

**Empirical Exploration of the Importation,
Deprivation and Integrated Models Concerning
Types of Aggression in Youth Custody**

**by
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Abstract

Recently in Canada and the United States there has been an intensifying political debate about serious and violent young offenders. The policy issues in the US have focused on capital punishment and mistreatment of incarcerated young offenders, and the implementation of mandatory minimum custodial sentences for young offenders in Canada. There have been few studies on how young offenders adapt to custody. The three dominant perspectives have been the importation, deprivation, and integrated models. Certain key imported, deprivation, and combined factors were statistically related to separate measures of physical, verbal, and property aggression in a sample from British Columbia's largest young offender's custodial facility. Qualitative interviews with key government officials provided an historical perspective about the deprivation structure of custody in this facility. Structured in-depth interviews with 189 incarcerated young offenders provided for bi-variate and multi-variate analyses of the relationship between key imported and deprivation variables, and three types of aggression. While imported variables predominated the statistical models, particularly regarding physical aggression, deprivation variables and interactive effects were also identified for verbal and property aggression. This suggested that an integrated model best explained different forms of aggression in youth custody.

Keywords: physical aggression; verbal aggression; property aggression; youth, custody; violence

To my loving and supportive family

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Introduction

How to react to repeat and/or violent young offenders has been a longstanding theoretical and policy issue in many liberal democratic countries, such as Canada and the United States. Since the 1960s, public confidence in these countries has wavered between the traditional view that young offenders are fundamentally different from adult criminals and should be processed by a separate youth or juvenile justice system and the view that repeat and/or violent young offenders, especially older adolescents, are not different and should be processed by either the adult criminal justice system or one based on the same principles, especially regarding punishment (Corrado & Turnbull, 1992). In the United States, many jurisdictions have shifted away from the welfare and rehabilitation oriented approach to serious delinquency that dominated in the first half of the 20th Century towards a crime control focus on incarcerating violent young offenders (Feld, 1977). In contrast, most European countries currently utilize the traditional welfare model, that is, informal processing, rehabilitative, and non-incarceratory, as mandated by the European Union justice laws (Winterdyk, 2002).

In Canada, however, the public and political response to serious and violent young offenders has been ambivalent as is evident by the pattern of changes in youth justice laws across the same historical period; while the welfare model *Juvenile Delinquents Act (JDA; 1908)* was in effect for 72 years, its successor, the *Young Offenders Act (YOA; 1982)* only lasted 20 years before being replaced by the *Youth Criminal Justice Act (YCJA) (2003)*. Each of these latter two laws shifted substantially

away from the welfare approach to a mix of theoretical models of youth criminal justice systems that emphasized procedural safeguards and crime control sentencing for serious and violent offenders (Corrado, Gronsdahl, & MacAlister, 2007).

However, it appears that public and political ambivalence has continued despite the implementation of the *YCJA* in 2003. One of the central principles of this legislation is the decrease in the use of courts for minor offenders, while restricting the most punitive sentencing option, including custody and adult length sentences, to the most serious and violent offenders. Yet, these sentencing changes have not abetted the media attention, political controversy, and continued theoretical debate in reaction to the infrequent, but brutal incidents of youth violence. The incidents of murder, in particular, have resulted in the current minority Conservative Government arguing that the *YCJA* allows for too much judicial discretion in sentence lengths for serious and violent offenders. This type of criticism culminated in Prime Minister Steven Harper asserting that the *YCJA* criminal justice system was an unmitigated failure (“Harper vows changes,” 2008). In the 2008 election, Harper advocated the reform of the *YCJA*, most vociferously, the sections related to custody. In contrast, the political leaders of the other national political parties, the majority of the Quebec population, and the electorate in the other provinces appeared to reject the Conservative Party electoral platform regarding the *YCJA*'s custody sections. The reaction in Quebec was not unexpected since it historically has the lowest custody rates, and its provincial youth justice legislation has reflected a Corporatist model theoretical perspective. This model emphasizes diversion from judicial processing for all but small handful of serious and violent offenders who are viewed as not likely benefitting from youth justice based rehabilitative programs and, therefore, should be processed judicially and sentenced to custody in only the most extreme cases (Corrado, Bala, Linden, & LeBlanc, 1992). In effect, in the last several

national elections, two dramatically opposite political and theoretical perspectives regarding the use of custody to protect the public were evident.

While there is little empirical research supporting the perspective that custody deters serious and violent offenders, there is longstanding research on the negative effects of imprisonment on young offenders (Cesaroni & Peterson-Badali, 2005; Connell & Farrington, 1996; Lahm, 2008). Specifically, young offenders are more vulnerable than adult offenders to the "pains of imprisonment," that is, the routine deprivations of normative liberties and the inherently violent context of custody institutions (Bartollas, Miller, & Dinitz, 1976). For example, more recently, it has been asserted that the incarceration of young offender's resulted in increased levels of anxiety, fear, and aggression. In effect, the impact of custody for violent and chronic offenders remains controversial (Lahm, 2008).

Although it is indisputable that violence and interpersonal aggression are significant problems within all custody contexts, the explanations of inmate aggression remain inconclusive. This violence was evident in the first *modern* prisons of the early 19th Century; these facilities emphasized penance by the prisoners through a regimen of strict discipline, silent reflections, and, often, forced and deliberately pointless labour (Maitland & Sluder, 1998). While young offender custodial institutions have a much shorter history, the theoretical issues are largely similar to the adult prison context. Several studies from the United States, for example, revealed pervasive violence in custodial institutions, including sexual assaults, beatings, and murder (Bartollas, 1978; Maitland & Sluder, 1996; O'Donnell & Edgar, 1999).

The classic theoretical debate has focused on whether inmate violence is an inevitable response of the interaction between the type of young offender in custody and

the conditions of confinement, or whether inmates simply bring their violent values and behaviours into the custodial environment (Irwin & Cressey, 1962). The research, to date, largely from the US, is inconclusive; custodial violence is associated with the violent antisocial tendencies that youth bring with them into the institution, as explained in the importation model, and from oppressive institutional environments that instigate and facilitate serious and pervasive violence, as asserted by the deprivation model. While other models have been introduced into this debate they, arguably, have simply added to the complexity and confusion about the causes of custodial violence among both youth and adults (Hochstetler & DeLisi, 2005). Nonetheless, the importation and deprivation models continue to dominate the classic debate, especially in the Canadian context where there has been a paucity of research on the effect of prison or custodial institutions on youth violence.

Irwin and Cressey (1962) initially described the importation model in which individual level inmate characteristics manifested prior to incarceration as the primary explanation for custodial violence and misconduct. Several individual characteristics have been associated with misconduct in custody, including arrest history, an inability to cope under conditions of adversity, depression, confusion, anger, antisocial personality style, impulsivity, and low self-control (Lahm, 2008). Additionally, histories of drug convictions and low education level have also been associated with prison violence (Edens & Douglas, 2006). While gender has consistently been a strong predictor of misconduct in custody and violence, "the most adequately established correlate of misconduct among prison inmates is age and/or age of entry into the institution" (Lahm, 2008: 122). In addition, prior criminality and length of sentence are also strong correlates of violent misconduct in custody (Lahm, 2008).

In Canada, Cesaroni and Peterson-Badali (2005) identified an array of personality disorders that predicted how young offenders adapted to Ontario youth custody institutions. There is also considerable research that supports the importance of the deprivation model, that is, the conditions of custody, even when controlling for inmate characteristics in explaining institutional violence. The most important structural factors are the security-level of the facility, perceived levels of institutional violence, management style, and competency of the facility's administration (Lahm, 2008). Much of the research on organizational level factors have focused on variations in the structures of custody and their effects on rates of misconduct, while several studies also controlled for imported individual level factors or characteristics. However, the most consistent findings at the organizational level are not just concerned with the physical/organizational structure of the institution, but the aggregate ethnic/racial composition of inmates and effective management indicators. Specifically, while the number of inmates, ratio of guards to inmates, and institution size were not significant predictors, the ratio of whites to blacks among guards and the security-level of institutions were significantly correlated with violence (McCorkle & Terrance, 1995). In effect, there is inconsistent empirical research that supports the deprivation model alone (Cesaroni & Peterson-Badali, 2005).

Given the above mixed findings, it is not surprising that a third model integrating the two models emerged, that is, those institutions characterized by substantial structural deprivation have higher levels of aggression; however, this relationship is strongly modified by individual level factors (Lahm, 2008). Theoretical and empirical support for the integrated model emerged because the relationship between external individual factors and institutional factors was simply underspecified because it was not evident why not all individuals with imported characteristics uniformly engaged in aggression and

violence in custody. Further, while there was evidence that custody facilitated inmate violence, the relationship between institutional and external factors remains unclear. In effect, there is extensive variability within individual factors associated with violence and aggression, generally, and in custody contexts, specifically (Edens & Douglas, 2006). Most importantly, while the institutional environment partly explains aggregate differences in violence between institutions, individual level factors appear more important in explaining the likelihood of an individual participating in violent or disruptive behaviour in custody (Hochstetler & DeLisi, 2005; Lahm, 2008). In other words, certain structural factors increase the aggregate levels of aggression and violence in comparing custody contexts, while individual factors better predict within custody violence among individuals, and, finally, aggregated individual factors and structural conditions together best predict the level of aggression and violence within an institution (Hochstetler & DeLisi, 2005). More specifically, most research consistently supports a combination of both institutional factors and antisocial attitudes and behaviours as the strongest predictors of misconduct (Cesaroni & Peterson-Badali, 2005; Gover, MacKenzie, & Armstrong; 2000; Irwin & Cressy, 1962; Jiang & Giorlando, 2002). Yet, the explanations of this either additive or interactive relationship between structural and imported individual factors remains unclear both in the United States, where most of the studies have been undertaken, and in Canada, where there has been very little research on this relationship (Gover et al., 2000; Hochstetler & DeLisi, 2005).

This thesis explores the theoretical issues concerning imported individual characteristics linked to violence generally and how they might interact with custody structural factors to explain both institutional levels of aggression and violence, and the individual likelihood to engage in these behaviours. Because it is unclear how one or both of these explanations can be used to understand violent and aggressive behaviour,

this thesis will rely on the role of the integrated model to assist with this understanding. As mentioned above, research, particularly regarding adults, has identified prison crowding as one of the most inevitable contributing factors to violence (Anderson & Rancer, 2007; Gaes & McGuire, 1985; Lawrence & Andrews, 2004; Wagner, McBride, & Crouse, 1999). However, overcrowding has not been a typical factor in Canadian youth custodial institutions, especially over the past 15 years. This thesis, therefore, will consider the institutional variables identified in the literature that exist in Canada, and specifically in the history of British Columbia's custodial institutions during the three successive youth laws.

Another important yet largely unanswered question is: Why does the transference of extra-institutional characteristics into different types of custody and custodial experiences vary so widely? In other words, why are some young offenders more violent than others, and why do some *import* different characteristics into the institutional environment, and, most importantly, how do these imported characteristics become ingrained in institutional life? Moreover, this thesis will examine whether certain institutional differences, such as an inverted value hierarchy with aggression and violence could potentially result from an interaction among aggressive residents, or if such differences in aggression and violence in custody are a consequence of underlying predispositions or risk factors prior to the incarceration experience.

Theoretically, the more recent developmental criminological perspectives are important in understanding these questions since they focus on integrating psychological characteristics of offenders with environmental institutional factors (Hochstetler & DeLisi, 2005). Specifically, these developmental approaches attempt to understand how individual criminal predispositions and criminally antecedent activities develop. Yet, most empirical research on custodial misconduct has not examined the short-term or

proximate process that is related to custodial aggression and violence. As well, the relationship between complex psychological and childhood experiences might explain how youth adapt to custodial/institutional factors. In other words, most empirical studies have consistently examined institutional factors, primarily relying, too often, on incomplete and theoretically inadequate records of the young offender upon entry into custodial institutions to identify individual level imported characteristics.

Further, examinations of institutional misconduct have failed to effectively address the short-term processes leading to offending, and have also shown to be unsuccessful in bridging the gap between the backgrounds and the foregrounds of crime. In other words, most custody studies have examined either the institutional nature of custody alone, or individual characteristics often found through official records of the offender upon entry (Cesaroni & Peterson-Badali, 2005; Hochstetler & DeLisi, 2005; Jiang & Giorlando, 2002). What remains unclear is how changes in life circumstances contribute to offending behaviour long before youth are sent to custody. It will be argued that an exhaustive review of the literature indicates the need for a greater understanding of the complexity and forms of inmate violence, where these types of behaviours emerge, and how offenders themselves perceive institutional life.

This thesis examined several of the above key hypothesized individual and organizational correlates of aggressive and violent behaviour within custodial institutions in British Columbia. Arguably, there are fundamental differences among countries regarding not only the ethnic/racial profiles of their respective youth custody populations, but their organizational/institutional profiles, for example, mixed youth/adult, large/urban, and mixed gender. Generalizability of findings from one country to another is, therefore, limited. As mentioned above, US research, particularly regarding adults, for example, has identified prison crowding factors as consistently associated with prison violence

(Anderson & Rancer, 2007; Gaes & McGuire, 1985; Lawrence & Andrews, 2004; Wagner et al., 1999); an association that has not been evident in Canadian youth custodial institutions, especially over the past 15 years. Nonetheless, the hypotheses derived from the three models assuredly are relevant to a Canadian context. In addition, theories from the developmental perspective will be reviewed because they provide potential explanatory insights into the variability in both imported individual factors and how these factors interact with the variability of institutional factors to affect how young offenders respond to custody in terms of aggression and violence (Hochstetler & DeLisi, 2005).

Thesis Outline

There are eight chapters that comprise this thesis. The introductory chapter focuses on why youth custody has become a major political issue during the last two decades including the recent 2009 federal election. The controversy continues since the current minority Conservative Party government is seeking to amend the *YCJA* by introducing mandatory minimum sentences for serious and violent young offenders.

Chapter 2 describes how Canadian juvenile justice laws have shifted towards crime control policies from the *JDA* to the *YCJA* with little regard for the empirical research on whether this shift protects the public in either the immediate or long term. In addition, there is a considerable debate among researchers about whether the *YCJA* has contributed to the continued decline in general youth crime and why the most serious and violent offending, for example, use of guns, vicious assaults, and murder have not been reduced.

Chapter 3 examines the dominant traditional theoretical perspectives on the impact of custody on aggression and violence as well as the more recent developmental theories as mentioned above. The three models are importation, deprivation and integrated, however, two additional models also are discussed, administrative control and life-style exposure. The three dominant models will be utilized to hypothesize about why the *YCJA* and related provincial *YCJA* and other laws involving children at risk for serious and violent behaviours, for example, child-in-care and mental health, have not established the timely multi-ministerial and integrated case planning to reduce the likelihood of youth either entering custody or recidivating.

Chapter 4 explores the structure and culture of custodial institutions in British Columbia through in-depth interviews with three government officials, Gordon Hogg, Alan Markwart, and Karla Gronsdahl, who have been centrally involved in youth custody either in policy, administration, training or a combination of these functions over several decades. These unstructured interviews explore the historical evolution of custody institutions in BC, in particular the largest custodial facility, Willingdon Youth Detention Centre (WYDC). The focus of this chapter is the description of deprivation model characteristics in this specific custodial facility, and the views these key figures have concerning the three dominant models—deprivation, importation and integrated—that have been central to theories of young offender aggression and violence in custody.

Chapter 5 discusses the centrality of the developmental perspective theories to the importation model of aggression and violence in youth custody. The importance of a more specified identification of the array of risk factors for violence and aggression in general are reviewed. Also, several of these risk factors empirically and theoretically are linked to possible importation deprivation and integration model factors in custody.

Chapter 6 describes the research methodology employed both in utilizing unstructured interviews with the above key government officials and in the larger research SSHRC projects that generated the quantitative data used in this study. Utilizing the later data, the key concepts regarding the dependent and independent variables in this study are operationalized, and the univariate and bi-variate analysis results are presented along with four logistic regression models.

Chapter 7 presents the results concerning the four hypotheses that will be discussed in Chapter 5. First, the univariate distributions of the independent variables will be discussed followed by the bivariate and multivariate analyses associated with the four types of aggression in youth custody.

Chapter 8 involves a discussion of the implications of the results both in terms of the three theoretical models of youth violence in custody, and in regard to policies in general, and specifically for Canada.

Chapter 1.

The Custody Policy Issue

The *YCJA* (2003) contains the controversial sentencing Section 2 that gives Crown counsel the option of seeking adult length sentences for young offenders convicted of presumptive serious and/or violent offences, including murder, aggravated sexual assault, armed robbery, and aggravated physical assault. Adult length sentences can also be imposed on young offenders who demonstrate a pattern of moderately serious violent and/or property offences. This section of the *YCJA* reflected the political objective of the then Liberal government, led by Prime Minister Jean Chretien, to convince the Canadian electorate that his party was committed to protecting the Canadian public by incapacitating serious and violent young offenders. The Reform Alliance party was created when the Conservative party joined together with the Reform party which had campaigned successfully, in part, on the “get tough” policy towards serious and violent offenders. In opposing the Liberal agenda, the new Conservative party argued that Section 2 of the *YCJA*, among others, was insufficient to protect the public. In contrast, the Bloc Quebecois and the Party Québécois were concerned that the *YCJA* could force the Quebec youth justice system to increase the number of young offenders incarcerated in their province (Trepanier, 2004). The more general issue debated during the passage of the *YCJA* legislation was the effect of custody on young offenders. In other words, to what degree did custody or longer sentences deter young

offenders from committing further serious crimes after being released (Doob & Cesaroni, 2002).

While the research on the deterrent effect of longer adult prison sentences was and continues to be unresolved, there is consensus among researchers that young offender custody contexts are violent institutions that produce fear among the most vulnerable incarcerated youth, especially girls, younger offenders, and those from certain ethnic/racial minorities, while having little deterrent effect on the most serious and violent young offender. Canadian and US studies have confirmed this perspective by reviewing the number and seriousness of the beatings, physical and sexual assaults, and murders that have occurred in Canadian youth correctional institutions (Bartollas, 1978; Doob & Cesaroni, 2002; Maitland & Sluder, 1996; O'Donnell & Edgar, 1999).

While the custody policy issue and related theoretical and empirical research have been a specific political issue, there is a broader controversy about whether youth crime has increased over the past 30 years and whether youth violence has become more prevalent and more severe. In Canada, the debate began in earnest after the YOA replaced the *JDA* in 1984. By the end of the 1980s, Corrado and Markwart (1994) maintained that charge statistics indicated a substantial increase in serious and violent offending, while Carrington (1995) disagreed and asserted that conviction rates had not increased. Nonetheless, there was a dramatic increase in the number of youth gangs and the activities of adult/youth gangs (Gordon, 2000) and several vicious murders occurred, most notoriously, the Jesse Cadman incident which led to the growth of anti-YOA interest groups, one of the most effective being Crime Responsibility and Youth (CRY) founded by Jesse's father, Chuck Cadman. These interest groups received extensive media attention focusing public concern on the notion that the YOA did not provide the victims of serious and violent offending, or their families, with a sense of

justice. In effect, the violent youth crime issue was conflated with an angry and growing sense of injustice associated with the YOA (Corrado & Markwart, 1994). Arguably, public anger reflected the widely held public perception that the YOA simply did not protect the public from serious and violent and/or repeat young offenders.

A different policy issue arose concerning the extensive misuse of custody for minor offences and administrative offences, such as breach of probation. Despite several reforms of the YOA throughout the 1980s and 1990s, interest groups, the media, and the major national political parties appeared to reach a consensus that the YOA was fundamentally flawed, resulting in it ultimately being replaced in 2003 by the YCJA. This act was based on a different model of youth justice. The varying theoretical models underlying these two laws, the related types of offender sentenced to custody, and to some degree, a discussion of their custody experiences, are discussed in Chapter 2. As mentioned above, the opposition Conservative party remained unsatisfied about the YCJA's ability to protect the public from serious and violent young offenders. Not surprisingly, when this party formed the minority government, Prime Minister Harper's various Ministers of Justice attempted unsuccessfully to initiate several sentencing reforms to the YCJA.

In preparation for the 2008 election, the Conservative government made it clear that they would not tolerate any further Liberal obstruction to adult and young offender crime reforms ("Harper vows changes," 2008). The re-elected Conservative government reformed the Criminal Code by providing more punitive and deterrent sentences for impaired driving, gun-crimes, and dangerous repeat offenders. The next stage of their tough-on-crime agenda focused on reducing YCJA protections for young offenders convicted of serious crimes. Specifically, youth aged 14 and over found guilty of serious crimes, including manslaughter, murder, or aggravated assault, would face longer

custody sentences and no longer have their identities protected. More controversy emerged as additional proposed reforms would make it easier to remand young offenders prior to trial, and to impose lengthy or additional sentences if a judge believed extra conditions would enhance specific and general deterrence (“Harper vows changes,” 2008). The latter reform reflected the Conservative government’s view that “the principles of deterrence and punishment have been all but erased from the youth criminal justice system” (“Harper vows changes,” 2008, p. 1). This reaction also occurred after the Supreme Court rejected the reverse onus section of the *YCJA* requiring defence counsel to ‘show cause’ why their client should not be sentenced to adult length sentences for presumptive offences. This ruling was perceived as a setback to the Conservative government as it declared during the election that it would seek to impose automatic adult sentences for violent young offenders. Regarding his criminal justice approach more generally, Harper explained, “We believe the central purpose of a criminal justice system is not the welfare of the criminal, it is the protection of law-abiding citizens and their property” (“Harper vows changes,” 2008, p. 1).

The Liberal Party countered that the enforcement of harsher sentences did not act as a deterrent for potential criminals, and that policies similar to the Conservative’s crime control focus had failed in the United States yet the Conservative government mimicked “the Republican way of the United States, with more people in prison, more arms in circulation” (CBC News, 2008, p. 2). In effect, the proposed Conservative government reform of the *YCJA* custody and related sections applied to serious and violent young offenders over the age of 14 and would follow many of the US states which virtually regarded them as no different than adult serious and violent offenders. Therefore, these young offenders would be sentenced as adults, resulting in long term

custody sentences designed to punish, and provide individual and general deterrence with rehabilitative objectives not being a primary custody objective.

The Conservative Government's Proposed Amendments Regarding Custody for Young Offenders

The Conservative party government has recently proposed three main *amendments* to the *YCJA*. First, specific deterrence and denunciation were to be added to the principles of sentencing. Currently, the *YCJA* does not provide judges with the discretion to include these principles as justification for increased sentence length. The absence of the deterrence principle resulted in a major appeal case involving a British Columbia youth court judge, Jane Auxier. She explicitly added to the custody period of a young offender who escaped from a youth detention centre, was rearrested, retried, and convicted based on the deterrence rationale. Judge Auxier explained that common sense dictated that without the threat of a lengthier custody sentence or additional punitive consequences, why would this same young offender, as well as others, not try to escape (Corrado et al., 2007). That decision was approved by the BC Court of Appeal but overturned by the Supreme Court of Canada. Accordingly, the proposed Harper reform would provide the youth courts the opportunity to utilize sentencing sanctions designed to discourage young offender from committing further offences when the circumstances of the individual case indicated that this was necessary (Department of Justice Canada, 2010).

Second, there is an amendment to add to the definition of "violence offence" any behaviour that endangers the life or safety of others. Currently, a young person cannot be sentenced to custody unless they have committed a violent offence which the

Supreme Court of Canada has defined as “causes, attempts to cause, or threatens to cause bodily harm.” This definition does not include situations where nobody is injured, yet reckless behaviour poses a serious potential risk to others. For example, presently, a young offender who leads police on a high-speed chase through a residential area could only be sentenced to custody if someone was injured during the pursuit. The proposed amendment would expand the definition of “violent offence” to include offences which create a “substantial likelihood of causing bodily harm” (Department of Justice Canada, 2010, p. 2).

Third, there is the proposed amendment that would allow judges to sentence young offenders to custody who have an extensive pattern of findings of guilt for minor offences or extrajudicial sanctions. Currently, the *YCJA* only allows the imposition of custodial sentences when a young offender has committed an indictable offence for which an adult is liable to imprisonment for a term of more than 2 years, and when the young person has a pattern of “findings of guilt” under the Act. In effect, it is argued that there are cases where judges are faced with a young offender whose contacts with either the police or the youth court indicate that only a custody sentence would deter this young offender from escalating to serious and violent offending. Similarly, it is asserted that judges need the option of including all prior police contacts and minor offences when a young offender is being sentenced for an indictable offence for the first time in order to justify the imposition of a lengthier custody sentence than normally warranted (Department of Justice Canada, 2010, p. 2). This Conservative party government amendment is based on the assertion that society can be better protected from such obviously potential serious and violent offenders if judges can incapacitate them and hold them responsible sufficiently to deter them from escalating their offending upon release.

The above-proposed amendments to the *YCJA* have the enormous potential of increasing the use of young offender custody in Canada depending on how provincial ministries responsible for Crown prosecution would apply the amendments if they were passed into law. As was evident under the *YOA*, there were enormous differences among the provinces regarding the transfer of serious and violent young offenders to the adult criminal courts, the use of remand, and custody sentences (Federal/Provincial Report on *YOA* Reform, 1997). Yet, the constitutional Charter Rights principle of equal treatment across provinces in the application of criminal justice practises has not appeared to be a concern for the Harper government since it recently announced the objective of substantially increasing the Correctional Service of Canada budget in anticipation of the increase in adult prison sentences, and the resulting need for several thousand new prison cells. In other words, the Conservative Party government appears determined to increase not only adult custodial sentences, but also young offender custodial sentences.

However, while it is not evident whether the opposition parliamentary majority will support the above budget increase for CSC, there is considerable doubt that *YCJA* proposed reforms will be supported by the majority of the Members of Parliament from the other political parties. Nonetheless, while the *YCJA* custody issue remains an important political issue, there is little Canadian research on how young offenders react to custody. Is it experienced as either merely reinforcing imported risks for criminality, an initiator of criminality, or do both experiences occur? As mentioned above, there is considerable variability in how young offenders react to custody. The traditional criminological theories provide limited insights into this variability. Key single constructs, such as low self-control, gang affiliation, gender, strain, “inverted value pyramid,” pains of imprisonment, and overcrowding each and together have explained part of the

understanding of individual variability of adjustment in custody. However, the developmental perspective theories, arguably, delve deeper into this complex relationship. Before examining this perspective, it is important to understand the models of youth criminal justice that outline the *JDA*, *YOA*, and *YCJA* in terms of comparative legal principles and processes. Corrado et al., 1992 has argued that these models help explain why the custody issue has remained so controversial in Canada over the past 30 years.

Chapter 2.

Canadian Juvenile Justice Laws

Historically, juvenile justice legislation and policies developed out of sets of specific beliefs, such as theories about the fundamental elements of human nature and social order and/or the causes of criminal behaviour (Anand, 1999; Brereton, 1996; Campbell, 2005). The dominant theoretical perspectives of youth crime and youth justice can be classified into three broad orientations: positivism, classical/neo-classical, and crime control. For nearly one century, these theoretical orientations have dominated the debate about what models of youth justice should be the basis for youth laws in Canada (Corrado et al., 1992). From the late 19th Century until the late 1960s, the positivist theories formed the foundation for the welfare model of juvenile justice in Canada and elsewhere. This model primarily focuses on the rehabilitative needs of anti-social youth while minimizing the concern over youth's procedural rights (Corrado & Turnbull, 1992).

