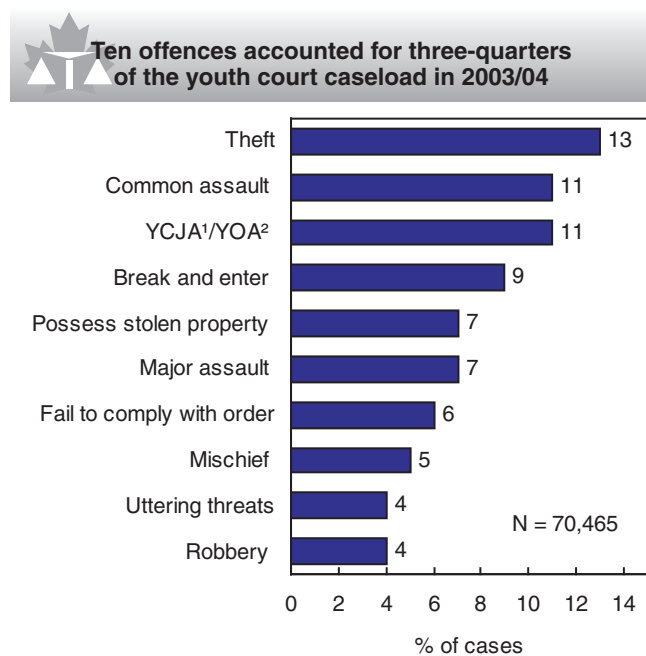
A small number of offences accounted for a large proportion of the caseload (**Figure 1**). Together, the ten most frequent offences represented three-quarters (77%) of the caseload.

Three of the most frequent offences were in the *Crimes against property* category: theft accounted for 13% of the total caseload, while break and enter accounted for 9% and possession of stolen property for 7%. Other frequent types of

cases before youth courts involved common assault¹² (11%), failure to comply with a disposition under the YCJA/YOA (11%), major assault (7%), failure to comply with an order (6%), mischief (5%), uttering threats (4%) and robbery (4%).

11. For analytical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See the methodology section for more details.
12. There are three levels of assault in the Criminal Code: Assault Level 1, s.266, Assault Level II, s.267, Assault Level III, s.268. Common assault (Assault Level I) is the least serious of the three types of assault in the Criminal Code. A common assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. Common assault includes pushing, slapping, punching, and face-to-face verbal threats. Major assault includes the higher levels of assault in the Criminal Code: assault with a weapon (Assault Level II), aggravated assault (Assault Level III), and other assaults (e.g. unlawfully causing bodily harm, s.269, assaulting a police officer, s. 270).

Figure 1



Note: YCJA/YOA offences are primarily the failure to comply with a disposition.

- 1. Youth Criminal Justice Act.
- 2. Young Offenders Act.

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

Common assaults most frequent crime against the person

In 2003/04, common assault cases accounted for 39% of all *Crimes against the person* cases in youth courts, followed by major assault (23%), uttering threats (14%), robbery (12%) and sexual assault (5%). Homicide (which includes murder, manslaughter and infanticide) and attempted murder together accounted for a very small proportion of *Crimes against the person* cases heard in youth courts (less than 1%). There were 42 cases of homicide and 54 cases of attempted murder disposed of in 2003/04 in which a young person was the accused.

Demographic characteristics of youths appearing in court

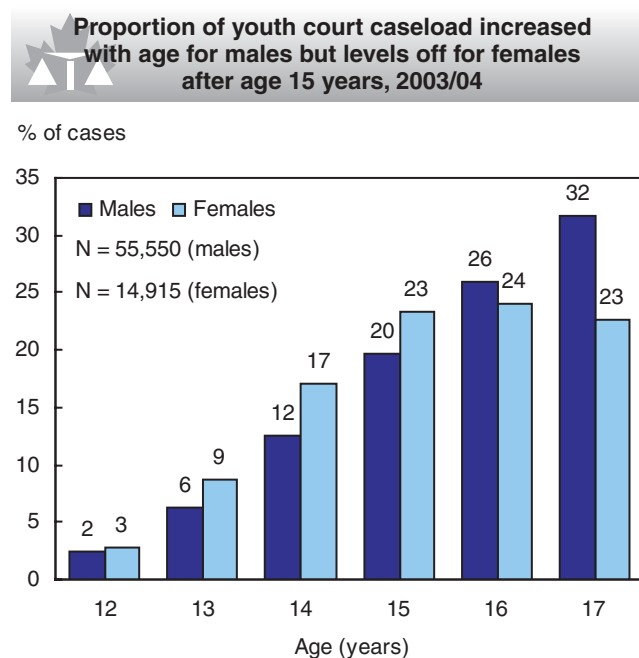
Over half of youth court cases involved 16- and 17-year olds

Sixteen- and 17-year-olds appear more often in youth court than younger accused.¹³ In 2003/04, 16-year-olds accounted for 26% of cases and 17-year-olds made up 30%. Cases involving drug offences implicated a high proportion of older youth, with 16- and 17-year-olds comprising 70% of *Drug-related* offence cases in 2003/04. Accused persons aged 15 years appeared in 20% of all cases, while those aged 12, 13, and 14 years showed proportionally less involvement, accounting for 3%, 7% and 13% of cases, respectively (**Table 2**).

Males accounted for eight in ten cases

Males accounted for 79% of youth court cases and they predominated in all age groups. While the proportion of cases against males increased with age, cases involving female youth increase until age 15 years and remain fairly constant for 16 and 17 year olds. Males aged 17 years accounted for 32% of all male cases (**Figure 2**).

Figure 2



Note: Excludes 1,050 cases (1.5%) where the accused was older than 17 years or the age was unknown.

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

Case processing

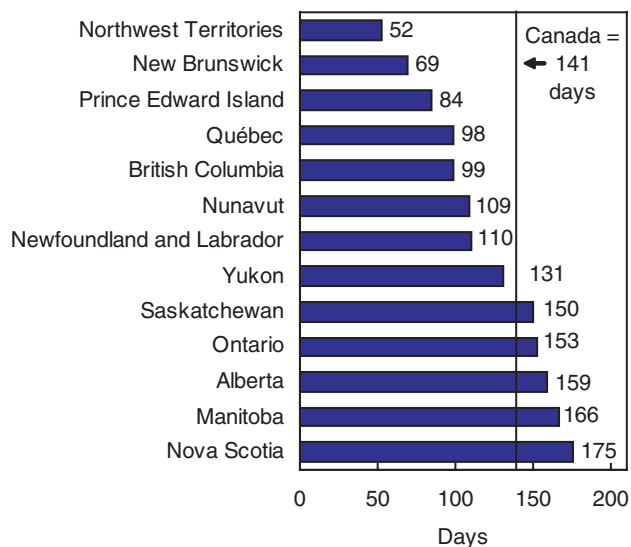
Elapsed time to process a case

In 2003/04, about six out of every ten cases (61%) were processed in four months or less (from the time of the youth's first court appearance to the date of decision or sentencing), with 7% of cases taking longer than a year. In fact, 13% of cases were completed at the first court appearance. The mean elapsed time from first to last court appearance for all cases was 141 days. Nova Scotia had the longest mean elapsed time at 175 days, followed by Manitoba (166 days), Alberta (159 days), Ontario (153 days) and Saskatchewan (150 days). Northwest Territories had the shortest mean elapsed time (52 days) (**Figure 3**).

