THE ROLE OF YOUTH PROBATION OFFICERS AND THEIR VIEW ON THE CURRENT JUVENILE JUSTICE SYSTEM

by

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Abstract

This thesis examines how the role of youth probation officers (YPOs) has changed in Canada under the Juvenile Delinquents Act (JDA), the Young Offenders Act (YOA), and the current Youth Criminal Justice Act (YCJA). The YCJA reflects a Modified Justice Model, incorporating several conflicting principles governing how to deal with young offenders. As already seen under the previous legislation, this can cause difficulties for decision-makers who apply the act on a daily basis. As England and Canada have a similar approach to youth crime, England's experience with its Crime and Disorder Act, also a Modified Justice Model, is used as a case study. This comparison allows conclusions to be drawn on how to deal best with young offenders under the Canadian youth justice system. This examination also includes the results of a survey of a sample of YPOs in British Columbia and an analysis of their perceptions of the YCJA and its related programs and services.

Key Words: youth probation officer; young offender; juvenile justice system; JDA; YOA; YCJA; England's Crime and Disorder Act.

Dedication

To my grandfather Erwin.

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Table of Contents

List of Figures and Tables

Glossary

CCM	Crime Control Model
CM	Corporatism Model
CWS	Community Work Service
DCSO	Deferred Custody Supervision Order
DNA	Deoxyribonucleic Acid
IRCS	Intensive Rehabilitation and Custody Sentence
ISSP	Intensive Support and Supervision Program
JDA	Juvenile Delinquents Act
MJM	Modified Justice Model
PSR	Pre-Sentence Report
NOMS	National Offender Management Service
SVO	Serious Violent Offender
WM	Welfare Model
YCJA	Youth Criminal Justice Act
YOA	Young Offenders Act
YOP	Youth Offender Panel
YOT	Young Offender Team
YPO	Youth Probation Officer
YSAM	Youth Substance Abuse Management Program
YVIP	Youth Violence Intervention Program

Chapter 1: Introduction

Historically, Canada's juvenile justice system has used different ways to deal with young offenders, ranging from a pure welfare approach under the Juvenile Delinquents Act (JDA) to an emphasis on due process and the protection of society under the Young Offenders Act (YOA). The current legislation, the Youth Criminal Justice Act (YCJA), uses a multidisciplinary approach to address the special needs of young offenders and prevent youth crime. It is, however, a lengthy and complex act to understand and it is questionable whether the problems identified under the previous YOA can be overcome by the current legislation. An important theoretical and policy issue is whether the Modified Justice Model (MJM) based YCJA is characterized, as was its predecessor, by the hypothesized problems associated with this model. A MJM contains elements of several conflicting philosophies concerning juvenile justice and, therefore, may cause difficulties for decision-makers when applying the different rationales on a day-to-day basis. As England and Canada have a similar approach to youth crime, England's experience with its Crime and Disorder Act, also employing a Modified Justice Model, is used as a case study. This comparison allows conclusions to be drawn on how to deal best with young offenders under the Canadian youth justice system. The thesis will also examine how youth probation officers' (YPOs) roles have changed under the JDA, the YOA, and the YCJA and how they perceive the implementation of the current legislation. This examination will include a survey of YPOs in British Columbia about their perception of the YCJA and its related programs and services.

To achieve the research objectives, the thesis is structured as follows: The introductory chapter reviews the literature concerning probation officers and their role in the justice system. It then examines how young offenders have historically been dealt with by the youth justice system under the different youth legislation in Canada, and how the role of YPOs has changed accordingly.

Chapter 2 outlines how England has dealt with young offenders. Historically, youth justice systems in England have had the longest experiences with a MJM; therefore, it will be explored extensively as a case study in order to reach possible conclusions for Canada and the YCJA.

The methodology of the research is described in Chapter 3. In this chapter, I also outline the limitations to my research. An examination of the expected impact the new legislation has on the daily work of YPOs is found Chapter 4.

I then evaluate the data from the survey "Youth Probation Officer 'Best Practices' and Resource Needs under the YCJA" and discuss its results in terms of the hypothesized impact of the YCJA in Chapter 5.

In Chapter 6, I conclude my thesis by making policy recommendations concerning the role of YPOs under the YCJA to increase the effectiveness of their job and outline the need for further research.

Literature Review

The introduction of the new youth legislation caused an abundance of articles about the YCJA's impact on the youth criminal justice systems in Canada. Fundamental changes occurred after the YOA was replaced by the YCJA (Barnhorst, 2004; Bala, 2003).[1] One principal theme in the literature addresses whether or not the practices in these regional systems corresponded to the various YCJA policy intentions. Dominant policy themes include the introduction of extrajudicial measures at the pre-sentencing stage, new sentencing options and criteria (Roberts, 2003; Anand, 2003), and changes in the use of custody (Harris, Weagant, Cole, and Weinper, 2004; Brodie, 2005; Pulis and Sprott, 2005). Despite these central themes of the YCJA, there is very little research under either the YOA or the YCJA concerning the impact of these laws and the models which underlie them on probation officers. Nor is there much research about probation officers in Canada in general. Rather, most studies on probation officers are from the United States.

Probation Officers' Roles

One relevant U.S study on probation officers was conducted by Purkiss, Kifer, and Hemmens (2003) who examined the legally defined roles of probation officers and their resulting role conflict; for example, the competing roles of assisting in enforcing laws to ensure public safety and providing rehabilitation and reintegration services for offenders. Yet, these researchers concluded that, although the probation officers' mandate gave priority to law enforcement, their rehabilitation functions have steadily increased to the point where their role is now more balanced. This finding is revealing since Burton, Latessa, and Barker (1992) claimed that probation work was predominantly guided by a law enforcement and

[1] New objectives and implementation issues will be explained in more detail below.

retributive ideology since the 1970s. This punitive trend was also identified by Bryan (1995) and Petronio (1982). Based on the theory of role socialization in organizations (Katz and Kahn, 1978), Petronio studied how YPOs perceived the roles that judges, administrators, and supervisors imposed on them. He found that, from the probation officers' perspective, judges, administrators, and supervisor communicated a more social control (community protection) orientation than a social rehabilitation approach. The actual behaviour of YPOs, however, stressed the opposite role; the rehabilitation of youth.

Tasks and Skills of Probation Officers

In a comparative study, Bracken (2003) investigated which skills and knowledge were necessary for contemporary probation practices in the United Kingdom and Canada. Despite different political and structural contexts, he concluded that interviewing and interpersonal skills were the core requirements for probation work. In a study of juvenile probation in the U.S., Steiner, Roberts, and Hemmens (2003) described the legally prescribed functions of YPOs. They too claimed that the role of YPOs had changed from a social welfare and rehabilitation philosophy to a law enforcement philosophy, again emphasizing punishment and the protection of the society. In this study of 50 states, the researchers found, that in addition to the three basic tasks of intake screening, pre-sentence investigation, and post-adjudication supervision, YPOs routinely performed other duties outside the scope of their legally prescribed functions. This result confirmed the findings of an earlier study by Brennan and Khinduka (1970), which found that probation officers believed that they had to perform duties outside the scope of their employment, and, further, that there was an inconsistency between the actual and ideal role and duties of YPOs. Similarly, Torbet (1996) and Corbett and Ronald (1999) concluded that probation officers

not only had to engage in core tasks - intake screening, pre-sentence investigations, and supervision- but that their job sometimes required other roles similar to those of police officers, counsellors, family therapists, and mentors.

Determinants of Youth Probation Officers' Roles

Several studies examined the factors that influenced YPOs' roles. Colley, Culbertson, and Latessa (1987) found that the role of YPOs was influenced by the personality of the probation officer and the political perspective of the agency that governed the probation services. Sluder and Reddington (1993) focused on the influence of various factors on YPOs' work. They found that variables like gender, age, level of education, lengths of employment, and political belief only had a significant effect on probation officers who leaned towards a more law enforcement role, but did not have a major influence on those who employed a rehabilitative approach. Anderson and Spanier (1980) researched the correlation between the education level and the approach of probation officers. Their results confirmed that probation officers with a higher education level used a more rehabilitative approach, while probation officers with lower education levels approached their job by using a law enforcement perspective.

In another study, Sluder and Reddington (1993) compared role perceptions of both juvenile and adult probation officers. Their results suggested that juvenile officers supported casework-type offender management strategies, while adult probation officers perceived their role rather as law enforcement agents for offenders under supervision. Similar results were found by Shearer (2002) whose findings showed that adult probation officers leaned towards a more law enforcement approach, while juvenile probation officers preferred a

"casework or resource-brokerage style" of probation supervision; however, he did not find that gender played an important role.

Reese, Curtis, and Whitworth (1988) researched the inconsistencies in juvenile probation officers' sentence recommendations made to court. They found that these inconsistencies were directly associated with the "Juvenile Probation Officer (JPO) factor", which comprised background characteristics (age, gender, education, and family structure) and organization characteristics (experience, position, orientation) as well as attitudes towards delinquency and treatment.

Probation Officer- Offender Relationship

According to Burnett and McNeil (2005), the probation officer-offender relationship and casework approach were once deemed to be the fundamental tools for the probation service, but have since been replaced by the case-management approach. While the casework approach's main theme is a one-on-one relationship between the probation officers and their clients, the case-management approach takes away from this personal relationship and shifts the focus to specialist referrals and group work programs. The shift away from the casework approach, they explained, was caused by the lack of empirical support of its effectiveness. However, when revisiting several studies, Burnett and McNeil (2005) reaffirmed that traditional "relationship making" is an effective tool for the probation service. This conclusion corresponded with the National Offender Management Service (NOMS), used in all probation areas in England and Wales, which mentioned "forming and working through warm, open and enthusiastic relationships" as a key feature of the probation service (Burnett and McNeil, 2005, p. 225).

Probation Officers' Concerns

Other studies have also researched concerns probation officers have regarding their work. Torbet (1996) conducted a survey with YPOs and administrators. Her findings revealed that the typical concerns of probation workers were a lack of resources and staff, and too many youth on caseload. Also, YPOs stated in the survey that they experienced the greatest frustration in their job due to a lack of measurable success, such as the extent to which they impacted the youth's lives, and they noted the uncooperative attitudes of the youth and their families. Another concern - "burnout" of probation officers- was researched by Whitehead (1989). His study revealed that heavy caseloads themselves did not lead to "burnout" of probation officers, but rather their role conflict between law enforcement and the youth's rehabilitation, and a lack of participation in decision making were the major contributors to probation officers' burnout.

Probation Officers' Best Practice

In addition to the above mentioned research, one can find two versions of the "Desktop Guide to Good Juvenile Probation Practice" in the US (the first one was produced by Torbet, 1993, and later revised by Griffen and Torbet, 2002). These guides were intended to increase professionalism and specify the necessary skills, techniques, knowledge, and resources to perform the prescribed duties of YPOs. Also, the Desktop Guides provided probation officers with the necessary guidance to balance their role to support the youth's rehabilitation and enforce the law at the same time. Although these guides theoretically provided support, Steiner found that there was a need to evaluate how probation officers were affected by them and how they were applied them on a daily basis (2003).

Similar to the U.S. desktop guide, YPOs in Canada receive a training manual on Youth Justice Policy and Program Support from the Ministry of Children and Family Development. This handbook contains several policies on how to implement the YCJA in the different provinces and territories. There is no research, however, on how YPOs in Canada implement the current youth legislation and apply these policies. Previous research has focused overwhelmingly on adult probation and the role conflict of probation officers in the U.S.. Yet, there is a lack of research on the role of YPOs under current youth legislation in Canada and how they perceive the YCJA and the related programs and services in their community. This thesis tries to fill that gap. This unique approach is necessary since the YCJA has been in effect for three years and YPOs play an enormous role in the rehabilitation and reintegration of youth into society. Their work, taking place at the sentencing stage of the juvenile justice process, affects, among other factors, the youths' future lives and influences whether they will be law-abiding or not. Research showed that the time after the release into the community is decisive for the future behaviour of the youth; a successful reintegration into communities and families as well as educational and employment opportunities can prevent youthful re-offending (Barnhorst, 2004). Therefore, it is important to examine the YPOs' perceptions of the current legislation and whether the YCJA's multidisciplinary approach is successfully being implemented.

Before this analysis can be done, it is important to examine how the evolving youth legislation and its implementation has influenced and shaped the role of YPOs to the present.

Evolution of the Canadian Juvenile Justice System and the Role of YPOs

The history of the Canadian youth criminal justice system can be divided into three major stages, identified by the introduction of the Juvenile Delinquents Act[2] (JDA) in 1908, followed by the enactment of the Young Offenders Act[3] (YOA) in 1982, and, most recently, the Youth Criminal Justice Act (YCJA)[4] in 2003.

The description of the juvenile justice system and its administration can be simplified by applying criminal justice models to the different stages of the system (JDA, YOA, and YCJA). Instead of comparing section to section of each piece of legislation and the attendant complex youth justice processes, different sets of objectives are discussed and compared (Corrado, 1992).

Models of Juvenile Justice

There are five different juvenile justice models which can be placed on a continuum, as described by Corrado, Gronsdahl, and MacAlister (2006a; see Figure 2). They are the Welfare Model, the Corporatism Model, the Modified Justice Model, the Justice Model, and the Crime Control Model.

The Welfare Model (WM) is located on one extreme of the continuum. It reflects a positivist approach; juvenile delinquency is determined by socio-ecological factors, such as poverty and disruptive families. The WM's main objective is the rehabilitation of the offender. This is best accomplished through individualized diagnosis and treatment for

[2] Juvenile Delinquents Act, S.C. 1908, c. 40.
[3] Young Offenders Act, R.S.C. 1985, c Y-1.
[4] Youth Criminal Justice Act, S.C. 2002, c. 1.

Table 1: Models of Youth Justice

Focus on the Young Offender of Society ⟷ Focus on Protection

	Welfare	Corporatism	Modified Justice	Justice	Crime Control
General Features	-Best interest/ informality -Individualized Sentences -Indeterminate Sentencing	- Administrative decision making - Diversion from youth court system & custody - Alternatives to custody programs	- Legal rights/ informality - Sentence based on severity of offence, prior record & needs - Determinate Sentences	- Legal rights - Least Restrictive Alternative - Determinate Sentences	- Legal rights/ discretion - Punishment - Determinate Sentences
Key Personnel	Social Worker & Rehabilitation Experts	Police & Probation Officers	Lawyers, Probation Officer, Social Worker & Mental Health	Judge, Crown & Defense Lawyers	Police, Judge, Crown & Corrections
Key Agency	Social Work	Multidisciplinary Agency	Law & Multidisciplinary Agency	Law	Law
Justice System Goals	Diagnosis	-Integrated Case Management Intervention	-Diversion - Conferencing - Integrated Case Mgmt - All sentence types & options	Proportionate sanctions & punishment	Incarceration, punishment & incapacitation
Understanding of client behaviour	Pathology is environmental & socially determined	-Poor socialization -Negative peers -Poor family -Impulsive/Risky	Diminished or full individual responsibility	Individual responsibility	Responsibility & accountability
Purpose of Intervention	Provide treatment	-Retrain youth -Employment -Education	Sanction behaviour & provide treatment	Sanction behaviour	Protection of the public & deterrence
Objective	Rehabilitation	Implementation of policy & guidelines	Respect youth rights, respond to individual & "special" needs	Respect youths' rights & hold them accountable	Maintain public order & safety

offenders, and there is a focus on their "special needs". The key roles are played by social workers and rehabilitation experts, whose work is guided by the "best interests" of young delinquents. The WM focuses on offenders, their families, and informal processes, while seriousness of the offence, prior records, and the protection of the public are given far less consideration in the sentencing process.

In contrast, the Crime Control Model (CCM) is the opposite to the WM, on the opposite extreme of the continuum. Instead of focusing on the offender, as the WM does, the CCM's main rationale is the protection of the public through general and specific deterrence as well as retribution and incarceration. The offender must take responsibility for his or her actions and is held accountable for them. In comparison to the WM, which lacks legal rights for offenders (for instance, through indeterminate sentences until the offender is successfully rehabilitated), the CCM emphasizes, as does the Justice Model, due process: Legal protection and fair hearings are ensured through lawyers and other criminal justice actors who are the key personal under this model. As Corrado et al. mentioned, the CCM "is best illustrated during federal elections when politicians launch criminal justice platforms aimed at getting tough on crime which appeals to large segments of the public who consistently perceive youth crime as increasing" (Corrado et al., 2006a).[5]

The Justice Model (JM) can be found towards the middle of the continuum. It represents a neo-classical approach to youth crime and assumes that all criminal behaviour is wilful and rationally calculated (classical approach to crime). However, it also takes into consideration that socio-ecological factors and the immaturity of young offenders can mitigate the degree to which youth are responsible for their actions. While the WM and the

[5] Unpublished article, p. 8.

CCM are focused either on the offender or the protection of the public, the JM focuses on neither of them. Rather, it emphasizes the justice process itself. The offender's legal rights and a fair process are important as well as proportionate sentencing and the offender's punishment. The main objective is to hold youth accountable for their actions. Given this, the least restrictive measurement should be imposed. Key personnel under the JM are judges, the Crown, and defence lawyers.

The Corporatism Model (CM), located between the WM and the MJM on the continuum, was introduced by Pratt (1989). He found that a youth justice system that emphasized the legal system and due process was too costly and inefficient (Pratt, 1989). His main rationale for a youth justice system was to implement policies which guided youth away from the court, and created alternatives to custody in order to retrain and socialize them in the community (Pratt, 1989). Key personnel are the police and probation officers who use a multi-factored approach through integrated case management and administrative decision making. In contrast to the Welfare approach, custody is an option in the CM; yet, it should be reserved for serious and violent offenders who could not be dealt with in the community (Pratt, 1989).

The above described models only theoretically exist in their pure form. In practice, there are overlaps of "approach, procedures and outcomes under the different models" (Corrado, 1992, p. 3). The rationale of one model (for instance, rehabilitation and reintegration of offenders through the WM) can also be deemed a component of the CCM, since a successfully rehabilitated offender means an increase in public safety and protection of society which is the main objective of the CCM (Corrado, 1992). Also, criminal justice systems are not generally based on one rationale, but a variety of rationales which are components of different models. This typical characteristic of justice systems was considered

by Corrado when he introduced the MJM (Corrado, 1992)[6]. It is located midway on the continuum and can be described as a mixture of the other justice models by using rationales from different models at the same time to explain one justice system. It is the appropriate model for a justice system "where the emphasis at the pre-adjudication stage of juvenile justice is on adult criminal procedure criteria, or due process, while sentencing criteria include a mixture of offence consideration (severity of offence and prior record) and offender considerations (special needs)" (Corrado, 1992, p. 12). Key personnel under the MJM are lawyers and probation officers as well as social workers and mental health workers.

Having described five different approaches to juvenile justice systems in general, I will apply these models to the Canadian Juvenile Justice system next.

JDA

In 1908, the JDA became the first legislation to set up a juvenile justice system, separated from the adult justice system, in Canada. Influenced by the child-saving movement of the 19th century, there were two key reasons to have a separate justice process for youth. First, the diminished responsibility of young offenders due to their immaturity, and second, the belief that young people were capable of rehabilitation and that justice systems had influence on reforming youth into law-abiding citizens (Bala, 2003). As the main philosophy was rehabilitation and treatment of at-risk children, rather than punishment, the JDA can be best classified as a Welfare Model.[7] The state's role was to step in as a father figure when juveniles got into trouble; a construct known as Parens Patriae (Bala, 2003). The Act was to be implemented in the following way:

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[6] Originally, the author introduced the Modified Justice Model to categorize and compare juvenile justice systems in Canada, the U.S., and Britain (Corrado, 1992, p. 11).

[7] The Welfare Model approach was also applied in Europe and the United States at this time.

> that the care and custody and discipline of a juvenile delinquent shall be 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 misdirected and misguided child, and one needing aid, encouragement, help, and assistance.[8]

Treatment was directed towards youth and their families (Doob and Sprott, 2004) and addressed the youth's special needs.[9] The aim of this model was not only to deal with criminal behaviour, but also with any behaviour that was deemed deviant and undesirable. Delinquency was socially constructed and applied to youth who were deemed to be 'at-risk'. It was believed that "boys needed a firm guiding hand to develop into honest workers and *social* citizens, while girls needed discipline, protection and self control to develop into *moral* citizen." (Sangster, 2002, p. 32).

Under the JDA, there was little research conducted on female delinquency and both researchers and decision-makers focused their attention on boys. Delinquency was seen as a male problem. Starting in the 1970s and 1960s, feminist theories emerged and led to an improved understanding of girls' needs, critiquing their treatment in the justice system. There were only a few females charged, but those girls were predominantly charged with vaguely worded status offences,[10] such as sexual immorality, running away from home, incorrigibility, unmanageability, and promiscuity (Bala, 1997). Girls' behaviour that was found or suspected to be inappropriate or outside the norms of traditional female roles was

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[8] The Juvenile Delinquents Act, S.C. 1908, c 40, s 31; later R.S.C. 1970, c. J-3, s. 38(1)).

[9] Bala states that the term "special needs" relates to "the needs of youth to form positive peer relationships, to develop appropriate self-esteem, and to establish an independent identity; it also extends to their health, educational, and spiritual needs (Bala in Corrado, 1992: 28).

[10] The term 'status offence' refers to undesirable behaviour youth could get charged with while not legally nforceable for adults.

identified as 'out-of control' and girls were forced to go into treatment to instil 'good' female and moral behaviour in girls and enhance their domestic skills in training schools. How this doctrine was applied by decision-makers is vividly expressed by the following comment by a judge: "This world needs good women now more than ever before and there is nothing in the world that grows into good women except good girls." (Quoted in Sangster, 2002, p. 33) Girls who experimented with alcohol, had consensual sex, or stayed out at night were labelled as "at risk" and delinquent. In contrast, the same activities committed by boys were seen as normal or a consequence of growing up (Dean, 2002).

