

V. Situational Factors Affecting Police Discretion

In this chapter, we assess the impact on police decision-making with young persons of factors specific to the individual incident and the apprehended youth. Circumstances of the incident which we examine include: the seriousness of the crime, as indicated by the type of offence, the presence or use of a weapon, and the harm done to a victim; victim-related circumstances, including the expressed preference of the victim for a particular course of action by police, the type of victim (person or business), and the relationship, if any, between the victim and the offender; accomplice-related aspects, including whether there were accomplices, whether any was an adult, and whether this was apparently a gang-related crime; whether the apprehended young person was intoxicated at the time of the incident; and the location and time of day of the incident. We examine the following characteristics of the apprehended youth: his or her prior record of criminal activity, age, gender, race, demeanour, any delinquent peer group or gang affiliation, home and school situations, and the involvement of the parents.

For each of these possible influences on police decision-making, we have tried to assess its impact in two ways. First, in our interviews with police officers, we asked all officers who were currently, or had recently been, involved in decision-making with apprehended youth, to what extent each factor had an impact on their decision whether to use informal action, refer to alternative measures, or lay a charge (or recommend the latter actions, if the decision was not theirs). At least one officer from each police service in the sample was asked these questions. In smaller police services and detachments, where we interviewed only one or two officers, the current assignments of the persons who answered these questions ranged from patrol to commanding officer, but all were currently, or had recently been, directly involved in decision-making with youth. In larger police services, where we interviewed between two and seven officers, these questions were not posed to senior management, since they had generally not been involved in this kind of decision-making for several years or more.

The answers for each factor were coded on a Likert scale, ranging from “major factor” to “not a factor”. A *major factor* indicates that the officer takes this factor into consideration practically every time s/he decides whether to charge, use alternative measures, or deal with a young person informally. A *factor* indicates that this factor does play a role in decision-making, but does not carry as much weight as a major factor, and is not necessarily considered in every case. A *minor (secondary) factor* denotes an answer to the effect that the factor sometimes plays a role; however, its impact is case-specific. We also coded a factor as *minor (secondary)* when an officer said that it plays a role, but in a secondary manner, in conjunction with other factors; thus, it does not have a primary or independent impact on decision-making. Finally, the answer was coded as *not a factor* if the respondent clearly stated s/he never considered this factor in his or her

decision-making. In some cases we have reported these categories combined into “not a factor/ minor factor” and “factor/major factor”.

For each of these factors, we provide an overall assessment of its weight in the police decision concerning the disposition of the incident and offender, and any variations in the weight given to it by our respondents. We looked for variations across the regions of Canada, types of community, whether or not the police service’s jurisdiction includes a First Nations reserve or a significant number of aboriginals living off-reserve, the level and types of youth crime in the community, the type of policing, whether the police or the Crown make the decision concerning charging, and officer characteristics such as the level of authority in the police organization, the location of service (patrol, GIS, youth squad, etc.), gender, years of service, specific training for youth crime, and previous youth squad experience.

Occasionally, respondents volunteered that a factor also affects their decision-making concerning the method of compelling appearance, and this is noted where appropriate. However, a detailed analysis of the decision-making around compelling appearance is in Chapter II, Section 7.

In contrast with Chapters III and IV, where the police service or detachment was the unit of analysis, our unit of analysis here is the individual police officer, and his or her views concerning the factors which affect the exercise of his or her discretion.¹

The second method which we used to assess the impact of situational factors on police discretion was multivariate analysis of statistical data from the UCR2 Survey. The data which we analysed include 38,727 young persons apprehended in 2001 by 186 municipal police services and provincial police detachments which respond to the UCR2.² For each apprehended young person, the decision which we analysed (i.e. the dependent variable) was the police disposition: whether the young person was charged (or recommended to be charged in Crown screening jurisdictions) or processed otherwise (i.e. by informal action or referral to alternative measures, although these two actions are unfortunately not distinguished in the available data). The factors whose impact were analysed include: the type of offence (using grouped Criminal Code classifications), the number of prior apprehensions of the youth, the youth’s age, sex, and race (aboriginal or not), whether the incident involved a lone offender or accomplices, any weapon present, any injury suffered by a victim, and any relationship between a victim and an apprehended person. Using multivariate analysis, the impact of each factor was assessed, while holding other related factors constant; also, the relative weight of the various factors was estimated.³

¹ Actually, the unit of analysis is the interview; where more than one officer participated in an interview, we coded the responses as though they represented the views of one individual.

² Details of the subset of police services are in the Methodological Appendix. For more information on the methodology and data quality issues of the UCR2 Survey, see, e.g., Canadian Centre for Justice Statistics, 2002a.

³ Details of the statistical analysis are given in the Methodological Appendix.

This statistical analysis is similar to that used in a previous study of police discretion with young offenders in Canada in 1992-1993 (Carrington, 1998a), but there are two innovations. One is the use of UCR2 data for 2001. Not only are these data more recent, but they include substantially more police services than were included in the UCR2 Survey during the period of the earlier study. However, the more important innovation is the inclusion of the young person's record of prior contacts with the police (apprehensions) as an independent variable. Although this information is not captured in UCR2 records, it was constructed by a record linkage project carried out by the Canadian Centre for Justice Statistics especially for this project. The method of construction of the prior record variables is described in the Methodological Appendix.

Each of these two sources of data – opinions of police officers provided in interviews, and statistical data from the UCR2 Survey – has its own strengths and weaknesses, which are discussed in the Methodological Appendix. One major drawback of the UCR2 data is that several factors which have been identified in the literature as having an impact on police discretion with young offenders are not captured in the UCR2 Survey. These are: the victim's expressed preference concerning the disposition of the incident, whether the incident was gang-related, the young person's demeanour, home and school situations, gang or delinquent peer group affiliations, and the level of involvement of the parents. Therefore, we must rely on officers' opinions concerning the impact of these factors. Furthermore, many of the variables which we used to look for variations in the impact of factors – such as the characteristics of the officer making the decision, and of the police service in which s/he works – are also not available in the UCR2 Survey; so, our assessments of impact based on the UCR2 data are not differentiated by these variables, as the results from the interview data are.

1.0 Background

Analysis of the impact of situational factors on the exercise of police discretion with young offenders is a time-honoured tradition in criminology. The classic study of the "police encounter" with the juvenile suspect is that of Black & Reiss (1970), which was replicated by Lundman et al. (1978). Both studies found that the probability that the encounter will result in the arrest of the juvenile is strongly related to the legal seriousness of the crime, the preference of the complainant, the presence of "situational" (i.e. readily available) evidence, and the suspect's demeanour. Both studies underlined the pivotal role of the complainant, who is simultaneously: (a) the instigator of the "incident", since it is normally s/he who first defines an event as a criminal matter by calling the police; (b) the member of the public who, as the victim, has the principal interest in the disposition; and (c) the primary – often the only – source of evidence concerning the incident. Thus, if there *is* a complainant, and s/he *does* express a preference, it is given a great deal of weight by the patrol officer, who often "abdicates his discretionary power to the complainant" (Black & Reiss, 1970: 72).

These studies are noteworthy as much for a couple of factors which were *not* found to play a role in police discretion as for the factors which did. First, although black youth

were more likely than white youth to be arrested, both studies concluded that this was not an effect of racial bias by police, but was explained by the preferences expressed by the (black) complainants for arrest of (black) suspects, versus preferences expressed by white complainants for leniency with white suspects (there were few mixed-race incidents). Second, the juvenile's prior record, which is a major factor in sentencing, was not considered by the researchers, and presumably did not present itself as a factor, because, according to the authors, the studies concerned "encounters" between patrol officers and suspects "in the field": patrol officers in that era generally did not have access to the juvenile's record, and, furthermore, were only deciding whether to arrest, not whether to charge (refer to juvenile court)(Black & Reiss, 1970: 68-69).⁴ This is a crucial point with respect to the applicability to the Canadian context of foreign – especially American – research on police discretion with juveniles. Much of the American research, following Black & Reiss, concerns the decision made by a patrol officer in the field whether to *arrest*; whereas, Canadian researchers are generally more interested in the determinants of the decision to lay, or recommend, a charge. As Black and Reiss themselves point out, the decision whether to refer to court (i.e. lay a charge, in the Canadian context) is a "prosecutorial" (*sic*) decision which, in the police departments that they studied, was not made by patrol officers, but by youth bureau officers, working in their offices, and probably more oriented toward the expectations of the juvenile court than the immediate situation on the street (1970: 68-69).

Subsequent (and previous) American and British researchers⁵ have found broadly similar results: the police decision concerning the disposition of a youth-related incident is affected by (in approximate order of importance):⁶

- Offence seriousness: police exercise much more discretion in minor cases (Black & Reiss, 1970; Fisher & Mawby, 1982; Gaines et al., 1994; Krisberg & Austin, 1978; Landau, 1981; Lundman et al., 1978; Piliavin & Briar, 1964; Terry, 1967; Werthman & Piliavin, 1967);
- Prior record (of police contacts and/or convictions): is very influential in the decision to refer the youth to court (i.e. lay a charge), but also in the decision to arrest, if it is made by a youth officer who has access to the prior record; whether or not it led to charges or a conviction, contact with police labels a youth as a probable delinquent, increasing the probability of formal treatment on subsequent contact (Cicourel, 1968; Cohen & Kluegel, 1978; Fisher & Mawby, 1982; Landau, 1981; Lattimore et al., 1995; Morash, 1984; Piliavin & Briar, 1964; Terry, 1967);

⁴ Similarly, "the age status of a suspect [i.e. whether s/he is legally a juvenile] may even be irrelevant in the field" (Black & Reiss, 1970: 69).

⁵ The limited Canadian literature on police discretion with juveniles is reviewed below, under the separate topic headings.

⁶ The following review draws on Bynum & Thompson (2002: 366-375), Whitehead & Lab (1999: 190-194) and other sources cited in the text.

- Demeanour: an officer is more likely to arrest a juvenile suspect who is hostile, uncooperative or disrespectful, partly because of the necessity of establishing and maintaining control of the situation in the street; partly because officers and young people, especially males, place great weight on maintaining “respect”; and partly because in many cases the officer depends on the co-operation of the suspect to learn “what happened”, and what the suspect’s role was; on the other hand, some researchers have found that “unusually respectful” juvenile suspects are also more likely to be arrested, as their demeanour invites suspicion (Black & Reiss, 1970; Brown, 1981a; Cicourel, 1968; Hohenstein, 1969; Lundman, 1994, 1996a, 1996b; Lundman et al., 1978; Morash, 1984; Smith & Visher, 1981; Winslow, 1973; Worden & Shepard, 1996); Piliavin & Briar (1964) found that demeanour was the *most* important factor in police discretion with juveniles, and Fisher & Mawby’s (1982) research in Britain found that an attitude of remorse, or lack thereof, was the most important factor in police decisions regarding cautioning of 10-13 year olds;
- Complainant preference: as Black & Reiss (1970) found, if there is a complainant, s/he plays a crucial role, as both audience and main supporting actor, in the officer’s disposition of the incident; and if the complainant expresses a preference, the officer will take it very seriously (Hohenstein, 1969; Lundman et al., 1978; Smith & Visher, 1981);
- Race: some researchers, such as Black & Reiss (1970), Lundman et al. (1978), and Wilbanks (1987) argue that the race of the suspect plays no role in the decision to arrest, once the complainant’s role and/or the offence seriousness are taken into account; however, the majority of writers have found evidence that police respond to the race of the suspect (Black, 1980; Dannefer & Schutt, 1982; Fagan et al., 1987; Goldman, 1963; Huizinga & Elliott, 1987; Krisberg & Austin, 1993; Landau, 1981; Landau & Nathan, 1983; Lundman, 1996a; Miller, 1996; Piliavin & Briar, 1964; Pope & Feyerherm, 1993; Reiner, 1997; Smith & Visher, 1981);
- Age: apart from the obvious effect of the suspect’s age in determining whether s/he is legally a child, youth, or adult, research has found that police tend to treat younger juveniles more leniently than older juveniles; younger youth are seen as immature and out to test limits; older youth may be virtually indistinguishable from adult offenders (Fisher & Mawby, 1982; Goldman, 1963; Landau, 1981; Landau & Nathan, 1983; McEachern & Bauzer, 1967; Morash, 1984; Terry, 1967);
- Gender: some writers have argued that the belief that girls commit fewer and less serious crimes than boys has led to a higher probability that officers will handle female youth crime informally (Morash, 1984), and more leniently (Armstrong, 1977; Chesney-Lind, 1977). Treating girls more leniently has also been attributed to the “chivalry” effect: that predominantly male police officers and other system agents adopt an attitude of benevolent paternalism toward girls, but not to boys.

Other research demonstrates that police are more likely to respond harshly to girls involved in minor offences (e.g. shoplifting), but less harshly than to boys, when more serious offences are involved (Teilmann & Landry, 1981); and that police respond more harshly to girls involved in crimes, such as prostitution, which offend paternalistic stereotypes (Armstrong, 1977; Chesney-Lind, 1977, 1988; Chesney-Lind & Shelden, 1992; Terry, 1967);

- Attitude of the parents, or legal guardians: "...when parents can be easily contacted by the police and show an active interest in their children and an apparent willingness to cooperate with the police, the likelihood [of informal treatment] is much greater" (Bynum & Thompson, 2002: 374; see also Goldman, 1963); on the other hand, if the youth appears to lack responsible adult supervision, s/he is seen as a poor candidate for informal action (Landau & Nathan, 1983).

The limited Canadian literature on police discretion with juveniles is reviewed below, under the separate topic headings. Canadian research has identified some additional factors affecting police discretion: the relationship of the victim and the apprehended youth; the presence and type of accomplices; whether the apprehended youth was under the influence of alcohol or drugs; the location and time of day of the incident; and the "gang" affiliation, if any, of the apprehended youth. These additional factors are addressed in our research. The situational factors which we consider in this chapter are presented in two groups: first, circumstances of the incident, then, characteristics of the apprehended youth.

2.0 Seriousness of the crime

There is a consensus in the literature on police discretion that the seriousness of the (alleged) offence is the most important situational factor affecting the exercise of police discretion with youth (Caputo & Kelly, 1997; Carrington, 1998a; Doob, 1983; Doob & Chan, 1982; Statistics Canada, 1999). As the seriousness of the offence increases, the likelihood of the exercise of discretion tends to decrease. Police officers appear to agree that many youth involved in minor crimes should be dealt with informally or a referral to a pre-charge diversion program (Caputo & Kelly, 1997). However, police perceptions of "minor" and "major" crime may vary across police services and across individual officers. Furthermore, the relationship between "seriousness" and the likelihood of charges being laid against an apprehended youth is not entirely straightforward; for example, offences against the administration of justice and possession of stolen property have higher charge rates than major assaults and drug trafficking (Chapter II, Table II.2 above; cf. Carrington, 1998a).

Apart from the Criminal Code classification of the offence, police perceptions of the seriousness of an offence have been found to be related to the use or presence of a weapon, and the degree of harm done, whether to the person or property of a victim. The presence of a weapon in a violent incident usually results in the incident being classified as involving an indictable, rather than a (less serious) hybrid offence. In his multivariate

statistical analysis of UCR2 data for 1992 and 1993, Carrington (1998a) found that the presence of a weapon ranked third in importance among the thirteen situational and offender-related factors which he considered, and this was largely independent of whether or not a victim suffered injury. The value of the property involved and the level of injury (if any) to a victim had only moderate to low effects on the likelihood of charging: they ranked ninth and tenth among thirteen factors (Carrington, 1998a).

We asked officers whether the “seriousness of the offence”, the presence or use of a weapon, and the extent of harm done to person or property play a role in their use of discretion with young persons. Table V.1 summarizes their answers.