13. Age represents the offender's age in years on the day the offence was alleged to have been committed.

Figure 3

Mean elapsed time for case processing from first to last court appearance in youth courts, 2003/04



Note: The mean represents the average value of all the data in the set. Caution should be used in making comparisons between the provinces and territories, as many factors can affect the elapsed time of a case. For instance, the use of pre-charge screening, the number of trial versus non-trial cases, complexity of cases, the seriousness of offences being prosecuted, issues related to the co-ordination and availability of various participants within the criminal justice process, lawyers' decisions on the most appropriate course of action for their clients, and accused failing to appear in courts may have an impact on the average elapsed time of cases.

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

In 2003/04, 44% of cases involved only one charge, 24% had two charges, 11% had three charges and 21% had more than three charges. Multiple charge cases took an average of 146 days to complete, compared to 134 days for single charge cases.

Crimes against the person cases tended to take longer to complete, with a mean completion time of 167 days. The shortest completion times were for cases where the most serious offence was against the *Administration of Justice*, with a mean completion time of 98 days.

Overview of case outcomes

Six out of ten cases result in conviction

Cases resulting in a conviction (with a finding or plea of guilt) accounted for 57% of cases disposed in youth court in 2003/04 (**Table 3**).¹⁵ Twenty-nine percent of cases were withdrawn or dismissed. Proceedings were stayed in 12% of cases, and 1% resulted in an acquittal (**Figure 4**).

Text box 3: Mean, median and mode

Mean, median and mode are measures of central tendency. The mean is an average value of all the data in the set. The median represents the midpoint of a sorted dataset, where exactly half the dataset are above and half are below the midpoint. The mode is the most frequently observed value in the dataset. There may be no mode if no value appears more than any other. On the other hand, there may be two or more modes (e.g., bimodal, trimodal or multimodal).¹⁴

The median may be influenced by data sets that are not normally distributed, such as sentencing data which typically cluster around a number of specific time intervals or dollar amounts. For example, custody sentences are often imposed for periods of weeks or months (e.g., 15 days, 30 days, 45 days, 180 days, etc.). The movement of the median value from one cluster (i.e., one multimodal value) to another may suggest a large increase or decrease in sentencing trends when other measures of central tendency indicate a more subtle change. In addition, the trend line of median values may indicate stability when the change in sentencing patterns are too small to cause the movement of the median value from one sentencing cluster to another. The mean is less affected by the clustering of observations in a data set. However, the mean can be affected by the presence of extreme values.

Because the mean and median are subject to different influences, both the mean and median values have been presented in sentence length tables at the end of this *Juristat* to provide a more complete picture of sentencing in youth courts.

Text box 4: Transfers to adult court – no longer an option under the YCJA

Revisions to the YOA in 1995 allowed for a presumed transfer to adult court for the most serious violent crime cases, unless the accused could prove that the case should be heard by a youth court. This provision applied to murder (first or second degree), manslaughter, attempted murder and aggravated sexual assault, with a minimum age requirement of fourteen years.

Transfers to adult court are no longer an option under the YCJA. The most serious offences are eligible for adult sentencing under the new legislation, but the sanctions are imposed by a Youth Court judge (see Text Box 6).

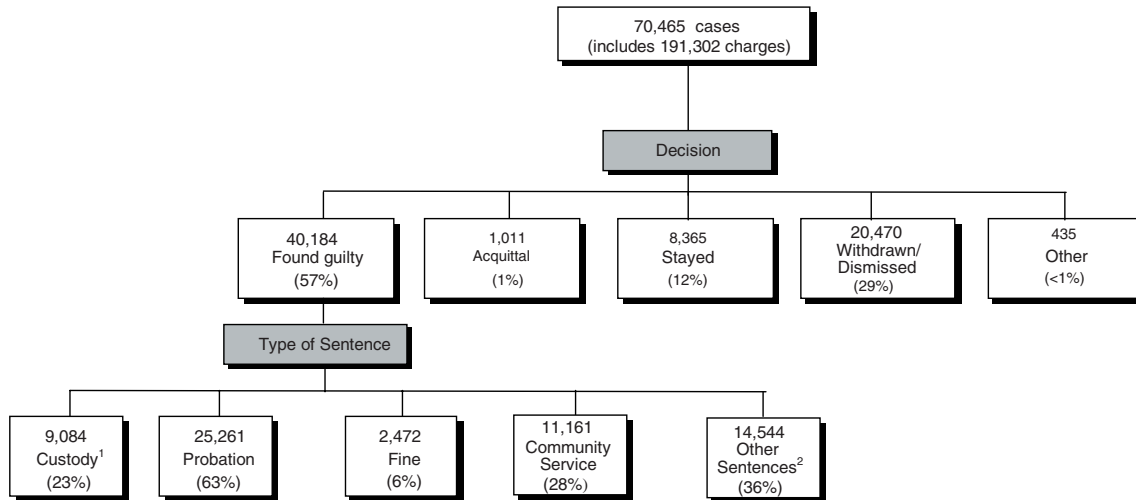
In 2003/04, there were only 8 cases transferred to adult court in Canada. These all represent cases where proceedings had commenced under the legislative authority of the YOA.

14. For further details, see Statistics Canada, 2003. "Measures of central tendency." About Statistics: Power from Data! www.statcan.ca.
 15. Cases found guilty includes cases that have been discharged absolutely or on conditions following the finding of guilt.

Figure 4



Youth court processing of federal statute cases, 2003/04



Notes: Found guilty decisions include absolute and conditional discharges
 Other decisions include transfers to another jurisdiction, cases where the accused was found to be unfit to stand trial, not guilty by reason of insanity, and transfer to adult court (for only those cases where proceedings commenced under the legislative authority of the YOA) .
 The sentence types presented are not mutually exclusive and will not add to 100.

- S. 85(1) of the YCJA specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the YOA, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
- Other sentences include reprimand, absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs, deferred custody and supervision, attendance at non-residential program, intensive support and supervision, and conditional discharge.

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

The proportion of guilty cases varies considerably from one jurisdiction to another

The proportion of cases resulting in a conviction ranged from 36% in Yukon to 73% in New Brunswick (Table 3). Conviction rates in all other jurisdictions ranged between 47% and 68%. There are several possible factors that influence variations in conviction rates.¹⁶ First, some jurisdictions use diversion programs to a greater extent which may reduce the number and types of cases that proceed to court. Second, the use of stays and withdrawals varies across the country. Cases that are stayed or withdrawn are often indicative of charges set aside pending completion of extrajudicial/alternative measures or diversion programs, or the systematic use of these decisions for administrative purposes. For example, more than one-half of cases were stayed, withdrawn or dismissed in Saskatchewan and Yukon, compared with 22% in New Brunswick and 25% in Québec. Third, the use of pre-charge screening by the Crown, which occurs in New Brunswick, Québec, and British Columbia, may also affect the percentage of convictions through increased vetting of charges.

16. The conviction rate is the proportion of total cases with a finding of guilt.

**Text box 5:
Decisions in Youth Court**

The decision categories in this report are as follows:

- Found guilty** includes guilty (convicted) of the charged offence, of an included offence, of an attempt of the charged offence, of an attempt of an included offence, or a plea of guilt. This category also includes cases where an absolute or conditional discharge has been granted.
- Acquittal** means that the accused has been found not guilty of the charges presented before the youth court.
- Stay** involves a stay of proceedings, where a charge or charges are suspended, and the Crown may recommence court proceedings at a later date, within one year.
- Withdrawn or dismissed** refer to cases where all charges were withdrawn by the Crown (prior to the entering of a plea by the accused) or dismissed by the court. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused.
- Other decisions** include cases that were transferred to adult court (under the YOA), transferred to another jurisdiction, the accused was found to be unfit to stand trial, or not criminally responsible due to mental disorder.

The proportion of guilty verdicts also varied among offence categories.¹⁷ Cases involving *Criminal Code Traffic* offences had the highest proportion of convictions (69%), while *Other Criminal Code* offence cases (e.g., weapons, prostitution and disturbing the peace) recorded the lowest proportion (50%).

