

# Youth Crime: Perceptions and Realities

## LEARNING OUTCOMES

After completing this chapter, you should be able to:

- Describe youth in Canada in terms of their demographic characteristics, psychosocial development, and involvement in crime.
- Understand the concept of criminal responsibility in terms of *actus reus* and *mens rea* and the historical evolution of minimum and maximum ages of criminal responsibility.
- Define “emerging adults” and discuss the implications of this new division between youth and adulthood as it relates to desistance from crime.
- Describe the age–crime relationship and the concept of persistence and desistance from crime.
- Explain gender and youth criminality.
- Understand the various ways (official statistics, self-reports, victimization surveys, and media accounts) in which we come to know about youth crime, and identify the strengths and weaknesses of each reporting method.
- Define the concepts of “hidden delinquency” and the “dark figure of crime” and explain their application with respect to official statistics of youth crime.
- Consider the role played by police perceptions in the reporting of official statistics on youth crime.
- Consider the role of the media in framing public perceptions of youth crime and comment on social media and its role in youth crime.

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## Introduction

How we come to understand youth crime depends on a number of factors. First, there are many who do not really understand adolescents and the ways in which young people participate in Canadian society. Second, there are few who are aware of the complexities of development in the adolescent years. Finally, a number of influences that exist within society lead to misconceptions about youth and young adults.

Where do we learn about young people who offend? What is similar or different about youth crime today compared with earlier periods in history? What influence do technology, social media, and news media sources have on our understanding of the youth justice system? This chapter will outline the various ways we measure and explain youth crime and the influences that impact our perception of youth generally and “young offenders”<sup>1</sup> in particular. It will also examine Canadian interpretations of the way youth are dealt with under the *Youth Criminal Justice Act* (YCJA), the law that governs Canada’s youth justice system.

At the outset, it is important to remember that in order to be found guilty of a crime the accused person must have carried out the proscribed behaviour (the *actus reus*) with the accompanying mental attitude specified in the crime’s definition (the *mens rea*), and they must have criminal capacity. McDiarmid (2016) suggests that criminal capacity has three components: (1) the ability to rationally form a judgment, (2) the ability to understand wrongfulness, and (3) the ability to control one’s physical actions. Children and young people, as you will find out, have varying abilities to meet these requirements for criminal capacity, and this has been verified through the empirical academic literature and in the laws that deal with young people who commit criminal offences.

Throughout history, children and youth have been treated differently from adults when it comes to crime. Currently in Canada, the minimum age jurisdiction of the youth court is 12 years while the maximum age for youth is under 18 years. Young people under this age who commit offences are dealt with by child welfare authorities as children in need of protection, in much the same way as they were under the *Juvenile Delinquents Act*.

### ***Adolescent Development and the Issue of Criminal Responsibility***

In reviewing the psychosocial literature, there is convincing evidence of changes in moral and cognitive reasoning through the adolescent years (Umbach et al., 2015). Before the age of 10, children lack the capacity to make moral judgments because there is no awareness of the impact of their actions on others. Children up to the age of 13 lack moral independence from adults, and some research has shown that moral discernment continues to develop up to the age of 17. Both cognitive and moral development continues into the early 20s, with the brain not fully developing until the age of 25 (Fine et al., 2016). Adolescents have been found to be more impulsive, short-sighted, and less able to resist the influence of their peers (Farrington et al., 2012; Gardner & Steinberg, 2005). Research suggests that the apex of risk-taking occurs around the age of 18 years with rates of unintended pregnancy and binge drinking peaking at age 19 to 21 years. In considering literature related to anatomical and functional markers of brain development, Giedd (2008) suggests that the evidence supports a lack of mature decision-making among young adults. Research has shown that, given the neurological development of youth, they are not well equipped cognitively to consider in a mature manner the possible adverse consequences of their risky behaviours (Luciana & Collins, 2012).

1 The YCJA refers to youth who commit crime as “young persons.” In discussing the concepts presented throughout this book, the term “young person” will be used synonymously with “young offender.”

#### ***actus reus***

the Latin term for the “guilty act,” which refers to the action or omission in order to be found guilty of a crime

#### ***mens rea***

the Latin term for “guilty mind,” which refers to the mental element necessary to be found guilty of a crime



During adolescence, the area of the brain responsible for emotional maturation, including social skills, develops.

## THE DEVELOPMENT OF THE ADOLESCENT BRAIN

### **Wendy Blank**

Some have argued that puberty, and therefore adolescence, begins between 10 and 13 years of age, a stage of life that represents a critical period for brain development. During this time, the brain has stopped growing in size but has not stopped developing; it continues to develop in essential ways through the teen years and even into the late 20s (Steinberg, 2007). It is during this period in an individual's life that significant changes in thinking, feeling, social skills, physical appearance, and moral reasoning occur.

The brain is a highly complex organ that controls most of what we do. Each of its several billion cells can connect to thousands of other brain cells, producing the ability to process information. The brain is made up of *neurons*, cells that form the building blocks of the brain, and *axons*, the connections that form between the neurons that help move information from one area of the brain to another—it is the “wiring” between brain cells. The development of the brain's building blocks is almost completely finished by the time an individual is six years old, but the wiring between the cells is only about 80 percent complete by the time a person is 18. This wiring will not be finished until the person is well into their 20s (McMahon, 2015), meaning that the brain's area of “executive functioning”—the area responsible for things such as insight, judgment, self-awareness, empathy, reasoning, and impulse

control—is the last area of the brain to finish developing and, therefore, is still changing and maturing well into adulthood (American Academy of Child & Adolescent Psychiatry [AACAP], 2016).

As the brain develops, it works on different areas of functioning, each of which can grow and develop at different rates, sometimes even overlapping. These areas include physical life functions (such as breathing, heart rate) and appearance (puberty); social/emotional functions (attachment, development of identity); and cognitive/moral functions (including impulse control and moral development) (author's personal communication with MacArthur Foundation, 2006).

Basic physical functions are the first to develop but are followed by changes in physical appearance. Physical changes are activated by an increase in hormone production and occur at different rates in adolescents, meaning that some mature physically relatively early, and some late. Generally, an increase in hormone production begins at around 10 to 11 years of age in girls, and 12 to 13 years of age in boys (Craig, 1999).

Once physical functions have developed and changes in appearance have begun, the emotional centres of the brain begin to develop. At this point, the adolescent moves toward creating a personal sense of identity

(Continued on next page.)

(belief in abilities, self-control, and social skills), seeking to transition from emotional dependence on caregivers to independence and autonomy. Ironically, this movement away from the influence and control of caregivers happens at the very time when adolescents most need adult guidance and intervention so that their impulsive and short-sighted behaviour does not lead to harmful negative consequences (author's personal communication with MacArthur Foundation, 2006).

Now that physical and emotional development is well on its way, the cognitive or thought processing centre of the brain begins to develop, allowing adolescents to learn and think about the world around them. The ability to compare risks and rewards, plan and think ahead, and make complicated decisions is quite poor during early adolescence, but improves as they move into late adolescence and early adulthood (Steinberg et al., 2009). For instance, adolescents are especially inclined toward sensation-seeking behaviour and experimentation in early adolescence, and focus almost exclusively on the immediate rewards of risky behaviour while ignoring or downplaying potentially negative consequences. Gradually, as the brain matures, a degree of self-control is gained that eventually diminishes impulsive behaviour, allowing for better coordination of emotions and reason. This allows the teen to think ahead more effectively and to more accurately weigh the positive and negative consequences of risky decisions before acting (Steinberg et al., 2008).

Although teens may seem mature at times, they still often display immature behaviour. They may attempt to define themselves through rebellious acts and experiment with many different types of behaviour over a short period of time (for example, drinking, using drugs, dressing in a particular way, taking on strong opinions). As they meet and interact with more and more people, their worlds will expand, affecting their lifestyle choices and views. As the adolescent becomes more comfortable with their identity, peer influence will become less important and, although relationships with peers may remain strong, the influence of adults or younger people will also gain significance (Gardner & Steinberg, 2005).

Given that brain development is still occurring throughout the teen years, it is understandable that adolescents' brains work differently than those of adults when engaging in behaviours such as making decisions or solving problems. They are more likely to give in to their impulses, have trouble understanding social or emotional cues, and participate in risky—or even dangerous—behaviour because they don't often think before they act or consider the consequences of their actions (AACAP, 2016). When considering the behaviour of adolescents, it is important to note that the differences in their brains don't prevent them from knowing the difference between right and wrong, and they should still be held accountable for their actions. It does mean, however, that they still need adult supervision and guidance to increase the chances of healthy social, emotional, and cognitive development (AACAP, 2016).

Considering the lack of executive decision-making until well into a young person's mid-20s raises questions about the ability to form the necessary mental element required for criminal responsibility. As discussed earlier, in order to be criminally responsible an individual must have both *mens rea* and *actus reus*. Throughout history, there are many accounts of children not having the ability to form intent in the same manner in which “fools” could not be held responsible because of their inability to choose the “good” from the “evil” (*conisaunt de bien ne de mal*) (Reid, 2011).

### **Defining Youth and Emerging Adulthood**

The United Nations *Convention on the Rights of the Child* (UNCRC, 1989) defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (article 1). With respect to the age of criminal responsibility, the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (The Beijing Rules, 1985) argues that the principles embodied in the rules for juveniles “shall also be made to extend ... to young adult offenders” (Rule 3.3). Despite the mention of the UNCRC in the preamble of the YCJA, treaties and conventions are not binding until they become domestic law.

## CASE IN POINT

### *R v. KJM*, 2019 SCC 55

#### Supreme Court of Canada Underscores Youth Developmental Needs

M ... was charged with various offences arising out of a fight in which he stabbed another youth. Almost 19 months after charges were laid, he was found guilty of aggravated assault and possession of a weapon for a dangerous purpose. Shortly before his convictions, he applied unsuccessfully for a stay of proceedings on the basis that the delay violated his right to be tried within a reasonable time under s. 11(b) of the *Charter*.

