

A Police Reference Manual on Crime Prevention and Diversion with Youth

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A POLICE REFERENCE MANUAL ON CRIME PREVENTION AND DIVERSION WITH YOUTH

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Canadian Research Institute for Law and the Family and
Solicitor General Canada

1996

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This manual states the law as of May 1996.

Copies available from:

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Police Policy and Research
Policy Branch
8th Floor, 340 Laurier Avenue West
Ottawa, Ontario K1A 0P8
Telephone: (613) 991-3310
Fax: (613) 993-5252

This manual is also available via the Internet @ <http://www.sgc.gc.ca>

Également disponible en français

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Cat. No. JS42-75/1996E
ISBN 0-662-24921-6

Solicitor General
of Canada



Solliciteur général
du Canada

Ottawa, Canada K1A 0P8

A MESSAGE FROM THE SOLICITOR GENERAL OF CANADA

I am pleased to offer police agencies across Canada this Police Reference Manual on Crime Prevention and Diversion with Youth.

This new manual builds upon information in the Police Reference Manual on Youth and violence provided to you in 1994. Like this publication, this manual is intended for both front-line officers and senior police managers. It provides front-line police with useful information to assist them in dealing with crime and safety concerns at the community level, and, equally important, it gives police managers the information they need to support community-based prevention efforts of front-line officers.

Youth are the principal focus in this new manual because most persistent adult offenders began committing offences as youth. If we are to succeed in improving the quality of life in Canadian communities, we need to do more to prevent crime and its underlying social causes. This is the philosophy upon which the Government's National Strategy on Community Safety and Crime Prevention is based.

The manual sets out a series of options for police for taking proactive approaches in preventing and responding to youth crime. Examples of various crime prevention programs involving police participation are provided, as are the useful resources to further guide and support the police.

The use of police discretion is advocated as a type of crime prevention measure to divert youth from the traditional court-based system. The emphasis is on reducing the incidence of first-time offending by focusing on social determinants to identify high-risk groups of youth, as well as on preventing further offending by youth.

It is my hope that this manual will be a useful resource tool to support the efforts of Canadian police to make our homes and streets safer places.

A handwritten signature in black ink that reads "Herb Gray". The signature is written in a cursive style with a horizontal line underneath the name.

THE HON. HERB GRAY, M.P.

The word "Canada" in a serif font, with a small Canadian flag icon integrated into the letter 'a'.

FOREWORD

This is the second manual that CRILF has prepared on the problem of youth crime for the Solicitor General Canada. The first manual, *A Police Reference Manual on Youth and Violence*, dealt specifically with youth violence, and presented specific strategies for dealing with youth violence in different situations, e.g., school violence, dating violence. This manual is much broader in one sense in that it deals with all types of youth crime, and more focused in another sense in that it deals more specifically with the role of police in crime prevention.

In conducting the supporting research for this manual, we became aware of a number of trends and issues regarding the response of police to youth at risk of criminal exploitation, victimization, or chronic involvement with the criminal justice system in Canada. First, there is considerable variation in practices across the country. In some locations, police are very innovative in their approach to youth crime. In other locations, police are overwhelmed by their workload and feel that the *Young Offenders Act (YOA)* restricts their ability to develop proactive prevention strategies.

Second, regardless of current practice, most police officers recognize the long-term benefit of moving away from a reactive model of policing with youth to a more proactive problem-solving approach, which is consistent with community policing. Further, the recent increase of police involvement in innovative crime prevention activities is testimony to their commitment.

Third, there is a lack of systematic information available on all aspects of practice regarding the YOA. The YOA was implemented over 10 years ago, yet we know very little about its effects. The lack of knowledge is due primarily to the fact that very little research has been conducted on any aspect of the YOA. Further, even the Uniform Crime Reporting (UCR) data are of little use for tracking trends since the reporting categories do not reflect the reality of police decision making. In the future, information must be gathered to reflect on the true nature and scope of youth crime, what crime prevention strategies work, and what they cost.

This manual is an attempt to address the current problems in establishing the role of police in a comprehensive crime prevention strategy. In developing this reference manual it became obvious that it had to meet the needs of two user groups: (1) senior police managers; and (2) frontline police officers. Thus, some sections of the manual focus on conceptual and policy issues which might be of more interest to police managers, and other sections focus more on practical issues concerning the role of the frontline officer in crime prevention and diversion. The need to recognize the two user groups is based on the understanding that the goals of crime prevention cannot be achieved unless police agencies and senior

management support and reward crime prevention activities in the same manner as other police functions.

ACKNOWLEDGEMENTS

The authors would like to acknowledge a number of people whose assistance and cooperation made the completion of this manual possible. First, we would like to thank Ms Joan Fisher, Project Manager, Solicitor General Canada, for her guidance and comments throughout this project.

While collecting information to be included in this manual, the authors contacted a number of individuals across Canada. We would like to express our appreciation to these people for their invaluable assistance. In particular, we would like to thank the individuals from the provincial and territorial Attorney Generals' offices who responded to our telephone survey, and the people from police services across the country who responded to our mail-out questionnaire. We would also like to thank the following individuals and their agencies for their assistance in organizing the focus groups: Inspector John Barnes, Calgary Police Service; Corporal Walter Coles, Lethbridge RCMP Detachment; Staff Sergeant Shamus Hall, Ottawa-Carleton Regional Police Service; Sergeant Tom Payne, Whitehorse RCMP Detachment; Deputy Director Claude Rochon, Montreal Urban Community Police Service; Corporal Rayburn Ross, Surrey RCMP Detachment; Constable Bob Small, Halifax Police Department; Staff Inspector Ed Stewart, Metro Toronto Police; Corporal Fiona Weller, Vancouver Police Department; and the Halifax RCMP Detachment. Thanks also to all the individuals who participated in the focus groups for providing us with insights into current police practices across the country.

We would also like to express our appreciation to the people who served on the Advisory Group for their comments and suggestions regarding the material contained in the manual. Thank you to: Mr. Rob Allen, National Association for the Care and Resettlement of Offenders, United Kingdom; Assistant Commissioner D.C. Cooper, RCMP; Ms Lynn Cuddington, Correctional Service Canada; Ms Rita Dagenais, Ms Shelley Trevethan, and Ms Lorri Biesenthal, Department of Justice Canada; Mr. Jacques de Verteuil, Department of Canadian Heritage; Ms Sylvia Kasper, Crown Prosecutor, Calgary; Dr. Barry Leighton, Solicitor General Canada; The Honourable Judge Heino Lilles, Board of Directors, Canadian Research Institute for Law and the Family; Mr. Doug McNally, Board of Directors, Canadian Research Institute for Law and the Family; Mr. Gerry Minard, Correctional Service Canada; Ms Donna Neil, Health Canada; Ms Elaine Scott, National Crime Prevention Council Secretariat; Ms Wendy Taylor, British Columbia Ministry of the Attorney General; and Ms Lorraine Touchette, Status of Women Canada.

Thank you also to the individuals from police services across the country who participated in the field test, and helped to ensure that the manual is a useful tool for police. These individuals included: Sergeant Jake Bouwman, Sparwood RCMP Detachment; Staff Sergeant Harvey Cenaiko, Calgary Police Service; Corporal Walter Coles, Lethbridge RCMP Detachment; Chief Julian Fantino, Detective

Superintendent James Balmain, Detective Sergeant Brad Duncan, and Detective Constable Thomas Drouillard, London Police; Senior Constable Herbert Franklin, Peterborough Community Police Service; Inspector Kenneth Greff, Regina Police Service; Sergeant Mark Houldsworth and Ms Louise Logue, Ottawa-Carleton Regional Police Service; Chief John LaFlamme, Lethbridge Police Service; Constable P.A. Lucier, Whitehorse RCMP Detachment; Chief Alex McCauley, Sudbury Regional Police Service; Inspector Michel Miron, Montreal Urban Community Police Service; Corporal Rayburn Ross, Surrey RCMP Detachment; and Detective R.D. Turner, Peel Regional Police, on behalf of the Canadian Association of Police Boards.

We would like to express our appreciation to Mrs. Linda Bland, Canadian Research Institute for Law and the Family, for her hard work in producing numerous drafts of this manual on her word processor, and to Mr. Jim Silovs for his assistance in conducting the telephone interviews. Finally, thanks are due to Mr. Claude Rochon, Solicitor General Canada, for providing the French translation of the mail-out questionnaire, and to Ms Françoise Le Prohon for proofreading and editing the French translation of the manual.

This project was funded by Solicitor General Canada under the Brighter Futures Initiative, with additional support in kind from the RCMP. The Canadian Research Institute for Law and the Family is supported by a grant from the Alberta Law Foundation.



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A. Owen Maguire, B.A., retired as Chief of the Saskatoon Police Service in 1996. He is currently Chairman of the Crime Prevention/Community Policing Committee of the Canadian Association of Chiefs of Police. Prior to his appointment as Chief, he served for over 33 years with the Royal Canadian Mounted Police. During his time with the RCMP, he commanded two large combined municipal and provincial detachments in British Columbia.

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CHAPTER 1.0 INTRODUCTION

The awareness of the need for a comprehensive crime prevention strategy and the commitment to such a strategy is becoming a significant part of Canada's response to crime. At the federal government level, for example, crime prevention was officially recognized as a major component of the "Safe Homes, Safe Streets" initiative, outlined in the "Red Book."¹ This document recognized that for crime to be prevented, it is necessary to balance the reactive approach of the criminal justice system with an attempt to address the underlying social causes of criminal behaviour, often through social development initiatives. It also laid the groundwork for the National Strategy on Community Safety and Crime Prevention. A component of this strategy, the National Crime Prevention Council (NCPC), was established in July 1994 as an independent body operating at arm's length from the government. The basic mission of the NCPC is to develop a comprehensive and coordinated prevention strategy that will enhance the safety, security, and well-being of individuals and their communities.²

Provincial governments are actively involved in crime prevention initiatives including crime prevention through social development, target hardening and opportunity reduction and, more recently, diversion from the traditional justice system. For example all provinces and territories have developed alternative responses to offending by youth under the alternative measures provisions of the *Young Offenders Act (YOA)* (section 4), and some have set up youth justice committees under section 69. Some provinces have also developed targeted prevention programs. For example, British Columbia has developed programs to deal with such issues as the prevention of gang and youth crime, and Saskatchewan and Manitoba have developed innovative programs for Aboriginal youth. Further, some provinces such as Alberta, Ontario, and Newfoundland have identified crime prevention as a specific duty of police officers in their provincial police acts.

The support for developing crime prevention strategies is also evident in many police agencies across Canada. This commitment to crime prevention is frequently articulated in terms more closely associated with police, such as community policing and problem solving. For example, the RCMP, Ontario Provincial Police, the Sûreté du Québec, as well as police services in Halifax, Montreal, Toronto, Ottawa, Calgary, Edmonton, Victoria, and many other police agencies are implementing community policing and thus implicitly endorse the development of prevention strategies.

1.1 Youth and Crime: The Need for a Prevention Strategy

There is considerable debate over the issue of whether the level or the seriousness of offences committed by youth has increased in recent years. Those who feel it has point to statistical evidence of increased youth involvement in certain types of crimes. This position is also often supported by our personal experience of victimization, and our collective exposure to media reports of dramatic incidents involving young offenders. Others, however, argue that some of the apparent increase in official rates is a result of lower tolerance on the part of the public, and of an increasing tendency to use the formal justice system rather than community-based or interpersonal solutions in response to offending by young people.

In any case, there seems little doubt that there are increasing levels of concern among the public about the problem of youth crime and an increased understanding that most adult offenders start committing offences as youth and, thus, intervention must occur early to be beneficial.³

There is also a growing awareness of the limits of the reliance of the police, the courts, and the correctional system on reactive and repressive responses to young offenders as a comprehensive and effective solution. The problem is that most of these interventions occur too late to have much impact on the developmental and social factors which contribute to persistent and violent offending by young people. Further, there is some research evidence suggesting that overly intrusive intervention by the criminal justice system is associated with increased recidivism.⁴ The lessons from research and from the practical experience of frontline workers are clear: there is a complex array of factors which contribute to the occurrence of offending behaviour, and the mandate and resources of the justice system do not allow or equip it to deal with all of these factors on its own. The justice system, and more particularly the police, have a critical role to play in our pursuit of greater individual and community safety -- but the police cannot achieve this objective without working in partnership with others in the development of their part of a comprehensive prevention strategy.

Therefore, this manual provides basic information to assist police and police agencies in developing effective proactive strategies for preventing and addressing incidents of criminal behaviour committed by youth.

1.2 Purpose of the Manual

Given the need to develop a national policing strategy for the prevention of crime, the Solicitor General of Canada commissioned this manual with the support of the RCMP and the National Crime Prevention Council Secretariat. The major goals of this manual are the same as the goals of a comprehensive crime prevention strategy, specifically:

reducing the incidence of first-time offending -- this includes the array of programs designed to address the factors contributing to crime before an offence occurs; and

reducing recidivism by young offenders who come into contact with the youth justice system -- this focuses more narrowly on the responses of the police, the courts and the correctional system to young offenders.

The focus is on youth because research shows that early onset of delinquent and aggressive behaviour is the single best predictor of prolonged involvement with the criminal justice system.⁵ Thus, the intent of prevention focusing on youth is to reduce the occurrence and/or delay the onset of the initiation of delinquent behaviour. In other words, if a comprehensive crime prevention strategy for youth is developed and implemented, it would have the short-term effect of lowering the number of youth processed by the criminal justice system, thus saving both time and money, and the long-term effect of actually lowering the rates of crime and victimization, thus making the role of police less reactive.

The specific objectives of this manual which contribute to achieving these goals involve providing the following:

guidance to police in developing strategies to reduce the incidence of first-time offending by youth and re-offending by youth who come into contact with police;

information on the nature and extent of youth crime in Canada compared with other jurisdictions;

guidance to police on the legal context and use of discretion;

information on specific diversion strategies for youth from Canada and other jurisdictions;

information on specific prevention programs for youth and the role of police in these programs; and

information on relevant materials, resources, and organizations that can be used to support police prevention and diversion efforts.

1.2.1 Definitions

Understanding this manual will be facilitated by having precise definitions of a number of concepts used in the text. The concepts and their definitions are provided below.

Youth

The terms "youth," "young person," and "young offender," are used in this report to identify those adolescents who are at least 12 years of age, but under 18 years of age, consistent with the definition of "young person" in the *Young Offenders Act* (s. 2c(1)).

Child

The term "child," as used in this manual, refers to any person under the age of 12 (YOA, s. 2(1)).

Crime Prevention

The term "crime prevention," in the broadest sense, encompasses any activity that has the effect of reducing crime.⁶ It includes a broad spectrum of activities, ranging from the social development approach to the prevention of opportunity through to deterrence. These include diversion of offenders prior to charging and dealing with offenders after sentence.⁷ A comprehensive strategy for crime prevention would include a complete range of activities covering all levels of intervention and elements of the crime event.⁸

Diversion

The term "diversion," as used in this manual, is a specific strategy for crime prevention which involves the decision by police to divert youth who commit crimes from the traditional court system prior to charging the youth. In most Canadian jurisdictions, "diversion" also occurs post charge. Post-charge diversion involves the Crown prosecutor diverting the case rather than the police after charges are laid and, thus, post-charge diversion is not covered in this manual.

Alternative Measures

The term "alternative measures," as used in this manual, refers to pre- and post-charge diversion programs that have a legislative base under s. 4 of the YOA.

Youth Justice Committees

In this manual, youth justice committees refer to voluntary groups of citizens that are established under s. 69 of the YOA to assist with the administration of any component of the Act.

Crime Prevention Through Social Development

The concept "crime prevention through social development" (CPSD) is one approach to crime prevention. It refers to activities that are intended to increase positive motivation, attitudes, or behaviour in the individual by influencing their

experiences in areas such as family life, education, employment, housing, or recreation.⁹ CPSD includes both rehabilitative efforts for those who have come into conflict with the law and, more broadly, social development initiatives directed at removing the personal, social, and economic factors that lead individuals to engage in criminal acts.¹⁰ This concept will be further explored in Chapter 4.0.

Multi-agency Approach

The concept of the "multi-agency approach" or "multi-agency partnership" is a common and popular strategy for implementing various crime prevention programs. It involves the pooling of resources by a variety of agencies that have relevant responsibilities for crime prevention, e.g., the police, justice, social services, education, health, recreation, probation and business. It is felt that the multi-agency approach is most useful in dealing with complex crime prevention issues because: (1) it stresses the use of community-level resources; (2) it involves a sharing of knowledge regarding a particular problem and/or case from various perspectives; and (3) it is thought that the pooling of resources and expertise is the most cost effective model, because it minimizes duplication of services.

1.2.2 Focus of the Manual

This manual is designed to be used by two groups:

- senior police managers, and;
- frontline police officers.

It provides senior police managers with the knowledge they need to support a preventive approach for dealing with youth crime in their organization by supporting programs and initiatives by the frontline officers. Organizational support may be in the form of police commitment of resources and recognition of those frontline officers who contribute their time and effort toward crime prevention activities.

In terms of the frontline officer, we hope the manual will provide a series of options for taking proactive approaches in preventing and responding to youth crime.

Identifying the focus of the manual also involves indicating what it is not:

- we emphasize that this manual is not a replacement for individual professional decision making -- rather, it is a resource manual;
- the manual deals mainly with the role of police and police agencies in crime prevention and diversion of youth and thus the focus is on the offender and

the conditions that contribute to offending as opposed to other crime prevention strategies that might focus on such issues as "target hardening" by altering the situation, and/or educating potential victims;

- the manual does not deal with enforcement, i.e., processing cases through the traditional court system, even though in the broad sense such activities could also be classified as crime prevention through deterrence;
- the manual does not deal with forms of crime prevention or diversion activities where the police are not the primary decision makers. Thus, post-charge alternative measures programs where the decision to divert the youth is made by the Crown prosecutor are not the focus of this manual.

1.2.3 Information for the Manual

A number of research strategies were employed to collect information for this manual. The strategies involved both the consolidation of existing research and knowledge, as well as undertaking primary research such as surveys. Specifically, the following activities provided the information for this manual:

- a review of relevant legislation (such as the provincial police acts) was conducted;
- a literature review of relevant Canadian and international academic and government publications was completed;
- mail-out surveys were sent to over 400 police agencies across Canada;¹¹
- focus groups were conducted with approximately 80 police officers in 11 locations across Canada;¹² and
- telephone surveys were conducted with provincial/territorial Departments of Justice.

1.3 **Challenges for Police Agencies**

In the context of this manual, there are four recent developments in policing which are relevant to the capacity of police organizations to participate in the design and delivery of a comprehensive crime prevention strategy. They are:

- (1) an increase in demand for traditional police services -- the police are being asked to do more work, in part because of increases in certain crime and disorder-related problems, and in part because of an increasing tendency for the public to rely on the police to intervene in dealing with problems.

- (2) an emerging demand for new types of services -- the police are being asked to do types of work which were formerly taken care of by the community or other public sector agencies (such as hospitals or the welfare agencies). The direct result of the recent cuts in state support to social and welfare agencies is that many of the problems and the people who would have been dealt with elsewhere have become "police work."
- (3) there are fewer human and financial resources available -- the police are being asked to do more work, and new kinds of work, at a point in time when there is more competition for resources than ever before.
- (4) there are challenges to the legitimacy of the police -- the climate of the social and interpersonal relations within which the police do their work has deteriorated. The people the police work for and, more importantly, the people they work with (especially the young and socially disadvantaged) are increasingly likely to perceive the police with suspicion and mistrust. This makes it more difficult for frontline officers to do their work, and limits the ability of police organizations to develop partnerships with some of the communities they serve.

These developments constitute a challenge to the ability of police organizations to respond in an efficient and effective manner to the increased volume and complexity of the work they do.

1.3.1 Prevention and Community Policing: Police Agency Response

Many police agencies have responded to the challenges facing them by adopting a community policing model. There is, however, considerable debate about how to do community policing. In dealing with this issue, it is very useful to make a distinction between the conceptual definition, i.e., what community policing is in terms of what it attempts to achieve, and the operational definition, i.e., how community policing is done. Other researchers have also used this strategy, but have referred to other terms, specifically intrinsic and instrumental goals of community policing.¹³

If we examine current research and the practice of community policing in Canada, we find that there is general agreement that the concept of community policing has two main components: (1) community partnerships; and (2) problem solving. The major problems with this definition are the broad scope of the concept of community partnerships, and the fact that problem solving as a goal (e.g., reducing crime rates, increasing reporting, decreasing fear of crime, improving the quality of life), is often confused with problem solving as a method, for example, the SARA model (Scan, Analysis, Response, Assessment)¹⁴ and the CAPRA model (Clients, Analysis, Partnerships, Response, Assessment).

While there is considerable agreement about what community policing is, there is little agreement about how it should be done. First, since community policing is by definition focused on the problems of a specific community or location, one approach will not be appropriate for all communities. The problems and resources of one community will not necessarily be the same as another -- they will be unique. Second, there is a general lack of knowledge about what works in a given situation and thus, there is no overall blueprint for community policing.

The linkages between community policing and the development of a comprehensive prevention strategy, in many ways, are totally complementary. Both involve the use of community resources to focus on the underlying causes of criminal behaviour with the goal of preventing offending and re-offending behaviour. Community policing allows for police to be more effective in crime prevention.

1.4 Emerging Role of Frontline Police Officers

The main components of the emerging role of police in dealing with youth are consistent with both community policing and a prevention strategy, i.e., prevention, diversion, and enforcement. The prevention component is the most general component, and it includes a range of activities focused mainly on diminishing the causes of crime before they occur and diminishing the probability of recurrence if a crime has already occurred. Diversion occurs after a crime takes place and involves the use of police discretion to divert youth who commit crimes from the traditional court system prior to charging, with the intent of lowering the probability of recurrence by the youth. Diversion is a form of post-occurrence prevention. Both pre-occurrence prevention strategies and diversion are ways police can play a part in a comprehensive crime prevention strategy and at the same time be doing proactive community policing.

The final component, enforcement, is the traditional reactive response to a criminal occurrence. It includes investigation, charging, and prosecution in court. As indicated earlier, enforcement is not covered by this manual; however, it must be recognized as a major component of the role of police. While the long-term goal of prevention and diversion is to reduce offending and likewise reduce the need to enforce the law, it would be unrealistic to assume that enforcement will not remain a major function of police.

1.5 Themes of the Manual

There are a number of underlying themes that are crucial in the development and implementation of an effective youth crime prevention strategy by police. These include:

Recognition that the Justice System Alone Cannot Prevent Crime

The problem of youth crime is complex and requires the involvement of the families, communities, schools, and often other agencies, to develop and implement prevention initiatives.

Focus on the Causes of Criminal Behaviour

In dealing with youth and children it is very important to understand the causes of criminal behaviour. Risk factors, such as early onset of delinquent behaviour, family violence, lack of support and supervision, substance abuse, etc., should become the focus for prevention programs. The social development approach is particularly well-suited for dealing with the causes of delinquency.

Use of a Proactive Problem Solving Approach

Grouping individual and related incidents and identifying them as problems is useful. Once identified, problems can be analyzed and appropriate responses to the underlying circumstances that create the incidents can be developed and implemented.

Need for Tailored and Balanced Responses

It should be understood that there is a broad range of offending behaviours and most young offenders do not re-offend. Further, it is well documented that most normal adolescents go through a stage of egocentrism and sense of invulnerability that they quickly outgrow.¹⁵ This stage contributes to many forms of risk-taking behaviour including criminal activity. Thus, response tailored to the specific youth and situation is warranted.

Sensitivity to Cultural Differences

Given the cultural diversity of Canadians, any comprehensive crime prevention strategy must be sensitive to cultural differences.

Use of Restorative Justice Approach

For most youth who offend, a balanced restorative justice approach is the most appropriate. This approach identifies three priorities: accountability; community protection; and competency development. This approach stresses the need for a prompt and meaningful response to offending which results in both the youth understanding the harmful consequences of their actions and the youth becoming more capable of living productively and responsibly in the community.¹⁶

Consideration of Victims' Needs

A lack of support for victims can result in continued victimization, causing further suffering for the victim. The provision of victim support services to deal with the effects of the crime are essential for responding effectively. The interests of other victims and potential victims need to be recognized and addressed as well. The use of alternatives to the traditional court system allows more involvement of victims in the process. If the victims wish to be involved in mediation or victim/offender reconciliation this should be actively encouraged.

Need for Cost Effectiveness

In developing crime prevention programs and responding to individual cases, the cost of both processing and service provision as well as the potential benefits must be considered. Programs should not be offered simply because they exist. It is important to find programs that match the needs of the youth.

1.6 Organization of the Manual

This manual consists of seven chapters. Blank pages are provided following each chapter for notes, comments, and updates. In addition, a bibliography of relevant publications is provided at the end of the manual, along with an appendix of selected resources and materials. Because of the complexity of the issues related to crime prevention and the fact that this manual has been developed for two user groups (i.e., police managers and frontline police), the interest level and relevance of the various chapters will vary somewhat depending on the user group.

Chapter 2.0 sets the context of the problem of youth crime by discussing rates and trends in Canada. It also includes a comparison of youth crime in Canada with levels of youth crime in several international jurisdictions. Further, this chapter discusses the results of recent studies on delinquency and victimization among youth.

Chapter 3.0 focuses on the principal legal issues related to the role of police and the use of discretion in dealing with young offenders. It also briefly discusses the relevant sections of the *Young Offenders Act*.

Chapter 4.0 presents a conceptual framework for crime prevention that discusses two levels of prevention before a crime occurs (i.e., primary and secondary), and one level after a crime occurrence has been reported (i.e., tertiary). Further, this framework also includes the possible targets of crime prevention initiatives: the offender, the victim, and the situation. This chapter also discusses the role of police within a comprehensive crime prevention strategy.

Chapter 5.0 presents models of diversion from the traditional court-based youth justice system that are in place in several common law jurisdictions, including England and Wales, Scotland, and New Zealand. This chapter also discusses the diversion programs in these jurisdictions as an integrated part of the overall youth justice system.

Chapter 6.0 discusses the current use of diversion and alternative measures with youth in Canada, and identifies the advantages and limitations of these programs. This chapter also proposes a model for diversion that could be adopted in Canada, and provides broad guidelines for referral and decision making.