Besides the gender bias in the application of the JDA, it was also critiqued for allowing racial discrimination. Starting in the middle of the nineteenth century, the number of Aboriginal youth involved in the criminal justice system increased significantly and, eventually, they were over-represented in the justice system. Before 1950, Aboriginal offenders were not sent to training schools but rather were kept in their communities. Their rising numbers and over-representation in the justice system after World War II has been seen as a result of Canada's more interventionist welfare policies and assimilation tactics (Sangster, 2002). Native youth were taken away from their homes and sent to residential schools to "replace language, culture, and work skills of Aboriginal children with what were believed to be 'superior' Western and white values" (Sangster, 2002, p. 146). The increased visibility of Natives in the court system was also caused by social, cultural, and economic circumstances: Urbanization and industrialization of Canadian society led to the dislocation of Aboriginal communities to isolated areas and disadvantaged them because of their traditional forms of subsistence (Sangster, 2002).

The main criticism of the JDA was that the intended child-welfare orientation was not always reflected in the actual decisions in the court and in the corrections systems (Bala,

2003). Many concerns were voiced about the definition of delinquency being too broad[11] and legal rights for young offenders being neglected as well as resources being insufficient to effectively implement rehabilitation policies (Corrado and Markwart, 1994). The public requested more protection of society, noting that many offenders continued to commit crime despite reintegration and rehabilitation programs (Bala, 2003).

The lack of due process and legal rights, a typical problem of a pure welfare approach, could be seen in the "extensive interventions and processes which were deemed necessary to further the 'best interests' of the child" (Corrado and Markwart, 1994); these interventions and processes could be indeterminate in length. Also, the same offence committed by two youth could result in two different sentences: a short sentence for the youth with a stable family background and a longer sentence for the youth whose parents were criminal themselves, or where parents could not provide positive support. Another example of the neglect of legal rights was when "the presumption of innocence was ignored in order to impose immediate treatment without any delay although guilt had not been proven yet" (Corrado, 1992). Further complaints were based on the loose judicial discretion and broadly defined sentencing criteria, which led to disparities in the different provinces over how juveniles were to be dealt with (Bala, 2003; Corrado, 1992).

Probation officers' work was central under the JDA. This non-institutional alternative, surveillance in the community and among their families, presented a major shift away from dealing with delinquent youths in institutions. A judge could sentence a youth to the custody of a probation officer who subsequently conducted investigations and subsequent interventions based on a pre-sentence report. Together with the juvenile

[11] Almost every deviant behaviour could be classified by authorities as delinquent behaviour (Corrado, 1992, p. 9).

delinquent's family, probation officers tried to determine the roots of the delinquent behaviour and provided appropriate treatment and programs to rehabilitate the juvenile. Thereby, probation officers fulfilled the state's role as a parental figure with the intention to help the youth. A law enforcement role, similar to that of adult probation officers, was not applied. The focus was the youth's individual needs and underlying causes of crime. Due to the broadly defined legislation and a lack of clear principles under the JDA, probation officers, together with other justice and child care officials, had extensive power and discretion in decision making, and few limits on their authority. "They could justify virtually any decision and intervention as long as they were guided by the 'best interest' of the child, which was the key principle of the JDA" (Corrado, 1992, p. 9). Due to the JDA's approach to youth crime, probation officers were able to make use of numerous resources and obtain the cooperation of child welfare and education services as well as health and mental health services which were aimed at the rehabilitation of young delinquents.

YOA

In response to the critics of the JDA, as well as to the enactment of the Canadian Charter of Rights and Freedoms[12], the YOA came into force in 1984. It caused a major change in juvenile delinquency philosophy as it represented a shift from a social welfare approach to a more criminal justice orientation. The Welfare approach, developed under the JDA, still maintained a strong presence under the YOA, by considering the limited maturity of juveniles and the special needs of offenders as well as their rehabilitation and reintegration. A new emphasis, however, was placed on the protection of the society (Crime

[12] Enacted as Part I of the Constitution Act, 1982.

Control Model), accountability for offences, due process, and respect for legal rights of young offenders (Justice Model), thereby reflecting a neoclassical approach to youth crime.

Components of the Corporatism Model were also visible in the legislation. Section 4 of the YOA (Alternative Measures) reflected the main objective -diversion- of the Corporatism Model. This section was supposed to divert youth away from the formal court system to community programs, and was usually used for first time offenders with relatively minor offences. Since the YOA contained rationales from all other models, it can be best represented by the Modified Justice Model.

However, during the time of the application of the YOA, it became apparent that the intended implementation and interpretation of the Act varied significantly from the actual practice. The YOA was highly criticized because it lacked a clear legislative direction (Department of Canada, 2005). The lack of a clear legislative direction is a typical problem in the Modified Justice Model because it uses rationales and components from different Justice Models on the continuum which can be contradictionary (Corrado, 1992).

The YOA, with its more offence-focused orientation, reduced the possibility of gender discrimination, but did not eliminate concerns regarding gender bias (Bala, 1997, p. 29). In some cases, more lenient sentences were imposed for girls and they were less likely to receive a prison sentence (Bala, 1997). This restraint in custody use for girls may be seen as advantageous for them. The downside of this outcome was that girls were less likely to escape their abusive and dysfunctional families (Bala, 1997).

Another detriment for girls under the YOA was the male- female ratio in custody. The girls' lower numbers led to reduced access to effective programming. Many of the girls were actually in need of mental health and substance abuse treatment. Due to their low

numbers and the system's emphasis on legal rights and due process, there was not enough funding for these programs to address their needs and their multi-problem profile which was identified in the research as follows: "Extremely high rates of both physical and sexual abuse, severe drug addiction, increasing high-school drop out rates and low levels of academic and employment achievement, and chronic family dysfunction and abuse, which led to many early home separations" (Corrado, Odgers, and Cohen, 2000, p. 193 and 202). Even if there were some gender-specific programs, there were often not enough girls to run the programs; consequently, they were either put into boys' groups, or they were sent further away from home or even placed in adult facilities to get access to the programs (Bala, 2003, p. 55).

Another indicator of gender bias under the YOA was that the girls' court and custody rates increased significantly. While in 1982 only 7.8% of the convicted girls were sentenced to custody, the number rose to 23.4% in 1995/96 and eventually to 28% in 1998/99 (Dean, 2005). Girls could not be charged with status offences anymore; yet, this rise in custody rates was caused by the new offence category under the YOA "failure to comply with court disposition". This new category was originally introduced to give officials more tools to make juvenile offenders comply with court orders (Reitsma-Street, 1993). Critics deemed the new offence category a "masked" status offence which allowed discrimination against girls, based on gender bias, to continue (Sangster, 2002). Girls were charged and processed through the formal court system more frequently than boys because of failure to appear in court, breaches of no-contact orders, violations of curfews conditions, or orders to abstain from substances, such as alcohol and drugs.

Girls were sent to custody twice as often for breaking administrative orders as for either minor or serious assaults (Reitsma-Street, 1993). Further, instead of being charged with immorality or promiscuity, girls could now be charged with prostitution under the

YOA. Thus, the abolition of status offences did not result in the desired reduction in patriarchal discrimination and gender bias under the YOA.

The increase in the custody rate of girls under the YOA was also caused by another factor: Girls were not incarcerated to be disciplined and reformed into "good girls" as under the JDA, but to protect them from their high-risk environment and relationships and to keep them off the street for some time. Custody under the YOA was seen as "safe time" and "a chance to dry out" for the girls (Corrado et al., 2000, p. 193). Probation officers commonly suggested a custodial sentence if they were concerned with the immediate physical and emotional stage of the young women, their abusive family environment, street life or threats by their pimps (Corrado et al., 2000). This protective intention to remove girls from their high-risk environment was understandable; however, the consequence was that girls were criminalized and incarcerated, while parents and men who were abusing and exploiting the girls were exempted from a judicial response (Dean, 2005). Once girls were in the system, they often stayed there due to violating their probation conditions (breaches) without committing new substantive offences. In custody, they frequently did not receive effective and rehabilitative treatment, especially not after they were released back into the community (Corrado et al., 2000). Frequently, nothing changed in those girls' lives due to the intervention of the justice system; a notion that is expressed by a sixteen year old female offender who used heavy drugs daily and had experienced both physical and sexual abuse: "Sentences don't mean anything, just do your time and leave- get back to how things were." (Quoted in Corrado et al., 2000, p. 202)

Based on those critiques, the YOA was subjected to three major amendments in 1986, 1991, and 1995. The key problem was the lack of hierarchy in guiding principles, which often led to conflicting objectives, unfairness, and sentencing disparity (Carrington

and Schulenberg, 2004; Department of Justice Canada, 2005). Decision-makers such as police, prosecutors, judges, and provincial governments could justify almost every decision under the Act. For instance, judges could choose from a variety of sentences for the same offence (Barnhorst, 2004).

Other complaints were that there was no real distinction between serious violent and less serious offences, and that courts were overused for minor cases that could have been better dealt with by informal responses (Department of Justice Canada, 2005). This was reflected in Canada's youth incarceration rate, which had doubled the rate in the United States, and was ten to fifteen times higher than in many European countries, New Zealand, and Australia (Department of Justice Canada, 2005), and was even higher than the adult incarceration rate (Thomas, 2003/04). Although the guiding principles of the YOA declared that incapacitation should be the last resort, one-third of convicted young offenders received a custody sentence, including first-time and non-violent offenders (Juristat, 2003/04). Table 2 shows this overuse of custody for non-serious offenders; 23% of the custodial sentences came as a result of probation breaches and forty-eight percent of the cases before youth courts were minor offences (Department of Justice Canada, 2005).

Table 2: Cases (Principal Charge) in Youth Court and Sentenced to Custody

	Cases in Court		Cases Sentenced to Custody	
	Total Number of Cases	Percent	Total Number of Cases	Percent
Theft under $5,000	14,514	14	2,005	9
Possession of stolen property	4,738	5	1,411	6
Failure to appear	11,078	11	2,579	11
Failure to comply with disposition	13,517	13	5,234	23
Subtotal of minor offences	43,847	43	11,229	48
Other thefts	4,536	4	1,001	4
Mischief/ damage	5,103	5	726	3
Breaking and entering	10,285	10	2,853	12
Minor assault	10,235	10	1,521	7
Subtotal: sum of eight less serious offences	74,006	73	17,340	75
All other violence	12,702	12	2,595	11
All other offences	9,959	10	2,686	12
All cases	102,061	100	23,215	100

Adapted from Youth Court Tables, Canadian Centre for Justice Statistics, Statistics Canada, 1999/00

Surprisingly, the public perception was entirely different from these facts; the public neglected the huge amount of incarcerated youth, complained about the too lenient treatment for serious offenders, and requested a "getting tough" policy for delinquent youth (Corrado and Markwart, 1994). The sensationalism in the media, with almost daily reports oft youth gangs, shootings, murder, and other youth crime, led to a fearful, over-sensitised public which criticized the inadequacies of the YOA.[13] Demands for crime control-orientated changes and more punitive responses to violent youth crime were the result (Corrado and Markwart, 1994).

[13] The result of a Canadian survey in 1998 reflected this public fear by reporting that 82% of the respondents believed youth crime to be on the increase despite official statistics (Trépanier, 2004).

Two further concerns were that an effective reintegration of young offenders was not guaranteed after release from custody, and that the victim's interests were not sufficiently recognized under the YOA (Department of Canada, 2005).

The role of probation officers changed significantly under the YOA. Rather than the focus on the special needs of youth and their rehabilitation and reintegration, another rationale gained importance for probation officers' work; the protection of the public. Supervision of youth and enforcing the law were new tasks for YPOs, which shifted their work towards a criminal justice approach. While probation officers represented the state's powerful father figure and had broad decision-making functions under the previous legislation, the YOA reduced their discretion. The new rationales of due process and the protection of the public under the YOA led to an increased emphasis and importance of Crown and defence counsel and diminished the role of probation officers (Corrado, 1992). Some probation officers even felt that their work had "been reduced to servicing Crown Counsel through diversion screening reports, advising judges through disposition reports, and monitoring probation orders" (Corrado, 1992, p. 18). This more "neutral" role was also preferred by judges under the YOA who wanted probation officers to shift away from the welfare model approach and decrease the emphasis on the best interests of the youth as directed by the JDA (Shoemaker, 1996).

The decrease in YPOs' discretion was also caused by paragraph 22(1) of the YOA which required the consent of a young person to any institutional treatment. It stated: "No order may be made under paragraph 20(1)(i) unless the youth court has secured the consent of the young person, the parents of the young person and the hospital or other place where the young person is to be detained for treatment".

This section reflected the YOA's emphasis on more legal rights for youth and their families and their protection from arbitrary interventions by judges and probation officers as criticised under the JDA. Subject to that section, youth were allowed to refuse treatment (Leschied and Hyatt, 1986). This reflected the belief that youth could be punished by the justice system, but should not be subjected to involuntary treatment. Section 22(1) was a response to critics concerned with the lack of legal rights and available resources as well as the questionable rehabilitative effect of treatment under the JDA (Leschied and Hyatt, 1986). Probation officers could find ways around that limitation of their competencies by suggesting the judge to sentence the youth to probation. This enabled them to deal with youth outside an institutional setting and impose treatment that did not require the youth's consent. However, treatment in the community was (and still is under the YCJA) only reserved for non-serious and non-violent offenders. Serious and violent young offenders in prison, who could not be safely dealt with in the community, could not be subjected to treatment in the institution, even if it was considered to be necessary and most appropriate by probation officers. The YPOs' discretion over youth was further reduced in regard to their ability to have the court effectively respond to young people who breached their probation conditions. Under the YOA, YPOs had an obligation to prove and convince the court that the youth intended to breach his or her condition. Under the JDA, it was sufficient to simply claim that a breach had occurred (Shoemaker, 1996).

YCJA

In response to the criticism levelled at the YOA, politicians argued for new legislation. Quebec, however, challenged the notion that a reform of the YOA and the introduction of the YCJA were necessary. Quebec formed a strong opposition against the

YCJA, assuming that the legislation was mainly politically motivated (Trépanier, 2004). Prevailing criticisms of the YOA, such as overused courts and an over-reliance on custody, were not considered problems in Quebec. Even under the YOA, Quebec had a very low number of cases in youth court and an even lower number of custodial dispositions than the rest of the country.

The rates of incarceration in Quebec were only about half as high as the overall Canadian rates. This disparity can be explained the administration of youth justice and the responsibility for youth justice resources being a matter of provincial jurisdiction (Trépanier, 2004). For decades, Quebec had successful youth criminal justice policies to educate, support, and rehabilitate youth, and resources were in place to keep them out of the formal court system (Trépanier, 2004).[14] Quebec did not blame the YOA itself for problems faced by the rest of the country, but rather noted the implementation in other provinces was responsible for the overuse of courts and the high incarceration rates. Quebec was convinced that new legislation was unnecessary and that diversion was possible under the YOA. The enactment of the YCJA was seen as a political attempt to calm public fear of youth crime and increase public confidence in an effective justice system. This notion was supported by the federal government's press release introducing the new legislation which gave the impression that the new legislation would be a "get-tough approach" to youth crime.[15] Quebec also had two other concerns: First, if the government chose to follow the unjustified public demands and set up new legislation, the public's erroneous perception of rising youth crime rates would be confirmed (Trépanier, 2004). Second, the causes of the

[14] Quebec even enacted the Youth Protection Act in 1970 to divert youth from the justice system (Doob and Sprott, 2004).

[15] See Doob and Cesaroni, 2004, p. 22 for more details.

public fear (due to the ignorance of crime statistics and misleading media reports) would not be addressed and youth crime would continue to be perceived as a serious problem.

Despite Quebec's criticism, the House of Commons' Standing Committee on Justice and Legal Affairs undertook a comprehensive two-year review of the YOA and made fourteen recommendations regarding the treatment of offenders, the application of resources, and the role of the offenders' families (1997). The federal Government considered these recommendations and introduced the first version of the YCJA[16] in Parliament in 1999. The intention of the legislators was to build on the strengths of the YOA and to introduce significant reforms that would address its weaknesses as well as improve the situation for youth and decision-makers (Department of Justice Canada, 2005). After four years of discussion, review, and consultations[17], the final version of the YCJA[18] replaced the YOA in April 2003.

In contrast to its predecessors, the JDA and the YOA, the new legal framework has a Preamble and a Declaration of Principles in which the main policies are explicitly outlined[19]: Prevent crime; rehabilitate and reintegrate young persons into society; and ensure meaningful consequences for offences. With these principles, the youth justice system should contribute to the long-term protection of the public.

Theoretically, crime prevention should occur by addressing the underlying causes of youth crime, responding to the needs of young persons, as well as providing guidance and support in the community. In terms of policies, diversion should be emphasized; less serious or minor offences should be dealt with outside the formal court system in community-based

[16] Bill C-68.

[17] For more information see: Department of Canada, 2005a.

[18] Bill C-3.

[19] See sections 1 and 3.

programs. For reintegration and rehabilitation, a multi-factored approach that includes victims, communities, and families should be used. Lastly, meaningful consequences should be imposed to ensure that young offenders take responsibility and are held accountability for their offences. In effect, the YCJA pursues a variety of theoretical rationales and can thus be best described, like its YOA predecessor, as a form of the Modified Justice Model, including components of the Justice, Welfare, Corporatism, and Crime Control Model.

Components of the Justice Model, previously dominant under the YOA, are represented under the YCJA by its emphasis on due process, the offender's accountability for his or her actions, and emphasis on proportionate sentencing. The Welfare Model approach is explicitly mentioned in the Preamble with its recognition of the rehabilitation and reintegration principles. One key feature of the Welfare Model, that rehabilitation should be reached by individualized sentencing, can be found in different sections of the YCJA which provides broad discretion for the police in dealing with young offenders individually by applying extrajudicial measures outside the formal court system. And judges can apply individualized sentencing with the several new sentencing options under the YCJA. Further, the Preamble states that the "underlying causes" of youth crime should be addressed. This approach reflects the diagnosis and treatment rationale of the Welfare Model.

The main objective of the Corporatism Model, the diversion of youth from the formal court system, is another central theme of the YCJA. While one of the major concerns under the YOA was the high custody rate for less serious or administrative offences (Table 2), the use of custodial options, especially for minor offences, has dropped significantly since the adoption of the YCJA (Doob and Sprott, 2005). The introduction of extrajudicial measures and the use of conferences at several stages of the justice system are only two of several interventions in the new legislation which make use of informal processes and

community programming as alternatives to the formal justice process and imprisonment. This diversionary approach of the youth justice system seems to have been successfully implemented in practice. Statistics show that court and custody rates have been steadily declining from 1991/92 to 2003/04; however, the largest annual decline occurred in 2003/04, the first year after the implementation of the YCJA (Doob and Sprott, 2005). This diversionary approach of the YCJA is consistent with the UN Convention on the Rights of the Child which states that the imprisonment of children should only be used as a last resort.[20]

Yet, theses statistics only apply to Caucasian youth. The situation of Aboriginal youth in the justice system is worse than it was under the YOA despite hope that it would improve under the YCJA (Calverley, 2004) Aboriginals' unique constitutional status, due to section 718.2(e) of the Criminal Code, is incorporated into the YCJA's sections 3(c)(iv), 38(2)(d) and 50. These sections require judges to give "particular attention to the circumstance of Aboriginal offenders" when they apply the principles of the YCJA and impose sentences. This policy reflects research that indicated that many Aboriginal youth are socially and economically marginalized and have experienced high levels of abuse and neglect in their homes (Bala, 2003).

The YCJA does not explicitly mention the term restorative justice, but it does contain several restorative justice principles. For examples, the inclusion of the family and victims in the justice process, the emphasis on diversion, the objective of "repairing harm", and the opportunity to have conferences at several stages of the process are restorative justice elements which are welcomed by Aboriginal communities (Morgan and Brown, 2004). However, there is preliminary evidence that the YCJA's emphasis on diversion has

[20] Article 37(b).

not worked for Aboriginal youth. They are still highly over-represented in the youth justice system.

Dean (2005) reports that, while only eight percent of the young population claim to be Aboriginal, 50% of the girls and 36% of the boys in B.C. prisons identified themselves as Aboriginal, reflecting six times the proportion of Aboriginal people in the general population (Morgan and Brown, 2004). In addition, Aboriginal youth custody rates have not decreased, as expected, but increased after the introduction of the YCJA (Calverley, 2004). Although the Declaration of Principles emphasizes Aboriginal needs[21], more research is necessary to explore why the number of Aboriginal youth in custody has increased since the introduction of the YCJA while the overall rates of custody have declined.

Besides the Corporatism Model under the YCJA, Crime Control principles are also reflected by one of the guiding objectives in the Declaration of Principles- the "long term protection of the public". However, this fundamental objective is to be achieved not through punishment, but by the combination of the prevention of crime by addressing the circumstances underlying the youth behaviour and the rehabilitation and reintegration of the youth, with meaningful consequences to the offence[22]. Nonetheless, despite this *long term* goal of the YCJA, section 718 of the Criminal Code established the protection of society as the fundamental and direct purpose of sentencing for adult offenders. In other words, when a youth is sentenced to an adult length sentence, incapacitation, arguably, is an immediate and primary means of protecting the public.

Other crime control elements are the lowered age for presumptive offences from 16 to 14 years old, and the addition of another category to the list of offences that constitutes to

[21] See section 3(1)(c)(iv).

[22] Section 3(1)(a).

the presumption of an adult sentence.[23] Under the YOA, the offences of murder, attempted murder, manslaughter, and aggravated sexual assault could result in an adult sentence. In addition to these offences, a "serious violent offence for which an adult is liable to imprisonment for a term of more than two years" constitutes a presumptive offence under the new legislation.[24]

Corrado et al. (2006a) observed a shift towards the Crime Control Model in the serious violent offender designation (SVO) under the YCJA. If designated a SVO under the YCJA, the youth is no longer eligible for a deferred custody and supervision order, which was originally created as an alternative to a custodial sentence in order to decrease custody use under the YCJA. In addition, the Crown is expected to seek an adult sentence if a young offender already has two SVO designations on his criminal record (Corrado et al., 2006a). The SVO designation, therefore, reflects a crime control approach by emphasizing the protection of society through incapacitation of serious violent offenders over their rehabilitation.

The YCJA can best be described as embodying the Modified Justice Model, as it incorporates principles from all the juvenile justice models. The Supreme Court of Canada confirmed this mixed model approach in its first judgement involving the YCJA; this court stated that an enhanced procedural protection of young offenders and an individualized approach needs to be considered when DNA (deoxyribonucleic acid) samples are taken.[25] Prior to this decision, there was confusion about how to interpret the DNA Act and how to apply it to young offenders. Trial judges and provincial appellate courts had contrary

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[23] A presumptive offence is an offence that makes a young offender subject to an adult sentence if convicted. The onus of proof is on the youth to demonstrate that a youth sentence would be appropriate.