Table V.1 Effects of offence seriousness, use or presence of a weapon, and harm done, on police decision-making

	Not a Factor	Minor Factor	Factor	Major Factor	N
Seriousness	0	0	2%	98%	128
Presence of weapon	<1%	<1%	9%	90%	116
Harm done	0	0	12%	88%	116

Our respondents answered almost unanimously (98%) that they take the seriousness of the offence into account every time they deal with a youth-related incident. The large majority of officers indicated that the seriousness of the offence is the first factor they take into consideration in their decision-making. Further, in some cases, *all* other factors are considered to be secondary to the seriousness of the offence. These results confirm, once again, the consensus in the literature. However, since we did not go into detail with respondents about how they defined “seriousness”, our findings on this issue share the lack of precision, and, to some extent, circularity, characteristic of many surveys of police views: respondents cite seriousness almost by definition as the principal factor in the decision to charge, and are not required to confront the contradictions implied by statistical evidence that some relatively “non-serious” offences such as bail violations and possession of stolen property have very high charge rates.

Table V.2 shows the percentage of apprehended young persons who were charged, by offence category, in the subset of police services included in our UCR2 analysis. The first column shows the actual percentage charged. Clearly, the type of offence has a large influence on the probability of a charge being laid: a youth apprehended for mischief or arson has a one in three chance of being charged; those apprehended for major offences against the person and offences against the administration of justice are almost sure to be charged. As we mentioned in Chapter II, these percentages suggest that the probability of charging is not related in a simple way to the “seriousness” of the offence, unless one believes that failure to appear in court, provincial traffic violations, etc. are exceeded in seriousness only by murder.

Table V.2 Proportion of apprehended youth charged, by offence, Canada (parts), 2001

Offence category	% charged	N	Adjusted % charged	N
	%		%	
All offences	56	38,727	52	30,812
Murder, attempt	100	27		
Fail to appear	99	422		
Provincial traffic	98	822		
Bail violation	97	1,459		
Young Offenders Act	97	650		
Breach probation	93	347		
Provincial liquor	91	1,827		
Drinking-driving	90	172		
Escape/UAL	88	311		
Robbery	86	732	74	720
Dangerous operation of MV	86	95		
Assault & sexual assault level 3	85	52		
Possess stolen property	81	1,305	72	1,285
Indictable drug (trafficking, etc.)	74	1,061	67	1,014
Miscellaneous indictable person	74	151	72	146
Assault & sexual assault, level 2	72	1,239	63	1,201
Theft over	71	581	57	563
Weapons & explosives	62	403	46	399
Misc. provincial offences	61	894	50	839
Misc. Criminal Code traffic	58	62	55	51
Fraud	57	611	47	583
Sexual assault, level 1	57	412	61	367
Break & enter	55	2,183	48	2,034
Assault, level 1	53	3,758	47	3,601
Misc. summary & hybrid person	49	1,619	56	1,505
Miscellaneous	44	1,151	38	1,071
Summary & hybrid drug (possession)	40	3,052	38	2,751
Theft under	39	9,961	39	9,569
Mischief	33	3,052	33	2,836
Arson	31	316	37	277

Source: UCR2 Survey, Trend Database.

The second column of percentages (“adjusted percentages”) shows the result of a multiple regression analysis, in which the percentages are adjusted to remove the confounding effects of related factors, such as the youth’s age and prior apprehensions. These are the percentages of youth apprehended for each category of offence who “would have been charged if everything about the offence and the offender were the same, except for the type of offence”. For example, 86% of youth apprehended for robbery were charged, but the adjusted percentage is only 74%. This is because robbery tends to be committed by older youth with more prior apprehensions, etc., and these factors make

robbers more likely to be charged; but 74% *would have been* charged if robberies were committed by youth who were of average age and with an average number of prior apprehensions, etc.⁷

Table V.3 Proportion of each age group apprehended, by offence category, Canada (parts), 2001

Type of offence	Age of the apprehended youth					
	12 %	13 %	14 %	15 %	16 %	17 %
Robbery	1.1	1.5	2.0	2.2	2.6	3.3
Possess stolen property	2.1	3.4	3.5	4.7	4.9	4.5
Indictable drug (trafficking, etc.)	0.6	1.8	2.3	3.0	4.0	5.2
Misc. indictable person	0.2	0.4	0.4	0.4	0.4	0.7
Assault & sexual assault, level 2	3.5	3.2	3.3	3.8	4.3	4.6
Theft over	0.5	0.8	1.6	1.9	2.4	2.2
Weapons & explosives	0.9	1.0	0.9	1.3	1.4	1.7
Misc. provincial offences	0.8	1.5	2.1	2.7	3.2	3.9
Misc. Criminal Code traffic	0.0	0.0	0.1	0.1	0.2	0.4
Fraud	0.5	0.6	1.2	1.3	2.1	3.8
Sexual assault, level 1	2.6	1.9	1.6	0.9	0.9	0.7
Break & enter	5.6	4.8	6.2	7.3	7.0	7.1
Assault, level 1	15.6	12.5	12.0	12.1	11.1	10.1
Misc. summary & hybrid person	4.6	5.4	4.7	5.3	4.6	4.7
Miscellaneous	2.9	2.5	3.3	3.1	3.8	4.3
Summary & hybrid drug (possession)	2.5	5.8	7.7	9.6	11.0	10.7
Theft under	39.2	38.0	36.8	31.1	27.9	23.9
Mischief	14.6	13.2	9.3	8.3	7.7	7.8
Arson	1.9	1.4	1.1	1.1	0.5	0.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: UCR2 Survey, Trend Database.

Evidently, a considerable amount of the variation in charging rates for different types of offences is due to related factors, since the range of variation is narrowed considerably when the influence of other related factors is statistically controlled. The main related factors are the youth's age and prior record, which are both discussed below. Older youth commit more serious offences and have accumulated a longer record of police

⁷ Some offence categories were omitted from the multiple regression analysis because there were too few youths in the "not charged" group for reliable statistical analysis; also, a few youth in each category were excluded because, according to the UCR2 Survey, the reason why they were not charged was not police discretion but some other factor beyond the control of police.

apprehensions. Thus, part of the reason why some offences are charged in relatively high proportions is that they are committed by older youth with longer prior records. Robbery and the more serious property offences (e.g. break and enter, possess stolen property, theft over) are examples (Tables V.3, V.4). When we control statistically for these related factors, the charge rate for these offences is reduced. On the other hand, arson and level 1 sexual assault tend to be committed in higher proportions by younger youth, with fewer prior apprehensions, so the charge rate increases when these related factors are statistically controlled.

Table V.4. Proportion of apprehended youth, by type of offence and number of prior apprehensions, Canada (parts), 2001

Type of offence	Number of prior apprehensions				
	0 %	1 %	2 %	3-4 %	5+ %
Robbery	1.5	2.2	3.6	4.0	5.6
Possess stolen property	3.5	4.1	4.9	4.8	7.9
Indictable drug (trafficking, etc.)	3.2	3.8	2.6	4.1	3.1
Misc. indictable person	0.4	0.5	0.5	0.6	0.8
Assault & sexual assault, level 2	3.6	3.7	4.3	4.2	5.6
Theft over	1.2	2.1	2.3	2.9	4.6
Weapons & explosives	1.1	1.6	1.6	1.8	1.2
Misc. provincial offences	2.1	3.6	3.1	4.2	3.6
Misc. Criminal Code traffic	0.2	0.2	0.1	0.3	0.1
Fraud	1.6	2.2	1.8	2.4	2.9
Sexual assault, level 1	1.3	1.0	1.3	0.8	1.0
Break & enter	4.9	7.4	8.5	9.7	12.3
Assault, level 1	11.2	13.0	13.3	13.2	10.0
Misc. summary & hybrid person	4.4	5.3	6.6	6.4	4.7
Miscellaneous	3.3	3.4	3.5	3.5	4.6
Summary & hybrid drug (possession)	9.8	8.7	8.3	7.4	5.4
Theft under	36.4	26.1	24.3	20.3	19.0
Mischief	9.3	10.3	8.6	8.9	7.5
Arson	1.1	0.9	0.9	0.4	0.3
Total	100.0	100.0	100.0	100.0	100.0

Source: UCR2 Survey, Trend Database.

2.1 Presence of a weapon

Our respondents were also virtually unanimous that the presence of a weapon in the commission of the crime had a major effect their decision-making with young persons. Many officers indicated that they take the use of weapons very seriously, due to the potential of increasing the harm done to victims. The only variations in weight given to weapons were in relation to the type of community and the level and type of youth crime

in the community. Officers in rural areas and small town jurisdictions are most likely (96%) to rate the presence of a weapon as a major factor in their decision-making; those in suburban/exurban areas (90%) and metropolitan areas (83%) are less likely. We speculate that the reason for this gradient is that the higher number of incidents involving weapons in suburban/exurban and metropolitan areas has had a slightly desensitizing effect.

Officers in communities with a “normal amount” of youth crime were most likely (93%) to say that the presence of a weapon is a major factor in their decision-making; those in communities with “a lot” of youth crime were slightly less likely (86%), and those in communities with “not very much” youth crime were least likely (73%). Officers were slightly less likely to see a weapon as a major factor in their decision-making if they worked in a community with an identified problem with serious property crime (86% versus 94% of officers in other communities), a youth gang-related crime (84% versus 91%), or drug-related youth crime (86% versus 95%). They were much less likely to see a weapon as a major factor if they worked in a community with a youth prostitution problem (44% versus 93%).

Table V.5 shows the proportion of apprehended youth in the UCR2 data who were charged, by the presence and type of weapon. The UCR2 records information about weapons only in incidents involving an offence against the person; thus there are only small numbers of youth in this analysis. The use of a weapon, especially a firearm (which is rare) during the commission of a youth crime greatly increases the probability of charging, even when other relevant factors are controlled. The percentage charged for incidents involving a firearm is substantially reduced when other related factors are controlled, because the presence of a firearm usually results in the classification of the offence as a serious indictable offence; therefore much of the impact of this variable is already accounted for by the variable, “(legal) seriousness of the crime” (Section 2.0, above).

Table V.5 Proportion of apprehended youth charged, by the presence and type of weapon, Canada (parts), 2001

	% charged	Adjusted % charged	N
No weapon	47	43	1,018
Other weapon	64	63	6,091
Firearm	84	62	154

Source: UCR2 Survey, Trend Database.

2.2 Harm done to a victim

The extent of harm done to person or property also has a substantial effect on police decision-making with youth-related incidents. All of our respondents indicated that they feel the extent of harm done is a factor (12%) or a major factor (88%) in their decision to charge, use AM, or proceed with informal action. The more harm that is done, either

physically or psychologically, the less likely officers are to refer to alternative measures or deal with the incident informally. The great majority of officers at all levels of the organization consider the extent of harm done to be a major factor. However, this is slightly less important for practitioners, of whom 87% considered the extent of harm done to be a major factor, compared with 94% of supervisors, and 100% of officers in management positions.

There were small differences between officers in different types of communities in their assessment of the influence on their decision-making of the degree of harm suffered by a victim. Officers in rural and small town jurisdictions were more likely to consider the extent of harm done as a major factor (96%) than in suburban/exurban (90%) or metropolitan areas (83%). These differences highlight the effect that the type of community type seems to have on police decision-making. Perhaps this is the result of the greater social homogeneity and level of acquaintanceship, as a result of which the likelihood that the officer knows, or at least can identify with, the victim is higher in smaller communities. It could also be related to the perceived degree of seriousness of youth crime in the community: officers in communities with a significant amount of serious youth property crime were slightly *less* likely to consider harm as a major factor (83% versus 94% of officers in other communities), as were officers in communities with an identified problem of youth gang-related crime (80% versus 90%); those in communities with a youth prostitution problem were *much* less likely to consider harm done as a major factor (44% versus 92%).

Officers in jurisdictions which include a First Nations reserve were more likely to consider harm done to be a major factor (100% compared to 86% of officers in other jurisdictions) – possibly reflecting the more tightly-knit community of the reserve.

Table V.6 shows the relationship in the UCR2 data between injury to a victim and the likelihood of charging. Major injury greatly increases the probability that charges will be laid. The increase is much less when other related factors are controlled, because major injury usually results in the classification of the offence as a serious indictable offence; so much of the impact of this variable is already accounted for by the variable, “(legal) seriousness of the crime” (Section 2.0).

Table V.6 Proportion of apprehended youth charged, by the type of injury to a victim, Canada (parts), 2001

Type of injury	% charged	Adjusted % charged	N
None/minor/unknown	61	48	7,153
Major injury	89	60	179

Source: UCR2 Survey, Trend Database.

3.0 The role of the victim

The victim's preferences, the type of victim, and the relationship between the victim and the offender are areas that have not been explored in depth in Canadian research. Doob (1983) is ambivalent concerning the impact of the victim's preference: on the one hand, "...victims seemed to have an important part in the process of bringing the juvenile to the attention of the Youth Bureau and perhaps in the disposition finally decided on by the bureau", and the victim's request was found by multiple regression analysis to be a significant correlate of the disposition (1983: 159-161); on the other hand, "...officers were polite in dealing with [victims], but explained that the decision on the appropriate decision was one that they alone would make...the victim does not play an important part *because* of the nature of the decision process" (1983: 160-161; emphasis in the original). Ericson (1982) found that the police complied with the complainant's wishes totally or partly in two-thirds of the cases which he studied.⁸ Carrington (1998a) found that incidents involving an identified victim were more likely to result in a charge, thus reinforcing Black and Reiss's argument that a victim/complainant can make a valuable contribution to the quality of the evidence.⁹ Carrington (1998a) also found that incidents in which the victim was a stranger to the apprehended youth were more likely to result in a charge than those involving family members or friends.

We asked officers if the wishes of the complainant, the type of victim (person or business) or the relationship between the apprehended youth and the victim (friend, family, stranger) had any effect on their decision-making. Table V.7 summarizes the answers.

Table V.7 The role of the victim in police decision-making

	Not a Factor	Minor Factor	Factor	Major Factor	N
Victim Preference	4%	40%	40%	16%	120
Type of Victim	81%	16%	3%	0	95
Relation to Offender	60%	30%	10%	0	93

3.1 The victim's dispositional preference

Respondents were fairly evenly divided on whether they consider the preferences of the victim on a consistent basis. 44% of respondents suggested that victim preference plays little or no role in their decision-making. However, others suggested that their employer is the public, and that listening to and following the wishes of the victim is central to doing their job properly. According to many officers, difficulties arise when a victim would like a young person charged for a relatively minor offence, but the officer feels that using informal action or alternative measures would be much more appropriate,

⁸ If an encounter was visible (in a public setting) and the type of mobilization was proactive, there was a higher probability of arrest (Ericson, 1982). However, it is difficult to discern whether these findings reflect incidents with adults or with youths.

⁹ The UCR2 data analysed by Carrington (1998a) did not include the victim's dispositional preference.

given the nature of the offence and the characteristics of the young person. It was this hypothetical example that particularly elicited conflicting opinions concerning the role of the victim's preference. The majority of officers who rated victim preference as a secondary factor cited their belief that they must balance the rights of the victim with the best course of action for the administration of justice. In many cases, officers will go to great lengths to explain to the victims why alternative measures or conferencing would be a much more suitable course of action for crimes such as mischief and minor theft. Several officers volunteered the hypothetical example of a store manager who wants a charge laid against a youth caught shoplifting; the officer might well decide that a referral to alternative measures was more appropriate, and would politely but firmly make it clear that this decision was up to him/her, not the victim (cf. Doob, 1983: 160).