Chapter 7.0 focuses on the benefits and challenges to police involvement in each level of crime prevention, and presents examples of programs within each level that are conducted by or involve the police.

Endnotes

¹ Liberal Party of Canada. (1993). *Creating Opportunity: The Liberal Plan for Canada*, ("The Red Book").

² National Crime Prevention Council. (1995). *First Annual Report*. Ottawa, ON: National Crime Prevention Council.

³ Graham, J., & Bennett, T. (1995). *Crime Prevention Strategies in Europe and North America*. Helsinki: European Institute for Crime Prevention and Control. For a list of intervention and prevention programs across Canada intended for young children, see National Crime Prevention Council. (1996). *Prevention and Children Committee: A Compendium of Approaches from Across Canada*. Ottawa, ON: National Crime Prevention Council.

⁴ Andrews, D.A., Zinger, I., Hoge, R.D., Bonta, J., Gendreau, P., & Cullen, F.T. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically informed Meta-analysis. *Criminology*, 28, 369-404.

⁵ Loeber, R., & Dishion, T. (1983). Early Predictors of Male Delinquency: A Review. *Psychological Bulletin*, 94(1), 68-79; Tolan, P., & Lorion, R. (1988). Multivariate Approaches to the Identification of Delinquency Proneness in Adolescent Males. *American Journal of Community Psychology*, 16(4), 547-571; West, D.J., & Farrington. (1977). *The Delinquent Way of Life: Third Report of the Cambridge Study in Delinquent Development*. New York: Crane Russak; and Wolfgang, M., Figlio, R., & Sellin, T. (1972). *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press.

⁶ Kaiser, G. (1988). *Kriminologie: Ein Lehrbuch*. Heidelberg: c.f. Mueller Juristischer Verlag. Cited in Graham & Bennett, 1995.

⁷ Home Office. (1991). *Safer Communities: The Local Delivery of Crime Prevention through the Partnership Approach*. London: Home Office.

⁸ See Chapter 4.0 in this manual as well as Home Office (1991) and Graham and Bennett (1995).

⁹ Waller, I., & Weiler, D. (1984). *Crime Prevention through Social Development: An Overview with Sources*. Ottawa, ON: Canadian Council on Social Development; Solicitor General Canada and Department of Justice Canada. (no date). *Safer Communities: A Parliamentarian's Crime Prevention Guide*.

¹⁰ Spigelman, M., (1995). *Dollars and Sense: Analyzing the Cost-Benefit of Crime Prevention through Social Development*. Ottawa, ON: National Crime Prevention Council.

¹¹ The mail-out surveys were designed to collect information on the current policies and practices surrounding diversion used by police services in Canada, as well as the manner in which these cases are reported to the Uniform Crime Reporting survey. The questionnaire also asked respondents about any crime prevention programs with youth that their police service has implemented.

¹² The focus groups gained information from police officers concerning types of diversion currently used and their attitudes concerning the use of diversion. Participants were also asked about the types of situations in which they are likely to use diversion, and what types of records are kept when cases are diverted. The officers were also asked about what future changes they would like to see in the area of diversion.

¹³ Eck, J.E., & Stern, D. (1992). *Revisiting Community Policing: A New Typology*. Prepared for the Police Executive Research Forum.

¹⁴ Goldstein, H. (1990). *Problem Oriented Policing*. New York, NY: McGraw-Hill Publishing Company.

¹⁵ Elkind, D. (1977). Egocentrism in Adolescence. *Child Development*, 38, 1025.

¹⁶ Armstrong, T., Maloney, D., & Romig, D. (1990). The Balanced Approach in Juvenile Probation: Principles, Issues, and Applications. *Perspectives*, (Winter); and National Crime Prevention Council. (1995). *Clear Limits and Real Opportunities: The Keys to Preventing Youth Crime*. Ottawa, ON: National Crime Prevention Council.

NOTES

CHAPTER 2.0 UNDERSTANDING YOUTH CRIME

Prior to discussing crime prevention and an effective diversion model for Canada, it is important to consider the nature and scope of youth crime. This chapter will review the information that is known about the level of youth crime and violence in Canada, and provides some comparisons of this level with other common law jurisdictions. Research findings related to self-reported delinquency and victimization among youth will also be briefly discussed.

2.1 Rates of and Trends in Youth Crime and Violence

Despite the attention that issues surrounding the involvement of young people in crime and violence have received in recent years, not a great deal is known about the extent of the problem in Canada. Officially recorded crime figures collected through the Uniform Crime Reporting (UCR) survey and the Youth Court Survey (YCS) provide an indication of the extent of youth crime; however, only cases that are officially recorded in the criminal justice system are included in these surveys. Thus, crimes involving youth that are not reported and cases in which youth are diverted from the formal justice system through police warnings are not included in official counts of youth crime. For this reason, official statistics tend to underestimate the actual involvement of youth in criminal activity.

According to the UCR data for 1994, 119,759 youth (aged 12 to 17 years) were charged with *Criminal Code* incidents in Canada, which reflects a charge rate of 5,064 per 100,000 youth. Of these youth, 18% were charged with crimes of violence and 58% were charged with property crimes. In comparison, 30% of adults charged in 1994 were charged with violent crimes and 38% of adults charged were charged with property offences. These figures would suggest that young offenders tend to be more involved in property crime than adult offenders, while adults are more likely to be involved in violent offences than are youth.

Table 2.1 presents the numbers and rates of youth charged with selected crimes of violence from 1986 through 1994, and the rates are displayed in Figure 2.1. These figures indicate that the rates of homicide have remained unchanged over this period. However, for most other crimes of violence, the trend indicates a steady increase from 1986 through 1991, followed by a leveling off in the following years. It is too early to determine if this apparent leveling off of charge rates will be a long-term trend. Whether the overall pattern represents a real increase in youth involvement in violent crime within the past decade has been the subject of debate. Some Canadian researchers suggest that these data represent a substantial increase in violent crime among youth in recent

TABLE 2.1

RATES OF CANADIAN YOUTH CHARGED FOR VIOLENT OFFENCES FROM 1986 TO 1994

Offence	1986 ¹		1987 ²		1988 ³		1989 ⁴		1990 ⁵		1991 ⁶		1992 ⁷		1993 ⁸		1994 ⁹	
	n	Rate ¹⁰																
Homicide	38	2	35	2	48	2	48	2	49	2	49	2	53	2	36	2	52	2
Robbery	1303	58	1204	54	1544	70	1950	90	2055	94	2746	125	2966	133	3215	137	3006	127
Assault Level 1	3999	179	4734	213	5294	241	6501	298	7602	349	8955	408	9616	432	10574	451	10894	461
Sexual Assault	983	44	1151	52	1175	53	1425	65	1548	71	1819	83	1990	89	2062	88	1811	77
Assault w/Weapon	1940	87	1994	88	2197	100	2522	116	2911	134	3525	161	3642	164	4075	174	4168	176
Other Assault	845	38	869	39	980	45	1128	52	1252	58	1573	72	1448	65	1428	61	1373	58

Source of Data: Policing Services Section, Canadian Centre for Justice Statistics, Statistics Canada, Ottawa, Ontario

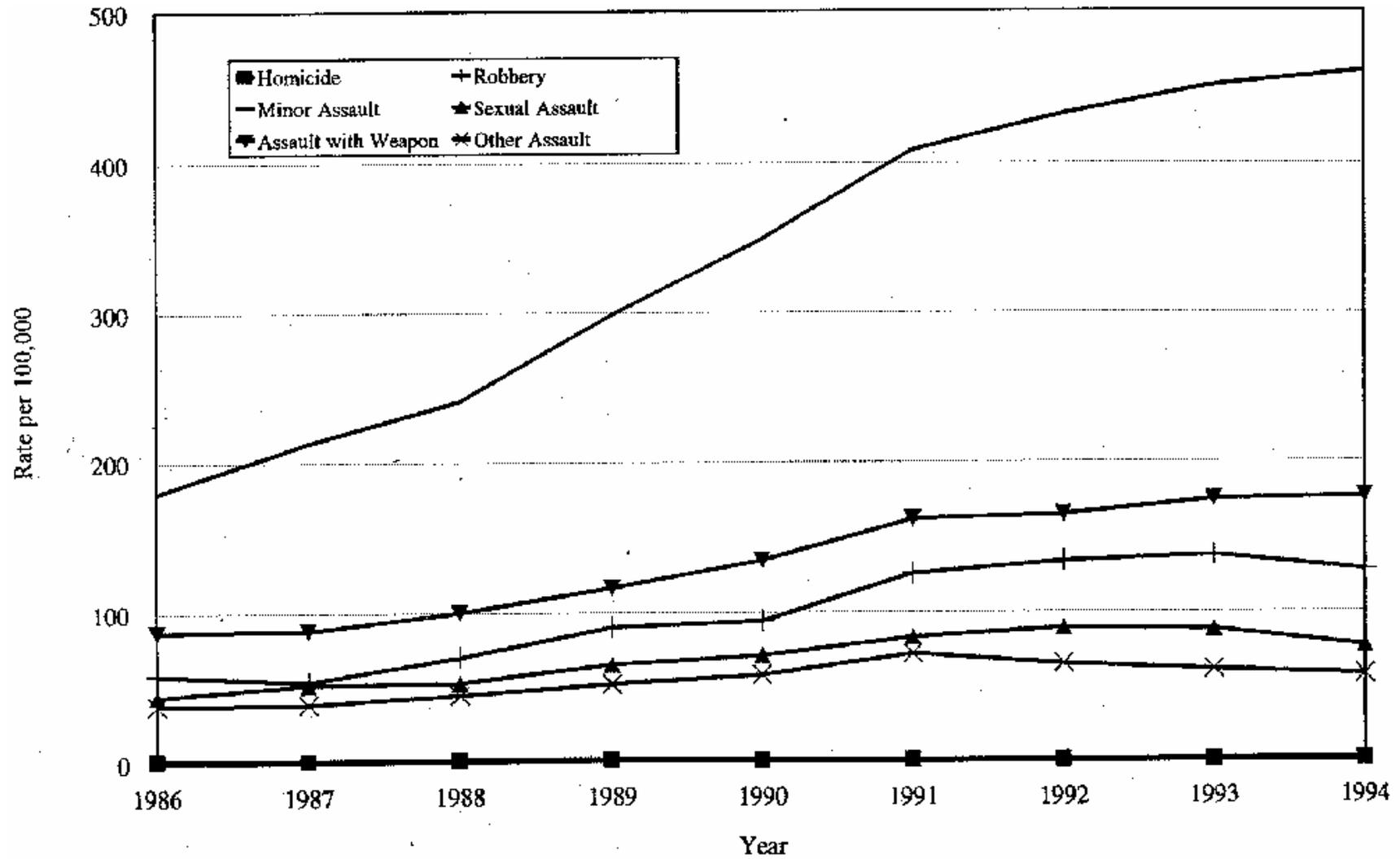
- ¹ 1986 population; 12-17 years - 2,234,800
- ² 1987 population; 12-17 years - 2,219,700
- ³ 1988 population; 12-17 years - 2,198,900
- ⁴ 1989 population; 12-17 years - 2,177,900
- ⁵ 1990 population; 12-17 years - 2,178,200
- ⁶ 1991 population; 12-17 years - 2,192,400
- ⁷ 1992 population; 12-17 years - 2,225,100
- ⁸ 1993 population; 12-17 years - 2,345,300

⁹ 1994 population; 12-17 years - 2,364,700

¹⁰ Rates are calculated per 100,000 population of youth aged 12-17 years.

FIGURE 2.1

RATES OF CANADIAN YOUTH CHARGED FOR VIOLENT OFFENCES FROM 1986 TO 1994



years.¹ Other researchers believe that the apparent increase in violent crime rates can be accounted for by such factors as increased reporting to police and adoption of "zero tolerance" policies by school boards, rather than by an actual increase in youth crime.² It is not possible to resolve this debate with the data that are currently available; what is clear, however, is that the charge rates among young people have increased since 1986, which has resulted in larger numbers of young people being processed through the juvenile justice system.³

Numbers and rates of youth charged with selected property offences are shown in Table 2.2 and Figure 2.2. These data indicate that for some property offences such as break and enter, theft under \$1000, and theft over \$1000, the 1994 charge rate is actually lower than the 1986 rate, while for the remaining offences levels have remained relatively stable. Similar to the pattern found with violent offences, the charge rate for most property offences peaked in 1991 and has declined somewhat in recent years. As with violent offences, it is not possible to determine the reasons for these changes with the data that are currently available.

A substantial number of young offenders who are charged and dealt with by the court system are recidivists. For example, in 1993-94 approximately 40% of the youth convicted in youth courts were repeat offenders.⁴ Repeat offenders tended to commit more serious violent and property offences than first-time offenders, and also tended to receive more severe dispositions in youth court. While the recidivism rates of youth as measured by court appearances is relatively high, it must be noted that no data are available on the rates of recidivism among young offenders who are diverted from the court system. Since youth who are diverted tend to have committed less serious offences, and are viewed as being at lower risk than those who make the decision to divert, the actual rate of recidivism may be somewhat lower than that provided by youth court statistics.

2.2 Comparison of Youth Crime in Canada with Other Jurisdictions

Direct comparisons of youth crime rates in Canada with those of other countries is difficult due to several factors, including differences in reporting practices across jurisdictions, variations in age ranges that comprise youth in various countries, and variations in record-keeping protocols.⁵ With these limitations in mind, a comparison of youth crime rates across several common law jurisdictions for 1991 (the most recent year for which data were available for all jurisdictions studied) was recently conducted.⁶ The findings indicated that the rate of youth charged in Canada in 1991 was quite high at 7,830 per 100,000 youth. In the United States, an analogous figure is the number of youth referred to youth court for adjudication, which was considerably lower in 1991 at 4,932 per 100,000 youth due to high use of diversion. In Scotland, a comparable figure is the number of youth referred to a reporter for offence grounds, which was 2,664 per 100,000.

TABLE 2.2

RATES OF CANADIAN YOUTH CHARGED FOR PROPERTY OFFENSES FROM 1986 TO 1994

Offence	1986 ¹		1987 ²		1988 ³		1989 ⁴		1990 ⁵		1991 ⁶		1992 ⁷		1993 ⁸		1994 ⁹	
	n	Rate ¹⁰																
Break & Enter	27371	1225	25321	1141	23894	1087	22155	1017	24066	1105	26901	1227	24747	1112	21952	936	20039	847
Theft Under \$1,000	36439	1630	35136	1583	34934	1589	37157	1706	40694	1868	43152	1968	37721	1695	32582	1389	30566	1293
Theft Over \$1,000	1693	76	1261	57	1434	65	1740	80	1820	84	2069	94	1927	87	1716	73	1604	68
Motor Vehicle Theft	6163	276	5865	264	6436	293	7330	337	7945	365	8768	400	8122	365	8208	350	7511	318
Arson	425	19	430	19	398	18	398	18	462	21	602	28	660	30	597	26	670	28

Source of Data: Policing Services Section, Canadian Centre for Justice Statistics, Statistics Canada, Ottawa, Ontario

¹ 1986 population; 12-17 years - 2,234,800

² 1987 population; 12-17 years - 2,219,700

³ 1988 population; 12-17 years - 2,198,900

⁴ 1989 population; 12-17 years - 2,177,200

⁵ 1990 population; 12-17 years - 2,178,200

⁶ 1991 population; 12-17 years - 2,192,400

⁷ 1992 population; 12-17 years - 2,225,100

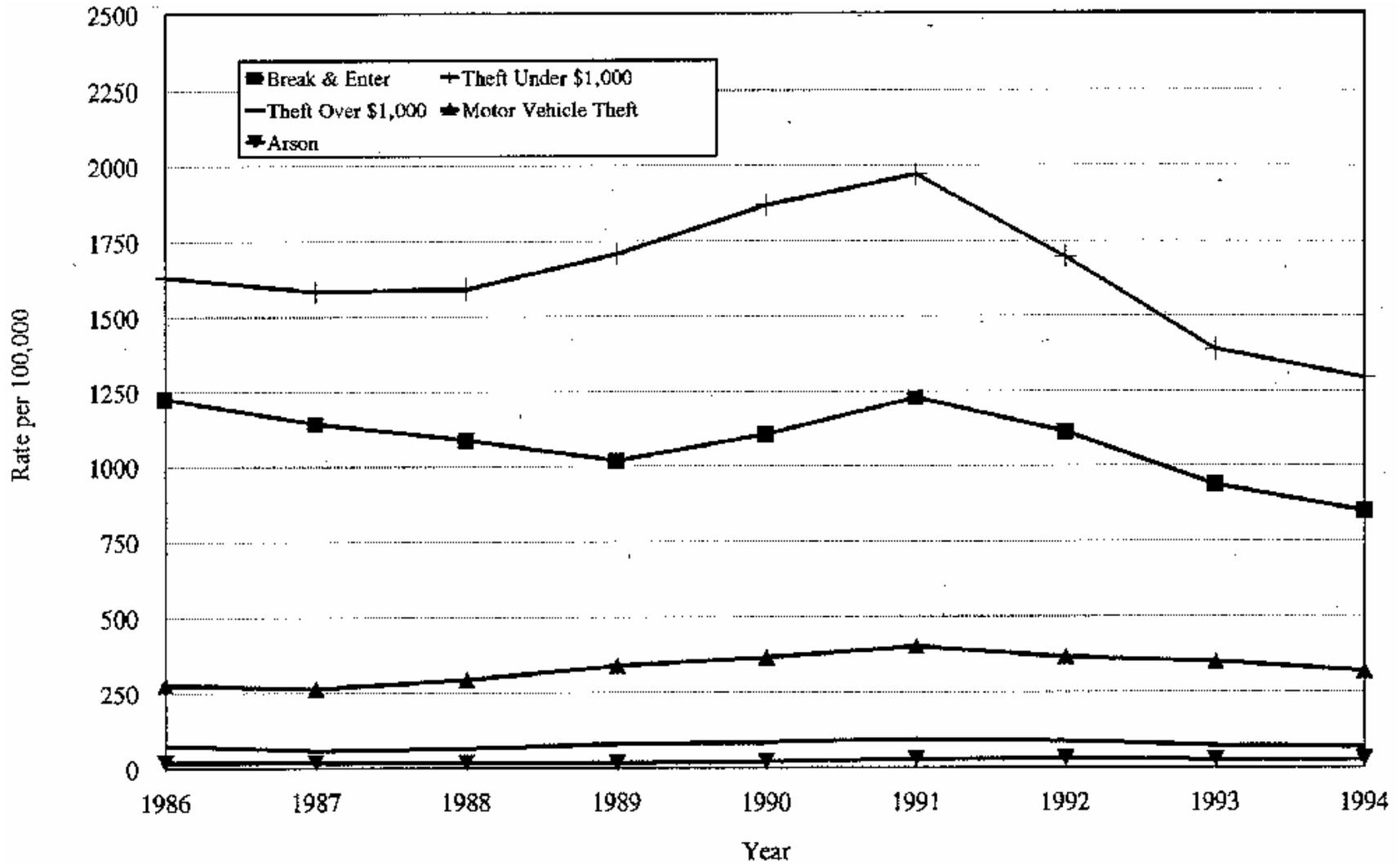
⁸ 1993 population; 12-17 years - 2,345,300

⁹ 1994 population; 12-17 years - 2,364,700

¹⁰ Rates are calculated per 100,000 population of youth aged 12-17 years.

FIGURE 2.2

RATES OF CANADIAN YOUTH CHARGED FOR PROPERTY OFFENSES FROM 1986 TO 1994



In Canada, the rate of youth found guilty in court in 1991 was 3,427 per 100,000; in the United States, the rate of youth adjudicated as delinquent in court (analogous to a finding of guilt) was 1,443 per 100,000. In England and Wales, the rate of youth found guilty (which includes both youth found guilty in court and youth cautioned) was 3,716 per 100,000. Thus, while the rates for Canada and England and Wales are similar, youth who are diverted from formal court proceedings are included in the data for England and Wales, but youth who are diverted pre- or post-charge in Canada are not included in the number of youth found guilty.

Overall comparisons of custody rates can be made across the jurisdictions included in this study by adjusting the data to include the equivalent of closed custody in all jurisdictions. This analysis indicated that Canada's rate of closed custody dispositions was the highest at 447 per 100,000 youth, followed by 311 per 100,000 for the United States, 86 per 100,000 for Scotland, and 69 per 100,000 for England and Wales.

Thus, for each of the measures of youth involvement in the criminal justice system studied, Canada had the highest levels of all the jurisdictions covered. Given that the youth charge rate in Canada was substantially higher than elsewhere, it follows that rates of findings of guilt and incarceration are also quite high in Canada.

2.3 Self-reported Delinquency

As noted above, although officially collected data on youth involvement in criminal activities can provide useful information, these data tend to underestimate levels of youth crime. This occurs because many of the offences involving youth may not be reported to police for several reasons including fear on the part of a young victim of future intimidation or retaliation if they report the offence committed against them, and the belief that their complaints about being victimized may not be taken seriously by police. In addition, young offenders who receive warnings by police rather than being charged typically do not appear in official statistics. Many criminal incidents for which the offender cannot be determined do not appear in data and they could have involved young offenders. For these reasons, official statistics tend to lead to an underestimation of the level of youth involvement in crime.

One method by which more accurate estimates of the level of youth crime can be obtained is using the self-report survey, in which young people are asked about the extent of their involvement in delinquent and criminal behaviour. This type of study has the advantage that it assesses both reported and unreported criminal incidents. Unfortunately, only a few studies investigating both reported and unreported criminal incidents involving youth have been conducted in Canada. A recent study conducted in Calgary, Alberta surveyed a random, school-based sample of 962 youth from Grades 7 through 12.⁷ This survey asked students whether they had engaged in several types of delinquent behaviour both at some point in their lives and within the past year, whether they had a weapon at school within the past year, and also whether they had been victimized in several different ways within the past year both at school and not at school. While most of the forms of delinquency assessed in this study refer to behaviour that is criminal, some forms of delinquency (such as

slapping, punching or kicking someone in anger) would include consensual fighting, and thus might not be considered criminal. Further, this study did not allow assessment of the severity of the incident.

Students were asked if they had engaged in 12 different types of delinquency that included both violent acts and property offences (damaged someone's property on purpose; stolen less than \$50; stolen more than \$50; stolen with a group of friends; broken into a house; stolen a car or motorcycle; taken something by force; threatened someone with bodily harm; slapped, punched or kicked someone in anger; threatened someone with a weapon; been in a fight with a group of friends; touched someone in a sexual way against their will). The findings indicated that almost three-quarters (72%) of the students indicated that they had engaged in at least one of these behaviours at least once in their lifetime, and over one-half (56%) stated that they had engaged in at least one of these behaviours within the past year. The most common type of delinquent behaviour was slapping, punching or kicking someone in anger (49% in lifetime; 36% in past year) followed by stealing something worth less than \$50 (47% in lifetime; 31% in past year). The least common forms of delinquency were touching someone sexually against their will (3% in lifetime; 2% in past year) and breaking into a house (8% in lifetime; 4% in past year).

Students were also asked if they had any of seven types of weapons at school or in their lockers within the past year (illegal knife, replica, homemade weapon, club or bat, pellet gun, handgun, other weapon). The results indicated that over one-quarter of the students (28%) reported that they had at least one weapon at school during the past year. The most common weapon was an illegal knife (16%), followed by a homemade weapon (12%); the weapons least frequently reported were handguns (3%) and pellet guns (5%). Another recent Canadian study found that possession and use of weapons, usually knives, by young persons is increasing, and indicated that many youth apparently feel that they need these weapons for protection.⁸

In the Calgary study, males were more likely to report having engaged in all forms of delinquency than were females. For example, 25% of males stated that they had damaged someone's property on purpose within the past year, while 9% of females reported that they had done this. Similarly, 40% of males indicated that they had slapped, punched or kicked someone within the past year, compared to 31% of females. The gender differences were particularly striking in the case of weapons where, for example, 43% of males stated that they had at least one type of weapon at school within the past year, compared to 13% of females.

The findings of this study conducted in Calgary indicate that a substantial majority of young people engage in behaviour that could be considered criminal at some point in their lives, which is consistent with another recent publication.⁹ Further, a recent study conducted in the United Kingdom is also consistent with these results.¹⁰ This study asked young persons aged 14 through 25 years whether they had committed any of 23 different criminal offences both within their lifetime and within the past year, and found that 55% of males and 31% of females reported engaging in at least one of the criminal behaviours within their lifetime, and 28% of males and 12% of females had committed at least one of the criminal offences within the past year. While these figures are somewhat lower than those found in the Calgary study, it is important to note that the United Kingdom study dealt with specific criminal offences, rather than the broader measures of delinquency used in the Calgary

study. This difference could account, at least in part, for the lower rates of delinquency in the United Kingdom study. Nevertheless, it is noteworthy that a substantial proportion of the young people included in this study reported that they had committed at least one criminal act at some point in their lives.

2.4 Victimization of Youth

Information concerning the victimization of young people can be obtained through both official statistics and self-reported data. As is the case with data on delinquency, official statistics on victimization tend to underestimate the extent of the problem because they only include cases that are reported to the police. However, official statistics can provide an indication of the extent of victimization, and can be used to examine trends. In 1994, young persons (12 to 19 years) accounted for 20% of all victims of violent crimes reported to the police, even though this age group accounts for less than 11% of the total Canadian population.¹¹ Further, young persons are overrepresented as victims in some crimes such as sexual assault and assault.

The study recently conducted in Calgary assessed the extent to which students reported that they had been victimized in any of nine ways within the past year both at school and elsewhere.¹² This study found that 82% of the students stated that they had been victimized in at least one way within the past year at school, and 69% had been victimized in at least one way while not at school. The most common types of victimization were having something stolen (56% at school and 39% not at school) and having something belonging to them damaged on purpose (44% at school and 30% not at school). The least prevalent types of victimization were being attacked by a group or gang (6% at school and 7% not at school) and being threatened with a weapon (8% at school and 13% not at school). Males were more likely to report being victimized than females for all forms of victimization except that of a sexual nature; 8% of males said that they had been touched in a sexual way against their will at school within the past year compared to 27% of females.