[24] Section 2(1).

[25] R. v. C (R.), [2005] 3 S.C.R. 99.

opinions about whether exceptions to a mandatory DNA sample order for a designated offence could be made if the circumstance of the offence or the specific background of the offender were contrary to the original intent of the DNA Act.[26]

Proponents of the crime control model approach to youth crime would argue that, according to a proper interpretation of the Code DNA provisions[27], that Act does not differentiate between young and adult offenders. Young offenders should be dealt with in the same way as adult offenders if a designated offence is committed and a mandatory DNA sample is ordered (Corrado et al., 2006a). According to this approach, the judiciary is supposed to balance the protection of society and the privacy of the person, but a DNA sample may be taken without considering the background of young offenders and the specific circumstances of their offence. Some judges might also argue that the DNA Act already includes specific procedural protections for young offenders in sections 9.1 and 10, mandating that the DNA of the young offender be permanently removed from the DNA data bank if the YCJA provisions prescribe the destruction of the youth's record for the same offence (Corrado et al., 2006a). The court reasoned "This is a protection specific to youthful offenders and not available in relation to samples from adult offenders and is another indication that the legislation was intended to apply equally to adult and young offenders."[28]

The Supreme Court ruled that although the DNA Act does not differentiate between young and adult offenders, Canadian criminal law acknowledges that the criminal justice system differentiates young offenders due to their immaturity; therefore, a more individualized approach needs to be applied concerning the order of DNA samples (Corrado

[26] See for more detailed information and relevant case law Corrado et al., 2006b.

[27] See section 487.051 of the Criminal Code.

[28] R. v. C (R.), [2004] N.S.J. No. 53 (C.A.), at para 18.

et al., 2006a). Accordingly, an exception to a mandatory DNA order can be made even if a primary designated offence is committed which would normally require a mandatory DNA order. This reasoning reflects a Modified Justice Model approach since trial courts must not only balance the protection of society and offender's right to privacy but also consider "the seriousness and circumstances of the offence, the offender's prior record, age and specific background (maturity level, mental health and the emotional or psychological impact of the order)" (Corrado et al., 2006a, pp. 14).

This Modified Justice Model approach to DNA orders was later supported by the Supreme Court of Canada decision that young offenders are to be dealt with differently than adult offenders under the DNA Act because they are assigned enhanced procedural protections under the YCJA which are to be applied in conjunction with the DNA legislation.[29] The Supreme Court clarified that the objectives of the youth criminal justice system need to be considered even if criminal law provisions are applied to youth; the court thereby specifically referred to section 140 of the YCJA and section 51 of the YOA. These sections specify that "the provisions of the Criminal Code apply, with any modifications that the circumstance requires". Therefore, the court stated "[...] To disregard it [youth legislation and its objectives] is to frustrate Parliament's will."[30]

Judges' disagreement about how to interpret the YCJA illustrated the anticipated complications of a Modified Justice Model. As mentioned before, it is a challenge for practitioners to integrate the different and, to some extent, conflicting principles when dealing with young offenders. The introduction of the intensive rehabilitative custody and supervision sentence (IRCS) illustrates another direct conflict between welfare and crime

[29] R. v. C (R.), [2005] 3 S.C.R. 99.

[30] Ibid, at para 35-37.

control principles (Corrado et al., 2006a). Intended to provide treatment for serious violent offenders based on guaranteed special federal funding, IRCS constitutes an alternative to a presumed adult sentence which young offenders can receive for the same offence. Consequently, judges have to choose between the sentencing objective to protect society by imposing an adult sentence and incarcerating the young offender (Crime Control Model) or the rehabilitation of the young offender by providing specialized treatment services and supervision (Welfare Model) (Corrado et al., 2006a)

Further confusion about how to implement the YCJA and its conflicting principles is reflected in the discussion about whether deterrence is a sentencing principle under the YCJA or whether deterrence should not be considered by judges when sentencing young offenders.[31] Deterrence reflects a Crime Control approach which was included under the YOA and is central to the Criminal Code. The decision to declare deterrence as a sentencing principle under the YCJA not only influences judges, but also impacts the discretion of YPOs in their decisions to breach young offenders or to overlook minor probation violations if this serves the reintegration of offenders. If deterrence was a sentencing principle, YPOs would have no choice but to breach young offenders each time a violation occurred to show the breaching offender (individual deterrence) and other youth on probation (general deterrence) that probation violations have legal consequences and will consistently be prosecuted and might result in a prison sentence.

Subsection 50(1) of the YCJA appears to specifically prohibit the application of the Criminal Code and its adult sentencing provisions and therefore the inclusion of deterrence in sentencing young offenders. This interpretation was taken by several trial and appellate judges who consequently declined the application of deterrence as a sentencing principle for

[31] See Corrado et al., 2006b, for an extensive review of this discussion.

young offenders. They did not, however, deny that deterrence might be an outcome or effect of the sentence (Corrado et al., 2006b).

In contrast, certain judges based their sentences for young offenders, at least, in part, on the deterrence principle. Those judges stated that the deterrence principle is justified by the "meaningful consequences" principle of the YCJA sentencing philosophy (Corrado et al., 2006b) Roberts and Bala explained the judges' view: "In everyday discourse, when someone is informed that certain actions on their part will have 'meaningful consequences', this information is imparted in an attempt to inhibit the conduct in question- deterrence in other words." (2003, pp. 339). Therefore, the concept of deterrence might be reflected in the sentencing provisions of the YCJA although it is not explicitly mentioned in the legislation (Roberts and Bala, 2003).

Eventually, the Supreme Court decided that deterrence was not a sentencing principle under the YCJA.[32] This court justified the decision by stating that Parliament's deliberate omission of the word deterrence in the YCJA legislation suggested that deterrence should not be considered a sentencing principle for young offenders. When imposing a sentence, judges should focus on the individual offender and meaningful consequences to address the underlying causes of crime, rather than on general deterrence to justify more severe sanctions.[33] Since deterrence can never be a mitigating factor, it always leads to a more severe sentence, and thus might lead to the increased use of custody. However, the original intent of the new legislation was to avoid the over-reliance on incarceration, which occurred under the YOA. In other words, the application of deterrence as a sentencing principle for youth would be contradictory to Parliament's objective to reduce the use of custody for

[32] R. v. P.(B.W.); R. v. N(B.V.), [2006] S.C.J. No. 27.

[33] R. v. P.(B.W.); R. v. N(B.V.), [2006] S.C.J. No. 27, at paras. 31, 38 and 39.

young offenders.[34] This Supreme Court decision again reflected the confusion inherent in the Modified Justice Model approach of the YCJA. Nonetheless, YPOs are not supposed to consider deterrence, a crime control principle, when deciding to breach young offenders.

Within this Modified Justice Model approach to youth crime, a *trifurcated* system is evident, this means there are three possible approaches to dealing with certain types of young offenders:

1. *minimal or no interventions for minor offences (diversion)*: youth committing minor offences should be dealt with outside the formal court system in the community (extrajudicial measures).

2. *"intermediate" sanctions (youth sentences):* offenders who are neither first-time offenders nor serious and violent offenders are dealt with in the formal justice system by imposing lenient sentences to hold them accountable for their actions. The judge can choose between several youth sentences that can either be custodial or non-custodial, such as probation and short term custody and supervision sentences.

3. *adult sentences for serious and violent offenders:* adult sentences are reserved for serious and violent young offenders who cannot be dealt with safely in the community. They are restricted to cases where a youth sentence would not be of sufficient length to hold the youth accountable for his or her offence. The newly introduced sentencing principles ensure that adult sentences are only imposed if no appropriate alternative is available to deal with the young offender. The sentence is served in a youth facility, unless this would not be in the best interest of the youth or the safety of others (especially younger inmates) would be at risk.

[34] R. v. P.(B.W.); R. v. N(B.V.), [2006] S.C.J. No. 27, at paras. 36.

Under this Modified Justice Model, the influence and involvement of YPOs at the sentencing stage has increased. Besides the regular probation (section 42(2)(k)), several new sentencing provisions require probation officers to assist and supervise the youths' reintegration into the community. These include:

- Deferred Custody and Supervision Program (section 42(2)(p));
- Custody and Supervision Order (section 42(2)(n),(o),(q) and (r));
- Intensive Support and Supervision Program (section (42(2)(l)); and
- Intensive Rehabilitative Custody and Supervision Program (section 42(2)(r)).

The new "custody and supervision order" stipulates that young offenders spend two-thirds of their prison sentence in custody and one-third of their sentence in the community. This community time is supervised by probation officers who provide assistance and support for youth and their families, monitor probation conditions set by the court, and implement reintegration plans. The probation officers' role to assist and support the offender's rehabilitation and reintegration has reaffirmed the importance of probation officers since the JDA. The offender's rehabilitation and reintegration, therefore, remains a major theme under the YCJA and all sections are guided by this objective.

On the other hand, the law enforcement focus of probation can also be identified under the YCJA. As mentioned above, the supervised time in the community should not only serve as a transition process for the youth to reintegrate into his or her community, but also ensure protection of the public. Probation officers have to closely supervise youth in the community and monitor probation conditions. Breaches of these court conditions can be brought before the court.

Besides the probation officers' involvement in the supervision of youth in the community, probation officers are active participants in integrated case management and family conferences under the YCJA. As under the JDA, probation officers try to address the individual needs of youth and their families by providing treatment resources, using a multi-factored approach. However, in contrast to the JDA, where probation officers and judges had extensive power to intervene in the lives of youth, the YCJA guarantees that youth have more legal rights and protects them from arbitrary interventions by judges and probation officers. Despite their extensive involvement in the implementation of community sentences, the discretion of YPOs arguably has decreased under the YCJA because different sections prescribe or limit options regarding types of offenders.

In summary, Canada has used several different approaches on how to deal with young offenders. The role of YPOs has changed substantially over the past century and under the various legislations. Their current work is based on the Modified Justice Model based YCJA that simultaneously pursues several conflicting objectives on how to deal with young offenders. In this thesis, I will investigate how YPOs apply this Modified Justice Model on a day-to-day basis. First, I will examine how England's juvenile justice system has responded to youth crime, because this country has the longest history of utilizing the Modified Justice Model.

Chapter 2:
England's Juvenile Justice System – A Case Study

A comparative perspective is helpful to understand certain trends and changes in youth justice. A comparison between England's and Canada's youth justice systems is especially useful because the two countries share common political and social structures, and their justice systems are both based on common law. Furthermore, as stated above, England and Canada both utilize a Modified Justice Model as a response to youth crime. Yet, the evolution of the juvenile justice systems has been very different in the two countries.

This comparison also provides the opportunity to examine whether or not England and its stakeholders in the youth justice system (including YPOs) have faced the same Modified Justice Model implementation problems as Canada did under the YOA and possibly under the YCJA. In other words, it is valuable to explore how England has responded to these problems in order to anticipate or hypothesize similar issues regarding the implementation of the YCJA. Before the comparison between the current juvenile justice systems is drawn, a short historical overview of the English system is important.[35]

[35] England, Wales, and Scotland shared the same historical approach to youth crime, which began with the Children's Act of 1908, until 1960. The reform which took place during that time led to different results in these jurisdictions. This thesis focuses on the English system. See Tonry and Doob (2004) or Bottoms (2002) for a more detailed overview of the evolution of the juvenile justice system in the U.K.

Historical Overview

England's juvenile justice system has pursued a Modified Justice Model since the Children's Act in 1908. This Act was the first legislation to establish a separate juvenile justice system in England. The distinction between young and adult offenders, however, began at the beginning of the nineteenth century. Post-prison facilities for youth, the Philanthropic Society's Houses of Refuge, were established to ensure that youth were separated from adults and thus better deterred from committing further crimes. For youth who were at-risk or deemed by their parents to be unmanageable, industrial schools were opened to instil "middle class family and religious values" (Corrado, 1993, p. 76).

A separate youth court system for youth was introduced with the enactment of the Juvenile Offenders Act in 1847, which eventually led to a separate justice system under the 1908 Children's Act. While Canada applied a purely welfare approach to delinquent youth under the JDA, England's Children's Act emphasized the protection of the public (Crime Control Model), due process, and accountability of young offenders for their actions (Justice Model), as well as their special needs at the sentencing stage (Welfare Model). The underlying theoretical objective was similar in Canada and England; a positivistic approach to youth crime which pointed to dysfunctional families and urbanisation as the cause of crime (Corrado, 1993). The initial overarching objective of the English juvenile justice system was to counteract "dangerous criminal classes" and reform youth into good working class workers. The "discipline through work" approach was similar to the JDA which assumed that "boys needed a firm guiding hand to develop into honest workers and *social* citizens" (Sangster, 2002, p. 32). Although not fully implemented, the Children's Act also pursued welfare goals. Specialist panels of magistrates, who were usually lay persons and

came from "respectable middle-class backgrounds", could choose from a variety of sentencing options to individually address the youths' needs, including the newly introduced disposition of probation supervision as an alternative to incarceration (Corrado, 1993; Cavadino and Dignan, 2006).

This welfare approach was discussed by the Molony Committee in 1927. It was debated whether a complete welfare model approach, as applied in Canada, should be implemented in England in order to reduce the stigmatizing effect of the court process and emphasize the rehabilitation of young offenders. This Committee, however, was concerned that the principles of responsibility for crime and the respect for the law would be weakened. The recommendation, therefore, was to keep the criminal courts, but to "consider the social welfare of a young person in sentencing". The recommendation was later enacted in the Children and Young Person Act of 1933 (Corrado, 1993, p. 80).[36]

After World War II, the approach of the juvenile justice system in England came closer to the *parens patriae* philosophy applied in Canada at that time. Children "in need of care and protection" became wards of Children's Departments established throughout Great Britain. The confusion about the "dual image of delinquency" and the appropriate response to it increased with the introduction of the Criminal Justice Act in 1948.[37] The purpose of attendance and detention centres and prisons was to punish youth and provide education programs at the same time because "toughness deters and education reforms" (Corrado, 1993, p. 80).

In 1950, the Ingleby Committee was established as an alternative to youth courts to deal with rising youth crime rates and the conflict between the neo-classical and the welfare

[36] (U.K.), 23 & 24, Geo. 5, c. 12.
[37] (U.K.), 11 & 12, Geo. 6, c. 58.

approach. Despite the recognition that dysfunctional families were an important factor in youth crime, the focus of the justice system remained on criminal procedures and did not move towards a welfare approach (Corrado, 1993).

In the early 1960s, the welfare approach again gained support when the Labour Party government established the Longford Committee. This committee advocated a replacement of criminal procedures with a social service approach which included the youth, their families, and a social worker to address the families' needs. Together, the best solution for the young offender should be sought and a court process was only deemed appropriate if no agreement could be reached by the persons involved (Stanley, 2001). Proponents of the Justice Model opposed this recommendation which became the basis of the Labour government's White Paper in 1965. It was argued that legal rights would be neglected with this welfare approach. In response to the criticism, the Labour government introduced a second White Paper three years later which continued with the formal court proceedings, but emphasized diversion of youth in the community and reduced the influence of police, probation officers, and magistrates in favour of social workers. Despite the opposition towards this paper, it became part of the Children and Young Persons Act in 1969.[38] The legislation, again a compromise between a welfare and a justice model, was never completely enacted because the Conservative government failed to proclaim several sections when they defeated the Labour Party in 1970 (Stanley, 2001; Corrado, 1993).

The original intent to emphasize diversion was not followed in practice since the community-based options declined and the court and custody rates increased under the new legislation (Cavadino and Dignan, 2006). The magistrates' role, which was supposed to be diminished under the new Act, remained unchanged despite the increased influence of social

[38] (U.K.), 1969, c.54.

workers (Corrado, 1993). Even social workers, normally more inclined to apply a welfare approach, seemed to adopt a more crime control approach. This approach was further supported when the subsequent Conservative Party government made the "law and order" theme central to its electoral campaign by getting tough on violent and "hard core" juvenile offenders in order to counter the moral panic (Corrado, 1993). Despite the increasing court and custody rates, opponents of the Children and Young Persons Act blamed this regulation for increasing crime rates, recidivist youth, and street hooligans (Corrado, 1993). In response, this Act was reviewed in 1974 by a subcommittee of the House of Commons' Expenditure Committee, which eventually recommended a bi-furcated system comprising a welfare approach for children in need of care, and a crime control approach for children in need of punishment and control. These recommendations were introduced into the Criminal Justice Act in 1982.[39] Although a movement towards a crime control focus was favoured by the Conservative Government, the 'justice for children' movement, supported by academia, Liberal MPs, and some social workers could prevent this shift (Corrado, 1993).

The Criminal Justice Act was revised in 1988 and besides elements of the Welfare and Crime Control approaches of the previous version of the Act, the Justice Model gained dominance. Proportionality and legal representation of the youth were emphasized and custody was supposed to be imposed only as a last resort for serious offenders (Cavadino and Dignan, 2006). This shift was influenced by the 'return to justice' movement in the United States which stressed the flaws and abuses of the welfare approach and offered alternatives in form of Justice Models (Corrado, 1993).

Scholars in England could not agree on one model to best represent the juvenile justice system or theories to explain the changes and different approaches to youth crime

[39] (U.K.), 1982, c. 48.

and switched back and oscillated between welfare and crime control approaches (Corrado, 1993). The debates continued until the end of the twentieth century, focusing on the different rationales for the juvenile justice system, followed by rapid changes in the legislation (Bottoms and Dignan, 2004). England's juvenile justice system, at times, showed elements of all justice models, always trying to find the balance between the protection of the public and the rehabilitation of young offenders as well as their accountability and sentencing proportionality.

England's Current Youth Justice System

At the end of the twentieth century, the Labour government won power after a period of eighteen years, and changed youth legislation by enacting the Crime and Disorder Act in 1998, and later Part I of the Youth Justice and Criminal Evidence Act in 1999. These laws were subject to reform and eventually implemented in 2002. They were based on the White Paper, *No More Excuses*, which promoted an interventionist approach in order to prevent youth crime (Burnett and Appleton, 2004).

In order to achieve the prevention of youthful offending, the current English youth justice system pursues the following six objectives:

> "The swift administration of justice; ensuring that young people face up to the consequences of their offending; ensuring that the risk factors associated with offending are addressed in any intervention; delivering punishment that is appropriate for the offence and proportionate to the seriousness and frequency of offending; encouraging reparation by young offenders to their victims or the wider community; and reinforcing parental responsibility" (Home Office, 2000, Chapter 2, s. 2.9).

Separated from this criminal procedure approach to youth, the English system, like the Canadian system, has a "care" jurisdiction based on the 1991 Children's Act and dealt with by "family proceeding courts" which apply a predominantly welfare approach. Courts can impose child curfews or child safety orders, for example, by placing children under ten years of supervision for behaviour that would have been prosecuted if they were older (Cavadino and Dignan, 2006).

England's current juvenile justice system clearly reflects a Modified Justice Model and is very similar to Canada's. While Canada's YCJA emphasizes the rehabilitation and reintegration of young offenders by addressing the underlying causes of crime and special needs, thereby promoting the long-term protection of the public, England's juvenile justice system addresses the special needs of young offenders by early intervention strategies which should prevent future offending. Both England and Canada utilize a multidisciplinary or inter-ministerial approach. The English Crime and Disorder Act authorizes local governments to establish Young Offender Teams (YOTs) which were recently introduced to the justice and child welfare systems. These teams are responsible for providing holistic youth services to children and young persons in need and comprise at least "one social worker, probation officer, police officer, a person nominated by a health authority and a person nominated by the local authority's chief education officer" (Bottoms and Dignan, 2004, p. 78). While Canada's youth justice system leaves the responsibility to impose "meaningful consequences" to the discretion of the police (extrajudicial measures) and judges (sentences), the Youth Justice Board in England developed a formal risk and need instrument (called 'Asset') to assist the YOTs in finding an appropriate intervention to address the offender's risk factors and needs (Bottoms and Dignan, 2004).

Besides seeing the work of the YOTs, the Youth Justice Board (YJB) has "the strategic responsibility" for the youth justice system (Bottoms and Dignan, 2004, p. 78). The YJB is not an integral part of the youth justice system. Its tasks include to initiate new prevention strategies and programs, monitor and evaluate the work of the youth justice system, as well as to make suggestions to improve processes and award grants (Bottoms and Dignan; Goddard, 2003). This 'New Youth Justice' approach was developed along with the Crime and Disorder Act and reflects the government's commitment to an "evidence led approach" which represents significant welfare elements by focusing on the special needs of youth in order to prevent crime (Bottoms and Dignan, 2004).

In addition to these Welfare Model influences in England's youth justice system, elements of the Corporatism Model are also visible. However, the latter model is not emphasized as much as it is in Canada under the YCJA. While the diversionary power of the police was strengthened through extrajudicial measures under the YCJA, the Crime and Disorder Act in England diminished the discretion of police. Before the current legislation was introduced, police could give multiple warnings to young offenders, supported by the "youth justice movement" and the "minimum intervention" philosophy (Bottoms and Dignan, 2004, p. 80).

Under the current Crime and Disorder Act, the police can abstain from taking further action, give a formal warning (which is discouraged by the Home Office), or reprimand first-time offenders if a non-serious offence has been committed. If the youth commits a second offence, the police must give one final warning and refer the youth for an assessment by the YOT. While the police under the YCJA determine which extrajudicial measures should be applied, offenders' suitability for a "rehabilitation" or "change" program to address their needs is assessed by YOTs in England. The English youth justice system not

only emphasizes a multidisciplinary approach to youth crime like Canada, but also prescribes this approach for the offender's second offence, i.e. 'two strike approach' (Bottoms and Dignan, 2004). In contrast to a holistic assessment of offenders' needs and an intervention by YOTs in England with the second offence, the YCJA allows imposing extrajudicial measures repeatedly even if the offender did not comply with his previous conditions.