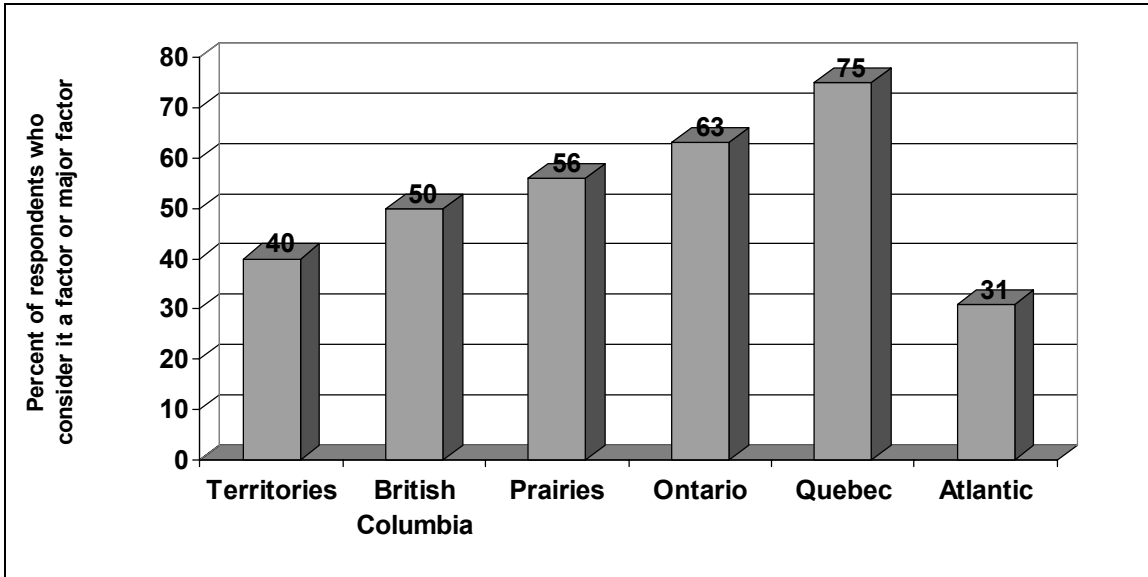
Officers in rural or small town jurisdictions are more likely to consider the preferences of the victim as a factor (47%) or major factor (20%) than those in suburban/exurban (36%/18%) or metropolitan areas (35%/10%). These differences offer further support to the notion that police in rural areas or small towns are more influenced by public opinion, or officers' perceptions of the expectations of the public. Similarly, officers in police agencies whose jurisdiction includes a First Nations reserve are more likely to consider the victim's preference to be a factor or major factor (65% versus 54% of officers in other police services).

Officers are less likely to consider the victim's preference to be a factor or major factor in communities which have "a lot" of youth crime (45%), versus "a normal amount" (63%), or "not very much" youth crime (83%); and/or in communities which have an identified problem of youth-related serious property crime (45% versus 70% of officers in other communities), youth-related serious violent crime (48% versus 58%), or a youth gang problem (48% versus 58%). Apparently, police are less able, or perhaps less willing, to respond to victims' preferences when they are burdened by the volume or seriousness of youth crime. Officers are also less likely to consider the victim's preference to be a factor or major factor in communities with a substantial amount of administration of justice offences involving youth (49% versus 60%).

In all provinces and territories, police officers take victim preference into consideration, but to varying degrees. Figure V.1 shows the regional variations. There are also slight variations on this issue between officers who work in agencies which police aboriginal populations versus those which do not. In both cases, the majority of officers consider the preferences of the victim as a factor or major factor; however, officers who work in an agency which has jurisdiction over a First Nations reserve are more likely (65%) to consider the victim's preference to be a factor or major factor than those who do not (54%). There are no significant differences for police who work in agencies which police off-reserve aboriginals.

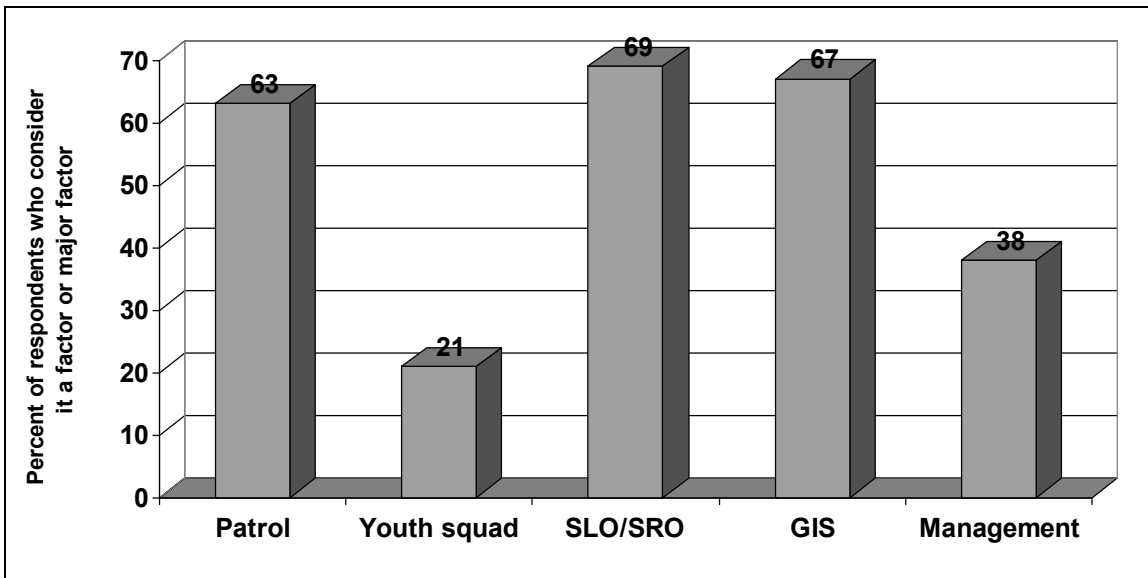
Our data suggest that the gender of the police officer affects his or her view of the importance of victim preference: female officers are more likely (67%) to take the victim's preferences into consideration than males (57%).

Figure V.1 Regional distribution of views on the impact of the victim's preference



The officer's level of authority and location of service are also related to the degree to which victim preference influences decision-making. Officers in management positions place less emphasis than the practitioner on victim preference: 43% of the former versus 60% of the latter said that victim preference is a factor or major factor in their decision-making with young offenders. The location of service also differentiates the views on this question (Figure V.2).

Figure V.2 Views on the impact of victim preference, by location of service



The majority (71%) of officers who work in a youth squad are less influenced by victim preference, seeing it as only a minor or secondary factor; whereas those working in patrol, as school liaison officers or in General Investigative Services are more likely to view victim preferences as a factor or major factor. Youth squad officers told us that their primary focus is on the young person and not only the characteristics of the offence. They see their role as finding the best course of action for that particular youth; thus, they tend to view the preferences of the victim as something which they take into consideration after other factors (e.g. the seriousness of the offence and the prior record of the offender).

Experienced and less experienced officers also differed in their views on the weight that is placed on the preferences of the victim also differ. The great majority (83%) of officers with five or fewer years of service felt that victim preference is a factor or a major factor in their decision-making; whereas, fewer officers (56%) with six or more years of service took this position.

3.2 Type of victim

The great majority of police officers (81%) do *not* take the type of victim (person or business) into consideration at all when deciding what course of action to take with a youth-related incident; 16% characterized it as a minor or secondary factor, and 3% said that this is a factor (none identified it as a major factor). Officers working in communities with a problem with serious violent youth crime are more likely to consider the type of victim as a factor (10% versus 1% of officers in other communities); those working in a community with a youth prostitution problem are *less* likely to consider it: 100% of them said that they do not take the type of victim into account at all in their decision-making with youth.

3.3 Victim-offender relationship

Almost all of our respondents (90%) did *not* see the relationship between the offender and the victim as significant (a factor or major factor) in their decision-making. However, there were variations related to the type of community. The relationship between the offender and victim is more likely to be cited as a factor or major factor by police working in rural and small town agencies (54%) than in suburban (47%) or metropolitan jurisdictions (23%). Once again, we speculate that the relative impersonality of metropolitan policing explains this phenomenon. Officers working in a community with an identified youth gang problem were slightly more likely (47% versus 38% of officers in other communities) to consider any relationship between the victim and the offender as a factor or major factor in their decision-making with youth.

Analysis of UCR2 data suggests that the relationship between a victim and an apprehended youth plays a significant role in the decision to charge, even when other relevant factors are controlled (Table V.8). (This variable is coded in the UCR2 only for

incidents involving an offence against the person.) The probability of a charge is higher if the victim is a parent or close friend, and lower if s/he is another family member (presumably a sibling) or an acquaintance. As with other circumstances of the incident, the percentages differences are much reduced when other factors are controlled, because young persons tend to commit different types of offences against different types of people: robbery and major assault and sexual assault against strangers, and level 1 sexual assaults against siblings and close friends (Table V.9).

Table V.8 Proportion of apprehended youth charged, by the relationship between a victim and the apprehended youth, Canada (parts), 2001

Victim-youth relationship	% charged	Adjusted % charged	N
Parent	78	67	179
Stranger	74	50	1,501
Close friend	64	54	338
Other family	57	47	786
Acquaintance	57	38	4,390

Source: UCR2 Survey, Trend Database.

Table V.9 Proportion of apprehended youth, by type of offence and relationship with victim, Canada (parts), 2001

Type of offence	Parent %	Other family %	Close friend %	Acquaintance %	Stranger %
Assault & sexual assault, level 2	11.2	16.8	15.4	14.9	19.0
Robbery	0.6	0.0	2.4	4.9	29.8
Misc. indictable person	1.7	0.5	5.6	1.5	2.3
Sexual assault, level 1	2.2	14.4	9.5	4.2	1.2
Assault, level 1	62.0	51.5	47.3	53.5	29.4
Misc. summary & hybrid person	22.3	16.8	19.8	21.1	18.2

Source: UCR2 Survey, Trend Database.

4.0 Co-offenders and apparent gang-related crime

Youth gangs and crimes committed by groups of youth are currently a major concern for the public and police. According to a recent Canadian textbook for law enforcement students:

The primary factors [in allegedly increasing youth crime] seem to be drugs and gangs, which in themselves create

tremendous frustration for police officers...Gangs are increasingly becoming a major problem for police officers...(Dantzker & Mitchell, 1998: 56)

Officers in approximately one-quarter of the police agencies in the sample told us that they face a significant problem with gang-related youth crime (Chapter III, Figure III.12, above). Although crimes committed by groups of youths and gang-related crime are distinct phenomena, they are often confused. Carrington (2002) found that 7% of youth-related incidents in Canada during the 1990's involved three or more apprehended youth, and another 17% involved two apprehended youth. Young offenders involved in incidents that involved at least three young persons were *less* likely to be charged than youth apprehended in pairs or alone (Carrington, 1998a).¹⁰

We asked officers whether they take co-offenders and gang-related crime into consideration when deciding how to deal with youth-related incidents. Table V.10 summarizes their answers.

Table V.10 Effect of gang-related crime and co-offenders on police decision-making

	Not a Factor	Minor Factor	Factor	Major Factor	N
Gang-related	52%	9%	24%	15%	75
Group vs. lone offender	44%	42%	13%	1%	123
Adult/youth co-offender	61%	30%	8%	1%	95

4.1 Gang-related crime

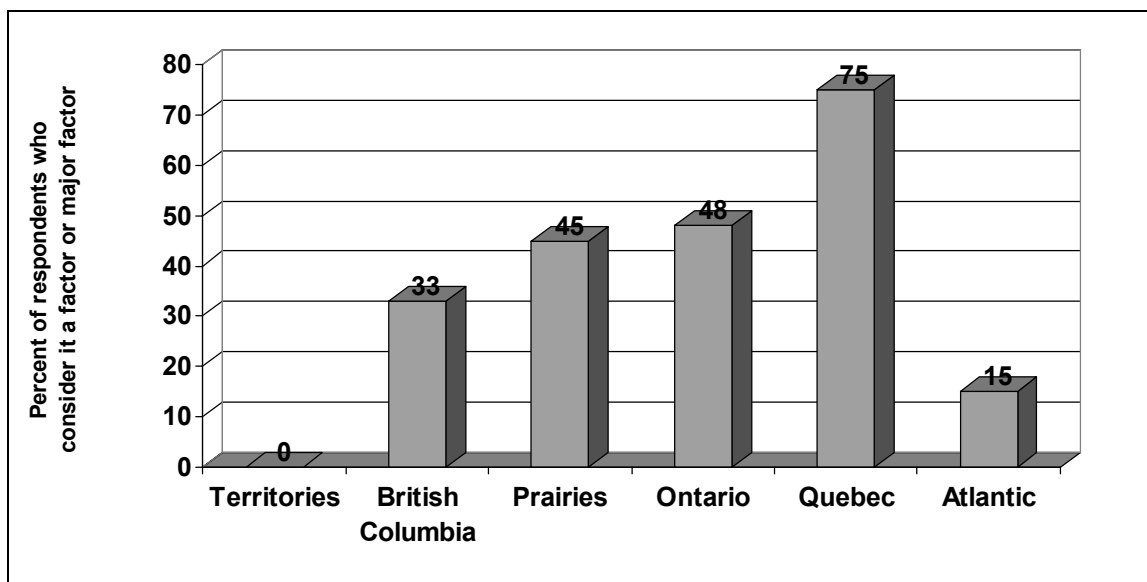
Approximately half of the police officers whom we interviewed said that they do *not* consider whether a youth crime is gang-related when deciding how to deal with it. Another 9% said that this is only a minor factor in their decision-making. However, there are large variations among police services on this issue. 56% of respondents in metropolitan police services said it was a factor or a major factor; versus 33% of those in suburban/exurban police agencies, and 17% of rural and small town officers. This mirrors the variation among metropolitan, suburban/exurban, and rural/small town communities in the extent of the identified problem with youth gang-related crime (43%/32%/9%; see Chapter III, Section 4.3). Indeed, officers in communities with an identified youth gang problem are much more likely (78%) than officers in other communities (21%) to say that they consider whether a crime is gang-related to be a factor or major factor in their decision-making with youth. Officers in communities with

¹⁰ Carrington (1998a) suggests this finding is partly a function of the types of crimes youth engage in as a group (i.e. property crimes). Youth apprehended alone were more likely to be implicated in 'other' Criminal Code offences, such as administration of justice offences.

“a lot” of youth crime are also more likely (61%) than those in communities with “a normal amount” (37%) or “not very much” (25%) to say that they consider whether a crime is gang-related to be a factor or major factor. Furthermore, officers in communities with almost any kind of identified problem of youth crime are more likely to consider the gang-related nature of a crime to be a factor or major factor: 47% of those in communities with serious youth property crime, versus 27% of officers in other communities; 73% in communities with serious violent youth crime, versus 25% of those in other communities; 46% in communities with a youth drug-crime problem, versus 28% in other communities; and 56% in communities with a youth prostitution problem, versus 36% in other communities.

There are also substantial regional variations in the extent to which officers take gang involvement into account in their decision-making with youth (Figure V.3). To some extent, these mirror regional variations in the identified incidence of youth gang problems (see Chapter III, Figure III.14).¹¹

Figure V.3 Regional distribution of views on the impact on decision-making of gang-related crime



Female officers are considerably more likely than males to take gang involvement into account in their decision-making (63% versus 44%). Police officers working in a youth squad (72%) or as a school liaison/resource officer (75%) consider gang involvement in crime much more often in their decision-making than officers in patrol (33%), in management (60%), or in GIS (46%). This is not surprising, since most of the specialized programs that target youth gang members are located in the two former

¹¹ Apart from the high proportion of respondents in Quebec who identified gang-related crime as a factor or major factor; however, very few Quebec officers answered this question, so the percentage is not reliable.

sections. Officers who had previously been assigned to a youth squad were more likely (86%) to consider apparent gang involvement than officers who had never served in a youth squad section (44%).