Following his convictions M launched an appeal that was turned down by the appeal court with one justice dissenting. The Supreme Court of Canada (SCC) also upheld the decision of the lower courts that the delay was not unreasonable. However, a number of issues were raised in the written judgments clarifying the distinction between the youth justice system and the adult justice system. As quoted in the reasons given (emphasis added):

Canada's youth criminal justice system stands separate from the adult criminal justice system. While every person charged with an offence has the right to be tried within a reasonable time under s. 11(b) of the *Charter*, this right has special significance for young persons, for at least five reasons. *First*, because young persons have a different

perception of time and less well-developed memories than adults, their ability to appreciate the connection between actions and consequences is impaired. Whereas prolonged delays can obscure this connection and dilute the effectiveness of any disposition, timely intervention reinforces it. *Second*, delay may have a greater psychological impact on a young person. *Third*, the increased rapidity with which a young person's memory fades may make it more difficult for him or her to recall past events, which may in turn impair his or her ability to make full answer and defence, a right which is protected by s. 7 of the *Charter*. *Fourth*, adolescence is a time of rapid brain, cognitive, and psychosocial development. Where a prolonged delay separates the offending conduct from the corresponding punishment, the young person may experience a sense of unfairness, as his or her thoughts and behaviours may well have changed considerably since the offending conduct took place. *Fifth*, society has an interest in seeing young persons rehabilitated and reintegrated into society as swiftly as possible. For all these reasons, youth matters should proceed expeditiously and in a timely manner.

#### Question

Do you think there should be extra protections for young persons under the criminal law? Why or why not?

The guiding legislation in Canada, the YCJA, stipulates under s. 2(1) that a “child” means a person who appears to be less than 12 years old, and a “young person” means a person who appears to be 12 years or older but less than 18 years old. These definitions provide the minimum and maximum age jurisdiction of the youth justice system in Canada.

It has been recognized over the past decade that the traditional pathway to adulthood does not end at the end of the teen years. The term **emerging adult** has been used to explain the extended age definition to address programs that provide service to young adults up to the age of 30, and the period is of sufficient length to refer to it as a distinct developmental stage (Arnett, 2014). Psychologist James Arnett (2014) suggests that the period of emerging adulthood is marked by the following characteristics:

- Age of identity exploration, where young people are deciding what they want out of work, school, and romantic relationships, and are working on defining who they are.
- Age of instability is marked by repeated residence changes, due to attending college or university, moving for work-related transfers, or pursuing romantic relationships.

#### emerging adult

the time from the end of adolescence to the young-adult responsibilities of a stable job, marriage, and parenthood; the period from 18 to under 30 years of age

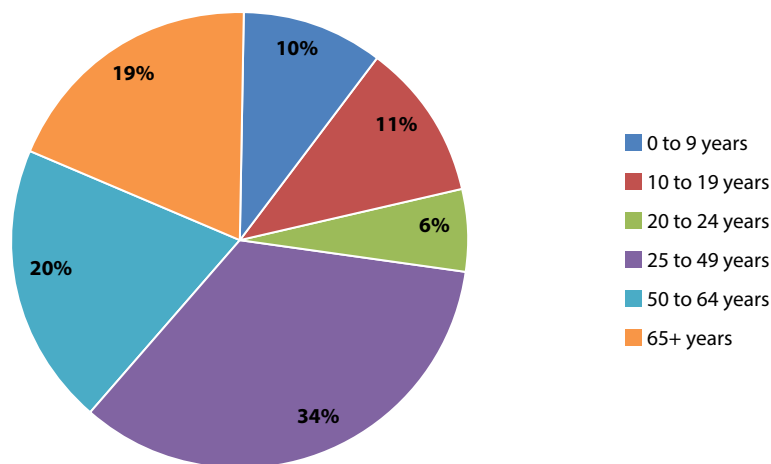
- Age of self-focus is related to not only the development of their identity as explained earlier, but also the freedom to decide what they want to do and with whom before they are limited by the constraints of marriage, children, and a career.
- Age of feeling “in between,” where they are recognizing that they are taking more responsibility for themselves but they do not completely feel like an adult.
- Age of possibilities, where they have optimistic views of their future.

Others have argued that the transition to adulthood is now much more complex and non-linear, with many young people staying in school longer and living with their parents longer while delaying the start of their own family and entry into the workforce (Gaudet, 2007; Schwartz et al., 2005). If one considers government programming and assistance in Canada, there is a recognition of the emerging adult in a number of their funding strategies. For example, the Employment and Social Development Canada (ESDC) Youth Employment and Skills Strategy (YESS) refers to youth between the ages of 15 and 30. The Government of Canada’s International Youth Internship Program (IYIP) is for young people aged 18 to 30 years, and the Federal Student Work Experience Program (FSWEP) is for students who meet the minimum age requirement to work in the relevant province or territory.

When you think about youth, what age in years would you say best describes this developmental stage? What influenced your answer (media portrayals, family discussions, etc.)?

As noted in Figure 1.1, youth and emerging adults account for approximately 17 percent of the population of Canada. Those over the age of 65 years account for 19 percent. As the population ages, with 20 percent currently between the ages of 50 and 64 years, there may be an impact on the number of youth and young adults in the population (Statistics Canada, 2022).

**FIGURE 1.1 Youth and Emerging Adults as a Percentage of Canada’s Population, 2022**



Source: Statistics Canada. (2022). *Population estimates on July 1st, by age and sex* (Table 17-10-0005-01). <https://doi.org/10.25318/1710000501-eng>

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## The Age–Crime Relationship and Desistance from Crime

The **age–crime curve** has been studied extensively by researchers who have tried to understand the seemingly inexplicable drop-off in crime when young people reach their mid-20s. Hirschi and Gottfredson (1983) noted that the age–crime relationship has been shown to be invariant through history, cultures, and demographic groups, and they were not able to explain this through any theoretical constructs or combination of variables that were available to criminologists in the early 1990s (Gottfredson & Hirschi, 1990). This question had been studied in the early- to mid-20th century by Harvard criminologists Sheldon and Eleanor Glueck, who argued that the gradual movement away from crime with age was best explained through maturation (Glueck & Glueck, 1937). Despite the research of the Gluecks spanning more than 40 years, their argument was dismissed because the term “maturation” was not well specified, and some suggested that the argument was **tautological**. In other words, their explanation was circular in that the Gluecks argued that once a person stops offending, they have reached maturity. Over the decades since the work of the Gluecks there has been a continuing interest in trying to theorize about the **desistance** from crime as one matures. Drawing on the life-course criminology and developmental literature, Rocque (2015) describes an integrative theory combining psychology, criminology, biology, sociology, and neuroscience to argue that there are a number of complex factors that intersect in leading to the full maturity of an individual at adulthood.

From their analysis of youth crime statistics, Allen and Superle (2016) point out that youth aged 12 to 17 and young adults aged 18 to 24 account for over one-third of individuals accused in police-reported crime. Young adults aged 18 to 24 years were accused of crime at higher rates than any other age group. This evidence provides additional arguments for supporting emerging adults in a different way to prevent criminal careers.

### age–crime curve

a bell curve that depicts the prevalence of offending, which increases from late childhood through adolescence and peaks at young adulthood and then declines after the age of 25

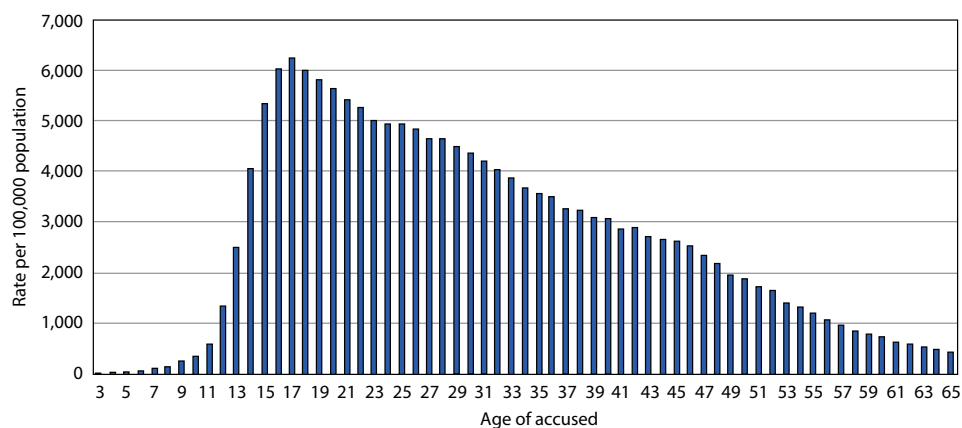
### tautological

an argument that repeats the same assertion using different phrasing

### desistance

the eventual cessation of crime, deviance, or other anti-social behaviour

**FIGURE 1.2 Rates of Individuals Accused of Crime, by Age, 2014**



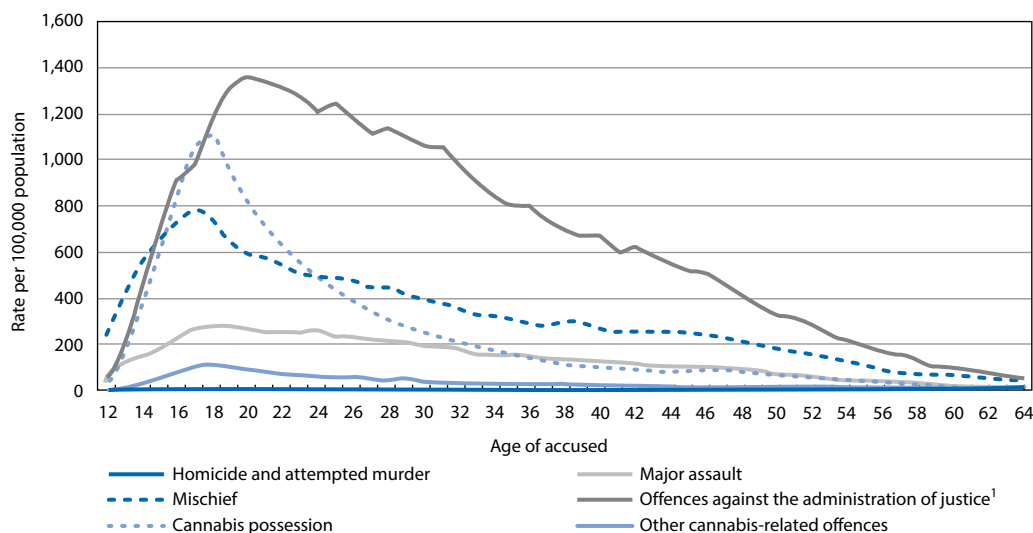
Note: Rates are for all *Criminal Code* offences (excluding traffic). Rates are calculated on the basis of 100,000 population at each age. Populations are based upon July 1st estimates from Statistics Canada, Demography Division. Accused under age 12 cannot be charged with an offence under the *Criminal Code*.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey, 2014.