The "youth offender panel" (YOP) is another diversionary element of the English justice process. If a first-time offender is processed though the Youth Court, pleads guilty, and the Youth Court deems either a custodial sentence or an absolute discharge to be inappropriate, a YOP is convened by the YOT. It comprises one member of the YOT and two approved lay persons. The offender's family and the victims are invited but not obliged to attend the panel. Together, the panel members try to reach a "contractual agreement" on a "program of behaviour". If the members do not come to an agreement, the youth is referred back to the regular court process to be sentenced for his original offence (Bottoms and Dignan, 2004). This procedure is similar to conferences in the form of extrajudicial measures/ sanctions under the YCJA. The difference between the two systems is that Canada merely encourages conferences in its legislation while England explicitly prescribes them.

In terms of a holistic approach, Canada's YCJA encourages the inclusion of families into the justice process in its Preamble, the Declaration of Principles, and throughout the legislation. Section 31, for instance, prescribes that a "young person can be placed in the care of a responsible person instead of being detained in custody" if both, the youth and the other person, voluntarily agree to it. The responsible person commits a criminal offence if he or she wilfully fails to comply with the condition the judge has imposed. In reality, however,

very few people are charged with or even convicted of this offence (Doob and Cesaroni, 2003)

In England, the principle of family inclusion in the justice process goes even one step further; the court can impose a "parenting order" on parents whose children commit offences or behave antisocially (Cavadino and Dignan, 2006). Parents can be forced to attend counselling, therapy sessions, or to apply more control over their children's live. Parents commit a criminal offence if they fail to comply with the court order and can be punished by fines of up to £ 1000 (Cavadino and Dignan, 2006). This approach is based on research stating that poor parenting skills are related to criminal activity of youth, and, therefore, parents must take responsibility for their children's actions. It is questionable, however, to what extent socially and economically disadvantaged families can comply with these orders.

Apart from this welfare approach, the Justice Model elements of the English system are the same as under the YCJA. Accountability of the offenders, proportionality between the seriousness of the offence and the severity of the sentence, due process, and the protection of legal rights of young offenders are ensured under the Crime and Disorder Act.

Accountability of offenders for their actions, as one of the major objectives, should also be reached by encouraging youth to repair the harm done to the victims. Besides community service and compensation for the victim, several restorative justice procedures take place at different stages of the youth justice system, such as victim-offender-mediations at the pre-court stage, family group, or community conferences. Although these options are more often convened in a child protection setting than in a criminal justice context, police-

led conferencing at the stage of reprimands, and final warnings as well as restorative justice interventions for offenders with multiple convictions occur (Bottoms and Dignan, 2004).

Besides the welfare objective to prevent youthful offending, the Crime and Disorder Act also includes elements of the Crime Control Model. Even earlier Conservative government proposals, including minimum sentences and parenting orders, were adopted to "get tough on crime" (Goddard, 2003). Moreover, England's youth justice system allows a limited number of youth to be tried before the Crown Court instead of the Youth Court, a process that is not allowed under the Canadian YCJA. Until the recent change, young offenders in England were subject to the same unmodified criminal proceedings as adults. This procedure was first challenged in the European Court of Human Rights in 1999, and consequently changed by the government in 2000. A practice directive titled "The Trial of Children and Young Persons in the Crown Court" provides guidelines for Crown Court judges to deal with youth in order to avoid unnecessary formality and intimidation and improve their level of understanding and participation in the proceedings (Bottoms and Dignan, 2004).

The Crime and Disorder Act reflects further crime control elements by reducing the age of criminal responsibility to ten years. Prior to this Act, there was a presumption that a child between ten and thirteen years old was incapable of committing a criminal offence. Now, children as young as ten years old can be prosecuted. The age of criminal responsibility in England is much lower than that of most countries in the rest of Europe, which is often fourteen years old.[40]

[40] The age of criminal responsibility is 14 in Germany, 16 in Spain and 18 and Belgium. See Tonry, M. and Doob, A. (2004) for further information.

Another crime control element of the English youth justice system is reflected by the high rate of custody. In its 2002 report, the United Nations Committee on the Rights of the Child was "deeply concerned at the high and increasing numbers of children in custody; at earlier ages, for lesser offences and for longer custodial sentences imposed by the recent increased court powers to give detention and training orders." (UNCRC, 2002, para 57) Compared to other European Countries, England has one of the highest prison populations for youth, and it is as much as six times higher than the numbers in some European countries. However, England's rates are still lower than the custody rates in Canada, even after the introduction of the YCJA (Bottoms and Dignan, 2004).

Implementation of England's 'New Justice Approach'

As shown, England's juvenile justice system reflects a Modified Justice Model similar to Canada's. The objective of the YOTs was to achieve a "seamless service" which was supposed to overcome bureaucratic boundaries and the common communication problems and unnecessary delays between agencies. Although some delays and gaps in resources were reported, the overall experience of the practitioners was that the YOTs led to "reciprocal exchange of knowledge, direct or quicker access to other services and expertise [and] improved referral processes" (Burnett and Appleton, 2004, p. 15). Career and mental health workers on the team were deemed highly valuable because their stake in the team reduced long waiting times and provided fast referrals to the appropriate agencies (Burnett and Appleton, 2004).

While there have been immediate gains through the YOTs, there have also been some implementation problems with this approach in England. Although several YOTs have been established with multi-agency staff, one concern is that not all of the staff members

were equally committed to this multidisciplinary approach (Bottoms and Dignan, 2004). This concern specifically applied to people employed in the health services; traditionally, these services have not been involved with crime related issues. Consequently, it took extensive effort to convince them that this multidisciplinary approach and the partnerships within would be beneficial and not a "shotgun wedding" for them (Burnett and Appleton, 2004).

Complications also evolved because many practitioners found it difficult to accept the different cultural backgrounds, languages and attitudes used by colleagues from other services when dealing with young offenders; typical examples were the "bad language" or swearing of the police or the diminutive names social workers used when talking to youths (Burnett and Appleton, 2004).

Three other concerns relate to staff and financial resources: First, YOT staff members retain their position at their original agencies. Consequently, there have been difficulties in securing staff and financial commitment from some departments, especially from education and health agencies (Bottoms and Dignan, 2004). Second, financial problems evolved because of the different salaries and variations in leave regulations pertaining to members of the same YOTs, arising due to their various occupational backgrounds and education levels. In some cases, this led to a lack of motivation for some members who left the team because they felt that they did roughly the same job as others, but were paid less than those other members of the team. And last, but not least, the funding of the YOTs was a major problem due to inadequate funding from partner agencies as well as insufficient "exit funding" for projects once the initial funding had been spent, and a waste of funding prevailed for maintaining programs which were infrequently used by the YOTs (Burnett and Appleton, 2004).

Further criticism from the YOT staff members included a claim that a the Crime and Disorder Act contains contradictions and that the welfare needs of youth are neglected (Bottoms and Dignan, 2004). Both concerns relate to the typical problems of a Modified Justice Model; the advantage of a Modified Justice Model is its variety of objectives, and thus, its flexibility to deal with each youth individually. However, the major difficulty is in implementing these contradictory objectives. The offenders' welfare may be neglected because several other objectives of the justice system are pursued concurrently.

Some practitioners of the YOTs expressed concerns regarding the new case-management approach. Former youth workers, who traditionally applied an individualised casework approach by emphasising direct contact with youth and one-on-one supervision, were concerned that these core values and their broad discretion in dealing with young offenders would be taken away. In their view, the vital working relationship with young offenders and their deep understanding of them would be replaced by referrals to specialists, group programs, data collection, monitoring and evaluation of these services (Burnett and Appleton, 2004).

Less time spent with offenders was also a consequence of the obligation of YOT managers to create special programs and services and bid for funding to implement these specialist projects ("competitive market approach"). The advantage of these programs was that they provided specialist knowledge and services to youth; on the other hand, the fund-raising work limited the amount of time remaining to focus on the core principles, such as case management and one-on-one time with young offenders (Burnett and Appleton, 2004).

The "New Justice" evaluation found further interesting results; most importantly, only twelve percent of the YOT staff's time was spent on the "new" crime prevention work,

while the day-to-day work such as writing pre-sentence reports and supervising youth took most of their time. Another finding is that YOTs struggled with their multiple tasks; staff members tended to prioritize court and post court work rather than provide final warning interventions for youth, assessments, and programming (Bottoms and Dignan, 2004).

The introduction of the "parenting order" was welcomed by most of the participating parents despite their initial hostility against it. At the final rating, only six percent commented negatively or indifferently on the programs, while over ninety percent would recommend it to other parents. The success of the program was also supported by preliminary findings of lower recidivism rates for children whose parents participated in the program. However, the lack of a control group and the study's dependence on self-reports are limitations that suggest the need for further research (Bottoms and Dignan, 2004; Goddard, 2003).

The above changes made to England's youth justice system have evoked praise and criticism at the same time. Yet, the general reaction reflects satisfaction with the new services and opportunities provided under the English justice system, and there is a recognition that a more holistic approach to youth crime is necessary to adequately address the problems of young offenders and their families. A Modified Justice Model, comprising elements from all other justice models to deal with each youth individually, is strongly supported. England's and Canada's attempts to establish a multidisciplinary approach can, therefore, be viewed as a step in the right direction to address the multi-factored needs of young offenders. The challenge is to make this multidisciplinary approach work in practice. As discussed, both England and Canada have utilized a Modified Justice Model. Yet, England appears more effective in implementing a more complete range of options. Most importantly, England's juvenile justice system established interagency work by explicitly regulating it in the Crime

and Disorder Act and creating YOTs at the front-end and the court stage of the formal justice process. Canada's youth legislation, in contrast, only encourages an interagency approach and leaves it to the discretion of decision-makers to apply. This can lead to confusion and disparity when dealing with young offenders, as already seen under the previous youth legislation.

The question remains, however, whether the English youth justice system is generally effective, i.e. have youth crime and recidivism rates of the young offenders been reduced in England? The Youth Justice Board promoted the New Justice approach in England as a remarkable success and measured a fifteen percent decline in the youth crime rate (Youth Justice Board, 2002). These results were supported by the British Crime Survey which found that the overall crime rate had fallen by 7% between 1998/99 and 2001/02 (Goddard, 2003). Yet, these claims have to be considered with caution as the Youth Justice Board "has been highly selective in utilizing the findings of independent evaluations that the Youth Justice Board itself commissioned, thus conveniently drawing a veil over less encouraging findings" (Burnett and Appleton, 2004, p. 48).

The effectiveness of the youth justice system is also questionable because England still has higher court rates than most other European countries, especially the detention and training order which has been widely used in the English juvenile justice system since its introduction (Bottoms and Dignan, 2004; Stanley, 2001). With so many youth in prison, is the preventative and multidisciplinary approach working? One has to consider that England's system is relatively new and that it needs some time to change the structure of the system. Even more important are cultural changes. The above-mentioned concerns voiced by staff members show that especially the perspective of people who had been working in

the system before the Crime and Disorder Act was enacted needs to change. They need time to adjust to the new legislation and shift to the 'New Justice' approach to youth crime.

Providing sufficient funding is another important consideration in England; a lack of funding or under-resourced YOTs make it extremely difficult to implement the well-intended youth justice legislation by providing adequate responses and interventions to youth in trouble with the law and making the interagency approach work.

In conclusion, the English experience indicates that a multidisciplinary approach to youth crime can work. Social, educational, mental health, police, and probation services work together to apply a holistic approach to young offenders. On the other hand, the high custody rates indicate that a justice model comprised of different objectives can easily convert into an over-use of punitive sanctions. This suggests that, eventually, it all comes down to individuals who apply the legislation on a daily basis. Effectiveness appears to depend on the willingness of youth justice agents to meet with other agencies and discuss the best approach to a youth's offence. However, by making the multidisciplinary approach a fixed parameter of the justice system, England makes it easier for decision makers to deal with the difficulties of the Modified Justice Model. Several agencies from social work, health, probation, and education departments are not only encouraged, but obliged to discuss interventions for young offenders at the front-end of the justice process. Long-term research is necessary to measure whether this interagency approach is indeed more effective to prevent youth crime.

Chapter 3: Methodology

Data Collection

In my thesis, I use secondary data that was originally collected from January to March 2004, when all YPOs and people in related positions in British Columbia (165) were given a 2 day update-training on the YCJA. One year prior to this, the YPOs were taught about the YCJA during a 3.5 day training session between January and March in 2003, shortly before the act came into force. During the early days of the YCJA's introduction, however, YPOs still had some problems with the implementation of the YCJA, and therefore, the B.C. Justice Institute provided update training on the youth legislation. All of the 165 participants in the training were asked to fill out a survey on "Youth Probation Officer 'Best Practices' and Resource Needs Under the YCJA" in the morning of the first training day. Prior to the interviews, the interviewer read the "Information Sheet for Participants" (Appendix A) to inform the participants about the purpose of the interview and topics covered by the survey. Once the participants had been read the Information Sheet for Participants, they were asked to sign an Informed Consent Form (Appendix B). Their participation was voluntary and they were ensured complete confidentiality. All of the 165 participants asked to participate completed the survey. The interviewer was present when the participants filled out the survey to answer potential questions. Ethic approval to conduct this research was received prior to the survey.

Twelve of the completed surveys were not considered in the data set. These participants were Youth Probation Supervisors without probation experience, Community

Service Managers, or individuals who had answered that they would not work in any of the listed positions. It was assumed that these groups would not have adequate knowledge of the young offender legislation because they would not directly supervise young offender, nor were they involved in the implementation of the youth legislation. Therefore, their answers were not used for the data evaluation and the final number of surveys evaluated was 153.

The survey, which was subject to a pre-test with ten YPOs who received the general training on the YJCA prior to the survey, examined a range of opinions by YPOs about the YCJA's impact during the first year of its implementation. The questionnaire (see Appendix C) contained closed-ended questions in the form of a single, categorical response, and Likert-type items. In addition to questions about their demographics, YPOs were asked whether or not they found it difficult to understand and apply different sections of the YCJA. Also, YPOs were asked how they perceived the various programs and services provided in their community and and how their effectiveness might be improved. These answers will be evaluated descriptively.

Limitations

There are some limitations to my research. The first limitation is that only YPOs from British Columbia participated in the survey. Their perceptions might differ from the ones YPOs have in other provinces and territories. The implementation of legislation depends on many factors such as funding, community involvement, or provincial governance and can vary from province to province. Therefore, the results of my research cannot be generalized to other provinces.

Second, it needs to be emphasized that the answers of the YPOs reflected their opinion in 2004, one year after the YCJA was introduced and before YPOs received the

update training on the YCJA. Their opinions have possibly changed over time and, therefore, do not necessarily represent their current opinion of the YCJA; in other words, if YPOs found certain sections to be difficult to understand or apply at the time of the survey, they quite possibly do not have the same problems anymore, four years after the introduction of the YCJA since they should have become accustomed to the application of the legislation. For instance, the sections *Committal to Custody Rules* or *Writing Gladue Reports* were newly introduced under the YCJA and were perceived to be very difficult to understand and apply. Most of the YPOs probably had not become accustomed to the application of these sections before they received the updated information on the YCJA, and therefore, still had difficulty with these sections. This is unlikely to still be the case. It usually takes some time for stakeholders in the youth justice system to become used to new legislation and apply it on a daily basis. The results, however, are still important because they show what challenges the YPOs had to face and how they perceived the services and programs nine to twelve months after the introduction of the YCJA. Moreover, if the YPOs still had difficulty at the time of the survey, although they had received general training on the YCJA and had been doing their job for almost a year since the YCJA came in force, some of their initial difficulty might still prevail, and therefore, the results provide valuable insights into the YPOs' daily challenges.

The third identified limitation is that YPOs were asked whether the YCJA is difficult to understand and apply. The survey did not examine, however, why there was a lack of understanding or difficulties in applying the different sections. Also, YPOs were not asked why they did not find services and programs on offer very effective. In my thesis, I discuss the results and offer explanations regarding why the YPOs answered the survey the way they did. However, more qualitative research, investigating why the YPOs had difficulties with

the YCJA and what improvements to the implementation of the legislation and the programs and services offered are necessary to understand the role of YPOs in dealing with young offenders on probation.

Chapter 4:
The YCJA's Hypothesized Impact on Youth Probation Officers' Work in B.C.

As previously mentioned, one of the problems of the YOA was that its overarching principles were conflicting, and, therefore, did not provide decision-makers with sufficient guidance. The YCJA was designed to provide clarity and direction. The YCJA is, like its predecessor, a Modified Justice Model which mixes principles and objectives from different justice models to approach youth crime. This variety of objectives to choose from and the YCJA's length and complexity has been hypothesized to increase the difficulty of practitioners implementing its numerous sections. Corrado, Gronsdahl, and MacAlister (2006a) and Corrado, Gronsdahl, MacAlister, and Cohen (2006b), for example, assert that the YCJA immediately required several appellate decisions, including the Supreme Court of Canada, to clarify its purposes. Whether such confusion and difficulty are evident among YPOs is the primary theme of this thesis.

Understanding and Application of the YCJA's Different Aspects

Despite the above criticisms of the YCJA, it is hypothesized that YPOs will generally not have major problems *understanding* this legislation, particularly not if it applies to their day-to-day work. YPOs received a general training in both understanding and applying the youth legislation before the YCJA came into force. An exception might apply to sections that were newly introduced or changed from the YOA to the YCJA (for instance the new sentencing options); it is possible that the YPOs did not have sufficient time to become

familiar with applying the legislation. In addition, they had not been given the updated information on the YCJA before they filled out the survey. Nonetheless, it is hypothesized that YPOs will be challenged with the *implementation* of the YCJA because of its complexity, its conflicting principles, and administrative problems.

The questionnaire asked YPOs about different sections of the YCJA related to their work, including the interpretation of the Preamble, and the utilization of pre-sentence reports or the sentence calculation formula. The various sections reflected the different juvenile justice models discussed above. Some sections reflected the Justice Model principles, like the procedural protections for young offenders. The Crime Control Model principle of the long term incapacitation of serious violent offenders was evident in the adult-length sentencing options. The rehabilitation and reintegration philosophy of the YCJA reflected the Welfare Model. Most sections, however, combined several principles from different models at the same time (Modified Justice Model) and thus were expected to be more difficult to implement.

The YCJA's General Philosophy

The general philosophy of the YCJA is set out in the initial sections of the legislation. With its Preamble, the Declaration of Principles, and certain key sections throughout the legislation, the YCJA was enacted to provide clear direction and establish structure for the application of its principles. Thereby, inconsistencies, which were common under the YOA in dealing with young offenders, should be resolved.

Traditionally, Preambles were only deemed policy statements that did not have direct legislative function and did not assist decision makers in their interpretation of legislation (Bala, 2003). This limited role has changed recently and decision makers commonly use the

Preamble to explain the rationale and purpose of legislation. This common practice is also based on section 13 of the Interpretation Act[41] which states that "the Preamble of an enactment shall be read as part of the enactment intended to assist in explaining its purpose and object". Yet, an integration of a Preamble into the decision-making process is unlikely if the Preamble is as general and complex as the one of the YCJA. It mentions various objectives, such as the rehabilitation and reintegration of youth (Welfare Model), the protection of the youths' rights and freedoms (Justice Model), the reduction of custody for non-violent offenders (Corporatism Model), and the incarceration for serious-violent young persons (Crime Control Model). Including elements of all juvenile justice models, the Preamble might lead to confusion for practitioners. It is hypothesized, however, that YPOs will view the Preamble as an abstract statement at the beginning of the legislation, and therefore, are unlikely to use it in their decision making process. Hence, they will not report having any problems understanding and applying the Preamble.

In contrast, the Declaration of Principles, with its guiding principles, should assist the decision-making process and is generally easy to understand. Thus, the Declaration has a direct legal effect and should assist practitioners in their decision-making. Yet, the Declaration of Principles emphasizes, as does the Preamble, a variety of conflicting principles and does consequently not provide sufficient guidance for practitioners. Therefore, it was hypothesized that YPOs would have difficulties applying the Declaration of Principles in their decision-making.

To reiterate, the central reintegration and rehabilitation philosophy of the YCJA is mentioned in several sections throughout the legislation thus ensuring that Welfare Model principles must be considered by YPOs in many of their routine decision making roles.

[41] Interpretation Act, S.C. 1985, c. 1, s. 21.

Probation Officer's Functions under the YCJA

The introduction of the YCJA and its emphasis on custody alternatives expanded the functions of YPOs. Most important are the new sentencing options which require supervision of youth in the community, such as the intensive support and supervision order that provides more support than regular probation. Nonetheless, many of the typical probation officer functions have remained the same; enforcing court orders and supervising youth in the community. Therefore, it is expected that YPOs would not have fundamental difficulties understanding the YCJA and implementing it despite its complexity. Even the terminology changes from the YOA to the YCJA, such as Pre-Sentence Report, Extrajudicial Sanctions, and Youth Justice Court, should not pose challenges since the new terminology is straightforward, well explained within the legislation, and only provides new names for processes familiar under the YOA. For example, the pre-disposition report under the YOA is called pre-sentence report under the YCJA and the alternative measures under the YOA are called extrajudicial sanctions under the YCJA. Yet, a significant challenge likely exists since YPOs are expected to implement the conflicting principles of these four models regarding sentencing, e.g. should they only warn a youth who is breaching their condition if that serves their reintegration into the community (a welfare principle), or should they breach him which might result in a prison sentence (a crime control principle).

Another implementation problem might relate to court ordered conferences under the YCJA.[42] Conferences are defined in section 2 as "a group of persons who are convened to give advice' to young persons in trouble with the law". The definition is very broad and, thus, ensures sufficient flexibility to convene conferences in various forms and at several stages of the justice system. Although there were no special provisions for conferences

[42] Sections 19 and 41 deal with conferences under the YCJA.

under the YOA, they were employed, especially when youth from Aboriginal communities were involved. During these conferences, the youth, their offence, and the impact on the victim along with possible solutions were discussed (Bala 2003). With the regulation of conferences in section 19 and 41 of the YCJA, the government reinforced the restorative justice principle and that conferences should play an important role in supplementing youth courts. However, a fundamental problem exists with the broad definition of the term and the discretional use of conferences, i.e. their implementation depends on the willingness of decision makers to convene conferences. The participation of judges, probation officers, community members, victims, offenders and their families, as well as provincial funding are necessary to support this approach to youth crime (Bala 2003). Consequently, it is expected that YPOs could find it difficult to undertake adequate court ordered conferences.