4.2 Group crime

Most respondents (86%) felt that whether the offender committed the crime alone or in a group did not play a significant role in their decision-making. However, officers who did indicate that they considered this to be a minor factor suggested that a youth who commits a crime in a group may have been influenced by peer pressure. They told us that it is important to determine, to the best of their ability, the role which each youth played in the commission of the crime. Thus, they may charge the ringleader, but refer the others to alternative measures. Officers who indicated that group versus lone offending is not a factor explained that each person in a group must be treated the same way (except for those that have different prior records). Thus, if they charge one youth in a group, they would charge all participants, since they do not believe they can assign degrees of responsibility. These officers told us the degree of responsibility can be determined by the Crown Attorney or in youth court, depending on the seriousness of the offence. This does not necessarily mean that these officers would not consider informal action for crimes committed in groups. Rather, they will treat each youth in the group in the same way, and in the same way as if s/he had committed the offence alone.

Views on this subject vary on most of the same dimensions as views on the salience of gang-related crime (above): officers in communities with a problem of serious youth property crime are more likely to consider group offending as a factor or major factor in their decision-making with youth (21% versus 5% of officers in other communities), as are officers in communities with a gang problem (20% versus 12%), a drug-related youth crime problem (17% versus 9%), and a problem of youth prostitution (33% versus 12%).

In addition, officers in communities with a significant off-reserve aboriginal population are *less* likely to consider youth crime committed by a group rather than an individual to be a factor or major factor (6% versus 17% of officers in other communities).

Views on this issue also differ by the gender and rank of the police officer. 16% of male police officers, but *no* females, consider co-offending to be a factor or major factor. Practitioners are slightly more likely than supervisors and officers in management positions to say that co-offending is a factor or a major factor (14% versus 8%).

Table V.11 Proportion of apprehended youth charged, by whether accomplices were involved, Canada (parts), 2001

Number of persons apprehended	% charged	Adjusted % charged	N
1 (only the apprehended youth)	57	57	19,536
2+ (group crime)	42	48	11,276

Source: UCR2 Survey, Trend Database.

Analysis of UCR2 data suggests that a youth who commits an offence with one or more accomplices is less likely to be charged, even when other factors are controlled (Table V.11). However, controlling for related factors increases the probability of co-accused youth being charged; this is because group crimes committed by youth tend to be the least serious, such as theft under, and to be committed by younger youth.

4.3 Adult co-offender

We also asked how police officers deal with youth-related incidents which involve an adult co-offender. The majority of respondents (90%) felt that this was not a factor or it was only a minor one. Views on this issue differ by type of police agency and community, and the officer's location of service, and level of authority. Almost every OPP officer (91%) indicated that s/he did not take adult co-offenders into consideration when deciding how to handle a youth-related incident. They informed us that the youth must be considered as an individual in the crime and that quite often the youths are sophisticated enough to have even orchestrated the crime. OPP officers told us they consider an adult co-offender as another element in the crime, but not as a reason to adjust their decision-making with the youth.

Officers working in communities with an identified youth gang problem are more likely to consider the involvement of an adult co-offender as a factor or major factor (17%) than officers in other communities (8%). Officers working in communities with a significant off-reserve aboriginal population are *less* likely to consider the involvement of an adult co-offender as a factor or major factor (4% versus 12%).

Officers who work in GIS are much more likely (56%) to take adult co-offenders into consideration in at least a minor way in their decision-making¹² with youth than officers in patrol (37%), youth squads (23%), school liaison officers (9%), or management (17%). This finding is explicable in terms of the types of youth-related cases which detectives tend to deal with in GIS. They are predominantly the more serious crimes and crimes that involve follow-up investigations. Further, although the majority of practitioners and supervisors do not consider the presence of an adult co-offender to be a factor, supervisors are more likely (43%) to consider it to be a minor factor than are practitioners (26%).

¹² That is, to consider it as a minor factor, a factor, or a major factor.

5.0 Under the influence of alcohol or drugs

Evidence that the apprehended youth was under the influence of alcohol or drugs at the time of the incident has been found to increase substantially the likelihood of charges being laid (Carrington, 1998a; Conly, 1978).

The majority of police officers in our sample (63%) said that they do not take the use of alcohol or drugs into consideration when dealing with youth-related incidents. Another 26% said that this is a minor factor. However, several officers did indicate that it can have an effect on the method used to compel appearance, increasing the likelihood that they would release the youth on an OIC undertaking specifying no consumption of alcohol.

Officers in communities with a youth prostitution problem are more likely to consider alcohol or drug consumption to be a *major* factor in their decision-making with apprehended youth (11% versus 2% of officers in other communities). However, officers in communities with other kinds of youth crime problems are *less* likely to consider alcohol or drug consumption to be a factor or major factor: 8% of those in communities with serious youth property crime, versus 15% of those in other communities; 4% of officers in communities with serious violent youth crime, versus 13% of other communities; no officers in communities with an identified youth gang problem, versus 14% in other communities; and 4% in communities with a problem of youth-related administration of justice offences, versus 15% in other communities. It appears that alcohol and drug involvement in youth crime is more of an issue in communities which do not suffer from high levels of serious types of youth crime (except prostitution).

Officers in communities with a significant off-reserve aboriginal population are more likely to consider alcohol or drug consumption to be a factor or major factor (20% versus 7% of officers in other communities). (However, officers in police agencies which include a First Nations reserve in their jurisdiction are no more or less likely than other officers to consider alcohol/drug consumption as a factor.)

Officers with six or more years of service view the use of alcohol and drugs differently from officers with five years or less: 17% of the former consider the use of alcohol a factor or a major factor, compared to none of the latter.

When we asked officers to elaborate on the impact which the use of alcohol or drugs has on their decision-making, two trends emerged. First, many officers felt that the root cause of the youth's criminal behaviour was an addiction to alcohol or drugs. They raised concerns that there were not enough social services or places to which they could refer these youths in crisis. One officer in British Columbia expressed this frustration as follows,

Our whole thing is, why are we bringing these kids into the criminal justice system because they have a drug addiction when nobody is willing to take it one step further. [*Many officers use drug and alcohol addiction as*] a tool you can

hold over their head because you know you'll look okay at the end in our little report, youth arrested by police, placed in detention centre, wipe your hands until it comes down to sentencing, 6 or 7 months down the road and you write to the probation officer, well, I haven't seen the kid, perhaps treatment is not a bad idea.

Several officers echoed these sentiments. They feel that they could make more of a difference if they had the resources available to refer youths to programs that will help them heal from their addictions.

Secondly, many officers indicated that the use of alcohol or drugs makes dealing with youth difficult. Alcohol is “liquid courage” and officers told us they do not take a youth’s demeanour as seriously when they are under the influence. However, they are also quick to add that “the kid’s safety is the main concern as the crime can happen any day”. Thus, they will take whatever steps are necessary to ensure the young person’s safety until they ‘sober up’ (even if this means they must detain the youth as no other facilities are available).

6.0 Location and time of day

Almost two-thirds of our interviewees (65%) said that they do *not* consider location or time of day to be a factor in their decision-making with young offenders. Another 22% said that these are only minor factors.

Provincial police officers (including RCMP officers) are less likely (24%) to consider location or time of day a factor, compared to independent municipal police officers (41%). Officers located in metropolitan and suburban/exurban jurisdictions are more likely (43%) to take the location of the offence or the time of day into account than officers in rural areas or small towns (23%). Officers in communities with serious violent youth crime are *less* likely to consider the location or time of day to be a factor or major factor in their decision-making with youth (7% versus 15% of officers in other communities). However, officers in communities with a youth prostitution problem are much more likely to take location and time of day into account (56% versus 9% in other communities), as are, to a lesser extent, officers in communities with drug-related youth crime (18% versus 5%). Officers in communities with a significant off-reserve aboriginal population are *less* likely to consider the location or time of day to be a factor or major factor (8% versus 15% of officers in other communities).

Officers working in a youth squad were much more likely (43%) to consider the location of the crime and the time of day to be a factor or a major factor in their decision-making. This is probably due to youth squad officers’ particular interest in attaching specific, appropriate conditions to release Undertakings (e.g. “no go”, curfew; see Chapter II, Section 7.3, and Chapter IV, Section 4.1). The great majority (80-90%) of officers in other units (patrol, GIS, etc.) do not consider this a factor, or at the most, a minor one.

However, youth squad officers indicated that they tend to take *all* factors into account in order to find the best course of action for that young person.

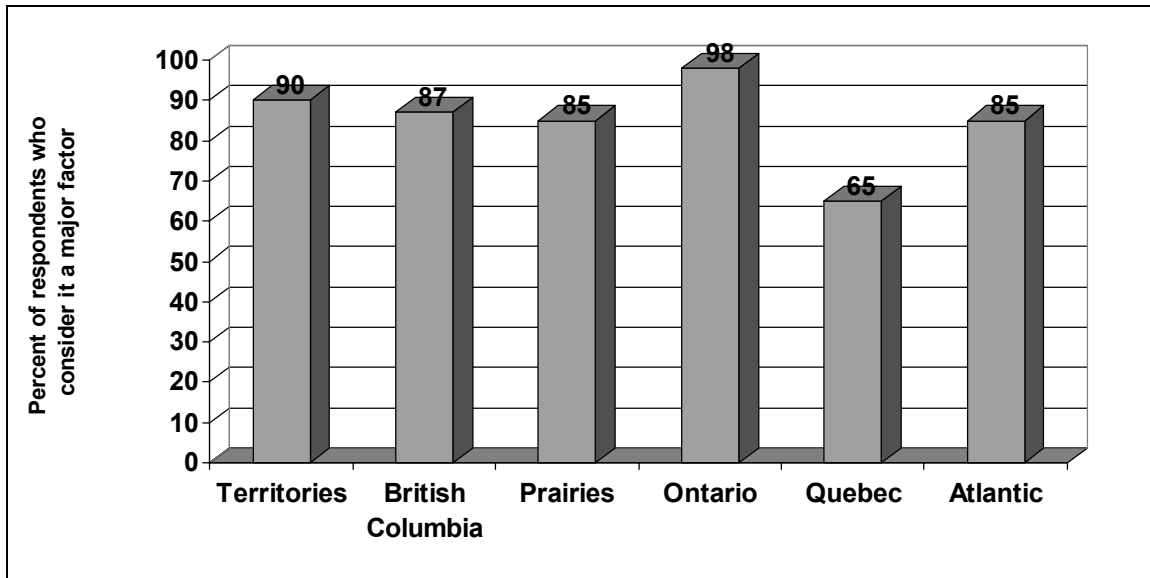
7.0 Prior record: contacts, alternative measures, charges, convictions

A record of prior convictions or prior contacts with the police has been found to be strongly positively associated with the likelihood of being charged (Conly, 1978; Doob, 1983; Doob & Chan, 1982; Ericson, 1982). Whether or not it led to charges or a conviction, contact with police labels a youth as a probable delinquent, increasing the probability of formal treatment on subsequent contact. Doob & Chan's (1982) statistical analysis of police dispositions found that prior contacts was one of the strongest, if not *the* strongest correlate of the decision to charge. On the other hand, Conly found that juveniles who had previously been *charged* were charged in the current instance at a much higher rate (52%) than those who had been previously contacted and not charged: the likelihood of the latter being charged (28%) was practically the same as that of youth who had no record of prior contacts (27%) (1978: 30).

We asked respondents to consider the effects on their decision-making with apprehended youth of prior contacts with police, prior referrals to alternative measures (especially in jurisdictions that use pre-charge diversion), prior charges, and prior convictions. However, none was inclined to differentiate among these. Almost all (96%) of our respondents said that prior record (in any and all forms) is a major factor (87%) or a factor (9%) in their decision-making process with youth-related incidents. Officers repeatedly emphasized that they consider a youth's prior record as important as the seriousness of the offence. They consider both of these factors together, and invariably they are the first and principal factors which officers say that they take into consideration.

Figure V.4 shows the regional distribution of answers to this question. Quebec is the exception, perhaps because of the more welfare-oriented approach to juvenile justice in that province, and perhaps also because police do not make the final decision to charge in that province (although prior record is clearly a major factor in British Columbia, the other Crown-screening province). This consideration is reminiscent of Black & Reiss's (1970) observation that, in their study, prior record was less important to patrol officers, who only made the decision to arrest, than to youth bureau officers, who decided whether to refer the youth to juvenile court (i.e. lay a charge).

Figure V.4 Regional distribution of views on the impact on decision-making of the youth's prior record



Officers who work in communities with serious violent youth crime are less likely to say that the youth's prior record is a factor or major factor in their decision-making (80% versus 90% of other officers). Officers in agencies which police a First Nations reserve are also less likely (81% versus 89% of other officers). Those who work in communities with a youth prostitution problem are *more* likely to take prior record into account (100% versus 86% of other officers).

School Liaison/Resource Officers are less likely to view prior record as a major factor than officers in other assignments (Figure V.5). SLO's suggested that there is much more to a youth-related incident than the nature of the offence and the offender's prior record. They did not imply that prior record is of no importance, but said that it is not the first factor which they take into account. Working in the school environment, they also consider the student's grades and relations with peers and teachers, as well as the nature of the offence. Prior record becomes much more important to SLO's if it is lengthy and involves incidents of the same type.

Analysis of UCR2 data confirms that prior apprehensions by the police play an extremely significant role in the decision to charge and apprehended youth (Table V.12). Even when related factors such as the youth's age (Table V.13, below) and the seriousness of the offence (Table V.4, above) are controlled, the probability of a charge being laid rises with increasing numbers of prior apprehensions, from 32% of first offenders to 66% of youth with five or more priors.