Sentencing in youth court

The *YCJA* provides legislative direction to judges in sentencing youth who have been convicted of a criminal offence, by including statements of purpose, principles and factors with which judges must comply when imposing youth sentences. In sentencing a youth under the *YCJA*, a judge must consider a sentence that holds the youth accountable, ensure meaningful consequences for him or her and promote his or her rehabilitation and reintegration into society. The sentence must be “proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence”.¹⁸ All reasonable alternatives to custody must be considered before a judge may impose a custodial sentence. For the most part, custody is to be saved for violent offenders and serious repeat offenders.

Many of the alternatives to custody that a judge may consider, in accordance with the purpose and principles of sentencing, existed under the *YOA*, however, several new sentences were introduced in the *YCJA* (see Text Box 6).

In the analysis of sentencing data, this report presents findings in terms of all sentences that convicted youth receive for the most serious offence in the case, that is, accounting for multiple sentences ordered for the same charge (referred to as ‘type of sentence’ within this document).¹⁹ Since data specific to each of the new sentencing options introduced by the *YCJA* were not available, they have been included in the “Other” category. As a result, analysis by the most serious sentence²⁰ in a case cannot be presented.

17. For cases with two or more guilty charges, see “Counting procedures for cases with more than one charge” in the methodology section for more information on how the representative charge for the case is selected.
18. Subsections 38(1), (2), *YCJA*.
19. As mentioned in the Text Box 1, specific *YCJA* sentencing data will be available for nine provinces/territories for the 2004/05 edition of the Youth Court Statistics Juristat.
20. In previous editions of this Juristat, analysis based on the most serious sentence in a case was also presented in order to provide contextual information in certain areas. Due to the fact that specific *YCJA* sentencing detail (e.g., reprimands, deferred custody and supervision, intensive support and supervision) are not discernable from the YCS data collection format (i.e., they are included in the ‘Other’ category), the most serious sentence cannot be ascertained. The 2004/05 edition of this Juristat will provide these details.

Text box 6: Principal Sentencing Options in youth courts

The main types of sanctions that can be imposed by a youth court are presented under subsection 42(2), paragraphs (a) through (r) of the *YCJA*. Though many of the sanctions have been carried over from the *YOA*, the *YCJA* introduced a number of new or modified sanctions:

• Non-custodial sanctions

Reprimand: A new sentencing option under the *YCJA*, a reprimand is the least punitive of all youth sentences, essentially involving a stern lecture from the judge. A reprimand may be most suitable in minor cases where exposure to the police and the court system alone may be deemed sufficient to hold the youth accountable for their offence. Reprimands do not result in a criminal record.

Fine: When a fine is imposed, the young person is ordered to pay a specific dollar amount to the court. The maximum amount that a youth can be fined is \$1,000.

Community service: A community service order requires the youth to perform unpaid work for the community. The maximum length of a community service order is 240 hours with a maximum term of completion of 12 months.

Probation: A young person sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all youth on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include a curfew, reporting to a probation officer, and attending school. The maximum length for a probation order is two years.

Intensive support and supervision order: A new sentencing option, an intensive support and supervision order was introduced in the *YCJA* as an alternative to custody. Similar to probation, an intensive support and supervision order is served in the community under conditions, but

provides closer monitoring and support than a probation order to assist the young person in changing his or her behaviour.²¹ This is an ‘opt-in’ sanction under the *YCJA*, meaning that provinces and territories may choose not to implement this option, taking into consideration available resources.

Order to attend a non-residential program: As another possible alternative to custody introduced by the *YCJA*, the youth court may order the young person to attend a non-residential program at fixed times and terms. The attendance order is also an ‘opt-in’ sanction for the provinces and territories.²²

Other sanctions: In addition, the courts can choose a variety of other sentencing options including compensation for damages, restitution, compensation of an innocent purchaser, personal service, prohibition, seizure or forfeiture, conditional discharge, or absolute discharge.

• Custodial sentences

Although custody is still a sentencing option, there are several criteria which must be met before a judge can sentence a youth to custody. Section 39 of the *YCJA* prohibits a custodial sentence unless at least one of certain threshold criteria is met. Specifically, a youth justice court shall not commit a young person to custody unless the young person: (i) has committed a violent offence; (ii) has failed to comply with non-custodial sentences; (iii) has committed an indictable offence for which an adult would be liable to imprisonment for more than two years and has a history of convictions under the *YCJA* or *YOA*; or (iv) in exceptional cases, has committed an indictable offence and the aggravating circumstances are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principles of sentencing of the *YCJA*.²³

21. Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), “YCJA Explained”.
22. Justice Canada website, (<http://canada.justice.gc.ca/en/ps/yj/>), “YCJA Explained”.
23. Subsection 39(1), *YCJA*.

Text box 6 - continued

Even if one of the above conditions are met, the youth justice court shall not sentence the young person to custody unless the court has considered all reasonable alternatives to custody and determined that no alternatives are available that are in keeping with the purpose and principles of sentencing.²⁴

Deferred custody and supervision order: Another new sentence under the *YCJA*, a deferred custody and supervision order allows a young person who would otherwise be sentenced to custody to serve the sentence in the community under a number of conditions. Similar to the conditional sentence of imprisonment for adults, violation of conditions may result in the young person being sent to custody.

Custody and supervision: All cases sentenced to custody under the *YCJA* have a supervision component.²⁵ For most offences, the supervision period can be up to half as long as the custodial period, and the periods combined must not exceed the maximum sentence length specified in the *YCJA*. However, if the youth is convicted of manslaughter, attempted murder, or aggravated sexual assault, or is given an intensive rehabilitative custody and supervision order, the length of the custody period and supervision period is up to the discretion of the youth court, as long as the two periods combined is not greater than the maximum sentence length. The maximum lengths of custody and supervision orders for first and second degree murder remain unchanged from the *YOA*, however the *YCJA* specifies guidelines governing the maximum length of the sentence to be served in custody. If convicted of first degree murder, the youth's sentence cannot exceed 10 years, where the committal to custody must not exceed 6 years from the date of committal, followed by a period of conditional supervision²⁶ served in the community. For second degree murder, the total sentence cannot exceed 7 years, with the committal to custody not exceeding 4 years from the date of committal.

Intensive Rehabilitative Custody and Supervision Order: The *YCJA* introduced this type of sentence to provide treatment for serious violent young offenders suffering from mental or psychological disorders. The court must also determine that an individualized treatment plan has been developed for the young person.

Sentence review: The length of sentence ordered by the court may be subject to revision under conditions stipulated in the *YCJA*. The court must review all custodial sentences after one year. Optional reviews may be granted for custodial sentences where the amount of time to be served is less than one year, or in special circumstances²⁷ for sentences greater than one year, but before the anniversary date. Following a hearing and review, the judge, considering the needs of the young person and the interests of society, may “confirm the youth sentence, release the youth on conditional supervision, or convert a intensive rehabilitative custody and supervision order to an straightforward custody and supervision order or to an order under the ordinary regime”.²⁸

Reviews for non-custodial sentences are not automatic. Rather, anytime after six months following the date of the sentence (or earlier if leave is granted by a youth court judge), the youth, his or her parents, the Crown or the provincial director may apply for a review of the sentence. Following the review hearing, the youth justice court may confirm the sentence, terminate the sentence, vary the sentence, or impose a new non-custodial sentence.