Sentencing and Custody

The new custodial sentences constitute a particular challenge since sentence recommendations are required for judges in pre-sentence reports.[43] Sentencing principles are explicitly listed in section 38 and the various sentencing options are listed in section 40 and the following sections. Although section 38 was enacted to assist decisions makers, a closer look at section 38(1) suggests that the different sentence purposes might cause confusion; holding a young person accountable, imposing meaningful consequences, promoting the young person's rehabilitation and reintegration into society, and, finally, contributing to the long-term protection of the public are the goals that are supposed to be simultaneously addressed when a sentence is imposed. Roberts and Bala state: "No sanction can accomplish

[43] Sections 40(2)(f) and 42(1).

all these goals. What if some goals are fulfilled while others are not? What happens if the goals conflict?" (2003, p.. 403).

With section 38(1), legislators tried to overcome the flaws and the subsequent confusion about the sentencing purpose under the YOA. However, this section arguably does not provide decision makers, such as YPOs, with clear guidance on how to apply and prioritize the different sentencing goals. In other words, section 38(1) appears to fail to execute the original clarification intent of this section. It is likely, therefore, that YPOs will have difficulty implementing the sentencing purposes and principles into practice when they submit their sentence recommendations to the judge.

In contrast, section 39, which embodies the committal to custody rules, is not expected to be difficult to understand and apply because, in contrast to section 24 under the YOA, section 39 reduced the discretion of decision makers and offered clear guidelines on when a custodial sentence was appropriate. At least one of the four preconditions in section 39(1) needs to be satisfied before a judge is allowed to impose a prison sentence. And, even if one of these conditions is fulfilled, the following subsections, 39(2)-(3), prescribe that custody can only be imposed either if all other alternatives have previously been utilized or if there is no other reasonable option that would be consistent with the sentence purpose in section 38.

Similarly, the detention before sentencing (bail) guidelines in section 29(2) are directly impacted by the restricted custody use under the YCJA. Usually, if a judge considers a detention before sentencing based on section 515(10)(b) of the Criminal Code, a determination has to be made that there is a substantial likelihood that the offender will commit an offence or interfere with the administration of justice. Under the YCJA, the judge

also has to consider the preconditions in section 39 to detain a youth. Therefore, the broad discretion that section 515(10)(b) of the Criminal Code actually provides is reduced, and thus it is hypothesized that YPOs have no difficulty understanding and applying section 29(2).

In stark contrast, the sentence calculation formula is quite complex and contains many different rules (for instance, the differentiation between the rules for youth sentences and the rules applying to youth that receive adult sentences), and several new sentencing options to choose from (such as Deferred Custody and Supervision Order, the Intensive Support and Supervision Program, and the Intensive Rehabilitation and Custody Sentence).[44] It is expected that YPOs will have problems understanding and applying the YCJA sentence calculation formula because of its complexity and the conflicting principles which govern the different sentencing options (e.g. choosing between a custody sentence to protect society and a community sentence to rehabilitate and reintegrate the young offender). In contrast, the adult sentencing process (sections 61 and the following sections) reflects crime control model principles and is restricted to serious violent young offenders. YPOs do not have to choose principles from different models, and, therefore, are not expected to have difficulties implementing these sections.

Interagency Work

England's and Canada's juvenile justice systems are both based on research stating that the causes of youth crime are complex and can only be effectively addressed with a multi-dimensional approach. Under the Crime and Disorder Act, England unites formerly separate agencies in their YOTs, including social services, the police, probation, education, mental health services, and the voluntary sector. YOTs provide a highly more integrated,

[44] See section 40 and the following sections.

multi-agency approach to youth crime. This approach reduces the duplication of effort, delays in response time, and enhances pooled skills and services. The YOTs are seen as a more efficient approach to youth crime which focuses on crime prevention.

The original intention of the YCJA is to provide the opportunity for an integrated approach to youth crime. In its Preamble, the Declaration of Principles, and several other sections, the YCJA encourages different people and agencies, such as the youth's families, the community, and other agencies to work together to support the youth's rehabilitation and reintegration by addressing the underlying causes of criminal behaviour. Since Youth Justice was moved from the Ministry of the Attorney General to the Ministry of Children and Family Development in 1997, most of the YPOs work in multidisciplinary offices or in integrated teams with social or mental health workers, teachers, and other community agencies if they have their offices at different locations. Further, they can recommend in their pre-sentence reports that the judges should refer a youth to a "child welfare agency for assessment to determine whether the young person is in need of child welfare services" in addition to any other order that is imposed (section 35).

However, this interagency approach of the YCJA, while ideal in principle, is problematic in practice. It has already been recognized under the YOA that child welfare, social services, and mental health agencies should work together to keep youth out of prisons and address their needs in the community. In practice, however, this interaction between child welfare agencies and the justice system did not work as originally intended. Under the YOA, youth were frequently incarcerated for welfare reasons, especially girls who were subject to, and disadvantaged by, this protective motive of the justice system (Corrado et al., 2000). Due to cuts in funding and a lack of resources, child welfare agencies often felt overburdened and were reluctant to deal with charged youth. These agencies often

transferred troubled youth to the justice system in order to avoid further effort and costs (Bala, 2003).

Although pre-trial detention or regular detention for child protection, mental health, or other social measures are no longer an option under the current legislation (sections 29(1) and 39(5)), a lack of resources and programs continue under the YCJA, and therefore, inhibits effective interagency work. While the above sections are not difficult to understand, it is likely that they will remain difficult to implement because the youth justice system still cannot provide all of the services youth might need. In addition, another fundamental problem continues for non-compliant, but non-criminal youth. These youth are typically sent from one agency to another (especially when youth cause trouble and constantly run away) and eventually, end up in the justice system, which often has no other option than putting them into custody.

An additional inhibition, best documented in England's youth justice system, is that interagency cooperation involves key players from multiple agencies with different training, values, resources, and professional objectives. The result is a complex process which makes it difficult for decision makers and people involved to work together effectively, even if they have the same goal: to mitigate risk factors that might lead to youth crime. Certain sections under the YCJA were enacted to facilitate information sharing between professionals dealing with young offenders, and YPOs were mandated to convene an integrated case management approach. However, there is still no mandatory integrated approach which legally connects the juvenile justice system with child welfare and mental health agencies as well as education and social workers. Not all probation officers work in multidisciplinary teams, and social workers and probation officers, for instance, are subject to different mandates (probation officers are subject to court orders, while social workers follow provincial policy based on

apprehension and care orders). As long as there are no clear and mandatory regulations in terms of responsibilities, information sharing, and joint-up services (as seen with the YOTs in England), it will be difficult to implement an interagency approach under the youth justice system in Canada.

Sections 34 and 113 to 129 of the YCJA deal with the disclosure of youth records, medical and psychological assessments, and the persons allowed to access them as well as time restrictions on access. These sections, however, are quite complex, and there are a significant number of exceptions, which makes it difficult to understand and apply the sections governing the disclosure of youth records. Moreover, section 138 of the YCJA states that any violation of the above mentioned sections constitutes a criminal offence; consequently, practitioners will likely be cautious about disclosing information or sharing it with other agencies and professionals.

This extreme legal protection of the youth's privacy also impedes another main function of YPOs, the writing of pre-sentence reports describing the underlying causes of crime and their special needs. This report requires detailed and wide-ranging information about the youth, social background, mental health issues, education, family and friends. Because of the YCJA changes to information sharing, YPOs are more likely to write more complete pre-sentence reports than they were under the YOA. In practice, however, young offenders routinely move between different facilities, files are often incomplete, required assessments are not always done, the disclosure of certain youth records is not permitted, and considerable time and effort are required to write an exhaustive pre-sentence report. As discussed above, YPOs also have to choose between competing principles reflecting various juvenile justice models when recommending an appropriate sentence for young offenders to the judge. Hence, while YPOs are not likely to have major difficulties writing pre-sentence

reports, the ability to implement an effective integrated plan generally remains highly problematic for YPOs.

Programs

Because of the fundamental problems in implementing case plans, YPOs are likely not to be satisfied with the programs available provincially since the introduction of the YCJA. First, for many programs, the number of youth processed under the YCJA has dropped dramatically mainly due to diversion. Subsequently, programs have insufficient clients to justify their costs. This situation especially applies to girls who are, as discussed above, infrequently sentenced to custody, and even less so since the adoption of the YCJA. To get access to effective programming, especially in under-resourced rural areas, girls are sent to programs with boys, sent further away from home, or even placed into adult facilities (Bala, 2003).

Second, the typical profile of persistent female adolescent offenders is quite similar to that of boys: learning disabilities or mental illnesses and dysfunctional family backgrounds are common (Bala, 2003). In addition, young female offenders have, more frequently than boys, to deal with abuse issues. Research done in B.C. prisons revealed that ninety-six percent of the girls have experienced physical and/or sexual abuse. Thirty-six percent reported specifically that they have experienced sexual abuse (Dean, 2005). These numbers are likely higher since some girls either do not identify their experienced abuse as such or do not want to share the information. As well, some of the girls have already been pregnant or have had to deal with motherhood issues. The assumption that "all you have to do to make a program designed for boys work for girls is to paint the walls pink and take out the urinals" has been mostly overcome by research regarding gender-specific programming (Daniels

quoted in Chesney-Lind, 2004, p. 236). It is generally recognized that these girls need special treatment and services such as sexual abuse counselling and single parent support to deal with their trauma. However, as Totten reports, these services are not regularly made available to young women in custody or on probation (Dean, 2005). As already prevalent under the YOA, services and programs offered in corrections were mostly designed for boys, and therefore did not address the girls' special needs. This situation likely continues to exist and will, therefore, remain a challenge to YPOs in their various decision making roles involving girls.

A third concern of YPOs exists with the programming for Aboriginal offenders. Despite their special constitutional status under the YCJA and the emphasis on the consideration of their cultural background, there are not enough programs for Aboriginal offenders in corrections, especially considering their over-representation in corrections. There have been some initiatives to establish innovative community programs, specifically in Aboriginal communities. As a result, the treatment programs for Aboriginal offenders have been improved (Bala, 2003). However, there is still a general lack of culture-specific programs in corrections. It is expected that YPOs will not be satisfied with the number of programs offered that focus on the specific needs of Aboriginal youth.

Having stated my hypotheses regarding the implementation of the YCJA, I will evaluate the data set in the next chapter.

Chapter 5:
Results and Discussion

Results

In this chapter, I statistically analyze the responses of 153 YPOs to test my hypotheses. The questionnaire covered several areas, starting with questions about the background of the YPOs. In the second section of the questionnaire, YPOs were asked how difficult they found understanding and applying twenty different sections of the YCJA. The questionnaire ended with questions about interagency work and community services and programs.

Profile of the YPO Sample

Table 3, *Gender, Ethnicity, and Positions of the YPO Sample*, summarizes the profile of the YPO sample. Of the 153 YPOs, most (88.2%) were Caucasian and a slight majority (52.9%) were female. Given the sampling requirement, it was expected that approximately 90% of the YPOs would have worked in their jobs for more than three years before the introduction of the YCJA and, therefore, would have some work experience under the YOA as well. The median years of work experience was eight years.

Table 3: Gender, Ethnicity, and Positions of the YPO Sample

Gender	
Male	47.1%
Female	52.9%
Ethnicity	
Caucasian	88.2%
East Indian	3.9%
Asiatic	2.6%
Aboriginal	2.0%
Other	3.3%
*Position**	
Probation Officer	65.4%
Probation Supervisor with Probation Experience	7.8%
Youth Justice Conferencing Specialists	6.5%
Youth Custody Case Management	6.5%
Youth Justice Consultants/ Policy Analysts	5.2%
Violent or Sex Offenders Specialists	3.9%
Youth Probation Interviewers	2.0%
Median Years of Work Experience	8

*The numbers do not add up to 100% as some of the questionnaires were not considered in the data evaluation.

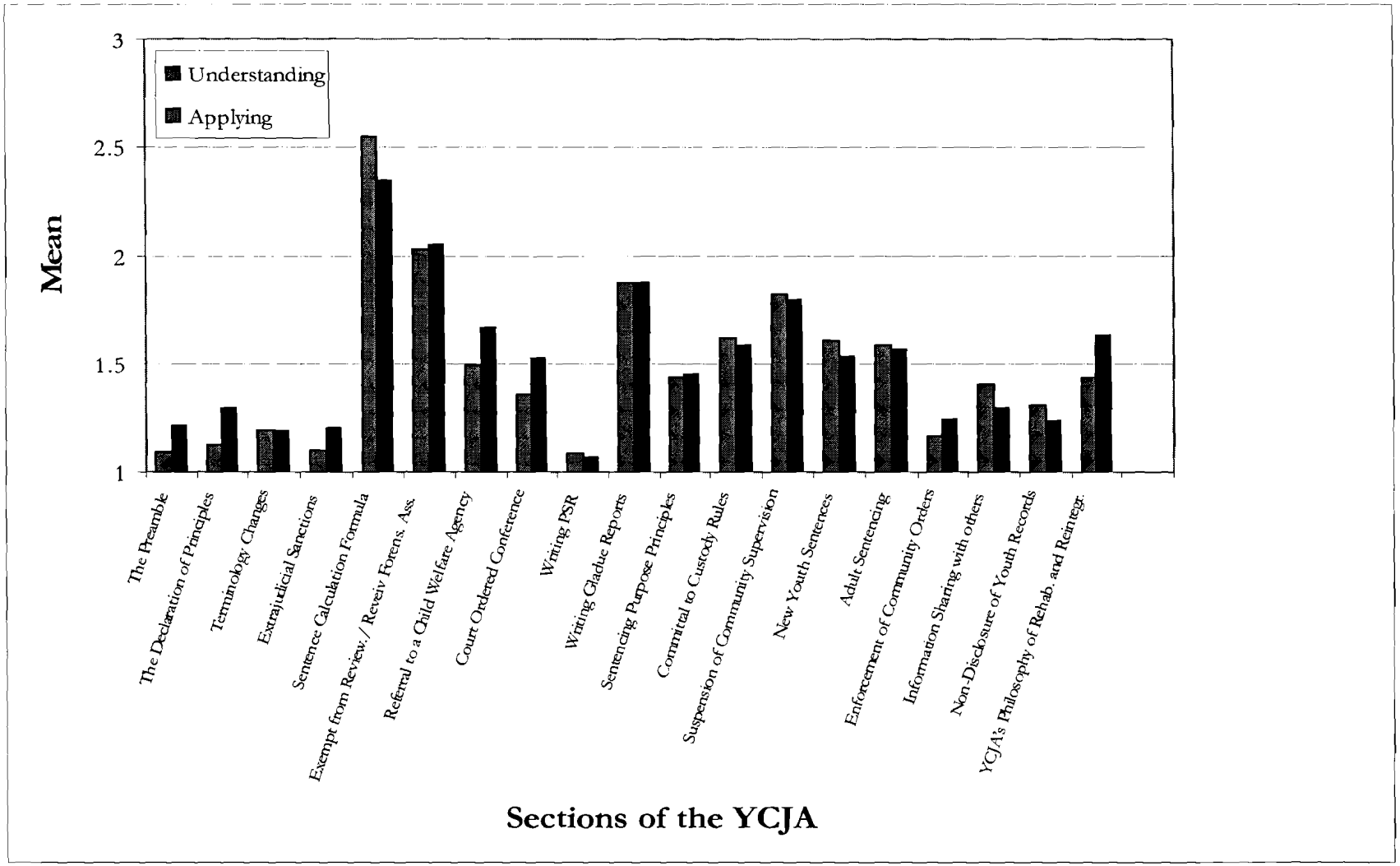
At the time of the survey, nearly two thirds of the sample had been regular Probation Officers (65.4%), followed by Youth Probation Supervisors with probation experience (7.8%) and Youth Justice Conferencing Specialists and Youth Custody Case Management (6.5% each). Other respondents were Youth Justice Consultants or Policy Analysts, Violent or Sex Offenders Specialists, and Youth Probation Interviewers. Half of the YPOs had worked either in the Fraser region (27.6%) or the Interior (23.7%). Approximately one fifth (17.8%) were from the Vancouver and Costal region, while 17.1% and 13.8% had worked in the Northern region and the Vancouver Island region, respectively. Not surprisingly, the densely populated regions of the Lower Mainland and Fraser and Coastal regions, when combined, had the greatest number of YPOs.

In terms of job satisfaction, three quarters of the sample (76%) stated that they were very or extremely satisfied with their job in terms of pay, caseload, pension, benefits, supervision, and stress level, while only 4% stated that were not satisfied. Moreover, nearly the entire sample agreed that they enjoyed the flexibility and autonomy of their position (96%) and especially having more options under the YCJA compared to the YOA to deal with young offenders on their caseload (73.5%). These results indicate that the hypothesized role conflict, to rehabilitate young offenders and/or to enforce the law, did not always apply to YPOs. The YPOs found, however, that, overall, the YCJA was a complex act to understand (79.6%).

YPOs' Difficulty in Understanding and Applying the Different Sections of the YCJA

The YPOs were asked to rate the level of difficulty in understanding and applying twenty different sections of the YCJA. For each section, they could choose among the following response options: (1) "not difficult", (2) "difficult", and (3) "very difficult". Consequently, the higher the mean for each section, the more difficulty the YPOs had in understanding and/or applying this section. Figure 2, *YPOs' Difficulty Understanding and Applying the Different Sections of the YCJA*, shows the average response of the YPOs for the different sections of the YCJA. Clearly, certain sections of the YCJA were more difficult to understand and apply than others.

Figure 1: YPOs' Difficulty Understanding and Applying the Different Sections of the YCJA



Mean: 1= "Not difficult"; 2= "Somewhat difficult"; 3= "Very difficult";

Table 4, *YPOs' Difficulty in Understanding and Applying the Different Sections of the YCJA (All Responses),* indicates the level of difficulty experienced by YPOs in understanding and applying each of the twenty sections. As evident, some sections were frequently deemed to be "not applicable" (see bold values), in particular, understanding and applying *Writing Gladue Reports* and *Adult Sentencing* as well as applying the *Preamble, Referral to a Child Welfare Agency,* and *Court Ordered Conferences.*

These findings suggest that, despite the explicit policy objective of the YCJA to provide a more directed set of principles than the YOA to guide YPOs, some critical sections, such as the *Preamble* of the YCJA, were, in varying degrees and in contrast to the legislation's intent, not applied by 15% of the YPOs. This result is not surprising because, as hypothesized, YPOs see the Preamble as a general statement at the beginning of the YCJA, which provides abstract guidelines but is not directly applicable to their work with young offenders.

Another section often considered to be "not applicable" was understanding and applying *Writing Gladue Reports.* Gladue Reports are special reports that are similar to Pre-Sentence Reports, but are designed specifically for Aboriginal offenders to address their distinctive cultural and familial circumstances. In total, 40% of the YPOs stated that understanding *Writing Gladue Reports* was not applicable to their work, and more than three quarters (76.8%) of the sample reported the same for applying this section. In other words, it appeared that Gladue Reports were not a typical task for YPOs, which is surprising given the overrepresentation of Aboriginal youth in the formal justice system, especially in probation, and the YCJA's focus on the special circumstances of Aboriginal offenders. Another reason

Table 4: YPOs' Difficulty in Understanding and Applying the Different Sections of the YCJA (*All Responses*)

	UNDERSTANDING				APPLYING			
	Not applicable (%)	Not difficult (%)	Somewhat Difficult (%)	Very difficult (%)	Not applicable (%)	Not difficult (%)	Somewhat Difficult (%)	Very difficult (%)
The Preamble	3.3	86.8	9.9	0.0	**15.1**	67.8	15.8	1.3
The Declaration of Principles	0.7	85.2	13.2	0.0	5.3	68.4	25.0	1.3
Terminology Changes	0.76	81.0	17.6	0.7	2.0	81.6	14.5	2.0
Extrajudicial Sanctions (EXS)	0.7	89.3	10.0	0	5.3	77.5	15.9	1.3
Sentence Calculation Formula	0.0	3.3	39.9	56.9	7.9	8.6	43.0	40.4
Exempt from Viewing/ Receiving Forensic Psych. Assessments	2.0	28.3	37.5	32.2	4.6	29.6	32.2	33.6
Detention Before Sentencing (Bail)	1.3	46.4	48.4	3.9	5.3	41.7	44.4	8.6
Referral to a Child Welfare Agency	5.9	58.8	27.5	7.8	**31.8**	32.5	25.8	9.9
Court Ordered Conference	9.2	64.1	24.8	2.0	**28.2**	39.6	26.2	6.0
Writing Pre-Sentence Report (PSR)	3.9	86.8	9.2	0	5.3	88.7	6.0	0.0
Writing Gladue Reports	**39.1**	20.5	27.2	13.2	**76.8**	8.6	8.6	6.0
Sentencing Purpose Principles	0.0	57.5	39.9	2.6	3.4	55.7	38.3	2.7
Committal to Custody Rules	0.7	45.4	46.7	7.2	4.6	43.7	46.4	4.6
Suspension of Community Supervision	0.7	31.6	53.9	13.8	8.7	30.7	49.3	11.3
New Youth Sentences	1.3	45.8	46.4	6.5	3.3	50.3	41.1	5.3
Adult Sentencing	**25.2**	29.1	39.7	6.0	**54.7**	23.6	17.6	4.1
Enforcement of Community Orders	2.0	81.0	17.0	0.0	5.3	72.8	19.9	1.3
Information Sharing with others	0.7	61.8	34.9	2.6	0.7	70.4	27.6	1.3
Non-Disclosure of Youth Records	1.3	71.2	24.2	3.3	3.3	75.0	20.4	1.3
YCJA's Philosophy of Rehabilitation and Reintegration	0.0	62.5	30.9	6.6	0.7	50.3	35.1	13.9

for the high number of "not applicable" responses was that the YPOs in some regions, for example Richmond in the Lower Mainland, did not have any Aboriginal offenders on their caseloads. In these regions, YPOs did not need to write Gladue Reports and, therefore, this section was not applicable to their work.

One quarter (25.2%) of the YPOs felt that understanding the section *Adult Sentencing* was not applicable, while more than half (54.7%) of them said the same answer for applying this section. These results indicate that many YPOs did not apply this section, implying that only a minority of YPOs recommended adult sentences in their Pre-Sentence Reports. Consequently, they reserved the adult sentencing process to only the most serious and violent young offenders, as is intended by the YCJA.