Figure V.5 Views on the impact of the youth’s prior record, by the officer’s location of service

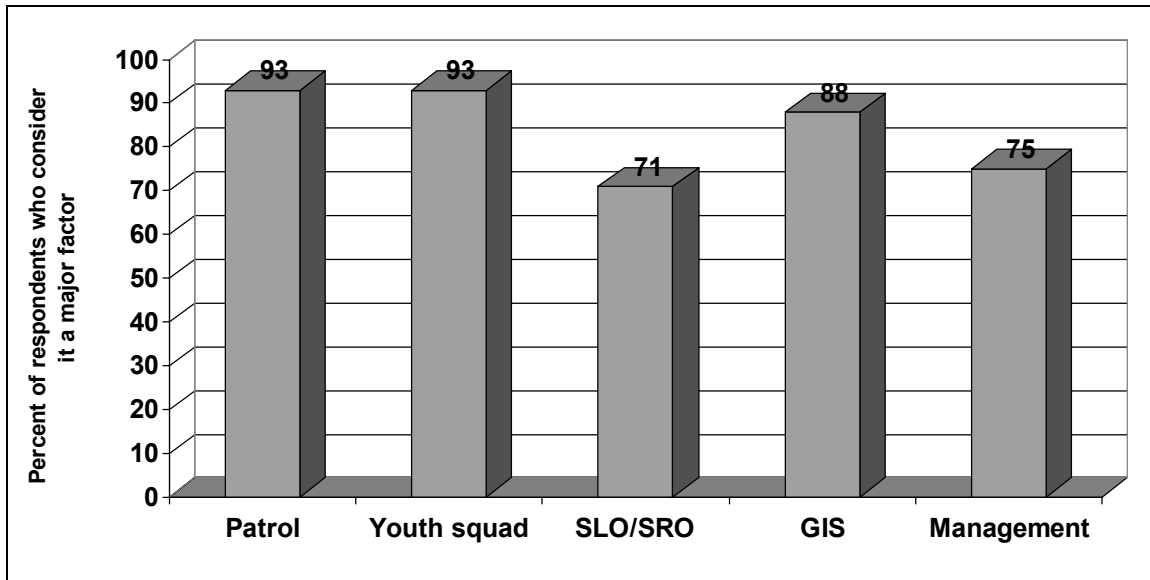


Table V.12 Proportion of apprehended youth charged, by the number of prior apprehensions, Canada (parts), 2001

Number of prior apprehensions	% charged	Adjusted % charged	N
0 (first offender)	40	32	18,341
1	59	47	5,205
2	69	55	2,377
3-4	76	60	2,100
5+	85	66	2,789

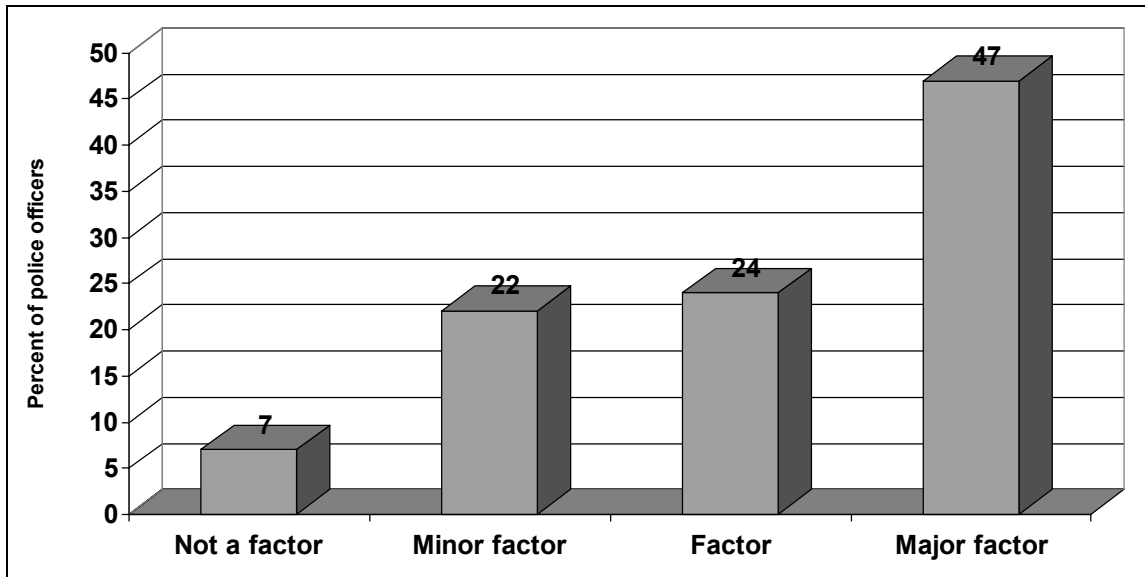
Source: UCR2 Survey, Trend Database.

8.0 Demeanour

Doob found that police dispositions of cases coming to a Youth Bureau were significantly affected by the youth’s “attitude” and “action he took when he came in contact with the police”; e.g. whether s/he admitted the offence (1983: 161; Doob & Chan, 1982).

Figure V.6 summarizes the results when we asked officers how much the young person’s demeanour affects their resolution of youth-related incidents.

Figure V.6: The effect of the youth's demeanour on police decision-making



Almost three-quarters of our respondents consider the demeanour of the young person to be a factor or a major factor in their decision-making. The majority of respondents indicated they have no choice but to take the demeanour of the young person into account in order to make a referral to alternative measures. A young person must take responsibility for his or her actions in order to qualify for AM, and many officers indicated that those with a “bad attitude” tend to deny their involvement in the crime. However, the notion that young people should accept responsibility for their actions, and, preferably, feel some remorse, was linked by officers not just to eligibility for AM, but to the intent of the YOA, which is that young persons should be held responsible for their actions: thus, if the apprehended youth showed that s/he held him/herself responsible, this made intervention by the police or courts less necessary, in the eyes of some of our respondents.

The weight assigned by officers to demeanour in their decision-making varies on several dimensions: by region of Canada, the type of community in which they work, the level and types of youth crime in the community, whether there is a First Nations reserve in the jurisdiction of the police service, and the gender, level in the hierarchy, location of service, and the number of years of service of the officer.

Officers' views of the impact of youths' demeanour is related to the perceived level of youth crime in the community: 90% of officers in communities where there was “a lot” of youth crime said that the youth's demeanour was a factor or major factor in their decision-making, versus 63% of those in communities with “a normal amount” of youth crime, and 50% of those in communities with “not very much” youth crime. No such relationship was found with reported levels of serious violent youth crime (73% of officers in communities with a problem of serious violent youth crime said that

demeanour was a factor or major factor, compared with 70% of officers in other communities), or significant youth gang problems (72% of officers in communities with a youth gang problem said that demeanour was a factor or major factor, compared with 71% of officers in other communities). However, officers in communities with a significant amount of serious property crime committed by youth are more likely to take demeanour into account (53% versus 39% of other officers said that demeanour is a *major* factor in their decision-making), as are those in communities with significant amounts of drug-related youth crime (75% versus 64% said demeanour is a factor or major factor), youth prostitution (100% versus 69%), and administration of justice offences involving youth (64% versus 37% of other officers said demeanour is a *major* factor).

Officers located in metropolitan areas are much more likely (63%) to consider demeanour a major factor than those in suburban/exurban (39%) or rural/small town jurisdictions (36%). This is inconsistent with findings discussed in previous sections, which suggested a more particularistic style of policing in smaller places; we speculate that demeanour may be more of an issue in cities, where youth may show more “attitude” than in smaller places. Another possibility is that demeanour is more of an issue in metropolitan areas because there is more youth crime there, and the level of youth crime affects the impact on police of youths’ demeanour (above). This hypothesis is explored in Figure V.7, which presents a very interesting picture. In communities with “a normal amount” of youth crime, the impact of the youth’s demeanour is related positively to the size of the community. But in communities with “a lot” of youth crime, demeanour is more of an issue for rural and small town (100%) and suburban/exurban officers (92%) than for officers in metropolitan police agencies (71%). A youth’s demeanour is an issue for officers in metropolitan police services, regardless of the level of youth crime; whereas, the likelihood of its becoming an issue for officers in other types of communities, especially rural areas and small towns, is related to the level of youth crime.

The regional distribution of views on this issue is shown in Figure V.8. We can only speculate as to why police in the two Crown-screening provinces report the lowest impact of the youth’s demeanour on their decision-making. This is puzzling, since, following Black & Reiss (1970), we would have expected that police who do not make the final decision to charge would be more affected by situational and “extralegal” factors, and less by the strictly legal aspects of the case. In particular, we would have expected this to be the case in Quebec, where officers reported a greater impact for other situational factors, such as the victim’s preference and whether the crime was gang-related (Section 4.1, above), and less impact of the “legal” variable, prior record (above).

Figure V.7 The impact on decision-making of the youth's demeanour, by the type of community and the perceived level of youth crime

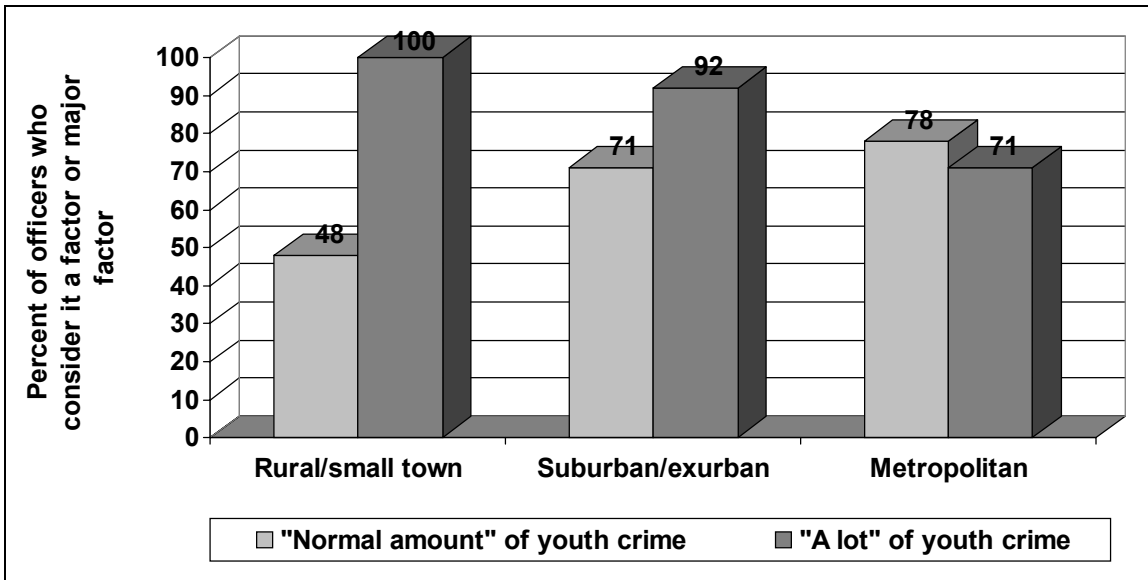
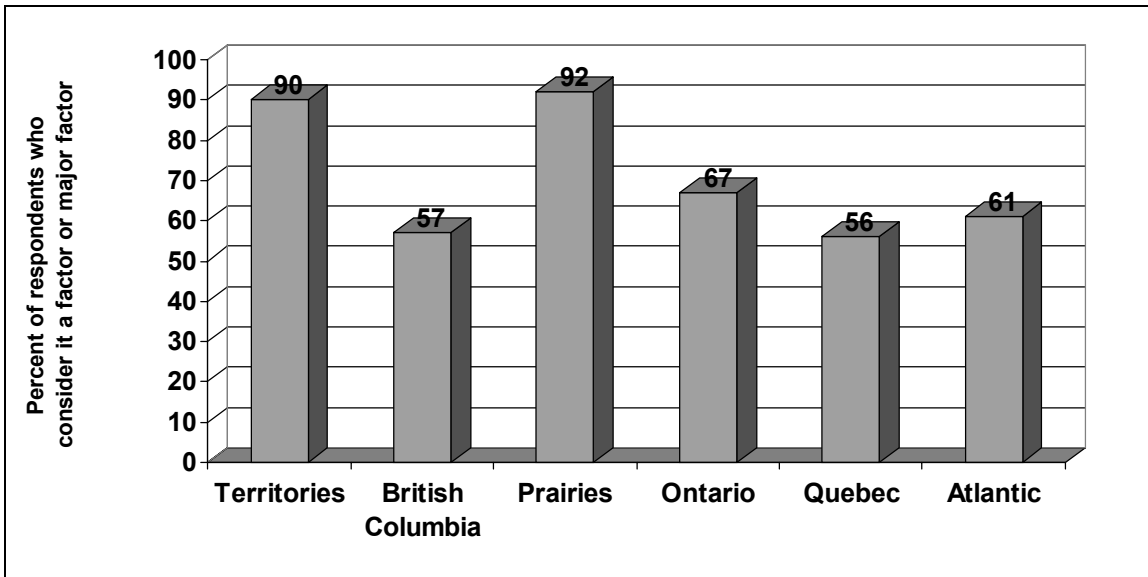


Figure V.8 Regional distribution of views on the impact on decision-making of the youth's demeanour

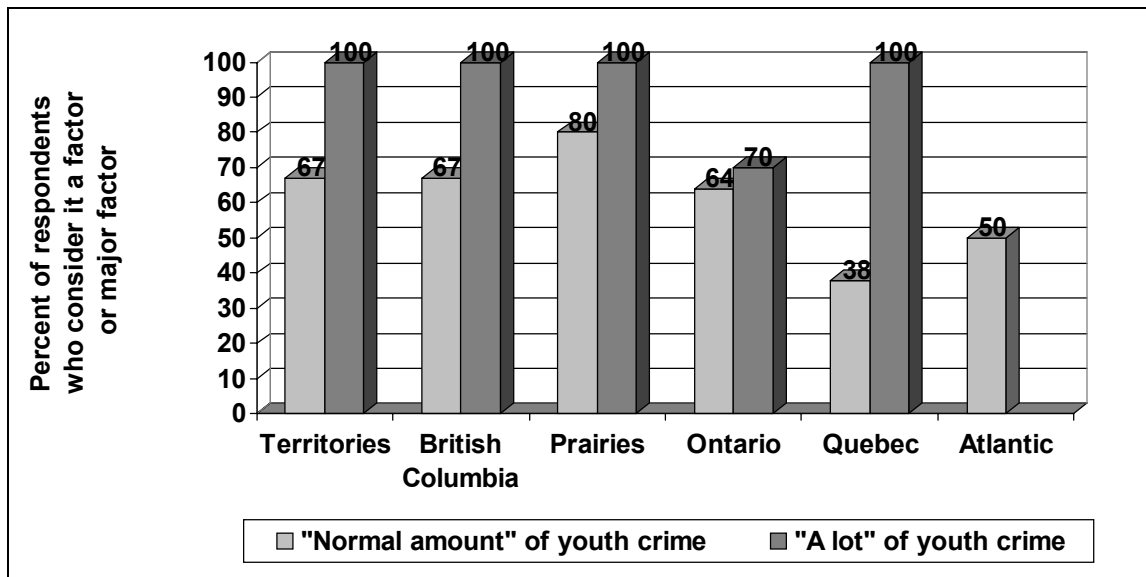


The other interesting finding is that police in the Prairies and Territories report a higher impact of the youth's demeanour on their decision-making. One possible explanation is that police in the Prairie provinces were much more likely to report "a lot" of youth crime and violence, and significant youth gang problems (Chapter III), so perhaps they face more problems with "bad attitudes" on the part of apprehended youth. However, police

in the Territories did not report high levels of youth violence or gangs. The Territories have relatively high levels of substance abuse, which may contribute to problems of “demeanour”. They also have very high proportions of aboriginal peoples, so they may experience “attitude problems” on the part of aboriginal youth, who tend to resent and distrust the police (Griffiths & Verdun-Jones, 1994: 641-642).

We can test these hypotheses by looking at officers’ opinions of the impact of demeanour, broken down by the other variables. In Figure V.9, the regional impact of demeanour is broken down by the level of youth crime reported by officers working in that jurisdiction. The Prairies and Territories no longer stand out: in all regions except Ontario,¹³ 100% of officers who work in “high-youth-crime” jurisdictions report that demeanour is a factor or major factor in their decision-making, and in jurisdictions reporting a “normal level” of youth crime (except in Quebec), about two-thirds of officers find demeanour to be a factor or major factor.¹⁴ Thus, the higher impact of demeanour in the Prairies and Territories is almost entirely explained by the higher (perceived) levels of youth crime in those regions.