Neo-classical theory is the basis for the justice model that emphasizes fair procedure or due process for offenders, punishments proportionate to the seriousness of the crime and prior record, and definite sentences. This model asserts that, while offenders are wilful decision-makers and should, therefore, be held accountable for their actions, there typically are distinctive mitigating circumstances for young offenders that justify less severe sentences than adult offenders. These routine mitigating circumstances justify a separate juvenile court as has existed in England for much of the

20th Century (Corrado & Turnbull, 1992). Nonetheless, Feld (1981) argued that this model was an insufficient rationale for a separate juvenile criminal justice system because there was virtually no difference between it and an adult criminal court in several US states, such as Minnesota, given the growing trend towards longer custodial sentences and high transfer to adult criminal courts for serious and violent young offenders. In addition, US Supreme Court decisions over the last half-century have required the same due process protections in juvenile courts as have existed in adult criminal courts when custodial sentences are considered.

The theoretical basis for the crime control model is the assertion that young offenders commit serious crimes for the exact same reasons as adults- low self-control, instant gratification, widespread opportunities, high odds of success for property crimes and minor violent crimes, and insufficient deterrence. There is a fundamental rejection of the above mitigating sentencing principle that young offenders require special sentencing considerations, especially regarding lengthy custodial sentences. In this model, the only effective means of protecting society from serious crime is to utilize custody for both repeat minor criminality (e.g., multiple less serious property crimes, multiple minor assaults, and multiple violations of probation orders), and the initial serious offence, property or violent, for young offenders and adults (Corrado et al., 1992). This model is exemplified in zero tolerance police and prosecution policies towards nuisance crimes, such as graffiti, loitering, street sex trade, and minor drug trafficking, whereby repeat offenders are arrested and receive short custody sentences. These policies are based partly on James Q. Wilson's (1982) "Broken Windows" theory. The extreme expression of the crime control model is the "three strikes" laws in which any three-felony offences results in an automatic life sentence that is in effect in several US states. Arguably, the use of capital punishment for the most serious violent offences

for young offenders is the ultimate crime control policy. Of note, until a recent 2009 US Supreme Court decision, several states had this option, and, at least, three states sought to implement it (US Supreme Court Decision: *Roper vs. Simmons*). Moreover, these crime control policies are associated with the US having, by far, the highest custody rates of any liberal democratic country in the world (US Bureau of Statistics (BJS), 2009). Arguably, although Canada had a higher young offender custody rate than the US based on daily count per capita, when length of sentence per capita is considered, the US still is considerably more crime control oriented than Canada (Corrado & Turnbull, 1992). As will be discussed below, these crime control model reforms are the primary basis for the political opposition to the above Conservative Party government's proposed YCJA reforms related to custody.

Labelling theory (Lemert, 1951) and the related Drift theory (Matza, 1964), along with Restorative Justice theory (Braithwaite, 1989), are central to the corporatist model initially developed by Pratt (1989) to describe the introduction of diversion from juvenile courts of minor, first-time offenders to administrative processing in which either no further action or voluntary community based sanctions and/or service occurs. By the late 1970s, several countries, most notably New Zealand, as well as Quebec, made some form of formal diversion the most prevalent method of processing youth who admitted having committed crimes, typically minor property and personal offences. The common theme for the above theories was that formal criminal justice processing for minor offences was counter-productive to the safety or protection of communities where the victimization took place and to which the youth would likely return. This occurs because delinquency and young offender labels isolate already alienated youth from their communities and, therefore, increased rather than decreased the likelihood of recidivism. Instead, by having the youth admit to the offence and, in certain cases,

apologize to their victim(s) and others, and agree to access needed services, the underlying alienation and often not uncommon age related anti-social behaviour or criminal behaviour are reduced. In effect, criminal justice processing for most youth is criminogenic because it further removes them from their communities, rather than helps them reintegrate pro-socially. The restorative justice approach incorporates several Aboriginal justice principles that also focus on having the youth acknowledge the harm done to the immediate victim, to the community, and to themselves, and then to engage in a series of restorative behaviours. Judicial processing and custody are only considered when a young offender has committed a serious violent offence and refuses to accept responsibility.

In Canada, this model was most completely evident first in Quebec. The Youth Protection Act (YPA) of 1977 introduced Youth Bureaus that undertook the screening of all youth being considered for a charge. This screening focused on outright diversion for minor offenders not in need of services, diversion to service needs for minor/moderate offenders who accepted responsibility for their alleged criminal behaviours, and referral to the youth court for those who denied responsibility or allegedly had committed major property and/or serious violence according to the police reports. Even for those convicted, it was not uncommon to be returned to the Youth Bureau as part of the disposition. The effect that the YPA had on custody levels in Quebec was that it consistently had either the lowest or among the lowest rates of all the provinces. Proponents of this model assert that it is the main reason for the infrequent use of custody, and the lower youth crime rates, including the rates of serious and violent offending (Trepanier, 2004).

The modified justice model was introduced by Corrado et al. (1992) to describe the YOA and youth justice systems in other jurisdictions (Corrado & Turnbull, 1992). It

has also been utilized to describe the *YCJA* (Corrado et al., 2007). This model is based on the presence of all of the above theories of youth criminality being incorporated into a youth justice law, although the neo-classical theory predominates since procedural rights are primary. Principles from all the other models are evident in various sections of the young offenders law, including the preamble, administrative processes (e.g., pre- and post- judicial), processes, judicial processes, the description of key agents' roles (e.g., police, defence counsel and judge), sentencing options, and, most importantly, custody. Depending on how each province interprets and applies/administers the law, in terms of its principles, processes, and roles, into their respective provincial youth justice administrative laws, will likely determine the extent to which custody is used in each province.

It is these five models that have dominated youth justice legislation in very unique ways. Although one of Canada's first pieces of juvenile justice legislation, the *JDA*, was overwhelmingly reflective of welfare model theories (Hudson, Hornick, & Burrows, 1988), the *YOA* marked a definitive shift to the justice model (Bala & Hornick, 1991; Corrado et al., 1992; Hudson et al., 1988). The *YCJA* continued this trend as it combines elements of both laws and is the most exhaustive youth law in terms of specificity and complexity (Bala & Anand, 2004; Barnhorst, 2004; Roberts & Bala, 2003). This degree of detail was explicitly designed to avoid the confusion of the mixed model *YOA* which, as discussed above, resulted in the overuse of custody, wide provincial variations in the use of both alternative/diversion measures, and transfers to the adult criminal courts. By contrast, the *YCJA* details a tri-partite process. Minor offences are to be processed according to corporatist diversion options, while moderate offences are governed according to justice model procedural processes with the traditional probation options and extra-judicial sanctions, including restorative justice options being available.

Youth custody is reserved only for the more violent or serious property offences. The most extreme crime control model principle is evident in Crown Counsel's option to seek adult length sentences for the presumptive offences. The *YCJA* custody sentencing section will be discussed in detail below, but the custody sections and its use will be discussed next in order to provide the historical legal context for custody and its actual use under the *JDA* and *YOA*.

Custodial Dispositions under Youth Justice Law

The nature, length, and appropriateness of custodial dispositions have long been a part of the juvenile justice debate in Canada (Anand, 1999; Feld, 1998, Embry, 2001). The extensive discussions and consultations that preceded the passage of the *YOA* in 1982 demonstrated the fundamentally different philosophical positions that continue to fuel this debate (Corrado et al., 1992; Hudson et al., 1988). The welfare model assumes that all dispositions, including custody, are intended entirely for rehabilitative purposes, rather than punishment as the key focus of this model is the re-socialization and successful reintegration of the offender into the community (Campbell, 2005; Hudson et al., 1988). The justice model, however, with a stronger focus on the "just deserts" philosophy, sees punishment, such as custodial dispositions, as serving the purposes of both general and specific deterrence. Finally, the crime control model emphasizes custodial dispositions for only the most serious and violent repeat offenders, as well as promoting public protection through incapacitation (Bala & Anand, 2004; Corrado et al., 1992).

A brief overview of the history of custodial dispositions for youth in conflict with the law serves as a starting point for this discussion. This includes a review of the

reforms made during the mid 19th Century that led to the introduction of the *JDA* of 1908, and the creation of Canada's first juvenile justice system (Hudson et al., 1988).

Dispositions available under this legislation, as well as the developments that led to its replacement with the *YOA* will also be discussed. Finally, a look at how the various models of youth justice have affected decisions to impose custodial dispositions under the *JDA*, *YOA*, and the *YCJA* will also be considered.

The *Juvenile Delinquents Act* of 1908

In reviewing custody under the *JDA*, it is important to distinguish how custody policies evolved substantially during its 72-year existence. Also, the theoretical interpretations of the purpose of custody became increasingly critical by the 1960s and 1970s, particularly, the Marxist, conflict, and feminist theories that characterized the welfare model's use of custody, generally, and in Canada as inherently abusive and discriminatory against the most vulnerable working class and immigrant youth, particularly girls and their families (Chesney Lind, 1973; Chun, 2009). Positive based theories, justice model proponents, and evaluation researchers also become highly critical (Bell, 2002; Campbell, 2005; Doob & Cesaroni, 2004). Yet, prior to the 1960s, there were few criticisms of custody, primarily because its use was not for punishment but for rehabilitation. In effect, it appeared that this positive view involved the uncritical acceptance that custody was being used in accordance with Section 38 of the *JDA*:

the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by his parents, and... as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misguided and misdirected child and one needing aid, encouragement, help and assistance (2006, p. 6).

The specific custodial dispositions available to the juvenile court under the Section 20(1) of the *JDA* provided judges with the authority to commit a delinquent to an industrial school duly approved by the Lieutenant Governor in Council.¹ Further, the *JDA*'s indefinite sentences meant that a delinquent's disposition could, theoretically, continue until that youth reached the maximum age under the *JDA* (Hudson et al., 1988).² Indeterminate sentences were justified to ensure successful treatment (Doob & Cesaroni, 2004). Delinquent youth sent to a training school (classified under the *YOA* and *YCJA* as a secure youth custody institution) were under the complete control of training school officials. These officials decided when a youth was rehabilitated and could be released. Release was automatic once a youth reached 21 years of age. In effect, under Section 21(1) of the Act, once delinquent youth were committed to a custodial disposition, they remained under the care of the province (Hudson et al., 1988). A key intention of this section was to allow child welfare regulations to be used when dealing with young persons in custody (Campbell, 2005; Corrado et al., 1992). As a result, any review by the juvenile court was not necessary, barring future offences, once the young person had been committed, and the provincial authority chose to use provincial child welfare legislation to deal with the delinquent.

The "best interests" rehabilitation welfare model principle often resulted in an intrusive approach to youth who were typically those from marginalized backgrounds and who were housed in custody facilities for much longer periods of time than adults who committed similar offences. (Bishop, 2000; Feld, 1993). The rationale for longer

¹ The term "industrial school" had been replaced with the term "training school" by the 1960s as most provinces moved to reflect a more rehabilitative philosophy in their correctional terminology.

² The maximum age that a youth could remain under the jurisdiction of the *JDA* differed by province.

sentences was that the youth needed a longer period in a rehabilitative environment away from delinquency or risk factors, especially family and delinquent peers (Corrado, Odgers & Cohen, 2002; Corrado, Cohen, & Marino, 2003).

The first major criticisms of the welfare model approach to custody originated in the US where law professors focused on the absence of due process. The key US Supreme Court decision was the 1967 *Gault* case where it ruled that any judicial proceeding leading to a custody sentence required the rights of formal notice of charges, cross examination of hostile witnesses, access to defence counsel, and protection against self incrimination. This landmark decision constituted a wide-ranging critique and rejection of the welfare model principles regarding custody since it asserted that custody was punishment, not treatment (Gault, 1967; McKeiver, 1971; Winship, 1970).

The Supreme Court's reaction to *Gault's* appeal was harsh and far-reaching. In any delinquency proceeding in which confinement was a possible outcome, the Court ruled that youth should have the right to formal notice of charges against them and the right to cross-examine prosecution witnesses, the right to assistance of counsel, and the protection against self-incrimination. The Supreme Court based its ruling on the fact that, in *Gault*, the youth had clearly been punished by the juvenile court, not treated. More importantly, it rejected the Common Law principle of *parens patriae* as the founding principle of the welfare model of juvenile justice because of its “murkiness and the dubious relevance of its historic credentials” (Manfredi, 1998, p. 35). The rehabilitative principle of the welfare model use of custody was further challenged when a team of prominent US researchers examined a broad range of treatment programs for both youth and adults and concluded that “nothing works” (Martinson, 1974). While it is not clear to what extent the *Gault* decision and the perceived failure of rehabilitative programs influenced Canadian policy makers, Bala (1997) maintained that policy makers

in Canada were affected by events in the US, along with earlier 1960s initiatives in Canada that also reached similar conclusions about the lack of procedural safe guards, especially regarding custody.

Both in the United States and Canada, under the welfare model laws, it was appropriate for juvenile court judges to structure dispositions that resulted in delinquent youth being sent to custodial institutions for minor delinquencies, such as multiple vandalisms and breaches of probation conditions, and extremely serious delinquencies, such as aggravated assault and attempted murder (Feld, 1981). In other words, not all serious or major delinquent youth were transferred to adult criminal courts, and, equally important, those who had received lengthy custodial sentences often served the initial period in juvenile institutions until the age of majority. As mentioned above, Chesney-Lind (1973, 1986) in the United States and Chun (2009) in Canada asserted that girls who were found to be in a state of delinquency for minor sexual inappropriate behaviour were not uncommonly sent to custodial institutions. Admittedly, Chun's research described the pre-1960s situation in Canada, and Chesney-Lind focused on the period prior to the major US Supreme Court decisions taking effect in juvenile justice corrections in the various states. Nonetheless, the *JDA* did not preclude mixing non-violent juvenile delinquents and very violent delinquents in custodial institutions. However, there is very little empirical research prior to the 1970s concerning the offence profiles of these custodial populations.

Given this likelihood of mixed offences in Canadian custodial institutions, it is possible that violence and aggression was based, in part, on the vulnerability of less violent delinquents by the more violent custodial delinquents. Secondly, the large population of custodial institutions for much of the *JDA* was another hypothesized factor in facilitating aggression and violence, whether overcrowding existed or not. In effect,

according to the importation model, delinquents sent to custody for status offences would have been vulnerable and opportunistic targets for those delinquents in custody because of serious violence. However, the large custodial population is an important institutional model factor for aggression and violence.

Other institutional factors include custodial staff ideology and education level. Under the *JDA* and until the 1970s, it was common for custodial staff to transfer to youth custody from adult institutions and from specific professions, such as the police and the military (G. Hogg, personal interview, December 2010). Arguably, these staff would have been more supportive of the crime control custodial ideology or that the custodial experience should be aggressive and violent in terms of staff and peer relationships sufficient to deter the individual delinquent from recidivating and returning to custody. Minimum education levels for employment in these settings was often less than a high school diploma. Low education levels and/or rigid prior criminal justice or military training and experiences were also more generally associated with individuals who were more supportive of the crime control ideology (G. Hogg, personal interview, December 2010).

In the US, it was under the Carter presidency that major juvenile detention reforms to address these issues began in earnest. Schwartz and Barton (1994) described the welfare model US juvenile detention centres as “hidden closets” where both the institutional structures and importation factors resulted in aggression and violence while not deterring serious and violent offenders. In contrast, there were no similar depictions of Canadian training and industrial schools. However, procedural rights regarding custodial dispositions were part of the general criticism of the welfare model *JDA*, in particular, the use of custody for “status offences.” By the 1970s, there was a growing theoretical, empirical, and political consensus that the *JDA* custodial

institutions were, in effect, prisons. As such, they were inherently punitive and questionably rehabilitative. The YOA was designed to rectify these custody concerns.

The *Young Offenders Act*

While the initial attempts to reform the *JDA* focused on the apparent inability of provincial juvenile justice systems to rehabilitate serious delinquents, the next reform theme involved the absence of procedural rights, and, finally, by the early 1980s, the protection of society. In effect, by the 1980s, serious youth criminality had become a political issue. Issues around custody became politically central for crime control model proponents. Nonetheless, as a modified justice model, procedural safeguards were essential to custodial sentences. In addition, from the justice model proportionately principle, status offences were no longer included under the YOA and, consequently, could not be the basis for custodial sentences. The YOA explicitly stated that custody was effectively the last resort and that sentences should be based on the notion of interfering as minimally as possible in the lives of young offenders, unless all other less punitive options had been exhausted or the protection of society from serious and violent offending was involved (Bala & Lilles, 1984).

Like the *JDA*, provinces had the constitutional responsibility for implementing the YOA, which again resulted in diverse provincial youth justice systems and wide variations in the use of youth custody and transfers to adult criminal courts and adult custody. For example, the Quebec youth justice system remained consistent with a corporatist model regarding custody by severely limiting its use and continuing to rely primarily on administrative processing of young offenders to non-custodial sentencing options. Throughout the YOA, Quebec typically had the lowest custody rates of all the provinces. In contrast, Manitoba emphasized the crime control model's incapacitation

principle such that it had the highest transfer to adult court and the highest rate of youth/adult custody rates.

As early as the mid 1980s, custody became an increasingly intense political issue, especially in federal politics (Corrado & Markwart cited in Corrado et al., 1992). The basic theme was that the YOA was far too lenient in responding to serious and violent young offenders. The custodial sentences for young offenders were deemed to be far too limited, for example having a 3-year maximum sentence for convictions of 1st degree murder. Over time, the YOA was subsequently amended several times to eventually reach a maximum sentence of 7 years in custody for 1st degree murder. Other YOA amendments addressed the issues of public safety and law enforcement. Prime Minister Kim Campbell announced a 5-year (less a day) penalty for 1st degree murder that would also be extended to other violent offences (Campbell, 2005). She also proposed to have the minimum age of the YOA's jurisdiction lowered to 10 years old from 12 years old and the maximum age reduced from 18 years old to 15 years old. She also requested automatic transfers to adult court for youth charged with murder or a second violent offence, and to have the names of those accused made public. The crime control advocates argued that these violent young offenders were aware of their extensive procedural rights and consciously manipulated them in order to receive only short incarceration sentences (Bala, 1997; Campbell, 2005).

The transfer to adult criminal court was an issue because, even with transfer, youth could only receive a 10-year maximum for the most serious violent offences. Again, as mentioned above, there were several notorious cases where brutally violent murders and attempted murders were committed by young offenders which were either not initially transferred to adult criminal court or they received the perceived "lenient" maximum sentence of the YOA.

From the justice model and welfare model perspectives, there was the criticism that custody was being used disproportionately and inappropriately for two particularly vulnerable groups in Canada, female young offenders and Aboriginal young offenders. In the case of female offenders, the concern was that many females were incarcerated not because of the nature of their offences or the need to protect society, but while the YOA did not include status offences, female young offenders, nonetheless, too often received custodial sentences for minor offences even though Corrado et al. (1992) reported that these female young offenders overwhelmingly believed that the youth courts had sentenced them to custody for their own protection. In contrast, they also stated that their male counterparts in custody had been sentenced for punitive reasons. Also, these custodial sentences for minor female young offenders were justified because of their need to access scarce rehabilitative resources often not available under the community sentencing options (Corrado et al., 1992). It also became evident under the YOA that Aboriginal youth were disproportionately represented in youth criminal justice systems in most Canadian provinces, and even more so in custody (MacDonald, 1997b). It was not evident why this apparent discrimination occurred; however, one major concern was the additional harm that would occur because of the institutional “pains of punishment” to an already extremely victimized Aboriginal population.

In general, the criticisms of the YOA came from both ends of the youth justice models spectrum: the political right (the get tough approach) and the welfare/rehabilitation proponents who were opposed to the crime control/ “get tough” (Carrington, 1999; Cullen, Fisher, & Applegate, 2000). Crime control advocates appeared to ignore the substantial increase in the number of youth sent to custody. However, the time served was significantly shorter than under the JDA. The welfare proponents raised the issue that there was a reduction in custody-based treatment

programs since the YOA because of Section 22 which required the consent of young offenders for treatment (Bala, 1997). Additionally, provincial governments were accused of not providing adequate custody-based treatment resources, despite the growing body of research indicating that many youth in custody came from multi-problem profiled backgrounds characterized by a myriad of social and mental health deficits (Corrado et al., 2002; Corrado et al., 2003). Part of the confusion over this rehabilitation issue was that Section 22 referred to detention in a hospital or a mental health facility. In other words, provincial governments still could provide extensive mental health services to young offenders in custody facilities using “voluntarily” incentives.

Other salient custody-related issues from the reforms to the YOA were: (1) pre-trial detention in which youth should be detained separately from adults, but otherwise governed by the same laws applied to adults; (2) Section 7.1 of the YOA which permitted a judge to release a youth who would otherwise be detained under the care of a responsible person who was willing and able to exercise control; and (3) transfers to adult court (Bell, 2002; Bishop, 2000; Corrado et al., 1992). As mentioned earlier, only a small number of youth committed very violent offences and were, therefore, eligible for transfer to adult court. The YOA, as originally enacted, predetermined that a transfer was to occur if the court was satisfied that this was “in the best interest of society” (Bishop, 2000; Feld, 1993). Not surprisingly, there were varying judicial interpretations of this standard resulting in wide variation in how youth in different provinces were treated.

As discussions with the provinces about reforming the act continued, the changes grew in number and complexity. As a result, the federal government called for a repeal and replacement of the YOA with a new statute that would make it easier to understand and apply (Campbell, 2005). Politically, the repeal of the YOA and its replacement by a new statute enabled the federal government to claim that it had put “a

new youth justice regime in place” (p. 46). Institutionally, the enactment of a new statute signalled to police, prosecutors, judges, probation officers, and others that some fundamental changes were expected in the administration of youth justice.

The Youth Criminal Justice Act

The *YCJA* presented a significant change in the philosophy of youth justice (Barnhorst, 2004; Carrington & Schulenberg, 2004; Doob & Cesaroni, 2004). According to its Declaration of Principles, the protection of society was the priority, as was the need for a separate system of justice for young persons (Bala, 2003). As mentioned above, the *YCJA*, like its predecessor, incorporated a wide array of principles from all the five youth justice models into a long and complex document.

Most importantly, politically, the *YCJA* directly addressed the overuse of courts and custody for minor offences and its underuse for serious and violent offences (Bala, Carrington, & Roberts, 2009). Further, the *YCJA* also addressed the ongoing public anxiety about the criminal justice system’s response to the small number of highly publicized cases involving the most violent young offenders and to respond more firmly to the small number of the most serious, violent young offenders in order to address the “disturbing decline in public confidence in the youth justice system in Canada” (Department of Justice Canada, 1999). Moreover, in the Declaration of Principle, there is a definitive role for the community in responding to minor youth crime (Carrington & Schulenberg, 2004) primarily involving the use of alternative measures, such as police warnings and cautions, in addition to a range of extrajudicial measures and sanctions (Bell, 2002). Explicit references regarding the community role are evident in the Act’s restorative justice-based options, such as conferences at all stages of the proceedings which incorporate the inherent recognition of the role of victims in the youth justice

system, and repairing the harm to the offender, the victim(s), and the community (Barnhorst, 2004). There also is the formal recognition of the role of families and a desire to strengthen family relationships. Again, as mentioned several times, the use of custody under the *YCJA* is restricted under section 39 to:

- (1) A youth justice court shall not commit a young person to custody under section 42 unless
 - (a) the young person has committed a violent offence;
 - (b) the young person has failed to comply with non-custodial sentences;
 - (c) the young person has committed an indictable offence for which an adult would be liable to imprisonment for a term of more than two years and has a history that indicates a pattern of findings of guilt under this Act or the *YOA*...; or
 - (d) in exceptional cases where the young person has committed an indictable offence, the aggravating circumstances of the offence are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principle set out in section 38.

Under the *YOA*, social welfare concerns could be considered when imposing custodial dispositions on young offenders. For example, the special needs of youth could be taken into account to impose relatively long custodial sentences, especially open custody for adolescents requiring constant supervision in a controlled environment (Corrado et al., 2002). However, the *YCJA* rejected this principle and Section 39(5) explicitly denies social and child welfare factors as a basis for a custodial sentence (Barnhorst, 2004).

Regarding the custody sentencing principles in the *YCJA*, only the most serious violent young offenders should be incarcerated, with the above described exceptions. However, the *YCJA* does not provide a specific definition for what constitutes a violent offence or the relationship between a violent offence and a “serious violent offence (SVO) (Corrado et al., 2007). Differentiating between the two is crucial since sentencing

severity can vary substantially depending on whether the youth has been convicted of a violent or a serious violent offence. This distinction is also critical for determining the appropriate level of custody for a young offender. Without clarifying the appropriate level of violence required to impose a custodial sentence, it is possible that, in contrast to the objectives of the *YCJA*, more custodial sentences will occur. As Judge Harris stated, "If one of the purposes of the Act is to reduce the high levels of youth incarceration, then it follows that a definition that requires proof of anything less than actual or attempted injurious physical contact could trigger an increase in the carceral response and net-widening-the very opposite to what was intended" (Corrado et al., 2007, p. 31).

Although the *YCJA* does not specifically identify criteria for determining a violent offence, Section 42(9) of the *YCJA* identifies procedures for a serious violent offence (SVO) designation by the court (Corrado et al., 2007). Of significance is that if a judge determines that an offence is a serious violent offence, the Crown is expected to seek an adult sentence if the youth has two prior SVO's. In essence, this legal construct achieves the crime control objective of punitiveness and the justice model's principle of proportionality of the severity of the sentence to the seriousness of the offence (Corrado et al., 2007). On the other hand, if a youth has three SVO designations, he or she can be eligible for an intensive rehabilitative custody and supervision sentence (IRCS).³ The *YCJA* retains the welfare model rehabilitation principle for custodial sentences most explicitly with the IRCS. This option is available only for the most extreme violent offences or pattern of these offences.

³ The IRCS sentence applies to a wider range of young persons than presumptive adult sentences. A presumptive adult sentence is limited to young persons fourteen years of age or older, whereas an IRCS sentence can be imposed on those as young as twelve years of age. In contrast to presumptive offences which involve two prior judicial determinations of serious violent offences, the determination of prior serious violent offences for the purposes of IRCS can be made retrospectively by the court (Markwart, 2002).

Intensive Rehabilitation Custody and Supervision Order (IRCS)

IRCS is a unique sentence under the YCJA which incorporates elements from the welfare model and the crime control model in addressing serious and violent crimes by young offenders. Essentially, IRCS is a specialized treatment plan for offenders found guilty of a range of offences, such as murder, manslaughter, attempted murder, aggravated sexual assault, or a third serious violent offence (i.e., the same offence which leads to a presumption of an adult sentence for a young person who is over the age of 14 years old), and is suffering from a psychological disorder. A youth sentenced to an IRCS disposition serves a portion of the sentence in custody (secure and/or open) and a portion in the community (Bala, 2003). However, largely as a result of these statutory restrictions regarding only the most serious offences, there had only been 16 of these orders in the first 4 years of the YCJA (Bala et al., 2009).