Adult sentencing: The *YCJA* does not provide for transfers of youths to adult court. However, youth courts may impose an adult sentence on a young offender in the exceptional case when the youth sentence for a given offence would not hold the youth accountable for his or her criminal conduct. Under the current provisions of the *YCJA*, an adult sentence can only be considered if the offence committed carries a maximum sentence of more than two years in adult court and the youth was 14 years or older when the offence was committed. The provinces and territories have the option of raising the minimum age to 16 years, so the second criteria may vary. For youth who are charged with murder (first or second degree), manslaughter, attempted murder, and aggravated sexual assault and for youth who have committed a violent offence and have been found guilty on at least two other occasions of serious violent offences, the presumption is that adult sentencing will apply, and the burden is on the convicted youth to show a youth sentence would be more appropriate. For all other cases, the presumption is that youth sentencing will apply.²⁹

- 24. Subsection 39(2), *YCJA*
- 25. Under the *YOA*, custody and supervision was only used in sentences for first and second degree murder.
- 26. Conditional supervision orders represent the community based portion of a custody and supervision order for convicted presumptive offences. Under a conditional supervision order the young offender must keep the peace, appear in youth court as required, report to the provincial director immediately upon release from custody, inform the provincial director if questioned or charged by police, report to police as required, report any address changes, comply with the instructions of the provincial director, and is prohibited from possessing any weapons.
- 27. S. 94 of the *YCJA* sets out the circumstances under which an optional review may be granted.
- 28. Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), “*YCJA* Explained”.
- 29. Despite these provisions for ‘presumption’, the Quebec Court of Appeal has held that the presumption provisions of the *YCJA* are invalid. Therefore, rather than relying on presumption, many jurisdictions are giving notice when seeking an adult sentence for a youth accused of committing and offence. Amendments to this effect are pending.

Probation very likely for violent offences

Convicted cases can have more than one sentence and when accounting for multiple sentences, probation was ordered in 63% of all convicted cases in 2003/04, far more than any other type of sentence (**Table 4**). Community service was the second most frequently ordered sentence (28% of convicted cases). Custody and supervision orders³⁰ were imposed in 23% of convicted cases. Other sanctions (such as deferred custody and supervision, intensive support and supervision, attendance at non-residential program, compensation, restitution, conditional or absolute discharges, and reprimands) were ordered in a little more than one-third (36%) of guilty cases.³¹

Probation was ordered most frequently for convicted youth cases involving *Crimes against the person* (75%) followed by *Crimes against property* (67%) and *Other Criminal Code* offences such as weapons and disturbing the peace (62%) (**Table 4**). A smaller proportion of convicted cases involving *Criminal Code Traffic* offences (42%) and offences against the *Administration of Justice* (43%) resulted in a probation sentence.

- 30. Refers to both community or conditional supervision following a term of custody for youth.
- 31. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.

Probation was frequently ordered in convicted youth cases involving other sexual offences (88%), sexual assault (86%), criminal harassment (80%), robbery (79%) and major assault (78%).

Convicted youth cases involving drug trafficking and break and enter also frequently resulted in a sentence of probation, with 81% and 79% of these convicted cases receiving such a sentence, respectively.

Although probation is still the most frequently ordered sentence in convicted youth court cases (63%), this proportion dropped from 2002/03 when it was ordered in 70% of convicted cases. This may be in part due to the fact that under the YOA, youth custody sentences were often followed by a period of probation to ensure some form of supervision on reintegration into the community. Under the YCJA however, all youth custody sentences have a mandatory period of supervision on release built into the sentence (See Text Box 6). Additionally, a portion of cases that would have received probation under the YOA may have received some sort of extrajudicial measure.

Most probation terms are 12 months or less

As with the YOA, youth courts may sentence a young offender to probation for a maximum of two years under the YCJA. In 2003/04, the mean sentence length for probation sentences was about one year (381 days). Sixteen percent of cases with a probation sentence were for a period of 6 months or less, 58% ranged from greater than 6 months to 12 months, and 26% were for more than 12 months.

Custodial sentences most prevalent for youth convicted of being unlawfully at large

Youth court cases in which the youth was convicted of being unlawfully at large were most likely to receive a sentence to custody and supervision, with 79% of these convicted cases receiving such a sentence.

Custody is also frequently ordered for serious violent convictions under *Crimes against the person* (Table 4). For example, in 2003/04, 11 of the 19 (or 58% of) convicted homicide cases resulted in a sentence of custody. Although this proportion may seem low, persons accused of homicide are more likely to have been remanded to custody prior to the decision of the court and sentencing. An unknown proportion of convicted homicide cases may have received a custody sentence of 'time served'. Convicted cases involving robbery also frequently received a custodial sentence (45%).

The use of custody varies across Canada

The use of custody and supervision ranged from 14% of cases with convictions in Alberta to 28% in Ontario, Saskatchewan and the Yukon (Table 5). This variation in the use of custody may reflect the influence of several factors. For example, the severity of offences being sentenced can vary from jurisdiction to jurisdiction, rates of recidivism can be different, and the availability of custodial facilities can vary.

Half of custodial sentences are less than one month

In 2003/04, 49% of cases resulting in custody and supervision were for terms of less than one month.³² Twenty-nine percent were for terms of 1 to 3 months, 16% were for greater than 3 months and up to a 6 month term, and 6% were for terms longer than 6 months.³³ The mean sentence length was 67 days.

Fines and other types of sentences are used most frequently for traffic offences

Fines and 'other' sentences were imposed most often in case convictions involving *Criminal Code Traffic* offences, with 49% of these cases receiving a fine, and 76% receiving some type of sentence other than custody, probation, fine or community service. Within this category, impaired driving cases had the highest proportion of fines imposed (71%). The mean fine amount for all *Criminal Code Traffic* offences was \$462.

Trends

Total number of cases heard in youth court down significantly from 1991/92

In 2003/04, total cases processed in youth court decreased by 33% from the number of cases in 1991/92 (Table 6). Between 1991/92 and 2002/03, the decline was primarily due to the steady decline in the number of *Crimes against property* cases.³⁴

The 2003/04 youth court caseload was 17% lower than that of 2002/03, the single largest annual decline since 1991/92. This drop appears to be directly related to the introduction of the YCJA and reflects a similar drop in youth charged by the police. While *Crimes against property* cases continued to drop (-21%), all other categories of offences dropped significantly as well. For instance, there was 23% fewer *Other Federal Statute* cases in 2003/04 compared with 2002/03, and 13% fewer *Administration of Justice* cases.

Notably, although *Crimes against the person* cases are still higher than the low of 17,917 cases in 1991/92, 2003/04 marks the largest annual decline in this category of offences (-9%), after an upward trend during the 1990s (Figure 5).

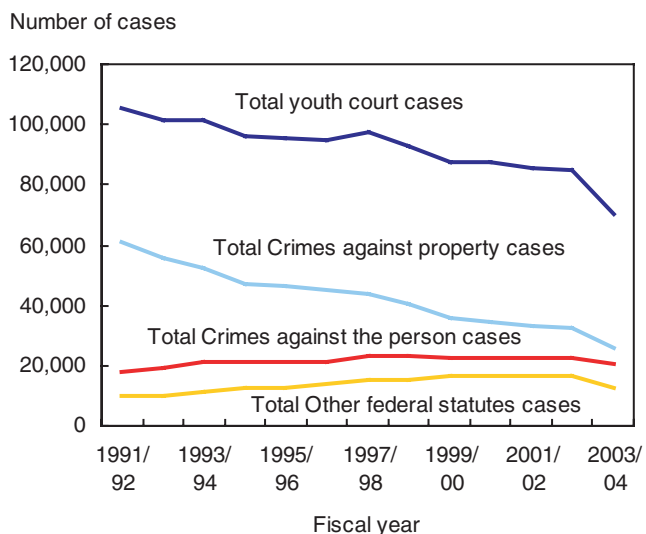
32. In this report, the sentence length referred to represents only the custodial portion of the custody and supervision order.