Figure V.9 Regional distribution of views on the impact on decision-making of the youth’s demeanour, by the perceived level of youth crime in the jurisdiction



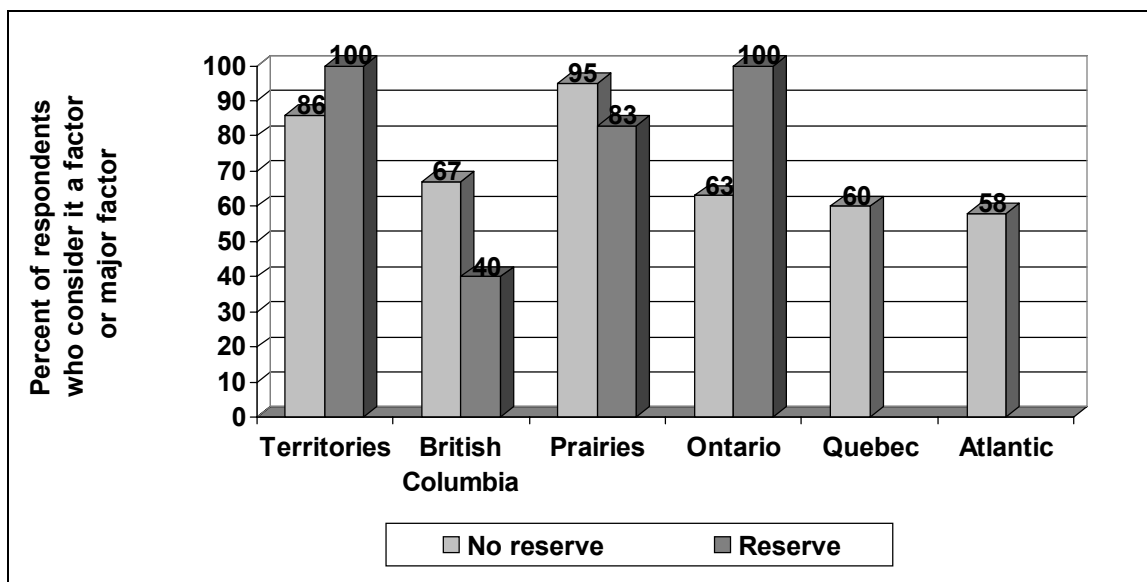
Officers working in police agencies with jurisdiction over a First Nations reserve were slightly more likely (76%) to say that the youth’s demeanour was a factor or major factor in their decision-making than officers in other police agencies (70%). Figure V.10 shows the regional variation in the impact of the youth’s demeanour, controlling for jurisdiction

¹³ And the Atlantic region, where no police services reported a high level of youth crime.

¹⁴ Percentages for communities with “not very much” youth crime are not reported, as the numbers were too small to be reliable.

over a reserve. The impact of demeanour varies. In Ontario and the Territories, officers policing reserves are more likely to find demeanour to be a factor or major factor in their decision-making, but in British Columbia and the Prairies, they are less likely. Among officers who do not police a reserve, those in the Territories and the Prairies are still more likely than those in other regions to say that they find demeanour to be a factor or major factor. Thus, although the presence of a reserve in the jurisdiction does increase the probability (by 6%) that the youth’s demeanour will affect police decision-making, this does not explain why demeanour is more of an issue in the Territories and Prairies.

Figure V.10 Regional distribution of views on the impact on decision-making of the youth’s demeanour, by jurisdiction over a First Nations reserve



In terms of hierarchy, supervisors are more likely to consider demeanour a factor or major factor (88%) than practitioners (71%), middle management (50%), or upper management (40%). School Liaison Officers (64%) and youth squad officers (47%) are more likely to consider demeanour a *major factor* than those in patrol (39%) or GIS (39%). SLO’s may be responding to the disruption in the school environment which can be caused by a young person displaying “attitude” in connection with a crime committed on school property. Most of the SLOs we interviewed were female; thus, it is not surprising that female officers are slightly more likely to consider demeanour a major factor (60%) than male officers (44%). It is surprising that patrol officers are the least likely to find demeanour to be a major factor, since one would expect that it is they who are most likely to suffer the brunt of a youth’s “attitude”. However, when we look at the proportions of officers who said that demeanour is either a *factor or major factor*, it is patrol officers who are most likely to say so (76%), followed by youth squad officers (73%), SLOs (71%), GIS (65%), and management (63%). This confirms the importance of the youth’s demeanour for patrol officers involved in “the encounter”. Finally,

officers with six or more years of service were more likely to take demeanour into account (74%) than officers with five or fewer years of service (62%).

9.0 Age

The probability of formal treatment by police increases with the young offender's age (Carrington, 1996, 1998a; Conly, 1978; Ericson, 1982; Hornick et al., 1996).¹⁵ Youths who are 17 years old are twice as likely to be charged as 12 year olds; for each additional year of age from 12 to 17 years, the probability of being charged versus dealt with informally rises by 4.6% (Carrington, 1998a); however, that study was unable to control for factors such as prior record and demeanour, which may explain the increased charging of older youth.

Analysis of UCR2 data confirms the major role of the age of the youth in the decision to charge. An apprehended seventeen year old is more than twice as likely to be charged as a twelve year old (Table V.13, first column). Some of the effect of the youth's age is mediated by other factors, especially his or her accumulated record of prior apprehensions (Table V.14), and increasingly serious offences committed (Table V.3, above); but even when other factors are held constant, the probability of a charge increases by approximately 4% for each additional year of age, so that a seventeen year old whose offence, prior record, etc. are the same as those of a twelve year old, still has a 50% higher probability of being charged (Table V.13, column 2). Some of this differential might be due to factors not included in the statistical analysis, such as demeanour, but it seems highly unlikely that these could account entirely for the clear relationship shown in the second column of Table V.13.

Table V.13 Proportion of apprehended youth charged, by the age of the youth, Canada (parts), 2001

Age	% charged	Adjusted % charged	N
12 years	28	39	2,010
13	36	45	3,549
14	45	51	5,212
15	52	55	6,331
16	58	59	6,680
17	65	62	7,030

Source: UCR2 Survey, Trend Database.

¹⁵ Doob (1983; Doob & Chan, 1982) concluded that the correlation between the youth's age and the likelihood of being charged was explained by other correlated factors; i.e. its impact is indirect, or mediated.

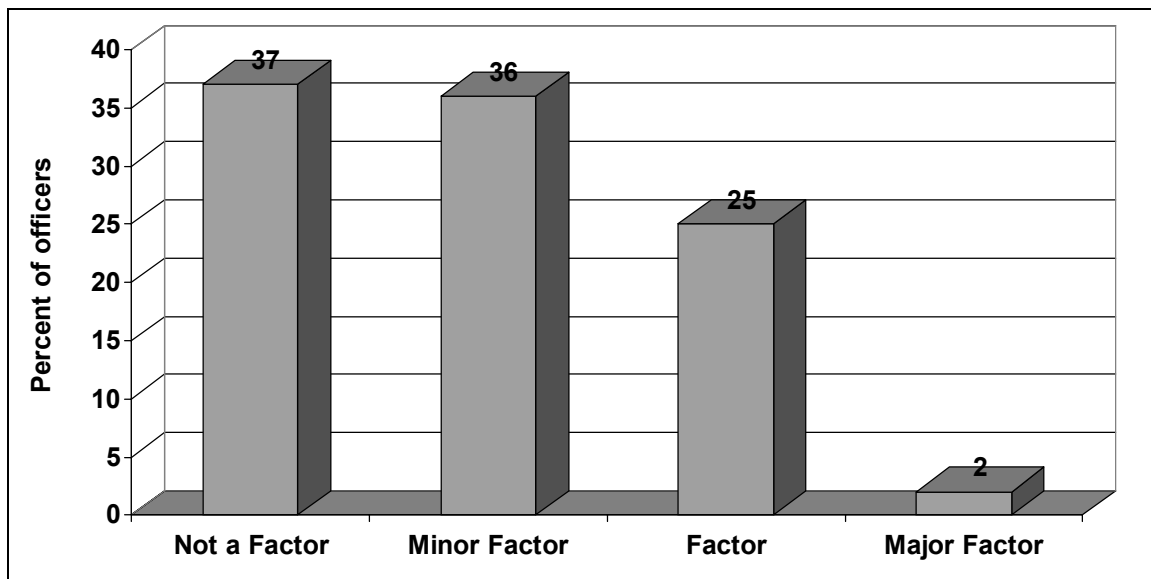
Table V.14 Number of prior apprehensions, by the age of the apprehended youth, Canada (parts), 2001

Number of prior apprehensions	Age of the apprehended youth					
	12 %	13 %	14 %	15 %	16 %	17 %
0 (first offender)	76.7	74.3	67.0	59.2	53.5	47.7
1	13.3	13.6	15.5	18.2	18.5	17.9
2	4.4	5.1	6.7	8.5	8.8	9.0
3-4	3.5	3.7	5.4	6.8	7.8	9.4
5+	2.1	3.4	5.4	7.3	11.4	16.0

Source: UCR2 Survey, Trend Database.

In asking officers about the impact of the offender’s age on their decision-making, we provided the following illustration: “Would you consider being more lenient with a 12 year old than a 17 year old?” Or: “Would you be more likely to use informal action or alternative measures with a 12 year old than with a 17 year old?” There was considerable variation in the answers (Figure V.11).

Figure V.11: The effect of the offender’s age on police decision-making



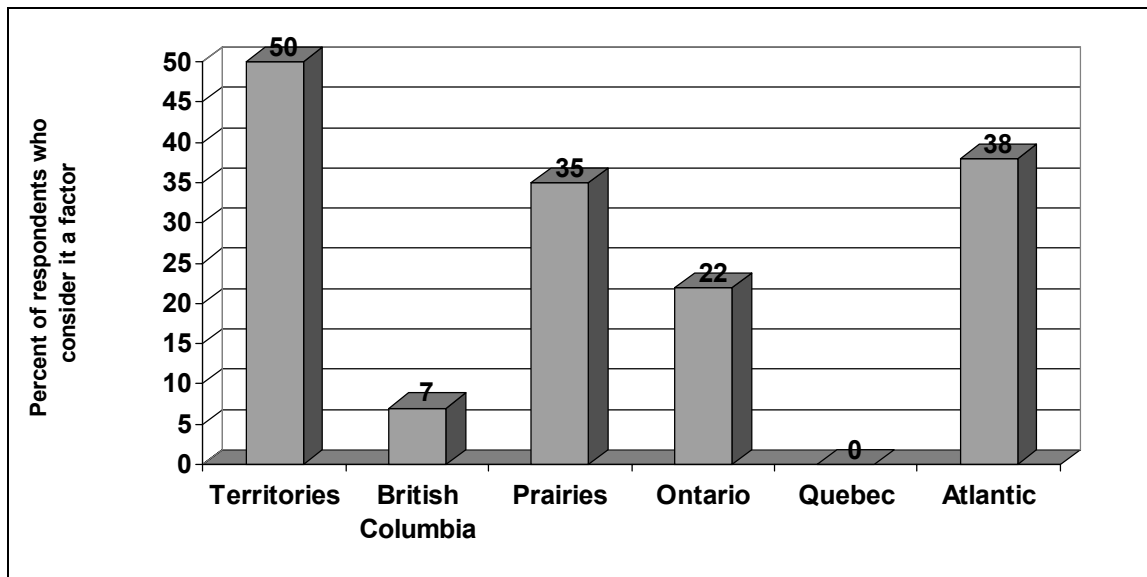
Slightly more than one-quarter of the respondents said that they consider the young person’s age to be a factor or major factor in their decision-making. However, a large number consider it to be a minor, or secondary, factor.

Environmental factors appear to play a role in officers' responses. In rural areas and small towns, officers are more likely to consider age a factor¹⁶ (31%) than in suburban/exurban (22%) or metropolitan jurisdictions (21%). Also, officers in agencies which have a First Nations reserve in their jurisdiction are more likely to take the youth's age into account (33% said it is a factor, versus 23% of other officers). These differences are consistent with other findings reported above which suggest a more particularistic (individualized) approach to police work with young offenders in smaller places and on reserves.

Alternatively, officers may take the youth's age into account because they are less burdened with a high volume of youth crime, or serious youth crime: officers in communities with "not very much" youth crime are more likely to take the youth's age into account (40%, versus 23% of officers in other communities), and officers in communities with a problem of serious violent youth crime are *less* likely to take the youth's age into account (14%, versus 29% of other officers).

Officers in jurisdictions with Crown screening are very unlikely to consider the youth's age in their decision-making (Figure V.12). We can offer no explanation for this.

Figure V.12 Regional distribution of views on the impact on decision-making of the youth's age



Officers working in the Atlantic region or the Territories are also more likely to consider age to be a factor than police in other areas of Canada. Examination of percentages by

¹⁶ So few officers consider it a major factor that we have omitted them from the following breakdowns.

individual province shows that this is true in only two of the four Atlantic provinces: New Brunswick (60% consider it to be a factor) and Nova Scotia (50%). For New Brunswick, we have no explanation; but in Nova Scotia, it is probably related to the “two-tiered” youth justice system, in which 12 to 15 year olds are treated differently from 16 and 17 year olds. For example, in Halifax Police Service, investigating officers fill out a form in all cases involving youth aged 12 to 15, which stipulates explicitly whether they have considered pre-charge diversion and asks for an explanation if they are not recommending diversion; and this police service also has a dedicated officer who reviews all cases involving youth aged 12 to 15, in order to ensure that as many as possible are diverted pre-charge. The weight placed on the youth’s age by officers in the Territories may be related to the relatively offender-oriented approach, in some case approaching the social worker role, adopted by some officers stationed there.¹⁷

30% of the male officers, versus none of the female officers, whom we interviewed said that they consider age to be a factor in their decision-making. Finally, almost one-half (46%) of the officers with five years or less of service take age into consideration, compared to 31% of officers with six or more years of service.

10.0 Gender

Canadian research has found that, overall, apprehended male youth have a slightly higher probability of being charged than females (Carrington, 1998a; Conly, 1978). In Canada, in the 1970’s, there were substantial gender differences in charging among police departments¹⁸ that could only be partially accounted for by the differences in types of offences that males and females committed (Conly, 1978). Doob & Chan’s study of the youth bureau of one southern Ontario police force found no effect of the juvenile’s sex when other factors were controlled (1982: 30). By the 1990’s, gender differences in charging in Canada were very small (Carrington, 1998a).

Virtually all of our respondents (94%) said they do not consider the gender of the young person at all when deciding on a course of action with youth-related incidents. Officers in communities with an identified youth gang problem are slightly more likely to take the youth’s gender into account (12% consider gender to be a *factor or minor factor* versus 5% in other communities). Of the eight officers who said that they consider gender a minor or secondary factor, seven are practitioners (front-line officers).

The views of respondents are borne out by analysis of UCR2 data. Although apprehended male youth are more likely than females to be charged (Table V.15, column

¹⁷ Cf. the discussion above of the relationship between policing a First Nations reserve and consideration of the youth’s age; also Chapter III, Section 4.2.4.

¹⁸ For example, Conly (1978) found the following variations: Quebec City (54% of apprehended males charged vs. 27% of apprehended females), London (34% vs. 21%), Windsor (25% vs. 7%), and Winnipeg (84% vs. 57%) (30).

1), practically all of this difference disappears when other related factors are statistically controlled. The remaining difference (2%) could well be due to other factors which could not be included in the analysis, such as the youth's demeanour.

Table V.15 Proportion of apprehended youth charged, by the gender of the youth, Canada (parts), 2001

Gender	% charged	Adjusted % charged	N
Male	54	53	22,641
Female	45	51	8,171

Source: UCR2 Survey, Trend Database.

11.0 Race

Literature on the general tenor of relations between police and aboriginal Canadians is reviewed in Chapter III, Section 4.2.4. There is very little Canadian research specifically on police charging practices in relation to aboriginal youth. Harding (1991) argued that Canadian police are more likely to apprehend and charge aboriginal youth. According to Schissel (1993), aboriginals in Canadian cities tend to be located in areas where there are high levels of policing, thereby increasing their chances of arrest. The incomplete data available from the UCR2 Survey suggest that apprehended aboriginal youth have a much higher than average probability of being charged, even when other correlated variables, such as offence seriousness and use of alcohol or drugs, are controlled; however, this study was unable to control for two possibly crucial confounding variables: demeanour and prior record (Carrington, 1998a).