There is reason to suspect that victimization and delinquency may be related in young people in that youth who have been victimized may be more likely to engage in delinquent behaviour either as a means of retaliation for their victimization or because their predominant social circle is one in which levels of crime and violence are greater than the norm, and they perceive crime and violence as acceptable.

The Calgary study also investigated the relationship between delinquency and victimization among youth. Findings indicated that delinquency and victimization were strongly related, and that students who reported engaging in delinquent behaviour were also likely to report having been victimized. For example, of the students who reported a high level of victimization at school, 51% also reported a high level of delinquent behaviour, in contrast to 25% of students who reported a moderate level of victimization and 19% of students who reported no victimization. In addition, the relationship between victimization and the possession of weapons at school was also quite strong. Of the students who reported a high level of victimization at school, 49% also said that they had a weapon at school within the past year, compared to 22% of students who reported a moderate level of victimization and 16% of students who reported no victimization. This study could not determine

the reasons for the relationship between delinquent behaviour and victimization, such as whether being victimized leads young people to engage in delinquent behaviour, or whether involvement in delinquent behaviour leads to future victimization. However, the findings from this study do indicate that victimization and delinquent behaviour are frequently seen in the same individuals. Recent work by the National Crime Prevention Council is consistent with these findings, and suggests that early victimization of children, usually by parents, was linked to later delinquency and criminal behaviour. One implication of this is that programs that aim to assist victims of criminal behaviour may, in fact, also be targeting future offenders.¹³

2.5 Summary

The information reviewed in this chapter indicated that:

- of all youth charged with criminal offences in 1994, 18% were charged with crimes of violence and 58% were charged with property crimes;
- for most crimes of violence except homicide, the rates of youth charged increased steadily from 1986 to 1991, followed by a leveling off in the subsequent years;
- the rates of youth charged for some property crimes were lower in 1994 than in 1986;
- the rates of youth charged in Canada were considerably higher in 1991 than those in the United States and Scotland;
- the rates of youth found guilty in court were higher in Canada in 1991 than in the United States and England and Wales;
- the rates of youth sentenced to closed custody in 1991 were higher than in the United States, England and Wales, and Scotland;
- a recent study in Calgary found that 72% of students from Grades 7 through 12 reported that they had committed at least one delinquent act within their lifetime, and 56% said that they had committed at least one delinquent act within the past year;
- 28% of students in the Calgary study said that they had a weapon at school on at least one occasion within the past year;
- males were more likely to report engaging in all of the delinquent behaviours than were females;
- a recent study conducted in the United Kingdom found that 55% of males and 31% of females aged 14 to 25 said that they had committed at least one criminal act at some point in their lives;

- 82% of the students in the Calgary study reported that they had been victimized in at least one of nine ways at school within the past year;
- 69% of the students in the Calgary study reported that they had been victimized in at least one of nine ways while not at school within the past year;
- males were more likely than females to report being victimized for all types of victimization except that of a sexual nature;
- in the Calgary study, students who reported engaging in delinquent behaviour were also likely to report having been victimized both at school and elsewhere;
- of the students who reported a high level of victimization at school, 51% also reported a high level of delinquent behaviour, compared to 19% of students who reported no victimization; and
- of the students who reported a high level of victimization at school, 49% also had a weapon at school within the past year, compared to 16% of students who reported no victimization.

Endnotes

- ¹ Corrado, R.R., & Markwart, A. (1994). The Need to Reform the YOA in Response to Violent Young Offenders: Confusion, Reality or Myth? *Canadian Journal of Criminology*, 36(3).
- ² Carrington, P.J. (1995). Has Violent Youth Crime Increased? Comment on Corrado and Markwart. *Canadian Journal of Criminology*, 37(1).
- ³ Hornick, J.P., Bala, N.C., & Hudson, J. (1995). *The Response to Juvenile Crime in the United States: A Canadian Perspective*. Calgary, AB: Canadian Research Institute for Law and the Family.
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- ⁶ Hornick & Rodal, 1995.
- ⁷ Smith, R.B., Bertrand, L.D., Arnold, B.L., & Hornick, J.P. (1995). *A Study of the Level and Nature of Youth Crime and Violence in Calgary*. Prepared for the Calgary Police Service and Solicitor General Canada by the Canadian Research Institute for Law and the Family.
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- ⁹ National Crime Prevention Council. (1995). *Offender Profiles*. Ottawa, ON: National Crime Prevention Council.
- ¹⁰ Graham, J., & Bowling, B. (1995). *Young People and Crime*. London: Home Office.
- ¹¹ Canadian Centre for Justice Statistics (1995). Children and Youths as Victims of Violent Crimes. *Juristat*, 15(15).
- ¹² Smith, Bertrand, Arnold, & Hornick, 1995.
- ¹³ National Crime Prevention Council (1995). *Risk or Threats to Children*. Ottawa, ON: National Crime Prevention Council.

NOTES

NOTES

CHAPTER 3.0 THE LEGAL BASIS FOR THE USE OF POLICE DISCRETION AND DIVERSION

This chapter will present a review of the legal issues and relevant legislation surrounding the use of police discretion. A brief discussion of the historical basis for police discretion will be followed by consideration of discretion in Canada and the issue of individual officer independence. The chapter will also discuss the relevance of the *Young Offenders Act* to police discretion, and will conclude with a brief consideration of the police role with children under 12 years of age.

The use of discretion by police officers in the context of strict law enforcement (and non-enforcement) has always been a reality in modern policing.¹ Decisions not to enforce the law through formal charging and the criminal justice system are made daily by police officers in Canada and elsewhere.² Although discretion not to proceed by means of enforcement in less serious matters is a common occurrence, reliable information is sparse concerning the legal context of police discretion.³ A likely product of limited information in this connection is the uneven and haphazard use of non-enforcement by police officers across Canada.⁴ The objective of this chapter is to provide an overview of the legal context concerning the development and lawful use of police discretion. This information should be of particular interest to busy frontline officers interested in non-enforcement alternatives.

The legal context concerning police discretion in Canada has not developed in a vacuum. Its antecedents are found in English common law adopted in Canada during the nineteenth century.⁵ A review of the common law reveals that the underlying issue that serves to form the legal context for police discretion is police independence. True discretion turns on the ability of the individual to make unilateral choices that are not subject to outside direction or control. This review will, accordingly, look at the common law development of police independence in England and Canada, and the by-product of this development -- police discretion. Some analysis will also be provided concerning relevant legislative enactments in Canada and their place in the overall context of this subject.

3.1 Common Law Antecedents

A police officer's obligation to enforce the law has always been recognized as a primary duty.⁶ However, that obligation under the common law did not require strict and absolute enforcement in each instance. The common law considered a police officer an office holder exercising original authority.⁷ As such, a police officer was considered a servant of the state and not of a municipality.⁸ To some extent, chief officers were accordingly beyond the direction or control of the political executive or local authority and were answerable to the law itself. Little delineation concerning the boundaries of police independence in England occurred prior to the *Blackburn*⁹ case in 1968.

In *Blackburn*, it was decided by the English Court of Appeal that the police were independent of the executive, although they had a clear obligation to enforce the law. In regard to accountability, they were answerable to the law alone. Notwithstanding their obligation to answer to the law, they had areas of discretion with which the law would not interfere. In any particular case, the chief officer had complete discretion concerning whether a prosecution would or would not be brought against an individual. Policy decisions concerning enforcement options were also within the purview of the chief officer; however, a blanket policy of non-enforcement would not be proper.¹⁰

Blackburn has been followed by a series of cases in England which confirm the independence of the constabulary and its immunity from interference.¹¹ Pronouncements have been made to the effect that a chief officer has the widest possible discretion concerning the method to be used in enforcement of the law and has complete operational control.¹²

These authorities, and others,¹³ clearly provide for the wide use of non-enforcement discretion in England and Wales. Generally, the law is to be enforced; however, discretion may be exercised concerning individual cases and particular circumstances. A policy of non-enforcement for a particular individual or group is improper, but non-enforcement discretion is otherwise the domain of the chief officer and the constabulary.¹⁴

3.2 Police Cautioning in England and Wales

Chapter 5.0 of this manual provides an overview of the highly developed cautioning system used in England and Wales. Cautioning as a non-enforcement alternative dates back to nineteenth century practices,¹⁵ and has the support of government and those engaged in the criminal justice system.¹⁶ Cautioning is not restricted to juvenile offenders and includes both indictable and non-indictable offences.¹⁷ There is no statutory basis for these practices; however, the Home Office provides guidelines concerning appropriate cautioning practices.¹⁸

Cautions are formally recorded in England and Wales and may be considered if the cautioned person is involved in a subsequent incident.¹⁹ By informal agreement with the magistracy they are citable in court proceedings.²⁰ Police cautions are therefore a matter of some consequence and have accordingly not been free from judicial review. In a 1995 decision of the Queen's Bench Division,²¹ a police caution was quashed as there had been a clear breach of the cautioning guidelines issued by the Home Office. It is clear from this decision, and others,²² that cautioning has become a serious intervention in England and Wales, with standing as a substantial non-enforcement alternative.

3.3 Discretion in Canada

Much of the common law that a police officer was not a servant of a local government body survived in early Canada.²³ More importantly, the decision of the English Court of Appeal in *Blackburn*²⁴ has been generally adopted in Canada on the question of independence.²⁵ However, some Canadian jurisdictions have passed legislation which clearly alters the common law

relationship and provides that police officers are "employees"²⁶ of a particular body. It is also provided in some instances that police governing authorities exercise powers of direction and control over police services.²⁷

The independence of the police in Canada is accordingly somewhat diminished from that of their English counterparts. Nevertheless, chief officers in Canada exercise considerable independence concerning operational matters.²⁸ In that regard, a police officer is not accountable to a police board or to the executive concerning day-to-day investigations or with respect to the exercise of discretion concerning individual matters.²⁹

Canadian police officers, of course, are obliged to enforce the law.³⁰ However, this is a general duty³¹ and the law permits considerable discretion as to whether strict enforcement is applied.³² It is accordingly within the discretion of individual officers whether or not a charge will be laid and the *bona fide* exercise of this discretion is not subject to interference.³³

There are no specific legal limits concerning the application of police discretion in individual cases. Theoretically, the police are within their authority not to charge in even the most serious instances.³⁴ However, extra-legal barriers operate to limit the available circumstances in which non-enforcement discretion is available. If non-enforcement is likely to attract negative individual, public, or political response, it is for the most part unacceptable.³⁵ The reality is that police discretion not to strictly enforce has a limited scope and operates predominantly in the less serious offence categories. The determinants of police discretion focus primarily on the nature of the offence, circumstances of the offender, and perspective of the victim.³⁶ With respect to the latter, the exercise of non-enforcement discretion is obviously problematic if it will attract an official complaint against the officer involved.³⁷

In that this manual advocates the use of specific non-enforcement police discretion, some advice is considered appropriate concerning its application. If cautions or warnings are employed, they should only be offered when reasonable grounds are available to charge the individual concerned.³⁸ Solid grounds are considered particularly important in any instance where a written warning is employed.³⁹ Reasonable grounds, of course, may be obtained through a variety of evidence, which may or may not include an admission of responsibility.⁴⁰ If the available evidence is only sufficient to found "suspicious," it would be imprudent to employ a formal caution or warning. However, suspicious conduct may constitute a basis for an oral caution concerning "future conduct."⁴¹ It is also important in this regard that officers ensure compliance with the *Charter of Rights and Freedoms*⁴² if an arrest has occurred. In some circumstances an officer may be inclined to pursue a non-enforcement (no charge) option even though the initial contact required the formality of arrest.⁴³

3.4 Individual Officer Independence

The question of whether an individual constable has independence to exercise discretion beyond the wishes of a chief constable is a somewhat unsettled issue. Under early common law, even a chief officer could not interfere in the lawful conduct of a member of the constabulary.⁴⁴ However, recent English authority is that individual officers do not exercise authority independent of the direction of the chief constable.⁴⁵

In Canada, it is necessary to review the specific police legislation in each jurisdiction before reaching particular conclusions. Where legislation provides that officers are under the orders, direction, or control of the chief officer, it would appear settled that junior officers do not exercise independent authority.⁴⁶ It is also the case that several court decisions appear to indicate that line officers are subject to the orders of superior officers concerning the exercise of their discretion.⁴⁷ However, it is clearly unlawful for a chief officer to give unqualified orders to junior officers to employ the law where uncertainty exists as to the validity of grounds for such measures.⁴⁸

3.5 Legislation Governing Police

Each jurisdiction in Canada has a separate statute concerning the police.⁴⁹ Police legislation provides for obligations, structure, and governance of police services. In several instances there is specific legislation concerning the common law duty to enforce the law.⁵⁰ However, there are no provisions in Canadian police legislation that clearly identify the existence of common law non-enforcement discretion.

Although enforcement is a prominent theme in much of the present legislation, crime prevention is more consistently identified as a specific officer duty.⁵¹ Police and community relations, as an officer responsibility, has also been identified in at least one instance.⁵² In this regard, a review of antecedent police legislation appears to indicate that a far narrower approach, emphasizing enforcement, was dominant in earlier times.⁵³

3.6 *Young Offenders Act*

The *Young Offenders Act* adopted an approach that has been used for a number of provincial child welfare laws in Canada and included a Declaration of Principle as part of the statute. There is specific provision that the *Act* is to be construed "liberally...in accordance with the principles."⁵⁴ The Declaration of Principle states:

3(1) It is hereby recognized and declared that

(a) crime prevention is essential to the long-term protection of society and requires addressing the underlying causes of crime by young persons and developing multi-disciplinary approaches to identifying and effectively responding to children and young persons at risk of committing offending behaviour in the future;

(a.1) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions;

(b) society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young persons, be afforded the necessary protection from illegal behaviour;

(c) young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance;

(c.1) the protection of society, which is a primary objective of the criminal law applicable to youth, is best served by rehabilitation, wherever possible, of young persons who commit offences, and rehabilitation is best achieved by addressing the needs and circumstances of a young person that are relevant to the young person's offending behaviour;

(d) where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences;

(e) young persons have rights and freedoms in their own right, including those stated in the *Canadian Charter of Rights and Freedoms* or in the *Canadian Bill of Rights*, and in particular a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms;

(f) in the application of this Act, the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the needs of young persons and the interests of their families;

(g) young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are; and

(h) parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate.

A rare legislative recognition of police discretion concerning non-enforcement is provided in s. 3(1)(d) of the *Young Offenders Act*.⁵⁵ This provision promotes either alternative measures or "no

measures" in circumstances where societal interests do not demand judicial proceedings.⁵⁶ Because it appears in the Declaration of Principle, it provides a recognition of the pre-existing common law authority of police not to charge a young person. As a result, an officer may decline to lay any charge against a young offender or may charge the individual and divert the proceedings into an approved program.⁵⁷

Section 4 of the YOA allows for the development of formal alternative measures programs, and this has been done in all jurisdictions in Canada, although the nature of these programs varies considerably across jurisdictions. In some areas, police refer cases directly to an alternative measures program prior to laying a charge, while in other jurisdictions, the youth must be charged, and may even appear in court, prior to being referred to alternative measures.

Alternative measures programs are required to be authorized by the Attorney General of a province or territory, and may be used in cases where: (1) the young person accepts responsibility for the offence that he or she is alleged to have committed; (2) there is sufficient evidence to proceed with the prosecution of the offence; and (3) the youth consents to participate in the program. The appropriateness of alternative measures in any case depends upon both the nature of the offence and the suitability of the program. In some jurisdictions, the guidelines restrict alternative measures to minor property offences, or do not allow alternative measures in any case involving violence, while in other areas only more serious violent offences are excluded.

The YOA, under s. 69, also allows for the formation of groups of citizens to assist with the administration of any component of the Act, including the administration of programs or services for young offenders. These groups, which are voluntary in nature, are referred to as youth justice committees. The committees can be comprised of members of the general public, as well as police officers and members of other professions who may have an interest in, or expertise with, youth justice. Some areas in which youth justice committees could be used are:

- (1) as an alternative to formal court, working in conjunction with alternative measures programs;
- (2) providing recommendations on sentencing alternatives to youth court judges when requested;
- (3) providing opportunity to young offenders for satisfying community service orders;
- (4) arranging for victim/offender reconciliation; and
- (5) providing community support to both victims and offenders.⁵⁸

The existence of alternative measures programs and youth justice committees are clearly a valuable resource for police officers. However, they should not be considered the only available option, apart from no action whatsoever. Some examples of successful non-enforcement options, other than alternative measures programs, are noted further on in this manual. An officer's discretion is clearly not limited to specific legislated programs and what works effectively in a particular community is worth considering. In that regard, if warnings or cautions are found to be a productive means of resolution, there is no barrier to their employment.

3.7 Children Under Age 12

Children under 12 years of age are exempt from process under the *Young Offenders Act* or provincial statutes.⁵⁹ However, police officers are rarely without authority to take a child into custody when the child is presenting a serious threat to other persons or property.⁶⁰ Other conduct that would otherwise fall within the scope of the criminal law will most often also permit the exercise of police discretion to employ custodial action.⁶¹

In dangerous or threatening circumstances involving a child actor, police officers should consider authority under child welfare or social services legislation. In some circumstances, school legislation or mental health law may also provide the necessary authority to remedy a difficult situation.⁶² Officers, however, must be mindful in using such authority that a child, most often, must be turned over as soon as possible to parents, child welfare authorities, or health services workers. In no instance may children be detained for questioning without specific parental consent. On this final point, it is important to note that although children are exempt from criminal process, they are nevertheless accorded rights and protections under the *Charter*.⁶³

Endnotes

¹ See e.g., Steer, D. (1970). *Police Cautions: A Study in the Exercise of Police Discretion*. U.K.: Abbey Press; Grosman, B. (1975). *Police Command: Decisions and Discretion*. New York: MacMillan, at p. 77; Goldstein, J. (1960). Police Discretion Not to Enforce the Criminal Process: Low Visibility Decisions in the Administration of Justice. *Yale Law Journal*, (69), 543-594.

² *Ante*, see also Stenning, P.C. (1981). *The Legal Status of the Police*. Law Reform Commission of Canada, at 101; Ceysens, P.C. (1995). *Legal Aspects of Policing*. Scarborough, ON: Carswell Thomson.

³ *Ante*.

⁴ See e.g., Chapter 6.0 of this manual.

⁵ *Wishart v. City of Brandon* (1887), 4 Man. R. 453 (Q.B.); *Rousseau v. La Corporation de Lévis* (1888), 14 Q.L.R. 376 (Sup. Ct.); *Kelly v. Barton* (1895), 26 O.R. 608 (Ch. D.).

⁶ *Rice v. Connolly*, [1966] 2 Q.B. 414; *Duncan v. Jones*, [1936] 1 K.B. 218; *Hill v. Chief Constable of West Yorkshire*, [1989] A.C. 53; [1988] 2 All E.R. 238 (H.L.).

⁷ *R. v. de Mierre* (1771), 98 E.R. 463 (K.B.).

⁸ *Fisher v. Oldham Corporation*, [1930] 2 K.B. 364.

⁹ *R. v. Commissioner of Police of the Metropolis, Ex parte Blackburn*, [1968] 2 Q.B. 118; [1968] 1 All E.R. 763 (C.A.).

¹⁰ *R. v. Commissioner of Police of the Metropolis, Ex parte Blackburn (No. 3)*, [1973] Q.B. 241, [1973] 1 All E.R. 324.

¹¹ *R. v. Oxford, Ex parte Levy* (1986), 151 L.G.R. 371; *R. v. Secretary of State for the Home Department, Ex parte Northumbria Police Authority*, [1989] Q.B. 35.

¹² *Ante, R. v. Secretary of State*.

¹³ *Buckoke v. Greater London Council*, [1971] Ch. at p. 662; [1971] 2 All E.R. 254; *Redbridge London Borough v. Jacques*, [1971] 1 All E.R. 260; *Arrowsmith v. Jenkins*, [1963] 2 Q.B. 561; [1963] 2 All E.R. 210.

¹⁴ *Ante*.

¹⁵ *General Regulations, Instructions, and Orders for the Government and Guidance of the Metropolitan Police Force (1862)*, see Steer *ante*, note 1, at p. 54; *Police Warnings* (1945), Report by the Scottish Advisory Council on the Treatment and Rehabilitation of Offenders, H.M.S.O., Edinburgh; see also *Cautioning Statistics in Offences Relating to Motor Vehicles* (U.K. - 1928).

¹⁶ Home Office Circular, 18/1994, *The Cautioning of Offenders* (1994); Oliver, I. (1973). The Metropolitan Police Juvenile Bureau Scheme. *Criminal Law Review*, 499; See also *R. v. Chief Constable of Cambridgeshire ex parte Michel* (1989), 91 Cr. App. R. 325 at (cautions to offender recognized).

¹⁷ *Ante*, Home Office Circular; see also Steer, *ante*, note 1 at p. 6.

¹⁸ *Ante*, note 16, Home Office Circular, 18/1994.

¹⁹ *Ante*, note 16, Home Office Circular; see also *National Standards for Cautioning (Revised)*, Home Office (1994).

²⁰ Oliver, I. (1973). The Metropolitan Police Juvenile Scheme. *Criminal Law Review*, 499 at 502.

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- ²¹ *R. v. Commissioner of the Police for the Metropolis, ex p. P* (May 9, 1995, unreported) reviewed in, R. Evans, Challenging a Police Caution Using Judicial Review, [1996] *Criminal Law Review*, 104.
- ²² *C (A Minor) v. D.P.P.*, [1995] 2 W.L.R. 283; *R. v. D.P.P., ex p. Chaudhary* (Feb. 19/94 - unreported).
- ²³ *Winterbottom v. Board of Commissioners of Police of the City of London* (1901), 1 O.L.R. 549 (Ch. D.); *McCleave v. City of Moncton* (1902), 32 S.C.R. 106; *Bowles v. City of Winnipeg*, [1919] 1 W.L.R. 198 (Man. K.B.); *Re a Reference Under the Constitutional Questions Act*, [1957] O.R. 28 (C.A.); see also *ante*, note 5.
- ²⁴ *Ante*, note 9.
- ²⁵ *Metropolitan Toronto (Municipality) Commissioners of Police Assn., (Metropolitan Toronto)* 1974, 50 D.L.R. (3d) 173 (Div. Ct.), Affirmed (1975), 8 O.R. (2d) 65 (C.A.); *Pembroke (City) Police Services Board v. Kidder* (1995), 22 O.R. (3d) 663 (Div. Ct.); but see *Bisaillon v. Keable* (1980), 127 D.L.R. (4th) 193 (Que. C.A.) (*Blackburn* reasoning not applicable in Quebec); see also *Aetna Compagnie D'Assurance v. Communauté Urbaine de Montreal*, [1993] R.J.Q. 1813 (C.S.); *Police Act*, R.S.Q., c. P-13, s. 39 (police under authority of Minister of Public Security).
- ²⁶ *Police Act*, Stats. British Columbia 1988, c. 53, s. 26(3) (as amended); see also *Nicholson v. Haldimand-Norfolk (Region) Commissioners of Police*, [1979] 1 S.C.R. 311 at 319; *Carpenter v. Vancouver Police Board* (1985), 18 D.L.R. (4th) 585 at 597.
- ²⁷ *Ante*, *Police Act*, British Columbia, s. 26(2).
- ²⁸ *Friedmann v. British Columbia (Attorney General)* (1985), 64 B.C.L.R. 342 (Sup. Ct.).
- ²⁹ *Ante*.
- ³⁰ *R. v. Bonnycastle* (1969), 68 W.W.R. 407 (B.C.C.A.); *Hill v. Chief Constable of West Yorkshire*, [1989] A.C. 53, [1988] 2 All E.R. 238 (H.L.); see also, *Police Act* for each Canadian jurisdiction, note 49, *intra*.
- ³¹ *Globe and Rutgers Fire Insurance Co. v. Glace Bay*, [1927] 1 D.L.R. 180 (N.S.T.D.); *Arsenault v. Charlestown (City)* (1992), 90 D.L.R. (4th) 379; see also Williams, D. (1968). The Police and Law Enforcement. *Criminal Law Review*, 351.
- ³² *Ante*; see also note 9, 11 and 13, *ante*.
- ³³ *Ante*.
- ³⁴ See e.g., Home Office Circular, 18/1994, at p. 2, par. 5.
- ³⁵ See e.g., Davis, K. (1975). *Police Discretion*. St. Paul, MN: West Publishing Company; *Police Command*, *ante*, note 1, at p. 77.
- ³⁶ *Ante*.
- ³⁷ *Ante*, note 35; Grosman, B., *Police Command*, *ante*, note 1 at p. 87; *Anosh and Law Enforcement Review Board* (1993), 2 L.E.R.B. (Alta.) at 010; *Binkley and O.C.C.P.S.* (1984), 2 O.P.R. at 633 (Ont.); see also Goldsmith A., *Complaints Against the Police* (1991), (Clarendon Press - Oxford - U.K.).
- ³⁸ *Criminal Code*, R.S.C. 1985, c. C-46 (as amended), s. 504; see also *R. v. Storrey* (1990), 53 C.C.C. (3d) 316 (S.C.C.) (grounds for arrest); see also Home Office Circular 18/1994, *National Standards for Cautioning Revised* p. 1, para. 2; *Young Offenders Act*, R.S.C. 1985, c. Y-1 (as amended) s. 4(1)(f) ("sufficient evidence" - considered to mean never less than reasonable grounds).