Regarding the use of custody under the YCJA, within the first five months, the number of youth incarcerated in custodial facilities declined by 20% to 50% (Campbell, 2005). However, as mentioned above, this downward trend began in 1997-1998 across all provinces, and, in BC, the consistent downward trend began in 1995-1996. In effect, it appears that most provincial governments had instituted policies to reduce custody rates prior to the YCJA. Yet, Bala et al. (2009) maintained that the downward trend accelerated substantially under the YCJA. The national rate went to 9 per 10,000 from 12 per 10,000. Bala et al. (2009) hypothesized that this decline resulted from a number of factors, including diversion by means of police warnings, conferencing and extrajudicial measures, a decrease in the use of pre-trial detention, greater reliance on community-based sentences, and the provisions that allowed youth to serve the last third of their custodial sentences in the community. In BC, the custody rate in the year 2002-2003 was 7.9 per 10,000, which was nearly half of the rate in 1995-1996 (13.5 per

10,000). By 2007-2008, this rate had dropped to 4 per 10,000; among the lowest in Canada.

With respect to Aboriginal youth in custody, the *YCJA* has been effective in reducing their rate from 33.9 per 10,000 in 1997 to 17.6 in 2007-2008. However, this rate rose to 20.5 per 10,000 in 2008-2009 which is still well below the previous high. In effect, the per capita rate of custodial sentences dropped by 35% in 2003/2004 and by a further 36% over the following 3 years. Of note, this decline reflected both a decrease in the proportion of custodial sentences handed down and a decrease in the number of cases being presented to the youth court. Furthermore, the proportion of youth sentences followed by a custodial disposition dropped from 27% in 2002/2003 to 22% in 2003/2004 and decreased another 5.4% over the following 3 years. By 2006/2007, only 16.6% of those youth sentenced in court received a custodial sentence (Bala et al., 2009).

The *JDA* represented a fundamentally different youth justice law than the *YOA* and *YCJA*. The former allowed non-serious as well as serious delinquents to be sentenced into custody type facilities, and therefore, the importation of serious and non-serious risk profiles for aggression and violence. The deprivation structure of the welfare based model training and industrial schools theoretically were to be minimal since treatment rather than incapacitation and punishment were the main functions of these institutions. However, according to Hagan and Leon (1977), while these rehabilitation goals were apparently paramount, these facilities were structured physically and programmatically much like adult prisons. Until the 1960s, there was no research about whether rehabilitation was effective (Martinson, 1974). In contrast, the *YOA* restricted custody to Criminal Code offences and *YOA* administrative offences only because status offences no longer existed. In addition, young offenders had elaborate procedural safeguards within custody to protect them from arbitrary punishment, including physical

abuse from both fellow residents and staff. Most importantly, incarcerated young offenders could not be forced into treatment programs. Paradoxically, therefore, under the modified justice model *YOA*, more serious risk profiles for violence and aggression were likely imported into custody while deprivation risk factors were moderated by law. Finally, under the tri-partite *YCJA*, only the most serious and violent young offenders are to be given custody sentences, therefore, even more serious and violent risk profiles would be expected to be imported into custody. Deprivation factors likely would be unchanged since the same elaborate procedural safeguards continued under the new law.

Chapter 3.

Theoretical Perspectives on the Effect of Custody on Aggression and Violence

The dominant models of youth custody are all based on the US experiences for both adult and youth beginning with Sykes' classic "pains of imprisonment" regarding adult prisons. Subsequently, researchers, most importantly, Bartollas (1978), Feld (1977), and Hoschelter and DeLisi (2005) elaborated upon Sykes' importation and institutional models. It has only been more recently that researchers in other countries, such as Cesaroni and Peterson-Badali (2003) in Canada, and Van der Heul (2009) in Europe, have examined the effects of youth custody on young offenders' levels of aggression and violence. The predominance of US research is extremely important because the dominant theoretical models represent extreme custodial/institutional contexts as the most recent incarceration statistics confirmed that the US had the highest rate of incarceration, not only among all advanced industrial/liberal democratic countries, but all countries (Walmsely, 2005).

In 2009, more than two million (2,297,400) offenders were incarcerated in US prisons and jails, with nearly an additional 100,000 in juvenile facilities in 2006 (Walmsley, 2005). In comparison, the rates in other advanced industrial countries were: 148 per 100,000 in England and Wales; 186 per 100,000 in New Zealand; 116 per 100,000 in Canada; 93 per 100,000 in the Netherlands; and 63 per 100,000 in Japan. Canada, according to this report, incarcerated 38,000 young offenders. However, a

widely cited, but misleading report on youth custody rates in Canada versus the US, reported that Canada had the highest youth custody rates. This report did not account for the enormously higher rates of automatic transfer and routine transfer of serious and violent offenders to adult criminal courts in the United States and the far shorter custodial sentences in Canada

Another important difference between Canada and the United States regarding youth custody is that each of the 50 states has their own youth justice laws which govern the offences that require automatic transfer and eventually adult custody. There is, therefore, enormous variability among US states custodial systems. For example, while Massachusetts historically has been considered as having quite progressive, that is, restricted custodial size institutions, in 2010, New York State had its youth custody system placed into judicial/federal justice department custodial ship because of the terrible institutional conditions and the mental health of its youth inmates. In addition, certain states, most importantly, the youth custodial systems in California, Illinois, and Texas have entrenched youth/adult gang structures. To a lesser extent, however, this variability is visible in Canada where Manitoba and Saskatchewan have both the highest rates of youth custody and youth/adult gang members, over whelming Aboriginal.

In 2008/2009, BC had the lowest custody sentence rates along with Ontario, that is 12 per 10,000, while Saskatchewan had the highest rate at 46 per 10,000. In addition, the incarceration rate or the “number of youth in custody on an average day in relation to the number in the population” (BC Stats, 2010, p. 2), BC and Quebec had the lowest rate with 4 young offenders per 10,000 while Saskatchewan and Manitoba had the highest rate with 26 per 10,000. In other words, there is considerable variability among types of custodial institutions in the US states that allowed for the identification of extremes in institutional factors and importation factors as compared to Canada.

Nonetheless, these factors, albeit to a lesser degree, are likely to exist in all provincial custodial institutions since they have always been “total institutions,” that is, normal daily liberties are severely restricted and non-corporeal punishment, therefore, is inherent. In effect, incarceration in any custodial institution is one of the most significant negative life events (Dhami, Ayton, & Loewenstein, 2007; Griffiths & Cunningham, 2000).

Particularly for youth, custody has been identified as one of the most traumatic lifetime stressors, second only to the death or divorce of one’s parents and the loss of siblings (Doob & Cesaroni, 2002). In addition, for many youth, custody is the longest period spent away from home, family, and friends (Doob & Cesaroni, 2002). Yet, despite such generalizations, there has been considerable evidence concerning the variability in how young offenders respond to their custodial experiences beyond simply age and immaturity. Most importantly, both individual characteristics and experiences prior to custody have been associated with this variable effect. In addition, these individual differences appear to interact with institutional cultures and structures to add to the variability of individual responses to custody (Bartollas, 2003; Doob & Cesaroni, 2002). However, in the Canadian context, it is not evident which of the two sets of factors are more important in explaining the various types of young offenders’ reactions to custody, such as withdrawal, fear, safety, anger, aggression, violence, and even pleasure. Thus, the extent to which adaptations are influenced by the custodial environment itself or influenced by a young offender’s pre-custody characteristics remains a matter of ongoing debate (Dhami et al., 2007).

In the absence of sufficient research, the public often remains unaware of the negative and positive effects of custody on young offenders, such as individual deterrence, education opportunities, mental health resources, and protection from abusive relationships. Nonetheless, the majority of Canadians appear supportive of the

use of custody for serious and violent young and adult offenders (Corrado et al., 1992; “Harper vows changes,” 2008). This is most apparent in the introduction of adult length sentences for serious, violent, and repeat young offenders under the *YCJA* in 2003, and the ongoing political debate in the federal parliament about increased minimum custodial sentences.

Yet, it still appears that when the public is made aware of the violent incidents in youth custody, there is widespread disapproval (Embry, 2001). In addition, a similar negative public reaction occurs when cases of neglect and inhumanity within youth custody centres are made public (Embry, 2001; “Harper vows changes,” 2008). According to Embry, the public tends to place the blame on the failure of the youth custody system, rather than on the laws and “policies that create and maintain these systems” (2001, p. 97).

Within criminology and its related disciplines, there is no consensus about such incidents, in particular, and the impact of custody more generally. From the critical theoretical perspective, Smandych (2001) in Canada and Bortner and Williams (1997) in the US asserted that the power differentials between youth and staff was intrinsic in juvenile/youth custodial institutions that resulted in abuses of power and the victimization of youth. In effect, these young offenders were revictimized while in custody by an oppressive political/economic structure that used youth criminal justice to punish families from the already marginalized ethnic/racial and lower income group for behaviour caused by intergenerational poverty, neglect, and discrimination. In other words, critical theorists claim that the fundamental economic and political power inequalities cause the victimization of both the violent youth and their victims, and their further victimizations in custody by staff. While disagreeing about the causes of the custodial violence and abuse, other Canadian criminologists, including, Cesaroni, and Peterson-Badali (2005)

agreed that youth custody institutions were inherently non-rehabilitative contexts for severely multi-problem young offenders and should be restricted only to the most extreme violent offenders.

Despite the long-standing theoretical debate about the various effects of youth custody, there is, as mentioned above, few studies generally about the effect of custody on young offenders, and even fewer Canadian studies. The few studies on the effects of custody typically focus on aggression and violence (Dhami et al., 2007; Lahm, 2008; McCorkle & Terrace, 1995). Importation and deprivation are the two dominant models utilized to explain aggression and violence in custody yet, more recently, the administrative control model and the lifestyle exposure model have been developed as alternative explanations (Hochstetler & DeLisi, 2005). All of these models will be explained in greater detail below.

Importation Model

Irwin and Cressy (1962) devised their classic importation model and deprivation model over a half-century ago. The former model emphasizes individual-level inmate characteristics manifested prior to incarceration primarily to explain custodial violence and misconduct. They identified several imported adult individual characteristics, including arrest history and an inability to cope under conditions of adversity, depression, confusion, anger, antisocial personality style, impulsivity, and low self-control (Hochstetler & DeLisi, 2005). There is research that supports the importation model, such as prior history of violence as to predictor of offending in custody (Lahm, 2008). In Canada, two youth custody studies have identified serious mental health related problems, such as ADHD, conduct disorder, substance abuse problems, and post-

traumatic stress disorder (Cesaroni & Peterson-Badali, 2003; Corrado et al., 2002). Further, these youth also often come from multi-problem profiled homes characterized by poor academic performance and being the victim of physical and sexual abuse (Cesaroni & Peterson-Badali, 2005; Corrado et al., 2007). Additionally, a history of drug convictions and low levels of education have also been correlated with violence in custody (Edens & Douglas, 2006). In Canada, Cesaroni and Peterson-Badali (2005), specified an array of personality disorders that predicted how young offenders adapted to Ontario youth custody institutions. Moreover, age and gender have consistently been strong predictors of misconduct in custody (Cesaroni & Peterson-Badali, 2010). More definitively, according to Lahm, “the most adequately established correlate of misconduct among prison inmates is age and/or age of entry into the institution” (2008, p. 122). As well, prior criminality and length of sentence are also strong correlates of violent misconduct in custody (Lahm, 2008).

There is, therefore, a long tradition of identifying individual characteristics that inmates bring into custodial institutions, both adult and youth. Nonetheless, Irwin and Cressey (1962) maintained that there were obvious institutional characteristics that affected how inmates responded to custody, especially aggression and violence.

Deprivation Model

There is research supporting the deprivation model, that is, the formal and informal structural conditions of custody, even when controlling for inmate characteristics, to explain institutional aggression and violence. Most importantly, the security-level of the facility, perceived levels of institutional safety/violence, management style, and competency of administration are dominant institutional characteristics linked

to deprivation experiences and perceptions (Cesaroni & Peterson-Badali, 2010; Lahm, 2008). In effect, the deprivation model focuses on organizational factors. However, the most convincing and consistent findings at the organizational level involve not living conditions only, but the ethnic/racial composition of inmates, and inmate perceptions of effective management policies. Specifically, McCorkle and Terrance (1995) found that the number of inmates, the ratio of guards to inmates, and institution size were not significant predictors, but that the ratio of whites to blacks among guards, and the security-level of institutions correlated with violence.

Another measure of the deprivation model that correlated with aggression and violence was number of custodial programs available to inmates. Further, Useem and Piehl (2006) identified the use of segregation cells, loss of rehabilitation programs, and dated or inmate unfriendly institutional architecture as important measures of deprivation, while more recent research by Cesaroni and Peterson-Badali (2010) discussed the use of extraordinary control measures by staff within youth custody centres to control violent and aggressive behaviour. Some of these protective measures included restraints, personal searches of residents, or isolation. Youth reported these incidents to be “scary, unsafe, and unevenly applied” (Office of Child and Family Advocacy, 1992, as cited in Cesaroni & Peterson-Badali, 2010). Youth also reported incidents of extreme violence such as being kicked, punched, dragged, choked, and hit by staff while immobilized.

Not surprisingly, an integrated model consisting of the interaction of imported characteristics and institutional characteristics emerged largely because of the within institutional variations that could not be explained by either sets of characteristics alone. In effect, no research accounted for substantial variations within and between custodial institutions.

Integrated Model

This model asserts that institutions characterized by considerable structural deprivation are predicted to have higher levels of aggression; however, the variations in this relationship within these institutions are strongly influenced by individual-level factors (Lahm, 2008). Furthermore, while there is evidence that the structure of custody can facilitate inmate violence, the relationship between institutional and imported external factors remains both empirically and theoretically unclear (Edens & Douglas, 2006). In other words, while the institutional environment characteristics have explained aggregate differences in violence between institutions, individual-level factors have been more important in explaining the likelihood that a resident within an institution would participate in violent or disruptive behaviour (Hochstetler & DeLisi, 2005; Lahm, 2008). Ethnographic studies and empirical studies using a variety of research designs supported a combination of both institutional factors and antisocial attitudes and behaviours as the most significant predictors of misconduct (Cesaroni & Peterson-Badali, 2005; Gover et al., 2000; Hochstetler & DeLisi, 2005; Irwin & Cressy, 1962; Jiang & Giorlando, 2002). Despite the obvious advantage of the integrated model, it insufficiently specifies both the structures and how their processes interact with individual characteristics to affect the increased likelihood of increased aggression and violence.

Administrative Control Model

The administrative control model focuses on the role of institutional officials, administrators, and governance generally as important determinants of inmate behaviour. More specifically, how prisons are organized, in terms of strong leadership,

effective management style, formalized rules, positive staff-inmate interaction, and available programming are postulated to be correlated with less misconduct in comparison to facilities that are overly or rigidly administered, managed, and controlled. Severe forms of inmate violence, particularly inmate homicide, were linked to having a poorly controlled institutional administration and management approach. More specifically, the rigidity of an overly administrative regime was correlated with increased prisonization among inmates that is, disorders, aggression, and violence (Hochstetler & DeLisi, 2005). In contrast, to this model's focus on institutional administrative structures, the lifestyle-exposure model emphasizes individual level characteristics.

Lifestyle-Exposure Model

Hochstetler and DeLisi (2005) asserted that certain long established lifestyle factors had indirect effects on custodial aggression and violence because of "exposure" to similar negative experiences which activated "associations" that involved high risk for both violence and victimization. Initial lifestyle exposure theories hypothesized that some individuals had persistent preferences for risky or dangerous activities (Hindelang, Gottfredson, & Garofalo, 1978). While the propensity for risk taking behaviour varied enormously, certain inmates engaged in institutional misconduct because they were thoroughly ingrained in a lifestyle where social disorganization, deviant beliefs, and anti-social behaviours, such as drug using, criminality, and chaotic living circumstances, were routine. In effect, certain offenders perceived themselves as risk takers who simply enjoyed the spontaneity and toughness associated with opposition to authority of any kind in any context. These characteristics brought status, self esteem, and material

benefits on the streets in their neighbourhoods, and similarly, in custody. (Hochstetler & DeLisi, 2005)

This model also included the violence-victimization cycle that occurs with the high-risk lifestyle. Youth who routinely engage in aggression and violence increase the likelihood of being victimized, which, in turn, increases the likelihood of their engaging in further violence. This pattern or cycle is repeated in custody contexts, especially where gang structures are embedded (Hochstetler & DeLisi, 2005). Wooldredge (1999) found that inmates' high-risk lifestyles were correlated with being the victim of physical assaults by other inmates and by theft of personal property. Regarding the latter, when goods were completely limited, as in custodial contexts, contraband and personal property were commodities for sale or to be stolen. Loans were also available. In effect, there is a prison economy where theft, coercion, and violence are important to obtain goods and services. For example, the failure to pay debts typically results in violent victimizations. The lifestyle model clearly interacts with the structural/deprivation model; differential involvement in the unlawful inmate economy and imported individual characteristics interact to increase opportunities for aggression and violence (Hochstetler & DeLisi, 2005).

All of these models have numerous common variables, many which are complex and require a conceptual review. Only those variables common to the importation and deprivation models, however, will be discussed. Variables associated with the importation and deprivation models in predicting aggression and violence in a custodial setting

Modes of Adaptation to Custody

Inmate adjustment is a dominant concept for both the importation and deprivation models. Inmate adjustment can be viewed categorically, for example, positive and negative, or dimensionally that is, more or less positive. The correlates of inmate adjustment have been examined in several studies. McCorkle (1993), Dhimi et al. (2007), and Cesaroni and Alvi (2010) identified patterns of adaptation to custody that have either immediate within custody implications for aggression and violence, or longer term implications, such as recidivism. Regarding the latter, disciplinary infractions in custody have been associated with increased risk of recidivism, and, conversely, participation in custodial programming and maintaining close family ties were associated with a reduced level of recidivism (Dhimi et al., 2007).

In the first half of the 20th Century, Clemers (1940) introduced the concept of prisonization or forced adaption to the principles of the inmate code. This code is a set of norms that governed the interaction of inmates and institutional staff, and included the values of “(1) doing your own time; (2) avoiding the prison economy; (3) not trusting anyone; and (4) showing respect to other inmates” (Griffiths & Cunningham, 2000, pp. 221-222). McCorkle (1993) and others reasserted the conceptual utility of Sykes classic “pains of imprisonment” to explain inmate adjustment for both youth and adults. These pains included: (1) loss of basic daily liberties; (2) completely restricted access to goods and services; (3) loss of access to heterosexual relations; (4) loss of personal autonomy; (5) loss of personal security; and (6) an authority and peer coercive and punishment-oriented environment (Bartollas, 2000; Griffiths & Cunningham, 2000).

Further, a similar process, “mortification,” also affected the adjustment process for young offenders as they endured the physical, material, and emotional transformation

from a free citizen to an inmate. This process begins when the offender is issued prison clothing, given a number, separated from their personal possessions, and cut off from most private communications (Griffiths & Cunningham, 2000). In effect, incarcerated offenders are placed in an environment subject to a context of strict rules and regulations. Again, while most of the research describes this transformation as it applies to adult offenders, it is likely that incarcerated youth would routinely experience the same process.

The concept of prisonization remains relevant to contemporary or more recent research; however, it arguably is utilized as more of an assumption than an explanatory process. In effect, the above traditional negative deprivations are assumed to exist, albeit in differing degrees, in all custody institutions. Instead, the focus of theory and research is in specifying the range of responses to prisonization. These responses have been categorized into broad categories, that is, behavioural, psychological, and emotional. Behavioural themes include specific styles of responding to deprivations of liberties, perceptions of violence, and perceptions of safety (Cesaroni & Alvi, 2010; Dhami et al., 2007; Johnson, 2004). This research focused on specifying in more detail how incarcerated youth developed various methods for adapting to life in custody (Flowers, 2002). The assumption is, regardless of these imported individual level differences, all youth develop a method for adapting to custody, often in ways that meet their needs while allowing them to avoid adverse or dangerous situations (Bartollas, 2000; Flowers, 2002). Examples include youth who adapt to one of the following: (1) a rebellious mode of adaptation where they rebel against staff and authority figures; (2) “playing it cool” where youth suppress their emotions in an effort to make their time in custody more comfortable; and (3) withdrawal where inmates suppress their anxieties with either drugs or by escaping from the institution (Flowers, 2002; Bell, 2002). There is,

therefore, a consensus in both the adult and youth incarceration literature that there are several methods for responding to the aggressive and violent nature of custody and the consequent perceptions of violence and safety.

Toch and Adams (2003) identified five types of adjustment that effected how a youth adjusted to their incarceration experience (as cited in Smith, 2010). The first group were those who were concerned with “gratifying impulses”; these individuals were known to be aggressive in their quest for short-term objectives and resorted to violence when their plans were obstructed. According to Smith (2010), this could be related to the negative effects of childhood maltreatment and modelling. In other words, if a child was exposed to violence in the home, then perhaps this will become his/her reaction in custody.

The second group were concerned with “enhancing esteem”; these youth were primarily concerned with their reputations in custody and strove to be perceived as the “tough guy” in the institution. These individuals were often likely to victimize others who interfered with their image or attempted to prove their status.

A third group that Toch and Adams (2003) referred to were groups of individuals who adjusted in ways that increased their chances of becoming a victim in the institution. These individuals were concerned with seeking “autonomy and refuge.” In other words, in their quest for autonomy, these individuals often alternate between being dependent on others and being rebellious against the system; they often challenge authority and are defiant when told what to do. Those who seek refuge experience a certain degree of anxiety while incarcerated and request to be isolated from others to protect themselves. Again, as childhood maltreatment is linked with increased levels of anxiety, it could also be a similar experience in custody.

The final group were those who sought to “maintain sanity”; these individuals withdrew into their own world in the custodial environment in an attempt to keep them from getting into trouble. According to Toch and Adams (2003), this type of individual could be both an aggressor and victim because, although they often withdraw in an attempt to keep themselves together, it is these same individuals that occasionally explode and engage in random attacks or self-destructive acts (as cited in Smith, 2010).

More specifically, Harvey (2007) maintained that inmate adjustment involved a process in which offenders attempted to reach a cognitive, emotional, and behavioural equilibrium. Most importantly, learning to deal effectively with stressful situations is paramount given the invariant sense of uncertainty, deprivation of freedom and control, preoccupation with safety, and emotions involving loss of or separation from family and friends. Harvey (2007) identified three key aspects of the adjustment process: first, a youth must adjust *practically* in that they must familiarize themselves with the rules, regulations, and regime of the custodial environment; second, they must learn to adjust *socially* and be able to positively communicate and interact with both staff and residents; third, youth have to adapt *psychologically* to regulate their cognitions and emotions and to learn to effectively manage their level of psychological distress. Harvey asserted that youth generally were more likely than adults to experience difficulty adjusting psychologically because youth have not developed the same degree of coping skills needed to adjust to stressful conditions, such as confinement. Harvey (2007) also maintained that the three ways of adjustment interacted negatively for youth who were unable to regulate their emotions, had an external locus of control, imported psychological distress, and had more adjustment problems during the first month. Finally, these processes of adaptation to custody were dynamic since negative adaptations commonly alternate with positive adaptations depending on the changes in

daily living conditions in custody, such as new cellmates, participation in treatment programs, and maturation.

Adaptation to custody also has been related to the assertion of individual masculinity. According to their recent Canadian research, Cesaroni and Alvi (2010) maintained that both the incarcerated young offender's feelings of powerlessness and the frequent threatening challenges in custody often compel certain male youth to rethink their typically held conceptions of manhood that is, "autonomous, self-regulated, dominant and convinced of their own efficacy" (p. 311). It is asserted that the constant surveillance by custody authorities and threats from other incarcerated young offenders are deprivations that cause negative inmate adjustment for physically or emotionally vulnerable youth.

Age and Adjustment to Custody

There has been a well-established strong inverse relationship between age and aggression and violence in custody (Cao, Zhao, & Van Dine, 1997; Cesaroni & Peterson-Badali, 2005; Gover et al., 2000; Jiang & Giorlando, 2002; Lahm, 2008; MacKenzie, 1987; Maitland & Sluder, 1998). Very early, there was empirical consensus that age or age of entry into the institution was "the most adequately established correlate of misconduct among prison inmates" (Flanagan, 1983, p. 30). Wright (1991), for example, reported that inmates who engaged in assaultive behaviours in custody against other inmates and staff were, on average, 3 years younger than other inmates, and younger inmates were involved in more institutional misconduct, disciplinary infractions, and conflict with others. More recently, Griffin and Hepburn (2006) found that age had a strong inverse relationship not only with violence, but also with threats of violence and use of a weapon.

MacKenzie (1987) summarized several explanations of the within custodial aggression-age relationship. First, younger inmates were less aware of the consequences of their actions. According to this perspective, learning the consequences of aggression is a factor of aging; with aging comes a sense of cautiousness that often results in a fear to act aggressively. Second, as youth mature, they develop more pro-social ways of dealing with stressful situations, and, therefore, are less apt to consider violence as an acceptable method of interacting with others. This pro-social orientation is explained as the result of social commitments that as person faces as they mature, including partnerships and jobs. For older adolescents, even marriage and children, though not frequent, can involve pro-social commitments. MacKenzie (1987) also noted the impulsivity explanation, that is, impulsivity generally decreases with age. Typically, younger individuals are more likely to react with physical aggression when angry, while older individuals are more likely to react verbally, or express their anger in non-violent ways, for example, passive aggressive and avoidance.

Another explanation for the age differences in aggression focuses on internal motivations. Toch (1977) found specific internal factors that motivated an individual to respond aggressively dependent on age. For example, older inmates were more likely to prefer an environment with structure and organization, and aggression may only be a result of the inmate attempting to relieve other bothersome or disruptive inmates. However, younger inmates were more likely to view the lack of structure and organization as providing them with more autonomy to assert their power and status. Regarding adult prisons, Ellis, Grasmick, and Gillman (1974) reported that male inmates often cited instrumental reasons for acting out with aggression in custody, such as a means of obtaining a sexual partner or retrieving a debt. When these researchers compared adult prisons and youth custody, they found that adult inmates who were

constantly engaged in fighting were more likely to be feared, were less likely to be respected, and were more likely to be viewed as stupid. In contrast, youth inmates viewed violent peers with fear and as tough and as worthy as high status for being strong and capable of self-protection.

Prior History of Violence and Incarceration

Prior criminality, especially violent offences, and prior incarceration are among the strongest predictors of violent misconduct and aggression in both adult prisons and juvenile custody (Adams, 1992; Cao et al., 1997; Harer & Langan, 2001; Lahm, 2008; Poole & Regoli, 1983; Trulson, 2007). Inmates with histories of violent behaviour and whose current incarceration was for a violent crime were more likely to have committed far more frequent rule infractions and assaultive behaviour (Lahm, 2008). As well, Wright (1991) found that inmates who had been previously incarcerated had the highest likelihood of using violence to solve problems.

A conviction for a violent offence was often a predictor of the likelihood of violent misconduct during the first year of incarceration, while prior incarceration was associated with greater levels of both assaultive and non-assaultive misconduct, violent misconducts, and assaults on staff. Cao et al. (1997) identified a relationship between the severity of rule infractions and prior history of juvenile incarceration. More recently, Trulson (2007) found that institutional misconduct among 4,684 state-committed delinquents with serious delinquent histories were significantly more likely to commit institutional infractions consistent with being an institutional danger, such as assaulting staff, assaulting residents, and possessing a weapon.