Notably, 28% of the sample mentioned that they found the application of the section *Court Ordered Conferences* not applicable to their work although the YCJA explicitly encouraged these conferences at several stages of the justice process. As hypothesized, the problem with conferences was that they required immense time and effort. Moreover, they were only encouraged but not legally prescribed under the YCJA. Since their implementation, therefore, depends on the interest of the judge, YPOs, and other people involved, such as mental health or social workers, it is possible that these stakeholder chose not to have as many conference as intended under the YCJA. It might also be possible, however, that the YPOs chose "not applicable" for this section because some kind of conferences, such as restorative justice conferences, were not conducted by the YPOs themselves, but by specially trained conference facilitators.

One third of the YPO sample stated that applying the section *Referral to a Child Welfare Agency* would not be applicable to their work. The problem with this section is that it

is the judge's discretion to refer a young offender to a Child Welfare Agency for assessment. This section, however, does not require a report back to the judge, nor is this assessment legally enforceable. Also, there are resource problems associated with implementing that section; even if youth were to be assessed in need of child welfare services, there were not always services available. Therefore, this section was not applied very frequently.

Table 5, *YPOs' Difficulty in Understanding and Applying the Different Sections of the YCJA (Excluding "N/A"-Responses),* shows, as does Table 4, the responses of the YPOs with regard to their difficulty in understanding and applying each section of the YCJA. To clarify which sections were more and less difficult to understand and apply, this table, in contrast to Table 4, only includes valid answers, i.e. if YPOs checked "not applicable" for a section, their answers were not included here. The sections in Table 5 can be grouped into four categories; the general philosophy, daily functions of YPOs, sentencing and custody, and interagency work.

Generally, YPOs had no difficulty in understanding and applying the underlying philosophy of the YCJA as described in the *Preamble* and the *Declaration of Principles.* Two thirds (62.5%) of the YPOs did not find the section *YCJA's Philosophy of Rehabilitation and Reintegration* difficult to understand. The application of this section, however, was perceived to be difficult by half (49.3%) of the YPOs.

Similar to the underlying philosophy, the sections relating to the daily functions of the YPOs, such as the sections *Pre-Sentence Reports (PSRs), Extrajudicial Sanctions (EXS),* the *Enforcement of Community Orders, and Terminology Changes,* were considered to be easy to understand. The only task that was perceived to be more difficult to understand was *Writing*

Table 5: YPOs' Difficulty in Understanding and Applying the Different Sections of the YCJA (Excluding "N/A"-Responses)*

*The numbers might not result in 100% due to rounding errors in the statistic program.

		UNDERSTANDING			APPLYING		
		Not difficult (%)	Somewhat Difficult (%)	Very difficult (%)	Not difficult (%)	Somewhat Difficult (%)	Very difficult (%)
General Philosophy	The Preamble	89.8	10.2	0.0	79.8	18.6	1.6
	The Declaration of Principles	86.8	13.2	0.0	72.2	26.4	1.4
	YCJA's Philosophy of Rehabilitation and Reintegration	62.5	30.9	6.6	50.7	35.3	14.0
Daily Functions	Terminology Changes	81.6	17.8	0.7	83.2	14.8	2.0
	Extrajudicial Sanctions (EXS)	89.9	10.1	0.0	81.8	16.8	1.4
	Enforcement of Community Orders	82.7	17.3	0.0	77.5	21.1	1.4
	Writing Pre-Sentence Report (PSR)	90.4	9.6	0.0	93.7	6.3	0.0
	Writing Gladue Reports	33.7	44.6	21.7	37.1	37.1	25.7
	Suspension of Community Supervision	31.8	54.3	13.9	33.6	54.0	12.4
Sentencing and Custody	Sentence Calculation Formula	3.3	39.9	56.9	9.4	46.8	43.9
	Committal to Custody Rules	45.7	47.0	7.3	46.2	49.0	4.9
	Detention Before Sentencing (Bail)	47.0	49.0	4.0	44.1	46.9	9.1
	New Youth Sentences	46.4	47.0	6.6	52.1	42.5	5.5
	Adult Sentencing	38.9	53.1	8.0	52.2	38.8	9.0
	Sentencing Purpose Principles	57.5	39.9	2.6	57.6	39.6	2.8
Interagency Work	Exempt from Viewing/ Receiving Forensic Psych. Assess.	28.9	38.3	32.9	31.0	33.8	35.2
	Court Ordered Conference	70.5	27.3	2.2	55.1	36.4	8.4
	Information Sharing with Others	62.3	35.1	2.6	70.9	27.8	1.3
	Non-Disclosure of Youth Records	72.2	24.5	3.3	77.6	21.1	1.4
	Referral to a Child Welfare Agency	62.5	29.2	8.3	47.6	37.9	14.6

Gladue Reports. In total, two thirds of the YPOs found this section either somewhat difficult (44.6%) or very difficult (21.7%) to understand. These results are not surprising considering that Gladue Reports were newly introduced under the YCJA. In addition, they are time-consuming, require significant effort, and may be difficult to write due to cultural barriers (nearly the entire sample of YPOs was Caucasian, while only 3.3% were Aboriginal).

Some of the daily functions of YPOs were more difficult to apply than to understand. Such sections included *Extrajudicial Measures*, and the *Enforcement of Community Orders*. In contrast, some sections, such as *PSRs* and *New Youth Sentences*, and *Suspension of Community Supervision*, were easier to apply than to understand (see Figure 2). In effect, the hypothesis, that the application of the YCJA's sections is more difficult than understanding them, was not supported. It is possible that YPOs have not had sufficient training and exposure to the theories and research underlying the sections, yet their application in practice was fairly straightforward.

The majority of the sample found the sections related to sentencing, such as the *Sentence Calculation Formula, Detention before Sentencing (Bail), Committal to Custody Rules, New Youth Sentences*, and *Adult Sentencing,* very difficult to understand and apply. In particular, the section *Sentence Calculation Formula* was the most difficult to understand and apply (see Figure 2). Interestingly, it was easier to apply this section than to understand it. Only the section *Sentencing Purpose and Principles* was perceived to be easy to understand and apply by more than half of the YPOs (57.5% and 57.6%, respectively).

The results for understanding and applying sections related to interagency work varied; while the majority of the sample did not have difficulty understanding and applying the sections *Information Sharing with Others* and *Non-Disclosure of Youth Records,* two thirds of the

YPOs had, as hypothesized, difficulty understanding (71.2%) and applying (69%) the section *Exempt from Viewing and Receiving Forensic Psychiatric Assessments.* The problem with this section at the time of the survey was that the regulations under the YJCA would not allow YPOs to receive any information on the young offender's assessment. During the update training, however, YPOs were taught about a new policy under the YCJA that makes the backend of the report of the forensic psychiatric assessment available to YPOs if requested by a judge. Since they now receive more information, they would likely find understanding and applying this section less difficult. However, they still do not receive as much information as they would like to. The section *Court Ordered Conferences* was found to be easy to understand, but was perceived to be especially difficult to apply by almost half of the YPOs (44.8%). The Section *Referral to a Child Welfare Agency* was perceived by almost two thirds of the YPOs (62.5%) to be easy to understand. Its application, however, was perceived by slightly more than half (52.5%) of the YPOs to be difficult.

To test the hypothesis that some of the YCJA's sections are difficult to understand, I conducted a one sample t-test. I defined that a section was difficult to understand if its mean was greater than 1.5. The results of the test are shown in Table 6, *YCJA's Difficult Sections to Understand.* Seven of the twenty sections, the *Sentence Calculation Formula, Exempt from Reviewing and Receiving Forensic Assessments, Gladue Reports, Committal to Custody Rules, Suspension of Community Supervision, and the New Youth and Adult Sentences,* were found to be difficult to understand (t-value > 1.6445). As mentioned before, these sections were newly introduced and some of them were very complex. It is therefore not surprising that YPOs had difficulty in understanding these sections because they had not become accustomed to these sections at the time of the survey.

Table 6: The YCJA's Difficult Sections to Understand

	t	p-value (one-tailed)
The Preamble	-15.885	0.99
The Declaration of Principles	-13.280	0.99
Terminology Changes	-9.283	0.99
Extrajudicial Sanctions	-16.145	0.99
Sentence Calculation Formula	**22.790**	**0.00**
Exempt from View. / Receiv. Forensic Psychiatric Assess.	**8.375**	**0.00**
Detention Before Sentencing (Bail)	1.495	0.274
Referral to a Child Welfare Agency	-.774	0.12
Court Ordered Conference	-4.230	0.99
Writing PSR	-16.527	0.99
Writing Gladue Reports	**4.938**	**0.00**
Sentencing Purpose Principles	-1.104	0.456
Committal to Custody Rules	**2.296**	**0.046**
Suspension of Community Supervision	**6.034**	**0.00**
New Youth Sentences	**2.061**	**0.082**
Adult Sentencing	**3.297**	**0.002**
Enforcement of Community Orders	-10.534	0.99
Information Sharing with others	-2.170	0.936
Non-Disclosure of Youth Records	-4.364	0.99
YCJA's Philosophy of Rehabilitation and Reintegration	-1.183	0.522

Having examined which sections were found to be more and less difficult to understand and apply, it is now important to examine whether or not there was a significant difference between understanding and applying the different sections. To test whether the difference in the level of difficulty in understanding and applying each section was statistically significant, I conducted a paired t-test. Table 7, *Mean Differences between YPOs' Levels of Difficulty in Understanding and Applying the Sections of the YCJA,* shows the means for understanding and applying the different sections and the results of the statistical tests. The

Table 7: Mean Differences between YPOs' Levels of Difficulty in Understanding and Applying the Sections of the YCJA

	N	Mean*-Understanding	Mean- Applying	Mean-Diff. **	Std. Error Mean	t-Stat.	p-Value (2-tailed) ***
The Preamble	125	1.096	1.216	-.120	.037	-3.245	**.002#**
The Declaration of Principles	142	1.127	1.296	-.169	.039	-4.370	**.000#**
Terminology Changes	148	1.196	1.189	.007	.031	.218	.828
Extrajudicial Sanctions	140	1.100	1.200	-.100	.029	-3.424	**.001#**
Sentence Calculation Formula	139	2.547	2.345	.201	.041	4.904	**.000#**
Exempt from Viewing/ Receiving Forensic Psych. Ass.	144	2.028	2.049	-.021	.057	-.365	.715
Detention Before Sentencing (Bail)	143	1.566	1.650	-.084	.046	-1.824	.070
Referral to a Child Welfare Agency	100	1.490	1.670	-.180	.059	-3.038	**.003#**
Court Ordered Conference	106	1.359	1.528	-.170	.056	-3.031	**.003#**
Writing PSR	140	1.086	1.064	.021	.019	1.135	.258
Writing Gladue Reports	35	1.875	1.875	.000	.058	.000	1.000
Sentencing Purpose Principles	144	1.438	1.451	-.015	.048	-.288	.774
Committal to Custody Rules	142	1.620	1.585	.035	.047	.744	.458
Suspension of Community Supervision	135	1.822	1.793	.030	.049	.602	.548
New Youth Sentences	144	1.604	1.535	.069	.045	1.551	.123
Adult Sentencing	65	1.585	1.569	.015	.056	.275	.784
Enforcement of Community Orders	140	1.171	1.243	-.071	.035	-2.065	**.041**
Information Sharing with Others	149	1.403	1.295	.107	.039	2.723	**.007**
Non-Disclosure of Youth Records	146	1.308	1.233	.075	.034	2.230	**.027**
YCJA's Philosophy of Rehabilitation And Reintegration	150	1.440	1.633	-.193	.054	-3.574	**.000#**
Grand Mean	20	1.493	1.521	-0.028	0.024	1.175	.254

*Mean is calculated without the category "Not Applicable".

**Negative value indicates greater difficulty applying than understanding. Positive value indicates greater difficulty understanding than applying.

***Bold p-values show significant statistical mean-difference. Bonferroni Correction of significance level associated with doing multiple tests indicates any differences significant at .003 (.05/20) or below should be considered notable. Those are blanked with #.

paired t-test was only conducted for responses of YPOs who rated both questions ("understanding" and "applying") for each section (N- column). In other words, if YPOs chose "not applicable" for either understanding or applying a certain section, their answers were not included in the test.

As is evident in Table 7, the Grand Mean-Understanding was only slightly lower than the Grand Mean-Application and not statistically significant (p-value > .05). Consequently, and in contrast to my hypothesis, the YPOs generally did not find applying the YCJA to be significantly more difficult than understanding it. A closer look at the different sections of the YCJA shows, however, that there were some significant differences between the Means-Understanding and Means-Application (see bold p-values in Table 7).

Three of these sections, the *Sentence Calculation Formula, Information Sharing with other Professionals*, and the *Non-Disclosure of Youth Records* were, as mentioned above, found to be significantly more difficult to understand than to apply. To support the hypothesis, however, that YPOs had more difficulty applying than understanding the different sections of the YCJA, the Mean-Application must be significantly *higher* than the Mean-Understanding.

Therefore, the hypothesis was:

H_0: There would be no significant difference in the Mean-Understanding and the Mean-Application for each section, and

H_1: The Mean-Application for a section would be significantly higher than the Mean-Understanding for the same section.

Table 8, *Summary Table: Sections of the YCJA with or without Significant Difference between YPOs' Difficulty in Understanding and Application,* sums up the results of the hypothesis testing. It highlights the sections that the YPOs found to be significantly more difficult to apply than

Table 8: Summary Table: Sections of the YCJA with or without Significant Difference between YPOs' Difficulty in Understanding and Application

	The section was significantly *more difficult to apply* than to understand (as hypothesized)	***No significant difference* between understanding and applying the section (hypothesis rejected)**	**The section was significantly easier to apply than to understand (hypothesis rejected)**
The Preamble	√		
The Declaration of Principles	√		
Terminology Changes		√	
Extrajudicial Sanctions	√		
Sentence Calculation Formula			√
Exempt from Viewing/ Receiving Forensic Psych. Ass.		√	
Detention Before Sentencing (Bail)		√	
Referral to a Child Welfare Agency	√		
Court Ordered Conference	√		
Writing Pre-Sentence Reports		√	
Writing Gladue Reports		√	
Sentencing Purpose Principles		√	
Committal to Custody Rules		√	
Suspension of Community Supervision		√	
New Youth Sentences		√	
Adult Sentencing		√	
Enforcement of Community Orders	√*		
Information Sharing with Others			√*
Non-Disclosure of Youth Records			√*
YCJA's Philosophy of Rehab. and Reintegration	√		

*The mean difference between the YPOs' difficulty understanding and applying for these sections was not significant if the Bonferroni Correction was applied.

to understand and that the null hypothesis could, therefore, be rejected. It also shows which sections did not provide a significant difference between understanding and application or were even significantly easier to apply than to understand. Three of the sections in Table 8, *Enforcement of Community Orders, Information Sharing with Others,* and *Non-Disclosure of Youth Records* (see the ones that are indicated with *), were statistically significant at the 5% level, but were below the threshold of significance if the Bonferroni Correction was applied. Yet, these sections still showed a substantial difference between their difficulty understanding and applying, especially in comparison to the remaining sections that did not show a significant difference at the standard 5% level. Therefore, for the purpose of this thesis, their statistical significance at the 5% level will be considered in the following discussion.

As evident in Table 8, the hypothesis that applying the different sections of the YCJA would be significantly more difficult than understanding them could be rejected for thirteen of the twenty sections. It is important to examine, therefore, why only those seven sections were found to be more difficult to apply than to understand and why this result does not hold true for all sections. Further, it needs to be examined why the sections *Sentence Calculation Formula, Information Sharing with Others,* and *Non-Disclosure of Youth Records* were found to be easier to apply than to understand, which is in contrast to my hypothesis. Prior to this examination and interpretation of these anomalous results, further results of the survey, related to interagency work and community programs, are discussed next.

Interagency Work

Some questions in the survey asked YPOs whether or not they had multidisciplinary offices and how often they had integrated case-management meetings. The majority (83.7%) of the YPOs stated that they had an office with social workers and a majority (59.9%) also

worked with mental health professionals (see Table 9: *Multidisciplinary Offices with Social and/or Mental Health Workers)*

While these results appear promising, it is not evident whether the following statistics demonstrate that a multidisciplinary approach was effectively implemented under the YCJA. Most importantly, three quarters of the sample (75%) reported that only up to 30% of the youth on their caseload had a social worker. If the youth did have a social worker, integrated case management meetings with them were reported to take place regularly (see Table 10: *Integrated Case Management Meetings with Youth's Social Worker*). Still, only one fifth (20.8%) of the YPOs had integrated case management meetings which occurred, at most, twice a year.

Table 9: Multidisciplinary Offices with Social and/or Mental Health Workers

	Office with Social Workers	Office with Mental Health Workers
Yes	83.7%	59.9%
No	16.3%	40.1%

The number of mental health workers for the youth was even smaller; three quarters (75.7%) of the sample stated that less than 30% of their youth on caseload were supported by mental health workers. Although nearly all of the YPOs (92.8%) had access to mental health services in their community, two thirds (67.4%) reported having integrated case management meetings with mental health or youth forensics workers only once every two to three months, or even less if the youth on their caseloads had a mental health worker (see Table 11: *Integrated Case Management Meetings with Youth's Mental Health Worker*). Two thirds (63.9%) of the YPOs thought the mental health services in their community were somewhat effective and only 9.7% found them to be very effective, while one quarter (26.4%) of the YPOs said these services would not be effective.

Table 10: Integrated Case Management Meetings with Youths' Social Workers

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Weekly	19	12.4	13.2	13.2
	Monthly	46	30.1	31.9	45.1
	Once Every 2 Months	49	32.0	34.0	79.2
	Every 6 Months	14	9.2	9.7	88.9
	Once a Year	4	2.6	2.8	91.7
	Never	12	7.8	8.3	100.0
	Total	144	94.1	100.0	
Missing	System	9	5.9		
Total		153	100.0		

Table 11: Integrated Case Management Meetings with Youths' Mental Health Workers

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Weekly	11	7.2	7.6	7.6
	Monthly	39	25.5	27.1	34.7
	Once Every 2 or 3 Months	47	30.7	32.6	67.4
	Every 6 Months	15	9.8	10.4	77.8
	Once a Year	3	2.0	2.1	79.9
	Never	29	19.0	20.1	100.0
	Total	144	94.1	100.0	
Missing	System	9	5.9		
Total		153	100.0		

These numbers regarding integrated case management meetings with mental health and social workers are disconcerting, in part, because three quarters of the YPOs agreed with the statement that the number of youth with mental disorders was increasing (75.8%) and that there were more homeless youth than three years ago (76.7%). Their perceptions were supported by research, indicating the widespread prevalence of family dysfunction and mental health issues among young offenders who are processed through the formal justice system (Corrado et al., 2006b). These multi-problem youths require support from different

professions with specialized knowledge who can discuss the youth's multi-faceted needs and create plans for integrated case-management meetings to address these needs.

When asked what would improve professional relationships with Forensic Psychiatric Services, the great majority of the YPOs suggested that federal amendments to the YCJA to allow YPOs full access to forensic reports. Although there have been some policy changes in terms of the exchange and disclosure of assessments between agencies, YPOs are still dissatisfied with the implementation of the section *Exempt from Viewing and Receiving Forensic Psychiatric Assessment.* YPOs argued they required the mental health information to create plans for young offenders. Mental health professionals, in contrast, were concerned that other agencies, which do not have personal who are trained or specialized in mental health issues, might misuse the information contained in these reports. Consequently, YPOs only receive some information from forensic reports, and only, if a judge has so requested.

In addition, better coordination between YPOs and forensic mental health professionals regarding case planning for the youth and sentencing recommendations would lead to an improved interagency work with Youth Forensics (see Table 12: *Improvements to the Professional Relationship with Youth Forensic Psychiatric Services*). Access to Forensic Psychiatric Services was perceived to be very good since most (96.7%) of the YPOs stated they had access to these services in their communities.

Table 12: Improvements to the Professional Relationship with Youth Forensic Psychiatric Services

Federal amendments to the YCJA to allow YPOs access to entire forensic reports	83.0%
Better coordination between YPOs and Forensics regarding case planning for the youth	66.0%
Better coordination between YPO and Forensics regarding sentencing recommendations	60.1%
Forensics providing Sex Offender Relapse Plans as per youth justice policy	56.2%
Better notice and participation in Youth Forensic Case Conferences	52.9%

These results, in Tables 9-12, indicated that interagency work has existed under the YCJA. On the other hand, the results also indicated that it was a work in progress and that there were still problems that needed to be resolved. The difficulties YPOs experienced in understanding and applying the sections *Exempt from Receiving and Reviewing Forensic Psychiatric Assessments* and *Writing Gladue Reports* make evident that some changes under the current legislation are necessary to improve an interagency approach to the multiple needs of young offenders on probation. In addition, the low number of mental health workers for youth on YPO caseloads and the infrequent case management meetings with them, indicate further problems with the implementation of the YCJA.

Programs

The great majority of YPOs found the programs to be at least somewhat effective, when they had access to them in their communities (see Table 13: *Accessibility and Effectiveness of Programs in the Community).* Nearly the entire sample had access to Alternative School or Educational Programs (95.4%), the Intensive Support and Supervision Program (93.5%), and Alcohol & Drug Out Patient Therapy (92.2%). As hypothesized, programs that were less accessible were female-only programs. Other less accessible programs included specialized

residential sex offender placements and vocational programs. Access to the latter two placements was not required as much because only a minimal number of youth on YPO caseloads commit sex offences, and most of the youth still attend school and do not yet need vocational or job placement programs. However, the limited accessibility of female-only programs is concerning. As hypothesized, less than half (47.7%) of the YPOs stated that they have access to female only programs. These are so important because young female offenders have often different needs and risk factors than young male offenders that need to be addressed in gender-specific programming (Daniels quoted in Chesney-Lind, 2004).

