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Serious and violent young offenders

What changes to the Youth Criminal Justice Act can--and can't--achieve

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"AB" was a young serial car thief who accumulated 38 charges in less than a year before crashing a stolen car, killing 52-year-old Theresa McEvoy. The crimes of the 16-year-old are well documented in the 2006 report of the Nunn Commission of Inquiry, a Nova Scotia inquiry into AB's life. So when the federal government introduced Bill C-4 with amendments to the Youth Criminal Justice Act (YCJA) in March 2010 as strengthening legislation and standing up for victims and law abiding citizens, it was good news. [1] However, while the proposed changes to the YCJA address a number of the concerns highlighted in the Nunn report, the legislation can only play a limited role in preventing youth crime.

Youth crime is both a social and legal problem. The Youth Criminal Justice Act has been effective in dealing with minor offenses which make up a large portion of youth crime. Extra-judicial measures such as family conferencing bring together the offender, family and the victim to address the offense and determine a resolution. The Act, however, has been less effective in processing repeat and serious offenders.

Bill C-4

The Nunn report raised concerns with specific aspects of the YCJA that deal with repeat offenders like AB. Bill C-4 addresses some of these concerns by:

- stating that public safety is one of the primary goals of the act
- clarifying the definition of serious and violent crime
- allowing the court to take previous extra-judicial measures and sanctions levied against a teen into consideration when considering pre-trial detention

Beyond the areas identified in the Nunn report, Bill C-4 also

- states that deterrence is one of the primary goals of sentencing
- reduces restrictions on publishing the identities of serious and violent offenders

Critics denounced the bill as draconian and fundamentally mistaken about the nature of youth crime. Some critics have argued that the bill may further criminalize young people. [2] It is important to remember however, that the changes target serious and violent offenders. The bill could result in sentences of greater severity and increased use of pre-trial detention. While this measure could promote public safety in the short term by removing serious and violent offenders from the street, there is no guarantee these measures will reform young offenders in the long run.

Publicly identifying violent offenders has positive and negative effects. For example, a teacher may adjust their classroom management strategy if they are aware that a new transfer student is a violent offender. On the other hand, losing the privilege of anonymity makes a fresh start more difficult for that student. Under C-4, the decision to identify a violent offender rests with the court, with the onus on the Attorney General to show why lifting the publication ban is justified.

It's clear that the YCJA requires revisions in how serious and violent offenders are processed. Yet, youth justice legislation is only one facet in addressing youth offending and does little to deter young people from becoming criminally involved in the first place.

The role of family

The Nunn Commission of Inquiry noted there were "patterns of conflict and dysfunction in AB's family." [3] The Nunn report suggested that AB's mother and step-father could have benefited from additional parenting skills at various points in the boy's life. [4] This falls beyond the pale of youth crime legislation.

There are many factors that contribute to criminal behaviour, but the role of family is one area that is often overlooked. Family is the first society where children learn to be in relationship and live in community. It is where they learn right from wrong, compassion and empathy. When this mini-society breaks down, the path toward responsible citizenship steepens. American child psychologist Laurence Steinberg argues, "Any attempt to reduce youth violence...must include a systematic effort to improve the home environments of ...children and adolescents and, in particular, to engage...parents in the business of parenting." [5]

What can be done? Decision makers must not neglect the role of family. First, we should unabashedly promote the benefits of marriage and healthy family. Family strengths need to be leveraged to help children and youth, especially when things go wrong.

Second, in acknowledging the value of healthy families, we can begin to talk about what to do when things go wrong. We must reconsider what role government should play in encouraging strong families and how other sectors can creatively meet the needs of dysfunctional families.

There are many good aspects of the YCJA but the legislation still requires improvement in dealing with serious and violent offenders. At the same time, it's important to acknowledge that justice legislation is only one facet in addressing youth offending. There are many factors that contribute to crime, but the dialogue around leveraging family strengths to help young people in trouble has been un nourished for too long.

Endnotes

[1] Read the Department of Justice new release here: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32489.html

Read Bill C-4 here: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4348687&Language=e&Mode=1>

[2] Alphonso, C. (March 17, 2010). Tory bill proposes publicizing names of violent young offenders. *Globe and Mail*, p. A4. Making things worse for young offenders. [Editorial] (March 22, 2010) *Montreal Gazette*, p. A25.

Rabson, M. (March 18, 2010) Changes won't deter youth crime: professor. *Winnipeg Free Press*, p. A4.

[3] Nunn, D.M. (2006). Spiralling out of control: lessons learned from a boy in trouble: report of the Nunn Commission Inquiry. Province of Nova Scotia. p. 53. Retrieved March 22, 2010 from http://gov.ns.ca/just/nunn_commission/docs/Report_Nunn_Final.pdf

[4] *Ibid.*

[5] Steinberg, L. (2000, April). Youth violence: do parents and families make a difference. *National Institute of Justice Journal*, p. 38. Retrieved January 14, 2008 from <http://www.ncjrs.gov/pdffiles1/jr000243f.pdf>