Adaptation to Custody among Female Young Offenders

Gender, like age, has also been associated with violence, and male inmates are overwhelmingly involved in not only more violence, but more extreme forms of violence than female inmates (Lahm, 2008). Yet, according to recent research by Cesaroni and Alvi (2010), little theoretical and empirical research attention has been directed to the gendered nature of the lives of incarcerated youth; how masculinity affects the adjustment process. Not only do men's prisons constitute a key institutional breeding ground for the expression and reproduction of masculinity, they "facilitate and accentuate enactments of hegemonic masculinity" (Cesaroni & Alvi, 2010, p. 308). This form of hegemonic masculinity is seen in incidents of male dominance, heterosexism, whiteness, violence, and competition among other males. Moreover, competition, the expression of rugged individualism, and stoicism all constitute forms of hegemonic masculinity in which all other masculine performances are measured. Furthermore, Cesaroni and Alvi (2010) contended that the politics of the custodial environment and the deprivations caused by the penal setting alone encouraged a variety of masculinities. Most importantly, confinement and isolation associated with prison life prompted feelings of manhood in most inmates.

Chesney-Lind and Sheldon (1998) maintained that the importance of gender in explaining custodial aggression and violence has been understudied because most research has historically been completed with male samples. Yet, according to the longstanding importation model, fundamental gender differences imported into the custodial environment would predict differences in female and male inmates regarding custodial values, subcultures, and behaviours (Jiang & Winfree, 2006). For example, female youth, more often than boys, enter custody with family and peer group backgrounds involving higher levels of physical and sexual abuse and emotional neglect,

addiction to hard drugs, and poor academic and employment records (Chesney-Lind & Sheldon, 1998; Corrado et al., 2002; Odgers, 2001).

Jiang and Winfree (2006) asserted that males and females differed in how they established relationships with both other inmates and non-inmates. Regarding the former, males often focused more on doing their own time, being tough, and relying on their inner strength and their abilities to get their through their sentence. In contrast, females often remain interwoven into the extra-institutional lives of their significant others, especially their families and, particularly children (Jiang & Winfree, 2006). However, recent research has suggested that female inmates interpersonal relationships generally may be less stable and less familial than in the past. In effect, while gender differences remain, females, more like males, did choose to isolate themselves as a method of adjusting to custody (Corrado & Cohen, 2002). However, this isolation likely affected females more negatively because of their greater prevalence of a wider array of multi-problem profiles. For example, according to Corrado and Cohen (2002), between 45% to 75% of incarcerated females compared to less than 10% of males reported being sexually abused. Also, females had much higher levels of suicide ideation and suicide attempts than males and were more likely to come from families characterized by greater levels of substance abuse than males (Bell, 2002; Odgers, 2001).

However, while many researchers (Bell, 2002; Chesney-Lind & Sheldon, 1998; Chun, 2009; Odgers, 2001) detailed discriminatory conditions and abusive/intimately intrusive custodial processes towards females historically, more recent evidence suggested the reverse had occurred, at least in a Canadian context. In terms of punitiveness, there was evidence to suggest that females, not uncommonly, viewed their custodial sentences as a way to protect rather than punish them, especially compared to males (Corrado et al., 2002). In addition, Moretti, Odgers, and Jackson (2004)

contended that the traditional view of violence being overwhelmingly perpetuated by males has changed. While males clearly remain responsible for the majority of violent offending, in certain jurisdictions, the historical ratio of 10 violent male incidents for every one violent incident committed by a female dropped to 4 to 1. Trend data further indicated that, in certain jurisdictions, female violent crime over the last decade had increased 300%. Morretti et al. (2004) theorized that media images of females as tough and aggressive, along with widely publicized or sensationalized cases of vicious female perpetrated murders, such as the killing of Reena Virk in Victoria, BC, have had an effect on the popularity of 'tough girl' identity stereotypes among marginalized females.

The most recent gender research suggested that fundamental differences remain between males and females in how they adapt to youth custody and in the likelihood of engaging in aggression and violence in custody. However, there was evidence that the pervasiveness of these differences has possibly been reduced.

Adaptation to Custody by Ethnicity/Race

As mentioned above, the preponderance of the original research on youth custody for much of the 20th Century consisted of US studies. Ethnicity or race was and remains highly predictive of custody populations. In addition, in several of the most populated states, including California, Illinois, and Texas, major youth and adult gangs are ethnic/race based (Klein, 1995). This ethnic/race disproportionately is represented both in adult prisons and youth custodial contexts in these states. In Canada, the ethnic/race disproportionately in these custodial institutions primarily involves Aboriginal adults and youth. Gang structures in Canada overwhelming are adult, even though adolescents are involved with certain gangs in the Prairie Provinces of Manitoba and Saskatchewan (Giles, 2000). Even where incarcerated youth are not affiliated with

gangs, youth in custody are disproportionately Aboriginal. In other words, race/ethnicity is an important theoretical consideration in explaining aggression and violence in youth custody.

Historically, Aboriginal adolescents have been the most disadvantaged in Canada (Corrado & Cohen, 2002). Although recent studies suggest that there may be a decline in the number of Aboriginal youth sentenced to custody in Canada since 2000, Latimer and Foss (2004) confirmed that Aboriginal youth experienced an appreciably higher incarceration rate compared to non-Aboriginal youth. Equally disconcerting, yet theoretically important, is the historical pattern that has identified Aboriginal adolescents as the most disadvantaged in Canada (Corrado & Cohen, 2002). Government reports and investigations have consistently pointed to an overrepresentation of Aboriginal adolescents in custody (Royal Commission on Aboriginal Peoples, 1996). In the criminal justice system more generally, Carrington and Schulenburg (2004) found that indigenous adolescents were 20% more likely to be charged when apprehended in comparison to non-Aboriginal youth. Aboriginal youth were also more likely: to spend more time in pre-trial detention; to be denied bail; to be charged with more than one offence (often for administrative violations); and less likely to have had legal representation in court proceedings (Roberts & Melchers, 2003).

Theoretically, as suggested above, most of the key risk factors for aggression and violence are disproportionately evident for Aboriginal youth, their families, and their communities. These factors include high levels of poverty, increased substance abuse issues, and involvement in serious criminal behaviour at a young age. MacDonald (1997b) examined physical and mental health data for the Aboriginal youth in B.C. and found that nearly half (44.4%) suffered from major mental health problems, while slightly more than one in ten (11.1%) reported having serious physical health problems. High

levels of physical and sexual abuse for these offenders prior to their incarceration experience were also reported. Furthermore, many youth with documented physical and/or sexual abuse profiles in custody also reported being abused prior to their custodial experience and were often raised in environments characterized by high levels of sexual, physical, substance, and/or emotional abuse (MacDonald, 1997b)

In terms of substance abuse issues, MacDonald (1997b) reported that more than half (60%) of incarcerated Aboriginal youth were addicted to drugs or alcohol. This figure was not surprising given that similar levels of drug and alcohol abuse were reported in many Aboriginal communities. For instance, research on serious and violent incarcerated young offenders conducted by Corrado and Cohen (2002) reported that 95% of Aboriginal male young offenders and 94% of Aboriginal female young offenders reported using drugs. According to MacDonald (1997b), this pre-existing alcohol/drug use was an important predictive factor in explaining the high levels of abuse during the incarceration period. Many of the youth admitted that the high levels of drug and alcohol use within the correctional setting were connected to the considerable drug and contraband activity in these institutions (MacDonald, 1997b). Given the level and continuation of alcohol/drug problems among incarcerated Aboriginal youth, MacDonald (1997b) was interested in examining the perceptions of discrimination and its negative effects on Aboriginal youth. One of the most important concerns involved self-harm, particularly suicide. According to this research, Aboriginal youth committed twice the number of suicides than non-Aboriginal youth, and 70% to 75% of Aboriginal suicides were considered to be related to alcohol and/or drug abuse (MacDonald, 1997b).

Latimer and Foss (2004) hypothesized that discrimination by youth criminal justice officials based on these risk factors alone partly explained the differential treatment of Aboriginal youth. However, there are other hypotheses to explain this

differential. First, there simply were a greater number of Aboriginal people who committed more serious crimes than non-Aboriginal offenders, and, therefore, a greater number of Aboriginal people were sentenced to custody (Isted, 2008). Second, there were a larger proportion of Aboriginal people who fell within the age group (15-24) who presented a higher risk to offend and were more likely to be involved in gang activity (Isted, 2008). Third, there were higher rates of recidivism among Aboriginal offenders that resulted in a greater proportion of these individuals in custody (Isted, 2008).

Latimer and Foss (2004) supported several of the above hypotheses, most importantly, Aboriginal youth, on average, were convicted of their first offence at an early age (between 12 and 14 years of age). The authors claimed that becoming involved in the youth criminal justice system at such an early age might affect the high rates of incarceration for Aboriginal youth. Again, as mentioned by others, early encounters with the criminal justice system tend to increase the likelihood of a criminal record, which can lead to more serious sentences. Moreover, nearly half (47%) of Aboriginal youth in custody lived in families who received social assistance (Latimer & Foss, 2004).

La Prairie (1992, 2002) argued that the central factor related to higher incarceration rates among Aboriginal people was poverty and this social assistance data provided additional support for La Prairie's assertion. Moreover, there were a considerable number of Aboriginal youth in custody with substance abuse problems; over half (57%) of Aboriginal youth had a confirmed problem and an additional one-quarter had a suspected problem with alcohol and/or drugs. In effect, substance abuse has been well documented as a correlate of criminal behaviour among youth (Dawkins, 1997; Huizinga & Jakob-Chien, 1998; Latimer, Kleinknecht, Hung, & Gabor, 2003) and research has demonstrated a clear link between alcohol or drug abuse, violent crime,

and aggressive behaviour (Fergusson, Lynskey, & Horwood, 1996; Watts & Wright, 1990).

Latimer and Foss (2004) also indicated that a large proportion (39%) of Aboriginal youth were involved with child protection agencies. Research into the correlates of delinquency found that negative parenting (e.g., inconsistent parenting, inadequate supervision, low levels of discipline, and harsh discipline) was significantly correlated with criminal behaviour among youth (Bartol & Bartol, 2008; Latimer et al., 2003). Involvement with child protection agencies is a good indication that a youth has experienced problems in the home.

Poor school attachment (e.g., performance, attendance, behaviour) has also been significantly correlated with delinquency among youth (Bartol & Bartol, 2008; Latimer et al., 2003). A high proportion of Aboriginal youth in custody were reported to have limited education indicating school attachment issues. Again, research supports the link between low school commitment and involvement in delinquency (Latimer et al., 2003).

An important empirical question is whether incarcerated Aboriginal youth experience racism from peers and staff. Theoretically, if incarcerated Aboriginal youth have to adapt to systematic racism in custody, this likely increases their aggression and violence. In effect, one method of adapting to this pain of imprisonment or structural factor is frustration, anger, aggression, and violence. Regarding this discrimination hypothesis, MacDonald (1997b) reported that approximately half (51.1%) of Aboriginal youth claimed that they had been the target of some form of racist behaviour by other inmates or staff, and that the majority of these racist instances were perpetrated by non-Aboriginal inmates. However, Aboriginal youth stated that most racist behaviour was

minor and rarely resulted in any major confrontations between staff and youth. Another related issue was the degree to which staff were involved in these issues; most Aboriginal youth (80%) stated that they did not feel that the correctional staff were racist. To the contrary, most Aboriginal youth reported that the staff treated them well and that prejudicial attitudes were minimal. Overall, MacDonald (1997b) concluded that there was no evidence of overt discriminatory behaviour and this finding was consistent with the nearly three-quarters of Aboriginal youth (73.3%) who stated that they did not want the staff to change the way they treated minority inmates.

However, research in the US by Poole and Regoli (1983) indicated that systemic discrimination was evident in the prison system, and that it often began with correctional officers. The power and authority of correctional officers, though somewhat diminished as a result of the civil and human rights movements of the last 20 years, has remained considerable. Most corrections personnel have considerable discretion in deciding whether an inmate has violated institutional rules and what punitive consequences would occur.

Pioneering research by Feld (1977) in the United States found that staff behaviour was one of the most important variables in determining the nature of the inmate subculture of violence and aggression. Similarly, in the Canadian context, both MacDonald (1997b) and Doob and Cesaroni (2002) maintained that staff behaviour was particularly important in aggravating and mitigating this relationship. MacDonald (1997a) claimed that perceptions of discrimination were often based on the sanctions and/or treatment youth received in custody. Specifically, he asserted that consistency in treatment was particularly important for incarcerated youth since they were well aware of the kinds of sanctions that others would receive for similar offences, and therefore, often compared their treatment to other inmates who were incarcerated for similar offences,

and the reactions of custodial officials to similar violations by different youth. Accordingly, the more often correctional officials, and the disciplinary process through which the institutional environment was controlled, were perceived as legitimate by inmates, the more likely inmates would be willing to cooperate (MacDonald, 1997a). On the other hand, if youth viewed their treatment as unfair, their negative perceptions of authority and the institutional environment would increase. As such, the custodial environment would more likely become tense, volatile, and more aggressive. Poole and Regoli (1983) suggested; however, that the differences in offending patterns between ethnic groups often resulted in racially biased staff reporting systems that, in turn, created what could be perceived as discriminatory sanctioning decisions among inmates.

Another hypothesis concerning Aboriginal youth aggression and violence in custody is their sense of geographic isolation from their families and communities. Particularly in British Columbia, Aboriginal reserves are often located far from urban and rural youth custody facilities. Aboriginal youth whose families are not within commuting distance of custody may feel increased levels of anger and/or alienation, making them feel like “outsiders” in comparison to youth who have families who visit on a regular basis.

Although there is little doubt that Aboriginal youth import distinctive cultural values and experiences, in varying degrees, into the custodial context, it is not known whether these factors affect overall levels of violence and aggression inside the institution. However, in the custodial institutions in Manitoba, for example, there was evidence of importation given the presence of Aboriginal youth/adult gangs and their association with major outbreaks of violence in the form of institutional riots (Giles, 2000).

History of Abuse

Physical abuse, and childhood maltreatment in general, are strong predictors of aggression (Widom, 1989). Not only was physical abuse and aggression related, but there was a gender difference as well- males and females reacted differently to family stress; boys were more likely to react antisocially while girls tended to withdraw. These differences were evident as well in institutional settings (Runyon, Kenny, Berry, Deblinger, & Brown, 2006). However, there were considerable differences in how youth reacted to their victimization experiences depending on an array of factors, including: the child's age and developmental status when the abuse occurred; the type of abuse; the severity, frequency, and duration of the abuse; and the relationship between the victim and the abuser.

Regarding violence, Briere (1992) asserted that childhood physical aggression was related to later violent and aggressive behaviour and that gender differences were evident. Scarpa, Haden, and Abercromby (2010) reported that, although the relationship between physical abuse and aggression was more evident for men, there were later negative outcomes for women regarding antisocial and self-harm behaviours. More specifically, Herrera and McCloskey (2001) found that girls were more likely than boys to be arrested for violent offenses after experiencing child abuse; they hypothesized that these young girls were more likely to have pent up anger and frustration that resulted in the perpetration of physical aggression. Also childhood abuse increased the likelihood of both depression and aggression in adult women who used violence against their heterosexual partners (Swan, Gambone, Fields, Snow, & Sullivan, 2005). Similar patterns of child abuse and increased depressive symptoms were also reported in male batterers (Holtzworth-Munroe & Stuart, 1994).

Smith (2010) hypothesized that childhood maltreatment experiences explained why incarcerated youth were often aggressive and violent in adolescence. Runyon et al. (2006) explained further that youth subjected to this form of abuse in their childhood often displayed behaviours, such as poor problem solving, aggressive outbursts, lack of communication, and lack of empathy when they reached adolescence in comparison to non-abused youth. In effect, those who were victimized or experienced maltreatment often alienated themselves from others and engaged in hostile, acting out behaviours (Runyon et al., 2006 as cited in Smith, 2010).

History of Substance Abuse

There was a strong relationship between acute drug/alcohol use and aggression (Godlaski & Giancola, 2009). However, most alcohol and drug use was not generally related to violent behaviour and neither was the use of illicit drugs (Boles & Miotto, 2003). Only when the use of substances occurred in certain environmental, social, situational, and cultural contexts was there a strong relationship with violent behaviours. Again, different substances affected individuals differently based on their physiology, psychology, history, gender, and other personal and cultural factors (Reiss & Roth, 1993).

Patterns of aggressive behaviour and substance abuse often were related to early development problems and to violence (Chermack & Giancola, 1997; Boles & Miotto, 2003). These development problems included: an aversive environment; harsh discipline; family aggression; lack of parental supervision; and exposure to violence and substance abuse (Chermack & Giancola, 1997).

Type of Custodial Institution

While it appears to be widely accepted that, to some extent, youth custody facilities are violent, and, therefore, incarcerated youth are at an increased risk for victimization, it is still unclear how this potential risk affects their perceived levels of violence within the institution. The literature depicts custody as contexts that create fear on an unprecedented level institutionally because of its inherent violent cultural and social relationships. In addition, there is the assertion that both inmates and staff enter the custody context with aggressive violent values and histories (Bell, 2002; Lyon & Wilson, 2000; MacDonald, 1997b). Support for the deprivation model was based on a number of studies that suggested that institutional violence and aggression was the direct result of the context of the institutional environment (Ellis & Sowers, 1999). In addition, there was consensus in the literature that violence and aggression were inherent to the inmate subculture, regardless of whether it was a youth or an adult custody facility (Johnson, 2004).

Further, the deprivation model asserts that violence and aggression in custody was the direct result of the stressful conditions created by the custodial environment. Factors, such as overcrowding, poor visiting patterns, and lack of social, recreational, and educational programs all contributed to increased levels of boredom and social disorder. In response, institutional violence occurred. In other words, the violence in custody was caused by the structure and environment of custody and was often designed to reduce the explosive tension that routinely built among inmates. Paradoxically, the cycle of violence increased the likelihood that inmates would become more frustrated, fearful, join violent groups, and perpetuate the cycle of violence and fear (McCorkle & Terrace, 1995). This cycle was unremitting largely because inmates,

especially younger inmates, had to adapt to the total institutional environment of custody that deprived them of normal or routine liberties.

Perceptions of Fear and Feelings of Safety in Custody

The literature on the fear of crime is overwhelmingly complex, yet limited regarding the youth custodial context. However, there is the common sense perspective that any closed total institution for youth, especially boys, enhances the fear of violence because of the deprivation of liberties, adolescence competition, dominance imperatives, and the extreme and official authority structure. More generally, male correctional facilities were dominated by intense and violent masculine subcultures that enhanced fear daily. Additionally, the routine deprivations of the custodial institutions reproduced, sustained, and intensified the most negative aspects of masculinity, including intimidation, bullying, and physical violence. Especially within young offender male institutions, inmate respect is based typically on the reputation of aggressiveness and physical strength, not unlike adolescents generally (Cesaroni & Alvi, 2010).

The theoretical relationship between the fear concept and perceptions of safety in youth correctional facilities is empirically complex because, as Ferraro and LaGrange (1987) asserted, “fear of crime is almost never explicitly defined by researchers; their measurements suggest that such fear is implicitly defined as the perception of the probability of being victimized” (p. 71). In other words, fear of crime is a multi-dimensional concept not easily measured. There is a cognitive dimension that consists of judgements of risk and safety, and an affective dimension that involves fear reactions. Ferraro and LaGrange further explained that the cognitive dimension involved the anticipation of danger in a custodial environment for others and themselves, and, consequently, the ability to estimate the potential risk of safety versus violence. In effect,

incarcerated young offenders, through immediate familiarity, can quickly estimate both the risk of victimization and their corresponding sense of safety. For example, an inmate's level of fear and/or perceptions of safety would be lower in situations in which they were familiar with the specific types of violence threat. The ability to mitigate this exposure enhances the individual's sense of safety. Yet, these abilities to adapt to custodial levels of fear and sense of safety depend on personal characteristics, such as age, gender, physicality, history of violence, or ethnicity. In effect, safety estimates vary widely. Ferraro and LaGrange (1987) contended that fear and safety were separate but related dimensions, that is, higher perceptions of violence were generally associated with higher perceptions of fear or, conversely, lower levels of safety.

Because custodial institutions are inherently aggressive and, less so, violent contexts, incarcerated young offenders are likely to be in a constant state of vigilance concerning threats and assessments of their individual safety. Because of the asserted pervasiveness of fear in adult prison contexts, Maitland and Sluder (1996) assessed several variables likely associated with inmates' sense of well-being, safety, and fear in prison. They found fear of being a victim in prison was strongly correlated ($r = .62$) with inmates' general mental health. Not surprisingly, victimization experiences were moderately correlated ($r = .49$) with mental health. In contrast, the general concept of "prison stressors," such as isolation, restricted choices of friends, and lack of privacy were not correlated with "general well-being" or mental health (Maitland & Sluder, 1996). McCorkle earlier identified that fearful inmates who experienced several psycho physiological disturbances had more difficulty focusing on the daily routine; more likely than non-fearful inmates to have reported physical health problems; and more likely to have expressed concerns regarding their overall well-being (Maitland & Sluder, 1996). The fear of victimization was an important and consistent component of the adult prison

context in the United States. In contrast, outside prison contexts (Lee as cited in Maitland & Sluder, 1996) reported only moderate correlations (ranging between .32 and .48) between a fear of crime measure (i.e., emotion) and safety/risk assessments of the community (i.e., judgment).

As indicated above, being victimized was related to fear. O'Donnell and Edgar (1999) found it was not only direct criminal victimization that produced fear in inmates, but having direct experiences of incivility, victimization, and behaviour not necessarily criminal, but socially disruptive and personally upsetting. In addition, O'Donnell and Edgar (1999) reported a strong correlation between recent victimization and fear. Surprisingly, there was no statistically significant relationship between fear and vicarious victimization; instead, witnessing victimization was related to inmates' overall perceptions of safety. Very importantly, two-thirds of inmates stated effects on their perceptions of safety as a result of insults and/or being hurt or injured while in custody. Again, it is important to mention that the above studies involved adult prison contexts, and, therefore, cannot be automatically generalized to youth custody contexts, especially in Canada.

Bullying as a Correlate of Perceptions of Fear and Sense of Safety in Custody Contexts

While bullying was not included as a separate variable in the empirical analysis of aggression and violence in youth custody in this thesis, it has been hypothesized to be very important in all three models: importation, deprivation, and integrated (Mutchnick & Fawcett, 1990). Specifically, bullying has been identified as a correlate of both the perception of fear and sense of safety in custody contexts primarily because it is a frequent cause of victimization. Very early in the research on this relationship, Thomas (1977) asserted that bullying represented a combination of importation and deprivation

factors. Not uncommonly, bullying was an imported characteristic facilitated by the culture and structure of custody. Feld (1981) explained, “while prison imposes deprivations, violence and exploitation, they also provide at least some inmates with a potential solution, albeit at the expense of other inmates” (p. 339). In effect, for Feld, “the pains of imprisonment,” including material deprivations, sexual isolation, and threats of status, were often mitigated by bullying, as well as violence.

As mentioned above, Cesaroni and Alvi (2010) claimed that the youth custody culture most emphatically valued masculinity and resistance, and because masculinity among inmates was continually under surveillance and threat, bullying remained a normative event in custody. Connell and Farrington (1996), in their earlier Canadian study of bullying among incarcerated young offenders, found that, among inmates in custody, bullies were often awarded a higher status by other inmates and staff. However, bullying was also accompanied by negative connotations, such as immaturity. Nonetheless, being a bullying victim was still perceived as more stigmatising than being a bully. More generally, this stigmatisation occurred for other forms of violence as well. Susceptibility to bullying was likely related to both age and length of incarceration since Poole and Regoli (1983) found that these factors had a relationship to attitudes towards aggression and pre-institutional violence. Younger incarcerated youth were more likely to report that their sentence length had a direct negative effect with their attitudes towards aggression and pre-institutional violence. In addition, the imported characteristics of physical size and prior record were also strongly associated with increased inmate violence and inversely with being bullied (Mutchnick & Fawcett, 1990).

While most children and adolescents experienced teasing or negative labelling, in the custody context, bullying has been considered more threatening to victims’ perception of violence and sense of safety because of the difficulty of physically avoiding

bullies in limited and confined spaces. The negative victim labelling by other incarcerated youth has also been related to the greater risk of physical intimidation, as well as violence. In other words, repeated incidences of bullying have been asserted to have a multiplying threatening effect compared to a single incident because of an often escalation dynamic with minor bullying increasing to major bullying and then violence. Paradoxically, bullies themselves have an increased likelihood of being victimized by residents defending themselves and from other bullies trying to establish or maintain their dominant position in the prison hierarchy of intimidation and control (Biggam & Power, 1999).

Connell and Farrington (1996) provided a conceptual definition of bullying in custody contexts, that is, “repeated oppression of a less powerful person by a more powerful one” (p. 75) and a related 3-stage dynamic. In the first stage, a physical, verbal, or psychological attack on an individual was often accompanied by either a threat or intimidation with the purpose of causing some degree of fear or distress to the victim. The second established an imbalance of physical power with the more powerful individual having overpowered the timid or less powerful resident. The third stage consisted of the escalation to a continuous series of incidents between bully and victim over a prolonged period of time. Connell and Farrington (1996) reported that more than two-thirds (70%) of males had been either perpetrators or victims. This study also identified key gender differences; males engaged in more physical or violent bullying behaviour, while females were more engaged in emotional bullying with derisive name calling and social exclusion.

Biggam and Power (1999) found that between 20% to 45% of inmates in young offender institutions reported having been victimized. Similarly, Adams (1992) asserted that “predatory inmates tend to select as victims inmates who are perceived to be weak

and easy targets, either because they are physically unimpressive or because they are intellectually or emotionally limited” (as quoted in Cesaroni & Peterson-Badali, 2003, p. 5).

Again, the violent aggressive context of custody has been hypothesized to facilitate bullying because it was part of a culture where violence is normative (Maitland & Sluder, 1996). However, victims of bullying and violence experienced more psychological problems, increased levels of fear of being victimized, and experienced the pains of imprisonment more than non-victims (Maitland & Sluder, 1998). In addition, even the fear of being victimized was associated with incarcerated young offenders having had more conflicts with their peers and/or guards (Cesaroni & Peterson-Badali, 2003).

Very importantly, regarding the importation theory, Connell and Farrington (1996) reported substantial differences between bullies and victims since the former had more extensive criminal records, higher levels of substance abuse, delinquent or criminal peers, and multi-problem families. In other words, bullies entered custody with aggressive and multi-problem histories, and these institutions, like school contexts, provided bullies with greater access to victims and reward incentives or immediate gains, such as domination status among peers and opportunities to steal or extort goods. In contrast, according to Beck (1994), victims had little custodial experience and were more likely to be victimized than those who had been incarcerated longer. One explanation was that first time offenders, for example, were simply unaware of the informal value hierarchy and how these values interacted with formal institutional regulations to affect vulnerability to bullying and violence. In addition, younger residents were more likely than older youth to be bullied because of the persistence of bullying among older inmates who were typically bigger and more experienced in bullying tactics.

In other words, these behaviours in custody represented more routine bullying, violence, and an entrenched lifestyle of imported characteristics from the community (Connell & Farrington 1996).