With respect to the criminal justice system, Cesaroni (2015) argues that criminologists have long known about the pattern of desistance from youthful offending in adolescence when the young person enters their mid-20s. A number of studies have examined the relationship between age and crime, and the factors that influence whether young people continue to offend (persist), or whether they stop offending (desist) as they enter adulthood (Loeber & Farrington, 2012; Piquero et al., 2012; Ulmer & Steffensmeier, 2014). After reviewing ten years of studies related to desistance, Hanson (2018) found that after young offenders are offence-free for five years (ten years for adults), the likelihood of reoffending for most individuals is not any higher than that of the general population. The “aging out” of crime has been associated with life transitions such as employment and marriage, changing peer groups, and changing social environments in the young adult years (Loeber & Farrington, 2012; Sweeten et al., 2013).

It is interesting to look at the breakdown of crime by age that was analyzed by Allen (2016) for the year 2014. Looking at Figure 1.3, the data reveal that there is an “aging out” of crime. As you will see in Chapter 2, the most common offences for young people are property-related offences such as theft and mischief. The chart also shows a dramatic peak in the number of offences against the administration of justice during the late teens and early adulthood. As described, administration of justice offences include behaviour that taunts authority such as failure to comply with an order, failure to appear in court, and breach of probation.

**FIGURE 1.3 Selected Offences That Peak During Young Adulthood and Decline Rapidly with Age, 2014**



1. Includes failure to comply with an order, failure to appear, breach of probation, and other violations against the administration of law and justice.

Note: Rates are calculated on the basis of 100,000 population at each age in 2014. Populations are based upon July 1st estimates from Statistics Canada, Demography Division. Accused under age 12 cannot be charged with an offence under the *Criminal Code*.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey, 2014.



When we think about the relationship between age and crime, it is also important to look at the nature and type of offences that are being committed by young people, as well as at the processes used for detecting and counting crime. This will be discussed further in Chapter 2; however, suffice it to say that the majority of young people's involvement is in property-related crimes such as theft under \$5,000 and mischief. We must also consider the factors that influence whether an offence comes to the attention of the authorities, such as the perception of community members, the policies and programs available in the province, and the influence of both mass media and social media on public perceptions of youth crime. In some cases, it may be that, despite an overall falling crime rate, there is a community belief that youth crime is much worse than it was in the past, and this has a dramatic impact on how youthful misbehaviour is interpreted.

What is your understanding of youth crime in Canada? Is the rate of youth crime on the rise? Are young people who commit crimes today different from those of previous generations?

You will see that, despite official reports of a declining crime rate, most Canadians still think crime is increasing. The General Social Survey (GSS) reported that fewer than one in ten Canadians believe the crime rate is dropping (Statistics Canada, 2017).

Has there been any significant change in the rate of youth violence? It is perhaps telling that this question is the source of continued debate, and that something as apparently straightforward as the crime rate is so misunderstood.

If we hope to effectively measure the success of legislation, programs, and procedures designed, at best, to improve the lives of youth generally and prevent youth criminality or, at worst, to control and punish youth who have violated our criminal laws, we must grapple with these unresolved questions. We must accept the limitations of the data available to us, rationally consider the extent to which forces such as the media distort that data, and come to our own informed conclusions.

As the book unfolds you will gain more insight into the finer details of the youth justice system, but first it is important to understand a bit about youth in Canada today and some preliminary statistics on the rate of youth crime.

## A Profile of Canadian Youth

### Demographics

There were approximately 40 million people living in Canada as of June 16, 2023.

From 2006 to 2016, the number of First Nations, Métis, and Inuit youth aged 15 to 34 increased by 39 percent, compared to just over 6 percent for non-Indigenous youth (Statistics Canada, 2018). Indigenous youth<sup>2</sup> aged 15 to 24 years make up one-sixth of

2 Note on terminology: Out of respect, this text will use the term “Indigenous” to refer to the first peoples of Canada, except in a constitutional context. In legal texts, the term “First Nations” is used to identify Indigenous peoples of Canada who are neither Métis nor Inuit. The term “Aboriginal” is defined under s. 35(2) of the *Constitution Act, 1982* and therefore has been adopted by some government and national groups. However, the term has generally been repudiated by Indigenous peoples and First Nations across the country.

the entire Indigenous population (Anderson, 2021). Indigenous youth are overrepresented in custody and community correctional supervision. While representing about 8 percent of the Canadian youth population, Indigenous youth make up 48 percent of custody admissions (Justice Canada, 2019). As you continue to study with this book, you will see the many risk factors facing Indigenous youth in Canada. Even with provisions contained in case law (*R v. Gladue*, 1999) and legislative requirements in the YCJA, the overrepresentation of Indigenous youth in the youth justice system remains an ongoing issue in Canada.

According to Statistics Canada's *Portrait of Canadian Youth*, released February 7, 2018, youth between the ages of 12 and 25 were more likely to commit crimes than people over the age of 25. Similarly, while youth and emerging adults are more likely to commit crimes, they are also more likely to be the victim of a criminal offence.

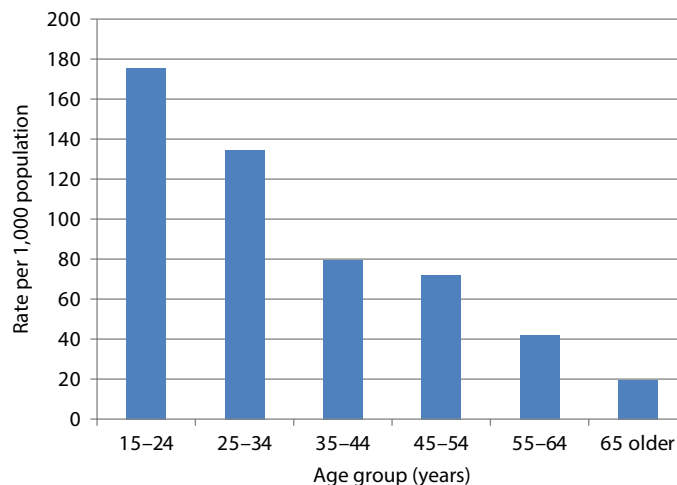
While many people believe that older adults are the most likely persons to be victimized, these figures paint a different story. According to a criminological theory known as *routine activities theory*, youth and young adults are more likely to be victims and offenders because this age cohort is much more likely to be out and about, socializing, compared to older adults. The 2014 GSS provides evidence that the rate of violent victimization was highest among young adults aged 20 to 24 years, and youth were more likely to report that they engaged in activities that exposed them to a higher risk of violent victimization (for example, going out every night, using drugs, or binge drinking) (Perreault, 2015).

Looking at Figure 1.4 for the year 2019, the trend in violent victimization continues for younger age cohorts.

In looking at the likelihood of reporting violent victimization to the police, the young cohort of victims, while the most likely to be victimized, are not likely to report these incidents to the police, as shown in Figure 1.5.

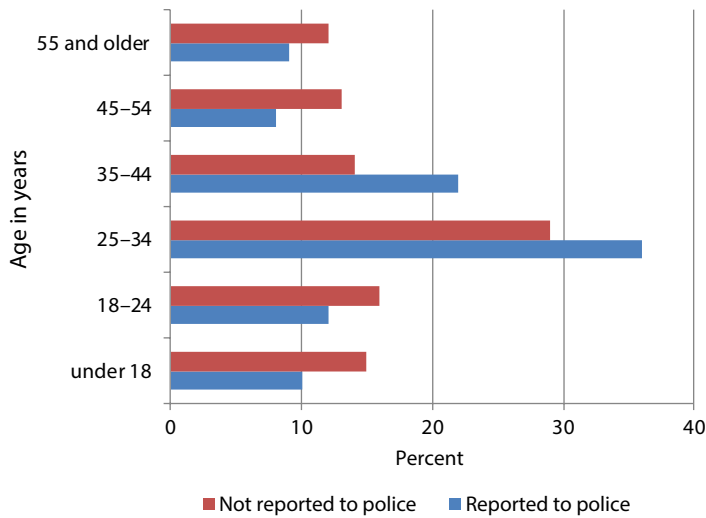
However, in looking at police reporting, the highest percentage of reports to the police are among victims between the ages of 25 and 34 years. This is a trend that appears to be different than the past with the highest percentage of reporting being done by older aged victims.

**FIGURE 1.4 Self-Reported Violent Victimization by Age, 2019**



Source: Adapted from Statistics Canada (2019).

**FIGURE 1.5 Self-Reported Violent Victimization and Report to Police by Age, 2019**



Source: Adapted from Statistics Canada (2019).

### ***Gender and Youth Criminality***

Despite the relatively stable rate of violent crime in Canada, many people feel there has been an increase in the rate of violent crime committed by young women and girls. Caution must be taken when making such a suggestion, because gender differences related to crime are often pathologized—meaning that, despite a lack of evidence to support such an assertion, differences are tied to what are seen as weaknesses in females’ biological and psychological chemistry (Artz et al., 2012).

Scholars have pointed out that the media portraying girls as “being mean,” “behaving badly,” or “going wild” is commensurate with the focus on increasing female crime, despite a lower rate of female offending compared to their male counterparts (Hubbard & Matthews, 2008). In cases of crimes against the person, females represented 40 percent of the cases while males accounted for 44 percent in that same year, which suggests that there is little variation in guilty findings when male and females present in court for violent offences. The small difference between percentages of male and female youth in the youth justice system is in sharp contrast to past periods where males far outnumbered the female population of accused offenders.