Concerning other racial groups, Canadian research in Toronto interviewed youth and found that young people, regardless of colour, believe that black youth are a focus of police harassment (Neugebauer-Visano, 1996). The Report of the Commission on Systemic Racism in the Ontario Criminal Justice System (1995) alleges racism directed against both black and aboriginal youth by police in Ontario, but relies on the opinions of community members, and indirect evidence such as the over-representation of minority groups among those charged and detained by police.

Almost everyone in our sample (96%) whom we asked about the effect of the young person's race said that they do not take race into consideration when determining how to deal with a youth-related incident. The five respondents who did suggest that race was a minor or secondary factor referred to what might be called forms of "positive discrimination". For example, in some places, there may be an alternative measures program that is dedicated to aboriginal youth. In that circumstance, they would take it into account and recommend the aboriginal youth be referred to this particular program. Another officer said that the living conditions of many aboriginal youth in her city were so terrible that she was not surprised that they got into trouble with the law, and she was

therefore more inclined to “give a break” to an aboriginal youth than to a non-aboriginal. All five respondents who identified the youth’s race as a minor or secondary factor work in communities with a significant problem with serious property crime by youth.

Analysis of UCR2 data¹⁹ shows a large difference (19%) between the charge rates for apprehended aboriginal and non-aboriginal youth (Table V.16). Some of this difference is due to related factors, but when these are controlled, apprehended aboriginal youth are still 12% more likely to be charged. It is possible that this substantial difference is due to other related factors which were not included in the statistical analysis, or it could be due to the race of the youth itself. Further analysis of this issue is warranted.

Table V.16 Proportion of apprehended youth charged, by the race of the youth, Canada (parts), 2001

Race	% charged	Adjusted % charged	N
Aboriginal	70	58	1,272
Non-aboriginal	51	46	29,540

Source: UCR2 Survey, Trend Database.

12.0 Peer group and gang affiliations

The concept of the “youth gang” is an excellent example of W. I. Thomas’s dictum (1923) that “If men define situations as real, they are real in their consequences”. Although it is extraordinarily difficult to define a “gang” using objective indicators (Ball & Curry, 1995; Carrington, 2002; Doob & Cesaroni, 2002; Hobbs, 1997; Le Blanc & Fréchette, 1989), youth who perceive themselves, or are perceived by police, to be gang members may behave differently and be treated differently by police when they are apprehended. Involvement in a delinquent peer group, or “youth gang”, may result in elevated risk of both victimization and commission of crime (Hornick et al., 1996). Those youths who are male and belong to a predominantly male delinquent peer group have a much higher chance of arrest (Morash, 1984). Further, youth who commit crimes within peer groups have a higher visibility to police. Those peer groups that are perceived as “gangs” are seen as threatening and tend to invoke formal social control responses (Morash, 1984). However, Carrington (1998a) found that a youth apprehended in a group of three or more was less likely to be charged than youths apprehended alone or in a pair. This indicates the need for a clarification of police perceptions of the peer groups they encounter. The discrepancy in findings may be the result of whether a police officer defines the co-offending group as a gang.

Our data suggest considerable variations in police officers’ opinions concerning peer groups and apparent gang affiliation when dealing with youth-related incidents. Figure

¹⁹ According to Canadian Centre for Justice Statistics, results based on the ‘aboriginal status’ variable in the UCR2 Survey must be interpreted with caution, for two reasons: (i) some police services which report to the UCR2 Survey do not report data for this variable; and (ii) the variable is coded as “unknown” for many individuals.

V.13 summarizes our overall findings for this variable. Just over half of our respondents (58%) take a young person's peer group and apparent gang affiliations into consideration in their decision-making, although it is only a minor factor for many of these officers.

Figure V.13: The effect of a youth's gang affiliation on police decision-making

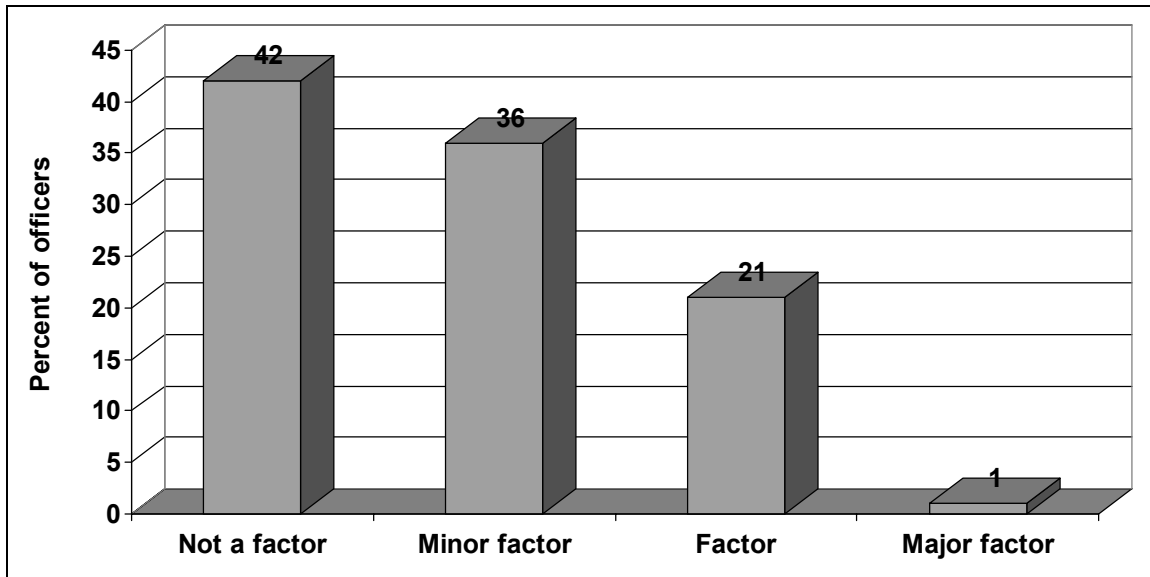
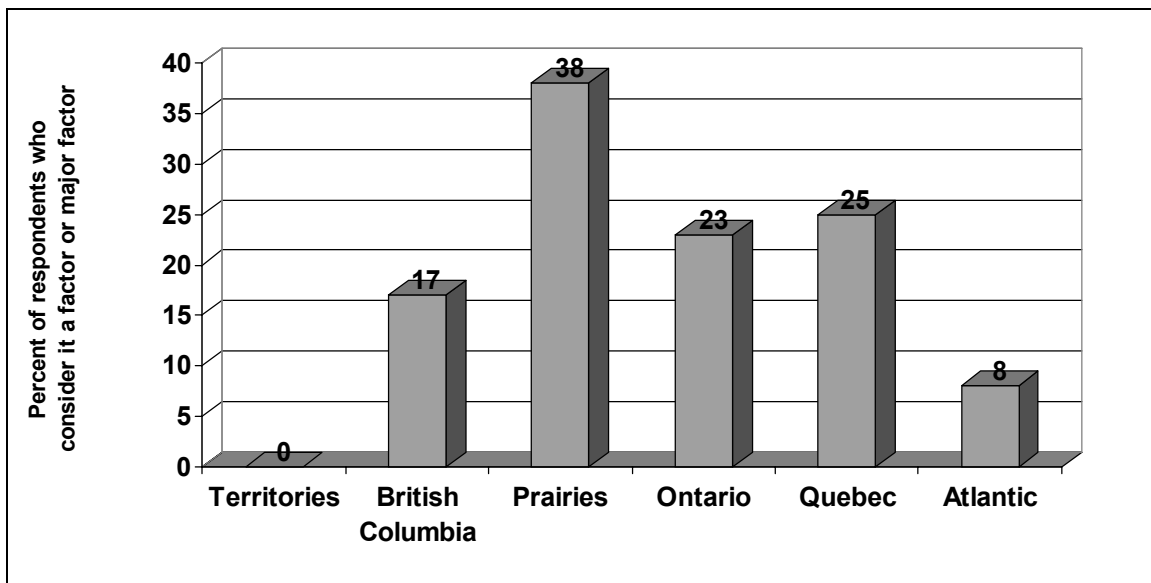


Figure V.14 shows regional variations in officers' views on the importance of a youth's gang affiliation in their decision-making. The distribution mirrors almost perfectly the regional distribution of problems with gang-related youth crime, according to our informants (Figure III.14, above). Indeed, officers working in communities with an identified youth gang problem are much more likely to say that a youth's gang affiliation is a factor or major factor in their decision-making (52% versus 13% of other officers).²⁰ Similarly, offices in communities with "a lot" of youth crime are more likely to take gang affiliation into account (45% said it is a factor, compared with 22% of officers in other communities), as are officers in communities with a problem of serious violent youth crime (46% versus 14%), drug-related youth crime (30% versus 11%), and youth prostitution (44% versus 20%). Officers who work in metropolitan areas are more likely (34%) to consider peer groups and gang affiliations to be a factor than those in suburban/exurban (16%) and rural/small town jurisdictions (10%). This finding is consistent with the prevalence of identified gang activity and more serious youth crime in metropolitan areas within our sample. Since most metropolitan police services are independent municipal police forces, they are more likely (26%) to consider peer groups and gang affiliation than officers in provincial police detachments (13%; including RCMP). Our data also suggest that police officers in communities with significant populations of aboriginals living off-reserve are twice as likely (36%) to consider gang

²⁰ The following analyses omit the responses of "major factor", since there were too few of these to support reliable analyses.

affiliation a factor in their decision-making with youth than officers in other communities (18%). However, officers who police a First Nations reserve are no more likely than other officers to take gang affiliation into account.

Figure V.14 Regional distribution of views on the impact on decision-making of the youth's gang affiliation



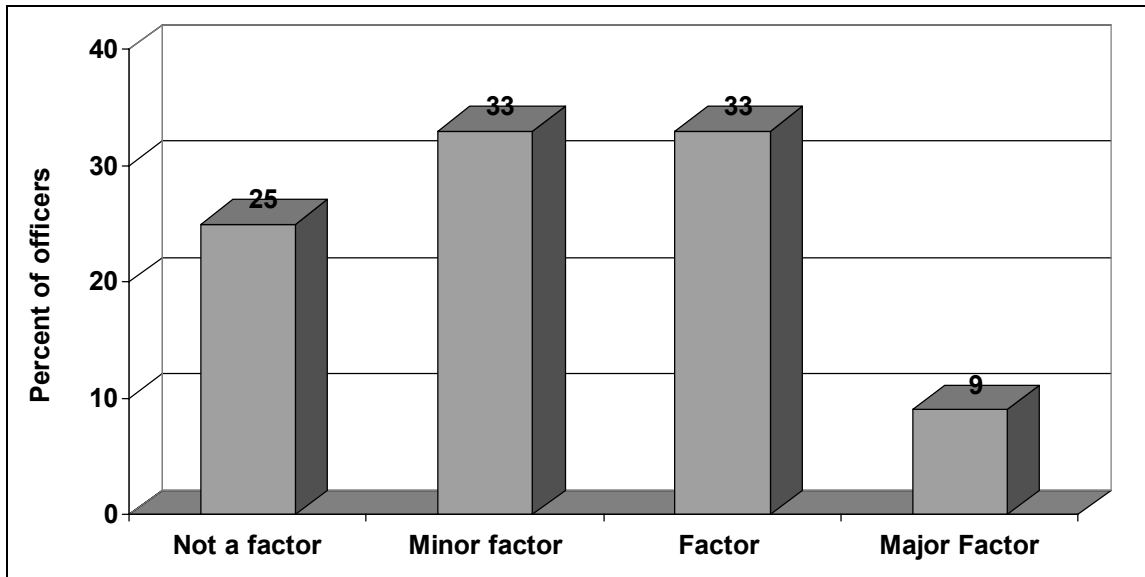
Finally, police officers who have had previous experience working in a youth section differ from others on this issue. Officers with prior youth squad experience were more than twice as likely (58%) as other officers (25%) to consider a gang affiliation. None of the officers with previous experience chose “not a factor”, compared to 21% of those who do not have experience in a youth section. Officers suggested that working in a youth section helps the agency as a whole due to an increase in intelligence on youth activities within the jurisdiction. This is especially important within those police agencies that have adopted intelligence-led policing.

13.0 Home and school situations

Conly (1978) found that apprehended youth who were not living with their parents or relatives were more likely to be charged, but noted that these results were far from definitive, as such a high proportion (87%) of those youths charged were living with their parents or relatives. Doob found that youth bureau officers referred youth to court in preference to taking formal action when they believed that the youth's family situation had “failed” (1983: 159). In focus group interviews, Canadian police officers identified two factors that youth who are in trouble with the law share: (i) a lack of employment, and (ii) a lack of physical space where they can ‘hang out’ with their friends (Caputo & Kelly, 1997).

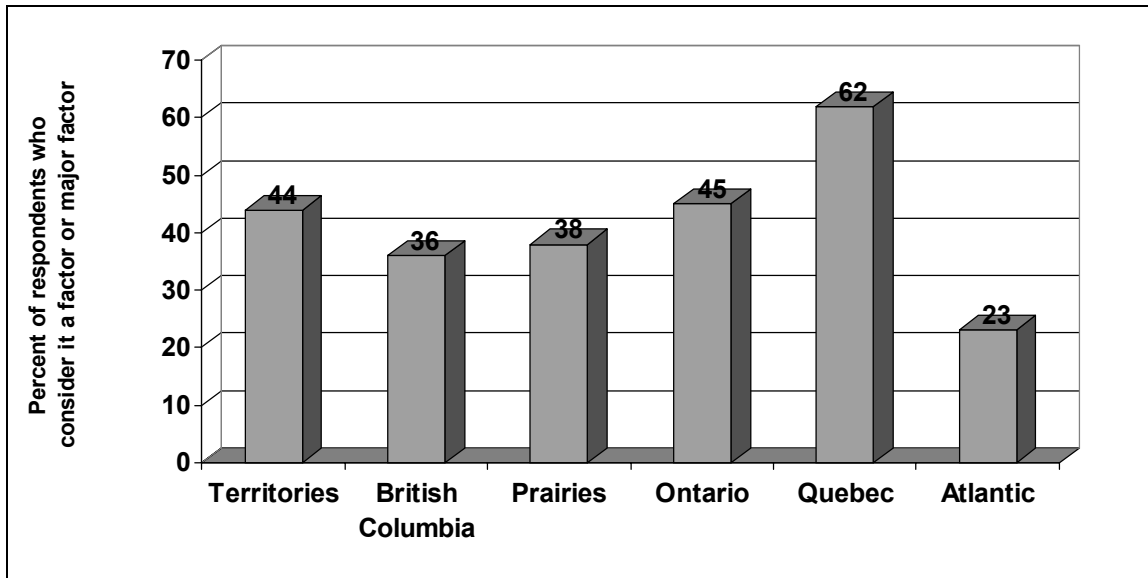
Three-quarters of the respondents in our sample indicated they consider a young person's home and school environments to varying degrees in their decision-making. Figure V.15 shows the substantial variety of opinions held by police officers concerning how much consideration a young person's home and school environment should be given.

Figure V.15: The effect of home and school situations on police decision-making



Regional variations in officers' opinions of the importance of the youth's home and school situations are shown in Figure V.16. The weight given to this factor by police in Quebec may be another example of the more welfare-oriented approach to youth justice in that province.

Figure V.16 Regional distribution of views on the impact on decision-making of the youth's home and school situations



As we found for other personal characteristics, the home and school situations of the youth are less likely to be taken into account by officers working in communities with a problem of serious property crime by youth (36% of officers said it is a factor or major factor, versus 48% of other officers), or serious violent youth crime (36% versus 43%). However, they are *more* likely to be taken into account by officers working in communities with a problem of youth prostitution (67% said it is a factor or major factor, versus 40% of other officers) and in agencies which include a First Nations reserve in their jurisdiction (47% versus 40%).