Connell and Farrington (1996), therefore, provided empirical support for all three models, that is, there were separate imported characteristics, separate deprivation characteristics that explained aggression and violence in custody, as well as interactions between these two types of characteristics that combined to increase these anti-social outcomes. Yet, there is research that focused on the deprivation model regarding bullying. Most importantly, custody, without extensive or inadequate supervision, provided routine opportunities for bullying and related anti-social and criminal behaviour (Styve, MacKenzie, Gover, & Mitchell, 2000; Wooldredge, 1999). Connell and Farrington (1996) found that an overwhelming percentage (85%) of residents in young offender institutions stated that bullying was an integral part of custodial life, and that bullying was seen as instrumental in that it provided benefits.

Feld (1977) was among the earliest researchers to assert that violence, particularly bullying, in juvenile institutions involved “tough boys dominating inferior boys by physical force” (p. 132). He maintained further that violence often resulted from ineffective interventions by institutional staff and was “a direct, uncomplicated, pervasive, and economical form of social control” (p. 132). Even earlier, Ellis et al. (1974) asserted that younger inmates, more than adults, often used violence to establish and reconfirm their status and power because youth were more likely to be respected by their peers for their physical prowess and/or ability to “take it from others.”

Feld (1977) was also among the first researchers in the US to describe the role of staff in facilitating violence within juvenile custodial contexts, and the gap between

rehabilitation and punishment. For much of the 20th Century, US and Canadian juvenile custodial institutions were considered rehabilitative, rather than punitive (Bell, 2002; Feld 1977). In both countries, juvenile delinquents were sent to non-punitive industrial schools or training centres supposedly to develop their basic education, trade skills, maturity, and a strong moral character in a disciplined school environment before returning to their communities without the stigma of a criminal record. However, Feld (1977) described a range of juvenile delinquent custodial institutions including those that completely defied the above official welfare model corrections principle in that staff routinely physically punished residents, failed to prevent physical abuse, and allowed for the homosexual rape of the most vulnerable youth by the more violent.

Other US studies confirmed the presence of such similarly violent and oppressive custodial institutions for rehabilitating young delinquents (Bartollas, 1978). In effect, according to Feld (1977), there were major discrepancies in the types of juvenile institutions, even though state laws mandated uniform welfare model structured institutions. He relied on many well-documented state reports to reveal widespread violence in juvenile institutions, including considerable staff violence, inmate aggression, and rape to support the dominance of the deprivation model explanation of youth aggression and violence in custody settings beyond a single or isolated case.

Bartollas (1978) concluded that evaluation research studies of state juvenile institutional conditions and youth resident subcultures indicated that staff had typically created a culture where security was primary, rather than rehabilitation, and that security arrangements involved primarily “authoritarian efforts to impose control and maintain internal security [that] tend to alienate inmates from staff and increase levels of covert inmate violence within the subculture” (p. 43). In addition, and partially as result of this violence, Feld (1977) claimed that a resident’s defence of their personal integrity was

one of the most significant individual characteristics that explained most of youth inmate violence.

However, despite the above few studies on youth custody, mainly from the US, the most convincing theory and evidence for the deprivation model has come from research on adult prisons. Arguably, this research has and continues to influence the debate on the primacy of the various models of youth custody aggression and violence. Bowker (1979), for example, asserted that victimization was a routine and continuous process. Aggressive and violent inmates were distinguished from victims by differences in obvious factors, such as physical size and age, but also by race. In these studies, African Americans and Hispanics were disproportionately represented and these race/ethnic differences also were evident in the presence of institutionalized gangs with direct affiliates in the communities of origin (Bell; 2002; Flowers; 2002; MacDonald, 1997a). Nonetheless, Mutchnick and Fawcett (1990) reported, in one of the few studies to compare adult prisons and youth custody, that the juvenile institution had an assault rate of 21.7%; twice the average of adult institutions.

More recently, Ireland (2002) argued that custody contexts were structured on the violent principle of the “survival of the fittest” where the primitive “alpha male” dominated the weaker youth to confirm the former’s power and status. More narrowly, Ellis and Sowers (1999) specified another instrumental principle; violence was used in order to either obtain a favour or to deal with a problem between inmates. Finally, more recent Canadian and US Studies identified the importance of a wide range of mental health disorders that are imported into custody that affect how incarcerated young offenders adapt to custody, especially regarding aggressive and violent behaviours (Cesaroni & Peterson-Badali, 2005; Teplin et al., 2006).

These complex concepts utilized in the importation, deprivation, and integrated models are hypothesized to be important in explaining aggression and violence in the Canadian youth custody context. However, many of the above concepts and hypotheses involved extreme forms of custody centres where aggression and violence by youth gangs dominate, such as in Chicago's Cook County Juvenile Corrections facility and certain similar facilities in the California Juvenile system, which are not evident in Canada. Nonetheless, certain youth custody facilities, for example, "closed" facilities in Canada are total institutions. In other words, certain "pains of imprisonment" are structural or largely invariant within all institutions, including the deprivation of liberties routinely available in the community, isolation from family and friends, 24-hour presence of authority figures, the concentration of aggressive and potentially violent peer co-residents, and a pervasive culture of peer dominance and coercion. Yet, there is variability in how incarcerated young offenders respond to these structural factors that suggests that imported individual characteristics, such as age, gender, race/ethnicity, and mental disorders are also theoretically important and, possibly, paramount. Cesaroni and Peterson-Badali (2005) and Teplin et al. (2002) identified the substantial prevalence of mental disorders in both Canadian and US custodial facilities respectively. The development of childhood and adolescent disorders are central to the developmental theoretical perspective of aggression and violence, and, therefore, are important to the importation model explanation of aggression and violence in youth custody.

Chapter 4.

The Structure and Culture of Custodial Institutions in British Columbia: “Pains of Imprisonment”

The importance of the institutional perspective in explaining young offender aggression and violence in custody in BC is dependent in large part on the type of custodial policies and their actual implementation under the three youth laws. While there is limited information available concerning these policies in BC between 1908 and the early 1960s, there is considerably more beginning in the late 1960s. The increase in information likely occurred because the federal government initiated a review of the *JDA* primarily because the Justice Minister raised the question why this act, with its rehabilitation focus, especially training and industrial school institutions, had not prevented so many former serious delinquents from being sentenced as adults to the then overcrowded adult prisons (Corrado & Markwart in Corrado et al., 1992).

By the early 1970s in the US, major changes in custodial philosophy began when the Massachusetts Commissioner of Youth Corrections, Jerome Miller, introduced a radical youth custodial policy. He abolished the more than century old large boys' and girls' reformatories and replaced them with small community institutions. Miller argued the former were not only non-rehabilitative, but also were abusive and violent primarily because of their oppressive organizational structures and staff. He concluded, after initial attempts to reform the old reformatories, that they simply could not be reformed

and, therefore, should be abolished (Feld,1977). In effect, Miller agreed with the institutional perspective.

Shortly after in BC, in 1972, former social worker and federal corrections officer, Dave Barrett, became the first National Democratic Party (NDP) Premier of BC. He too initiated the closure of the traditional industrial/training schools-Brandon Lake School for boys and the Willingdon School for girls, and replaced them with small community institutions along with abolishment of corporeal punishment in these schools. However, his government was defeated in 1975 by the traditional populist Social Credit Party (SCP) which quickly reinstated the large custody institutions, albeit, along with a modest reform agenda.

The 1977 Corrections Amendment Act (CAA) of BC set the criteria for the tiered use of several levels of custodial institutions ranging from more open community institutions, rural camps, to traditional high security custody institutions in Vancouver and Victoria. This legislation also mandated the creation of a non-governmental over-sight committee, the Youth Program Committee, whose 7 to 9 citizen members were appointed by the Attorney General for 2-year periods. This committee visited these custodial institutions to assess whether the delinquent youth were being sent to the appropriate level of security, and that they have access to treatment resources as well as not be subject to either custodial staff or peer abuse/violence. Professor Raymond Corrado was appointed to the first Youth Program Committee and was elected Chair by its members. In this committee's initial 2-year report, it was concluded that, with few exceptions, the CCA criteria regarding the level of custodial security and seriousness of delinquency/public protection had been met.

In addition, there was no evidence of any systematic staff or peer abuse/violence against youth in custody. Nonetheless, there were individual or isolated staff and peer incidents, however, senior management had responded to each case with appropriate sanctions. Yet, there also were tensions within staff between those who believed that the custody experience should be uncomfortable, that is, coercive and intimidating enough to act as an individual deterrent, and those who opposed any coercion or intimidation by staff or peers. Also, in the largest facility with the most serious and violent delinquent youth, Willingdon Youth Containment Centre, which was located in Vancouver, youth were more likely to experience non-serious physical assaults and intimidation because there were several isolated areas where staff had more difficulty monitoring aggressive youth. Thus, the combination of youth violence offences and this older and larger facility was more likely to create wider perceptions of physical insecurity and intimidation among youth than other custodial facilities.

Gordon Hogg, former director of Willingdon Youth Detention Centre, contended that not much had changed from the *JDA* to the *YOA* in terms of policy implementation. When he became the director of Willingdon in the late 1970s, he referred to its organizational culture as “hard line,” for example; there were virtually no programs available to custody residents outside of athletics and a pool in the institution. As Director of WYDC during this late *JDA* period and until 1993-1994, Hogg instituted policies explicitly to mitigate the above institutional “pains of imprisonment.” By personal example, Director Hogg involved himself and staff in regular events with the youth designed to set a more relaxed and “fun” atmosphere, such as playing ping pong, sitting on the floor with the youth during activities, painting murals, playing basketball, making popcorn with the kids and even exchanging hugs with the kids. Hogg stated, “the penalty for these kids is the fact that they are here; beyond that we should try to normalize

everything” (G. Hogg, personal interview, December 2010) He even recalled a time where a television news interviewer, Jack Webster came by the facility and was interviewing the kids in the hall. He asked one kid, “so this is Gordon Hogg the director, I understand he’s a pretty tough guy to work with.” The kid responded, “No, he’s pretty good” (G. Hogg, personal interview, December 2010). There was another incident on the second night as Director where a boy drowned in the pool, and he personally visited his parents to share his condolences. In effect, it was situations like these that enforced and confirmed Hogg’s approach to non-violent crisis intervention as a means of normalizing the dynamics of youth custody.

During the late 1980s and early 1990s, Hogg travelled to all the custody facilities across Canada, and noted the shift in the types of individuals who were being institutionalized. Comparatively, there were fewer custody residents per capita in BC than any other jurisdiction, and BC’s centres were far more secure than similar institutions in other provinces. There was also a greater emphasis in BC on community based programming and alternative measures for dealing with youth. However, during this time, Hogg recalled the emergence of the first acts of random violence, especially among street gangs, that is, shift in gang mentality from the traditional geographic focused adult gangs more consistent with the then popular movie image of “West-Side Story” gangs to more ruthless and geographically dispersed adult and youth gang oriented violence. He also discussed the overall change in the problem profiles of the custody residents, such as increases in various behavioural, emotional and psychological/psychiatric disorders. For example, Hogg recalled one of the first psychological evaluations of a resident that was conducted on January 17th, 1984 by psychologist, Phil Wright. Wright’s personal observations included name and age of the resident, educational and vocational history, first contact with the authorities, history of

drug use, social economic scale and family background, and personality structure. In effect, Hogg stated that there was a significant shift in the type of individual being sentenced to custody and a re-focus on the management strategies for these residents, that is, crisis intervention for serious and violent young offenders.

In WYDC during this *JDA* period, there were few escapes and attempted escapes, few staff incidents of aggression and/or violence against youth, and few incidents of major peer violence, that is, resulting in new juvenile court appearances and dispositions. According to Hogg (2010), there was one specific incident where a male staff member punched an inmate in the head and came straight into Hogg's office and told him how bad he felt about it. Aside from this isolated incident, Hogg recalled few, if any, issues regarding staff incidents of aggression or violence.

No fundamental policy changes within WYDC and the other custody facilities took place with the introduction of the *YOA* in 1984, even though there was an immediate and substantial reduction of young offenders being sentenced to these facilities largely attributable to the police, probation officers, Crown counsel and judiciary adjusting to the justice model fair procedures and sentencing criteria throughout BC. However, the custody levels gradually returned to the *JDA* levels and then increased in the late 1980s and early 1990s to the highest levels ever—180 youth for 90-bed facility (Corrado & Markwart in Corrado et al., 1992; G. Hogg, personal interview, December 2010). The reasons for this increase were subject to an empirical and theoretical debate involving the impact of the *YOA*. Corrado & Markwart (as cited in Corrado et al., 1992) maintained that serious and violent offending increased for certain offences such as (murder and serious assaults) by over 130% while Carrington (1995) countered that no real increase occurred but instead the police and Crown prosecutors mistakenly changed their charge policies in response to the crime control theme of the *YOA*.

Carrington (1995) claimed, for example, that non-serious violent incidents such as minor school fights were being processed through the youth justice systems in the provinces, with the exception of Quebec, while, under the *JDA*, the police routinely handled these incidents informally.

As suggested by Hogg, by the late 1980s and early 1990s, violent incidents involving youth and young adult gangs and “wannabe youth gangs,” mainly in Vancouver, but also in Winnipeg added to the public image of a major increase in violent young offending under the *YOA* (Giles, 2000; Gordon, 2000). Finally, several notorious and brutally violent murders, most importantly the Jesse Cadman case in Surrey, BC, resulted in the increasing media and public perceptions that custody sanctions did not deter new violent offenders, let alone repeat violent offenders because the *YOA* sentences were too lenient. Arguably, the institutional perspective that BC custody facilities were a deterrent because of the “pains of imprisonment” was rejected by *YOA* critics.

Paradoxically, Markwart (1997) in his Federal/Provincial/Territorial report on a review of the *YOA* and youth justice systems in Canada concluded that a considerable proportion of young offenders sentenced to custody were not for crime control model and justice model principles but rather to either protect vulnerable non-serious young offenders from predatory offenders or to provide treatment resources otherwise not readily accessible outside of custody facilities. This was consistent with Corrado et al. (1992) reporting that female young offenders in WYDC and other BC facilities typically viewed their custody sentences as non-punitive and protective, while their male young offender custody counterparts were sentenced for punitive reasons. This non-deterrent/non-punitive view of custody in BC was reinforced when the Prouse Enquiry (1992) investigated a tragic incident where WYDC senior management released a

violent young offender into the community where he then broke into a house and sexually assaulted a woman. It was concluded that the decision to release into the community was wrong and reflected a bias toward rehabilitating and reintegrating violent offenders into the community as opposed to avoiding the heightened threat to community safety.

According to Hogg (2010), the crime control approach to keeping serious and high-risk youth in custody did not necessarily affect the structure and culture of the institution. He stated, "We have always had high-risk kids, when the quantum was higher it just became more of a case management issue" (G. Hogg, personal interview, December 2010). However, the deprivation perspective could be utilized to explain, at least in part, a dramatic increase in the 1990s of incidents of self-mutilations in WYDC. The issue was whether it was the institutional environment and policies that caused this sudden contagion or the importation of highly vulnerable self-mutilation risk profile residents. During this time, Hogg investigated why these young offenders inflicted this self-harm, and concluded that these youth did so largely to get attention and to relieve stress. A policy change was initiated in how staff responded to the self-slashing incidents and, as a result, these incidents virtually ceased. Nonetheless, a specialized case management plan was initiated in order to respond to vulnerable residents which included the use of a straight jacket in extreme situations. This extreme option was only used once. Only five youth subsequently were on this case management plan, which involved a psychologist, the parents, the probation officer, and a social worker. This team engaged the youth who voluntarily signed a contingency agreement to comply with the specified conditions, and agreed to accept the specified sanctions for failure to abide with the conditions (G. Hogg, personal interview, December 2010).

Despite the mixed media and public perception of youth custody in BC under the YOA, in 1996, a downward trend in the use of custody began in this province in part because of a policy reaction to the criticisms of its inappropriate over use under the YOA for protective and treatment purposes. Alan Markwart, Senior Executive Director for the Ministry of Children and Family Development (MCFD) disagreed, and suggested that it was not necessarily a reaction to criticisms; there were ongoing concerns about the high numbers of youth in custody, and, internally within the ministry, there was a consensus that the number of residents could be reduced.

In addition, the decrease in custody numbers were affected by a confluence of other factors including decrease in crimes rates, move of custody policies and administration to MCFD, integrated services, and the infusion of federal money for non-custodial programming. The cumulative effect of all of these factors was the restricted use of custody to young offenders who had committed serious and violent offences, had extensive criminal records, or committed administrative offences. In effect, custody rates in BC dropped consistently and substantially prior to the implementation of the restrictive custody sentencing criteria of *YCJA* in 2003. However, this trend accelerated after the *YCJA* which resulted in three wilderness custodial facilities—Centre Creek, Lake View, and Howe Sound—closing in 2007. Yet, prior to these closings, a new secure custody facility was opened in Prince George in 1989 primarily to avoid sending northern young offenders to the distant lower mainland facilities.

Both under the YOA and *YCJA*, there were few major incidents of violence in BC custody facilities despite the likelihood of serious and violent young offenders who had youth gang affiliations in the early 1990s (Gordon, 2000). Clearly, however, there was and still are no indications of an extensive, persistent, and visible formal gang presence in BC young offender custody facilities unlike the Aboriginal gang affiliations in Manitoba

and Saskatchewan and, far more in certain US states including California, Illinois and Texas where ethnic/race based gangs predominate (Giles, 2000; Klein, 1995). In other words, there is no historical evidence that any gang structures have been replicated in BC youth custody institutions sufficient to assert that much of the aggression and violence there can be explained by this inherently violent organization.

In BC, several other factors likely have mitigated the institutional theory of the cause of aggression and violence in custody. First, by the late 1970s, the trend had begun where youth corrections staff increasingly had to have both university undergraduate degrees and complete an extensive education/training program at the Justice Institute of BC. The latter qualification became particularly important under the YOA modified justice model because of the many procedural rights embedded in the YOA. Youth corrections officers had to be not only knowledgeable about these rights but also how to apply them. Accordingly, therefore, the BC Youth Corrections Manual provided detailed and strict instructions and guidelines for staff and young offenders in custody.

Arguably, these qualifications likely further mitigate the institutional “pains of imprisonment” impact on youth custody aggression and violence because youth corrections officers are more understanding of the harm caused by these “pains,” more rehabilitative focused, and more naturally supportive/compliant with the mandated standards than youth corrections officers who had transferred into youth corrections from adult corrections without the above educational and professional credentials. As mentioned above, there has been a history of tension within youth corrections staff about how painful the custodial experience should be in order to best effect individual deterrence. Again, this division was evident in Ontario where the Ministry of the Solicitor General corrections staff who ran the facilities for 16- to 17-year-old young offenders

sentenced to custody were found to resort to using older and more violent young offenders to enforce control of young offenders who staff viewed as insufficiently cooperative through unofficially sanctioned intimidation and violence (Doob & Cesaroni, 2004).

A second mitigating factor was the introduction of the Office of the Provincial Ombuds Office lead by Karl Reedman in 1996 and, more recently in 2007, the politically independent representative for children and youth. The former institution provided young offenders in custody a powerful source avenue to seek redress against being a victim of intimidation and violence within BC institutions. For example, during the late 1980s and throughout the 1990s, several young offenders in WYDC used a confidential telephone line to contact the Ombuds office to accuse staff of abusing them. There was an immediate and extensive investigation by this office, and, while the accusations were unfounded, youth corrections staff, youth defence counsel, the media, and likely many subsequent incarcerated young offenders became aware of this option.

Third, since the YOA, both remand and custody sentenced young offenders have immediate access to defence council as another option to protect themselves from institutional aggression and violence. According to Hogg (2010), this resulted in staff having to be held accountable and to respect, understand and associate with the youths in more appropriate ways.

The fourth institutional mitigating factor is the creation of MCFD in 1996. Because of the Grove inquiry into the tragic death of a 5-year-old who had been abused 56 times before his mother murdered him, many of the various multi ministerial agencies, which provided services to families/children/adolescent, were integrated into this single ministry. Youth corrections and certain child/youth mental health services were

transferred from the ministry of the Solicitor General and the Ministry of Health to MCFD. It is possible to hypothesize that this new ministry also could contribute to the lessening of the institutional basis of incarcerated young offenders aggression and violence because, at least, certain institutional risk factors, for example, crime control oriented staff, would be more closely supervised towards the welfare model value of rehabilitation, that is, the training and culture of MCFD supports the latter model.

According to Hogg (2010), the creation of MCFD did not necessarily lead to a reduction of institution violence, although he stated that, because of this new ministry, there were a broader range of resources and more money available, better access to programs going out of the institutions, and better assessment of programs within the institution. In contrast, Markwart (2010) maintained MCFD affected the reduction, although not directly but because of the creation of more youth-centred, rights-centred, rehabilitative and therapeutic policies. Markwart (2010) stated that, “the creation of MCFD allowed for this to happen but it was not a direct cause and effect relationship” (A. Markwart, personal interview, December, 2010).

Regarding the importation model under the three laws, the risk factor profiles of incarcerated youth are hypothesized to have changed. First, the *JDA* did allow for the use of custody type facilities for status offences and related breaches of probation orders. For example, Chesney-Lind (1986), regarding the United States, and Dorothy Chun (2009), for Canada, maintained that girls were disproportionately sentenced to custody type facilities under the welfare model laws, and were far more subject to staff and peer abuse and violence because of their inherent vulnerabilities in this violent institutional environment. More generally, females were more likely to be sent to these custody type facilities for status offences and breaches of probation.

Under the *JDA*, arguably, these less serious violent delinquents were more vulnerable to aggression and violence from the more violent incarcerated youth. In effect, they imported fewer survival characteristics than the latter youth. In contrast, the *YOA* was supposed to resort to custody only after all less intrusive sentences had been attempted for the less serious young offenders. In other words, the expectation was that only the more serious and/or violent young offenders would be sentenced to custody. However, as mentioned above, this did not occur to the anticipated degree. Under the *YCJA*, the definitive mandate regarding the use of custody has limited its use to the most serious and violent young offenders. The expectation, therefore, is that incarcerated young offenders would bring the most serious risk profiles for aggression and violence, and, consequently, these antisocial acts are explained by these imported profiles.

While Markwart (2010) stated that the integrated model best explained aggression and violence in BC custody facilities, he disagreed that the *YCJA* sentencing principles for serious and violent young offenders can be characterized as reflecting the crime control model principles for several reasons. First, he argued that it was necessary to view the *YCJA* beyond the political/policy rhetoric from Justice Canada in its news releases, and the explanatory materials on Justice Canada's website. Second, he asserted that a careful examination of the substantive provisions were necessary to dispel the crime control model interpretation. Most importantly, Markwart (2010) asserted that the *YCJA* promoted the use of police diversion and extrajudicial sanctions which has had an enormous effect on the use of police discretion, that is fewer kids being charged and, ultimately, going to custody. New restrictive provisions regarding pre-trial detention also were introduced which he admitted maintained the status quo and, therefore, did not decrease the use of pre-trial detention. Third, the sentencing criteria and the Declaration of Principles did not state the protection of the public as the first criterion.

Also, it was not mentioned in the sentencing principles and only secondarily stated in the Declaration of Principles in the form of “the long-term protection of the public” (A. Markwart, personal interview, December, 2010). This was to be accomplished by the use of proportionately, accountability, and rehabilitative measures. In effect, the sentencing principles of the act expressly excluded protection of the public, and general and specific deterrence. Further, he maintained that the intent of the *YCJA* was to exclude deterrence, in contrast to the *YOA* where general deterrence was expressly applied to youth, albeit a more limited application than for adults. Fourth, the custody provisions were limited to only the most serious and violent and/or repeat offenders.

According to Markwart (2010), the only part of the *YCJA* that was remotely crime control is the presumptive adult sentencing, which included very few young offenders. Yet even this sentencing provision Markwart contended typically was subject to a bargaining process between Crown counsel and defence council at the application stage. Finally, application for a presumptive offence was entirely based on accountability of the young person and nowhere is protection of the public mentioned. More accurately, the response to serious and violent offenders in terms of a proportionately test reflects a justice model approach rather than a crime control perspective. In effect, Markwart (2010) argued that the *YCJA* was paraded out as crime control but this was more of an attempt by politicians assuage the electorate? More specifically regarding the Liberal government that passed this law there was a deep seated concern about crime control model incapacitation principle: “the Liberal left bites at that hook all the time” because there is a belief that our jails are all going to be filled with these young offenders and we are going to mimic the approach used in the United States. In other words, the dominant political agenda regarding the *YCJA* was reducing both the amount of youth in court and

the incarceration rate. In effect, Markwart (2010) placed little importance on the impact of the *YCJA* on explaining aggression and violence in youth custody.

Instead, Markwart (2010) contended that institutional violence was best explained by the “interaction” of deprivation/institutional factors and the importation of particularly challenging multi-problem young offenders into BC custody facilities. The deprivation/institutional factors included the nature of the institution and the skills and abilities of the staff in the flowing dynamic: If you have a aggressive and violent young offender entering a BC youth custody facility and he/she encounters poorly trained staff, then they manipulate staff to “get away” with aggressive and violent behaviour which then results in a contagion effect with other residents. In effect, it is the staff cultural factor within the custodial environment that negatively or positively impacted the imported characteristics.

Another important factor in the deprivation explanation, according to Markwart (2010), was the ministerial change of the administration of youth custody institutions from the Corrections Branch of the Ministry of the Solicitor General and Public Safety to the Ministry of Children and Family Development. This radical change, he asserted, had a greater impact on the culture and organizational operation of youth corrections than the *YOA* and *YCJA*, because of MCFD’s child and youth welfare focused system. Most importantly, the custodial system under MCFD is overwhelming dominated by a child welfare cultural orientation. Inevitably, the youth justice components under MCFD shifted to being youth- and family services-centred. In other words, “getting tough” with incarcerated serious and violent young offenders, as was evident in the staff initiated violence among 16- and 17-year-old incarcerated young offenders in Ontario formerly when custody was divided between Ministry of Social Services for 12- to 15-year-olds and Ministry of Solicitor General for 16- to 17-year-olds (Doob, 1999).

Finally, Markwart (2010) asserted that the decrease in the custodial violence related to deprivation occurred, in spite of more serious and violent kids being housed together after the implementation of the *YCJA* because of several factors. First, there was a decline in the number of kids in custody so three custody centres were closed. Second, these closures resulted in more complete treatment programming, because there was more youth custody staff added to the remaining custody institutions. Third, there was a marked increase in youth forensic resources. Fourth, there was an increase in staff training particularly in the area of discipline, therapeutic crisis intervention, and non-violent crisis intervention. Fifth, more restrictive policies regarding the use of segregation in the facilities were introduced.

According to Karla Gronsdaahl (2011), Program Coordinator for Youth Probation Officer Training at the Justice Institute of British Columbia, the basic training program for all youth probation officers (YPOs) including those who work in youth custody facilities was extensive and rigorous (K. Gronsdaahl, personal interview, January, 2011). The current curriculum included 16 on-line courses, WEB CT and blackboard based, which took 6 months to complete. The emphasis of this training was to carry out the functions strictly as stipulated by the *YOA* and *YCJA* respectively. These functions essentially limited the discretion of youth probation officers in all their work settings—youth courts, community probation offices, treatment program centres, and youth custody centres. In effect, Gronsdaahl asserted that the training was designed to teach all youth probation officers to relate to all young offenders in a dispassionate, non-judgmental, and non-ideological manner under the *YOA* and *YCJA*. Corrado, Gronsdaahl, MacAlister, and Cohen's (2010) survey research on YPO decision-making in BC confirmed her assertion. All applicants for the YPO training have had extensive volunteer experience working with youth, and nearly all (92%) had university degrees. Only one quarter had prior

experience within MCFD or related ministries such as social workers and adult probation officers.