When we look by gender at the number of cases that went to court over the past few years, the number of female youth whose cases have proceeded through the system is much smaller. In 2011–2012, less than one-quarter of all cases completed in youth court involved females (23 percent). This number decreased by 2015, with 15.6 percent of all completed criminal cases in Youth Court involving a female offender. According to the most recent statistics regarding youth entering the correctional system, in 2021–2022, 28 percent of youth who entered any form of correctional service (probation, open/secure custody, other community) were female. Of those young persons who entered secure custody (the most onerous sanction), only 10 percent of the total number of youth were female (Statistics Canada, 2023b).

As has been pointed out in the literature, girls sentenced to probation are often given more conditions than their male counterparts in order to provide them with additional “supervision” (Chesney-Lind & Shelden, 1998; Sprott, 2012; Sprott & Doob, 2009). If a girl violates conditions she is more likely to be charged with an additional criminal offence, and cases involving failure to comply with an order account for a larger portion of cases for girls than for boys, particularly as the case proceeds to additional charges leading to custody (Sprott & Doob, 2009).

Criminological scholars have pointed out for decades that the “gender gap” in the commission of adult crimes has been documented across time, cultures, and data sources (Anderson et al., 2023; Archer, 2004; Heimer et al., 2009; Steffensmeier et al., 2005). With respect to delinquency, there have been differing views regarding the involvement of girls in the youth justice system depending on the types of laws enacted. As you will learn in Chapter 4, the first juvenile legislation in Canada, the *Juvenile Delinquents Act*, included crimes as well as **status offences**. With the enactment of the *Young Offenders Act* and then the YCJA, status offences were eliminated from Canadian youth justice law. However, status offences are still part of juvenile legislation in many parts of the world, including the majority of the United States. When status offences are included in the counting of youth delinquency, rather than when only criminal conduct is considered, there tends to be a higher portion of girls included in the count.

Daly (1994) was perhaps the first to argue that there are clear distinctions in the pathways to crime for males and females, and she outlined five distinct pathways:

1. *Street woman*: The leading scenario in feminist legal theory for Daly is that of a street woman who is kicked out of her home at an early age, runs away, and gets involved in petty crime, drug addiction, and, in order to survive, sex work. This is depicted in the case of Lisa Neve (see the box).
2. *Harmed and harming woman*: The second pathway refers to girls who were abused or neglected as children, leading them to act out violently toward others and likely harm themselves physically or through the abuse of substances, in order to cope with this early victimization.
3. *Battered woman*: This pathway also involves abuse, but the abuse is confined to relationships with intimate partners.
4. *Drug-connected woman*: This pathway involves women selling drugs, through connections with family members or intimate male partners, to feed their addictions.
5. *Economically motivated woman*: This pathway relates to women who commit crime due to a desire to have material items or through greed, and it is seen to be the pathway that most resembles the male pathway trajectory.

Wattanaporn and Holtfreter (2014) point out the importance of considering the gendered pathways into crime for women, as these pathways impact on the nature of the interventions being offered for reintegration and treatment. Focusing specifically on young people, Belknap and Holsinger (2006) studied 444 juveniles using a self-report methodology and found that these five pathways were the strongest predictors of youth crime for both boys and girls. This suggests that childhood abuse and trauma have a far-reaching effect on the lives of young men and women and offers a roadmap for the development of programming to address abuse victimization and adverse childhood experiences. Such programs will be discussed in Chapter 11 on prevention and rehabilitation.

### status offence

a genre of criminal offence that is based not on the committing in the past of a particular prohibited action or inaction but on the allegation that the offender has a certain personal condition or is of a specified character

## GENDER-BASED DECISIONS ON DANGEROUSNESS: THE CASE OF LISA NEVE



Lisa Neve experienced discrimination based on gender and mental illness.

Lisa Neve's first run-in with children's services and the police happened at the age of 12 (in 1984), when the legislation for the *Young Offenders Act* was just new; prior to this time a young person was dealt with as a "child in need of assistance" under the *Juvenile Delinquents Act*. The blurred lines between children's services and custodial facilities would continue for a number of years under the new legislation. When caught with

four of her friends by her school principal drinking an alcoholic concoction out of an ice cream container, Lisa told the police that she was afraid that she would be grounded if she went home. The police handcuffed her for her unruly behaviour and took her to a children's home where she was to be housed with the 12- to 15-year-olds. At the request of staff to take off her clothes for a strip search she refused, and because she fought back they decided she was violent and unruly and placed her with the older girls. This placement meant that she would be subjected to bullying by the older girls. She started to run away and became involved in sex work as well as using and selling street drugs.

Her behaviour was seen as "out of control" by the authorities, and she was placed on a 90-day program, which was carried out at two different young offender centres and a locked forensic unit in a hospital. A lot of time was spent in segregation for her own protection against self-harm. At one point, she lashed out and took a hostage at a young offender centre.

At age 18 she received more charges and was held in provincial detention. While there, her mental illness skyrocketed and she was placed in restraints. Upon her release, she got into an abusive relationship with a pimp. When she went against her own moral code and testified against him at his trial, she felt betrayed by the justice system that gave him only 18 months. She checked herself into a psychiatric ward at the hospital, telling the authorities that she wanted to "kill a guy who kills kids"

(meaning herself). She was charged with uttering death threats and additional charges related to previous assaults and a robbery. At trial she received four and a half years for the threats to the family of her ex-boyfriend's lawyer. In remand awaiting her trial for robbery, she was served with a paper that was an application to declare her a dangerous offender.

The hearing related to dangerousness did not go well, even though she had taken the stand to try to explain the 22 convictions she had received for a range of offences—including petty thefts, carrying a knife while working as a sex worker, and two incidents of taking a hostage in youth custody. She was unsuccessful and was declared a dangerous offender and sent to the regional psychiatric centre.

Through the assistance of Kim Pate, Executive Director of the Elizabeth Fry Society of Canada, and a number of lawyers who appealed the dangerous offender designation, she was let out in 1999 at the age of 26 years. Pate (Neve & Pate, 2005) writes about the escalation of labels that had been placed on Lisa starting with "a problem" in need of "correction," which then moved to "a brat," an "instigator," a sociopath, and then ultimately a dangerous offender. Mention was also made of her "unfeminine" renegade behaviour while she was working on the street. The designation of dangerousness in 1994 was, as Pate argues, primarily based on accounts of Lisa's institutional behaviour while in young offender facilities. Neve notes further that her mental health condition was not addressed until 1997 when she was diagnosed with schizophrenia. The criminal label superseded any mental health challenges, with her behaviour in custody and then adult corrections labelled as "bad" not "ill." In the Court of Appeal decision, the justices pointed out that most of the behaviour that was exhibited by Lisa was due to the lack of choices she had and her entanglement in an abusive lifestyle of sex work and violence.

In their final deliberations on appeal, the justices remarked on the fallacy of the argument to label Lisa as a dangerous offender, saying that the label "effectively implies ... that a woman's thoughts about committing murder can somehow be equated with a man's commission of a murder" (*R v. Neve*, 1999, para. 214).

Speaking at a Standing Senate Committee on Human Rights in August 2018, Neve remarked that she wanted people to know "that you can't take away someone's whole life and tell them that they're unredeemable at 21 years old" (Omstead, 2018).

## Collecting and Analyzing Crime Data

One of the many difficulties in discussing “youth crime” is that the term itself leads to considerable misunderstanding. People often use shorthand language that has very precise meaning to some people, but is taken to mean something much broader by others. When people talk about the “youth crime rate,” for instance, their discussion is rarely based on actual statistics about the incidence of crime by youth in a community. Usually, it is based on statistics about arrests or cases that come before the courts.

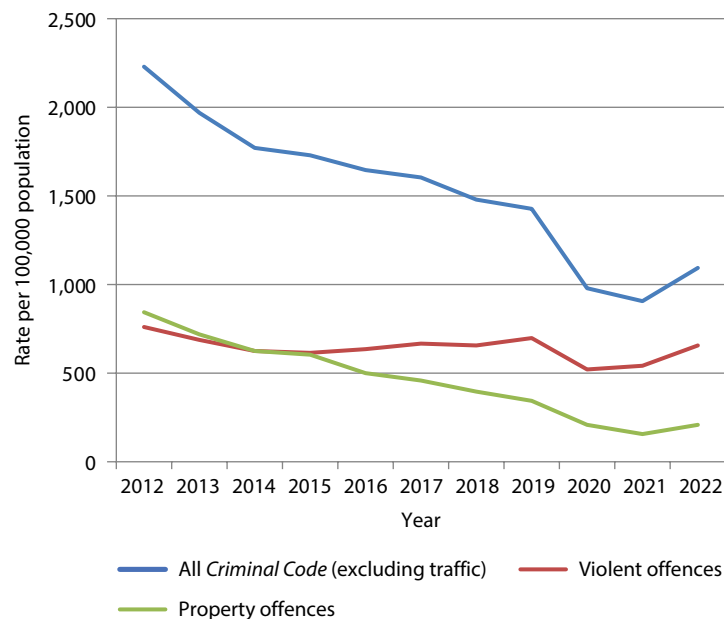
In Canada, the courts and the police keep statistical records on crime, and the crime rate is reported every July by the Canadian Centre for Justice Statistics. Since 1962, *Statistics Canada* has been conducting the **Uniform Crime Reporting (UCR) Survey**, which collects information on all criminal incidents that have been reported to and substantiated by Canadian police forces. The UCR Survey, originally developed in the United States, was designed to provide comparable and consistent crime statistics in order to compare trends over time and across jurisdictions.

### Uniform Crime Reporting (UCR) Survey

system for classifying reported incidents by type of crime, on the basis of crime detected by police and reported by the public

The crime rate (for both adults and youth) was at its highest level in 1991 and since that time has generally declined. In 2017, the youth crime rate was 1 percent lower than 2016, and more than 40 percent (44 percent) lower than a decade earlier (Allen, 2016). As shown in Figure 1.6, the rate of youth crime in 2022 was 1,099 per 100,000 offenders, compared to 1,609 in 2017 (Statistics Canada, 2023a).