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

34. This section highlights youth court trends over the thirteen year period from 1991/92 (the first year for which national data are available for the YCS), to the current year, 2003/04.

Figure 5

Large decline in youth court caseload in 2003/04



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

**Text box 7:
Rate of youth charged by police decreased significantly**

Youth court caseloads reflect police charging practices. That is, the composition and distribution of offences heard and completed in youth court are largely determined by the incidents that come to the attention of the police and result in formal charges. However, due to post-charge extrajudicial/alternative measures programs and pre-court diversion programs, some young persons are diverted away from further exposure in the criminal justice system. The YCJA encourages the use of extrajudicial measures whereby they “should be used if they are adequate to hold a young person accountable for his or her offending behaviour and, if the use of extrajudicial measures is consistent with the principles set out in”³⁵ paragraphs 4 (a) to (d) of the Act.

The Uniform Crime Reporting Survey (UCR)³⁶ reported a 30% increase in the rate of youths “cleared otherwise”³⁷, which includes extrajudicial measures such as taking no further action, informal police warnings and formal police cautions, referrals to community programs or extrajudicial sanctions programs.

In 2003, the rate of youth aged 12 to 17 charged with criminal offences (per 100,000) dropped 15% from 2002. Similarly, in 2003/04, the youth court case rate (per 10,000) declined 17% from 2002/03.

35. Paragraph 4(d), YCJA.
 36. The UCR Survey collects crime and traffic statistics reported by police agencies in Canada. For further information on the issue of ‘cleared otherwise’ statistics, see M. Wallace, *Crime Statistics, 2003*.
 37. This term refers to people who have not been formally charged by police, though there is sufficient evidence for the police to do so. This could occur for a number of reasons: the police used extrajudicial measures, the police may have used discretion and decided not to lay a charge, the complainant did not want police to lay a charge or the accused was involved in other incidents in which one or more charges were laid (M. Wallace, *Crime Statistics, 2003*).

Comparisons among the provinces and territories

Differences across the country in the reporting of criminal incidents to police, in procedures and eligibility requirements for police diversion and extrajudicial measures programs, and differences in provincial policy directing Crown discretion will influence the volume and characteristics of cases heard in youth courts. Pre-charge screening by the Crown is mandatory in New Brunswick, Québec and British Columbia. Processes such as these serve to keep less serious cases out of the court system and reduce court workload. These factors should be considered when making inter-jurisdictional comparisons.

The national rate of youth court cases shows a decline from 464 cases per 10,000 youth in 1991/92 to 278 in 2003/04 (Table 7). Generally steady declines over the past five years were found in the Yukon (-54%), British Columbia (-39%), Nova Scotia (-29%), New Brunswick (-27%), Alberta (-27%) and Manitoba (-26%). In most other jurisdictions, however, the rate tended to fluctuate. However, in 2002/03 and 2003/04, the rate dropped in all jurisdictions except Nunavut. Further, with the exception of Newfoundland and Labrador and Nunavut, the youth court case rates were lower in 2003/04 for all jurisdictions than in 1999/00. Québec had the lowest rate of youth appearing in court (147 per 10,000 youth) in 2003/04.

Youth court cases are becoming increasingly more complex

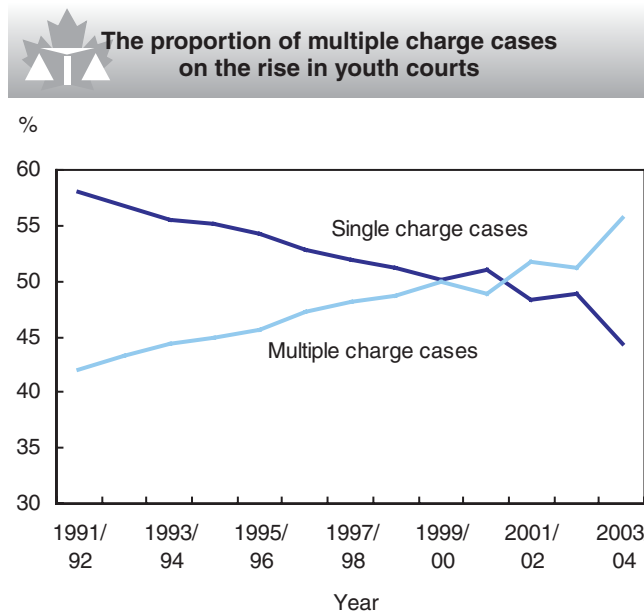
In 1991/92, youth court cases with more than one charge represented 42% of the total caseload. However, the proportion of youth court cases with multiple charges gradually increased throughout the 1990s and continued into the next decade (Figure 6). In 2001/02, these more complex cases represented more than half (52%) of the cases disposed of in youth courts for the first time during the period. This proportion increased further in 2003/04, with multiple charge cases representing 56% of the total youth court caseload.

The trend of lengthier youth court cases continued in 2003/04. However, the increase in the mean elapsed time was the largest over the 1991/92 to 2003/04 period. In 2003/04, it took an average of 141 days to dispose of a youth court case, compared to 114 days in 2002/03 and 99 days in 1991/92.

Both single charge cases and multiple charge cases took longer to process in 2003/04, averaging 134 days and 146 days respectively. This compares to 105 days for single charge cases and 122 days for multiple charge cases in 2002/03, and 96 days and 103 days in 1991/92.

More complex and lengthier cases may be the result of diverting less serious cases away from the court process. Less serious cases may be dealt with by the police in the form of extrajudicial measures such as police warnings or cautions and referrals to community programs. Additionally, further vetting of charges by the Crown may result in less serious charges being handled in some manner other than proceeding to Court (e.g., Crown caution or extrajudicial sanction).

Figure 6



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

Proportion of cases found guilty down slightly

Fifty-seven percent of youth court cases were found guilty in 2003/04, three percentage points lower than 2002/03 and 1991/92 (60%), and 7 percentage points lower than the high of 64% in 1998/99.

In each of the last five years, the proportion of convicted cases has decreased. Much of the decrease comes from *Crimes against property*, where convictions have fallen each year from 64% in 1999/00 to 57% in 2003/04. For example, the conviction rates for other property crimes, mischief and break and enter have declined by 12, 9 and 8 percentage points respectively. Despite the large decrease in Crimes against property in recent years, the largest decrease in conviction rates between 2002/03 and 2003/04 was in the rate of youth convicted of *Crimes against the person* (-5 percentage points), the first decrease in this category since 1999/00.

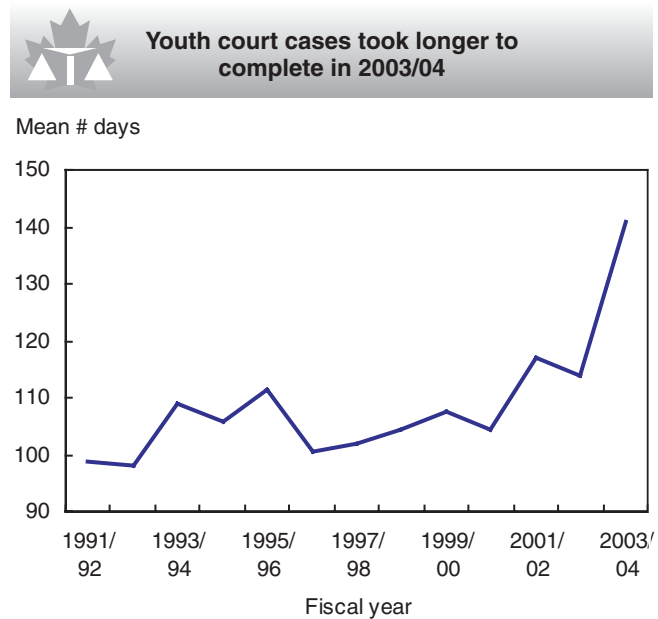
Methodology

The Youth Court Survey (YCS) is a census of *Criminal Code* and *Other Federal Statute* offences heard and completed in youth court for persons aged 12 to 17 years (up to the 18th birthday) at the time of the offence. Every effort is made by survey respondents and the Canadian Centre for Justice Statistics (CCJS) to ensure complete survey coverage.