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- ³⁹ *Ante*, note 21.
- ⁴⁰ *Ante*, note 21, the practice in England is to require an admission of the offence.
- ⁴¹ See e.g., Steer D., *Police Cautions*, note 1, *ante*, at p. 35.
- ⁴² *Canadian Charter of Rights and Freedoms*, R.S.C. 1985, App. 11, No. 44, ss. 8, 9, 10.
- ⁴³ *Green v. Pike* (1953), 16 C.R. 363 (Man. K.B.) (notwithstanding no charges laid - arrest lawful).
- ⁴⁴ *Enever v. The King* (1906), 3 C.L.R. 969 (Aust. H.C.) at 977; see also Keith-Lucas B., *The Independence of Chief Constables* (1960), 38 P. Admin. at 5.
- ⁴⁵ *Blackburn*, *ante*, note 9; see also *Hawkins v. Bepey and Others*, [1980] 1 All E.R. 797 (Q.B.); *R. v. Metropolitan Police Commissioner, Ex parte Blackburn* (1979 - Q.B. - unreported).
- ⁴⁶ See e.g., *R.C.M.P. Act*, R.S.C. 1985, c. R-10 (as amended), s. 18 (duties of members subject to orders of the Commissioner); *Police Services Act*, R.S.O. 1990, c. P. 15 (as amended), ss. 41(1)(a), 41(1)(b); *Police Act*, S.A. 1988, c. P. 12.01. (as amended) s. 39(2)(a) (direction and control).
- ⁴⁷ *Wool v. R.* (1981), 28 Crim. L.Q. 162 (Fed. T.D.); *Re Copeland and Adamson* (1972), 7 C.C.C. (2d) 393 (Ont. H.C.); *Re Metropolitan Toronto Board of Commissioners of Police and Metropolitan Toronto Police Association* (1974), 5 O.R. (2d) 285 (Div. Ct.); see also *Flannigan and O.C.C.P.S.* (1987), 2 O.P.R. 777 (Ont.); *Stevelman and Law Enforcement Review Board* (1995), 4 L.E.R.B. 072 at 077 (Alta.).
- ⁴⁸ *R. v. Chief Constable of Devon and Cornwall*, [1982] Q.B. 458.
- ⁴⁹ *Royal Canadian Mounted Police Act*, *ante*, note 45; *Police Act*, Stats. Alta., *ante*, note 45; *Police Services Act*, R.S. Ontario, *ante*, note 45; *Police Act*, Stats. British Columbia, 1988, c. 53 (as amended); *Provincial Police Act*, R.S. Manitoba, 1987, c. P-150 (as amended); *Police Act*, Stats. New Brunswick, 1973, c. P-9.2 (as amended); *Royal Newfoundland Constabulary Act*, Stats. Newfoundland, 1992, c. R-17 (as amended); *Police Act*, R.S. Nova Scotia, 1989, c. 348 (as amended); *Police Act*, R.S. Prince Edward Island, 1988; c. P-11 (as amended); *Police Act*, R.S. Quebec 1977, c. P-13 (as amended); *Police Act*, Stats. Saskatchewan 1990-91, c. P-15.01 (as amended).
- ⁵⁰ See e.g. *Police Act*, Stats. British Columbia, *ante*, note 46, s. 26(2); *Police Act*, Stats. New Brunswick, *ante*, note 4, s. 12(1)(c); *Police Act*, R.S. Nova Scotia, *ante*, note 46, s. 10(b).
- ⁵¹ Crime prevention is specifically identified as an officer duty in all Canadian police legislation, see note 48, *ante*; see also Critchley, T. (1972). *History of the Police in England and Wales*. (2nd ed.). Patterson/Smith (crime prevention first duty at common law).
- ⁵² *Police Act*, Stats. Alta., *ante*, note 48, s. 38(1)(a)(ii); see also, *Police Services Act*, R.S. Ontario, *ante*, note 48, s. 42(1)(b) (providing assistance and encouragement); *Royal Newfoundland Constabulary Act*, *ante*, note 48, s. 8(1)(b).
- ⁵³ See e.g., *Police Act*, R.S.B.C. 1979, c. 331, s. 22(2) (enforce -criminal law); *Police Act*, R.S.A. 1980, c. P-12, s. 31.
- ⁵⁴ *Young Offenders Act* [Bill C-61], S.C. 1980-81-82-83, c. 110; R.S.C. 1985, c. Y-1, section 3(2).
- ⁵⁵ *Young Offenders Act*, *ante*, note 38.
- ⁵⁶ *R. v. V.T.*, [1992] 1 S.C.R. 749; 12 C.R. (4th) 133 (“no measures” recognition of police discretion not to proceed against young offender).

⁵⁷ *Young Offenders Act*, ante, note 38, s. 4; see also Bala and Lilles, *Young Offender Service* (Butterworth, 1984-1996).

⁵⁸ Bala, N., Weiler, R., Copple, P., Smith, R.B., Hornick J.P. & Paetsch, J.J. (1994). *A Police Reference Manual on Youth and Violence*. Ottawa, ON: Solicitor General Canada.

⁵⁹ Immunity from prosecution concerning provincial offences (those under age 12) is normally provided in legislation complimentary to the federal *Young Offenders Act*, see e.g. *Young Offenders Act*, Stats. Alta. 1984, c. Y-1 (as amended), s. 5.

⁶⁰ See, Bala N., & Mahoney. (1994). *Responding to Criminal Behaviour of Children Under 12: An Analysis of Canadian Law and Practice* (unpublished).

⁶¹ Conduct that would not warrant custodial action (but possible intervention) would be, for example, causing a disturbance, s. 175 Criminal Code; however, where a child was known to be carrying a concealed weapon (e.g. a knife) the circumstances might require custodial action (s. 89, Criminal Code).

⁶² See e.g., *Child Welfare Act*, S.A. 1984, c. C-81, ss. 4,5; *Child and Family Services Act*, 1984 S.O., c. 55, s. 372(j)(k); *Family and Child Service Act*, S.B.C. 1980, c. 11, s. 22.1.

⁶³ *B. (R.) v. Childrens' Aid Society* (1995), 9 R.F.L. (4th) 157 (S.C.C.).

NOTES

CHAPTER 4.0 A CONCEPTUAL FRAMEWORK FOR CRIME PREVENTION

In recent years, a great deal of attention has been given to the promise of crime prevention, and to the need to develop and support prevention initiatives. The belief is that prevention will succeed where other approaches to dealing with crime and victimization have failed. Unfortunately, the consensus around the promise of prevention is somewhat illusory: the apparent agreement over the promise of prevention masks a great deal of confusion and ambiguity over the precise meaning of the concept, and over how the policy might best be translated into practical and workable prevention programs.¹ The result is that we have not made sufficient progress on two key issues: the description of what a comprehensive prevention strategy might look like, and the identification of the specific role of the police in the design, implementation and evaluation of such a strategy. Examples of actual prevention programs are provided in Chapter 7.0.

The purpose of this chapter is to clarify the issue of the role of police in prevention. The chapter includes two sections. The first section describes a strategic approach to prevention. The second section discusses the role of the police in the design and delivery of a comprehensive prevention strategy.

4.1 A Strategic Approach to Crime Prevention

As indicated in Chapter 1.0, the goal of a prevention strategy is to increase individual and community safety, and reduce the harm done to victims of crime. The question is HOW: what are the policy and program options that must be included in a comprehensive prevention strategy?

One way of approaching this issue is to think of the task of developing a prevention strategy as an exercise in problem-solving. In this context, the two questions we need to address are:

- (1) WHEN to intervene -- at which point should we mobilize our prevention initiatives?
- (2) WHERE to intervene -- what should be the target of our prevention strategy?

4.1.1 When -- Levels of Prevention

Most classifications of prevention options borrow from work that originated in the area of public health. Usually, three possible levels of prevention are identified: primary, secondary and tertiary.²

The most general level of intervention is primary prevention. Activities at this level are based on the recognition of the link of crime and victimization to broader social and cultural factors. The goals of primary level programs or initiatives go well beyond an exclusive concern with preventing

crime or victimization; these programs are focused on entire populations rather than being targeted to specific individuals or groups within a community. Primary programs would be necessary even in a world where there was no crime. The point is that the quality and quantity of primary level programs such as Medicare, unemployment insurance, or untargeted educational programs have an indirect impact on a significant range of the factors related to the causes of crime.

Secondary prevention is an approach based on the recognition that violent crime and persistent offenders are not random phenomena. Research and experience has taught us a great deal about the kinds of people or situations that are more or less likely to breed crime. Secondary prevention focuses on "at risk" people and situations in an attempt to target interventions more effectively before an incident occurs, and to get the best return for the resources we invest in a prevention initiative.

Tertiary prevention involves the full range of responses that occur after a crime has been committed. The vast majority of the activities of the criminal justice system are tertiary interventions. The objective is to rehabilitate or incapacitate the offender (deter recidivism), deter others who might consider similar behaviour, and repair some of the damage done to the victim. At present, most of the activity in this area concentrates on detecting, convicting, and sanctioning offenders.

The major limitation of the public health model described above is the fact that it is grounded in the principles of pure science and implies that causes of crime are as identifiable as the causes of disease. Unfortunately, social science is not as exact a discipline as health science. It is based on associations and probabilities as opposed to certain specific causes. Further, there is often inadequate and sometimes conflicting evidence regarding the validity of specific causes.³ This raises the possibility of mislabeling a specific individual as a potential criminal because of his or her history and social circumstances or, on the other hand, mislabeling someone as unlikely to commit crime because of their positive social environment when in fact they are involved in crime.

4.1.2 Where -- The Focus of Prevention

A prevention initiative must identify one or more specific targets upon which a proposed program can have an impact. The design of an initiative must consider the full range of target options. This requires a focus on all the aspects of a criminal event, which include an offender(s), a victim(s), and a situation(s) which brings these people together.⁴

The focus on the offender turns our attention to the issue of the motivation of a criminal act (e.g., Why is the individual tempted?; Are there social factors that place the individual at greater risk?), and to the ability of that same individual to exercise sufficient self-control over criminal motives. The thrust of offender-based strategies is to reduce the social conditions believed to contribute to criminal activity, reduce the levels of criminal motivation, or increase the capacity of individuals to exercise self-control.

The focus on the situation shifts the attention to the opportunity to commit a criminal act, and to the levels of external control on individuals or groups. The main thrust here is on attempts to make

offending more difficult or less rewarding, or to increase the probability that an offender will be identified and caught.

The focus on the victim raises the issue of the relative vulnerability of certain individuals or groups to criminal victimization. The thrust of intervention in this area is on improving the ability of potential victims to manage risk more effectively, and on providing the necessary support and assistance necessary to allow people to reduce their exposure to risk.

4.1.3 A Conceptual Framework for Crime Prevention

The discussion of the possible levels and targets of a prevention initiative can be combined into a typology of prevention options.⁵ The typology presented in Table 4.1 allows us to identify the range of elements and components that should be considered in the development of a comprehensive prevention strategy.

TABLE 4.1
A CRIME PREVENTION TYPOLOGY

LEVEL OF PREVENTION	ELEMENTS OF CRIME EVENT		
	Offender	Situation	Victim
Primary	#7	#8	#9
Secondary	#4	#5	#6
Tertiary	#1	#2	#3

The typology allows us to identify the basic strategic options for prevention policy and programs and is explained in detail below. In the context of our focus on the role of the police in crime prevention, the most important options are:

Traditional Law Enforcement (Box #1)

Activities at this level involve the full range of deterrence, control and treatment activities that the criminal justice system (police, courts and corrections) has traditionally directed against criminal offenders. The law-enforcement role of the police results in a priority being accorded to the identification and arrest of offenders. For the most part, the crime-fighting role of the police has involved tertiary intervention on offenders, with less attention being paid to victims, criminogenic situations, the community, or social correlates of crime.

Crisis Intervention (Box #2)

The concern is to respond to incidents-in-progress, such as hostage takings or domestic assaults. The focus of the debates in this area is on the identification of the most effective tactics and strategies for defusing an incident (or at least the escalation of the incident), or for reducing the consequences of the incident for the victim(s).

Victim Services (Box #3)

The concern is to repair the harmful consequences of victimization. The objective is to help the victim and to increase the efficiency of conflict resolution or of criminal prosecution through increased cooperation from victims and witnesses in the process of identifying, arresting and prosecuting offenders.

Crime Prevention Through Social Development -- The Developmental Approach (Box #4)

The main focus in this sector is on the factors associated with the development of persistent offenders. This approach reflects a commitment to the findings of longitudinal studies of groups of young people. This research has identified a pattern of developmental factors that characterizes persistent young offenders. This knowledge is the basis for programs designed to facilitate early identification of, and intervention in, high risk situations. Programs usually target problems in the family or the school, and require an inter-agency approach to the delivery of the services and resources necessary to eliminate or alleviate the situation.

Community Crime Prevention (Box #5)

The objective of this strategy is to supplement the work and resources of the police by improving the capacity of a community to supervise and control potential offenders. The emphasis is on increasing informal social control, usually through programs such as Neighbourhood Watch, which recruit members of the community on a volunteer basis as the "eyes and ears" of the justice system. The assumption is that this will provide more information to the police and the courts, thus allowing them to improve their rate of arrests and convictions. The theory is that this will deter offenders and thus improve community safety. Unfortunately, the research on this type of programs is not always supportive or encouraging: there is little indication that crime rates are reduced, and it appears that these programs are extremely difficult to set up in the communities that need them the most.⁶

Situational Crime Prevention (Box #5)

This approach also targets at-risk situations, but does so by concentrating more on changes in physical rather than social or community arrangements. In general, the changes are designed to eliminate targets, or at least make them less accessible or attractive. Examples of this approach include a broad range of target hardening or environmental design activities, such as providing good lighting and visibility. Situational crime prevention assumes that potential offenders must make a series of decisions at the point of temptation, and thus, that the most feasible and effective prevention strategies will be those that successfully influence this decision-making process.

Victim Risk Management (Box #6)

The focus here is on the responsibility of potential victims to reduce or manage their level of risk. Programs of this type usually try to educate people at risk about how to protect themselves from potential criminals or to encourage them to modify their lifestyle in a manner that increases their personal safety. It must be noted, however, that this approach can reduce the quality of life of potential victims, e.g., women's fear of crime may lead them to restrict their social activities.

Crime Prevention Through Social Development -- The Social Approach (Boxes 7, 8 & 9)

This sector focuses on the broader economic, political and ideological factors associated with the rate of crime in our society. The main focus is on the social and cultural arrangements of our society, with an emphasis on the impact of inequality and the role of social and community supports in helping people in need. The assumption at this level is that little permanent change to local problems can occur without a reconsideration of the structural and ideological arrangements that characterize our society.

There is no doubt that this schematic representation oversimplifies the distinction between different theoretical approaches to the explanation of crime, and different strategic orientations to crime prevention. Moreover, it underestimates the degree of overlap among actual practices: there are few crime prevention initiatives (or organizations) in the "real world" that fit neatly and exclusively into one (and only one) box. Hopefully, though, this framework does help to illustrate the range of decisions that are at the basis of the development of a balanced and comprehensive crime prevention strategy.

4.2 The Role of Police in a Comprehensive Prevention Strategy

The final issue to address is the role of the police in the design and development of a comprehensive crime prevention strategy. It is clear in looking at the proposed typology that some options or approaches are more relevant to the mandate of the police than others -- the problem is to identify what the police are best equipped to do, and to identify the sectors where they should either leave the field to others or work in partnership with other individuals or agencies. For the sake of simplicity, the following discussion is organized on the basis of the role of the police at each of the three levels of prevention that we have identified.

4.2.1 Primary Prevention

The police have a limited but important problem-solving role to play at the level of primary prevention. In general, their contribution should emphasize a combination of public education about the problems of safety, victimization, and crime, and provide an "early detection/warning system" for the identification of current or emerging problems (ideally through an improved crime and victimization analysis capacity). (Examples of programs at the primary level are contained in Chapter 7.0, Section 7.1.3.)

4.2.2 Secondary Prevention

It is at this level that the police can make a contribution to the prevention of new incidents of offending. The heart of a secondary approach is the recognition that crime and victimization are not random -- we know a great deal about the types of people who are likely to become persistent offenders or victims, and about the situations that foster or encourage crime. The focus must therefore shift to early intervention on individuals who are at risk of becoming involved in offending or of being victims, or on situations which are criminogenic.

The police have two key roles to play at this level. In terms of a focus on potential offenders, the police are one social agency in a position to identify individuals or families who might benefit from early intervention. Their success will depend on the accuracy and timeliness of their identification of these individuals, and on their ability to participate in the provision of coordinated inter-agency responses to those at risk.

In terms of the focus on at-risk situations or vulnerable individuals or groups, the role of the police should be to identify potential problems, and to act as a catalyst and coordinator for mobilizing community-based problem-solving initiatives in response to these problems. (Examples of programs at the secondary level are contained in Chapter 7.0, Section 7.2.3.)

4.2.3 Tertiary Prevention

Traditionally, the criminal justice system has intervened largely at the tertiary level, that is, after an offence has been reported. The overwhelming focus of attention has been on the identification, arrest, prosecution and conviction of offenders. The shift to a focus on prevention of recidivism and the integration of the offender provides a context for the discussion of the general strategy of diversion as an option for dealing with the needs and concerns of victims, offenders, and communities in a more effective and cost efficient manner. A discussion of strategic options for the design and implementation of diversion programs can be found in Chapter 6.0 of this manual.

In the area of policing, the problem is to identify and implement policing strategies that maximize the ability to reduce recidivism and ideally, to deter others from getting involved in offending. Traditionally, the role of the police has been to deliver prosecutable cases to the Crown prosecutor for processing -- the assumption being that successful prosecutions and sentences would have the best effect on both recidivism and general deterrence.

However, the recognition of the broad range of risk factors associated with the development of persistent offending offers an alternative to this approach. The lesson from the research on persistent offenders is that success is most likely in situations where the full range of problems faced by the individual are addressed by early intervention. In practical terms, this means designing intervention strategies that reflect the knowledge we have of risk factors (Box #4). (Examples of programs at the tertiary level are contained in Chapter 7.0, Section 7.3.3.)

4.3 Conclusion

The key to rethinking the role of the police and their contribution to a comprehensive crime prevention strategy is to build on the recognition that a tertiary focus on reacting to offenders by involving the traditional investigate, charge, and prosecute response is a limited approach to a very complex problem. An increase in attention and resources to the primary and secondary levels of prevention, and a recognition of the benefits of using alternatives to the traditional justice system in response to offenders at the tertiary level, is the first step in the design and implementation of more effective police responses to the problem of persistent offending among young people.

Endnotes

¹ Hastings, R. (1991). An Ounce of Prevention... *Journal of Human Justice*, 3(1), 85-95; Hastings, R. (1993). La Prévention de Crime: L'illusion d'un consensus. *Problèmes Actuels de Science Criminelle*, 6, 588-608.

² Brantingham, P.J., & Faust, J.F. (1976). A Conceptual Model of Crime Prevention. *Crime and Delinquency*, 22, 284-296; Lab, S. (1988). *Crime Prevention: Approaches, Practices and Evaluations*. Cincinnati: Anderson.

³ Graham, J., & Bennett, T. (1995). *Crime Prevention Strategies in Europe and North America*. Helsinki: European Institute for Crime Prevention and Control.

⁴ See, for example, Cohen, L.E., & Felson, M. (1979). Social Change and Crime Rate Trends: A Routine Activity Approach. *American Sociological Review*, 44, 588-608.

⁵ For a more complete description, see Hastings, R. (1996). Crime Prevention and Criminal Justice. In T. Fleming (Ed.), *Post-critical Criminology*. Toronto: Prentice-Hall.

⁶ See Rosenbaum, D. (1988). Community Crime Prevention: A Review and Synthesis of the Literature. *Justice Quarterly*, 5, 323-395; Skogan, W. (1990). *Disorder and Decline: Crime and the Spiral of Decline in American Neighborhoods*. New York: Free Press.

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CHAPTER 5.0 MODELS OF DIVERSION IN OTHER COUNTRIES

In developing an effective and efficient model of diversion for Canada, it is useful to review models used in other common law jurisdictions. In this chapter, we will examine three different models of diversion from the traditional youth court system:

- (1) Cautioning and Cautioning Plus in England and Wales;
- (2) Warnings and Family Group Conferences in New Zealand; and
- (3) Children's Hearings in Scotland.

The advantages and disadvantages of each system will be briefly discussed,¹ and the chapter will conclude with a summary of the similarities between the three different jurisdictions.

5.1 Cautioning and Cautioning Plus in England and Wales

The history of juvenile justice in England and Wales is characterized by contrasting views on the causes of, and remedies for, offending.² At times criminal justice legislation and policy reflected the welfare approach, and emphasized the needs of the child, and at other times a "just deserts" approach was used, which emphasized the importance of punishment. The *1991 Criminal Justice Act* was implemented in 1992 and contained a "twin track approach," which distinguished between a minority of violent, dangerous and persistent offenders, for whom a custodial sentence is most appropriate, and a majority of petty property offenders, for whom community sentences are most likely appropriate. The most recent legislation affecting juvenile offenders is the *1994 Criminal Justice and Public Order Act*, which introduced new measures extending the courts' remand and sentencing powers to younger offenders.³

The age of criminal responsibility in England and Wales is 10 years. Children under the age of 10 cannot be found guilty of a criminal offence. Children (aged 10 to 13) and young persons (aged 14 to 17) are dealt with by youth court. According to the common law doctrine of *doli incapax*, however, there is a presumption that a child under the age of 14 is exempt from criminal responsibility unless the prosecution can prove beyond a reasonable doubt that the child knew that the action was seriously wrong.⁴ England and Wales also have a category for young adults (aged 18 to 20), who are dealt with in adult court, but with special provisions for sentencing.

There are four main decision points in dealing with young offenders in England and Wales: (1) cautioning; (2) prosecution; (3) remand arrangements; and (4) sentencing.⁵ This section will only describe the cautioning decision point.

The police have considerable discretion in deciding how to deal with a young offender. In the most trivial cases, they may decide that an informal warning is sufficient, in which case no further action will be taken. Informal warnings are not recorded and cannot be cited in court. The police may also decide a formal caution is the most appropriate action. The purpose of a formal caution is to:

- deal quickly and simply with less serious offenders;
- divert them from the criminal court; and
- reduce the chances of re-offending.⁶

Before a caution can be given, there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction, the offender must admit the offence, and the offender (or, in the case of a juvenile, his or her parents or guardian) must understand the significance of a caution and give informed consent to being cautioned.⁷ The police must also consider whether a caution is in the public interest, taking into account the nature of the offence and the likelihood of a caution being effective.⁸

While there is no statutory basis for cautioning, there are national standards that provide guidelines for its use.⁹ For example, cautions are discouraged for serious offences and repeat offenders. Prior to issuing a formal caution, police usually consult with local social services to decide whether a caution is an appropriate response, and to consider what other supports should be offered to the child and his or her family.¹⁰ A new form of cautioning, called "cautioning plus," is also now being discussed, which would require the young offender to be referred to a community program after initial cautioning.¹¹

5.1.1 Advantages of the English System

- Cautioning provides an opportunity to intervene early in an offender's career. It allows the offender, his or her parents, and criminal justice personnel to jointly work to address the criminal behaviour.¹²
- Cautioning diverts a large number of cases from the formal justice system. A study conducted in 1993 found that of those between the ages of 10 and 16 who had either been cautioned or convicted, 90% of males under 14 were cautioned; 97% of females under 14 were cautioned; 69% of males aged 14 to 16 were cautioned; and 87% of females aged 14 to 16 were cautioned.¹³
- Cautioning appears to be very effective. Of all young offenders under 14 who were cautioned in 1985, only 11% were convicted of another offence within two years.¹⁴
- Cautioning can be done soon after an offence and is quick -- one study found that while the time varied considerably, the average time taken to administer a caution was 45 minutes.¹⁵

- Cautioning is cost effective, averaging £36 (\$76) per suspect.¹⁶
- Cautioning does not require the creation of a new level of government bureaucracy.

5.1.2 Disadvantages of the English System

- A major concern with cautioning is that it is overused, and rather than diverting young offenders from the justice system, it may actually result in an increase of interventions with young people. Initially, cautioning did result in a widening of the net, because people who in the past would have been informally warned were being formally cautioned instead. Recently, however, there are indications that police are increasingly using informal warnings.¹⁷
- Since there is no statutory basis for cautioning, its use varies considerably.
- Although there are now national standards providing guidelines for using cautioning, there is no training or research on the process of administering cautions.¹⁸
- There is a lack of resources devoted to providing support to young offenders who do not reach court.¹⁹

5.2 **Warnings and Family Group Conferences in New Zealand**

Young offenders in New Zealand are dealt with in accordance with the *Children, Young Persons, and Their Families Act*, passed in 1989. The Act includes a comprehensive set of principles that govern both state intervention in the lives of children and young people, as well as the management of the youth justice system.²⁰ The principles reflect current trends in juvenile justice practice:

...disillusionment with aspects of a welfare approach, the separation of welfare and justice issues, the endorsement of certain principles of 'just deserts' (that is, proportionality, determinacy and equity of outcomes), an emphasis on accountability and responsibility, the protection of children's and young people's rights, a preference for diversion from formal procedures, deinstitutionalisation and community based penalties, a shift in resources from state agencies to the voluntary and private sector, and the use of least restrictive alternatives.²¹

Consistent with these principles, the new system in New Zealand recognizes that: (1) the rights and needs of indigenous people have to be considered; (2) families are central to the decision-making process involving their children; (3) young offenders should have a say in the response; (4) victims have a role in negotiations regarding penalties; and (5) decisions should be made by group consensus.²² These strategies are achieved primarily through an innovative

decision-making forum called the Family Group Conference (FGC). To put the FGC into context, it is useful to briefly describe the youth justice system in New Zealand.

The age of criminal responsibility in New Zealand is 10, although children under the age of 14 cannot be prosecuted except for the offences of murder and manslaughter. Those over the age of 16 are dealt with as adults.

When police encounter a young offender, they decide whether to informally warn the offender (which is given at point of contact and is unrecorded), refer the offender to the Police Youth Aid Section for a formal warning or other measure, or arrest the youth.²³ The Youth Aid Section is a specialist police unit dealing only with youth. A formal warning (similar to the English caution) is given in the presence of parents, and may be followed by a written warning and order of limited sanction (such as an apology to the victim or community service). If the case indicates a greater response, it is referred to the Youth Justice Coordinator (YJC), who is appointed by the Department of Social Welfare. The YJC will either negotiate with the police to divert the youth with a formal warning or, if the offence is more serious or there has been previous offending, the YJC will arrange a Family Group Conference (FGC).²⁴

The FGC provides an alternative to court proceedings. It is a means of dealing with young offenders by involving their families in deciding on the most appropriate response. The FGC is made up of the young offender, his or her advocate (if one has been arranged), family members, the victim(s) or their representative, the police, the YJC, and a social worker (in cases where the Department of Social Welfare has a statutory role in relation to the young offender).²⁵ The YJC coordinates the FGC, and acts as facilitator. The goal of the FGC is to formulate a plan for the young offender, and make recommendations as it sees fit (including prosecution). Possibilities include ways of repaying the victim and the community, penalties for misbehaviour, and programs designed to reduce the chances of reoffending.²⁶ The decisions made by the FGC are binding when they have been agreed to by everybody present at the FGC.