**FIGURE 1.6 Youth Crime Rate by Offence Type, 2012–2022**



Source: Adapted from Statistics Canada (2023a).

In addition to *Criminal Code* offences, a number of charges arise from provincial liquor legislation and regulations and from other federal statutes, principally the

*Controlled Drugs and Substances Act*. The implications of the legalization of cannabis as of October 2018 will be discussed in Chapter 2.

Official statistics usually underestimate the volume of crime, so it is difficult to speak accurately to the extent of youth crime. It is not easy to say whether increases or decreases in recorded youth crime are real or just apparent. Increased efficiency may lead to more charges while the actual rate of occurrence remains unchanged. Also, public willingness to report crime may artificially increase the crime rate.

## How Is Youth Crime Counted?

There are two main ways of collecting information on crime in Canada: (1) the UCR Survey, and (2) the GSS on Victimization. The UCR is reported every year and is a compilation of police-recorded crime. The GSS is administered every five years to a sample of Canadians over the age of 15. One of the advantages of the GSS on Victimization is that it captures crimes not reported to police. However, it collects selected information on only a subset of criminal offences (sexual assault, robbery, assault, break and enter, theft, and vandalism).

An issue with official counts of crime lies in the manner in which the crime rate is actually counted. The traditional police-reported crime rate is calculated by dividing the number of criminal incidents reported to police by the population and is usually expressed as a rate per 100,000 population. A criminal incident consists of one or more related offences (up to four) committed during a single event. For serious offences, if someone is accused of assault on three victims at the same time this would therefore be counted as three incidents. However, in cases of minor offences that occur with *relatively* more serious ones, the most serious is the one counted. This can affect the crime rate when, for example, there is a reduction in incidents in which the most serious offence is theft of \$5,000 or under, which tends to be one of the most common offences. The reduction in the volume of these cases may show a sharp reduction in the crime rate, even when the number of more serious incidents (for example, homicides, robberies) increases.

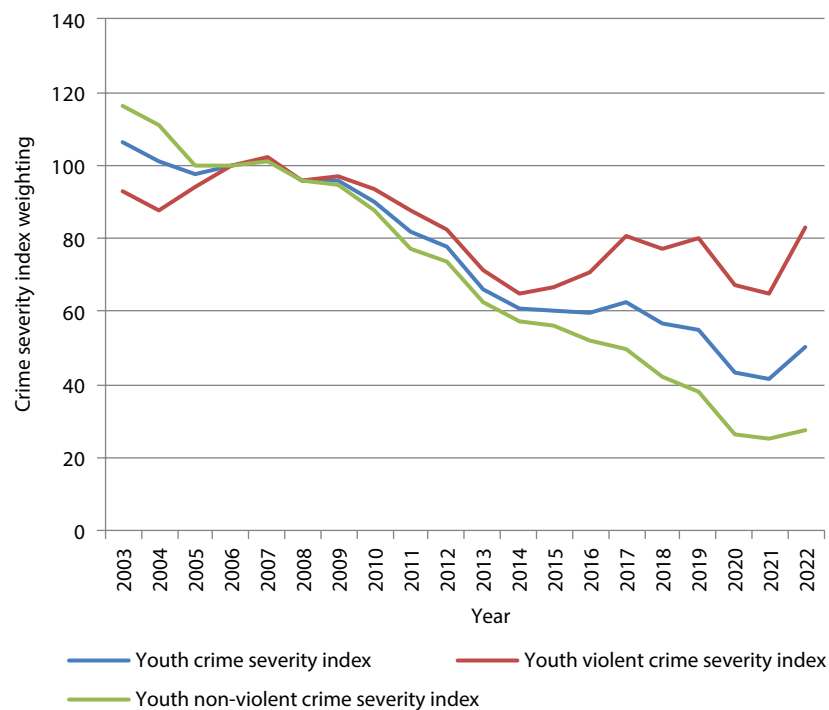
In order to combat this problem, the **crime severity index (CSI)** was created. The CSI assigns a higher weight to offences that are more severe on the basis of the **custodial sentences** handed down by the courts for each type of offence. The more severe the average sentence, the higher the weight assigned for the offence. There is a CSI for all crimes, including *Criminal Code* violations, traffic offences, and drug offences, and a separate index for violent and non-violent offences. Figure 1.7 shows the CSIs for youth from 2003, the year the YCJA came into effect, to 2022.

Police report two categories of crime: those detected by the police themselves and those reported to them by victims and members of the public. Only about 10 percent of crimes are detected by the police. Therefore, the dependence on the public to report crime leads to selective reporting and statistical distortion in a number of ways. The most obvious distortion is underreporting. Victimization surveys consistently show that those surveyed know of illegal acts that were not reported.

**crime severity index (CSI)**  
system for measuring the severity of police-reported crimes each year, and the change in severity year to year; created to alleviate some of the problems in determining the crime rate

**custodial sentence**  
a judicial sentence that requires a term of either open or secure imprisonment of the offender

FIGURE 1.7 Youth Crime Severity Index, 2003–2022



## The Crime Funnel

Our knowledge of what is actually happening in terms of youth crime is shaped by (1) what information is collected, and (2) the point in the youth justice process at which we examine the information. The term **crime funnel** refers to a reduction in the number of individuals involved at each stage in the operation of the criminal justice system: detection, reporting, prosecution, and punishment. The degree to which numbers get smaller depends on the factors we have been discussing:

- the public (if and when they call the police);
- the police (what the police do when they are called and what types of crimes they are actively pursuing according to police directives);
- the federal government (laws that provide for police discretion, diversion of youth);
- provincial governments (their policies about diverting youth out of the formal system through **extrajudicial measures** [EJM] or **extrajudicial sanctions** [EJS]);
- Crown attorneys (whether there are formal EJS programs for diversion in the province);
- legal aid (availability of financial resources to provide lawyers to youth who may wish to pursue a trial and not plead guilty);
- courts (judges' decisions about guilt or innocence and sentencing practices); and
- provincial governments (provision of services in communities for alternatives to custody sanctions, presence of custodial facilities in proximity to the young person, other issues of concern for the young person such as access to mental health services, addiction counselling).

### crime funnel

the reduction in the number of individuals involved at each stage of the decision-making process in the criminal justice system

### extrajudicial measure

a way of dealing with offenders outside the formal justice system

### extrajudicial sanction

a more formal counterpart of extrajudicial measures

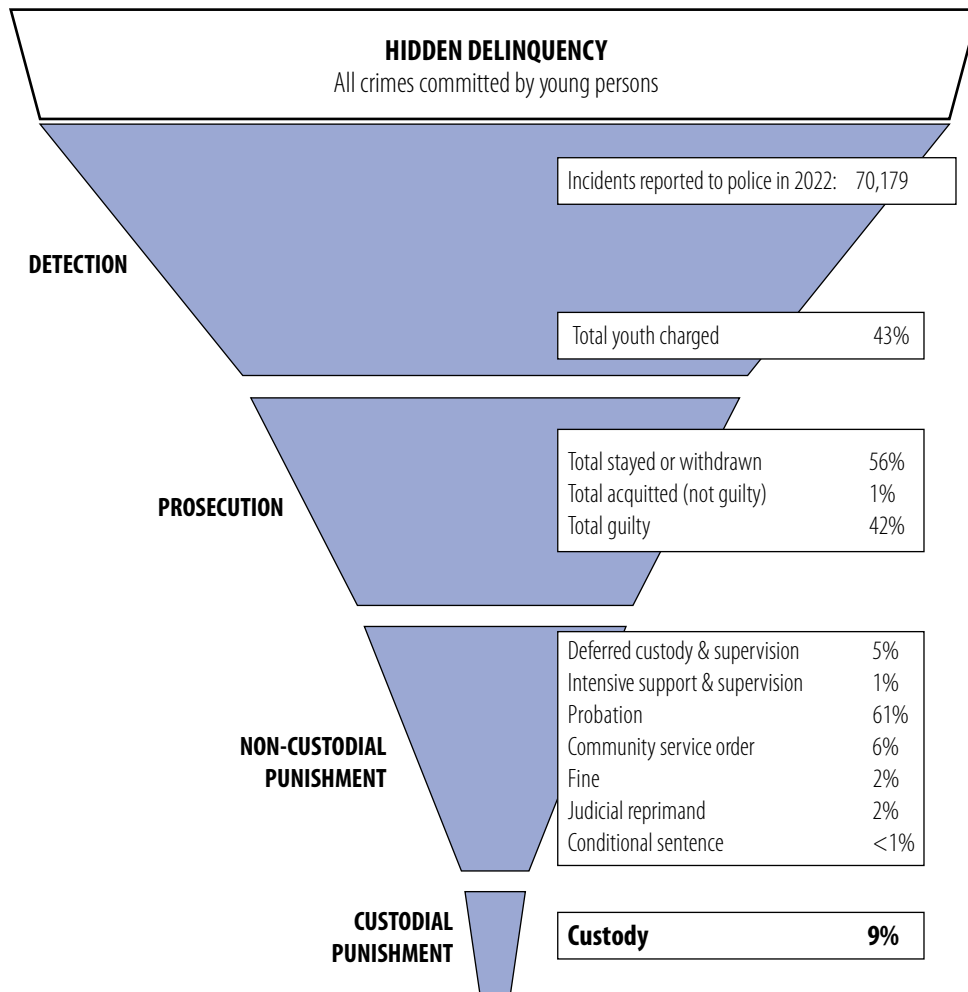


The crime funnel is pictured in Figure 1.8. At the mouth of the funnel are all the young people in a community. Many of those young people, at some point in their youth, do things that might be seen as “criminal.” For example, many youth will shoplift, but only some of those actions will come to the attention of authorities: some merchandise won’t be missed from the stores, and some merchandise will be missed, but only during inventory counts. Some youth will actually get caught shoplifting. Some of them will just be warned by the shopkeeper. For others, the police will be called. In some communities, when the police are called, a first-time shoplifter will just get a lecture. Some youth will be formally cautioned by the police.