Primary unit of analysis

The primary unit of analysis is the case, defined as one or more charges against a young person disposed of on the same day. The YCS adopted the Adult Criminal Court Survey definition of

Figure 7



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

a case during the 2001/02 reference year, in an effort to make the two surveys more consistent. Previously, case counts for the YCS were based on those charges against a young person that had the same day of first appearance.

This change has produced case counts that are slightly lower than those previously released in *Juristats* prior to the 2001/02 reference period and other YCS reports. However, trend data presented in this *Juristat* are based on the new definition to ensure data comparability.

Counting procedures for cases with more than one charge

Since a case is characterized by a single charge, in cases with more than one charge it is necessary to determine the charge that will represent the case. In multiple-charge cases, the "most serious decision" rule is applied. Decisions are ranked from the most to least serious as follows: transfer to adult court (under the *YOA*); guilty; other decision (e.g. not fit to stand trial); stay of proceedings; charge withdrawn; or transfer to other jurisdiction; and not guilty or charged dismissed. In cases where two or more offences have resulted in the same decision (e.g., guilty), the "most serious offence" rule is applied. All charges are ranked according to a seriousness scale based on the average length of prison sentence imposed on convicted charges between 1994/95 and 2000/01. If two charges have equal results according to this criterion, information about the sentence type (e.g., custody, probation, and fine) is considered. If the representative charge for the case still cannot be determined, the magnitude of the sentence is considered.

Factors influencing comparability of youth court statistics among jurisdictions

The reader is advised that the use of the decisions ‘stay’ and ‘withdrawn’ for administrative purposes (e.g., to reduce charges or to correct details on an information) varies by jurisdiction. To terminate and recommence a case for administrative purposes has been found to inflate the total number of cases reported to the YCS. Ontario, Manitoba, Alberta, British Columbia and Yukon are most affected by this practice. Consequently the reader is encouraged, where possible, to analyze cases with guilty findings to increase comparability among the jurisdictions.

Differences in data over time and across jurisdictions result from a number of factors that reflect how the *YCJA* and the *YOA* were implemented. Pre-court screening procedures may affect the number of youth appearing in court. The Crown Attorney, for example, may decide not to proceed with a charge, or the initial charge may be changed. A youth may also be diverted from the court process into an extrajudicial/alternative measures program (either before or after police lay charges), a police or Crown diversion program.

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Wallace, M. “Crime Statistics in Canada, 2003” *Juristat*. Catalogue no. 85-002-XIE, Vol. 24, no. 6. Ottawa: July, 2004. Canadian Centre for Justice Statistics, Statistics Canada.

Youth Court Survey, 2003/04, Canadian Centre for Justice Statistics, Statistics Canada.

Youth Criminal Justice Act (Statute of Canada).

Table 1



Youth court charges and cases, Canada, 2003/04

Offence group	Charges		Cases	
	#	%	#	%
Total offences	191,302	100.0	70,465	100.0
Crimes against the person	35,443	18.5	20,416	29.0
Homicide	52	0.0	42	0.1
Attempted murder	113	0.1	54	0.1
Robbery	4,256	2.2	2,500	3.5
Sexual assault	2,131	1.1	1,095	1.6
Other sexual offences	1,209	0.6	535	0.8
Major assault	7,880	4.1	4,744	6.7
Common assault	12,860	6.7	8,010	11.4
Uttering threats	5,469	2.9	2,821	4.0
Criminal harassment	514	0.3	205	0.3
Other crimes against persons	959	0.5	410	0.6
Crimes against property	67,536	35.3	25,663	36.4
Theft	22,521	11.8	9,172	13.0
Break and enter	14,145	7.4	6,632	9.4
Fraud	3,675	1.9	1,176	1.7
Mischief	12,463	6.5	3,258	4.6
Possess stolen property	13,651	7.1	4,915	7.0
Other property crimes	1,081	0.6	510	0.7
Administration of justice	28,345	14.8	6,784	9.6
Fail to appear	3,150	1.6	963	1.4
Breach of probation	770	0.4	190	0.3
Unlawfully at large	1,487	0.8	921	1.3
Fail to comply with order	21,655	11.3	4,239	6.0
Other admin. justice	1,283	0.7	471	0.7
Other Criminal Code	15,121	7.9	3,896	5.5
Weapons	5,323	2.8	1,402	2.0
Prostitution	68	0.0	29	0.0
Disturbing the peace	832	0.4	275	0.4
Residual <i>Criminal Code</i>	8,898	4.7	2,190	3.1
Total Criminal Code (excluding traffic)	146,445	76.6	56,759	80.5
Criminal Code traffic	3,333	1.7	1,121	1.6
Impaired driving	1,528	0.8	585	0.8
Other <i>Criminal Code</i> traffic	1,805	0.9	536	0.8
Total Criminal Code	149,778	78.3	57,880	82.1
Other federal statute total	41,524	21.7	12,585	17.9
Drug possession	4,430	2.3	2,413	3.4
Drug trafficking	2,542	1.3	1,518	2.2
<i>Youth Criminal Justice Act/Young Offenders Act</i>	31,173	16.3	7,692	10.9
Residual federal statutes	3,379	1.8	962	1.4

Notes: Due to rounding, percentages may not add to 100.

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

Table 2


Cases heard in youth court by offence category and age of accused, Canada, 2003/04

Offence category	Total cases	Age of accused													
		12		13		14		15		16		17		Other ¹	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total offences	70,465	1,788	2.5	4,740	6.7	9,484	13.5	14,369	20.4	18,047	25.6	20,987	29.8	1,050	1.5
Crimes against the person	20,416	878	4.3	1,869	9.2	3,214	15.7	4,292	21.0	4,740	23.2	5,186	25.4	237	1.2
Crimes against property	25,663	693	2.7	1,823	7.1	3,696	14.4	5,434	21.2	6,583	25.7	7,239	28.2	195	0.8
Administration of justice	6,784	80	1.2	352	5.2	769	11.3	1,385	20.4	1,873	27.6	2,147	31.6	178	2.6
Other <i>Criminal Code</i> offences	3,896	70	1.8	189	4.9	443	11.4	703	18.0	1,140	29.3	1,304	33.5	47	1.2
<i>Criminal Code</i> traffic	1,121	1	0.1	11	1.0	48	4.3	83	7.4	295	26.3	675	60.2	8	0.7
Drug offences	3,931	34	0.9	128	3.3	340	8.6	653	16.6	1,128	28.7	1,610	41.0	38	1.0
<i>Youth Criminal Justice Act/ Young Offenders Act</i>	7,692	28	0.4	326	4.2	860	11.2	1,645	21.4	2,028	26.4	2,486	32.3	319	4.1
Other federal statutes	962	4	0.4	42	4.4	114	11.9	174	18.1	260	27.0	340	35.3	28	2.9

Notes: Due to rounding, percentages may not add to 100.
Age of accused is at the time of offence.

1. Other age group includes cases where the accused was older than 17 at the time of the offence (i.e., YCJA sections 136 to 139 and YOA sections 26, 50) or the age was unknown.