The qualitative description presented above by the three key individuals, who either observed or were part of the historical experience of youth custody institutions in BC, definitively outlined the presence of highly moderated deprivation model variables largely independent of the *JDA*, *YOA*, and *YCJA*. All agreed that provincial youth custody policies sharply mitigated any extreme structural risk factors for aggression and violence by incarcerated young offenders or residents. In addition, there were no historical periods where formal gangs and related inmate economies involving contraband existed. There were only a few incidents of staff involved aggression and violence against residents, and only isolated incidents of violence between residents. Nonetheless, the major closed custody centres in BC were total incarceratory institutions; daily life is completely regulated. As well, many of the residents had been convicted of serious and violent offences, therefore the culture of aggression and violence at minimum, was evident in a much higher level of intimidation than life in non-custodial life-styles. In effect, even without systematic aggression and violence, BC custody centres can be characterized as intimidating for certain incarcerated young offenders which, as Markwart (2010) stated above, lends qualitative support of the integration model explanation of aggression and violence in custody.

Chapter 5.

Developmental Research on Serious and Violent Offenders

Both the *YOA* and the *YCJA* stipulated that custody was to be limited to serious and violent offenders. As well, the seriousness of prior offence/conviction record also was considered relevant to a custody sentence. As discussed earlier, serious and violent offenders, especially repeat offenders, preoccupied the crime control proponents. For much of the second half of the 20th Century and in the initial decade of the 21st Century, criminological theories have addressed the risk factors for these types of offenders. Gottfredson and Hirschi's (1990) general theory of crime explained that criminal activity could be explained by low self-control combined with opportunities to engage in delinquent and criminal acts (Piquero, 2000). They hypothesized that individuals who ranked lowest on the self-control continuum were at a greater risk of engaging in offending behaviour early in life, were likely to offend more often, often engaged in a diverse range of criminal activities, including violence, and usually desisted later than others (Dean, Brame, & Piquero, 1996).

The General Theory of Crime provides a parsimonious explanation of serious and violent offenders, that is, poor parental skills interact with low self-control that result in impulsive youth and adults who engage in a wide range of high risk behaviours, including substance and alcohol abuse, drug trafficking, gang involvement, and violence. Individuals with this risk profile are inevitably sentenced to custody. In contrast, the

developmental perspective theories attempt to explain the origins and evolution of impulsivity and its complex interaction with a wide array of risk and protective factors, including genetic, familial, mental disorders, neighbourhoods, educational, peer, employment, and key relationship “turning points” in the life course, for example, stable intimate relationship and stable employment. In other words, the latter set of theories assert that impulsivity, poor parenting, and criminal opportunities do not adequately explain either the risk/protective profiles of all incarcerated young offenders nor the differences in their criminal trajectories and careers. The latter involves differences in the onset, frequency, persistence, and desistence of serious aggression/violence and later official criminality during the traditional developmental stages across the life course, such as early childhood, adolescence, and early adulthood (Belsky, Jaffee, & Caspi, 2003; Farrington, 2003; Farrington, 2005; Loeber & Farrington, 2008; Loeber & LeBlanc, 1990; Moffitt, 1993; Paternoster & Brame, 1997; Piquero, 2000; Sampson & Laub, 1993). Yet, the developmental theoretical perspective encompasses a variety of theories from several related academic disciplines that result in a fundamentally different emphasis in the specification of risk, protective, promotive factors, and the sequencing of these factors. Given that incarcerated young offenders under the YOA and the YCJA span early adolescence (12 to 13 years old), middle adolescence (14 to 15), and late adolescence (16 to 17), and frequently engage in high risk behaviours, including violence in the late childhood stage (10 to 11), differences in developmental theories have important policy implications regarding treatment strategies in youth justice generally and specifically for youth custody (Corrado et al., 2002; Corrado & Freedman, in press).

Developmental Life Course Theories

Farrington (2003) specified four major themes that essentially encompassed a similar set of interrelated concepts and theoretical propositions categorized as “Developmental and Life Course Criminology” (DLC) (Farrington, 2003; LeBlanc, 2005; Paternoster & Brame, 1997; Piquero & Moffitt, 2005; Sampson & Laub, 2005). These themes were: (1) the risk factor prevention paradigm concerned with the identification of important risk factors for offending; (2) the developmental pathways of offending and possible risk factors; (3) life course criminology’s specific focus on the effects of life events and life transitions on offending, as well as developmental risk factors; and (4) the criminal career paradigm. Another key distinction is the type of offending explained by a DLC theory. Most theories originally were concerned with explaining delinquency in the broadest terms, but then the career criminal theories focused on serious property offenders versus serious violent offenders (Capaldi & Patterson, 1996; Farrington, 1991; Loeber & Farrington, 2008). Additional crime types included, for example, sex offenders (Lussier & Cale, 2011), serial killers, formal gang offenders (Klein, 2006), and drug traffickers (Bouchard & Nguyen, 2009).

Cohort Studies and Developmental Life Course Theories

The original cohort research studies that instigated the DLC theories were from the US (Glueck & Glueck, 1940; Wolfgang, Terence, Thornberry, and Figlio, 1987) and England (West & Farrington, 1997). These landmark studies essentially established that a small group of offenders were involved with serious and violent offending, and that, while the self-reported incidents of these offences were substantially higher than their official criminal records indicated, these young offenders invariably were sentenced to

custody for a serious offence. DLC became prominent in the 1990s largely as a result of the enormous volume and significance of longitudinal research published on offending. This research was particularly stimulated by the three Causes and Correlates studies from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Denver, Pittsburgh, and Rochester. Other important longitudinal studies included the Seattle Social Development Project, the Dunedin study in New Zealand, the Montreal Longitudinal-Experimental study, and the further analyses by Sampson and Laub of the Glueck's classic study (Farrington, 2003). The direct importance of both the research findings and the related DLC theories were that they provided an extensive list of potential imported risk factors for aggression and violence, as well as how these factors likely predominated over institutional factors or interacted with them.

However, more generally, DLC theories are most concerned with explaining individual changes in offending behaviour throughout the life course (Capaldi & Patterson, 1996; Caspi & Roberts, 2001; Farrington, 2005; Lahey, Waldman, & McBurnett, 1999; LeBlanc, 2005; Moffitt, 1993; Paternoster & Brame, 1997; Piquero, 2000). First, serious offending behaviour was highest among those between 15 and 16 years old, the peak age interval of onset was 8 to 14 years old, and the peak age interval of desistance was 20 to 29 years old. Very likely, this peak pattern is evident regarding aggression and violence in youth custody contexts, and, therefore, if confirmed, is supportive of the importation model explanation.

Second, an early age of onset typically was a strong indicator of a long and diverse criminal career. While, as discussed above, the *YOA* and *YCJA* custody sections emphasized serious and violent offending as critical criteria for this sentence, an extensive and diverse prior offence record is an aggravating factor that can increase the

likelihood of a custody sentence. In addition, such a record can be considered an important indicator of a criminal lifestyle that likely affects the adaptation to custody.

Third, there was marked stability in both the type of offending and antisocial behaviour across developmental stages from childhood to adolescence to adulthood, and a small proportion of young offenders committed the majority of all crimes, had early onset offending behaviour, high individual offending frequencies, and long criminal careers. This relationship suggests that a stable set of anti-social characteristics are imported into custody that will be repeated in this context as well.

Fourth, offending behaviour was versatile, rather than specialized. For example, the profile of crimes committed by violent offenders during certain developmental stages or over the life course, like frequent non-violent offenders, also included many other types of non-offences. Obviously, a young offender with a history of predominately violent behaviour suggests adaptation to custody would be different than a youth with a predominately non-violent prior record. As discussed above, even relatively non-aggressive/non-violent total custodial institutions are coercive and, therefore have been hypothesized to enhance frustration, aggression, and violence. If aggression and violence were more common non-custodial responses for these young offenders, this would likely increase this response or adaptation pattern to custody.

Fifth, certain types of deviant behaviours were strongly correlated with criminal offending and appeared to be part of a more general pattern of antisocial behaviours or life-style, such as heavy drinking, reckless driving, sexual promiscuity, bullying, and truancy. These anti-social imported characteristics were further associated with impulsivity and low self control more generally (Farrington, 2003; LeBlanc, 2005; Moffitt, 1993). YOA "closed" custodial institutions were rigidly structured to control anti-social

and impulsive behaviours which likely increased the aggression and violence adaptive pattern for young offenders with these imported traits.

Sixth, age was strongly correlated with co-offending patterns in that the majority of criminal offences during the late teenage years were committed with others, while, after the age of 20, most offences were committed alone. Peer anti-social influences generally decreased in late adolescence and early adulthood. This is particularly important in the custody context where a broad adolescent age range is represented (Bartollas, 2003; Bell, 2002). Yet, typically, most incarcerated young offenders are under the age of 18 in Canada and the mean age in BC custody centres is between 15-16 years old (Corrado & Cohen, 2002). This suggests that aggression and violence within custody will more likely involve group dynamics than individual ones.

Seventh, the motivation for offending differed by age; emotional or reactive needs (e.g., boredom and the need for enjoyment or excitement) predominated up to the late teenage years, while utilitarian needs (e.g., to obtain material goods) dominated later age stages. Again, given the above age profile, the expectation is that aggression and violence will be more associated with reactive than instrumental motivations, especially since custodial contexts provide limited opportunities involving material goods and services.

Eighth, certain types of offences and sequences of offending were associated with different ages. For example, shoplifting was more typical in late childhood and preceded burglary and then robbery, both which were more likely to occur in later age stages. In general, there are some marked differences in the diversification of offending. Offence diversification typically increased up to age 19 then specialization increased (Capaldi & Patterson, 1996; Piquero, 2000). Despite the above hypothesized

preponderance of reactive motivations and limited types of criminal offence opportunities, diversity of offences within custody also is likely evident.

These cohort derived patterns of offence and related individual characteristics have been explained by several DLC theories to be discussed in the next section. The central theme, however, is that these theories asserted that deeply entrenched temperament and personality characteristics existed beginning in the earliest development stages; in utero, infancy and early childhood, that increased the likelihood of aggression and violence in later stages, particularly the adolescent stage (Corrado et al., 1992; Corrado & Freedman, in press; Lussier & Cale, 2011).

Multiple Routes to Serious and Violent Offending: Prominent Developmental Life Course Theories

Three developmental theories will be reviewed: Loeber (1996), Moffitt (1993), and Tremblay and colleagues (1996). There are other important DLC theories, such as Thornberry and Krohn's (2001) Interactional Theory, Lahey and Waldman's (2003) Developmental Propensity Model, and LeBlanc's (2005) Integrated Personal Control; however, many of the key themes of these theories are addressed in the former theories.

Loeber's Developmental Pathways Model

Loeber, Russo, Stouthamer-Loeber & Lahey (1994) focused on the within-individual changes in the patterns of aggression that occur during the middle and late childhood, adolescence, and early adulthood developmental stages. They provided explanations and related hypotheses about the distinctive patterns of anti-social, aggressive, and violent behaviours. Empirically, Loeber and Hay (1997) asserted the

existence of developmental pathways characterized by distinctive sequences of aggressive acts with increasing severity in subsequent stages. Three developmental pathways for males during childhood and adolescence were identified; authority conflict, covert, and overt (Loeber & Hay, 1997; Loeber, Keenan, & Zhang, 1997; Loeber et al., 1994). Authority Conflict Pathway was characterized as a child both avoiding and conflicting with authority figures. Covert Pathway consisted of an escalation in secretive initial anti-social acts, such as vandalism, and the concealment of further largely age-related and usually sequential problem behaviours, such as smoking, alcohol, soft drug use, break and enter, theft, and drug trafficking in subsequent stages. The Overt Pathway involved initially explicit aggression, such as persistently annoying others, and escalating violence, for example, bullying behaviour during the first stage escalating to physical fights during the next stage, and then, finally, more persistent and serious violence, for example, sexual assault, weapons use, and gang violence.

In their most recent work, Loeber and Farrington (2008) detailed pathway characteristics and sequences; however, the original model has not been fundamentally altered and remains important in explaining aggression and violence in custody contexts from the importation model perspective. More specifically, this DLC theory specifies that there is a diversity of types of aggression and/or violence imported by young offenders into secure or closed custody institutions, and that these different patterns predict how young offenders adapt to custody.

Moffitt's Dual Construct Taxonomy: Life Course Persistent and Adolescent Limited Offenders

Moffitt's (1993) LCD theory has become prominent partly because, she and her colleagues (Caspi & Roberts, 2001; Moffitt, Caspi, Rutter, & Silva, 2001) have validated the predicted pathways primarily based on their child population cohort from Dunedin,

New Zealand. Similarly, Moffitt (1993) initially focused on differences in the onset of serious anti-social and criminal behaviours, type and seriousness of offending, and persistence, and desistance to identify her fundamental two types of young offenders: Life Course Persistent (LCP) and Adolescent Limited (AL) youth. The former initiate their diverse anti-social acts, including criminal behaviours, as children, escalate the seriousness of offending with age, and then persist throughout most of the adult developmental stages. In stark contrast, the AL type starts these behaviours only in adolescence, is less likely to commit serious violent offences, and desists at the beginning of the first adulthood stage. Given that the LCP type is most likely to commit the most serious offences during adolescence, these young offenders are most likely to be sentenced to youth custody. However, it is the etiology of the types that is particularly important in explaining differences in young offenders' adaptations to custody.

According to Moffitt (1993), the etiology of LCP offenders, similar to all the dominant criminological theories, is centred on the relationship between low self-control and criminality, especially involving violence. This type is characterized by neuro-cognitive deficits specifically involving the brain's frontal lobe located executive functions. The latter regulate planning, working memory, task completion, rule adherence, and deferred gratification. In effect, both routine and complicated tasks required to accomplish longer-term goals are limited by executive function deficits. In custodial contexts, rule conforming behaviours are essential to non-aggressive and non-violent relationships with both peers and staff. This discipline is also necessary in the most aggressive and violent custodial contexts where small informal but intimidating and violent groups or youth gangs dominate peer relationships; non-conformance with peer based unofficial rules increases the likelihood of being victimized. However, LCP young

offenders are also predicted to be more aggressive and violent within custody contexts, despite the threat of violent victimization, if they are physically intimidating.

Caspi and Roberts (2001) explained further that there was also a genetic basis for aggression and impulsivity; the MAOA polymorphism negatively affects how the “calming” hormone, serotonin, is utilized in brain functions which, when combined with a major childhood trauma experience, increases the likelihood of LCP violence into the adulthood stages. Again, this type of LCP young offender more likely reacts violently to the “pains of imprisonment” or severe limitations in daily life-style choices, and the increased aggressive/violent structure and culture of custodial institutions. In effect, the LCP type, more generally, involves imported childhood risk factors that increase aggression and violence in custody.

The AL offender, while less likely to engage in criminal acts that result in custody sentences can become involved in criminal lifestyles, for example, drug trafficking, informal gangs, and formal gangs, that place them in custody. However, this type, according to Moffitt (1993) was focused on older and intimate peer approval and relationships, and was not impulsive beyond early and middle adolescent norms. The expectation, therefore, is that AL offenders more likely adapt to custody by conforming and avoiding aggressive and violent responses. Again, though, there were custodial and non-custodial contexts where AL young offenders belong to aggressive and violent groups where conformity requires these anti-social behaviours. Yet, Moffitt (1993) asserted that this type of young offender desisted when mature relationships became available in late adolescence. The expectation is that, even in custodial contexts, AL young offenders would have less aggressive and violent incidents as 17-year-olds and older. As well, this type likely will respond more positively, that is, non-aggressive and non-violent, to custody structures and related specific programs that provide

opportunities for more mature relationships between residents and staff, peers, and external family/friends and responsibilities.

According to Moffitt's theory, AL young offenders are characterized as seeking a lifestyle that is typically for older adolescents, yet not without responsibilities. For example, open custody institutions provide opportunities to develop trusting and responsible relationships primarily because the physical structures and programs facilitate such relationships in contrast to the more restrictive context of closed or high security institutions. Mentorship programs also would be predicted to mediate aggression and violence for this type because the focus is on bonding with older pro-social role models. Conversely, AL young offenders without such opportunities were predicted to be susceptible to developing relationships with anti-social and high-risk residents who draw the former into aggressive and violent behaviours within custody. In closed custody contexts, gangs, for example, provide a relationship opportunity structure that combines bonding/identity with older youth, thrill seeking, and increased likelihood of aggression and violence (Bouchard & Spindler, 2010). Yet, Piquero and Moffitt (2005) likely would assert that, even within custody, AL offenders were far less likely than LCP offenders to engage in chronic or serious types of crimes because they were rarely expected to engage in serious, person-oriented offences. The Moffitt (1993) dual taxonomy model, therefore, provides an important basis for hypothesizing about the variability not only in imported characteristics into custody, but also in their interactions with institutional characteristics.

Tremblay's Early Childhood Risk Factors Associated with Atypical Developmental Patterns of Physical Aggression

Next to genetic, perinatal, and infancy risk factors, early childhood risk factors for aggression and violence could be considered among the most entrenched imported

individual characteristics young offenders import into custody. Tremblay, Masse, Pagani & Vitaro (1996) in his groundbreaking cohort study of young children from working class neighbourhoods in Montreal, identified a small group (4%) of 2- to 3-year-olds whose normative or above aggressive and violent behaviours did not decrease when they passed into the next childhood stage and even in subsequent stages as expected. These children were characterized by their Chronic Physical Aggression (CPA). Tremblay (2008) defined CPA as “the use of physical aggression at a significantly higher rate than ones’ birth cohort over an extended period of time” (p. 2). Nagin and Tremblay (1999) reported that CPA boys between the ages of 6 and 15 years old from low socioeconomic areas were more likely to have had mothers who both started childbearing early, that is, as teenagers, and had low levels of education when compared to boys with either low or more typical decreasing use of physical aggression with age.

Tremblay (2008) theorized that CPA children did not experience the parenting style or practices that socialized their children into utilizing pro-social means to obtain desired objects and relationships with peers, parents, and others. Instead, CPA children continued the typical toddler aggressive and violent means when frustrated or thwarted. Patterson (1982) was among the first theorists to explain the complex and anti-social dynamic between CPA children and their parents which facilitated on-going aggression and violence into subsequent childhood and adolescent stages. Further, boys who exhibited persistent conduct problems were more fearless and more likely to have experienced maternal rejection, while Cote, Vaillancourt, LeBlanc, Nagin, and Tremblay (2006) identified the essential role of gender in distinguishing the etiology of CPA. As well, maternal hostility, maternal aggression, mother’s depressed mood, and related punitive parenting were part of the family dynamic predicting CPA. They also reported

neighbourhood correlates, including greater “perceived problems” and poverty level. Also, there was a link between CPA and a higher risk for alcohol and drug abuse, suicide attempts, spouse abuse, and neglectful and abusive parenting. In effect, their research suggested an intense anti-social lifestyle across life stages was associated with CPA; therefore, CPA young offender’s very likely import this lifestyle profile into custody contexts.

A related theme for CPA young offenders is delinquent group membership. Lacourse, Nagin, Tremblay, and Claes (2003) demonstrated that childhood to adolescent violent behaviour trajectories were associated with involvement with delinquent group membership. The social interaction theoretical perspective utilized by Lacourse et al. (2003) suggested that this delinquent group membership likely explained a certain amount of violence by CPA young offenders in custody, especially if this membership continued into this context. Again, the most obvious and extreme form of this membership are gangs. Even if the formal gang was not present in a custody context, the status, protection, and fear of subsequent gang reprisals likely explained part of why isolated gang members were more likely to use aggression and violence in custody. Finally, Nagin, Pagani, Tremblay, and Vitaro (2003) examined the importance of “life course turning points,” specifically the relationship between grade retention and CPA. They found mixed results suggesting that CPA had “patterns of [anti-social] behaviour are so deeply ingrained that their behaviour is difficult to influence, whether for good or bad” (Nagin et al., 2003, p. 357). This explanation has major implications for the importation theoretical perspective since it suggests that the institutional perspective likely would have a neutral effect on their aggression and violence in custody. Therefore, the CPA theoretical perspective is strongly supportive of the importation theoretical perspective.

According to Loeber and Farrington (2008), there are at least 19 developmental theories or versions of key theories in this perspective. The selection of the above three theories is somewhat arbitrary; however, it can be argued that they are representative of this perspective and cover the main themes. Equally important, these four theories provide support for the selection of the hypotheses that will be examined in this thesis. Similarly, the selection of certain key risk factors for aggression and violence in custody described in this chapter is not at all exhaustive of the extraordinary number of variables that have been identified in the DLC theories (see Corrado et al., 2002; Lussier & Cale, 2011).

The DLC theories have influenced explanations of aggression and violence in adult prison and youth custody. Certain forms of aggression vary by age and gender, for example, verbal aggression increased with age, while physical aggression decreased (Cote et al., 2006). Often the decrease in physical aggression from childhood to adulthood occurred because of the normative decrease in reactive aggression, which they attributed to brain maturation and children experiencing a greater control over their negative emotional reactions. Also, longitudinal studies reported substantial heterogeneity in the development of aggression; there were multiple developmental pathways for aggressive behaviour distinguished by age of onset, specialization, and desistence. One explanation for aggressive behaviour, for example, was the social disruptions that occurred for certain children during the transitions from either preschool to kindergarten, elementary school to middle schools, or middle to high schools. In effect, physical aggression was seen as a coping mechanism for dealing with the stressful and largely unavoidable age based transitions within the formal school system. In contrast, a small percentage of children exhibited preschool onset aggression, and, therefore, they were characterized by a distinctive trajectory (Cote et al., 2006).

Recent developmental-based research has reported that the reduction of the gender gap between adolescent females and male's involvement in aggressive behaviour has steadily declined in the last 20 years (Moretti & Odgers, 2006). Although girl violence has not reached the same level as male violence, volumes of new research in this area have emerged. What is important is that there are clearly distinct developmental trends that vary across males and females depending on what form of aggression they use. Although females are less likely to engage in physical aggression, they are just as likely, if not more so, to engage in social or relational aggression. This form of aggression can be documented in the steady increase in girl violence from the years 1988-1998 and again from 1996-2002 (Moretti & Odgers, 2006).

The developmental theoretical perspective has specified risk factors for aggression and violence far more than any other theoretical perspective generally, and, provided the most extensive theoretical explanations for the development of risk factors for aggression and violence that are likely to be imported into custody. Most importantly, this perspective suggests that the deprivation model risk factors, at a minimum, are mediated by critical and often childhood risk factors that interact with deprivation risk factors to explain both the types and intensity of aggression and violence in custody.

Hypotheses

First, from the importation model, it is hypothesized that young offenders with histories of chronic violence, a history of hard drug use, and experience with past physical abuse would likely have engaged in one or more aggressive physical incidents, verbal, incidents, property offences, and any combination respectively in custody. Second, from the deprivation model, it is hypothesized that residents' perception of high

institutional violence and low sense of personal safety, as well as those who were serving their current sentence in a “closed” facility will likely have engaged in one or more of the above types of aggression in custody. Third, from the importation model, it is hypothesized that younger offenders, female offenders, and Caucasian youth will not have committed one or more of these aggressive incidents in custody. Finally, from the integrated model, it is hypothesized that the combination of the above factors from both the importation and deprivation models will have the strongest correlation with the presence or absence of these four types of aggressive incidents in custody.

The above hypotheses will be conceptually and operationally defined and empirically assessed utilizing the methodology described in the next chapter.

Chapter 6.

Methodology

The selection of the operational definition of the dependent variable, aggression, and the independent variables in this study were determined by the objectives of the larger study, the Vancouver Serious and Violent Incarcerated Young Offenders Study (YVOS). The primary purpose of that study was to evaluate the effect of incarceration on young offenders in terms of their custody experiences and, particularly, in relation to their decisions to engage in programs, sense of safety, reactions to custody staff, involvement in aggressive and/or violent acts, and decisions to recidivate. The project was initiated in 1997 and funded by Social Science and Humanities Council (SSHRC) standard research grant to the Principle Investigator, Professor Raymond Corrado.⁴ The second 3-year phase of the project began in 2001 and was again funded by SSHRC.

Study Design

The qualitative data, as discussed above in Chapter 4, was based on multiple unstructured interviews in person and by phone, each lasting approximately 1.5 to 2 hours. The unstructured interview format, however, did include the key themes in this

⁴ This research was supported by two Social Science and Humanities Research Council of Canada grants awarded to Dr. Raymond R. Corrado in the School of Criminology at Simon Fraser University.

thesis: describe deprivation structure and culture in BC custody centres in general and WYDC in particular; whether the *JDA*, *YOA*, and *YCJA* affected the imported risk profile for aggression and violence in custody; and historically, what model best explained the level of aggression and violence in BC youth custody centres.

The quantitative data for this thesis was collected from young offenders who were residents in open and closed custody centres in the Greater Vancouver Region, British Columbia, Canada. The Ministry of Children and Family Development (MCFD) of BC that is responsible for the administration of youth custody centres under the *YOA* and *YCJA* approved the project and stipulated the procedures for approaching residents to obtain their voluntary participation in this study. All participants had to sign consent forms and could withdraw from the study at any time. Finally, Simon Fraser University's Research Ethics Committee approved the research design. The resident participation rate has consistently been over 95%. For those who participated, recreational snacks were provided during the interviews. In spite of the sensitivity of many of the questionnaire items, no negative reactions occurred during or after the interviews.

A sample of 648 incarcerated serious and violent young offenders/custody residents were interviewed as part of the larger study. Respondents were between the ages of 12-18 years old, and were serving their period of incarceration under the *YOA*. During the interview, participants were asked a series of questions relating to their experiences with the youth criminal justice system, their levels of education, their social and family experiences, and their attitudes to their most recent current offences and incarceration. Relevant to this thesis were the various indicators selected from the questionnaire that measured the dependent variable, namely aggressive incidents in the youth custody facilities, and a range of variables identified with the importation and deprivation theoretical perspectives/models.

The project was conducted at two open and two secured custody centres in British Columbia. The main differences between the two levels of custody are the levels of security, program availability, and options for community-based programming. For example, youth serving time in open custody had more far greater levels of movement and relationships within the institution, as well as programming that allowed them to go outside of the custodial institution. In contrast, closed or secure facilities, as mentioned above, were structured with primary goal of maintaining security both internally for residents, staff and visitors, and externally for the public. Movement within this type facility was strictly regulated, as was access to friends and families.

While 648 residents agreed to participate in the larger study, only 189 residents provided information on the dependent and all of the independent variables included in this current study. The questions from this study were only available to this sub-sample. However, there was no difference between the sub-sample and the larger sample on all other variables, including demographics and offence. All interviews were conducted face-to-face with a semi-structured interview schedule that gathered both qualitative and quantitative data on a range of issues, such as offence history, education, employment, family history, education, drug and alcohol use/abuse, mental health issues, and general and specific attitudes towards the criminal justice system.