In other communities, the shoplifter may be referred to a community program that explains the repercussions of shoplifting for the store and the rest of the community.

As you will learn throughout this book, the YCJA provides a number of strategies outside of the youth court to deal with the problems facing young persons who commit offences.

**FIGURE 1.8 The Crime Funnel: Youth Crime, 2022**



Source: Adapted from Statistics Canada (2022).

As a young person continues on through the youth criminal justice process through court, the further along in the process we go, the smaller the number of young people in the system.

The dynamics of the funnel change all the time. Policy changes by government, police, and community agencies have an impact on which behaviours are included in “youth crime.”

## Counting Youth Crime Using Self-Report Measures

To compensate for distortions or inadequacy in uniform crime report statistics, other data collection methods have been developed. The best-known and most frequently used of these other methods is **self-report studies**. Respondents are asked to answer a series of questions, either in a personal interview or through a questionnaire, on a range of activities that would be classified as offences for which they could be criminally charged, whether or not those offences were reported or detected by the police. The self-report survey has been seen as useful in uncovering what has been referred to as the **dark figure of crime** or, in the case of young people, **hidden delinquency**. The self-report methodology is important because

- it provides information on how many times a person has engaged in behaviour that would be deemed criminal; and
- it records the acts of those who have not been categorized as offenders as well as the acts of those who have, thereby permitting some comparisons between the two groups.

Self-report data have generally proven to be accurate guides to all but the most serious delinquency. In the case of young people, self-report surveys are easier to administer than in the adult offender population because youth are required by law to attend school until they are at least 16 years of age, and in some provinces there is mandatory education until the young person reaches the age of 18.

Self-reporting is important because official statistics record only a small proportion of actual offenders and may over- or underrepresent some types of offenders, reflecting police biases or discretionary practices in laying charges: visible minority or poor youth may be overrepresented while white middle-class youth and females generally may be underrepresented among those charged.

Self-reporting has been criticized as containing its own biases and built-in inaccuracies:

- Respondents may be reluctant to accurately report incidents that might land them in legal difficulties, particularly if the incident involves serious crime. Despite assurances from those responsible for administering the survey that the young person’s responses will be held in confidence, youth who may have already had experience in the youth justice system are aware of the impact of record-keeping on the kinds of options available to them in the future.
- Respondents may forget or disregard some of the incidents.
- Respondents may brag about, exaggerate, or invent incidents because they feel the need to fit in with their same-age peers or simply because they see it as an opportunity to “mess with” adult authority figures with little chance of being caught.

One of the earliest self-report studies on youthful crime was conducted in the 1960s, when both Canada and the United States had an all-encompassing definition of youth

### self-report study

a method of data collection that relies on self-administered surveys or questionnaires given to a target group in order to obtain a group profile of the identified behaviours in which the researcher is interested

### dark figure of crime

the number of crimes that do not come to the attention of the criminal justice system

### hidden delinquency

undetected rule-breaking behaviour

deviance known as delinquency. Delinquent behaviour is much broader than criminal conduct and includes offences that only young people can be charged with, known as status offences (for example, truancy/skipping school).

When reading reports that refer to delinquent behaviour of youth, it is important to consider how the term is operationally defined. In these early self-report studies, it was found that youth from lower socio-economic classes were much more likely to report engaging in delinquent acts and doing so with more frequency and severity than their middle-class counterparts (Vaz, 1966). This trend has been noted in the second International Self-Report Study of Delinquency (ISRD-2) administered in 30 cities around the world (Junger-Tas, 2012). However, it has not been shown consistently in the self-report literature, and whether class is a variable distinguishing the involvement of young people in the criminal justice system is open to debate. It may be that working-class youth are charged more often and watched more closely by the police (O'Grady et al., 2013), reflecting a societal bias in the official statistics, or that the two measurement methods may be recording different things (a more likely explanation). Self-report surveys target students in attendance at high school. This means that young people who skip class or drop out are underrepresented in the sample. It is possible that the class truants and dropouts are more likely to be involved in serious delinquency, so this type of delinquency is underreported on the self-report surveys.

In a Canadian sample of 3,200 Toronto youth who participated in the ISRD-2, over one-third of the students indicated that they had engaged in one or more acts that would have been a violation of the *Criminal Code* (Savoie, 2007). Slightly less than one-quarter of the youth reported that they had engaged in some form of violent behaviour ever in their life. The most common offences reported were participating in group fights (16 percent) and carrying a weapon, such as a stick, chain, or knife (10 percent). It did not appear that this kind of behaviour was repetitive in nature, with two-thirds reporting that they had committed only one type of violent behaviour over their lifetime. About one-third of the students reported committing a property offence in their lifetime; incidents of shoplifting and vandalism during the previous 12 months were most frequently reported by youth.

Other findings from the international study have provided support for the idea that victims and offenders may be more alike than we had previously expected. In a study of all 30 countries involved in the ISRD-2, an analysis of the responses of the 52,000 youth showed that individuals who had earlier been victims of violent offences were more likely to be violent offenders. This correlation had previously been shown in academic literature related to adult offenders, but has now been shown to be consistent for youth. Additionally, this research extended our previous knowledge on the relationship between victims and offenders in that there is such a relationship in cases not only of violent offences, but also of property offences. Youth reported that if they had been a victim of theft, they were much more likely to commit a theft-related offence (Posik, 2013).

One of the variables related to a sense of safety is determined based on how safe people feel while walking alone in their neighbourhood. In the 2014 GSS, young people (15–24 years) were less likely than any other age group to report feeling very safe walking alone in their neighbourhood after dark. This was more pronounced with young women. Just over a quarter (28 percent) of young women, compared with 40 percent of women over the age of 25 years, reported feeling very safe walking alone in their

neighbourhood at night. It should also be noted that young people between the ages of 15 and 24 years have the highest victimization rates of all Canadians (Perreault, 2015). An interesting finding from the GSS is that, based on all the measures used to gauge an individual's sense of safety, people aged 65 years and older (55 percent) feel safer than young people (44 percent) in their neighbourhoods (Statistics Canada, 2017). This runs counter to established understandings that older adults feel more threatened by the possibility of crime victimization reported earlier (Clememte & Kleiman, 1976; Hale, 1996; Killias, 1990).

The general findings from self-reporting can be summarized as follows:

- Youth crime is more common than the official statistics indicate.
- A majority of respondents revealed participation in delinquent behaviour for which charges could be laid, although most of the identified behaviours of “un-official” delinquents were relatively minor and trivial—for example, trivial shop-lifting (a candy bar) or alcohol and drug consumption.
- More serious delinquency is relatively rare. Most who report serious illegal acts are likely to be identified as “official” criminals and show up in crime report statistics.
- There are some differences between those who are involved in trivial delinquency and those who are involved in more serious incidents—serious delinquents are predominantly older males.
- Female adolescents report engaging in fewer incidents than their male counterparts, which is consistent with the official statistics.
- Compared with youth who are not engaging in delinquent acts, youth involved in delinquency are more likely to have consumed alcohol and drugs, and report having friends who are also involved in delinquent activities.

Self-report studies are indispensable for testing and developing criminological theories because they provide an opportunity for researchers to ask young people specific questions about the causes of youth crime and look at their responses to determine links between the various concepts thought to predict criminal behaviour. However, caution must be exercised in relying too much on the data received from such surveys, because a lot depends on how the questions are asked and whether the young person is being asked specific questions.

Similarly, if specific rather than general questions are asked, youth may have difficulty remembering events they may have participated in. For example, the question “Have you ever caused damage to property?” may lead to fewer responses than a question that asks whether you have ever broken a window on someone else's property.

While these self-report measures provide an opportunity to further delve into our understanding of youth crime, we must be cautious about the kinds of results that are achieved.

List a number of other situations or factors that might complicate accurate responses to a self-report survey.

## Victimization Surveys

Crime may also be measured by reference to **victimization surveys**, which are based on reports by victims who have suffered from crime. It seems that victimization surveys are better suited than self-report studies to describe the level of crime, because (1) they do not suffer from the problem of underrepresenting chronic offenders (Junger-Tas, 2012), and (2) they are less affected by having the participants respond in a socially desirable way.

Victimization surveys are useful in that they show, perhaps surprisingly, that the profiles of victims are quite similar to those of offenders—that is, victims are disproportionately young, male, and working-class. Despite perceptions that other, more seemingly vulnerable groups (women, the elderly) are at particular risk for victimization, these surveys have shown that youth are at comparatively high risk for victimization. Further, crimes against youth are often underreported, due in part to reduced access to police or to victimization by important (and intimidating) adults in the youthful victims' lives (Taylor-Butts, 2010).

In 2000, a victimization survey was conducted with over 3,000 Toronto high school students regarding their criminal victimization and beliefs and involvement with gangs (Wortley & Tanner, 2006). Eighty-nine percent of the students reported that they had never been a member of a gang, with only 5 percent indicating that they had ever been in a gang or were currently a gang member. Street youth were also surveyed ( $n = 3,960$ ), and 74 percent of those youth indicated they had never been in a gang, 10 percent reported being former gang members, and 16 percent said they were current members of a gang. When asked what kinds of activities they participated in as a member of a gang, the large majority (over 80 percent) indicated they were part of a gang for social reasons, to play sports together or to party and go to clubs.

When the researchers separated out those individuals who were actively pursuing criminal behaviour, the results showed that only 4 percent of the high school students and 15 percent of the street youth were in what might be classified as a “criminal gang.” With respect to violence, 91 percent of criminal gang members reported that they had been in a physical fight in the past year, compared with only 27 percent of what were classified as “social gang” members and 26 percent of students who did not belong to a gang. Further, about 80 percent of criminal gang members reported that they had been physically assaulted in the past year in contrast to only 35 percent of non-gang youth (Wortley & Tanner, 2006). These data add further evidence of the self-report studies discussed earlier about the likelihood that offenders have also been victims at some point in their lives.