Table 13: Accessibility and Effectiveness of Programs in the Community

		Effectiveness		
Program/ Service	**Access %**	**Not effective %**	**Somewhat Effective %**	**Very Effective %**
Alcohol Drug Residential Program	77.1	7.1	82.5	10.3
Alcohol/Drug Outpatient Therapy Services	92.2	27.8	63.2	9.0
Mental Health Services	92.8	26.4	63.9	9.7
Psychologist	85.0	9.9	63.4	26.7
Psychiatrist	75.2	12.1	65.5	22.4
Aboriginal Programs	71.2	21.8	72.7	5.5
Female Only Programs	47.7	19.7	55.3	25.0
Job Placement Programs	68.6	16.2	66.7	17.1
Alternate School/Education Programs	95.4	6.2	51.0	42.8
Vocational programs	35.3	15.6	68.8	15.6
Intensive Support and Supervision Program	93.5	2.1	39.2	58.0
Specialized Residential Sex Offender Placement Program	58.2	8.4	50.6	41.0
Wilderness Programs	79.1	10.0	37.5	52.5
Specialized Day Program	49.7	12.3	56.2	31.5
Youth Forensic Service	96.7	7.4	66.9	25.7
Youth Substance Abuse Management (YSAM)	78.4	35.2	58.2	6.6
Youth Violent Intervention Program (YVIP)	79.1	35.0	56.7	8.3

Although 71.2% of the YPOs stated that they had access to Aboriginal Programs, this number is relatively low in comparison to the high accessibility of some other programs. It is also important to consider that more than one fourth (26.6%) of the youth on probation

are Aboriginal and YPOs are also required to supervise Aboriginal youths who are released from prison after serving two thirds of their sentences. Most disturbing, 39.9% of young offenders sentenced to prison are Aboriginal (Juristat 2004/05). It is, therefore, alarming that YPOs had such limited access to Aboriginal programs in their communities, especially since a key principle of the YCJA is to address the needs of Aboriginal young offenders.

It is also evident in Table 13 that the most effective programs, according to YPOs, were the Intensive Support and Supervision Program (ISSP), the Alternate School or Education Programs, and Wilderness Programs. These results were not surprising as many of the young offenders are "special needs" youth who have difficulty keeping up with the challenges and pace in regular schools. Alternate School or educational programs provide them with the opportunity to focus on their specific needs and address their mental capabilities. Wilderness programs are very effective, partly, because they temporarily place youth away from their criminogenic environment (characterized by negative peer association with youths involved in drugs, and/or instable family homes) that increases the likelihood of them being further involved in crime. The responses for the newly introduced ISSP are also promising; the concept of higher support and community supervision than regular probation was perceived by the YPOs to be very effective.

The least effective programs, according to the YPOs, were the Youth Substance Abuse Management (YSAM) and the Youth Violence Intervention Programs (YVIP). More than one third (35.2% and 35%, respectively) of the YPOs found the two programs to be ineffective. Related questions asked whether YPOs agreed or disagreed that the YVIP was an effective program for dealing with violent and aggressive youth and whether the YSAM was an effective program dealing with youth who have substance abuse issues: YPOs disagreed that they were effective (60.6% and 52.5%, respectively). The YPOs'

dissatisfaction with the two programs was also reflected in the high number (more than half of the sample for each program) who stated that they would not refer youth to either of these programs. When asked why they would not refer youths on their caseloads to the YSAM and YVIP, they cited primarily administrative reasons. As expected, there were often not enough youth to form a group, infrequent starts, or weekly sessions were at poor times of the day (see Table 14: *Problems with Youth Substance Abuse Management and Youth Violence Intervention Program*). Other reasons were that the YPOs referred youth to other sources, included the youth on their caseloads were not appropriate for the programs, and the YPOs stated that a one-size-fits-all approach to programming did not work. The latter reason was specifically noted when the YPOs were asked what would improve the YSAM and YVIP; the most frequent responses were to individualize the programs and to change the method of program delivery (see Table 15: *Potential Improvements to the YSAM and YVIP*).

Table 14: Problems with Youth Substance Abuse Management and the Youth Violence Intervention Program

YVIP %		YSAM %
19.6	I refer to other sources	21.6
17.6	Infrequent starts	13.7
11.1	Youth on caseload not appropriate	11.8
15.0	Not enough youth to form a group	11.1
8.5	One size fits all does not work	9.2
3.9	Program content incompatible to youth lifestyle	8.5
5.9	Weekly sessions are at poor times of the day	7.8
6.5	Group dynamic hinders youth progress	5.9
9.8	Not confident in facilitator	5.2
3.3	Gender imbalance	3.3
2.0	Program is too long	2.0
13.1	None of the above	15.7

Table 15: Potential Improvements to the YSAM and YVIP

YVIP %		YSAM %
58.8	Individualize the program	59.5
52.4	Changing the method of the program	44.4
21.6	Changing the length of the program	20.9
19.6	Having male and female facilitators delivering the program together	22.2
20.9	Make program more gender specific	12.4

These responses reflected a typical problem with programming: the typical youths on caseloads have multiple needs which are difficult to address in group settings. Group programming is limited in its ability to deal with these needs individually and, especially, to establish common ground upon each youth can learn and actively participate to the best of their ability. The suggestion to individualize programming also included the suggestion to make the programs more gender responsive. Again, male and female offenders have often different needs that cannot always be dealt with in a mixed-gender program that uses a "one size fits all" approach. Therefore, the accessibility of female-only programs needs to be improved.

The length of the program is another typical problem. The YSAM and YVIP are frequently offered in correctional settings over a two-month period. Since a majority of the young offenders in prison are not sentenced, but are typically on remand while waiting for their court appointments, it is difficult to form a group of youth who can complete the programs together.

The results suggest that YPOs usually have access to programs and, overall, have found them to be somewhat effective. More research, however, is necessary to examine what would make programs and services more effective from the YPOs' perspectives. Their

suggestions on how to improve the YSAM and YVIP provide some insight, but are not applicable to all other programs.

Discussion

The data analysis indicated that, as hypothesized, the YPOs found that the YCJA is a long and complex act and that some sections are found to be difficult to understand and apply. The general hypothesis, however, that the YCJA was consistently more difficult to apply than to understand due to its conflicting principles, can be rejected: there were too few significant differences between the YPOs' *overall* difficulty in understanding and applying the act with most of its multiple sections. If a section was easy to understand, most YPOs did not have any difficulty applying it. Also, for those few sections that were difficult to understand, most YPOs also had difficulty applying it. The sections that were perceived to be more difficult were, as hypothesized, quite complex or contained many exceptions and references to other sections or laws, such as the *Sentence Calculation Formula* or *Exempt from Viewing and Receiving Forensic Psychiatric Assessments,* or they were newly introduced, such as the new youth sentences.

In addition, nearly the entire sample (92.6%) stated that they enjoyed the flexibility and autonomy in job. Also, the newly introduced Intensive Support and Supervision Sentence, which contains the two contrasting principles - the offender's rehabilitation and the protection of society- and should therefore be very confusing for the YPOs, was found to be the most effective program. Conclusively, the YCJA's conflicting principles, overall, neither seem to provide too little guidance nor cause confusion to YPOs.

These results were consistent with scholars who argued that, although the YCJA is considered a Modified Justice Model, it could still be more directive. Additionally, the YCJA provides more guidelines than the YOA did and can, therefore, be administered more

consistently (Corrado et al., 2006a). The reasoning is that the YCJA specifically prescribes in its different sections how do deal with each offender category. Consequently, when YPOs have classified young people as non-serious and first time, intermediate, or serious violent offenders, the YCJA provides guidelines on how to deal with each type of young offenders. As described above, non-serious offenders should be dealt with informally in the community (diversion) and serious violent offenders should receive harsh adult sentences (protection of the public), while intermediate sanctions should be imposed to young offenders who are neither one of these categories (rehabilitation and reintegration). This tri-furcation within the YCJA, therefore, limits the discretion of YPOs and the variety of options they can choose from. Since the different sections are applied separately, there is no overall conflict on how to implement the different objectives of the YCJA.

A second explanation for this phenomenon is that, as mentioned before, that the expected problems with a Modified Justice Model stemmed from the practical experience under the YOA. Conflicting principles and insufficient guidance made the work of practitioners difficult. It is possible, tough, that YPOs became used to applying a Modified Justice Model and hence did not perceive the different rationales as a problem anymore when working with young offenders. With time and experience, they might have found their own way of dealing with complex legislation that simultaneously pursues several conflicting objectives.

This argument leads to a third potential explanation: Although the YCJA encourages a multi-dimensional approach, dealing with individual offenders eventually comes down to every single YPO employing their individual approach to youth crime. Especially under complex legislation such as the YCJA, YPOs generally have a broad discretion and can choose from a couple of options to deal with young offenders. The legislation provides the

framework and guidelines on how to deal with young offenders, but the outcome of any given case depends on the personal discretion of each YPO and their individual interpretation of the YCJA, which determines whether they apply a more welfare or crime control approach. Further, the relationship between judges and YPOs is important; if a judge is in favour of a crime control approach, and thus promotes the protection of society, it is unlikely that the judge would follow a recommendation in a YPO's Pre-Sentence Report (PSR) that suggests a pure welfare approach. Therefore, YPOs are likely to not only consider their personal preference, but also the judge's preference, when recommending sentencing options in their PSRs.

While there was no significant difference, overall, between the YPOs' difficulty in understanding and applying the YCJA, a closer look at the twenty different sections of the YCJA shows that half of the sections did have a significant difference. Interestingly, only seven of these were, as hypothesized, more difficult to apply than to understand. The application of the other three sections, the *Sentence Calculation Formula, Information Sharing with Others,* and the *Non-Disclosure of Youth Records*, was found to be easier than their understanding of these sections, which is the exact opposite of the hypothesized outcome. The sections that were found to be harder to apply than to understand were the *Preamble,* the *Declaration of Principles, Extrajudicial Sanctions, Referral to a Child Welfare Agency, Court Ordered Conference, Enforcement of Community Orders,* and the *YCJA's General Philosophy of Rehabilitation and Reintegration.* One explanation for the application being significantly more difficult than its understanding might be that the YPOs already had major difficulty understanding these sections. It is interesting to note, however, that these sections were relatively easy to understand (see Figure 2). Only the sections *YCJA's Philosophy of Rehabilitation and Reintegration* and *Referral to a Child Welfare Agency* were a little bit more difficult to understand, though still

not as difficult as other sections of the YCJA. Consequently, there must be a different reason, other than a difficulty in understanding a section, that makes applying a section significantly more difficult than understanding it.

One possible reason might be that the above mentioned sections differ from the remaining sections, which do not show a significant difference between their level of difficulty in understanding and application, in their phrasing. Some of the sections without a significant difference between their Mean-Understand and Mean-Apply, particularly the sections related to sentencing, are quite complex and contain references to other sections and laws, and thus, are generally more difficult to understand. However, theses sections provide specific guidelines for practitioners on how to deal with each offender category. In contrast, the sections *YCJA's General Philosophy of Reintegration and Rehabilitation*, the *Preamble*, and the *Declaration of Principles* are kept very general and abstract, which makes it difficult for practitioners to apply them when they deal with one specific young offender. In addition to their general phrasing, the latter two sections contain, as above mentioned, conflicting principles and are, therefore, more difficult to apply despite their easy understanding. Judges also generally use only the Preamble and the Declaration of Principles to generally justify their decision and then go to the specific sections of the YJCA to reason their verdict.

The reason why YPOs found the section *Extrajudicial Sanctions (EXS)* to be more difficult to apply than to understand might be that it is not their responsibility, but the Crown's discretion, to impose EXS on young offenders. If the Crown does not find that the type of offence is eligible for diversion, YPOs can only deal with the young offender as they come to them through the formal justice system. Moreover, the Crown only has contracts with specific community agencies to ensure the quality of these diversion services.

Therefore, YPOs are often restricted to certain community services and confronted with long waiting lists when referring young offenders.

The section *Enforcement of Community Orders* was another section whose application was more difficult than its understanding. Similar to the EXS, this is another section which is based on the cooperation of several key players in the youth justice system. Although YPOs are responsible for the supervision of young offenders in the community, the police also have an effect on enforcing community orders. For example, if a young offender breaches his/her curfew on a Saturday night, it is within the police's discretion to arrests the young offender and charge him/her with a breach or let him/her go with a warning. The enforcement of community orders, therefore, depends on the cooperation between the police and YPOs. Interestingly, at the time of the survey, it was the YPOs' perspective that the police found understanding (91.1%) and applying (86.1%) the YCJA either somewhat or very difficult. In addition, 90.9% of the YPOs disagreed that the police in their community had a good understanding of the new changes and practices under the YCJA. The YPOs' perspective on the police's work explains why YPOs found the application of the section *Enforcement of Community Orders* more difficult than understanding it. The results also show that either the police were in need of more training on the YCJA or the cooperation between the police and the YPOs clearly needed to be improved.

Another difficulty with the enforcement of community orders is that, under the previous legislation, YPOs had the option to send young offenders to prison if they had committed several breaches. This led, as mentioned above, to an overuse of custody (see Table 3). This custody option is not as readily available under the YJCA because of its tight restriction of custodial options to serious and violent offenders. Although section 39(1)(b) allows for a custodial option if the "young person has failed to comply with non-custodial

sentences", subsection 39(2) permits a custody sentence only if no other reasonable alternative can be found. In other words, the previous frequently used option of sending youth to custody is highly restricted under the current legislation, and YPOs had to consider reasonable alternatives, which made the section *Enforcement of Community Orders* more difficult to apply.

Another section found to be significantly more difficult than its understanding was *Court Ordered Conferences.* Conferences were recognized by the legislators of the YCJA as a useful tool to hold young offenders accountable for their behaviour. The term "conferences" is deliberately vague to provide the opportunity to convene conferences in various forms at several stages of the justice process. YPOs are supposed to convene conferences mostly at the post-sentencing stage in the form of integrated case-management conferences (Hillian, 2004, p. 348). Participants in these conferences are social and mental health worker, teachers, and other community agencies. Together, they try to reach a holistic solution, including family and community support, treatment plans, and supervision for the young offender. While this approach sounds ideal in theory, the result of the data set shows some implementation problems with this section. The following reasons provide possible explanations for YPOs' difficulty to convene conferences.

First, and as previously mentioned, conferences are only encouraged, not legally mandated, under the YCJA and the sections related to conferences are very general. Therefore, their facilitation depends on the willingness and interest of the people involved. Although YPOs are encouraged to convene conferences to avoid court delays, it is the judges' decision to order a conference (Section 19 of the YCJA states that judges *may* convene conferences). If a judge is hesitant or reluctant to apply this relatively new approach, and is more in favour of the traditional adversarial criminal justice system, the

opportunities for YPOs to convene conferences are rather limited. In other words, the implementation of conferences by YPOs highly depends on the local court culture and its support in convening conferences.

A second, and typical problem associated with facilitating conferences, is that they are very time consuming and labour intensive, and require an immense effort to bring together all people involved. Another hurdle to convening conferences is the low numbers of offenders who are suitable for a conference. The positive changes due to the YCJA's emphasis on diversion led to fewer young offenders being processed through the formal justice system. In effect, there are a limited number of cases for the implementation of conferences at the sentencing stages. In addition, not all young offenders are suitable for a (restorative justice) conference or want to participate in this option, which also restricts the number of conferences.

A third implementation problem occurs for conferences in the form of Extrajudicial Sanctions. In BC, the Crown directs YPOs to convene conferences. Specific policies, however, direct YPOs to avoid referring the implementation of conferences to any community agencies that provide these services. These policies want to ensure the quality of these services by referring conferences only to agencies with which the Crown has contracts (Hillian et al., 2004). Due to these restrictions, the implementation of the section *Court Ordered Conferences* can be significantly more difficult than understanding it.

Overall, the YCJA offers many opportunities to facilitate conferences at the sentencing stage but, as discussed, there are several implementation problems which are reflected in the higher difficulty of YPOs applying the section *Court Ordered Conferences* than understanding it. One critical point is that conferences are only encouraged under the YCJA,

but not legally required. Therefore, their occurrence depends on the willingness of different key players, and the support of the local court culture. These barriers to conferences have been overcome in England with its Crime and Disorder Act, whereby the different professions are legally mandated to work together in Young Offender Teams (YOTs). While most YPOs in Canada already work together with social and/or mental health workers, in England *all* relevant professions, such as social, educational, mental health, police, and probation services, are legally obliged to work together to apply a holistic approach to young offenders' needs. Although these YOTs can, as shown, be subject to several implementation problems (for example, some professions were reluctant to work together in YOTs), they do not leave the different professions any discretion; they have to cooperate even if they are not committed to interagency work. Therefore, the multidisciplinary approach in England is more effectively implemented than in Canada.

The section *Referral to a Child Welfare Agency* was a relatively easy and short section to understand, but was significantly more difficult to apply. It states that a judge "may [...] refer the young person to a child welfare agency for assessment to determine whether the young person is in need of child welfare services." It is in the judges' and not the YPOs' discretion to make that referral. Judges are somewhat reluctant to apply this section for two reasons. First, they are reluctant to apply this section because there are often insufficient resources to provide child welfare services if the young offender is assessed to be in need of those services. In particular, housing and foster families for high-risk youth or young sex offenders are often difficult to arrange. Second, judge cannot legally request a report from the agencies, and therefore, lose some control over the proceedings. Accordingly, YPOs found this section more difficult to apply than to understand.

The data evaluation also made evident that, in contrast to the sections that were significantly more difficult to apply, there were three other sections that were, surprisingly, significantly less difficult to apply than to understand.[45] These were the sections *Information Sharing with Others, the Non-Disclosure of Youth Records*, and the *Sentence Calculation Formula.* These results appear to be especially surprising for the latter section because the section *Sentence Calculation Formula* was the most difficult to understand. There is, however, a practical explanation for this result: YPOs do not always apply the Sentence Calculation Formula themselves, but rather they call somebody who applies this section on a daily basis. As an example for the Vancouver and Lower Mainland Region, YPOs call the Records staff at the Burnaby Youth Custody Services, who calculate the sentence for them. This process explains why YPOs found that applying this complex section was somewhat less difficult than understanding it.

The sections *Information Sharing with Others* and the *Non-Disclosure of Youth Records* were found to be easy sections to understand and even easier to apply. This result is surprising because, as hypothesized, these sections are very complex and contain many exceptions and references to other sections and laws. It is possible, however, that despite their complexity, YPOs became familiar with applying these sections and knew the core principles of the regulations governing whether or not they were allowed to share information on young offenders with other professionals. Also, when YPOs worked together with other professionals, much of the information between them was exchanged informally. Therefore, there might be some disregard for the violation of some of the disclosure regulations as long as all the professionals involved agreed on how to best deal with the young offender.

[45] At the 5% level without applying the Bonferroni Correction.

The informal exchange of information between different professionals is also important regarding the results on interagency work under the YCJA. As shown, most of the YPOs work in multidisciplinary offices with social and/or mental health workers, but the number of integrated case-management meetings with mental health workers was concerning. A look at the practice shows, however, that although formal case-management meetings do not take place that frequently, a constant informal exchange of information on young offenders takes place informally. The advantage of integrated offices is that the different professions are able to have conversations about the offenders whenever needed. In effect, YPOs could talk to the social or mental health workers who were located in the same office without arranging formal meetings. As mentioned before, this integrated approach is not the result of the YCJA, because it had already started when youth justice was moved from the Ministry of the Attorney General to the Ministry of Children and Family Development in 1997 and all relevant services were integrated. However, it is a work in progress, since each region has its own unique way of amalgamating services, and some might have kept them "moderately" separate. Another critical point is that the different professions still fall into their separate professional and administrative streams based on their distinct legal mandates, i.e. the YPOs get their mandate from the court, whereas social workers follow provincial policy based on apprehensions and care orders. These different mandates were also an initial problem that YOTs in England experienced. However, these difficulties can be easily overcome if professionals are not only encouraged, but legally mandated to work together in the best interest of young offenders.

The YCJA is overwhelmingly based on research, identifying the causes of juvenile delinquency as complex and requiring a multi-dimensional preventative approach. By applying a Modified Justice Model, Canada's youth legislation exemplifies a multidisciplinary

approach to youth crime. However, the YCJA strongly encourages, but does not legally prescribe, an integrated approach to youth crime. In contrast, England's youth justice system, also applying a Modified Justice Model, seems to work more effectively in terms of interagency work than the YCJA does. Legally uniting the formerly separate agencies in YOTs, including social services, the police, probation, education, mental health services, and the voluntary sector, leads to a more holistic approach to youth crime; England's approach reduces the duplication of effort and delays in response time, and enhances pooled skills and services, and thus providing a more efficient and effective approach to youth crime and its prevention. Although the different professions might still have different mandates and perspectives on how to deal with young offenders, they are legally mandated to cooperate. The original intention and framework of the YCJA provides the opportunity to apply such a 'joint-up' approach to youth crime. Yet, it is not sufficiently implemented. As shown, there is still a lack of cooperation between the different professions and services. In contrast to the YOTs in England, practitioners in Canada are only encouraged to work together with other services, but not obliged to do so. As a result, the interagency work, as already seen with the conferences, is still a work in progress and its implementation needs to be improved to address the underlying causes of youthful offending and the prevention of youth crime.

The YCJA's emphasis on the specific cultural circumstances and needs of Aboriginal young offenders promised to decrease their over-representation in the youth justice system. However, the results of the survey indicated that, despite the intention of the legislation, many YPOs did not find that understanding or applying the section *Writing Gladue Reports* was applicable to their wok. This result matched the number of Gladue Reports that were written during the first year of the YCJA's introduction. Out of all Pre-Sentence Reports (PSR) submitted to court, only three were Gladue Reports, and even those were more similar

to regular PSR than fulfilling the requirements of Gladue Reports. Those reports did provide detailed information about the young offender's heritage, such as his cultural background and the tradition of his community; however, the reports did not describe any community support available to the youth, nor did they recommend any Aboriginal sentencing options involving the offender's community. In addition, Aboriginal programs were not as accessible as other programs in the community. These data confirmed that the special constitutional status of Aboriginal young offenders under the YCJA and its emphasis on the consideration of their cultural background had not been successfully implemented by YPOs at the sentencing stage.

In terms of programming, the results of the data set revealed that YPOs found most of the community programs somewhat effective, while only some of them were very effective. Interestingly, the Youth Substance Abuse Management and the Youth Violent Intervention program were perceived to be the least effective programs. Provinces received funding from the Federal Government if they ran certain programs in their community, and these two programs were among the core programs of the Ministry of Children and Family Development. They are educational programs that teach information about alcohol abuse and violence. However, there are several problems with the implementation of these programs: First, they are supposed to provide young offenders with information, but they are neither designed to be therapeutic nor to change behaviours. In other words, the participants learned about substance abuse issues and interventions pertaining to violence, but their special needs in this regard were not addressed. Also, the programs were held in a group setting. As mentioned before, many young offenders have multiple, and especially, individual needs, including, mental health issues. To put them into one large group and hope to address their needs with a "one-size-fits-all approach" did not work. As suggested by the

YPOs, the programs needed to be individualized to address the specific needs of young offenders, including gender-specific needs, to be more effective.