In addition to participating in an interview, all youth had their institutional files coded to provide additional information and to allow the researchers to cross-reference the information provided by respondents. Typically, these files included: (1) a pre-disposition report outlining the youth's educational, social, family, peer, substance use, and correctional history; (2) psychological reports that included the mental health profiles of the youth and psychological test scores; (3) institutional reports examining the

behaviour of the youth while in custody; and (4) provincial case files that listed the youth's offending and disposition data.

Aggression: Types, Operational Definition, and Measures

Just as there are numerous dimensions of interest with respect to aggression and violence, there is also a wide range of methods used to measure and predict it, including self-report, behavioural observations, clinical judgments, actuarial devices, and situational and environmental factors. Therefore, it would not come as a surprise to see a wide variety of outcomes in the interpretation of self-identified interpersonal aggression (Edens & Douglas, 2006). Further, there have also been concerns about the effect of varying operationalizations of interpersonal aggression and violence with evidence suggesting that such differences may result in contradictory findings concerning its causes, correlates, and consequences (Edens & Douglas, 2006). In fact, studies have continued to operationalize aggression narrowly with the major focus on physical forms of aggression only (Edens & Douglas, 2006).

Tremblay (2008) has argued persuasively that a fundamental problem with research from the DLC perspective is the lack of clarity regarding the concept of aggression, especially its specific operational measures. He asserted that far too many studies claimed that they were examining aggression when their operational measures indicated that only one of the dimensions were included in the research design. For example, with respect to oppositional language, hostile swearing is a dimension of aggression as is non-compliance with rules, both which can be theoretically important, but alone do not constitute the full range of dimensions of the general construct of

aggression. Equally important, without these dimensional distinctions, it is difficult to assess theories that specify the more extreme forms of aggression, such as fighting causing serious body harm and sexual assault. In other words, it is necessary to specify the specific dimension or type of aggression because there is no single theory of this general concept (Caprara, Paciello, Gerbino, & Cugini, 2007).

This generality is evident when aggression is defined as “any form of behaviour directed toward the goal of harming or injuring another living being who is motivated to avoid such treatment” (Felson & Tedeschi, 1994, p. 201). Harm, for example, is itself vague since it covers a wide range of phenomena from the more trivial or less serious to murder. A more narrow concept definition, such as physical aggression, according to Tremblay (2008), is “the use of behaviours, such as the following in antagonistic interactions with others: hitting; slapping; kicking; biting; pushing; grabbing; pulling; shoving; throwing objects; beating; twisting; and choking” (p. 2). While Tremblay’s definition and research focused on young children, his concept of physical aggression is relevant for all DLC stages. An important related concept, Chronic Physical Aggression (CPA) is similarly relevant.

Clearly, aggression is a multidimensional construct; behavioural expressions (e.g., verbal vs. physical), affective component (e.g., anger vs. hostility), and cognitive component (e.g., hostile perception vs. non-threatening joking). Other analytic dimensions are, for example, overt and covert. Overt aggression describes behaviours involving the face-to-face interaction between the perpetrator and the victim (e.g., verbal vs. physical aggression), while covert aggression is indirect and covers behaviours, such as spreading rumours, ostracising people, and gossiping (Caprara et al., 2007).

Theoretically, Caprara et al. (2007) asserted that the reactive aggression concept was an excitatory and involuntary response resulting in harm to another person, whereas proactive aggression involved the social cognitive processes conducive to aggression in the pursuit of one's own interests. In other words, reactive aggression consisted of angry and impulsive outbursts in response to a stressor or provocation, while proactive aggression has been used to describe goal-oriented behaviour that did not necessarily include provocation or anger. Yet, despite these dimensional distinctions between forms of aggression, both social cognitive and emotional processes co-occurred in several forms of aggression, for example, a planned robbery where an unexpected victim response provoked anger.

Measures

Dependent Variables

The dependent variable in this study is incident report based aggressive behaviour while in custody. Aggressive incidents have been categorized into four groups: physical aggression (yes = 1, no = 0); verbal aggression (yes = 1, no = 0); property aggression (yes = 1, no = 0); and "any" aggression (yes = 1, no = 0). Physical aggression includes behaviours such as assaults, fighting, and threats; verbal aggression includes behaviours such as refusing to follow rules, verbal abuse, and inappropriate comments; destruction of property refers to damaging ones personal property in the institution; while "any" aggression refers to a youth engaging in any of the above forms of aggression in the institution.

Independent Variables

As discussed earlier, the classic theoretical debate contends that two approaches, namely the importation model and the deprivation model, explain violence and aggression in correctional facilities. In order to examine the above four categories of aggression, six independent variables from the importation and deprivation model perspectives were used in this study. First, the most commonly identified importation demographic variables were used, which included gender, age and race. These variables included: (1) Gender (male = 1, female = 0); (2) Age ($M = 16.3$ years old); and (3) Race (Caucasian= 1, Aboriginal= 2, other= 3).

The second group of variables, the importation experience model variables that are specific to a young offender's characteristics prior to their incarceration experience were operationalized by a series of questions: (1) whether the youth was a chronic, violent offender (yes = 1; no = 0); (2) whether the youth had been a victim of physical abuse (yes = 1, no = 0); and (3) whether the youth had self-reported hard drug use (yes = 1, no = 0).

The third group of variables, the deprivation model variables were specific to the experiences of the youth while in custody and to the characteristics of the custody centre itself. These variables were operationalized by three indicators. First, an index of perceived institutional violence was constructed by a summation of responses to the questions: (1) The number of heated arguments is a problem in this institution; (2) Too many residents have objects that they intend to use as weapons in this institution; (3) The number of assaults among residents are a problem in this institution; and (4) The number of assaults with weapons are a problem in this institution. These four Likert scale questions were designed to assess their perceptions of violence within the

institution and were anchored by “strongly disagree” to “strongly agree.” The internal reliability of this index, as estimated by Cronbach’s Alpha, was .69.

Second, a youth’s feelings of personal safety from physical harm within the custody centre was measured. This variable was a single indicator using the youth’s response to the question *“I feel safe from being physically assaulted by residents in this institution”* and was measured on a 5-point Likert scale anchored by “strongly disagree” to “strongly agree.” The mean score for this item was 2.16. Third, the type of institution was classified as either being a secure custody facility or an open custody facility (secure = 1; open = 0).

The analysis was conducted in three stages. Stage 1 involved a descriptive analysis of each variable in this study. Bivariate relationships between the independent variables and the dependant variable were estimated in the second stage. T-tests were used to compare means scores between the two levels of the response variables, and Chi square tests were used to compare mean proportions in the response variables for a given set of independent variables. In the final stage of the analysis, logistic regression models were estimated that assessed the magnitude of contribution of the independent variables, individually and collectively, toward explaining the absence or presence of aggression in youth custody. All statistical analyses were carried out using SAS® statistical software version 9.2.

Chapter 7.

Results

Before discussing the results concerning the four hypotheses, the univariate distributions of the variables will be described.

Dependent Variables

Participation in aggressive incidents in custody was fairly high (see Table 1): approximately one-third of the sample (34.9%) reported engaging in physical aggression; a slightly higher proportion (39.1%) were involved in verbal aggression; and the smallest proportion (6.8%) participated in property aggression. Very importantly, nearly half of the sample (46.5%) reported engaging in some form of aggression while in custody (see Table 1). While the incidents were not categorized by the extent of the harm to the victim(s), they overwhelmingly did not involve acts that resulted in official charges. In other words, this limitation in assessing the seriousness of the aggression, while important, was not put into question by historical evidence of incidents of serious violence such as murder, aggravated sexual assault, and armed robbery, other than extremely rare examples. The absence of the more serious types of aggression and violence is important in understanding the discussion of the bivariate analysis of the independent variables and the measures of aggression because of the latter's restricted dimensional variability.

Table 1. Univariate Distribution of the Dependent Variables

Type of Aggression	<i>n</i> = 189
Physical	34.9
Verbal	39.1
Property	6.8
Any	46.5

Independent Variables

Importation Socio-Demographic Variables

As discussed in the methodology, three key importation demographic variables were included for this thesis.⁵ As expected with a sample of serious and violent young offenders, males constituted three-quarters (75.2%) of the sample. This gender distribution was consistent with most studies on serious and violent young offenders where males were overwhelming overrepresented (Loeber et al., 1997). Nonetheless, the nearly one-quarter (24.8%) of the sample was female.

The age profile of the sample also was not surprising since the youth were sentenced under the YOA, which discouraged the use of custody for younger offenders between 12 and 14 years old. Still, the approximately 10% of the sample (9.5%) in the younger age category was sufficient to allow for the ordinal profiling of the age variable and its inclusion in the various statistical analyses. The most prevalent age group was the 15- to 16-year-olds, which comprised nearly half (45.8%) of the sample. Typically, it would have been anticipated that the oldest age group would be disproportionately represented, partly because these youth have had more time at risk for recidivism.

⁵ In the larger sample (*n* = 648) 75% were male, 21% were Aboriginal, and the mean age was 16.1.

Moreover, under the *YOA*, prior custody sentences were considered to be an important aggravating condition for current sentences. In addition, under the *YOA*, judges did sentence young offenders to custody for multiple non-violent convictions. Whether this use of custody was for the protection of society from “career” type young offenders and/or deterrence, this sentencing pattern was one of the major criticisms of the *YOA*. In other words, it was the overuse of custody for non-violent and even minor offences that raised the related issue that judges were not given clear guidance on the purpose of sentencing. In contrast, the *YCJA* provided an explicit set of principles to guide judges in deciding on the appropriate youth sentences regarding the incorporation of both prior conviction histories and seriousness of the current offence conviction. Most importantly, custody is reserved for the most serious violent and/or repeat offenders (Department of Justice Canada, 2010).

Regarding the final importation demographic variable, ethnicity, nearly one-quarter (23.0%) of the sample self-identified as Aboriginal. This was expected since the over-representation of Aboriginal people in the criminal justice system generally and in youth justice, particularly, has been long standing and controversial. Isted (2008) reported that incarceration rates for Aboriginal young offenders were as high as one-third in contrast to the estimated one-twentieth proportion of Aboriginal youth within the general youth population. Although the population of Aboriginal youth within Canada is small compared to the total population, the risk profiles for this offender population were extreme. Further, other ethnic/racial minorities in Canada continued to be over-represented in custodial institutions, and apparently have experienced greater “pains of imprisonment than non-minorities (Bell, 2002; Joseph, 1995). While there were too few young offenders from other minorities in this study, the large number of Aboriginal youth

in this sample was sufficient to include it in the analysis of the hypotheses, essentially as one of the importation demographic variables.

Importation Experience Variables

Regarding the key lifetime offence profile from the importation model, over one-third of the sample (39.2%) reported a history of chronic violence (see Table 2). This was expected because the YOA emphasized violent offences as appropriate for custody sentences. Most importantly, the importation model asserted that a history of chronic violence was one of the strongest predictors of violence and aggression in custodial institutions (Lahm, 2008). Similarly, given the YOA's focus on incarcerating serious and violent and/or repeat chronic offenders, just over half of the sample (51.3%) was sentenced to closed custody for their most current offence. As discussed above, this type of institution typically had far higher deprivation risk factors than an open custody institution.

Table 2. Univariate Analysis of the Importation Experience Model Variables

Importation Variables (n = 189)	% (n)
History of Chronic Violence = 1	39.2 (74)
Victim of Physical Abuse = 1	37.6 (71)
Regular Hard Drug Use = 1 ^a	69.7 (131)

^a Use of cocaine, crack, heroin, or crystal methamphetamine at least once per week.

A history of physical abuse was considered another important imported risk factor for how young offenders adjusted to custody regarding their internalizing behaviours, subsequent vulnerability to aggression and violence, and as a predictor of aggression and violence in custody (Cesaroni & Peterson-Badali, 2010). More than one third of the sample (37.6%) reported that they had been physically abused (see Table 2). Although both males and females experienced abuse prior to their incarceration

experience, girls more often entered custody from family and peer group backgrounds involving higher levels of physical and sexual abuse than boys (Chesney-Lind & Sheldon, 1998; Corrado et al., 2002). Also, incarcerated girls disproportionately and consistently had multi-problem profiles consisting of: addiction to hard drugs; high dropout rates in school and poor academic and employment success; and chronic familial problems and abuse (Chesney-Lind & Sheldon, 1998; Corrado et al., 2002). From the deprivation model perspective, studies have concluded that girls reacted to their custodial experiences differently than boys; however, there was disagreement concerning how girls were treated by judicial and institutional staff and how girls adapted to custodial violence (Corrado et al., 2002).

Prior history of hard drug use and other substance use were another set of major imported risk factors. The high prevalence of the former was evident because slightly more than two-thirds of the sample (69.7%) self-reported using hard drugs regularly (see Table 2). In addition, virtually all of the youth reported using alcohol (94%) and marijuana (95%). A gender difference was evident; a greater proportion of females (72.4%) than males (61.9%) reported using harder drugs and using these drugs more frequently.

Deprivation Variables

As discussed above, it was not unexpected that over half of offenders (51.3%) were sentenced to secure custody given the seriousness of the current offence and prior record. Yet despite the seriousness typically associated with violent offenders, the average sentence length for the sample's most recent offence was only approximately three months (88.7 days). The length of sentences for secure versus open custody sentences was as expected: youth sentenced to closed custody received, on average,

116.96 days or approximately 3.5 months, which was more than double those sentenced to open custody, who received on average 49.34 days or little more than 1.5 months.

Perceptions of institutional violence were considered an essential deprivation risk factor for several reasons for both victims and perpetrators in custodial contexts (Cesaroni & Peterson-Badali, 2010). This variable was derived from the summation of responses to four Likert scale questions. A univariate analysis suggested that the young offenders in this sample perceived a moderate level of institutional violence (M 12.1; SD 3.5). In effect, the sample was skewed towards a higher level of perceived institutional violence (see Table 3).

Table 3. Univariate Distribution of Perceptions of Violence in Custody Score

	n = 189
4	3.2%
5 to 8	12.2%
9 to 12	35.4%
13 to 16	40.2%
17 to 20	9.0%
<i>M</i> (<i>SD</i>)	12.15 (3.48)

The final deprivation model variable was the youth's feelings of personal safety from physical harm within the custody centre (see Table 4). This was assessed using a single Likert scale measure anchored by Very Unsafe to Very Safe. The mean score of 2.2 out of 5 indicated that most incarcerated youth felt safe in their custody context. Specifically, more than one-third of the sample (39.7%) felt very safe, while just over 6% felt very unsafe. Combined with those who indicated that they felt unsafe, less than one-fifth of the sample (18.5%) expressed any concern for their personal safety while in custody. In contrast, more than two-thirds (69.3%) of the sample reported feeling

generally safe from physical assaults while in custody. As discussed above in Chapter 4, there was no history in BC custody institutions that suggested the institutionalization of unsafe contexts. This perception would likely have predicted a low prevalence of aggression in the BC custody samples yet this was not what was reported.

Table 4. Univariate Distribution of Feelings of Personal Safety in Custody

	n = 189
Very Safe	39.68%
Somewhat Safe	29.63%
Neither Safe nor Unsafe	12.17%
Somewhat Unsafe	12.17%
Very Unsafe	6.35%
Mean (Standard Deviation)	2.16 (1.25)

Bivariate Analyses

The bivariate relationship between physical aggression and each of the independent variables indicated that only 2 of the 9 variables were significantly related to physical aggression in youth custody (see Table 5). Only males and residents who had a history of chronic violence were likely to have engaged in incidents of physical aggression in custody.

Nearly half (40%) of the males were physically aggressive compared to only one-tenth females ($\chi^2=9.10, p < 0.01$). This was consistent with research that reported that males were far more often aggressive physically than females in custody contexts (Cesaroni & Peterson-Badali, 2005). While the mean age for physically aggressive residents was 16.39 years ($SD = 1.18$), there was no statistically significant difference between them and the mean age (16.18) of residents who were not physically

aggressive (t -test = -1.07, p = 0.29). Yet, even though there was a substantial 20% difference between Caucasian (37.9%) and non- Caucasian youth (57.1%) who engaged in physical aggression, it was not a statistically significant difference (χ^2 = 3.09, p = .21).

Table 5. Bivariate Results Supporting Physical Aggression in Youth Custody

	χ^2/t -test (p)	Yes	No
Demographics			
Males = 1	9.10 (.01)	39.4%	10.3%
Ethnicity (Caucasian = 1)	3.09 (.21)	37.9%	57.1%
Age (M)	-1.07 (.29)	16.4	16.2
Importation Model Variables			
History of Chronic Violence = 1	8.20 (.01)	47.3%	26.9%
Victim of Physical Abuse = 1	0.483 (.49)	38.0%	33.0%
Regular Hard Drug Use = 1	0.12 (.73)	35.8%	33.3%
Deprivation Model Variables			
Type of Institution (Secure = 1)	0.91 (.34)	38.1%	31.5%
Perceived Institutional Violence (M)	-0.84 (.40)	12.4	12.0
Feelings of Personal Safety (M)	1.16 (.25)	2.0	2.2

The most theoretically important imported risk factor—history of chronic violence—however, was statistically significant (Bartollas, 2003; Lahm, 2008). Of those residents who, through self-report measures, reported having a history of chronic violence, nearly half (47.3%) had engaged in incidents of physical aggression in custody. Residents with histories of chronic violence had significantly higher incidents of physically aggressive behaviour in custody compared to those youth without such histories (χ^2 = 8.2; p < 0.01).

In contrast, despite more than one-third (38%) of the those youth with self-report measure of physical abuse being involved in incidents of physical aggression compared to one third of non-victims of physical abuse, this small 5% difference was not statistically significant different (χ^2 = 0.48; p = 0.49). Not surprisingly, an even smaller

difference between the just over one-third (35.8%) of those residents who self-reported hard drug use also engaged in physical aggression while in custody compared to one third of non- hard drug users which was not a statistically significant difference ($\chi^2 = 0.12$; $p = .73$).

Somewhat unexpected, there was also not a statistically significant difference between residents of open and closed facilities regarding their respective involvement in physically aggressive behaviour while incarcerated ($\chi^2 = 0.91$; $p = .34$). Similarly, although youth reported a moderate level of perceived institutional violence in custody generally ($M = 12.4$), there was no significant difference between perceived levels of institutional violence and participation in physical aggression in custody (t -test = -0.84 ; $p = .40$). As well, there was no statistically significant difference in mean scores of feelings of personal safety and incidents of physical aggression in custody (t -test= 1.16 ; $p = .25$).

With respect to verbal aggression in custody, two of the nine variables reached statistical significance (see Table 6). Despite the substantial difference between the approximately nearly one half (40%) of males who were verbally aggressive compared to approximately only one quarter (24%) of the females, it only approached the higher statistical level of significance ($\chi^2 = 3.24$; $p = .07$). Yet, it was not surprising that nearly one-quarter of the females engaged in incidents of verbal aggression given that it was the more common form of aggression initiated by females (Odgers & Moretti, 2004). Again, while there was a substantial difference between Caucasian residents (42.2%) and non- Caucasian (63.9%) residents who used verbal aggression, it only approached statistical significance ($\chi^2 = 4.91$; $p = .09$). In contrast, there was no statistically significant difference regarding age (the mean age 16.4 years old, $SD = 1.17$) of those youth who were and who were not verbally aggressive (t -test = -1.15 ; $p = .25$).

Table 6. Bivariate Results Supporting Verbal Aggression in Youth Custody

	$\chi^2/t\text{-test } (p)$	Yes	No
Demographics			
Males = 1	3.24 (.07)	41.8%	24.1%
Ethnicity (Caucasian = 1)	4.91 (.09)	42.2%	63.9%
Age (<i>M</i>)	-1.15 (.25)	16.4	16.2
Importation Model Variables			
History of Chronic Violence = 1	2.36 (.12)	45.9%	34.8%
Victim of Physical Abuse = 1	0.97 (.32)	43.7%	36.4%
Regular Hard Drug Use = 1	0.87 (.35)	41.6%	34.8%
Deprivation Model Variables			
Type of Institution (Secure = 1)	0.81 (.37)	42.3%	35.9%
Perceived Institutional Violence (<i>M</i>)	-1.38 (.17)	12.6	11.7
Feelings of Personal Safety (<i>M</i>)	1.53 (.13)	2.0	2.3

Although almost half of the youth with histories of chronic violence engaged in verbal aggression in custody, this variable did not reach statistical significance in comparison to those youth without such histories ($\chi^2 = 2.36; p = .12$). In terms of being a victims of physical abuse, nearly half of the youth (44%) reported this experience; however, there was no statistically significant difference between those youth who self-reported abuse and overall incidents of verbal aggression in custody ($\chi^2 = 0.97, p = .32$). Similarly, although nearly half (41.6%) of those who self-reported hard drug use also engaged in verbal aggression while in custody, there was no statistically significant difference between self-reported drug use and incidents of verbally aggressive behaviour in custody ($\chi^2 = 0.87; p = .35$).

There were also no statistically significant differences between the type of institution and participation in verbally aggressive behaviour while incarcerated ($\chi^2 = 0.81; p = .37$). Although youth reported moderate levels of perceived institutional violence in the in their custody facility ($M = 12.6$), there was no significant difference between perceived levels of institutional violence and participation in verbal aggression in custody

(t -test= -1.38; p = .17). There was also no statistically significant difference in mean scores with respect to feelings of personal safety and incidents of verbal aggression in custody (t -test=1.53; p = .13).

While incidents of property aggression in custody were infrequent, that is, approximately 7% of residents, the type of custodial facility, that is, open and closed/secure, was significantly related to these incidents of ($\chi^2 = 9.39$; $p = <. 01$) (see Table 7). Specifically, young offenders who were residents in a secure custody unit had a higher number of incidents of property aggression compared to those who were serving their sentences in an open custody centre. The deprivation model perspective provided an explanation; the open custody facility allowed for more personal property and common areas to share goods, therefore, residents in closed facilities were more likely to resort to property aggression because of frustration resulting from the lack of opportunity to have and/or share goods. In addition, the more serious property offenders were more likely to be serving their sentences in a closed facility.

Gender was clearly important because all the property incidents involved males. However, given that there were only 8% of males engaged in property aggression, the gender variable only approached significance ($\chi^2 = 2.53$; $p = .11$). This was not unexpected given that males were more likely to engage in property violence than females, especially in a custody setting. In terms of age profiles, the mean age for those youth who engaged in property violence was slightly younger at 15.9 years old ($SD = .99$) than other types of aggression even though there was no statistically significant difference between the mean age of those youth who were and were not involved in incidents of property violence in the institutions (t -test= 1.22; $p = .22$). In terms of ethnicity and property aggression, while non-Caucasian (13.7%) residents were nearly twice as likely as Caucasian (6.9%) residents to have engaged in property aggression,

this relationship was not statistically significant. Again, the low frequency of property aggression and, possibly, the relatively greater number of Caucasian residents in custody likely explained the lack of statistical significance.

Table 7. Bivariate Results Supporting Property Aggression in Youth Custody

	$\chi^2/t\text{-test}$ (p)	Yes	No
Demographics			
Males = 1	2.53 (.11)	8.1%	0.0%
Ethnicity (Caucasian = 1)	0.03 (.99)	6.9%	13.7%
Age (M)	1.22 (.22)	15.9	16.3
Importation Model Variables			
History of Chronic Violence = 1	0.28 (.96)	6.9%	6.8%
Victim of Physical Abuse = 1	1.25 (.26)	4.2%	8.5%
Regular Hard Drug Use = 1	0.23 (.88)	6.7%	7.3%
Deprivation Model Variables			
Type of Institution (Secure = 1)	9.39 (.01)	12.4%	1.1%
Perceived Institutional Violence (M)	-0.25 (.80)	12.4	12.1
Feelings of Personal Safety (M)	1.63 (.10)	1.6	2.2

Similarly, there was no statistically significant difference between those youth who self-reported abuse and the incidents of property aggression in custody ($\chi^2 = 1.25$; $p = .26$). More surprising, there also was no statistically significant relationship between self-reported hard drug use and participation in property aggression in the facility ($\chi^2 = 0.23$; $p = .88$). The deprivation model expectation was that property aggression likely would be correlated with the need to finance and/or steal drugs. As well, from this perspective, even though moderate levels of perceived institutional violence in the custody were reported ($M = 12.4$), there was no significant difference between perceived level of institutional violence and incidents of property aggression in custody ($t\text{-test} = -0.25$; $p = .80$). However, the relationship between feelings of personal safety and incidents of property aggression in custody was statistically significant at the lower level criterion ($t\text{-test} = 1.63$; $p = .10$). This was consistent with the deprivation perspective

since being the victim of property aggression in a custodial context likely could be related to feeling unsafe because of the greater likelihood of physical aggression occurring subsequently because of the possible sense of vulnerability in a custody context.

The bivariate analysis for “any” aggression indicated that gender was the only variable that was statistically significant (see Table 8). Approximately half (50.6%) of males engaged in “any” form of aggression compared to nearly one-quarter (24.1%) of the females ($\chi^2 = 6.92$; $p < .01$). The mean age for those youth who engaged in “any” aggression was 16.3 years old ($SD = 1.16$) yet here was no statistically significant difference between the mean age of those youth who were and were not involved in this type of violence in custody (t -test = -0.71 ; $p = .48$). There was also no difference between Caucasian and non-Caucasian residents who engaged in some form of aggression ($\chi^2 = 3.39$; $p = .18$).

Table 8. Bivariate Results Supporting “Any” Aggression in Youth Custody

	χ^2/t -test (p)	Yes	No
Demographics			
Males = 1	6.92 (.01)	50.6%	24.1%
Ethnicity (Caucasian = 1)	3.39 (.18)	50.0%	78.7%
Age (M)	-0.71 (.48)	16.3	16.2
Importation Model Variables			
History of Chronic Violence = 1	1.84 (.17)	52.7%	42.6%
Victim of Physical Abuse = 1	1.41 (.24)	52.1%	43.2%
Regular Hard Drug Use = 1	0.90 (.34)	49.2%	42.0%
Deprivation Model Variables			
Type of Institution (Secure = 1)	0.68 (.41)	49.5%	43.5%
Perceived Institutional Violence (M)	-0.63 (.53)	12.3	12.0
Feelings of Personal Safety (M)	1.40 (.16)	2.0	2.3

Despite just over half of the incarcerated young offenders (52.7%) with histories of chronic violence having engaged in “any” aggression in custody, this relationship, compared to those without such histories, was not statistically significant ($\chi^2 = 1.84$; $p = .17$). Similarly, while slightly more than half (52%) of the youth were victims of self-reported physical abuse, there was no statistically significant difference between those who self-reported abuse and overall incidents of “any” aggression in custody ($\chi^2 = 1.41$; $p = .24$). For those youth who self-reported hard drug use (49.0%), there also was no statistically significant relationship between using hard drugs and participation in “any” aggression in the facility ($\chi^2 = 0.90$; $p = .34$). From the imported model perspective, it was anticipated that these variables likely would be related to some form of aggression in custody either on their own or, from the integrated model perspective, that is, interaction with the deprivation structure of custodial institutions.

For the deprivation model variables, there were no statistically significant relationships between any type of aggression and either type of institution ($\chi^2 = 0.68$; $p = .41$), perceived levels of institutional violence ($\chi^2 = -0.63$; $p = .53$), or overall feelings of safety ($\chi^2 = 1.40$; $p = .16$).