In Canada, the GSS is administered every five years to a representative sample of all Canadians over the age of 15 years. Respondents are asked to provide information about their own personal account of criminal victimization for seven types of crime: sexual assault, robbery, physical assault, break and enter, motor vehicle/parts theft, theft of household and personal property, and vandalism. As was discussed earlier, it is not very likely that an older person will be the victim of a violent crime, and this was found in the GSS, where younger Canadians (aged 15–24 years) were almost 15 times more likely than those aged 65 years and older to report being a victim of a violent victimization (Perreault & Brennan, 2010). The 2019 GSS reports that youth aged 15 to 24 years

**victimization survey**  
a crime survey based on incidents of crime (either reported to police or unreported) as described by self-identified victims

were significantly higher at 176 incidents per 1,000 population than adults aged 35 to 44 at 80 incidents per 1,000 population (Cotter, 2021).

Among Toronto youth, it was found that about 40 percent reported being a victim in the previous 12 months. About 28 percent stated that they had been victims of a theft, while 21 percent reported being victims of bullying at school (Wortley & Tanner, 2006). One statistic of note is that young people between the ages of 15 and 24 years, according to the GSS, have the highest victimization rates of all Canadians (Perreault, 2015). Their overall vulnerability to crime victimization is based on a number of factors, such as their increased likelihood of being in public spaces compared to adults and older adults.

As was discussed earlier in the chapter, in order to be counted by the police, the event must be reported by the public. According to the 2019 GSS, just under one-third (29 percent) of victimization incidents were brought to the attention of the police (Cotter, 2021). The more serious the criminal victimization, the greater the likelihood that the police were notified. Reasons for not reporting included the likelihood that their household items would not be returned, the incident was not serious enough, or no one was harmed. According to the 2019 survey, approximately one-half of all vehicle thefts, break and enters, and robberies were reported to the police. The presence of a weapon in the commission of the act increased the likelihood of reporting.

The reasons for non-reporting vary: the offence might seem trivial; the act might not be seen as illegal; the victim might not trust the police or believe they will be effective; or the victim might fear or know the perpetrator and would rather deal with the matter informally. Similarly, the police might note an incident and deem it too trivial to justify an arrest or charge; they might find it more useful to deal with the problem informally; or, depending on the circumstances, they might not proceed with a charge if the complainant does not want to. Among victims reporting to the 2014 GSS (Statistics Canada, 2016), the most common reason for not reporting a criminal incident to police was the idea that they considered it too minor to be worth reporting (78 percent), followed by a feeling that the police wouldn't have considered the incident important enough (58 percent), that there was a lack of evidence (52 percent), that police would not have found the offender or stolen property (51 percent), or that the incident was a private matter and was handled informally (43 percent).

## Police Perceptions and the Impact on Youth Crime

The perceptions of police personnel with respect to crime rates are especially important for two reasons. First, police in regular contact with youthful offenders might be expected to have a much more accurate perception of variations in the rate of crime than the rest of us. Second, as the ones who lay charges against youth, police are those most likely to translate perceptions of growing violent and non-violent crime into formal charges.

In terms of the official police-reported crime rate, it is important to recognize the characteristics of the police that impact on a decision to lay a charge or divert the youth into an extrajudicial measures or sanctions program. In a 2008 Canadian study, police officers said that the seriousness of the offence committed by the young person was the primary factor that influenced their decisions, followed by the youth's prior criminal record and their demeanour or attitude at the time of arrest (Marinos, 2008).

In one research study of police involvement in referring youth to community agencies, some officers reported that they would be unlikely to consider a referral to a community agency as an extrajudicial measure if the youth displayed a “bad attitude,” because they believed that the referral system had “no teeth” if the young person failed to show up to the program (Vogt et al., 2012, p. 9).

The makeup of the police department also affects how youth cases are handled. In a study of police forces that had specialized youth officers, it was found that the officers were much more likely to rely on alternatives under extrajudicial measures and sanctions initiatives, and to refer youth to community agencies. Police departments without such resources were 14 percent more likely to lay a charge (Schulenberg, 2004). This may also influence the number of youth who come to the attention of the more formal court system.

Similarly, the number of youth arrested by police for certain kinds of offences will also depend on police and political priorities. Over time, the policing emphasis on certain kinds of crimes (for example, drug crime) may change due to shifting political priorities and, in 2018, the legalization of cannabis for those over the age of 18 years.

Certain groups of youth may get more or less attention from the police and other justice authorities. There may be a push to “clean up” certain neighbourhoods, which may increase the police presence and therefore increase the likelihood of crimes being detected and processed. This runs in sharp contrast to more affluent neighbourhoods, where the police are less likely to be called in, and where, when police do get involved, they react less harshly and are more tolerant of certain kinds of behaviours among middle-class youth.

Another factor that influences police decisions to charge is the legislation passed by Parliament. When the YCJA was proclaimed in 2003, there were many changes required of the police to utilize resources outside the formal criminal justice system. For example, Bill C-13 (*Protecting Canadians from Online Crime Act*) from 2015, which dealt with the new offence of non-consensual distribution of intimate images, led to 1,700 incidents reported to the police between 2015 and 2022. Youth accounted for 97 percent of the victims, with the large majority of victims being girls (Statistics Canada, 2024).

In 2014 and 2015, there were two additional bills that became laws and had an impact on the detection and prosecution of youth crime. In 2014, Bill C-36, *Protection of Communities and Exploited Persons Act*, came into effect, which amended *Criminal Code* provisions and added new prostitution-related offences. As might be expected with the creation of new offences, the rate of detection rises, and therefore the number of accused persons increases. In 2015, Bill C-26, *Tougher Penalties for Child Predators Act*, came into effect. This law increased the maximum penalty to 14 years for the following sexual offences against children: sexual interference, invitation to sexual touching, sexual exploitation, making sexually explicit material available to children, luring a child via a computer, and agreement or arrangement to commit a sexual offence against a child. The enactment of new legislation generally leads to an increased attention to actions outlined in the law, and as such it is more likely that the police and judiciary will follow through with more severe consequences for individuals who are accused of such crimes. In 2016, there was a 30 percent increase in sexual violations against a child (Keighley, 2017).

According to the most recent statistics (Statistics Canada, 2024), the rate of police-reported online child sexual exploitation incidents has quadrupled since 2014.

## Perceptions of the Crime Rate

According to the 2014 GSS, just over one in ten Canadians reported that crime levels had increased in their neighbourhood. This is in sharp contrast to the police-reported crime rate, which has generally been decreasing year after year according to the UCR.

People are understandably concerned about crime in general, but there seems to be elevated concern about youth crime in particular. Opinion polls consistently reveal that the public is very concerned about crime, particularly violent crime. A large part of this concern is focused on youth crime. Statistically, most of us are never the victims of youth crime, so our perceptions of it often come from somewhere other than our own experience. For most of us, the primary source of information is the media. Newspaper, television, radio, and social media reports of the news feature a constant stream of stories about violence in schools, gang-related crime, robberies, assaults, and drug-related offences. Accompanying these accounts are the comments of editorial writers, politicians, police officials, social workers, and other commentators. Social media also plays a part in our understanding and misunderstanding of youth crime.

Since very few people have had any direct experience with the youth justice system or with young people who commit criminal offences, they have no basis for observing crime rates beyond what is reported. The result is a picture of youth that is distorted and misleading, which in turn affects people's perceptions.

Consider these actual newspaper headlines:

- Student shoots teacher in the leg
- Another outbreak of street gang fighting has reawakened citizens to the extent of the problems that these young people present

This kind of reporting probably sounds familiar to you. However, the shooting incident referred to occurred in 1901, on the day Queen Victoria died. It was reported on the front page of *The Globe*, but, thanks to Queen Victoria's demise, it got less space than it otherwise might have. The gang-fighting incident was reported in *The Globe and Mail* in 1949 (Tanner, 1996, pp. 1–2). It involved a gang called the “Junction Boys,” whose activities included car theft, breaking and entering, liquor offences, street brawling, and inciting riots in neighbourhoods outside their own district. This behaviour was attributed to broken homes and “declining moral standards” (Tanner, 1996, pp. 1–2).

While the media cannot determine what readers will perceive or believe to be true, journalists can suggest to their audiences what they should be thinking about and how they should be thinking about it; consequently, they are able to influence the importance of certain issues that eventually become the focus of public opinion and dialogue. While research has shown that exposure to news media can provide important factual information, the way information is emphasized and presented can influence the perceived importance of the topic under consideration. One must question how many readers actually critically evaluate the information being presented in the news reports they read.

The concept of **moral panic**, as coined by the criminologist Stanley Cohen (1972), is the idea that societal outrage can be directed against certain groups within a society

### moral panic

extreme social response to the belief that the moral condition of society is deteriorating rapidly; may be directed against targeted groups to justify harsh and oppressive treatment



through the presentation of negative images of them in the media. These negative representations often create a public outcry that then justifies harsh and oppressive treatment for those persons on whom the panic is focused. Four indicators characterize a moral panic:

- increased concern over the behaviour of the group and the consequences for society;
- an increased level of hostility toward the group responsible for the behaviour;
- a widespread consensus that the threat from this group's behaviour is serious; and
- public concern about the behaviour that is disproportionate (excessive) in view of the actual harm.

Factors that influence crime news selection include the seriousness of the offence, “whimsical” or unusual elements of the crime, sentimental or dramatic aspects of the offence or the criminal, and the involvement of famous or high-status individuals (Ericson et al., 1989).

Chesney-Lind and Irwin (2013) point out that the news media tend to highlight shocking cases of girls' violence in Canada, but that these are very rare incidents among youth generally and particularly among girls. Silcox (2022) concurs in her analysis of Canadian news articles between 1991 and 2014, showing that newspaper articles deviate from crime trends from time to time and the spikes in reporting on youth crime coincide with specific cases that had the characteristics of moral panics. During moral panics, newspapers report that crime is on the rise and that youth are “out of control.” The general public is left with the impression that youth crime is violent, on the rise, and young women are particularly dangerous (Andersen et al., 2019). The impressions are erroneous and harmful, often fuelling the debate on “getting tough on crime” and extending the reach of the criminal justice system with more police, more prisons, and more youth being formally charged and incarcerated. Such errors are what led to the overincarceration of young people under the *Young Offenders Act*, which led Canada to have the dubious distinction of having the highest youth incarceration rate in the world.