FGCs are limited to cases where the young person has not denied the alleged offence, or where he or she has already been found guilty. If the young person contests the grounds on which the FGC has been convened, then the case is referred back to the police, who may decide to proceed with charges if there is sufficient evidence to support the allegations.²⁷ If the case is in youth court and guilt has been established, then the court will refer the case to the YJC to arrange an FGC to make recommendations regarding disposition.

5.2.1 Advantages of the New Zealand System

A major research study after the first year of operation identified the following advantages of the New Zealand youth justice system.²⁸

- A large number of young offenders are diverted from court. Prior to the Act being introduced in 1989, there were 10,000 to 13,000 court cases each year; in 1990, there were only 2,587 court cases.

- Over two-thirds of cases referred to the Police Youth Aid Section were handled by warnings, and just less than one-third were referred to an FGC.
- Fewer young offenders are being sentenced to custody. In 1988, 262 cases resulted in custodial decisions compared to 112 cases in 1990.
- More young offenders are being held accountable for their actions. The vast majority of FGCs (94%) result in some form of penalty for the young offender.
- Family members are very involved in the decision-making process.
- The FGC provides an opportunity for victims to be involved in the decision-making process.
- A consensus is reached in 95% of FGCs. High levels of satisfaction are reported by families (85%), young offenders (84%), police (91%), and YJCs (86%).
- Legislation has set time limits (14 days for court-ordered FGC, 21 days for others) within which FGCs must be held to ensure that the process works swiftly.

5.2.2 Disadvantages of the New Zealand System

- There is a concern that too many young people are being warned or referred to FGCs, resulting in a widening of the net.²⁹
- While the FGC strives to strengthen the family, appropriate resources were not always available to support the young person or the family.³⁰
- There are some concerns about due process. Only 59% of court-ordered FGCs were attended by the youth's lawyer, and there was sometimes pressure for the youth to admit to offences, since a denial would mean a court hearing and long delays.³¹
- Only one-third of the young offenders felt involved, and they often said little in the FGC.³²
- Only 41% of victims attended the FGC, and one-third felt worse for attending. Some felt the young offender was not really sorry, some wanted repayment, and some feared retaliation.³³
- There is concern that families are coerced by the professionals, and do not have enough input into the FGC. The creation of a partnership between families and the state in a system designed to maintain state control over criminal behaviour is seen as inherently problematic.³⁴
- Although the FGC is intended to be culturally sensitive, it is questionable "whether a system that maintains significant aspects of Western legal tradition can ever be culturally appropriate to those of another very different tradition."³⁵

- Practical difficulties are common in trying to get participants together in one place to make decisions as soon as possible, and delays often occurred at youth court.³⁶
- A major concern with FGCs is the lack of follow-up to ensure that decisions are carried out. A study of 10-to 13-year-old serious and/or persistent offenders found that FGC plans broke down in 72% of the cases, and nearly 80% of the children reoffended.³⁷
- The FGC model requires that a unique conference group be set up for each case.
- The FGC model requires the creation of another level of government bureaucracy.

5.3 Children's Hearings in Scotland³⁸

In 1962, a Royal Commission was established to review Scotland's existing juvenile justice system in response to concerns that it did not deal adequately with either the needs of young people or issues of financial restraint. The 1964 Kilbrandon Report made a number of recommendations, including the introduction of the Children's Hearing system. The report based its recommendation on the notion that the focus of the juvenile justice system should be on the needs of the child. It was reported that offending was in many cases an indication of other problems in the family, therefore successfully addressing the problem meant intervening where the problem begins -- in the home. The emphasis in Children's Hearings, then, is on promoting parental responsibility and providing support to the family.

The Kilbrandon Report stated that the court system was focused on legal requirements and procedures rather than the best interests of the child, and consequently recommended that the authority to order dispositions should rest with a body of people with a special interest in the child. The Children's Hearing system was designed to consist of volunteer members from the community. Legislation establishing the Children's Hearing system, *The Social Work (Scotland) Act*, received Royal Assent in 1968 and came into effect in 1971. The Children's Hearing system was unique in that it fully integrated the juvenile justice and child welfare systems.

The age of criminal responsibility in Scotland is 8, and youth up to age 16 may be referred to the Children's Hearing system. Alleged young offenders 16 years of age and older are referred to adult court. Children of any age up to 16 years may be referred to Children's Hearings for child welfare concerns.

Referrals to Children's Hearings are made directly to a Reporter, who is an independent official appointed by the local authority. The vast majority of referrals are made by police when the grounds for referral is the commission of an offence. The Reporter's role is to investigate whether the child is in need of compulsory care and make appropriate referrals. He or she will meet with the child and the family, and then decide whether to refer the case to a Children's Hearing if the child is in need of compulsory care, refer the case to the local authority or Department of Social Work if a voluntary measure of care is indicated, or take no further action (which usually involves a caution).

Children's Hearings are conducted by three members of a Children's Panel that form a legally constituted tribunal. Members are trained volunteers appointed by the Secretary of State for Scotland. Each panel includes male and female representation, and the Reporter acts as legal consultant to the Panel. Hearings are usually held in locations convenient for the families, and may include the presence of the child, parents, social workers, legal counsel, teachers, or others as deemed appropriate.

Before a Hearing can be convened, the grounds for referral must be accepted by the child and parent. The child is asked if he or she "accept[s] the grounds stated by the Reporter for the referral." If the grounds are not accepted, the case is referred to the Sheriff Court.

The Hearing involves a full discussion of the offence and surrounding issues and the views of the victim and offender are solicited. Once a decision is reached by the Panel, the Panel must inform the child and parent of the decision and the reasons for it. There is a mandatory review after three months, and any supervision requirements are open to review at any time at the request of the social worker. The child and parent have the right to appeal to the Sheriff Court within 21 days of the decision.

5.3.1 Advantages of the Scottish System

- A large number of cases are diverted from court. In 1991, 54% of the referrals to a Reporter resulted in no further action (i.e., a caution).³⁹
- Children's Hearings are quick, lasting approximately 45 minutes.
- The Scottish system is very cost efficient. The average cost of processing each child (from investigation to completion of the hearing) in 1991 was £ 248 (approximately \$525.00).
- Children's Hearings encourage community involvement. Panel members are volunteers from the community, and outcomes may include community-based options.
- Volunteer panel members go through a rigorous selection process, and undergo 70 to 85 hours of introductory training.
- A three-month follow-up review of Children's Hearing dispositions is mandatory.

5.3.2 Disadvantages of the Scottish System

There is concern that the Children's Hearing system is too unstructured and informal, primarily because it uses lay members of the community rather than legal professionals.

Another concern is that dispositions will be inappropriately "soft" in proportion to the seriousness of the offence. This criticism arises from the focus on the needs rather than deeds of the child.

The Children's Hearing system requires the creation of another level of government bureaucracy.

5.4 Conclusion

It is evident from reviewing the models of diversion in England and Wales, New Zealand, and Scotland that all three systems share some common characteristics. All three systems use an integrated youth justice system, with graduated responses to young offenders. In other words, each system has various levels of response depending on a number of factors, such as the nature of the offence, and previous offending (please see Chapter 6.0, Section 6.3 for a discussion of factors affecting system response).

Further, each system has a simple mechanism for diverting less serious offenders from the traditional youth court process, which results in high levels of diversion. For example, England and Wales divert approximately 56% of cases reported to police, New Zealand diverts 61%, and Scotland diverts 59%.⁴⁰ Associated with this characteristic is the fact that each system gives police a lot of discretion in deciding how to handle a case involving a young offender. At the same time, each system respects due process for the individual. Diversionary measures are only used when the youth accepts responsibility for the offence, and a case may be referred back to the traditional youth court system at any time in the process.

Each system recognizes the importance of the family in preventing further offending, and promotes the involvement of the parent or guardian in some capacity. In addition, each system considers both the offender and the victim in dispositions, and calls upon the resources of the community as required.

Each system is cost effective -- primarily because the more highly developed models of intervention are used when there is indication of their need, and first-time, less-serious offenders are warned or cautioned.

Endnotes

¹ For a good discussion of a comparison between these models, please see Hornick, J.P. & Rodal, S. (1995). *The Use of Diversion and Alternatives to Traditional Youth Court: An International Comparison*. Calgary, AB: Canadian Research Institute for Law and the Family.

² Graham, J. (1995). *The Organization and Functioning of Juvenile Justice in England and Wales*. London, England: Home Office.

³ Graham, 1995.

⁴ Allen, R. (1995). *The Liability of Children for Criminal Offences*. Unpublished paper. This doctrine was challenged by the Division Court in *R. v C.* (1994), but was upheld by the House of Lords in 1995.

⁵ Graham, 1995.

⁶ Graham, 1995.

⁷ *The Cautioning of Offenders*. (1994). London, England: Home Office Circular 18/1994.

⁸ Graham, 1995.

⁹ Home Office Circular 18/1994.

¹⁰ Hornick & Rodal, 1995.

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¹² Shapland, J., Hibbert, J., l'Anson, J., Sorsby, A., & Wild, R. (1995). *Milton Keynes Criminal Justice Audit: Summary and Implications*. Commissioned by the Milton Keynes Youth Crime Strategy Group.

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¹⁴ Allen, 1995.

¹⁵ Shapland et al., 1995.

¹⁶ Shapland et al., 1995.

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²⁰ Maxwell, G., & Morris, A. (1993b). *Family, Victims, and Culture: Youth Justice in New Zealand*. Wellington, NZ: Social Policy Agency and Institute of Criminology, Victoria University of Wellington.

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- 35 Hornick & Rodal, 1995. p.37.
- 36 Morris & Maxwell, 1993.
- 37 Maxwell, G.M., & Robertson J.P. (1995). *Child Offenders*, A Report to the Ministers of Justice, Police and Social Welfare, Wellington, NZ.
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- 40 Hornick & Rodal, 1995.

NOTES

CHAPTER 6.0 A CONCEPTUAL FRAMEWORK FOR DIVERSION

The purpose of this chapter is to provide a model or blueprint for diversion of young offenders from the traditional court system by police. The first section of this chapter describes in very general terms the current system for diversion of young offenders in Canada. The second section presents a blueprint of various options for diverting youth that could be practiced in Canada under current legislation. The third section contains a discussion of the relevant factors for deciding what cases should be diverted, and the final section lists recommendations for future consideration.

6.1 Diversion in Canada

The *Young Offenders Act*, which came into effect in 1984, represents a philosophical shift away from the *Juvenile Delinquents Act (JDA)*, which it replaced. The *JDA* tended not to distinguish between neglected and delinquent youth, and it adopted an approach to juvenile justice that, at least in theory, tended to emphasize the best interests of the child or youth. The *YOA*, in contrast, focuses on the protection of society, the rights and responsibilities of young persons, and due process.

The *YOA* gives youth courts jurisdiction to deal with all youth aged 12 to 17 suspected of violating any federal legislation. As well, youth courts may also hear cases of young persons accused of violating provincial laws under the authority of provincial/territorial young offender legislation. Children under 12 years of age are deemed incapable of having criminal responsibility and, therefore, cannot be charged with a criminal offence, but may be dealt with under provincial child welfare legislation.

Under the *YOA*, *Criminal Code* provisions relating to arrest and bail apply to young persons, and youth must be informed of their rights, including the right to have a lawyer who may be paid for by the government. However, at the time of initial contact, the youth may be diverted from the formal system through an informal warning by police, or by a referral to a formal pre-charge alternative measures program, or the suspected youth may be charged. The police or the Crown prosecutor (depending on the jurisdiction) may lay a charge if the investigation into the alleged offence provides reasonable grounds for the police officer to believe that the suspect committed the offence. The use of informal warnings by police is not usually recorded; therefore, we have no systematic data on the frequency of their use.

Pre-charge alternative measures programs have been developed under s. 4 of the *YOA* in six provinces: Newfoundland, Prince Edward Island, New Brunswick, Quebec, Alberta, and British Columbia. Among other conditions, the suspected youth must "accept responsibility for the act or omission," and there must be "sufficient evidence to proceed with prosecution of the offence in order for a youth to be referred to any alternative measures program" (see *YOA*, ss. 4 (e) and (f)). In most jurisdictions, the provincial Attorney General's office has established systems where the Crown

prosecutor refers or authorizes a referral of a youth to the alternative measures program. The police seldom refer directly, although in most jurisdictions they make a recommendation to the Crown prosecutor, who makes the decision to refer. In Quebec and Ontario, the Director of Child Welfare is also involved. A recent review of alternative measures programs indicates that, in 1991-92, 13.7% of the total number of reports of crimes involving youth suspects resulted in referrals to pre-charge alternative measures programs in these six provinces.¹

A suspected young offender who is charged may be referred to youth court or referred to a post-charge alternative measures program. Such programs have been developed in five provinces/territories: Ontario, Nova Scotia, Manitoba, Saskatchewan, and the Yukon. Most programs are combined pre/post-charge alternative measures programs. Only Ontario has established programs that are exclusively post-charge, and 16.8% of the total number of reports of crime allegedly perpetrated by youth in Ontario resulted in youth being referred to these programs in 1991-92.²

Overall, the review of alternative measures programs suggests that approximately 16% of youth who come into contact with police were formally diverted either pre- or post-charge.³ The level of use of alternative measures, however, varies considerably within Canada. For example, in 1991-92, alternative measures cases accounted for approximately 28% of all reports of offences involving youth in Manitoba, compared to approximately 19% of cases in Quebec and 13% of cases in Alberta.

If a charge is laid and the youth is not diverted to an alternative measures program, the youth will be referred to youth court and, in the most serious cases, may be transferred to adult court. Conviction rates (including guilty pleas) are generally quite high, at approximately 65% in 1991. Likewise the proportion of convicted cases resulting in a custody placement disposition was high at 30%.

6.1.1 Advantages of the System

- The alternative measures provision (s. 4) of the YOA provides for a great deal of flexibility. Both the nature and use of diversion programs can be tailored at the provincial level for the needs of that specific jurisdiction.
- The youth justice committee provision of the YOA (s. 69) provides for the use of volunteers from the local community in the administration of the YOA.
- The system provides for the protection of the rights of youth.

6.1.2 Disadvantages of the System

- The development of diversion programs varies considerably both within and across jurisdictions and little descriptive and evaluative information is available.

- Diversion occurs too late in the system -- usually post-charge. Further, the decision to divert is usually made by the Crown prosecutor not the police, and the decision is most often made on the basis of a review of the police file and the application of a formula.
- Low rates of diversion of youth have resulted in a high rate of referral to court and, as a consequence, high rates of custody. This overall situation results in high costs.
- It is difficult to identify and track the use of various programs within the youth justice system due to poor reporting and documentation of the written crime reports. The reporting system unfortunately does not mirror reality.

In addition to the system disadvantages listed above, the focus groups identified the following additional concerns of frontline police:

- Heavy workloads due to high rates of calls for service and resulting paper work prohibit developing a proactive preventative approach to youth crime.
- The current system is not gradated. In many jurisdictions, if police do not charge they only have two options available: (1) an informal warning, in which case accountability and tracking the case are a problem; or (2) they can recommend to the Crown that the case be referred to alternative measures; however, in these situations they seldom ever find out what happened to the case.
- There is a lack of knowledge regarding the options available to frontline police and the appropriate use of discretion.
- The use of proactive approaches, such as the use of diversion, requires the support of senior police management and recognition that such activities are a legitimate and rewarded component of the police workload.
- The perceived lack of mechanisms for dealing with those children under 12 years of age who commit criminal behaviour was identified as frustrating.

6.2 Tertiary Prevention: A Blueprint for Diversion by Police

This section presents a conceptual framework or blueprint for diversion that is designed to deal with some of the current disadvantages of the Canadian youth justice system listed above. Specifically, a range of strategies and programs that police could use to divert certain young offenders from the traditional youth court system is presented. The conceptual framework, pictured in Figure 6.1, is based on information obtained from several sources including surveys of Canadian police agencies and provincial Attorney Generals' offices, focus groups with selected police agencies across Canada, and youth and police agencies in other common law countries.

The model for responses to juvenile offending depicts a set of graduated and integrated responses to a criminal incident where a youth suspect is known and enough evidence exists to lay a charge. The responses range from minimal intervention, i.e., a warning, to maximum intervention, i.e., the laying of a charge and prosecution in court. The first three responses -- warning, formal caution, and pre-charge diversion programs -- are the main focus of this manual, since they involve direct decision-making by police and, thus, define "police diversion." The first two steps -- warnings and formal caution -- fall within the role of police alone, while referral to pre-charge diversion programs would involve the decision of the police to refer to other community resources. The specific stages of the police diversion components of this model are described below and followed by a discussion of what types of cases would be appropriate for referral to the various stages. It is important that any model of diversion still respects due process and protects individual rights. Therefore, diversion programs should only be used in cases where reasonable grounds exist to lay a charge. Further, youth who choose to go to court, rather than being diverted, must be allowed to do so (see also Chapter 3.0, Section 3.3 for more information on this issue).

We realize, of course, that the implementation of the complete model in all jurisdictions will not be possible since both community needs and resources vary considerably. Thus, the model is presented with a number of options and a discussion of advantages and disadvantages in order to enhance its applicability to various communities.

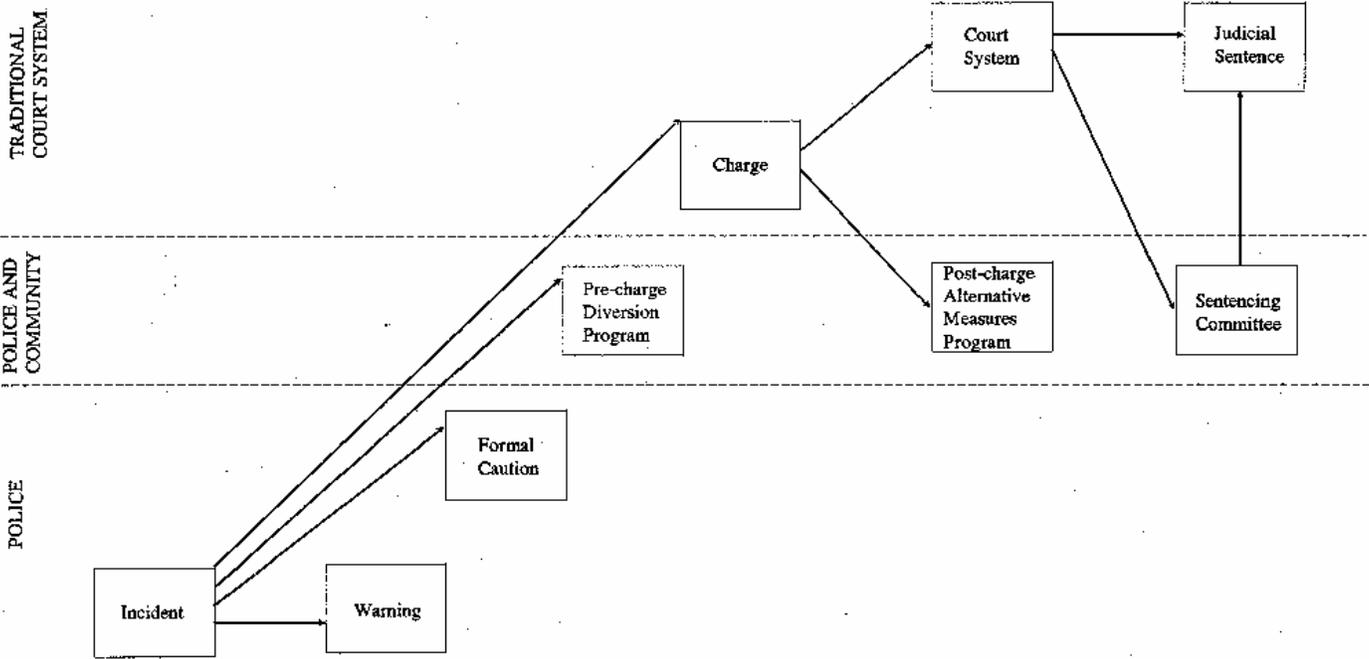
The process for decision making regarding which cases should be referred to which levels of intervention is complex and is dealt with in Section 6.3 of this chapter.

6.2.1 Warning

The focus groups conducted across Canada, as well as information from other countries, indicated that some kind of "warning" as a form of diversion is practiced in all jurisdictions. In Canada, these warnings are usually informal in the sense that they are not recorded. The lack of recording was felt to be a problem because other police officers could not tell whether a young offender had previously been warned. Some police officers also indicated that informal street warnings are sometimes used in situations where the police officer may have a suspicion but does not have enough evidence to lay a charge. In such situations, however, youth are not being diverted and thus are not the subject of this manual.

FIGURE 6.1

A MODEL FOR POLICE RESPONSE TO YOUNG OFFENDERS



In Canada, it appears that warnings are used more frequently in situations where the police officer can informally monitor future activity of the youth being warned. For example, the focus group data indicated it is used more in rural settings than in urban settings. Further, within urban settings, it is used more frequently by school resource officers (SROs) than by regular frontline officers.

Purpose and Use

Given its common and practical use, the first step in the graduated response to juvenile offending pictured in Figure 6.1 is a warning. The purpose of a warning is to deal informally, simply, and quickly with a minimal level of intervention with appropriate young offenders. Warning as defined here should only be used if:

- it is in the public interest to use a warning;
- enough evidence exists to lay a charge; and
- the youth does not deny the act.

Administration

Administration of a warning should be conducted by the investigating police officer as soon as possible after the initial investigation of an occurrence. At minimum it should involve:

- verbally warning the youth; and
- informing the parent/guardian face-to-face, by telephone, or by letter or mailed form.

A record of the occurrence and the fact that it was cleared otherwise by a warning should be kept in an occurrence file information system, accessible to other police in the jurisdiction. This record should be used by other police and/or the Crown prosecutor in deciding an appropriate response if the youth offends again. However, there would be no basis for using this information in a pre-disposition report if the youth was charged and convicted of further offences.

Advantages

The benefits of using a warning are:

- It is informal and quick involving only the frontline officer.
- It provides the parent/guardian the opportunity to deal with the event and its underlying causes within the family.
- If the parents cooperate, it can be used with offending children who are under 12 years old.

Disadvantage

- Further legal action regarding the incident may be jeopardized if a warning is issued without the provision of Charter rights or due process. In addition, evidence may no longer be available if the investigation needs to be continued at a later time.

6.2.2 Formal Caution

As discussed in Chapter 5.0, formal cautions are used in many other common law jurisdictions including England and Wales and New Zealand. Most cautioning programs are based on the current English model, which was introduced in London in 1969.

Generally, formal cautioning is an efficient and effective way of dealing with first time and occasional minor offenders. As Chapter 5.0 indicates, in England and Wales, New Zealand, and Scotland over 50% of offenders are diverted from the traditional court system through some form of cautioning and few reoffend. In comparison only 16% to 20% of young offenders were diverted through alternative measures programs in Canada.⁴

Purpose and Use

Given its proven effectiveness in other countries as documented in Chapter 5.0, a formal caution is the second step in the graduated response to juvenile crime, as presented in Figure 6.1. The purpose of the formal caution is:

- to deal quickly, simply, but formally with appropriate young offenders;
- to divert the young offender from appearance in youth court; and
- to reduce the chances of reoffending by providing the opportunity to discuss the family situation and underlying causes for offending.

Formal cautions could be used if:

- it is in the public interest to use a formal caution;
- enough evidence exists to lay a charge;
- the youth accepts responsibility for the act; and
- the youth and parent/guardian attend at the police station on a consensual basis, and the youth gives informed consent to being cautioned.

Administration of Caution

There are several options for the administration of a formal caution. Because of the diversity of Canada it would not be expected that one model would be the most appropriate for all

jurisdictions or locations. Most of the options center around three issues: (1) Who decides that a particular young offender should be cautioned?; (2) How is the decision made?; and (3) Who administers the actual caution?

The Decision to Caution

The decision to caution a particular young offender is made by a number of different persons depending on the jurisdiction and police agency policy. The options include:

- (1) the investigating officer;
- (2) the investigating officer's supervisor;
- (3) special youth officers (such as the Youth Aid Section in New Zealand); and
- (4) a multi-agency review team (such as the Youth Bureau in England).

There are advantages and disadvantages to each option. These are discussed briefly below.

The Investigating Officer. The advantages of having the investigating officer make the decision regarding whether to give a particular youth a caution are as follows: (1) this person has the most detailed knowledge of the case; (2) this empowers the frontline officer and maximizes discretion; and (3) it is the simplest and most immediate option. The disadvantage is that it increases the level of responsibility and workload of the frontline officer regarding the case.

The Supervisor. The advantage of having the supervisor of the investigating officer make the decision regarding whether to give a particular youth a caution is that it reduces the responsibility that the investigating officer must have. The disadvantages include the following: (1) the supervisor may not understand the case as well as the investigating officer; (2) it would lower the use of discretion by the frontline officer; and (3) it would involve duplication of resources and thus cost more; and (4) it would delay quick intervention.

A Special Youth Officer. The advantage of having a special youth officer make the decision regarding whether to give a particular young offender a caution are as follows: (1) they would have special expertise and experience; and (2) they would be knowledgeable of community resources to which the youth may be informally referred. The disadvantages would include: (1) the use of more resources and thus it would cost more; and (2) it would also diminish the use of discretion by frontline officers.

Multi-agency Review Team. The multi-agency review team usually includes four members. In certain locations in England, the young offender review panel includes senior representatives from police, social services, probation services, and education. The obvious advantage of this team is its access to the resources of various agencies. The disadvantages include the following: (1) the team is resource intensive and thus costly, and many cases would not require access to such resources; (2) it would delay quick intervention; and (3) this approach does not empower the frontline officer.