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

Table 3


Cases before youth courts by type of decision, provinces and territories, 2003/04

Jurisdiction	Total cases	Decision									
		Found guilty ¹		Acquittal		Stayed		Withdrawn/ Dismissed		Other ²	
		#	%	#	%	#	%	#	%	#	%
Canada	70,465	40,184	57.0	1,011	1.4	8,365	11.9	20,470	29.1	435	0.6
Newfoundland and Labrador ³	1,380	872	63.2	0	0.0	61	4.4	441	32.0	6	0.4
Prince Edward Island	215	123	57.2	2	0.9	63	29.3	27	12.6	0	0.0
Nova Scotia	1,991	986	49.5	67	3.4	0	0.0	933	46.9	5	0.3
New Brunswick	1,434	1,046	72.9	32	2.2	5	0.3	304	21.2	47	3.3
Quebec	8,171	5,554	68.0	538	6.6	808	9.9	1,251	15.3	20	0.2
Ontario	30,768	16,662	54.2	99	0.3	2,701	8.8	11,293	36.7	13	0.0
Manitoba	3,867	2,170	56.1	25	0.6	1,660	42.9	3	0.1	9	0.2
Saskatchewan	6,573	3,074	46.8	24	0.4	1,077	16.4	2,380	36.2	18	0.3
Alberta	9,542	5,688	59.6	102	1.1	179	1.9	3,516	36.8	57	0.6
British Columbia	5,856	3,653	62.4	122	2.1	1,709	29.2	121	2.1	251	4.3
Yukon	127	46	36.2	0	0.0	25	19.7	47	37.0	9	7.1
Northwest Territories	260	165	63.5	0	0.0	21	8.1	74	28.5	0	0.0
Nunavut ⁴	281	145	51.6	0	0.0	56	19.9	80	28.5	0	0.0

Notes: Due to rounding, percentages may not add to 100.

1. Found guilty decisions include absolute and conditional discharges.

2. Other decisions include transferred to adult court (only for cases where proceedings commenced under the YOA), transferred to another province/territory, unfit to stand trial and not guilty by reason of insanity.

3. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably.

4. Total case counts may be underreported for Nunavut, as there may be charge and case information from remote areas that is entered into their caseload management system several months after sending their data submission for the Youth Court Survey.

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

Table 4


Youth court cases with convictions by type of sentence, Canada, 2003/04

Most serious offence	Total convicted cases	Type of sentence for most serious offence									
		Custody ¹		Probation		Fine		Community service		Other ²	
		#	%	#	%	#	%	#	%	#	%
Total offences	40,184	9,084	22.6	25,261	62.9	2,472	6.2	11,161	27.8	14,544	36.2
Crimes against the person	11,685	2,774	23.7	8,806	75.4	203	1.7	2,782	23.8	4,902	42.0
Homicide	19	11	57.9	3	15.8	0	0.0	1	5.3	10	52.6
Attempted murder	11	4	36.4	8	72.7	0	0.0	4	36.4	5	45.5
Robbery	1,362	615	45.2	1,071	78.6	10	0.7	350	25.7	814	59.8
Sexual assault	558	119	21.3	481	86.2	2	0.4	81	14.5	217	38.9
Other sexual offences	275	46	16.7	241	87.6	2	0.7	34	12.4	119	43.3
Major assault	2,662	732	27.5	2,076	78.0	57	2.1	710	26.7	1,248	46.9
Common assault	5,022	841	16.7	3,594	71.6	110	2.2	1,230	24.5	1,866	37.2
Uttering threats	1,500	335	22.3	1,120	74.7	19	1.3	294	19.6	493	32.9
Criminal harassment	110	22	20.0	88	80.0	0	0.0	25	22.7	48	43.6
Other crimes against persons	166	49	29.5	124	74.7	3	1.8	53	31.9	82	49.4
Crimes against property	14,540	2,834	19.5	9,788	67.3	641	4.4	4,707	32.4	5,202	35.8
Theft	5,234	865	16.5	3,191	61.0	346	6.6	1,673	32.0	1,901	36.3
Break and enter	4,312	1,087	25.2	3,385	78.5	52	1.2	1,499	34.8	1,433	33.2
Fraud	719	120	16.7	506	70.4	42	5.8	214	29.8	304	42.3
Mischief	1,635	105	6.4	969	59.3	92	5.6	571	34.9	798	48.8
Possess stolen property	2,410	625	25.9	1,565	64.9	100	4.1	671	27.8	684	28.4
Other property crimes	230	32	13.9	172	74.8	9	3.9	79	34.3	82	35.7
Administration of justice	3,734	1,383	37.0	1,590	42.6	269	7.2	670	17.9	891	23.9
Fail to appear	434	115	26.5	155	35.7	52	12.0	71	16.4	120	27.6
Breach of probation	83	19	22.9	44	53.0	12	14.5	13	15.7	15	18.1
Unlawfully at large	783	621	79.3	147	18.8	11	1.4	55	7.0	100	12.8
Fail to comply with order	2,123	539	25.4	1,048	49.4	183	8.6	455	21.4	592	27.9
Other admin. justice	311	89	28.6	196	63.0	11	3.5	76	24.4	64	20.6
Other Criminal Code	1,956	378	19.3	1,221	62.4	104	5.3	497	25.4	820	41.9
Weapons	696	131	18.8	454	65.2	24	3.4	167	24.0	397	57.0
Prostitution	11	4	36.4	8	72.7	0	0.0	0	0.0	4	36.4
Disturbing the peace	140	7	5.0	70	50.0	23	16.4	25	17.9	52	37.1
Residual <i>Criminal Code</i>	1,109	236	21.3	689	62.1	57	5.1	305	27.5	367	33.1
Total Criminal Code (excluding traffic)	31,915	7,369	23.1	21,405	67.1	1,217	3.8	8,656	27.1	11,815	37.0
Criminal Code traffic	772	64	8.3	322	41.7	381	49.4	168	21.8	585	75.8
Impaired driving	434	3	0.7	111	25.6	310	71.4	70	16.1	402	92.6
Other <i>Criminal Code</i> traffic	338	61	18.0	211	62.4	71	21.0	98	29.0	183	54.1
Total Criminal Code	32,687	7,433	22.7	21,727	66.5	1,598	4.9	8,824	27.0	12,400	37.9
Other federal statute total	7,497	1,651	22.0	3,534	47.1	874	11.7	2,337	31.2	2,144	28.6
Drug possession	767	32	4.2	343	44.7	131	17.1	266	34.7	395	51.5
Drug trafficking	894	114	12.8	726	81.2	47	5.3	397	44.4	563	63.0
<i>Youth Criminal Justice Act/Young Offenders Act</i>	5,191	1,411	27.2	2,369	45.6	533	10.3	1,503	29.0	967	18.6
Other federal statutes	645	94	14.6	96	14.9	163	25.3	171	26.5	219	34.0

Notes: The sentence types presented are not mutually exclusive and will not add to 100.

1. S. 85(1) of the YCJA specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the YOA, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Other sentences include reprimand, absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs, deferred custody and supervision, attendance at non-residential program, intensive support and supervision, and conditional discharge.