Media reporting reinforces the “validity of law” as purported through crime myths and further delineates for the general public who is a criminal and what is a crime (Robinson, 2000, p. 139). The media present criminality as a choice of the individual offender, which implies that other social, economic, or structural explanations of the crime phenomenon are irrelevant. Further, the frequent use of a “vocabulary of force,” such as referring to police as “crime fighters,” leaves the public with a clear message that crime must be “fought” rather than “solved,” “eliminated,” or “prevented” (Gorelick, 1989, p. 429). The message that the public receives is that the solution to crime is an expansion of the present criminal justice system (that is, more police, courts, and correctional facilities).

An example can be found in school shootings. High-profile media reports about the rare acts of school violence can lead to what has been referred to as the “Columbine effect,” in which, as in the case of the horrific events at Columbine High School near Littleton, Colorado, schools feel pressured to enhance school safety measures (Muschert & Peguero, 2010).

## EIGHT GIRL MURDERERS?

The following set of headlines regarding an incident of young girls charged with second-degree murder in Toronto provides an example of such a sensational moral panic with media reporting around the world.

- Girls charged with stabbing Toronto man dead in “swarming” attack
- Teenage girls charged with killing a Toronto man
- Toronto: Eight teenage girls charged with deadly stabbing



Just before Christmas 2022, eight girls who had apparently met through social media in different parts of the city met up at a subway station. They approached a woman and a man, and when the woman saw the girls attempt to take her alcohol, Mr Lee, the ultimate victim, told the girls to stop and leave her alone. The woman walked away (Pozzulo & Pica, 2023).

The eight girls proceeded to swarm the victim and ultimately he died from the violence inflicted. The girls, ranging in age from 14 to 16 years, were all charged with second-degree murder (Pagliaro & Gibson, 2022). At this writing, the girls are all out on bail awaiting trial, which will not be scheduled until sometime in 2024.

When considering the reasons for this shocking event, it is difficult to understand the magnitude of the violence inflicted, particularly by young females. The research literature has pointed out distinctions between the commission of violent acts between boys and girls. Goodwin et al. (2022) report that violent adolescent females are more likely than their male counterparts to lack familial support. Moretti et al. (2014) discuss the intergenerational transmission of violent crime propensities particularly for young females who are exposed to violence at a young age. Flores et al. (2020) in their interviews with 33 incarcerated girls found that all of them had experienced multiple forms of abuse, polyvictimization, and institutional abuse from other systems of care such as foster care and the school system.

While much has been written in the news media about the young ages of the eight girls involved in the swarming attack (Pozzulo & Pica, 2023) and their lack of peer connection save for social media, very little has been discussed about the concerns for these young persons in terms of their future involvement in crime. Odgers et al. (2007) point out that young females who commit violent acts are likely to become entrenched in the criminal justice system, which will perpetuate negative social and health outcomes in their future.

### Discussion Question

Consider the impact of such a shocking event on public perception of youth crime, and of girls' crime generally. What kinds of messages might you suggest to counter misinformation being promoted in the media? Would you agree with this incident as an example of moral panic?

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Howells (2013) analyzed a total of 2,497 news items from over 20 years of articles from *The Globe and Mail* and another southern Ontario newspaper (from January 1, 1990 to December 31, 2010). The results showed that existing trends of reduced rates of school violence were not reported in the articles. Rather, there were three distinct periods of time during which high numbers of articles were published about school crime—and these mirrored the implementation of safe-school initiatives at the school board level from 1992–1994, the Columbine shooting in 1999, and the Virginia Tech shooting in 2007. Howells suggests that the media were not intentionally trying to suggest that schools were becoming increasingly less safe, but rather that the press was responding to these newsworthy items in an episodic fashion, which resulted in the creation of “crime waves.” The news reporting of these rare events—which did not reflect the actual rates of school crime and violence—was likely to mislead readers into thinking that the rate of violent events was much higher than it actually was.

When the media present disproportionate reports about school crime and violence, schools are pressured to respond by implementing policies that will have the appearance of keeping young people safe. Unfortunately, some of these policies (for example, armed uniformed officers, more frequent locker searches, and increased surveillance and monitoring) may alter the school climate, making it feel uncomfortable for many students who would not have engaged in crime or violence in the first place.

A school shooting in Canada took place at La Loche, Saskatchewan, in January 2016, where a 17-year-old suspect pleaded guilty to two counts of first-degree murder, two counts of second-degree murder, and seven counts of attempted murder. This shooting continued in the news media because in February 2018 the Crown made a successful application to have the young person sentenced as an adult. At the time of the shooting, Prime Minister Trudeau travelled to La Loche to express condolences and assist the community with their grief.

## Conclusions: Is Youth Crime on the Increase?

We know that the actual volume of youth crime is underreported to the police, reinforcing the “dark figure of crime” for some critics. Some patterns of charging and enforcement are influenced by policy and legislative changes and such changes are reflected in increases or decreases in our official statistics.

Court and police statistics could be presumed to be a valid representation of change over time only if attitudes of the public and the police toward laying charges remained unchanged. Clearly, public attitudes, public policy, and police activity do change over time, which makes it more difficult to determine whether more offences are being committed or whether the increase is due to more charges being laid.

Other information-gathering techniques can provide data that give insight into the official crime statistics, though these other techniques have problems of their own. Self-reporting tracks minor infractions relatively well, but it underreports serious offences. Self-report surveys also tend to miss the activities of those who are not in school and who may be more likely to be involved in serious youth crime.

Despite problems with data-gathering techniques, the information available from self-reports gives us a reasonably accurate view of youth crime generally. Media reports of youth crime, on the other hand, do not provide a basis for accurate generalizations about criminal behaviour of young people. The media have been pushing panic buttons

on the subject of youth crime since the Victorian era. Therefore, it is probable that the problem of youth crime is less a cause for alarm than the media portrayal and public perception may suggest.

It is difficult, however, to convince the public that there is no youth crime crisis. As Freiberg (2001) has argued:

The key to countering the myths of law and order must lie in the ability of programs to help overcome the sense of helplessness and insecurity that crime engenders. (p. 274)

As you continue to consider the finer details of the causes of youth crime; the prevention, control, and rehabilitation of offenders; and the legislative provisions for youth who come in conflict with the law, think about how you are learning about the way to overcome the “compassion fatigue” that Freiberg describes among and between professionals tasked with the prevention, rehabilitation, and reintegration of young people who come in conflict with the law.

## CHAPTER SUMMARY

Statistical and other data on youth crime reveal some common perceptions about youth crime and certain realities about it.

The problem of youth crime is not new. It was a matter of public concern 100 years ago, just as it is now. It was perceived by the media at the turn of the 20th century, and thus by the public, in much the same way as it is perceived now. Persistent media themes have been that youth crime is getting worse, that it is more violent, that more punishment is needed to control it, and that things were better 20 years ago. Because the public gets its information from the media, these perceptions become a main source of information for adult decision-makers. This is in sharp contrast to the ways in which young people gather their news information. Through their interaction with a variety of newsfeeds, social media posts, blogs, and satirical responses to news items, young people have a very different view of news from that of their adult counterparts.

The reality of youth crime is measured by uniform crime reports, which provide official statistics of crime, and by

self-report studies, which provide information about youth crime and delinquent behaviour missed by the official statistics. The data collected by the two methods complement each other, providing a more detailed picture of the reality of youth crime. Each method, however, has limitations that result in distortion of the data and prevent us from having a perfectly accurate picture of the reality of youth crime. Notwithstanding these limitations, the picture of youth crime that emerges is quite different from that described in the media. Generally, youth commit property offences and non-violent crimes. Their behaviour is typically directed toward other youth rather than adults, which accounts, in part, for the high rates of self-reported victimization among young people. Serious crimes of violence, such as murder, may show fluctuations from year to year, but homicides have been and continue to be a rare event.

Even with the emergence of new varieties of crime, and despite media reports to the contrary, the reality of youth crime appears to be less a cause for alarm than public perceptions suggest.

## KEY TERMS

*actus reus*, 4

age–crime curve, 9

crime funnel, 18

crime severity index (CSI), 17

custodial sentence, 17

dark figure of crime, 20

desistance, 9

emerging adult, 7

extrajudicial measure, 18

extrajudicial sanction, 18

hidden delinquency, 20

*mens rea*, 4

moral panic, 26

self-report study, 20

status offence, 14

tautological, 9

Uniform Crime Reporting (UCR) Survey, 16

victimization survey, 23

## EXERCISES AND REVIEW

### Review Questions

1. Are young people committing more crime today than in years past?
2. What problem does the crime severity index (CSI) help combat?
3. How is youth crime generally described by the media?
4. What does the media say causes youth crime?
5. What is a moral panic?
6. How are data collected for uniform crime reports?
7. How are data collected for self-report studies?
8. What are the strengths of the Uniform Crime Reporting (UCR) Survey? What are its weaknesses?
9. What are the strengths of the self-report system? What are its weaknesses?
10. At what age does the arrest rate peak for young people?
11. What is known about differences in male and female participation in crime?
12. How can the disparity in extrajudicial measures opportunities affect the crime funnel?

## Discussion Questions

1. Using an Internet search engine, search for “youth crime” and review the first ten results that deal with youth for a specified period that follows the proclamation of the YCJA (that is, after 2003). Analyze in terms of whether each article is concerned with, mentions, or cites the following:
  - a. gang activity
  - b. poverty
  - c. other economic circumstances
  - d. social values
  - e. adequacy of the law
  - f. need for stricter punishment
  - g. violence
  - h. positive or negative views about youth
  - i. whether the story relies on police reports
  - j. the perspective from which the story is being told (police, victim, community, legal professionals, or young person)
2. On the basis of the data available from the uniform crime reports and from self-report studies as described in this chapter, answer the following questions:
  - a. What is the picture of contemporary youth crime that emerges from the data?
  - b. How does the picture of youth crime drawn from the data in official statistics differ from the picture of youth crime that appears in the media?

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