In choosing between the various options, the local setting and availability of resources should be carefully considered. Overall, we would recommend that the decision whether or not to caution remains with the investigating officer for the reasons cited above. Further, this option best fits with rural settings where resources may be limited. If supervisors are to be used, it should be on an advisory basis as a support for the frontline officer, not as a decision-maker for the frontline. The use of special youth unit officers for making this decision may be appropriate in agencies where they already exist; however, even in this situation protection of the discretion of the frontline officer is important. The use of multi-agency review teams seems to be "too much, too soon" and therefore is not recommended for this level of intervention. The use of these teams is more appropriate at the pre-charge diversion program level.

How the Decision is Made

Whether a particular young offender should be cautioned, referred to a specific program, or charged and processed through the traditional court is not always a simple decision. In some locations in England, the decision is formula-based, i.e., offences are weighted in terms of gravity and aggravating or mitigating factors and referred on the basis of an assigned score.⁵ In other locations the decision is totally up to the discretion of the investigating officer. Information from the focus groups would suggest that Canadian police would not favour a formula-based diversion model. However, broad guidelines would be viewed positively.

Who Administers the Caution

There are at least two different options for who actually administers the caution. They include the following:

- (1) a senior police officer; or
- (2) a special youth unit officer.

Generally, it does not appear that the police officer who investigates and refers a youth for a caution actually administers the caution. However, this may be necessary in small rural Canadian detachments. Thus, use of senior police officers or a special youth unit officer seem to be the most viable options. The advantage of a special youth unit officer would be: (1) special expertise and experience; and (2) linkages with other agencies, e.g., child welfare. However, scarce resources in small agencies may require the use of a senior officer.

The Caution⁶

Regardless of who administers the formal caution the procedure would be the same. Prior to the caution the following tasks should be completed:

- (1) social services/child welfare should be contacted to see if they have relevant information;

- (2) the victim should be contacted to identify the nature and extent of any harm and whether the offender undertook any form of reparation.

During the caution the following procedure should be performed. The caution should take place at the police agency in a formal manner and both the young offender and the parent/guardian should be present. The following tasks should be completed:

- (1) The nature of the caution and its significance should be explained. Then both the youth and parent(s) should give their consent to being cautioned. (In Northern Ireland, permission is also obtained for the youth liaison officer to follow up later with the youth and parents.)
- (2) Several issues may be discussed with the youth and parents including:
 - the gravity of the situation;
 - the impact on the victim;
 - the consequences to the youth;
 - the responsibility of the parent(s);
 - the youth's motivation for the behaviour; and
 - underlying problems contributing to the deviant action(s).

Legal Basis

While there is currently no legal basis for formal caution *per se* in Canada, it can be performed as "police discretion" (see Chapter 3.0). It could also be sanctioned under s. 4 of the YOA as an alternative measures program (see Chapter 3.0).

Record of Information

A record of the occurrence and clearance by formal caution should be kept as part of an occurrence file system which is accessible to other police in the future. Such information may be critical in deciding whether to charge the youth if they reoffend. The information could also be part of a report to the Crown prosecutor if further incidents occurred. If a formal caution program was authorized under s. 4 of the YOA, the information could also be cited in a pre-disposition report if a further conviction occurred (under s. 14 (2)(c)(iv)).

Advantages of Cautioning

- The procedure is inexpensive.

- It permits the police to clear the offence quickly, in that the caution can be administered within days of the incident.
- It avoids a criminal record for the youth.
- It increases the involvement of the parent(s) and thus reinforces family responsibilities.
- It focuses on the actions of the young person, not on the legal concept of offence; the young person, not his or her lawyer, gets to talk about what happened.
- The approach is non-adversarial, and is more readily understood by the young person and the parent(s) than the court process.
- This low level response to first offenders is successful in other jurisdictions.⁷
- This could be used with youth under 12 years old if their parents consent.

6.2.3 Pre-charge Diversion Program

Numerous pre-charge diversion programs already exist in Canada. Several examples of these are presented in Chapter 7.0, Section 7.3 of this manual. Some of these are alternative measures programs under s. 4 of the YOA, while others are youth justice committees under s. 69, and the remaining programs have no legislative base. Many of these initiatives are similar, to or are actually based on components of, models used in other countries, such as the Family Group Conference used in New Zealand.

The main difference between the use of these programs in Canada and other countries is the fact that in Canada the programs are often used as the only diversion component in the youth justice system. More specifically, many jurisdictions may have a community-based, multi-agency diversion program, but few would also have a complementary caution program. The Sparwood Youth Assistance Program (SYAP) described in Chapter 7.0, Section 7.3.3, would be one of the few graduated, integrated systems identified.

It is important to understand that more intrusive diversion programs should be targeted at those offenders who most need such programs, i.e., repeat and potentially persistent offenders. As pointed out in Chapter 5.0, in Scotland and New Zealand less than one-third of young offenders diverted are referred to these types of programs. The vast majority are dealt with through formal caution.

Purpose and Use

The purpose of pre-charge diversion programs is as follows:

- to provide a community-based alternative to traditional court;

- to engage and assist the parents and community in formalizing and carrying out a plan to prevent repeat offending;
- to involve victims, if they wish, and increase victim satisfaction; and
- to develop a range of meaningful consequences to the offender that will reflect the community concern for the offender's rehabilitation and restitution to the victim.

Pre-charge diversion programs could be used if:

- enough evidence exists to lay a charge;
- the youth accepts responsibility for the act;
- the youth and parent/guardian give informed consent to being involved with a pre-charge diversion program; and
- it is in the public interest to use a pre-charge diversion program.

Administration of Pre-charge Diversion

The administration of a pre-charge diversion program requires the completion of the following four main tasks:

- (1) Referral;
- (2) Assessment and development of a plan;
- (3) Implementing the plan/providing services; and
- (4) Monitoring compliance of the youth with the plan.

There are several options for accomplishing these tasks, and these are outlined below.

Referral

Currently in Canada most referrals to alternative measures programs (s. 4, YOA) are made by the Crown prosecutor. Other options include having the investigating officer or a special youth officer make the referral. It seems most appropriate and efficient for the investigating officer or the special youth officer to refer cases to pre-charge diversion programs. The criteria for deciding to refer are discussed in Section 6.3.

Assessment and Development of a Case Plan

After referral, someone must meet with the young offender to assess the situation and develop a plan which sets out a meaningful consequence for the youth. In New Zealand, this would be the task of the Family Group Conference and in Scotland it would be done by a Children's Hearing (a committee of trained volunteers).

In Canada, there appears to be at least three different approaches to dealing with this task. First, the police may have in-house resources. Ottawa-Carleton police, for example, have a comprehensive pre-charge diversion program in their youth section. A youth intervention worker (non-sworn) in this section screens and assesses young persons and either provides and/or refers the young person to appropriate services in the community (see Chapter 7.0, Section 7.3). Second, this task is often performed by committees, which are usually multi-agency groups established as standing committees. These committees may be established under s. 69 of the YOA as youth justice committees, but they do not need to have a legislative base.

Third, the task of assessment and development of a plan is often performed by a conference (a group organized to review a specific case -- it is *ad hoc* as opposed to a standing committee). These conferences may be organized by the police, or by another group such as a standing committee. Further, a number of programs including conferencing (similar to Family Group Conferencing) are established as alternative measures programs under s. 4. of the YOA.

There is very little research on Canadian programs that would lead us to choose one approach over another. Thus, we have to look at research from other countries (see Chapter 5.0) and attempt to view the research findings relative to the particular types of cases we intend to deal with and the resources that we have to employ. For example, the conference model may work best in cases where the family is motivated to help the young person and informal community supports are available in a tightly knit rural community. In contrast, if the family is not motivated to help and in fact may be dysfunctional, a multi-agency committee may be able to provide appropriate services more effectively.

Implementation of the Plan/Provision of Services

Once the service plan is determined for the young person, the next question is who provides the services or administers the plan. Obviously, the nature of the plan often determines who provides it.

The surveys of police agencies and provincial Attorney General's offices, as well as the focus groups, identified a very broad range of non-custodial consequences for young offenders. These consequences are listed in Table 6.1. The range of consequences is considerable and any combination may be used in a particular case depending on the needs of the youth and their family.

Who provides the service, in cases where services, such as counseling or family support are required, also can vary considerably depending on the resources available in the community. In some communities non-profit agencies such as the John Howard Society provide services. Depending on the nature of the problem, provincial family and social services may also provide services.

Monitoring Compliance

Monitoring compliance of the youth with the plan is most logically done by those who provide the service. While this seems simple enough, police in the focus groups indicated that in their experience the lack of monitoring by service providers was one of the great weaknesses of the current alternative measures programs. It should be noted that youth who do not comply with the terms and conditions of alternative measures programs may be subject to further court proceedings.

Table 6.1

Alternative Consequences Following Diversion

General Focus	Specific Consequences
Offender	<ul style="list-style-type: none"> - required conditions such as school attendance, curfew - special educational programs - counseling, such as anger management
Victim	<ul style="list-style-type: none"> - apology - personal services - compensation
Offender/Victim Relationship	<ul style="list-style-type: none"> - alternate dispute resolution - mediation - victim/offender reconciliation - family group conference
Community	<ul style="list-style-type: none"> - community services - charitable donations
Offender/Family Relationship	<ul style="list-style-type: none"> - support and counseling such as child-parent conflict management

The Role of Police in Pre-charge Diversion

Both frontline police officers as well as police managers have clear roles to play in pre-charge diversion programs. The frontline officers have three unique roles as follows:

- (1) Referral agent: It is clear that the most efficient way of screening cases for pre-charge diversion programs is to use frontline police and/or special youth officers as referral agents.
- (2) Case specific information: During the process of investigating, police officers gain knowledge about the attitudes and needs of the young person and their family as well as

about the victim. Such information is critical in determining a plan that is most likely to stop offending behaviour.

- (3) Expert advice: Frontline officers are in the best position to provide general information and guidelines to committee, conferences, and service providers.

Police managers also have essential roles in terms of pre-charge diversion programs. They are as follows:

- Support the frontline officer involved: Police managers must recognize the importance of the role of frontline officers in pre-charge diversion programs and reward their involvement.
- Provide community crime profile information: Police managers should provide committees and programs involved in diversion with general information on crime patterns and issues.
- Support setting up diversion programs: Police agencies are in a key position to support the creation of pre-charge diversion programs. While many jurisdictions have such programs, many do not. Police agencies may wish to help initiate alternative measures programs under s. 4 of the YOA or youth justice models under s. 69. Such programs would require the sanction of the provincial Attorney General's office and most likely local Crown prosecutors. There are excellent manuals available for such programs in certain jurisdictions such as Manitoba, which currently has 67 youth justice committees.⁸ The province of Newfoundland has also prepared an excellent manual for alternative measures programs under s. 4, of the YOA.⁹

6.2.4 Traditional Court System

While processing young offenders through the traditional court system is not the focus of this manual, it is important to point out that post-charge alternative measures programs (as pictured in Figure 6.1), as well as sentencing committees, can be organized in the same way as pre-charge diversion programs. In fact, the same committee and/or conference system can be used post-charge and post-conviction. This is how both the New Zealand Family Group Conference models and the Scottish Children's Hearings are used (see Chapter 5.0).

6.3 **The Decision to Divert**

Implementation of the model of responses to juvenile offenders presented in Section 6.2 requires frontline police to make two decisions:

- (1) whether a young offender should be diverted or charged; and
- (2) if diverted, the appropriate type of diversion or level of intervention.

As we indicated previously, some jurisdictions use a formula-based model of decision making. For example, in many of the provinces, the Crown use the specific sections of the *Criminal Code* and whether there is a history of offending to decide whether alternative measures should be used. We prefer that a more complex method be used which maximizes the information the investigating officer has about the case. Thus, we recognize that there are many factors that should be considered when police are deciding if a case should be diverted and what the specific response should be. It is also important to remember that each case is unique and must be assessed on its own merits. However, research does suggest the importance of a number of specific factors and these are discussed below.

6.3.1 Types of Offenders

In 1995, a review was conducted of youth justice systems in five common-law jurisdictions: Canada, United States, England and Wales, New Zealand, and Scotland.¹⁰ The study found that in all of the jurisdictions studied, each had a graduated response to young offenders that was based on a number of factors. Overall, four general types of offenders were identified as: (1) accused who do not admit guilt; (2) less serious/first-time offenders who admit guilt; (3) less serious/occasional offenders who admit guilt; and (4) serious and/or persistent offenders.

Accused Who Do Not Admit Guilt

In the interests of due process, youth who are charged and do not admit guilt are referred to the traditional court system. In all five jurisdictions reviewed, alternatives to traditional court proceedings are used only for decisions regarding dispositions of cases where the youth has either admitted guilt or has been found guilty by a formal court. A basic requirement of all diversionary practices is that the youth accept responsibility for his or her actions.

Less Serious/First-time Offenders

All jurisdictions studied had some mechanism for dealing less intrusively and less formally with less serious and/or first-time offenders. All jurisdictions used informal warnings by the police, as well as more formal mechanisms for diversion of minor offenders. In this manual, we are not concerned with cases where there is insufficient evidence to lay a charge; rather, we are dealing with cases that truly can be diverted from the traditional court system.

Common characteristics of diversion used with less serious and/or first-time offenders, particularly in England and Wales, New Zealand, and Scotland, are that the youth is made accountable for his or her actions, and there are serious attempts to involve the youth's parent(s)/guardian(s) through the use of formal caution.

Less Serious/Occasional Offenders

In most jurisdictions, youth who commit less serious crimes occasionally (and admit their guilt) are dealt with in the same manner as less serious, first-time offenders. Some jurisdictions attempt to make distinctions and tailor responses accordingly. In England and Wales, for example, there are

"cautioning plus" programs for youth who have already been formally cautioned once, and in New Zealand, less serious/occasional offenders would probably be referred to a Family Group Conference.

Serious and/or Persistent Offenders

In all jurisdictions reviewed, children and youth who commit very serious crimes, such as murder, may be transferred from the youth justice system to adult court. While youth who commit serious crimes (such as armed robbery, aggravated assault, etc.) and/or are persistent offenders (commit a series of offences over time) are the least likely to be diverted from the traditional court system, many police agencies and provinces across Canada have developed programs for dealing with these youth (see SHOP and MAPP programs in Chapter 7.0, Section 7.3).

6.3.2 Nature of Offence

One of the most important factors affecting the criminal justice system response is the seriousness of the offence. Associated with this factor is the *Criminal Code* section invoked, the amount of damage or injury caused, whether there is a weapon involved, and whether the offence was planned in advance or was a spontaneous act.

Another characteristic that may affect system response is the presence of co-offenders. If there are co-offenders, consider the level of participation of each young offender. Was the young offender the leader, or a follower? Does the young offender belong to a gang?

In summary, factors regarding the nature of the offence include:

- seriousness of the offence;
- *Criminal Code* section invoked;
- amount of damage or injury caused;
- level of violence;
- presence of a weapon;
- spontaneity of act;
- presence of co-offenders; and
- level of participation of the young offender.

6.3.3 Characteristics of Offender

Many characteristics of the offender may influence how the criminal justice system responds to the young offender. A prerequisite for all diversionary measures seems to be that the youth accepts responsibility for the offence and demonstrates remorse. Other possible characteristics of the offender that may affect system response are whether the youth has a previous record and the age of the youth. It is important to note that while children under 12 years of age cannot be charged under the YOA, any of the diversion responses outlined in Section 6.2 can be used if the parent(s)/guardian(s) approve.

Other characteristics of the offender may indicate the need for a differential response. If there is evidence of substance abuse, for example, then a multi-agency approach might be most appropriate. There is also a strong relationship between conduct and hyperactivity disorders and delinquent behaviour. In a study of youth crime and violence in Calgary, for example, 75% of the students scoring in the clinical range on conduct disorder had threatened to hurt someone in the past year, compared to 12% of students scoring low.¹¹

It is well documented in the research literature that there is a strong relationship between a youth's level of delinquent behaviour and his or her involvement with delinquent peers.¹² A study of youth crime and violence in Calgary found that students who reported a high degree of peer delinquency were substantially more likely to report delinquent behaviours themselves than were students who reported moderate or low levels of peer delinquency.¹³ For example, 62% of students who indicated a high level of delinquent peers reported having stolen less than \$50, compared to only 5% of students who reported a low level of delinquent peers.

School factors are also strongly associated with the delinquent behaviour of youth. The Calgary study found that students who reported having difficulties in school or low grades were more likely to report engaging in delinquent behaviour than were students who did not report these problems.¹⁴ In addition, it is noteworthy to mention that students who reported skipping school frequently, or who had been suspended from school, reported engaging in more delinquent behaviour than students who attended classes.¹⁵

In some locations, formal assessment tools are used to collect information directly from young offenders. Some of these include risk and needs assessment scales which provide further insight regarding the prediction of criminal tendencies. It should be kept in mind that some of these assessment tools are better established than others, and any questions regarding their use and/or interpretation should be referred to someone experienced with them. A good example of the use of such tools is provided by the Ottawa-Carleton Regional Police Pre-charge Diversion Program. (See Chapter 7.0, Section 7.3.3.)

In summary, characteristics of the offender that should be considered include:

- whether the youth accepts responsibility for the offence;
- whether the youth demonstrates remorse;
- whether the youth has a previous record;

- age of the youth;
- substance abuse by the youth;
- conduct or hyperactivity/attention deficit disorders;
- gang membership;
- school attendance; and
- school performance.

6.3.4 Family Factors

Family factors may influence the successfulness of diversionary methods and therefore are an important consideration. A study of youth crime and violence in Calgary found that family factors were consistently related to most forms of delinquent behaviour.¹⁶ For example, students who reported low levels of family functioning were more likely to report engaging in delinquent behaviour than were students who reported moderate or high levels of family functioning. Likewise, students who reported low levels of parental monitoring were more likely to report engaging in delinquent behaviour than students who reported moderate or high levels of parental monitoring. In addition, students were more likely to report engaging in delinquent behaviour if they also reported that they never engaged in activities with their parents. These findings indicate that the amount of parental supervision is an important factor to be considered when deciding on diversionary measures.¹⁷

In summary, possible family factors to consider are:

- stability of family and amount of parental supervision and involvement in the life of the youth;
- attitude of parent(s)/guardian(s) towards the incident;
- amount of parent/child conflict;
- presence of family violence;
- substance abuse by family;
- family members' involvement in crime; and
- history of other agency contact.

6.3.5 Consideration of Victim

Any decision by police should show consideration of the needs of the victim. Victims should be advised in an ongoing manner about the case and provided with necessary supports. The impact of the incident on the victim should be considered, as well as whether or not the youth has made or is prepared to make any restitution or compensation. Police should attempt to gain the victims' cooperation and agreement with the plan of action, and recognize that some victims may not wish to be involved. Victims should also be informed that if charges are not laid and they feel they should be, they as a private citizen may lay a criminal charge and subpoena police to give information and/or testify at a hearing of the information before a justice.¹⁸

Victims may also use civil proceedings to obtain financial compensation. The following actions are possible:

- an action by a complainant against the youth and possibly the youth's parents for damages, and
- an application to a crimes compensation board (where a province or territory maintains such a body) for compensation for certain alleged or proven criminal acts.

6.3.6 Making the Decision

The decision to divert a young person involves balancing the needs of the youth with the interests and protection of society. The first decision -- whether to divert -- can be based on a few general indications.

Diversion not Appropriate

In general, diversion would not normally be appropriate for either of the following situations:

- those youth who do not accept responsibility for the offence; and/or
- cases involving serious and/or persistent offenders.

Diversion Appropriate

In general diversion would be appropriate when the following conditions are present:

- the young offender accepts responsibility for the offences and shows remorse;
- the offence is a first-time less serious offence; or
- the offence is a less serious occasional offence.

The second decision regarding which specific type of diversion is most appropriate is more difficult but is essential for targeting scarce resources for those youth who need them. Some broad guidelines are presented below based on the factors discussed in Section 6.3.

Warnings

The types of cases that may be most appropriate for the first level of diversion, warnings, might have the following characteristics:

- a less serious first offence;
- the severity or gravity of the occurrence was minimal (e.g., victim was not harmed physically or psychologically);
- the offender is younger (e.g., under 14 years of age or developmentally delayed);
- the incident was spontaneous;
- if co-offenders were involved, the offender was a follower not a leader; and
- the offender offered or is willing to make acceptable restitution or compensation to the victim.

Formal Caution

For referrals to the second level of diversion, formal cautioning, the following characteristics should be considered:

- less serious first or occasional offences;¹⁹
- the severity or gravity of the occurrence was low to moderate (e.g., victim might be slightly harmed);
- the offender is older (e.g., over 14 years old);
- the incident was spontaneous or planned;
- if co-offenders were involved the offender was a follower;
- the offender offered or is willing to make acceptable restitution or compensation to the victim; and
- there is evidence of youth/parent conflict and/or the parents are having difficulty controlling the youth.

Pre-charge Diversion Program

Pre-charge diversion programs should be reserved for those cases involving youth who manifest risk factors or whose families are dysfunctional. These program resources should be

targeted at those youth who are at high risk for re-offending and becoming persistent offenders. The following case characteristics should be considered:

- the offence was planned and the offender was the leader of co-offenders;
- the offender has a history of risk factors such as the following:
 - conduct or hyperactivity/attention deficit disorders
 - substance abuse
 - school truancy
 - poor school performance
 - membership in a street gang;
- there is a history of family problems such as the following:
 - attitude of the parent(s)/guardian(s) to the police and/or event is negative and obstructive;
 - the family is unstable and provides little supervision for the youth;
 - other family members have a history of criminal activity;
 - there is evidence of family violence, child abuse, and/or substance abuse; and
 - there is a history of other agency contact (such as child welfare); and
- the physical and/or emotional impact on the victim is moderate to serious.

Endnotes

¹ Canadian Centre for Justice Statistics (1994). *A Review of the Alternative Measures Survey: 1991-92*. Ottawa, ON: Canadian Centre for Justice Statistics, Correctional Services Program, Statistics Canada. Because of data collection problems, the findings of this study should be interpreted with caution.

² Canadian Centre for Justice Statistics, 1994.

³ Canadian Centre for Justice Statistics, 1994.

⁴ Hornick, J.P. & Rodal, S. (1995). *The Use of Diversion and Alternatives to Traditional Youth Court: An International Comparison*. Calgary, AB: Canadian Research Institute for Law and the Family.

⁵ Gloucestershire Constabulary. (1995). *The Cautioning of Offenders*. Gloucestershire: UK: Gloucestershire Constabulary.

⁶ See Home Office Circular 18/1994.

⁷ Lilles, H. (1996). Presentation to Solicitor General Canada.

⁸ Manitoba Justice. (1995). *Manitoba Justice Committees: A Resource & Orientation Manual* (draft).

⁹ Department of Social Services. (no date). *Alternative Measures/Dispositional Options: Information Package*, Alternative Youth Justice Initiative, Department of Social Services, Province of Newfoundland and Labrador.

¹⁰ Hornick & Rodal, 1995.

¹¹ Smith, R.B., Bertrand, L.D., Arnold, B.L., & Hornick, J.P. (1995). *A Study of the Level and Nature of Youth Crime and Violence in Calgary*. Prepared for Calgary Police Service.

¹² Thornberry, T.P., Lizotte, A.J., Krohn, M.D., Farnworth, M., & Jang, S.J. (1994). Delinquent Peers, Beliefs, and Delinquent Behavior: A Longitudinal Test of Interactional Theory. *Criminology*, 32(1), 47-83; Warr, M. (1993). Age, Peers, and Delinquency. *Criminology*, 31(1), 17-40; Warr, M. (1993). Parents, Peers, and Delinquency. *Social Forces*, 72(1), 247-264; Pabon, E., Rodriguez, O., & Gurin, G. (1992). Clarifying Peer Relations and Delinquency. *Youth & Society*, 24(2), 149-165; Agnew, R. (1991). The Interactive Effects of Peer Variables on Delinquency. *Criminology*, 29(1), 47-72; Brownfield, D. & Thompson, K. (1991). Attachment to Peers and Delinquent Behaviour. *Canadian Journal of Criminology*, 33(1), 45-60; Giordano, P.C., Cernkovich, S.A., & Pugh, M.D. (1986). Friendships and Delinquency. *American Journal of Sociology*, 91(5), 1170-1202; Morash, M. (1986). Gender, Peer Group Experiences, and Seriousness of Delinquency. *Journal of Research in Crime and Delinquency*, 23(1), 43-67.

¹³ Smith, Bertrand, Arnold, & Hornick, 1995.

¹⁴ Smith, Bertrand, Arnold, & Hornick, 1995.

¹⁵ Smith, Bertrand, Arnold, & Hornick, 1995.

¹⁶ Smith, Bertrand, Arnold, & Hornick, 1995.

¹⁷ For a discussion of the role of the family in preventing youth crime, see National Crime Prevention Council. (1996). *Preventing Crime by Investing in Families: An Integrated Approach to Promote Positive Outcomes in Children*. Ottawa, ON: National Crime Prevention Council.

¹⁸ *Criminal Code* s. 579: indictable offences and s. 795: summary conviction offences.

¹⁹ Some English jurisdictions will caution again rather than charge if the second offence takes place more than two years after the first offence.

NOTES

CHAPTER 7.0 POLICE INVOLVEMENT IN CRIME PREVENTION AND DIVERSION PROGRAMS WITH YOUTH

As discussed in Chapter 4.0, the conceptual framework adopted for crime prevention in this manual consists of three levels: primary, secondary, and tertiary. The broadest level of prevention, primary, includes programs that are not targeted to any particular group, but rather are delivered to entire populations. They may include programs that are intended to reduce or eliminate underlying social or economic problems believed to contribute to crime, often referred to as crime prevention through social development (CPSD). Primary prevention programs may also include educational activities and information about crime and its consequences that are administered to groups of children or adults who are not believed to be at higher risk of crime than the general population. Secondary prevention programs focus on individuals or situations that are "at risk" of criminal activity for any of a variety of reasons in an attempt to prevent crime before incidents occur. Tertiary prevention programs refer to those that are targeted to individuals or situations after a crime has occurred and include programs that divert young offenders from the traditional court system. These programs are intended to prevent further criminal incidents.