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

Table 5


Sentences in youth courts, provinces and territories, 2003/04

Jurisdiction	Total convicted cases	Type of sentence									
		Custody ¹		Probation		Fine		Community service		Other ²	
		#	%	#	%	#	%	#	%	#	%
Canada	40,184	9,084	22.6	25,261	62.9	2,472	6.2	11,161	27.8	14,544	36.2
Newfoundland and Labrador	872	192	22.0	596	68.3	37	4.2	271	31.1	297	34.1
Prince Edward Island	123	26	21.1	90	73.2	19	15.4	0	0.0	41	33.3
Nova Scotia	986	154	15.6	750	76.1	54	5.5	256	26.0	192	19.5
New Brunswick	1,046	263	25.1	545	52.1	43	4.1	11	1.1	243	23.2
Quebec	5,554	914	16.5	3,847	69.3	255	4.6	2,802	50.5	2,442	44.0
Ontario	16,662	4,715	28.3	12,373	74.3	545	3.3	4,109	24.7	5,175	31.1
Manitoba	2,170	356	16.4	1,189	54.8	189	8.7	526	24.2	1,436	66.2
Saskatchewan	3,074	854	27.8	1,490	48.5	118	3.8	844	27.5	731	23.8
Alberta	5,688	792	13.9	2,358	41.5	1,005	17.7	1,275	22.4	2,483	43.7
British Columbia	3,653	738	20.2	1,770	48.5	192	5.3	893	24.4	1,289	35.3
Yukon	46	13	28.3	23	50.0	0	0.0	9	19.6	21	45.7
Northwest Territories	165	33	20.0	114	69.1	14	8.5	82	49.7	54	32.7
Nunavut	145	34	23.4	116	80.0	1	0.7	83	57.2	140	96.6

Notes: The sentence types presented are not mutually exclusive and will not add to 100%.

- S. 85(1) of the YCJA specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the YOA, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
- Other sentences include reprimand, absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counselling programs, deferred custody and supervision, attendance at non-residential program, intensive support and supervision, and conditional discharge.

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

Table 6



Cases heard in youth courts, Canada, 1999/00 to 2003/04

Offence category		1999/00	2000/01	2001/02	2002/03	2003/04	Percent change from 1999/00 to 2003/04	Percent change from 1991/92 to 2003/04
Total cases	number	87,600	87,617	85,640	84,592	70,465		
	% change in the number of cases*	-5.7	0.0	-2.3	-1.2	-16.7	-19.6	-33.2
Crimes against the person	number	22,432	22,674	22,510	22,462	20,416		
	% change in the number of cases*	-3.3	1.1	-0.7	-0.2	-9.1	-9.0	13.9
Crimes against property	number	35,518	34,694	33,086	32,465	25,663		
	% change in the number of cases*	-11.5	-2.3	-4.6	-1.9	-21.0	-27.7	-58.0
Administration of justice	number	7,551	7,917	7,698	7,790	6,784		
	% change in the number of cases*	-7.4	4.8	-2.8	1.2	-12.9	-10.2	-16.1
Other Criminal Code offences	number	4,566	4,506	4,525	4,267	3,896		
	% change in the number of cases*	-4.7	-1.3	0.4	-5.7	-8.7	-14.7	-41.0
Criminal Code traffic	number	1,238	1,166	1,211	1,225	1,121		
	% change in the number of cases*	-0.2	-5.8	3.9	1.2	-8.5	-9.5	-41.3
Other federal statute	number	16,295	16,660	16,610	16,383	12,585		
	% change in the number of cases*	15.3	2.2	-0.3	-1.4	-23.2	-22.8	27.1

* refers to the previous year

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

Table 7



Cases before youth courts, rate per 10,000 youths, Canada and provinces, 1999/00 to 2003/04

	Rate of cases per 10,000 youths					% change 2002/03 to 2003/04	% change 1999/00 to 2003/04	% change 1991/92 to 2003/04
	1999/00	2000/01	2001/02	2002/03	2003/04			
Canada	355	354	343	336	278	-17	-22	-40
Newfoundland and Labrador	325	324	381	391	326	-17	0	-37
Prince Edward Island	240	145	247	244	175	-28	-27	-59
Nova Scotia	372	364	344	295	265	-10	-29	-38
New Brunswick	338	309	306	289	248	-14	-27	-22
Quebec	188	175	183	156	147	-6	-22	-13
Ontario	380	413	393	395	313	-21	-18	-40
Manitoba	519	493	467	403	382	-5	-26	-45
Saskatchewan	742	757	790	827	710	-14	-4	-16
Alberta	473	449	429	414	347	-16	-27	-57
British Columbia	299	247	216	231	181	-21	-39	-62
Yukon	964	969	774	738	439	-40	-54	-63
Northwest Territories	894	691	895	1,077	614	-43	-31	...
Nunavut ¹	381	645	625	665	734	10	93	...


Notes: Due to the creation of Nunavut from the Northwest Territories, data collected prior to 1999/00 cannot be compared to data collected after that date for these jurisdictions.
Reliable data are not available for the first year of reporting in Nunavut.

... not applicable

1. Rates of cases may be underreported for Nunavut, as there may be charge and case information from remote areas that is entered into their caseload management system several months after sending their data submission for the Youth Court Survey.

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

Table 8



Decisions in youth courts, Canada, 1999/00 to 2003/04

Year		Total cases	Type of decision				
			Guilty	Acquitted	Stay	Withdrawn / Dismissed	Other ¹
1999/00	No. of cases	87,600	55,534	1,163	9,921	20,482	500
	% of total cases	100.0	63.4	1.3	11.3	23.4	0.6
2000/01	No. of cases	87,617	53,283	1,186	10,282	22,511	355
	% of total cases	100.0	60.8	1.4	11.7	25.7	0.4
2001/02	No. of cases	85,640	51,952	1,132	10,114	22,024	418
	% of total cases	100.0	60.7	1.3	11.8	25.7	0.5
2002/03	No. of cases	84,592	50,433	1,098	10,384	22,388	289
	% of total cases	100.0	59.6	1.3	12.3	26.5	0.3
2003/04	No. of cases	70,465	40,184	1,011	8,365	20,470	435
	% of total cases	100.0	57.0	1.4	11.9	29.0	0.6

Notes: Due to rounding, percentages may not add to 100%.

1. Other decisions include transfers to adult court (for only those cases where proceedings commenced under the YOA), transfers to another jurisdiction, unfit to stand trial and not guilty by reason of insanity.

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

Table 9


Mean and median length of custody and probation sentences, Canada, 2003/04

Most serious offence	Custody ¹		Probation	
	Mean (days)	Median (days)	Mean (days)	Median (days)
Total offences	67	33	381	360
Crimes against the person	99	60	406	360
Homicide	1,052	720	483	360
Attempted murder	520	450	323	360
Robbery	145	112	440	360
Sexual assault	195	180	532	540
Other sexual offences	152	120	527	540
Major assault	99	65	410	360
Common assault	50	30	374	360
Uttering threats	56	33	393	360
Criminal harassment	90	52	389	360
Other crimes against persons	149	120	397	360
Crimes against property	69	45	378	360
Theft	52	30	357	360
Break and enter	91	60	405	360
Fraud	63	40	382	360
Mischief	37	28	327	360
Possess stolen property	61	40	386	360
Other property crimes	105	60	403	360
Administration of justice	34	20	357	360
Fail to appear	25	10	338	360
Breach of probation	31	23	365	360
Unlawfully at large	41	20	367	360
Fail to comply with order	26	12	354	360
Other admin. justice	45	20	382	360
Other Criminal Code	70	40	384	360
Weapons	67	38	385	360
Prostitution	147	150	349	360
Disturbing the peace	55	1	269	270
Residual <i>Criminal Code</i>	71	40	394	360
Total Criminal Code (excluding traffic)	74	40	388	360
Criminal Code traffic	79	60	393	360
Impaired driving	57	40	310	360
Other <i>Criminal Code</i> traffic	81	60	437	360
Total Criminal Code	74	40	388	360
Other federal statute total	38	20	334	360
Drug possession	39	18	304	360
Drug trafficking	101	60	372	360
<i>Youth Criminal Justice Act/Young Offenders Act</i>	34	20	329	360
Other federal statutes	22	9	256	207

1 S. 85(1) of the YCJA specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the YOA, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.

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

Canadian Centre for Justice Statistics

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