Multivariate Analyses

In order to further examine the impact of the independent variables on aggression in youth custody facilities, a 4-stage hierarchal logistic regression analysis was undertaken for each dependent variable. In total, four logistic regression models were calculated for each dependent variable (see Tables 9 to 12 at the end of this chapter), which respectively represented: (1) the importation demographic model variables (baseline); the (2) deprivation model; the (3) importation experience model

variables; and (4) the most parsimonious model (which only includes significant predictors from models 1 to 3). It should be noted that variables that fell below the .25 cut-point for statistical significance were entered into the final models in order to avoid model misspecification.

The first dependent variable examined was physical aggression (Table 9). Equation 1 in this model introduced the three importation demographic variables—gender, age, and ethnicity. Gender was the only significant variable in this equation ($\beta = .89$; $p = .01$). Equation 2 introduced these importation demographic variables and the variables associated with the deprivation model. Gender remained a significant predictor ($\beta = .88$; $p < .01$), however, there were no significant relationships between incidents of physical aggression and: serving the sentence in a secure custody facility; high levels of perceived institutional violence; and low overall feelings of safety. In Equation 3, the importation demographic variables and the importation experience variables were introduced; both gender ($\beta = .33$; $p < .01$) and a history of chronic violence ($\beta = .17$; $p < .01$) emerged as significant predictors of physical aggression in custody. This paralleled the results found at the bivariate level (see Table 5). Equation 4 introduced all of the statistically significant variables from Equations 1 to 3, and again, the only significant relationship with physical aggression in custody was gender ($\beta = .33$; $p < .01$) and a history of chronic violence ($\beta = .34$; $p < .01$). No other relationship approached any of the standard acceptable levels of statistical significance. In other words, the only importation variables were gender and a history of chronic violence that emerged as statistically significant predictors of incidents of physical aggression in youth custody (see Table 9).

In the second logistic regression model (see Table 10) predicting verbal aggression in youth custody, two importation demographic variables, gender ($\beta = .43$; p

= < .10) and ethnicity ($\beta = .32$; $p = < .10$), were statistically significant in the first model (equation 1). Very importantly, these imported model variables remained significant in every other equation. The deprivation model variables were introduced in Equation 2 and both gender and ethnicity remained statistically significant. Perceived institutional violence and feelings of safety were “marginally” significant (.25) while level of custody was not statistically related to verbal incidents of aggression in custody. Equation 3 added the importation experience variables, history of physical abuse, history of chronic violence and history of hard drug use but they were not significant predictors of incidents of verbal aggression in youth custody. In the final equation, all of the statistically significant variables were introduced, and only perceived institutional violence emerged as a statistically significant predictor of verbal aggression ($\beta = .09$; $p = < .05$). In other words, gender, ethnicity, and a perceived level of institutional violence emerged as the most important predictors of verbal aggression in youth custody.

The third logistic regression model predicting property violence in youth custody showed different results. For this model (see Table 11), none of the importation demographic variables emerged as statistically significant in the first equation. However, when the deprivation model variables were introduced in the second equation along with the importation demographic variables from equation 1, age ($\beta = -.39$; $p = < .10$) the deprivation variable, level of custody ($\beta = 1.68$; $p = < .01$), emerged as a statistically significant predictor of property violence. Perceptions of institutional violence and feelings of safety did not show to be predictors of property aggression. Equation 3 introduced the importation demographic variables and importation experience variables. In this equation, age ($\beta = -.36$; $p = < .10$) emerged as a significant predictor of property aggression in custody above .10 while history of physical abuse was “marginally significant” (.25). Equation 4 introduced all of the statistically significant variables, and

again, the significant relationships were age ($\beta = -.34$; $p = < .10$) and type of custody the youth was serving his/her sentence ($\beta = 1.17$; $p = < .01$). No other relationship approached an acceptable level of statistical significance. In other words, age and level of custody emerged as the most important predictor of incidents of property aggression in youth custody (see Table 11).

In the model predicting “any” aggression in youth custody, the gender variable was statistically significant above .01 level; however, the history of physical abuse variable was “marginally” significant (.25) (see Table 12). In the first equation, gender ($\beta = .61$; $p = < .01$) was the only significant variable in predicting “any” aggression in custody. Age and ethnicity were not significant predictors in this equation. In the second equation, deprivation model variables were introduced, and, again, only gender was statistically significant ($\beta = .60$; $p = < .01$). The type of facility, perceived intuitional violence, and overall feelings of safety were not statistically significant. Similarly, in the third equation, none of the importation experience variables emerged as significant predictors at the higher significance level. In the fourth and final model with the above statistically significant independent variables, gender, again, remained statistically significant ($\beta = .63$; $p = < .01$). In other words, only gender from the importation demographic variables was statistically relevant in predicting any of the three types of aggression.

Table 9. Logistic Regression Model Supporting the Presence or Absence of Physical Aggression in Youth Custody

	Baseline		Deprivation		Importation		Best Model	
	B (S.E.)	Wald						
Socio-Demographic Variables								
Gender (male=1)	.89 (.32)***	7.70	.88 (.33)***	3.57	.98 (.33)***	8.92	.97 (.33)***	8.84
Age	.09 (.13)	.53	.07 (.13)	.24	.03 (.13)	.06	.03 (.13)	.04
Ethnicity (Caucasian =1)	.29 (.23)	1.56	.30 (.24)	1.61	.18 (.24)	.56	.18 (.24)	.59
Deprivation Model Variables								
Level of Custody (secure =1)			.10 (.31)	.11				
Perceived Institutional Violence			.06 (.05)	1.19				
Feelings of Safety			.27 (.34)	.62				
Importation Model Variables								
History of Physical Abuse (yes = 1)					-.08 (.17)	.22		
Chronic Violence (violent = 1)					.46 (.17)***	7.14	.95 (.34)***	7.82
Hard Drug Use (yes = 1)					-.01 (.17)	.00		
<hr/>								
Constant	-2.99 (2.08)		-3.49 (2.28)		-1.94 (2.19)		-2.32 (2.15)	
Overall % Predicted	62.1		69.9		69.8		68.6	
χ^2 (p)	6.78 (.45)		5.71 (.68)		4.56 (.80)		11.09 (.20)	
-2 Log L	229.19		221.98		220.98		221.20	
Pseudo R ²	.06		.09		.10		.10	

+ p < .25, * p < .10, ** p < .05, *** p < .01

Table 10. Logistic Regression Model Supporting the Presence or Absence of Verbal Aggression in Youth Custody

	Baseline		Deprivation		Importation		Best Model	
	B (S.E.)	Wald	B (S.E.)	Wald	B (S.E.)	Wald	B (S.E.)	Wald
Socio-Demographic Variables								
Gender (male=1)	.43 (.24)*	3.32	.47 (.25)**	3.57	.45 (.24)**	3.95	.47 (.24)**	3.80
Age	.12 (.12)	.91	.07 (.13)	.31	.09 (.13)	.54	.01 (.13)	.59
Ethnicity (Caucasian =1)	.32 (.22)*	2.00	.37 (.24)*	2.43	.26 (.23)*	1.25	.38 (.23)*	2.69
Deprivation Model Variables								
Level of Custody (secure =1)			.23 (.30)	.57				
Perceived Institutional Violence			.07 (.05)+	2.20			.09 (.05)**	4.13
Feelings of Safety			.35 (.30)+	1.32				
Importation Model Variables								
History of Physical Abuse (yes = 1)					-.14 (.16)	.76		
Chronic Violence (violent = 1)					-.17 (.16)	1.09		
Hard Drug Use (yes = 1)					-.08 (.17)	.24		
<hr/>								
Constant	-2.86 (2.01)		-3.24 (2.21)		-2.44 (2.08)		-3.79 (2.17)*	
Overall % Predicted	58.7		68.0		62.9		67.6	
χ^2 (p)	7.04 (.42)		6.70 (.57)		9.60 (.29)		7.45 (.49)	
-2 Log L	242.75		233.55		240.08		236.60	
Pseudo R ²	.04		.08		.06		.06	

+ p < .25; * p < .10; ** p < .05; *** p < .01

Table 11. Logistic Regression Model Supporting the Presence or Absence of Property Aggression in Youth Custody

	Baseline		Deprivation		Importation		Best Model	
	B (S.E.)	Wald	B (S.E.)	Wald	B (S.E.)	Wald	B (S.E.)	Wald
Socio-Demographic Variables								
Gender (male=1)	.91 (.71)	1.65	1.02 (.70)	2.13	.91 (.68)	1.79	.90 (.70)	1.64
Age	-.30 (.20)	2.15	-.39 (.24)*	2.70	-.36 (.21)*	2.84	-.34 (.21)*	2.60
Ethnicity (Caucasian =1)	-.09 (.37)	.05	-.13 (.39)	.12	-.11 (.38)	.08	-.05 (.37)	.02
Deprivation Model Variables								
Level of Custody (secure =1)			-1.68 (.66)***	6.60			-1.17 (.42)***	
Perceived Institutional Violence			.01 (.08)	.00				
Feelings of Safety			.74 (.58)	1.64				
Importation Model Variables								
History of Physical Abuse (yes = 1)					.36 (.31)+	1.38		
Chronic Violence (violent = 1)					-.17 (.29)	.39		
Hard Drug Use (yes = 1)					-.05 (.28)	.03		
<hr/>								
Constant	1.61 (3.26)		2.26 (3.93)		2.62 (3.42)		2.14 (3.32)	
Overall % Predicted	64.7		85.8		69.3		66.7	
χ^2 (p)	5.12 (.74)		3.17 (.92)		5.27 (.73)		1.54 (.99)	
-2 Log L	79.34		51.96		70.37		75.65	
Pseudo R ²	.05		.25		.08		.07	

+ p < .25; * p < .10; ** p < .05; *** p < .01

Table 12. Logistic Regression Model Supporting the Presence or Absence of “Any” Aggression in Youth Custody

	Baseline		Deprivation		Importation		Best Model	
	B (S.E.)	Wald						
Socio-Demographic Variables								
Gender (male=1)	.61 (.24)***	6.71	.60 (.24)***	5.99	.67 (.24)***	7.70	.63 (.24)***	6.70
Age	.05 (.12)	.14	.01 (.12)	.01	.02 (.12)	.04	.04 (.12)	.10
Ethnicity (Caucasian =1)	.28 (.21)	1.76	.31 (.22)	2.02	.22 (.22)	1.01	.28 (.21)	1.75
Deprivation Model Variables								
Level of Custody (secure =1)			.16 (.29)	.31				
Perceived Institutional Violence			.04 (.05)	.60				
Feelings of Safety			.24 (.29)	.69				
Importation Model Variables								
History of Physical Abuse (yes = 1)					-.18 (.16)†	1.28	-.23 (.16)†	2.15
Chronic Violence (violent = 1)					-.16 (.16)	.95		
Hard Drug Use (yes = 1)					-.10 (.16)	.40		
<hr/>								
Constant	-1.48 (1.95)		-1.50 (2.12)		-1.10 (2.02)		-1.35 (1.99)	
Overall % Predicted	58.5		67.4		64.3		62.7	
χ^2 (p)	5.89 (.55)		9.0 (.34)		6.18 (.63)		4.80 (.78)	
-2 Log L	249.57		242.82		246.14		246.06	
Pseudo R ²	.04		.07		.06		.06	

+ p < .25; * p < .10; ** p < .05; *** p < .01

Chapter 8.

Discussion

The univariate distributions of the independent and dependent variables generally confirmed the theoretical literature and related empirical research concerning the presence of these variables in the custody sample of serious and violent young offenders utilized in this study. Their aggression profiles in custody revealed moderate levels of verbal aggression, slightly less physical aggression and very low levels of property aggression. These youth were most frequently males 15 to 16 years old; Caucasian and Aboriginal; with histories of chronic violence; experienced either physical and/or sexual abuse, the latter, more so for females; and used hard drugs, again, more females than males. In custody, they typically experienced short stays during which they reported moderate levels of violence but very low levels of feeling unsafe.

The moderate levels of general aggression, but particularly physical aggression, were consistent with the history of custody centres in BC, and the first hand experiences of Hogg (2010), Markwart (2010) and Gronsdahl (2011). There was overwhelming evidence that the combination of official provincial policies regarding the culture, staff selection criteria, staff training, staff monitoring and senior management leadership on the one hand, and the protection of young offenders' rights under the YOA on the other, resulted in the moderation of the "pains of imprisonment" associated with the deprivation model. As Markwart (2010) asserted, the shift of the administration of young offenders to

MCFD reinforced the rehabilitative and youth protection principles that have historically been the basis for this ministry. Similarly, during Hogg's (2010) long tenure as a Director of WYDC, he emphasized the respectful treatment of residents. As well, Gronsahl (2011) described the extensive selection criteria and induction process, along with training that youth probation officers undertake in preparation for their custody centre roles.

In effect, the routine deprivations associated with total custody institutions have been moderated in BC. Yet, beyond isolated incidents of major violence, there was acknowledgment by these key informants that the inherent restrictiveness of custody facilities, particularly in closed or secure custody resulted in residents' frustration and anger. Intimidation also was part of the custody culture, since it was impossible for staff to monitor all social interactions among residents on a 24-hour basis. In addition, no mention was made about the historical presence of any gang structures in BC youth custody centres under the *YOA* and *YCJA*, even though individual gang members were residents. More likely, most incidents of aggression, such as bullying, were therefore associated with informal groups of residents or individual residents acting alone. Even these alternative sources of institutional deprivation were moderated by average short custody sentences, discussed further below, which resulted in a high resident turnover rate and the inability to establish institutionalized aggressive groups.

The pervasiveness of prior record profile or histories of chronic violence was consistent with the type of young offender anticipated to be sentenced to custody under the *YOA*. Also, the most prevalent age of residents reflected the traditional peak criminal trajectory rates for offending generally, as well as for serious and violent offending (Lacourse et al., 2003). Middle adolescence allows for the time needed typically to accumulate a serious offence record. The dominance of Caucasian youth and the

disproportionate number of Aboriginal youth in custody also were expected even though both laws sought to reduce the absolute and relative number of the latter young offenders sentenced to custody. Under the late period of the YOA and then under the YCJA, the number of incarcerated young offenders dropped substantially; however, the ratio of Aboriginal to non-Aboriginal did not. It was not surprising that half of the residents were sentenced to closed custody and half to open custody, and further, that the longer sentences involved the former. The longer sentences for those young offenders in closed custody supported the deprivation theme that this facilitated more “pains of imprisonment” simply because of the longer time period spent in the more rigidly controlled daily schedule, and the greater number of more aggressive residents.

Given the research of Cesaroni and Peterson- Badali (2005), it was not unexpected that approximately one third of young offenders reported having been abused. Their research found substantial abuse related mental health issues among their Ontario sample of incarcerated young offenders as did Teplin et al. (2005) in Chicago’s Cook County juvenile detention facility. This relationship has been linked to the very high prevalence of soft and hard drug use among serious and violent offenders; therefore, finding that more than two thirds used hard drugs, and even much higher use of marijuana, within this study’s sample was not unexpected. Whether this drug use was related either to self-medicating in response to abuse experiences or simply to high risk taking behaviours could not be assessed in this study. Most likely, one of these explanations was relevant for different sub-groups; self-medication likely better explained the sub-group which had been abused, especially given the disproportionate number of Aboriginal incarcerated young offenders and the substantial number of female young offenders who reported higher rates of sexual abuse. Meanwhile, risk taking was more likely relevant to those who had not been abused. Developmental theories and

research have identified different risk factor pathways that distinguish trauma based versus risk taking based pathways related to serious and violent offenders (Corrado & Freedman, in press).

There was considerable univariate variability for nearly all the independent and dependent variables except for property aggression; therefore, the bivariate results provide an adequate assessment of the hypothesized bivariate relationships listed in Chapter 5. Again, these hypotheses involved predicting the presence or absence of physical aggression, verbal aggression, property aggression, and any of these three aggression types by the six importation variables and the three deprivation variables.

Bivariate Analyses

Physical aggression was obviously the most serious of the three types of aggression; therefore, the expectation was that significant relationships with the nine independent variables would be most evident for this dependent variable. However, only two importation variables were significantly related; gender (male) and history of chronic violence. Gender has been identified in virtually all criminological theories as a primary explanatory variable serious and violent offending. Male custodial contexts, in particular, facilitate the intimidation and violence that traditionally have been central to the inverted value pyramid of social relationships; sheer physical strength, ruthlessness, and domination in relationships were valued over empathic, egalitarian, and non-coercive relationships. According to the importation perspective, these inverted pyramid values have typically been brought into custodial contexts by youth or adults who have lived by these values in their communities. A history of prior violence has been considered the ultimate behavioural expression of these values. Reputations in custody were often, at

least initially, derived from this history (Bartollas, 1978; Irwin & Cressy, 1962). As well, Doob (1999) described how this reputation for violence was utilized by corrections officers in Ontario's older young offenders' custody facilities to identify residents who were given privileges in exchange for intimidating and assaulting "non-cooperative" or non-rule obeying residents.

In contrast, females were more likely to respond to custodial contexts as they would in their community contexts; hostile situations and experiences generally elicited "internalizing" harmful behaviours rather than "externalizing" physical aggression against others. Obviously, there have been notable exceptions such as Kelly Ellard who was convicted of brutally murdering Rena Virk in Victoria, BC as part of an Ellard led informal "youth gang" retaliation for violating the "gang" conduct rule of having sex with another "gang" girl's boy friend. While in youth custody, Ellard did not engage in any type of aggression, but while on bail awaiting a retrial, she viciously assaulted an older woman for no apparent reason. Similarly, at least in US adult female prisons, it is not uncommon for a less aggressive form of an inverted pyramid culture to result in physical violence.

The absence of bivariate significant statistical relationships involving the remaining independent importation demographic variables, age and ethnicity, as well as the independent importation experience variables, self-reported abuse, and the outcome measure of physical aggression, likely reflected the primacy of gender and history of prior violence. In other words, violent male young offenders have established a pattern of prior violent behaviour that simply was the most important predictor of subsequent violent behaviour, generally, and, particularly for males, as has been long reported in the recidivism literature (Farrington, 2003).

No deprivation variables were statistically related to physical aggression at the .10 level or higher. The absence of the hypothesized relationships likely was explained by the provincial laws and policies along with federal young offenders' laws and the Charter of Rights which have developed over the past 34 years. As discussed above, elaborate policies, procedures, and monitoring have long been established in BC that moderate the deprivation variables. Even the deprivation differences between closed and open facilities were likely minimized by the rigorous application of conflict avoidance between staff and residents and the short sentences typically applying to closed/secure facilities.

Even fewer statistically significant relationships were evident for the hypothesized relationships for the independent variables and verbal aggression. Again, gender (.07) (male) and ethnicity (.09) were only significant at the lower significance level. The use of verbal aggression by males simply might have reflected their greater likelihood than females to initiate intimidation with verbal threats, in part because these threats typically increased the likelihood that males would more likely follow through to physical aggression. A possible explanation of non-Aboriginal residents having used verbal threats more than Aboriginal residents might have reflected the closer adherence of non-Aboriginal young offenders to the media stereotype of being mean and tough through such threats. Also, unlike the Prairie Provinces, there were few Aboriginal youth gang members identified in BC custody facilities. Gang members more likely might have resorted to threats to maintain their dominant or protective positions within custody especially if contraband including drugs are being sold. In other words, more isolated Aboriginal residents might have been less safe making verbal threats than the far more numerous Caucasian residents. This might be reflected in the near statistical

significance of the deprivation variables, feelings of personal safety (.13) and perceptions of violence within the institutions (.17).

To reiterate, with the exception of the deprivation variables, type of institution (secure/closed) (.01) and, feelings of safety (.10), no statistically significant relationships were found for the remaining hypothesized relationships between the independent variables and property aggression; however, gender (.11) approached the minimum significance level. The presence of a token economy where residents can earn points for constructive behaviours and within which they can purchase goods, plus the presence of certain personal materials provided opportunities to engage in property aggression. There were far fewer liberties, including having personal goods, in secure custody facilities than the open facilities which, as mentioned above, might partially explain the greater likelihood of property aggression in secure custody facilities. In addition, feelings of safety might have been important to explaining the less vulnerable residents' comfort level and awareness of their surroundings, and therefore, what they could potentially get away with. In effect, the less likely the fear of personal safety, the more likely that property aggression would take place.

As discussed in the results, other than gender (.01) there were no statistically significant relationships for the hypothesized relationships involving any type of aggression. While the hypothesis that at least one type of aggression was predictable by all the importation and deprivation variables was not supported, it was possible to view the marginal significance of the above three importation variables as at least suggesting their potential importance in explaining generalized aggression in custody. However, it was more convincing to interpret this lack of support for this hypothesis as an empirical justification for disaggregating aggression in custody into the three types. Tremblay (2008, 2010) asserted that the general concept of aggression conceptually lacked the

construct validity unless it was disaggregated into subtypes. In other words, while types of aggression have obvious common characteristics, most importantly, some expression of force, there were fundamental differences in explaining and predicting the different types of aggression as well as utilizing them as predictors of outcomes such as future aggression and recidivism, more generally.

Multivariate Analyses

Given the above explanations of the limited support for the bi-variate hypotheses, it was not surprising there was only partial support for multi-variate hypotheses. As mentioned in the results section, only the importation demographic gender variable (.01) and the importation experience variable, history of chronic violence (.01), were significant in predicting physical aggression, and as expected, these two variables remained significant in the multi-variate analysis. The absence of any statistically significant deprivation variables suggested, at least, limited support for the primacy of the importation model in explaining physical aggression in this Canadian custodial context. This also confirms Hogg's (2010) and Markwart's (2010) assertions that importation variables were primary factors affecting aggression according to their experiences and observations across 30 years of involvement in custodial policies and institutions in BC. As stated several times above, they maintained that systematic, sustained and continuous policy changes and practises were instrumental in moderating deprivation variables including ones not included in these analyses but discussed above such as the average length of incarceration periods.

In contrast, the deprivation variable, perceptions of institutional violence (.05), remained statistically significant along with ethnicity (.10) and gender (.05) in the

multivariate analysis predicting verbal aggression. For this type of aggression, the hypothesis that the integrated model was more predictive than the importation and deprivation models alone was partially supported. Again, verbal aggression possibly was a more complex form of aggression since it typically was more pervasive, and both gender and ethnic based than physical or property aggression in most likely all contexts but especially in custody.

The integrated model hypothesis also was partially supported regarding property aggression since age (.10) and level of custody (.01) were significant in predicting this type of aggression. The greater likelihood that younger residents engaged in property aggression was expected, as discussed several places above, and more likely in secure custody reflected the interaction between the lesser need to be physically strong (i.e., particularly in contrast to physical aggression but also to verbal aggression), and the fewer opportunities to have material goods in secure custody. In other words, property aggression typically involved non-physical attributes such as opportunism and risk taking in secure custody contexts where behaviour was monitored far more closely than in open custody. Younger offenders were more likely to have engaged in property aggression than physical aggression even though age was not a statistically significant variable in predicting the latter in this study.

For any type of aggression, only the importation demographic variable, gender (.01) reached the higher level of statistical significance. History of physical abuse (.25) was at best, marginally significant. In effect, there was little, if any, support for the integrated hypothesis involving the any type aggression measure. Again, this confirmed the need to disaggregate the types of aggression in predicting and explaining youth aggression in custody.

The hypotheses outlined at the end of Chapter 5 were only partially supported by the bi-variate and multivariate results. Generally, the importation model variables were the most likely to be significant, but usually only gender, age and ethnicity, depending on the type of aggression. Type of institution and perceptions of institutional violence were the only deprivation variables that were statistically significant, again, significance was dependent on the type of aggression. The final hypothesis concerning the combination of importation and deprivation model variables being the strongest predictors of each and all types of aggression was also partially supported since both the importation model variables and the deprivation model variables were significant. Some importation and deprivation model variables were found to be marginally significant in each and all types of aggression, and were mentioned since there were limitations flowing from the sample size reduction from 648 to 189. This possibly affected significance levels because of insufficient numbers for certain combinations involving certain importation variables and, more likely, the deprivation variables.

Conclusion

The theories about young offender aggression in custody largely have been derived from the US experience as has been the research assessing the validity of these theories. Historically, while Canada has had much in common with the US regarding youth justice, especially through its welfare model reflected in the *JDA*, there were fundamental differences as well. Most importantly, besides the US population typically having been ten times larger than Canada's, there were major differences in racial demographic profiles, their distributions in urban areas, school systems, health and welfare programs, and political party ideologies. There were parallels in the racism

experienced by First Nations peoples in Canada and the US but no parallel with the African American slavery and the enormous volume of Hispanic immigrants from Mexico, Cuba, Central America and other Caribbean countries. The concentration of ethnic and racial minorities in very large and densely populated ghetto-structured neighbourhoods also was not evident in Canada on anywhere near the scale that has always been characteristic of the US.

From the 1970s forward, Canadian youth justice laws changed fundamentally while the similar state laws in the US changed typically on an incremental basis with crime control model principles being increasingly utilized in many states (Corrado & Turnbull, 1992). These differences likely were reflected in the structure of US custody institutions and the profiles of young offenders incarcerated in them compared to Canada. As discussed above, for example, California Youth Corrections facilities have historically have had major racial based adult/youth gangs reconstituted from their communities into these facilities on a large scale. Canada has not had similar sized facilities with a major gang presence. Only more recently have Aboriginal youth gang members become more evident in Manitoba and Saskatchewan institutions. However, in BC there has never been a history of major gang presence in the youth facilities.

To adequately empirically assess all the variables from the two models included in how young offenders adjust to custody in terms of aggression (i.e. appropriate research design) would quite likely require the more extreme types of custody centres found in the US, with their attendant deprivation variables and young offender profiles pertinent to the importation variables. In addition, due to the sample size limitation mentioned above, there were several importation variables and deprivation variables that were not included in this study that would have provided a more complete assessment of these models. Cesaroni and Peterson-Badali (2005) identified a wide

range of personality, temperament and other psychological variables that they found to be important in how young offenders in Ontario adjusted to custody in terms of their internalizing behaviours. Virtually all these variables, according to the developmental perspective discussed in Chapter 5, were also theoretically important for explaining externalizing behaviours such as the types of aggression included in this study. In addition, this study did not include psychopathy as an importation variable yet it has been recognized elsewhere as the strongest predictor of young offender violent recidivism (Corrado, Vincent, Hart & Cohen, 2004).

This study utilized several of the most important importation model, deprivation model and integrated model variables in one of the first assessments of their relevance to understanding aggression in a Canadian context. This preliminary and partial assessment has provided some tentative support for the utility of these models. In addition, the qualitative data in combination with the survey data and quantitative analyses has policy relevance and political implications. Regarding the former, there is support for the view that negative effects of deprivation variables can be moderated with non-aggressive management and staff structures and training which can facilitate a lessened broader culture of aggression in inherently coercive institutions. Politically, there is some support for the success in the *YCJA* focusing custody sentences on serious and violent young offenders and mitigating their deprivation experiences in custody. Yet, there is also the need to study further how custody programs can generally help reduce the deprivation impact on particularly vulnerable young offenders identified by Cesaroni and Peterson-Badali (2005) generally and for Aboriginal young offenders, particularly (Corrado & Cohen, 2002). Finally, there is the need to examine how the deprivation variables and experiences are related to several other outcome measures, including: the number of official and unofficial aggressive incidents; program impacts;

young offender recidivism; and adult criminal trajectories. The latter outcomes are central to the debate about revising the *YCJA* according to more crime control model minimum custody sentences.

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