This chapter will discuss the involvement of the police in each of these types of prevention programs. Following a general discussion of the benefits and challenges to police involvement in programs at each level, specific examples of programs that were obtained through the focus groups and mail-out surveys will be presented along with a contact for each. We were very encouraged by the many innovative programs that police are involved with across the country. Since space did not allow for inclusion of all these programs, we have attempted to present examples that represent the wide range of initiatives currently being used.

It should be noted that some program examples clearly fall within one of the three types of prevention, while others could be considered to involve two levels of prevention. For example, a program that is targeted both at youth who have committed a crime and at youth who are at risk of criminal behaviour but have not actually committed a criminal act, could be considered both a secondary and tertiary program. An attempt has been made to categorize these programs according to their major focus.

7.1 Police Involvement in Primary Crime Prevention

The involvement of the police in primary prevention with youth frequently takes the form of educational programs that are designed to provide young people with information designed to reduce the likelihood of them either engaging in criminal behaviour or becoming the victims of crime. These programs are frequently school-based, and often are administered to all students within a specific grade level. Other primary prevention programs may target youth within their communities rather than within schools.

A number of police agencies have incorporated primary prevention strategies as part of their overall mandates. This is particularly the case where the agency has a strong community policing orientation. In these cases, primary prevention can translate into police participation and support for interagency, multi-disciplinary, community-based initiatives. These initiatives frequently include representatives from education, health, social services, housing, and the youth justice system, as well as representatives from the community. These interagency networks are often started by municipal levels of government, such as a Mayor's Task Force, or they develop around the interests of those who work directly with youth.

The other way for police agencies to be involved in CPSD is to actively support social policies that address the conditions that are conducive to criminality in a community. These conditions often involve the social structural sources of poverty and inequality. Police support for policies aimed at reducing inequality and improving the lives of the vulnerable members of our society are examples of this approach. The recent history of police prevention and intervention activities relating to family violence and child abuse are examples of how the police can undertake primary prevention through supporting appropriate public policy initiatives.

It should be noted that in the research conducted for this manual, many examples of primary prevention by individual police officers were discovered that were informal and undocumented. In many cases, these activities were voluntary and undertaken by officers when they were off duty, such as coaching youth sports teams. While these types of activities are not formal programs, these efforts are a fundamental way that police officers across the country contribute to making their communities safer.

7.1.1 Some Potential Benefits of Involvement in Primary Crime Prevention by Police

One of the most important potential benefits of having police officers involved in primary prevention activities and programs is the credibility it can give them in the communities in which they work. The police can demonstrate their commitment to their communities through their actions. Moreover, their participation in primary prevention activities and programs usually allows police officers to interact directly with young people. This gives them a chance to get to know these young people while showing them a side of police officers other than their traditional enforcement role. These relationships may lead to greater understanding and better communications between the police and the young people in a community.

Another benefit of having police officers work on primary prevention initiatives is that they serve as positive role models for youth. This is important because many families and communities lack suitable male and female role models. Young people can learn a great deal by interacting on a regular basis with police officers. They can see how adult men and women act and they can learn that it is possible and worthwhile to do something positive to help the community. They also learn how community members can work together for the benefit of all.

In some communities, young people have limited access to adults besides their own parents and teachers. Having a police officer as a coach or instructor in an activity or program provides these young people with contact with another adult in the community who they can trust. These

positive relationships may allow a young person to feel comfortable turning to the police officer for help, support, or just to have someone to talk to. In many cases, social isolation and marginalization are the cause of problems for youth. Having someone around who they can turn to for assistance and support is very important.

The benefits of police involvement in school-based education programs are considerable. Despite the apparent "street smarts" exhibited by young people, many are ill-informed about the law and the consequences of being involved in criminal behaviour. As well, many are naive about the potential dangers they face. Providing accurate information in an appropriate way can help to reduce the uncertainty and misconceptions that young people may have. In addition, crime prevention through education gives police officers an opportunity to be seen by young people playing a different role than usual. The message that these programs provide is that police officers are friendly, knowledgeable, and ready to help.

Having police officers in schools also provides the police with valuable information about the youth and potential problem areas. This information can be used to resolve problems before they erupt. Many young people feel safe having police officers in their schools and the "Officer Friendly" image is a valuable link between these young people and the police.

At the police agency level, the benefits of interagency initiatives are that they have the potential to foster better communications among agencies working with the same client groups. This can help to reduce waste and duplication while ensuring that there are no gaps in the services being provided. Rather than competition among agencies, interagency initiatives help participating agencies define their respective roles in the community and establish protocols that work to everyone's benefit.

Interagency initiatives can potentially provide another benefit to the police. For example, for many young people, coming into conflict with the law is a manifestation of much more serious, underlying problems. These can signal the existence of deep-seated psychological, family or community problems which are beyond the scope of normal police work. Being part of an inter-agency initiative gives the police contact with other agencies in the community working with troubled youth and their families. The police may be more familiar with the existing range of service, and more importantly, more willing to make use of these services based on their personal contacts with the service providers.

7.1.2 Some Potential Challenges to Involvement in Primary Crime Prevention by Police

The potential challenges to primary prevention by individual police officers involve overtaxing the police officers involved. For many of these individuals, participating in primary prevention activities or programs is part of their commitment to their profession and their community. This work is often done largely as voluntary overtime and often at the expense of their personal or family time. While most police officers recognize the special demands of their role, there is a limit to what can be reasonably expected of them.

Some police officers have responded by focusing on the sustainability of a program or initiative. Increasingly, police officers are avoiding involvement in programs run largely on their voluntary overtime. For example, some will choose not to get involved in activities that depend too heavily on their energy and effort alone. If a program or initiative is valuable enough to a community, someone in the community should be willing to take on some of the responsibility for running the program. Generating this type of community involvement and ownership demonstrates that the activity is not exclusively a "police" program.

The challenge of overtaxing police officers has a second dimension. There is usually a lack of recognition for the volunteer efforts of police officers. While many police agencies "expect" their members to be active in their communities, there is little official recognition of the importance of this work. It rarely shows up in personnel files or career rewards. Unlike arrest rates and other on-the-job performance indicators, starting or coaching a little league baseball team does not translate easily into a performance indicator on the job. The impact of their activity, however, may translate directly into positive benefits for the police and the communities they serve.

A number of police agencies have devised novel ways of overcoming this challenge. Some have officially recognized the importance of police officer involvement in primary prevention activities or programs to the extent that they are now undertaken during normal working hours, as part of the police officers' regular "job." Other police agencies have instituted these types of programs as part of their overall community policing strategy.

One of the key questions surrounding primary prevention through educational initiatives is its effectiveness. There is some concern that the lectures and programs given by police officers have little lasting impact. This is especially the case for those young people most at risk of becoming involved in criminal activities. Much of the information presented and the values being stressed are foreign to these youth. For many, shoplifting, theft, and violence are common occurrences and simply a part of the reality they confront on a daily basis. These young people may need more than a few lectures or programs to influence their values and behaviour.

A second challenge has to do with police agencies and police culture. School details do not represent "real" police work to many police officers. Those working in schools are often given nicknames like "kiddie cops" to reflect police perceptions of the status of this work. These attitudes permeate to the management level in some police agencies. The careers of police officers working in schools may suffer as a result. Weak managerial support for educational or school-based programs may also be evident in the willingness of police management to shut down extremely successful school-based programs in order to transfer these officers back to the street. The implication of such actions is that the street is where "real" police work gets done, not in the schools. This attitude could demonstrate a lack of understanding of the real effects of prevention and, hence, the usefulness of this activity to the police agency as a whole.

From a police agency perspective, a number of challenges face the police involved in interagency initiatives. One of the more difficult ones involves clarifying the role of the police in such initiatives. Many social service providers continue to see the police primarily as law enforcement officials. They do not recognize the service component of the police role. In fact, however, the police

are a primary up-take agency in the community for individuals with various social problems. They are also the only 24-hour-a-day social service available in most communities. This combination places them at the center of a community's service system. Difficulties can arise, however, when the working definitions of the police and other service providers come into conflict. For example, street outreach workers associated with a drop-in center may view street youth much differently than the police. While the former know that many of these young people come from conflictual home situations involving severe victimization, the police may see the same individuals as potential or actual perpetrators of criminal acts. The police know that many street youth are involved in shoplifting, theft, drugs, and prostitution, often just to stay alive. The competing views these two groups have of the same clients reflects the differences in the way police officers and street outreach workers may approach the same young people.

Information sharing in interagency initiatives is another area of concern. Going back to the example of the street outreach workers, they may be reluctant to divulge information that may be prejudicial to their clients. They spend a great deal of time and effort winning the trust of street youth. This trust could be jeopardized if they divulge sensitive information about these young people and the police then use it for law enforcement purposes.

Information sharing also poses a more general challenge to interagency initiatives. Health records, school records, police records, and social welfare records are restricted. This can create difficulties for interagency initiatives if one group is seen as guarding information while acquiring the information provided by others.

Another challenge to the police participating in interagency committees is based on the size and resources available to the police. Many community agencies are small, having few resources and little political power. Participating with the police in an interagency initiative can make them apprehensive about the "equality" of participants. Many are concerned about being overwhelmed by the power the police have in most communities. They fear being co-opted or ignored on these interagency committees.

7.1.3 Examples of Police Involvement in Primary Crime Prevention Programs

Program Name:	Drug Abuse Resistance Education (DARE) Program
Contact:	Saskatoon Police Service
Telephone:	(306) 975-8300

Program Description

DARE is a popular program offered by many police services in Canada. In Saskatoon, DARE is an important part of their approach to crime prevention in the schools. The DARE program in Saskatoon is provided to Grade 9 students. It teaches these young people about the dangers of drugs and encourages them to say "NO" to drugs and violence. The program seeks to enhance the self esteem of the participants, provide some life skills training, and encourage a positive attitude

towards the law. It also teaches the students the consequences of their behaviour, risk evaluation strategies, and eight ways to say no when resisting peer pressure.

While Grade 9 students are a key audience for the DARE program, it is also offered to high school students throughout the city when requested. In addition, the School Liaison Officers work in conjunction with the Police Substance Abuse Centre staff to do presentations to other community groups, including professionals such as doctors and nurses.

Program Name:	The Gang and Youth Crime Prevention Program
Contact:	British Columbia Ministry of the Attorney General
Telephone:	(604) 660-2605

Program Description

The Gang and Youth Crime Prevention Program is a province-wide initiative aimed at reducing the incidence of crime and violence by criminal gangs and youth. The initiative enlists community support for its activities by raising awareness of the issue, developing and implementing prevention programs and support services, and providing direct support to community agencies.

The Gang and Youth Crime Prevention Program has several distinct components. For example, the program works with a number of agencies in the province to provide a toll free telephone service called The Youth Against Violence, Gang and Youth Contact Line. This service provides information and assistance to youth and allows them to anonymously report criminal offences or suspected activities involving gangs or youth violence. The program also offers workshops run by a youth-based group called Eight For One Cause. These are trained and dedicated young people experienced in dealing with youth and youth violence issues. The workshop features a 50-minute video developed specifically for classroom or group sessions aimed at students in grades 5 to 12. The workshop provides information and gives those attending an opportunity to become actively involved through role playing exercises. The young people are informed about the seriousness of crime and violence and encouraged to make positive choices for themselves. They are given practical alternatives and ways to take a stand against youth violence.

Program Name:	High School Accident Reduction Program (HARP)
Contact:	London City Police, Community Services Unit
Telephone:	(519) 661-5670

Program Description

The Community Services Unit of the London City Police is involved in a variety of crime prevention activities, including operating the High School Accident Reduction Program (HARP). This is a three-day program provided to grade 11 students, especially those who have just started driving or who are in the process of obtaining their licenses. Officers from the Community Services

Unit provide information and lead discussions on the dangers of drunk driving. Students are given demonstrations of the Alco-Test and Alco-Sur machines. The students also visit Victoria Hospital where they participate in the Impaired Minds Produced by Alcohol Cause Trauma (IMPACT) Program. They tour the Emergency Department, and observe a mock resuscitation and visit the Critical Care Trauma Unit. A presentation is also provided by doctors at the hospital. The rapport that develops between the students and the police officers is an important part of this program and student response is generally positive.

Program Name:	Love Without Violence Program of the Coalition Against Abuse in Relationships (CAAR)
Contact:	Gabriel Maillet at CAAR or Moncton RCMP
Telephone:	(506) 851-6155

Program Description

A coalition of "helping professionals" was established in February 1990 to address the problem of abuse in relationships in the greater Moncton area. The Love Without Violence program was developed as part of CAAR's efforts to educate teens about this subject through presentations in local high schools. A manual on Dating Violence was developed by the RCMP with the support of the Solicitor General Canada in cooperation with CAAR and the Red Cross to assist those making the presentations to the teens.

CAAR was receiving numerous requests for the Love Without Violence program, but the coalition did not have the resources to meet the need. They decided to put together a resource package that would answer these needs. The multi-disciplinary approach taken by CAAR emphasizes the fact that any group in the community, such as the police, nurses, and educators can deliver the Love Without Violence program. The materials that have been developed allow professionals with an interest in participating to familiarize themselves and become knowledgeable enough about dating violence to deliver the program to high school students. This makes the program much more accessible than it could otherwise be and involves a multi-disciplinary team. Young people are exposed to different professionals and see a community-wide concern with this issue. From the police perspective, the Dating Violence Manual in general and the Love Without Violence program in particular show the advantages of developing partnerships with relevant actors and agencies in the community to achieve effective prevention and intervention strategies.

Program Name:	The Police-Youth Mentoring Program
Contact:	Kingston Police
Telephone:	(613) 549-4660 ext. 6107

Program Description

The Kingston Police are currently operating a Police-Youth Mentoring Program modeled on a program developed by the Ontario Ministry of the Solicitor General and Correctional Services in partnership with the Solicitor General Canada. The original program was aimed at aboriginal and black youth aged 12 to 21. The program in Kingston has been broadened and accepts youths from all backgrounds who are between the ages of 16 and 21. The goals of the program are to: build stronger relations between the police and young people; foster positive attitudes among both the police and youth; enhance the efforts of both the community and the police to work better towards community goals; and present employment with the police as a viable career option to aboriginal and minority youth.

The program involves police officers serving as mentors with local youth for a period of 12 weeks. The youth are taken on "ride-alongs" and shown various aspects of the police role. In addition, the mentors spend several hours each week with the young people participating in various social, recreational or sporting activities. The success of the Police-Youth Mentoring program is visible in the attention it has received and the willingness of the police in communities such as Kingston to implement the program.

Program Name:	School Liaison Officer Program
Contact:	Winnipeg Police Service
Telephone:	(204) 986-6222

Program Description

Police involvement in school-based crime prevention programs has become common in many Canadian communities. The School Liaison Officer program operated by the Winnipeg Police Service is typical of such programs. School Liaison Officers work in all of the city's junior and senior high schools giving presentations to students, teachers, parents, and other special interest groups. Topics covered include youth violence, youth gang awareness and prevention, drug abuse, child abuse, sexual abuse, shoplifting, peer pressure, drunk driving and other appropriate topics. The theme of the Division is "Crime Prevention Through Education."

The School Liaison Officers also work with School Patrol Officers in Winnipeg to develop programs for individual communities and schools. For example, they gather and distribute sports equipment to young people in disadvantaged neighbourhoods. They will also subsidize or pay registration fees for sports programs for these young people.

Program Name:	Values, Influences, Peers (VIP)
Contact:	Peterborough Community Police Service
Telephone:	(705) 876-1122

Program Description

The Values, Influences, Peers program operated by the Peterborough Community Police Service is a popular program used by many police departments across the country. It is aimed at senior elementary and junior high school students. In Peterborough, the program is provided to grade six students although additional officers assigned to the High School Liaison Program provide a more sophisticated version of the program to more senior high school students in the city.

The VIP program is operated in conjunction with classroom teachers. Presentations are given by a police officer and a teacher on a variety of topics, including: decision making, being thoughtful, peer pressure, authority and authority figures, youth and the law. The discussions also deal with topics such as shoplifting, vandalism, and the dangers of drugs. The program in Peterborough includes a field trip to the courts. Some police services bring the young people into the police station. The field trip is seen as an important aspect of the program. At the end of the program, the students have a graduation ceremony and receive a certificate or plaque indicating that they have successfully completed the VIP program. This serves to acknowledge the value of the program and importance of the lessons learned.

7.2 Police Involvement in Secondary Crime Prevention

As discussed in Chapter 4.0, secondary prevention involves targeting activities and programs towards people or situations that are believed to be at risk of criminal activity. Crime prevention in this case is seen as a way of focusing resources on those most likely to be involved in crime -- either as perpetrators or victims -- in an effort to prevent the crime before it takes place.

The notion of risk is complex and can include several interrelated factors that interact to increase an individual's likelihood of involvement in crime. Research and experience has suggested what some of these factors are, which can include economic, social, and health (including mental health) characteristics. Whatever criteria are used to determine which groups or individuals are at risk, programs that target these groups or individuals in an attempt to reduce crime represent secondary prevention.

7.2.1 Some Potential Benefits of Involvement in Secondary Crime Prevention by Police

The major benefit of police involvement in secondary prevention initiatives is the ability to target resources to those groups who most need them. In the current climate of fiscal restraint and diminishing resources, providing crime prevention programs to all youth, including those who are not at risk of crime and thus do not need the programs, may not be the most efficient use of those

resources. Targeting at-risk youth offers the opportunity to provide programs to youth who are most likely to benefit from them.

Another benefit of secondary prevention initiatives is related to the fact that different groups may be at risk of crime for different reasons. For example, some young people may be at risk of criminal involvement primarily because they live in a high crime location while others may be considered at high risk primarily because of racial tensions that exist in their community. Secondary prevention strategies allow programs to be developed that address the risk factors that are important for different groups of youth, unlike primary prevention strategies that provide the same program to all youth.

7.2.2 Some Potential Challenges to Involvement in Secondary Crime Prevention by Police

One major challenge to police involved in secondary prevention programs is identifying youth who are at risk of crime. While existing crime statistics and research findings can provide an indication of risk factors, identifying groups of youth who are exposed to those risk factors can be difficult.

A further difficulty concerns the fact that we are unlikely to be able to predict with complete accuracy those individuals who are likely to be involved in crime based on their exposure to risk factors. This means that any time we target specific programs at groups of youth, some young people who would benefit from the program will be excluded from participation and other youth who do not really need the program would be included.

7.2.3 Examples of Police Involvement in Secondary Crime Prevention Programs

Program Name:	ACES Football
Contact:	Montreal Urban Community Police Service
Telephone:	(514) 280-2031

Program Description

The ACES Football program is one of many innovative crime prevention/community development initiatives undertaken by the Montreal Urban Community Police Service (MUCPS). The program operates in a community rife with poverty and criminality. The program uses football to connect young people from 7 to 11 years of age with police officers who serve as coaches and referees. This interaction helps to build trust for the police and provides positive role models for the youthful participants. The program also puts police officers in contact with the parents of these young people, allowing them to engage the parents in positive, community-based activities.

During Phase II of the program, the police officers involved work with the local schools to monitor the behaviour of the participants. They receive tutoring assistance if required. All

participants must keep up their grades and be on their best behaviour in order to stay on the team. Wearing an ACES Football jacket has become an important symbol in the community and the young people involved are keen to remain involved. Many police officers serve as volunteers for the program. As well, all of the equipment for the ACES Football program has been paid for through donations from the local community. The community is also actively involved in supporting the program with 150 to 200 people showing up at each game. The ACES Football program has provided an opportunity for the police to establish better relations with all members of this community. The results are better understanding and greater cooperation in responding to the community's problems.

Program Names:	Assisted Learning Environment Response Team (ALERT)
Contact:	Lethbridge Police Service
Telephone:	(403) 327-2210

Program Description

The Assisted Learning Environment Response Team is a new program developed by the Lethbridge Police Service. It is part of an overall strategy to facilitate a good learning environment for young people. ALERT is aimed at young people from ECS to grade 9. It builds on an educational component which includes providing the DARE program to grade 5 and 6 students and the Gang Resistance Education and Training program for junior high students. These programs give police officers positive exposure in the schools, making them accessible and approachable to the students. In turn, these positive relations allow police officers to intervene in a knowledgeable and appropriate manner.

The ALERT program builds on the educational component by focusing on high-risk youth between the ages of 5 and 15. The youth are identified in the schools through anti-social behaviour, delinquency, and aggression or through the manifestation of symptoms associated with child abuse, sexual abuse, or neglect. Other indicators of risk include poor school attendance, low grades, attitudes resistant to authority and poor social skills. The goal of the program is to look beyond the immediate behaviour to identify and respond to the factors associated with the problem. The police work in conjunction with teachers, parent(s) and counselors to develop an appropriate plan of action. The police serve as the link between these parties since they are available 24 hours a day, seven days a week. They provide case management and follow up services to enhance the program's effectiveness. The program has received favourable response with several other communities considering implementing the program. Satisfaction with the program is reflected in the fact that some of the funding for the police officers involved is provided by the schools and the province.

Program Name:	Community Resource Committee (CRC)
Contact:	Calgary Police Service
Telephone:	(403) 266-1234

Program Description

The Calgary Police Service implemented the Community Resource Committee (CRC) in response to growing concerns about youth violence and street gang related problems in the city. The CRC was one of the initiatives that emerged from a community workshop on these issues hosted by the Calgary Police in March 1990. In addition to the police, the workshop brought together representatives from education, social services, youth-serving agencies, and community groups to develop appropriate responses to youth crime and street gang problems.

Member agencies participating in the CRC work together with areas of the city experiencing youth violence or street gang related problems. The CRC provides a committee framework to assist communities in identifying and mobilizing available community resources. The problem-solving approach that is used encourages communities to take an active role in developing their own solutions with the assistance and support of the CRC. The CRC reflects the community-policing philosophy of the Calgary Police Service. It demonstrates how a community-based, multi-agency response can be effective in youth violence and street gang related problems. A detailed assessment of the CRC was conducted with the support of the Solicitor General Canada in 1995. This report gave examples of how this approach worked, e.g., the Marlborough Mall Task Group.

Program Name:	Gabriel Dumont - Osketawin Day Camp
Contact:	Toronto Police Service, 42 Division, Community Response Unit
Telephone:	(416) 808-4200

Program Description

The Osketawin Day Camp was started several years ago by a patrol officer working in the Gabriel Dumont community. After getting involved with the youth in the community, this officer began to explore the cultural heritage of the aboriginal youth living there. He discovered a rich heritage with strong spiritual and moral values. Based on his growing knowledge and his desire to do something positive for the youth in the community, this officer started a drop-in centre on his own volunteer time. He worked with social workers in the community and eventually enlisted the support of community elders. Activities at the drop-in centre included traditional crafts such as building ceremonial drums. He noted that there were no summer camp programs available for the youth in this community and set about to provide such programs.

The officer contacted the Metropolitan Zoo Authority and got permission to use Zoo land for a day camp. Next, he got tents donated from the Canadian military. He requested assistance from the Police Services Board for transportation. The local schools were canvassed to provide appropriate reading skills programs for the young campers. He also secured the assistance of Elders from the

Rama reserve in Orillia to work with the campers. The program started with young children in the community. It has now been in operation for four years and a number of developments have taken place. To begin with, the Gabriel Dumont community has taken over the program. A Women's Committee makes all of the decisions and they now approach outside agencies such as the Police Services Board as representatives of their community. The police officer is involved as a member of a Board of Directors that works with the community. As well, some of the original program participants are now young teenagers. These youth are being hired this summer and paid as counselors, and they will receive training to act as mentors for younger participants.

Program Name:	Jeune À Coeur from the Parrainage Pour Mieux Se Connaître Program
Contact:	Montreal Urban Community Police Service
Telephone:	(514) 280-2031

Program Description

The Montreal Urban Community Police Service (MUCPS) has undertaken a number of initiatives to reduce violence and criminality among the city's youth. The Parrainage Pour Mieux Se Connaître Program is an example of such an initiative. It emerged after a Youth Forum that was held in collaboration with both public and private sector partners to identify solutions to problems faced by youth. Members of the committee determined that a martial arts program could provide positive benefits and opportunities to youth in the community. Selected districts in the MUCPS were chosen, based on incidents of conflict which demonstrated a need for rapprochement between the MUCPS and cultural community youth at risk. Police officers in the selected districts acted as sponsors for youth at risk between the ages of 11 and 15. Approximately 20 youth were sponsored in each district, representing the different cultural communities in greater Montreal. The sponsors were to provide guidance and support to the young people in their care and to help them find solutions to their behavioural and attitudinal problems.

A Tae-kwon-do course was established for youth at risk in the greater Montreal area as part of the Parrainage Pour Mieux Se Connaître Program. This sport was chosen because of the popularity it enjoys among youth and since it can serve as an excellent training vehicle for young people. The objective of the course is to promote and develop positive attitudes among the youth. It teaches them self-control, respect, discipline, honesty, courtesy, humility, and perseverance. The philosophy behind Tae-kwon-do is consistent with helping the participants develop a positive and powerful mind in a strong body. The goal is to help these young people to become productive, responsible and caring members of society. Having youth at risk work with police sponsors in a challenging but safe environment is the foundation of this successful program.

Program Name:	Ottawa-Carleton Regional Police Youth Centre
Contact:	Ottawa-Carleton Regional Police - Youth Section
Telephone:	(613) 236-1222

Program Description

The Ottawa-Carleton Regional Police (OCRP) took over this west-end Youth Centre in 1992, two years after it had first opened. The Youth Centre was started in response to neighbourhood concerns over youth crime, violence, and drugs. From its small beginnings, the Youth Centre has grown to boast a membership of 800 young people drawn from across the region. The Centre offers a safe environment and sports and recreational programs for high-risk youth aged 6 to 19. Basketball and ball hockey leagues provide a way for the Youth Centre to involve these young people. Once involved, the youth are encouraged to become members and work as volunteers with younger youth. As trust builds, Centre staff work with these young people to explore their concerns and assist them with any difficulties they may be facing. The Centre works with a network of youth-serving agencies, including social services, education, mental health, and the police. These agencies refer high risk youth to the Centre.