A third identified problem with the two programs was that, due to the YCJA's emphasis on diversion and restriction of custody use, there were fewer youths in custody to run the programs. Shorter stays in custody, as reflected by most of the young offenders being held on remand waiting for their court appointment, make it difficult to create a group that can complete the program together. Therefore, more funding to be able to run the programs with a smaller number of youth is necessary.

Policy Recommendations

The discussion of the data set results indicated that YPOs have some problems implementing the YCJA. The following policy recommendations towards the work of YPOs might make the implementation process easier for them, and help them to apply the multidisciplinary approach under the YCJA more effectively.

1. *Provide common and universal training* regarding youth justice for all professionals who deal with young offenders, enabling them to understand their different mandates and perspectives, and therefore, improve their common understanding and cooperation.
2. *Reinforce training by providing updates on the legislation and its implementation.* As shown, YPOs still had problems with the implementation of the YCJA one year after it was introduced.
3. *Legally prescribe mandatory attempts to have conferences under the YCJA*, especially at the sentencing stage. So far, conferences are only encouraged under the current youth justice legislation which was shown to be a barrier to their facilitation.

4. *Legally prescribe interagency work between the different professions.* Currently, the YCJA only encourages interagency work. In contrast, the Young Offender Teams in England unite formerly separate agencies, such as social workers, mental health professions, YPOs, teachers, and volunteers. A multidisciplinary approach to youth can be more effectively implemented into practice if the different professions are legally obliged to work together.

5. *Reorganize some of the sections of the YCJA* to generate a better "flow" and avoid "jumping from section to section". The YCJA is very complex and some sections are difficult to understand because they contain many exceptions and references to other laws. That makes it difficult for practitioners to apply the act.

6. Research or use already existing research to *improve the effectiveness of programs.* As shown, most of the programs were only found to be somewhat effective. In addition, the core programs of the Ministry of Children and Family Development were found to be least effective.

7. *Restructure programs to individualized sessions* to address the special needs of each young offender. The YCJA's intent, to address the specific needs of young offenders and the underlying causes of crime, cannot be reached in group sessions and one-size-fits-all programs.

8. *Provide better access to female-only programs* in custody and in the community. The results of the data set show that the access to female-only programs was insufficient. As shown, female young offenders often have different needs than male offenders which need to be addressed in gender-specific programs.

9. *Provide sufficient funding for community agencies*: As shown for the YOTs in England's youth justice system and the section R*eferral to a Child welfare Agency*, funding is a crucial factor for an effective youth justice system. Without the appropriate funding and resources, the multidisciplinary approach of the YCJA and the rehabilitation of young offenders cannot be put into practice.

Further Research

Although this thesis provided some important insights into the work of YPOs under the YCJA, it also makes the need for further research abundantly evident.

In my thesis, I examined whether or not YPOs had difficulty understanding and applying the YCJA and its different sections. I also showed that they found most of the programs and services were only somewhat effective. While I tried to provide explanations for the different phenomena, more qualitative research with YPOs is necessary to address why they had problems with the YCJA and how its implementation can be improved. In effect, what the YPOs would like to see happen to increase the effectiveness of the programs needs to be understood. Before this research is done, however, there is a need to examine how the YPOs' perceptions on the YCJA have changed since the survey was done. Since the survey was done four years ago, changes in the YPOs' perception on the YCJA have very likely taken place.

Further research also needs to be done with other persons involved in the youth justice system, for example judges, police officers, correctional staff, and young offenders. As mentioned before, this thesis survey concerned only YPOs' perspectives in British Columbia. Views and opinions of other stakeholders across Canada, however, are not examined in my thesis and should be further researched. This research would be especially

beneficial since the work of YPOs takes place at the sentencing stage and, thus, at the back-end of the youth criminal justice process. Particularly, research with stakeholders involved in earlier stages of the justice process, such as the police, would provide valuable insights into the implementation process of the YCJA. The police are the first contact youth have with the youth criminal justice system. Their work does not only influence the front-end stage of the youth criminal justice system, but also effects the further proceeding of youth.

It is also important to draw comparisons between the different provinces and countries. As I outlined before, the interpretation of the YOA was completely different in Quebec than in the other provinces. A comparison between the provinces and other countries, for example as I did with the English youth justice system, could identify common implementation problems. Answers to questions such as "Is the administration done differently in different provinces or countries?" and "Where and why does the implementation work best?" help to recognize and remedy defects in the youth justice system, eventually providing conclusions on how to enhance the youth justice system in Canada.

Chapter 6: Conclusion

Since the introduction of the YCJA, an abundance of research has been done on the changes from the YCJA to the YOA and the impact its implementation had on the youth justice system. However, there was a lack of research examining how YPOs' work was impacted by the new legislation. I tried to fill that gap with my research because YPOs play an important role at the sentencing stage of the youth criminal justice process; several new sentencing options under the YCJA require their supervision and support work in the community. In my thesis, I examined how they perceived and implemented the current youth legislation and what they thought about the services and programs offered in their community. An important theoretical and policy issue was whether or not the Modified Justice Model (MJM) based YCJA was characterized, as was its predecessor, by the hypothesized problems associated with this model. It was hypothesized that YPOs would, overall, not have any difficulty understanding the act, but that implementing the different, and sometimes conflicting, objectives of the YCJA could present problems.

However, this hypothesis may be rejected. For half of the twenty sections of the YCJA, there was no statistical difference found in the difficulty YPOs had in understanding and applying the provisions. Only seven sections were found to be more difficult to apply than to understand, while the remaining three sections were found to be easier to apply than to understand. These results show that the YCJA, with its conflicting principles, did not cause the hypothesized confusion among YPOs. The sections that were indeed more difficult to apply were very abstract and general, or required the cooperation of other key

players and YPOs. Most of the sections of the YCJA, however, are more directive. Although the YCJA is very complex and pursues several objectives at the same time, the specific sections of the legislation guide YPOs on how to deal with young offenders and provide more guidance than the YOA. In addition, YPOs have probably become used to implementing a Modified Justice Model. The YCJA only provides the policies and overall objectives on how to deal with youth crime. However, it eventually comes down to the attitude of the practitioners who apply the act on a daily basis. The YCJA, and its multidisciplinary approach to youth crime, can be ideal in theory; its success, that is crime prevention and lower recidivism rates, depends on the willingness and interests of several key players in the justice system to cooperate and successfully implement the legislation. This means that all the professions involved, such as probation, social and mental health services, police, teachers, families, and the community, need to work together and apply a holistic approach to youth crime to address its underlying causes. Funding is another crucial point for effective implementation. Cuts in social services, community programming, and training of practitioners make it difficult for professionals to find adequate responses and interventions to youth in trouble with the law.

With its multidisciplinary approach, the YCJA is adaptable to many circumstances and the special needs of young offenders. While this approach sounds great in theory, my research indicated that YPOs have some implementation problems at the sentencing stage. Finding an effective way to deal with youth crime is a work in progress. With my research and, especially, my policy recommendations, I hope I have contributed to improve Canada's youth justice system.

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Appendices

Appendix A: Consent Form

Youth Probation Officer 'Best Practices' and Resource Needs Under the YCJA

Simon Fraser University and those conducting this research project subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of all participants. The *Information Sheet for Participants* (next page) together with this form and the information they contain are given to you for your own protection and full understanding of the procedures, risks, and benefits of participating with this research project. Your signature on this form will signify that you have received the *Information Sheet for Participants*, that you have had an adequate opportunity to consider the information in the document, and that you voluntarily agree to participate in the research project.

Having been asked by Dr Raymond Corrado of the School of Criminology, Simon Fraser University and Dr. Irwin Cohen of the Department of Criminology, University-College of the Fraser Valley to participate in this research project, I have read the procedures specified in the *Information Sheet for Participants.*

I understand that my participation is completely voluntary and that I may withdraw my participation in this research at any time. I understand that I may register any complaint I might have about the research with Drs. Corrado or Cohen, the principle researchers, or with Dr. Robert Gordon, the Director of the School of Criminology, Simon Fraser University.

I have been informed that the research material will be held confident by the principal researchers Drs. Corrado and Cohen.

Please sign this form to indicate your agreement to participate in the research project

I agree to participate in this research project

Signature: _____

Date: _____

Appendix B: Information Sheet for Participants

The aim of this research project is to examine how YPOs perceive the services and interventions provided in their community that support the multi-systemic needs of young offenders and to identify what might mitigate youth from entering the youth criminal justice system. Additionally, this project is interested in the experiences of YPOs during the first year of implementation of the Youth Criminal Justice Act (YCJA).

The research will gather demographic information about the participants and information pertaining to youth probation officer's views about the youth justice system, the media, the YCJA, and community programs. In addition, this questionnaire asks participants to read notes from five case files and provide a recommendation about the young offender based on the information provided.

After participating in the actual questionnaire, there is a feedback form for participants to provide suggestions or recommendations that might improve the research instrument.

The questionnaire should take approximately 1½ hours to complete.

Your participation in this questionnaire is completely voluntary and will be kept strictly confidential. You may stop at any time and if there are questions that you do not understand, you may ask the person administering the questionnaire for clarification.

Thank you for your participation.

Appendix C: Questionnaire

Below is a list of specific aspects of the YCJA. Please rate how difficult it has been to **UNDERSTAND** the following ASPECTS of the YCJA this past year.
(Please CIRCLE the difficulty from 0 to 3 with 0 = not applicable, 1= not difficult, 2 = somewhat difficult, 3 = very difficult):

	Not Applicable	Not Difficult	Somewhat Difficult	Very Difficult
The Preamble	0	1	2	3
The Declaration of Principles	0	1	2	3
Terminology changes (e.g. Pre-Sentence Report, Extrajudicial Sanctions; Youth Justice Court)	0	1	2	3
Extrajudicial Sanctions Principles and Objectives	0	1	2	3
Sentence Calculation Formula	0	1	2	3
Exempt from viewing and receiving Forensic Psychiatric Assessments	0	1	2	3
Detention Before Sentencing (Bail) guidelines (Section 29 (2))	0	1	2	3
Section 35 - Referral to a Child Welfare Agency	0	1	2	3
Court ordered conference	0	1	2	3
Writing Pre-Sentence Reports	0	1	2	3
Writing Gladue Reports	0	1	2	3
Sentencing Purpose, Principles and Factors (Section 38)	0	1	2	3
Committal to Custody Rules (Section 39)	0	1	2	3
Suspension of Supervision in the Community or Conditional Supervision process	0	1	2	3
New Youth Sentences (e.g. Reprimand, DCSO, ISSP, IRCS)	0	1	2	3
Adult Sentencing process	0	1	2	3
Enforcement of Community Orders (e.g. breach of probation, CWS)	0	1	2	3
Information Sharing with other professionals (e.g. social workers, teachers)	0	1	2	3
Non-disclosure of youth records	0	1	2	3
YCJA's philosophy of rehabilitation and reintegration	0	1	2	3

Below is AGAIN a list of specific aspects of the YCJA. Please rate how difficult it has been to **APPLY** the following ASPECTS of the YCJA this past year.
(Please CIRCLE the difficulty from 0 to 3 with 0 = not applicable, 1= not difficult, 2 = somewhat difficult, 3 = very difficult):

	Not Applicable	Not Difficult	Somewhat Difficult	Very Difficult
The Preamble	0	1	2	3
The Declaration of Principles	0	1	2	3
Terminology changes (e.g. Pre-Sentence Report, Extrajudicial Sanctions, Youth Justice Court)	0	1	2	3
Extrajudicial Sanctions Principles and Objectives	0	1	2	3
Sentence Calculation Formula	0	1	2	3
Exempt from viewing and receiving Forensic Psychiatric Assessments	0	1	2	3
Detention Before Sentencing (Bail) guidelines (Section 29 (2))	0	1	2	3
Section 35 - Referral to a Child Welfare Agency	0	1	2	3
Court ordered conference	0	1	2	3
Writing Pre-Sentence Reports	0	1	2	3
Writing Gladue Reports	0	1	2	3
Sentencing Purpose, Principles and Factors (Section 38)	0	1	2	3
Committal to Custody Rules (Section 39)	0	1	2	3
Suspension of Supervision in the Community or Conditional Supervision process	0	1	2	3
New Youth Sentences (e.g. Reprimand, DCSO, IRCS)	0	1	2	3
Adult Sentencing process	0	1	2	3
Enforcement of Community Orders (e.g. breach of probation, CWS)	0	1	2	3
Information Sharing with other professionals (e.g. social workers, teachers)	0	1	2	3
Non-disclosure of youth records	0	1	2	3
YCJA's philosophy of rehabilitation and reintegration	0	1	2	3

What percentage of youth on your caseload have a Social Worker? (Check ✓ ONLY one)

(0) N/A ☐
(1) 0-5% ☐
(2) 6-10% ☐
(3) 11-20% ☐
(4) 21-30% ☐
(5) 31-40% ☐
(6) 41-50% ☐
(7) 51-60% ☐
(8) 61-70% ☐
(9) 71-80% ☐
(10) 81-90% ☐
(11) 91-100% ☐

What percentage of youth on your caseload have a Mental Health/Youth Forensic Worker? (Check ✓ ONLY one)

(0) N/A ☐
(1) 0-5% ☐
(2) 6-10% ☐
(3) 11-20% ☐
(4) 21-30% ☐
(5) 31-40% ☐
(6) 41-50% ☐
(7) 51-60% ☐
(8) 61-70% ☐
(9) 71-80% ☐
(10) 81-90% ☐
(11) 91-100% ☐

On average, how often do you have integrated case management meetings regarding those youth(s) on your caseload who have a Social Worker? (Check✓ ONLY one)

(1) Daily ☐
(2) Weekly ☐
(3) Monthly ☐
(4) Once every two – three months ☐
(5) Every six months ☐
(6) Once a year ☐
(7) Never ☐

On average, how often do you have integrated case management meetings regarding those youth(s) on your caseload who have a Mental Health Worker? (Check✓ ONLY one)

(1) Daily ☐
(2) Weekly ☐
(3) Monthly ☐
(4) Once every two – three months ☐
(5) Every six months ☐
(6) Once a year ☐
(7) Never ☐

Overall, considering every aspect of your job (e.g. pay, caseload, pension/benefits, supervisor, stress level), how satisfied are you being a Youth Probation Officer? Using this 100-point scale rate your level of satisfaction. (Please provide a number in the boxes)

0	10	20	30	40	50	60	70	80	90	100
Not Satisfied			Somewhat atisfied		Neutral		Very Satisfied			Extremely Satisfied

☐☐☐ %

What percentage of youth on your caseload has been assessed by Youth Forensic Psychiatric Services? (Please check ✓ONLY one)

(1) 0-5% ☐
(2) 6-10% ☐
(3) 11-20% ☐
(4) 21-30% ☐
(5) 31-40% ☐
(6) 41-50% ☐
(7) 51-60% ☐
(8) 61-70% ☐
(9) 71-80% ☐
(10) 81-90% ☐
(11) 91-100% ☐

Using this 100-point scale, what is your level of satisfaction with Youth Forensic Psychiatric Services? (Please provide a number in the boxes).

0	10	20	30	40	50	60	70	80	90	100
Not Satisfied		somewhat Satisfied			Neutral		Very Satisfied		Satisfied	Extremely

☐☐☐ %

What do you think would improve your professional relationship with Youth Forensic Psychiatric Services? (Check ✓ all that apply)

(1) Federal amendments to the YCJA to allow Youth PO access to entire forensic reports. ☐

(2) Better notice and participation in Youth Forensic Case Conferences ☐

(3) Better coordination between YPO and Forensic regarding sentence recommendations. ☐

(4) Better coordination between YPO and Forensic regarding case planning for the youth. ☐

(5) Youth Forensic to provide Sex Offender Relapse Plans as per youth justice policy. ☐

Do you refer youth on your caseload to the Youth Substance Abuse Management Program (YSAM)?

(1) No ☐ —→Go to Question 59

(2) Yes ☐ —→Go to Question 60

If you answered No to the previous question (#58), please indicate why you did NOT refer youth(s) to YSAM (Check ✓ all that apply)

(1) Infrequent start dates (e.g. only once or twice a year) ☐

(2) Weekly sessions are at a poor time of the day (e.g. from 3pm to 5pm) ☐

(3) Program is too long ☐

(4) Program content is incompatible with the youth's day to day lifestyle ☐

(5) Group dynamics hinders youth's progress (e.g. peer pressure, not willing to self-disclose) ☐

(6) Youth on caseload not appropriate ☐

(7) Gender imbalance (e.g. one girl in a group of 5-6 boys) ☐

(8) One size fits all approach does not work with young offenders ☐

(9) Not confident in facilitator's ability ☐

(10) Not enough youth to form a group ☐

(11) I refer to other resources ☐

(12) None of the above ☐

If you answered Yes to question #58, how many youth have you referred to YSAM in the past year? (Please put number in the boxes)

 # of youth

Using this 100-point scale, what is your level of satisfaction with the Youth Substance Abuse Management Program (YSAM). (Please put number in the boxes).

0	10	20	30	40	50	60	70	80	90	100

Not Satisfied Somewhat Satisfied Neutral Very Satisfied Extremely Satisfied

 %

What do you think would improve the YSAM program? (Check ✓ all that apply).

(1) Change the length/duration of the program ☐
(2) Re-evaluate method of delivering the program ☐
(3) Make program gender specific ☐
(4) Individualize program to accommodate youth's specific needs ☐
(5) Male and female facilitators delivering the program together ☐

Do you refer youth on your caseload to the Youth Violence Intervention Program (YVIP)?

(1) No ☐ ⟶ Go to Question 64

(2) Yes ☐ ⟶ Go to Question 65

If you answered No to the previous question (#63), please indicate why you did NOT refer youth(s) to YVIP. (Check ✓ all that apply)

(1) Infrequent start dates (e.g. only once or twice a year) ☐
(2) Weekly sessions are at a poor time of the day (e.g. from 3pm to 5pm) ☐
(3) Program is too long ☐
(4) Program content is incompatible with the youth's day to day lifestyle ☐
(5) Group dynamics hinders youth's progress (e.g. peer pressure, not willing to self-disclose) ☐
(6) Youth on caseload not appropriate ☐
(7) Gender imbalance (e.g. one girl in a group of 5-6 boys) ☐
(8) One size fits all approach does not work with young offenders ☐
(9) Not confident in facilitator's ability ☐
(10) Not enough youth to form a group ☐
(11) I refer to other resources ☐
(12) None of the above ☐

If you answered Yes to question #63, how many youth have you referred to YVIP in the past year? (Please put number in the boxes).

|_|_| # of youth

Using this 100-point scale, what is your level of satisfaction with the Youth Violence Intervention Program (YVIP). (Please put number in the boxes).

| | | | | | | | | | | |
0 10 20 30 40 50 60 70 80 90 100

Not Satisfied — Somewhat Satisfied — Neutral — Very Satisfied — Extremely Satisfied

|_|_|_| %

What do you think would improve the YVIP program? (Check ✓ all that apply)

(1) Change the length/duration of the program ☐
(2) Re-evaluate method of delivering the program ☐
(3) Make program gender specific ☐
(4) Individualize program to accommodate youth's specific needs ☐
(5) Male and female facilitators delivering the program together ☐

If you checked ANY community services, please Indicate the Effectiveness of the Program and/or Person from 1 to 3: 1 = not effective, 2 = somewhat effective, 3 = very effective.

	Program/Person	Not Effective	Somewhat Effective	Very Effective
(1)	Alcohol & Drug Residential Programs	1	2	3
(2)	Alcohol & Drug Out Patient Therapy Services (Individual or Group Counselling)	1	2	3
(3)	Mental Health Services	1	2	3
(4)	Psychologist	1	2	3
(5)	Psychiatrist	1	2	3
(6)	Aboriginal Services and Program for Youth	1	2	3
(7)	Female ONLY Programs/Services for Youth	1	2	3
(8)	Job Placement/Employment Programs	1	2	3
(9)	Alternate Schools/Educational Programs	1	2	3
(10)	Vocational Programs	1	2	3
(11)	Bail Hostels	1	2	3
(12)	Intensive Support and Supervision Programs	1	2	3
(13)	Specialized Residential Sex Offender Placement	1	2	3
(14)	Wilderness Programs	1	2	3
(15)	Specialized Day Programs	1	2	3
(16)	Youth Forensic Services	1	2	3
(17)	YSAM	1	2	3
(18)	YVIP	1	2	3

70. **Circle the number** that best reflects your views regarding the following statements.

		Strongly Disagree	Disagree	Agree	Strongly Agree
	The level of violence associated with incidents involving young offenders is increasing.	1	2	3	4
	The number of violent incidents involving young offenders is increasing.	1	2	3	4
	Less charges are currently being laid against young offenders than there were one year ago.	1	2	3	4
	The charging process is more difficult with young offenders under the YCJA than under the YOA.	1	2	3	4
	The charging process is more difficult with young offenders than it is with adult offenders.	1	2	3	4
	There is little use charging young offenders for minor offences because the youth justice system fails to mete out appropriate punishment.	1	2	3	4
	The decrease in youth crime statistics is due to a change in charging practices rather than a decrease in actual incidents.	1	2	3	4
	The YCJA provides more options than the YOA for dealing with young offenders on my caseload.	1	2	3	4
	The police in my community have a good understanding of the new changes and practices under the YCJA.	1	2	3	4
	Social Workers in my office or community understand my job as a Youth Probation Officer.	1	2	3	4
	YSAM is an effective program for working with youth who have substance abuse issues.	1	2	3	4
	Mental Health Workers in my office or community understand my job as a Youth Probation Officer.	1	2	3	4
	I enjoy the flexibility and autonomy in my job as a Youth Probation Officer.	1	2	3	4
	There are more homeless youth on the street than there were three years ago.	1	2	3	4
	The Youth Violence Intervention Program (YVIP) is an effective program for dealing with violent & aggressive youth.	1	2	3	4
	The YCJA is a complex Act to understand.	1	2	3	4