One OCRP officer works at the Centre full-time. As well, the Centre employs one full-time and six part-time staff members paid for through fund raising activities. The paid staff are assisted by 60 trained volunteers. Workshops are offered on a variety of topics, including youth violence, sexuality or the dangers of drugs. The Centre also offers tutoring, life skills training and a homework program, among other things. The Youth Centre takes referrals from OCRP Patrol and Youth Section officers of youth they think could benefit from the Centre's programs. In particular, many referrals are received for first-time offenders involved in minor crimes such as shoplifting. While the Youth Centre has not been formally evaluated, the Centre's success is evident in its growing popularity with youth across the region. The effectiveness of its diversion program is noted by Centre staff who report a very high success rate among program participants with very few youth re-offending.

Program Name:	Do You Know My Gang?
Contact:	Montreal Urban Community Police Service
Telephone:	(514) 280-2031

Program Description

The Do You Know My Gang? program was recently implemented by the Montreal Urban Community Police Service in cooperation with the Montreal Youth Centres and Montreal CLSC's, to address the problem of youth gangs. The program involves providing parents with a questionnaire regarding the extent to which their child(ren) might be attracted to or influenced by street gangs or youth crime. Instructions for scoring the questionnaire are provided. Parents who are concerned about gangs or gang-related issues following completion of the questionnaire are invited to attend one of several sessions organized in Montreal neighbourhoods. This is one of the few programs identified which attempts to identify at-risk youth using an assessment tool.

7.3 Police Involvement in Tertiary Crime Prevention

Tertiary prevention focuses on those individuals who have already committed a crime. One goal of tertiary prevention is to attempt to prevent future re-offending by these individuals. Two types of programs are predominant in this area. The first deals with young people who have committed their first offence and it is minor in nature. These programs attempt to impress upon these youth that they face serious consequences if they persist in their criminal behaviour. The second type of program targets that small group of young people who are repeat and potentially chronic offenders. The goal here is to concentrate attention and resources on these individuals in an attempt to break a negative behaviour pattern before it persists to adulthood.

The programs aimed at first-time offenders involved in minor crimes range from informal, police run diversion programs, to post-charge alternative measures programs. Some of these programs have a legislative base under the YOA, while others do not. Some focus on specific types of offences, such as shoplifting or vandalism, while others take a more general approach and stress identifying the cause of the problem and developing a solution. The more informal responses can involve a meeting with parents as well as restitution for the harm done and a letter of apology to the victim. The more formal and elaborate programs can include life-skills training, treatment for substance abuse problems, personal and family counseling, and community service work.

For those young people who are repeat offenders and at risk of chronic involvement with the justice system, other approaches are available. In addition to the traditional law enforcement responses involving the police, courts and corrections, crime prevention strategies aimed at this group involve early identification and close supervision.

7.3.1 Some Potential Benefits of Involvement in Tertiary Crime Prevention by Police

By and large, the programs aimed at first-time offenders involved in minor crimes all enjoy a considerably high success rate. These programs are cost effective for the police and the youth justice system overall. The young people involved are able to avoid the labeling process of more formal processing through the justice system. Victims are also usually satisfied with these programs because they are informed of what happens, are often compensated, and receive a letter of apology from the young person involved. These programs provide specific benefits to the police as well. They allow police officers to exercise their discretion in resolving an existing problem. They require much less paper work and court appearance, saving considerable time and effort. In effect, they represent a valuable resource to the police since they provide a fast and efficient way of dealing with minor problems involving young people.

Programs aimed at repeat offenders are also beneficial to the police. For one thing, the police are able to focus more of their resources on that small group of individuals that research shows account for the bulk of the youth crime in any community. Second, the close supervision may give the police an opportunity to prevent these young people from causing more harm. Increased cooperation among different segments of the youth justice system in these programs is an added benefit. These programs usually allow the police to work more closely and effectively with colleagues in the courts and corrections.

7.3.2 Some Potential Challenges to Involvement in Tertiary Crime Prevention by Police

One of the questions raised about pre-charge and post-charge alternative measures is whether they unnecessarily "widen the net" and include young people who would otherwise have been let off with a warning. Stated another way, the concern is that these programs will grow to meet the available resources and not necessarily the existing need. Part of the challenge here is that these programs work very well for 65 to 75% of the young people who use them. The question is whether these young people would have done just as well without the program. More importantly, perhaps, is what of the remaining 25 to 35% of young people who re-offend. Do these programs have anything to offer this group?

From a police point of view, a potential challenge is the need for performance indicators. While an informal warning may not get job-related credit, a referral to a formal program, even a pre-charge diversion program, leaves a paper trail and evidence of work being done. This may be important in some police agencies and it can lead to widening of the net.

The lack of feedback to the police is another area of concern. Follow-up takes time and resources. In some cases, the programs do not provide follow-up information to the referring officer. In others, the police do not pursue the information because of time and resource restraints. This can lead to a lack of closure for the police officers making the referrals since they do not see a case through to completion. They do not have the type of feedback they need to assess the effectiveness of their decisions and use of discretion. This can lead to frustration and cynicism about a system that appears fragmented and distinct.

7.3.3 Examples of Police Involvement in Tertiary Crime Prevention Programs

Program Name:	Kwêskohtê Alternative Measures Program for Aboriginal Youth
Contact:	Youth Justice Coordinator, Regina, Saskatchewan
Telephone:	(306) 525-5459

Program Description

The Kwêskohtê program is a pre-charge diversion program for aboriginal youth in Regina, Saskatchewan that was implemented by Regina City Police in December 1995. The program is based on a family group conferencing model similar to those used in New Zealand and Australia. Referrals to the Kwêskohtê program are made directly by Regina City Police without court appearances. Upon referral to the program the Kwêskohtê coordinator contacts all parties involved in the case, including the young person, their family, and the victim to arrange a family group conference. In addition, Elders from the aboriginal community are involved in the conference.

The conferences are community-based decision-making processes that are aimed at reconciliation between the young person and the victim. In addition, the conferences make decisions regarding the activities or tasks that the young person must complete in order to make restitution for their actions. Further, the conference outcomes may include referral of the youth to appropriate programs and services in Regina as required. The Kwêskohtê program also includes follow-up with youth, and monitoring of the progress and outcome of the conferences, as well as completion by the youth of assigned tasks. Overall monitoring of the project is conducted through monthly meetings with Regina City Police and the Young Offenders Diversion Project Steering Committee.

Program Name:	Multi-Agency Preventive Program for High-Risk Youth (MAPP)
Contact:	Brandon Police Service
Telephone:	(204) 729-2345

Program Description

The Multi-Agency Preventive Program for High-Risk Youth (MAPP) is one of a series of initiatives undertaken by the Brandon Youth Services Committee to respond to high-risk youth in their community. The Youth Services Committee is comprised of 22 agencies and includes representatives from the educational system, police, courts, health, social services, and Addictions Foundation. The MAPP was developed to allow these agencies to work together more effectively through the timely collection and dissemination of information and implementation of a coordinated case management system.

A system for identifying high-risk youth was established and a monitoring strategy put in place to focus on the 40 youth in Brandon who are at the highest risk. The risks identified include dropping out of school, delinquency, mental health problems, drug usage, and related behaviours. For the lower risk youth among the 40 identified as high-risk, interventions focus primarily on prevention. Intensive supervision is used with the highest risk members of this group. Three staff have been hired to track the ten highest risk youth. All of these youth are on probation and the close supervision is part of a comprehensive team approach to prevent further offending and reduce the problem behaviour.

Program Name:	Ottawa-Carleton Regional Police Pre-charge Diversion Program
Contact:	Ottawa-Carleton Regional Police - Youth Section
Telephone:	(613) 236-0311 ext. 342

Program Description

The Ottawa-Carleton Regional Police (OCRP) Pre-Charge Diversion program consists of a number of related components designed to deal with first-time offenders outside of the formal court system. Appropriate candidates are referred to a Youth Intervention Worker, in the OCRP Youth Section, for screening and assessment. The Youth Intervention Worker schedules a meeting with the young person and his/her parents shortly after receiving a referral. After a thorough assessment aided by use of formalized assessment tools, several courses of action may be pursued. For example, after the meeting with the young person and his/her parents, the Youth Intervention Worker can provide counseling and recommend other appropriate services or programs in the community. In other cases, a referral can be made to the Preventive Intervention Program for youth 12 to 15 years of age and to the John Howard Society Pre-Charge Diversion Program for those 16 and 17 years of age. Participation is voluntary and the youth does not have a criminal record as a result of this process. While no overall evaluation has been done, the participants are satisfied with the programs.

Program Name:	Peigan Nation Youth Traditional Justice Circle
Contact:	RCMP Peigan Satellite Detachment, Brocket, Alberta
Telephone:	(403) 965-2001

Program Description

The Peigan Nation Youth Traditional Justice Circle is a program that has been designed to utilize the traditional practices of the Peigan Nation. In particular, it draws upon the wisdom and knowledge of Elders and other community resources in responding to young people whose behaviour is causing problems for the community. The circle structure that has been established encourages a healing process for the individual, family, and the community. It emphasizes the responsibility, accountability and reconciliation of all concerned.

This program has a legislative base under s. 69 of the YOA. Cases can be referred by the police, Crown prosecutor or Youth Court to the Peigan Nation Youth Justice Circle Committee which is comprised of members of the community, including Elders and youth. Community agencies serve as advisors to the Committee. A coordinator working with the Committee contacts the young person and assists in the entire process of convening and facilitating a Youth Justice Circle. In addition to the young person involved and his/her family, the Circle includes members of the Committee, the Coordinator, a representative of the Police, and the victim and the victim's supporter(s). During the Circle process, the investigating officers present the particulars of the case and discussions are held regarding an appropriate resolution. After a consensus has been reached, the young person will be offered support for completing the sentence by the Mediator and the community service supporters. An appropriate agency will be given the responsibility of following up on the sentence implementation and completion.

Program Name:	Serious Habitual Offender Program (SHOP)
Contact:	Calgary Police Service
Telephone:	(403) 266-1234

Program Description

The Serious Habitual Offender Program operated by the Calgary Police Service is based on the Serious Habitual Offender Comprehensive Action Plan (SHOCAP), developed by the Office of Juvenile Justice and Delinquency Prevention of the US Department of Justice. The program involves a concerted effort by the police and relevant community agencies, such as the Crown prosecutor, youth probation, and social service agencies to work together to identify and closely monitor the activities of serious habitual young offenders. After intensive discussions among the Calgary police and participating agencies, a set of criteria and a point system were developed for identifying serious habitual offenders (SHOs). As well, a means was developed of gathering relevant information about SHOs, maintaining an up-to-date data base, and disseminating appropriate information to participating agencies.

The objective of the program is to closely monitor those young people in the community most likely to commit crimes. A detailed evaluation of the program was published by the Solicitor General Canada in 1994. This report indicates that intense supervision coupled with effective information use has resulted in a number of beneficial outcomes. Crown prosecutors indicated that the information gathered allowed them to be more successful in arguing for more restrictive release conditions and stiffer penalties. SHOs interviewed for the report also noted that they were more cautious about their behaviour and the people they associated with since they were cognizant of the increased attention they were receiving. The program also proved cost effective for the Calgary Police Service. Some concerns were raised about the process of implementing the program and the need to establish clear roles for participants at the outset.

Program Name:	Sparwood Youth Assistance Program (SYAP)
Contact:	Sparwood Police, RCMP
Telephone:	(604) 425-6233

Program Description

The Sparwood Youth Assistance Program (SYAP) provides a way of dealing with youthful offenders outside of the traditional court system. The program involves a two-stage process which includes the participation of the young person, his/her family, the victim, the police, a facilitator, and any other person affected by the youth's offending behaviour. In the first stage, the police attempt to deal with minor offences informally, usually involving the parents and the victim where appropriate. Where such informal procedures are inappropriate, a more formal process can be pursued. This consists of a Resolution Conference in which the young person, the victim, member of the young person's family, social service providers, and other appropriate participants can have a say in determining an appropriate disposition. A facilitator moderates the conference and assists the group in achieving a consensus. A monitoring process involving the police is also implemented.

Program Name:	Victim Offender Reconciliation Program (VORP)
Contact:	Sudbury Regional Police Service
Telephone:	(705) 675-9171

Program Description

The Sudbury Regional Police Service operates a Victim Offender Reconciliation Program. This is modeled on similar programs available in many Canadian communities. The program in Sudbury is aimed at 12-to 15-year-old first-time offenders charged with minor property crimes. The VORP can also be recommended for repeat offenders charged with minor offences when the first offence was dealt with by a warning. Police officers may also recommend a referral to the VORP when they feel the youth requires counseling or when they think a warning alone is inappropriate.

Participation in the VORP is voluntary, however, the young person must admit responsibility for their actions and be willing to take part in the process. A meeting is held with the young offender, his/her parents and the victim. A mediator facilitates the process attempting to help the parties come to some consensus about how to resolve the situation. The goal is to find a way of allowing the young offender to make reparation. This usually involves an apology to the victim and some form of restitution. While complete records of these cases are kept by the police, they recognize that participation in the program is voluntary and there is no guarantee that the youth will comply. They also know that they have little recourse should the young person fail to complete the program. Nonetheless, the program is seen as a useful component of the community's response to youth in conflict with the law.

Program Name:	Youth Alternative Society (YAS)
Contact:	YAS, Halifax, Nova Scotia
Telephone:	(902) 426-5473

Program Description

The Youth Alternative Society of Halifax provides community-based programs for young people 12 to 15 years of age who are in conflict with the law. Two programs are available: a post-charge Alternative Measures program and a Community Service Order program. These programs are designed to reduce or eliminate future offending. They are provided by a team of trained volunteers who are supported by paid staff members.

The Alternative Measures program is aimed at first-time, minor offenders who accept responsibility for their actions and agree to participate in the program. The program has a legislative base under s. 4 of the YOA. A mediation session is held with these young people, which involves program volunteers, parents and victims. An agreement is developed during the mediation session whereby the youth can make reparation for the offence. The charges are withdrawn if the young person completes the agreement. If the young person fails to complete the agreement, the case is referred for formal court action.

Program Name:	Youth Intervention Program (YIP)
Contact:	Surrey RCMP Detachment
Telephone:	(604) 599-0502

Program Description

The Surrey RCMP Youth Intervention Program is a pre-charge diversion program aimed at young people 9 to 17 years of age involved in any criminal activity. The program has a legislative base under s. 4 of the YOA. The young people must be first-time offenders under special circumstances. The program provides direct, short-term counseling for the young people involved and their families. Referrals can also be made to other community agencies.

After an incident is brought to the attention of the police, who can refer a case to YIP, a YIP staff member then contacts the young person and his/her parents to set up an appointment. The YIP appointment provides an alternative to the formal court system while allowing the young person to accept responsibility for his/her actions. In addition, the consequences for their behaviour are immediate and relevant allowing these youth to develop responsible attitudes and behaviour through improved decision-making. The program is funded through the local municipality who pays for trained staff. The primary client group is young people involved in shoplifting. Internal assessments of the effectiveness of YIP indicate a very high success rate, due in part to careful screening. The program accepts young people who are motivated to complete the program.

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APPENDIX A

**SELECTED RESOURCES
AND MATERIALS**

1.0 ORGANIZATIONS

The Canadian Association for Safe Schools

Location	5050 Yonge Street North York, Ontario M2N 5N8
Telephone	(416) 395-8326
Fax	(416) 395-4508
Function	The Canadian Association for Safe Schools is a coalition of groups that uses the partnership approach, recognizing that violence in the schools is a shared responsibility. Its primary mandate is to raise public awareness about school violence and develop strategies for producing results.

Canadian Centre for Justice Statistics

Location	19th Floor, R.H. Coates Building Ottawa, Ontario K1A 0T6
Telephone	(613) 951-9023 or 1-800-387-2231
Fax	(613) 951-6615
Function	The Canadian Centre for Justice Statistics collects and maintains information on statistical trends in crime in Canada. The publication <i>Juristat</i> , which is regularly released, provides indepth information on these trends.

Juvenile Justice Clearinghouse

Location	NCJRS Box 6000 Rockville, Maryland 20850
Telephone	1-800-638-8736
Function	The Juvenile Justice Clearinghouse is a clearinghouse of programs and practices for juvenile justice professionals. The Clearinghouse collects program descriptions, project reports, research studies and evaluations, and maintains information in a computerized database with on-line search and retrieval capabilities.

(American) National Crime Prevention Council

Location	1700 K Street, NW, 2nd Floor Washington, DC 20006-3817
Telephone	(202) 466-6272
Function	The National Crime Prevention Council (NCPC) is a private, non-profit, tax-exempt organization. NCPC's principal mission is to enable people to prevent crime and build safer, more caring communities. NCPC publishes books, brochures, and program kits.

National Crime Prevention Council (NCPC)

Location	130 Albert Street Ottawa, Ontario K1A 0H8
Telephone	(613) 941-0505
Fax	(613) 952-3515
Function	The NCPC was created as a key element of the National Strategy on Community Safety and Crime Prevention. The objective of the Council is to unify crime prevention efforts across the country and give them focus and direction. The Council consists of 25 members selected from a variety of professional and cultural backgrounds.

The National School Safety Center

Location	4165 Thousand Oaks Boulevard, Suite 290 Westlake Village, California 91362
Telephone	(805) 373-9977
Function	The National School Safety Center is a national clearinghouse for school safety programs and materials. It also provides on-site training to both school boards and police departments in areas such as weapons in schools and school crime prevention strategies.

2.0 SELECTED RESOURCE MATERIALS

The Badge & the Book: Building Effective Police/School Partnerships to Combat Youth Violence	This research report was prepared in 1995 by Frederick Mathews for the Solicitor General Canada. The main purpose of the study was to gather information that could support the process of decision-making and help police and educators build better working relationships to promote safe schools and respond to school-based violence.
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Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Building a Safer Canada:
A Community-based
Crime Prevention Manual**

This report, prepared by Prairie Research Associates, Inc. for the Department of Justice Canada, 1996, discusses the importance of community involvement in successful crime prevention initiatives. Both social development programs, aimed at reducing the number of offenders, and programs aimed at reducing the opportunity for crime are emphasized.

Contact:

Department of Justice Canada
239 Wellington Street
Ottawa, Ontario K1A 0H8
Tel: (613) 957-4222
Fax: (613) 957-4223

**Community Resource
Committee: A
Community-based
Strategy for Dealing with
Youth Crime and Violence
in Calgary**

This report, prepared by the Canadian Research Institute for Law and the Family for the Calgary Police Service with funding from the Solicitor General Canada, 1995, documents the development and activities of the Community Resource Committee (CRC) of the Calgary Police Service. The CRC was designed to provide a structure and process to mobilize existing police and community resources to deal more effectively with youth crime and violence in Calgary Schools and communities. This initiative may serve as a model for other agencies in Canada.

Contact:

Calgary Police Service
133 - 6th Avenue SE
Calgary, Alberta T2G 4Z1
Tel: (403) 266-1234
Fax: (403) 268-8749

**A Police Reference
Manual on Youth and
Violence**

This manual, prepared by the Canadian Research Institute for Law and the Family for the Solicitor General Canada, 1994, provides information on youth crime and violence intended to assist the police in working with the community in developing effective, proactive strategies for preventing and addressing incidents of youth violence.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue West, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Pre-Charge Diversion
Assessment**

This report was prepared by Sandra Gail Walker, EDUCON Marketing and Research Systems, for the Ottawa-Carleton Regional Violence and Youth Initiative, with funding support from Solicitor General Canada. It provides an assessment of the operational aspects of two pre-charge diversion programs in the Ottawa-Carleton Region, specifically the Preventative Intervention at the Pre-Court Level (PIP) Program and the John Howard Pre-Charge Diversion Program. The report details an assessment of the efficiencies of both programs along with recommendations for improvement; provides a summary of the findings from a national/international literature review of police cautioning practices and pre-charge and post-charge diversion programs; as well as a national survey of police officer practices when it comes to screening young offenders.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue West, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Prevention and Children
Committee: A
Compendium
of Approaches from
Across
Canada**

This report, prepared by the National Crime Prevention Council, 1996, contains descriptions and contacts for crime prevention initiatives and programs from all provinces and territories that target children up to six years of age.

Contact:

National Crime Prevention Council Secretariat
130 Albert Street
Ottawa, Ontario
Tel: (613) 941-0505
Fax: (613) 952-3515

Ramble Scheme

The Ramble Scheme is a primary prevention program that was developed in 1975 through a joint initiative of the Royal Ulster Constabulary and local councils in Northern Ireland. The program focuses on developing good citizenship among young people and brings youth from different cultural backgrounds together in an outdoor, physical activity-oriented environment.

Contact:

Royal Ulster Constabulary
Belfast, Northern Ireland
Tel: 44-123-265-0222 ext. 24098

**A Review of "S.H.O.P.":
The Serious Habitual
Offender Program of the
Calgary Police Service**

This report, prepared by John Chase, Pam Hirsch, Bruce Arnold, and Joe Hudson for the Solicitor General Canada, 1993, reviews the Serious Habitual Offender Program (S.H.O.P.) of the Calgary Police Service. This program represents a focused effort to coordinate police and community resources to deal with the problem of the serious repeat young offender.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Safer Communities: The
Local Delivery of Crime
Prevention Through the
Partnership Approach**

This report, released by the Home Office, UK, discusses the importance of building partnerships among community agencies, including the police, in addressing issues related to crime prevention. The report provides specific recommendations for building these partnerships.

Contact:

Home Office
50 Queen Anne's Gate
London, England SW1H 9A7

**Safer Communities: A
Parliamentarian's Crime
Prevention Guide**

This report, prepared jointly by the Solicitor General Canada and the Department of Justice Canada, is intended to provide relevant background information for Parliamentarians who must respond to the call for safer communities by creating policies, legislation, and programs.

Contact:

Communications and Executive Services Branch
Department of Justice Canada
239 Wellington Street
Ottawa, Ontario K1A 0H8
Tel: (613) 957-4222
Fax: (613) 957-4223

**School Violence and the
Zero Tolerance Alternative:
Some Principles and Policy
Prescriptions**

This research report was prepared by Thomas Gabor in 1995 for the Solicitor General Canada. It explores the cause and incidence of school violence, the appropriate response to school violence, and the zero tolerance alternative. The report concludes with considerations for action by police and schools.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

The Use of Diversion and Alternatives to Traditional Youth Court: An International Comparison

This report was written by Joseph P. Hornick and Shuli Rodal in 1995 with funding from Justice Canada and staff support from the Solicitor General Canada. It provides a general overview and comparison of the use of diversion and alternatives to the traditional youth court system in Canada, the United States, England and Wales, New Zealand and Scotland.

Contact:

Canadian Research Institute for Law and the Family
c/o The Faculty of Law
The University of Calgary, 2500 University Drive, N.W.
Calgary, Alberta T2N 1N4
Tel: (403) 220-6653
Fax: (403) 289-4887

Youth Gangs on Youth Gangs

This report was prepared by Fred Mathews for Solicitor General Canada in 1994. The report examines the phenomenon of youth gangs/groups in its current manifestation in Metropolitan Toronto and southern Ontario. It provides information for use in the development of appropriate policy and program responses and, ultimately, structural and systemic changes in the delivery of service to victims, gang/group members, and "at risk" and non-offending youth.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Youth Violence and Youth
Gangs: Responding to
Community Concerns**

This manual was prepared in 1994 by Richard Weiler and Associates for the Federation of Canadian Municipalities, with funding from the Ministry of the Solicitor General Canada and the Department of Justice Canada. Its purpose is to assist in understanding, planning, and developing responses to prevent or address collective youth violence in Canadian communities.

Contact:

Solicitor General Canada, Policy Branch
340 Laurier Avenue, 8th Floor
Ottawa, Ontario K1A 0P8
Tel: (613) 991-3310
Fax: (613) 993-5252

**Youth Violence Project
Resource Catalogue,
December 1992**

This catalogue was developed by the Youth Services Department, Burnaby School District. It brings together information from programs used throughout North America, and consolidates a collection of appropriate prevention materials to help administrators, counsellors, teachers, and law enforcement officers in becoming better informed and in implementing their own successful programs.

Contact:

Youth Services
5325 Kincaid Street
Burnaby, British Columbia V5G 1W2
Tel: (604) 664-8336
Fax: (604) 664-8382

3.0 SELECTED INTERNET SITES

Australian Crime Prevention Council	http://www.iinet.au/~baymanp/
Canadian Crime Prevention Centre	http://www.cadvision.com/ccpc
Canadian Society for the Prevention of Cruelty to Children	http://www.bconnex.net/~cspcc
Department of Justice (Canada)	http://canada.justice.gc.ca/index_en.html
International Centre for the Prevention of Crime	http://www.web.apc.org/~cipc/icpc_e.htm
National Crime Prevention Council	http://www.web.apc.org/~ncpc/
Peel Regional Police Force	http://www.peelpolice.gov/research.html/
Solicitor General Canada	http://www.sgc.gc.ca
U.S. Department of Justice Juvenile Justice Section	http://www.ncjrs.org/jjhome.htm

**QUICK TELEPHONE/FAX DIRECTORY
REGARDING CRIME PREVENTION**

ORGANIZATION/NAME	TELEPHONE NUMBER	FAX NUMBER
FEDERAL		
Solicitor General Canada	(613) 991-3310	(613) 993-5252
Department of Justice Canada	(613) 957-4222	(613) 957-4223
Human Resources Development Canada (Youth Service Canada)	(819) 953-2463 1-800-652-6282	(819) 953-2465
Royal Canadian Mounted Police	(613) 993-8443	(613) 998-2405
National Crime Prevention Council Secretariat	(613) 941-0505	(613) 952-3515
Canadian Centre for Justice Statistics	(613) 951-9023 1-800-387-2231	(613) 951-6615
NON-GOVERNMENTAL		
Canadian Association of Chiefs of Police	(613) 233-1106	(613) 233-6960
Canadian Association of Police Boards	(905) 458-1342	(905) 458-7278
Canadian Police Association	(613) 231-4168	(613) 231-3254
Canadian Criminal Justice Association	(613) 725-3715	(613) 725-3720
Canadian Association of Elizabeth Fry Societies	(613) 238-2422	(613) 232-7130
The John Howard Society of Canada	(613) 761-7678	(613) 729-7715
PROVINCIAL/LOCAL		
Attorney General's Department		
Solicitor General's Department		
Family and Social Services		