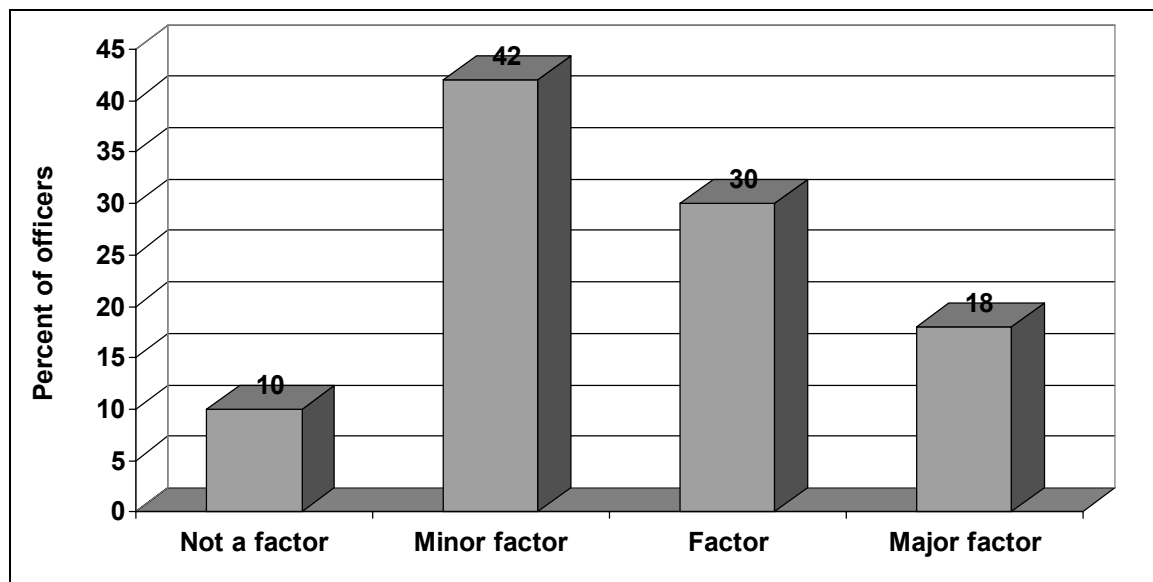
There were also variations in responses based on the officer's level of authority, location of service, and previous experience in a youth squad. Supervisors were much more likely (60%) than practitioners (39%) to say that they consider a young person's home background in their decision-making. Youth squad officers were more likely (53%) to take a young person's home situation into account than officers located in patrol (38%), schools (35%), GIS (43%) or in management (43%). This may be the result of the more welfare-oriented approach of youth squad officers, and also of their exclusive focus on youth that allows them more time to investigate thoroughly the young person's situation. These experiences on youth squad appear to carry over upon reassignment to other units. Officers who had previous experience working in a youth squad were twice as likely (50%) as those who had never worked in a youth section (24%) to take the home and school situation into consideration.

14.0 Parental involvement

The only Canadian research we could find which assesses the role of parental involvement in police decision-making is that of Doob, who found that when a parent was the victim or complainant, the youth was more likely to be charged, because the complaint to police was seen as an indicator that "...one traditional socialization agent, the family, had failed" (1983: 158-160).

In the interviews, officers generally understood our question concerning parental involvement to refer to "positive" involvement – that is, to the level of interest exhibited in the proceedings, and the level of support provided to the youth; although some officers volunteered that "the parents can be worse to deal with than the young person". Figure V.17 shows the distribution of officers' views concerning the importance in their decision-making of the youth's parents' involvement.

Figure V.17: The effect of parental involvement on police decision-making



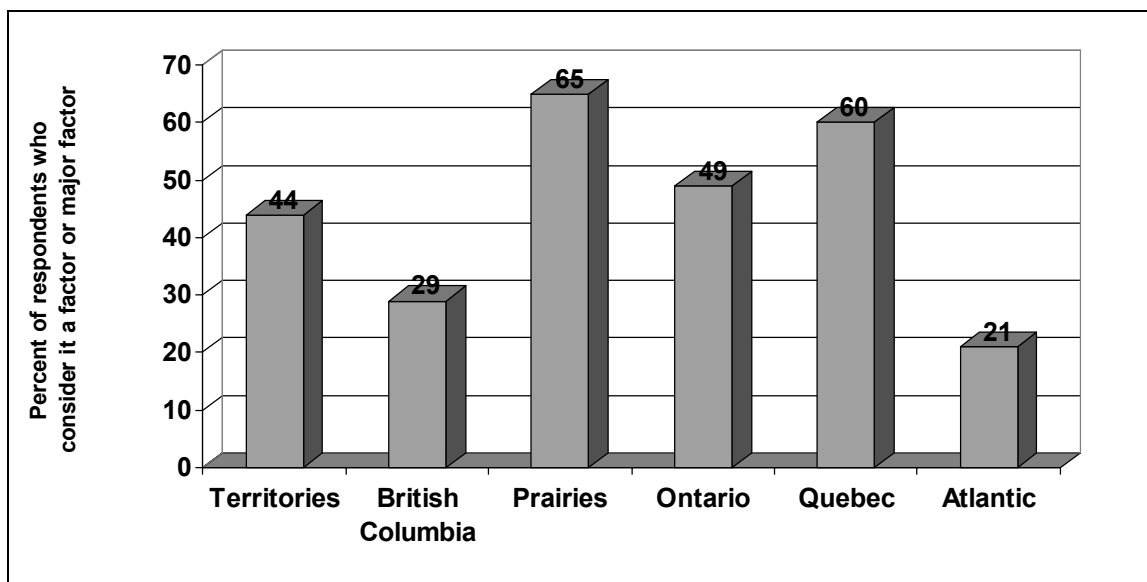
Almost all of our respondents give some consideration to the degree of parental involvement when deciding how to proceed with youth-related incidents, and almost one-half consider it a factor or major factor. Many of the latter officers indicated that they are more willing to use alternative measures if "the parents are on board". Further, these officers also were much more likely to release a young person on an appearance notice or summons when they felt there were high levels of parental involvement. If the offence was more serious, then instead of holding the young person until a judicial interim release hearing, they would release the young person on a PTA (with or without an undertaking).

However, there were a few examples given in which the converse had a negative effect on police decision-making. If a youth was arrested and the parents (1) wanted nothing to

do with the young person, or (2) minimized the seriousness of the situation, or (3) denied that their son or daughter could have committed the crime, officers were more likely to lay a charge, and, if the circumstances warranted, release on stringent conditions or hold until a JIR hearing.

Figure V.18 shows regional variations in the weight given by police to parental involvement. The high weight given to parental involvement in Quebec may reflect the more welfare-oriented approach of that province.

Figure V.18 Regional distribution of views on the impact on decision-making of the youth's parents' involvement



Officers working in communities with “a lot” of youth crime are more likely to take parental involvement into account: 69% said it is a factor or major factor in their decision-making, compared with 38% of those in communities with “a normal amount” and 33% of those in communities with “not very much” youth crime. Similarly, officers working in communities with a problem of serious violent youth crime are more likely to consider parental involvement to be a factor or major factor (60% versus 44% of other officers), as are those in communities with a youth gang problem (58% versus 45%), drug-related youth crime (53% versus 40%), and, especially, youth prostitution (78% versus 46%).

The only other systematic difference in answers to this question was by the officer's gender: female police officers were more likely to consider parental involvement in their decision-making (60%) than male officers (45%).

15.0 Summary

Table V.17 and Figure V.19 show the relative importance, averaged over all respondents, of the factors discussed in this chapter. The factors have been ranked by the percentage of respondents who said that this was a factor or major factor in their decision-making.

Table V.17 Overall ranking of situational factors affecting police decision-making with youth

Rank	Factor	% factor or major factor ^a	Mean score ^b	N ^c	Partial eta squared ^d
1	Seriousness	100	2.98	128	0.046
2	Harm done	100	2.88	116	0.000
3	Presence of weapon	98	2.87	116	0.003
4	Prior record	97	2.83	127	0.061
5	Demeanour	71	2.10	124	
6	Victim preference	56	1.68	120	
7	Parental involvement	48	1.56	125	
8	Home/school situations	42	1.26	120	
9	Gang related crime	39	1.01	75	
10	Age	28	0.93	120	0.019
11	Gang affiliation	22	0.82	94	
12	Group vs. lone offender	14	0.71	123	0.008
13	Location/time of day	13	0.50	115	
14	Use of alcohol/drugs	11	0.50	119	
15	Victim-offender relationship	10	0.49	93	0.001
16	Adult co-offender	9	0.49	95	
17	Type of victim (person/business)	3	0.22	95	
18	Gender	1	0.07	124	0.000
19	Race	0	0.04	122	0.002

^a Percent of respondents who said this is a factor or major factor.

^b Average score for respondents' views of the impact of this factor, where: not a factor=0; minor factor=1; factor=2; major factor=3.

^c Number of respondents who expressed a view on the impact of this factor.

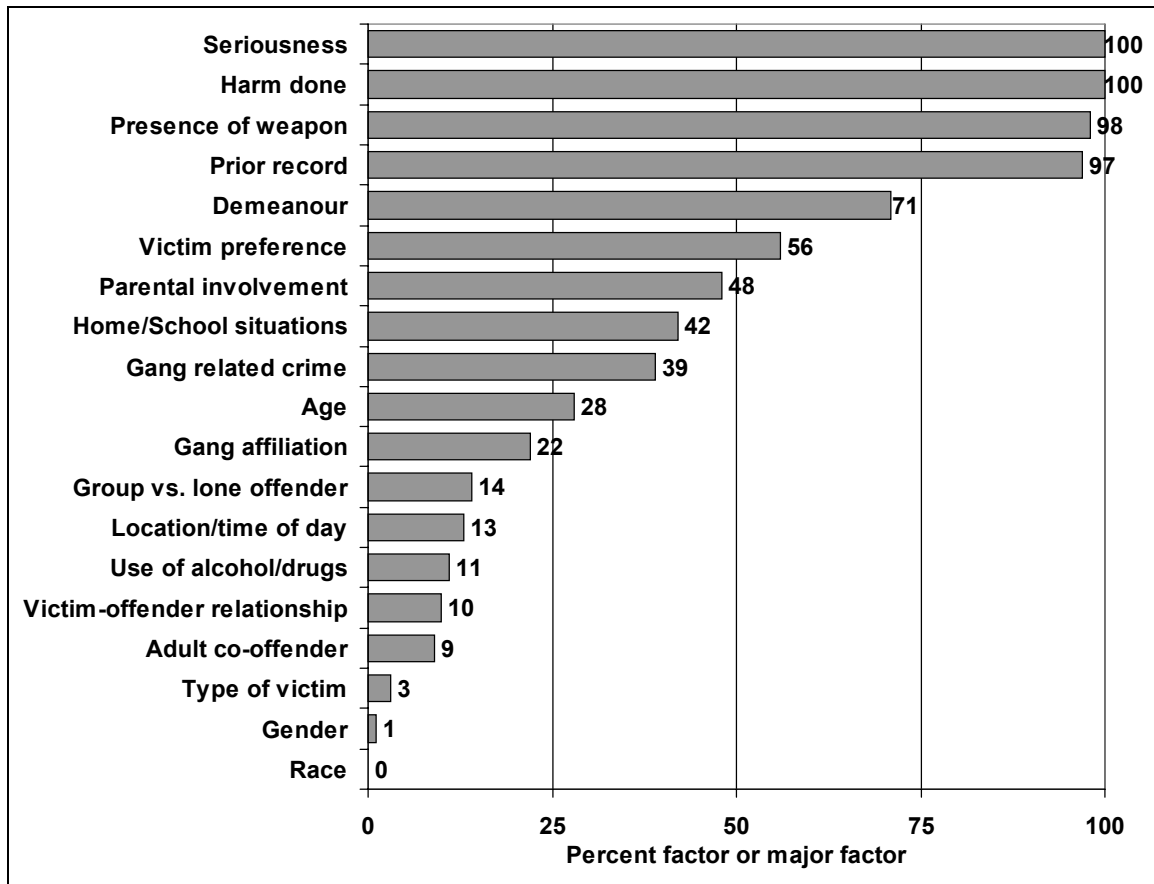
^d This statistic summarizes the contribution of a variable to explaining variations in the charging of youth, when the other variables are controlled.

Exactly the same ranking results from calculating the average "score" for each factor, where the answers were scored: "not a factor" = 0; "minor/secondary factor" = 1; "factor" = 2; "major factor" = 3.²¹ Values of the partial eta squared statistic are shown

²¹ Although it is natural to score "not a factor" as 0, there is no particular reason to assign scores of 1, 2, and 3 to the other answers. Therefore, we experimented with other scoring systems, assigning more weight to "major factor" and/or "factor". All of the scoring schemes produced the same ranking that is shown, except that some scoring schemes ranked "adult co-offender" before "victim-offender relationship".

for factors which were included in the multiple regression analysis of UCR2 data. This statistic summarizes the contribution of each independent variable, while holding all other variables constant, to explaining variations in the dependent variable - whether or not the youth was charged.

Figure V.19 Overall ranking of situational factors affecting police decision-making with youth



It is evident from Table V.17 and Figure V.19 that the factors fall into six clusters:

- The “legal” factors of offence seriousness - with its subsidiary indicators of presence of a weapon and harm done – and prior record, which practically everyone said are *major* factors (as indicated by their average scores close to 3). The value of the eta squared statistic for prior apprehensions (0.061) is the highest for any variable, indicating that the number of prior apprehensions plays a larger role than any other variable in explaining the charging of apprehended youth in the police services reporting to the UCR2. The next highest value of eta squared is for the type of offence. Values of eta squared for the presence and type of weapon and for injury to a victim are smaller, because much of their impact is

mediated by the classification of the offence.

- The youth's demeanour, chosen as a factor or major factor by almost three-quarters of respondents, and with an average score of 2.1 (i.e. slightly above the score for "factor").
- Four factors identified as factors or major factors by approximately half of the respondents: victim preference, parental involvement, home and school situations, and whether the crime is gang-related;
- The youth's age and any gang affiliation, identified as factor or major factors by approximately one-quarter of respondents, and with average scores near 1.0 (i.e. the score for "minor or secondary factor"). According to the value of the eta squared statistic, the youth's age has an impact on whether or not a youth is charged, when other factors are controlled, which is exceeded only by the type of offence and his or her record of prior apprehensions.
- Five factors which few (9-14%) respondents identified as factors or major factors, and which have average scores between 0.5 and 0.7, i.e. between the scores for "not a factor" and "minor/secondary factor": group vs. lone offender, location/time of day, use of alcohol or drugs by the apprehended youth, the relationship, if any, between the victim and the youth, and an adult co-offender. According to the multiple regression analysis, whether the youth was apprehended alone or with accomplices has a substantial impact on whether the youth is charged: those apprehended alone are more likely to be charged, even when other factors, such as the type of offence, are controlled.
- Factors which practically no-one identified as a factor in decision-making: whether the victim is a person or business, and the gender and race of the apprehended youth. While the unimportance of the youth's gender is confirmed by the multiple regression analysis, the youth's race appears to play a role in explaining variations in the charging of apprehended youth.

With the exception of prior record, the three factors which our respondents rank highest – legal seriousness (including weapon and harm), the youth's demeanour, and the victim's preference – are the factors identified by the classic study of Black & Reiss (1970) as most important in the patrol officer's arrest decision.²² This is somewhat remarkable, since Black & Reiss's study was done more than 30 years ago, in a supposedly less legalistic policing and juvenile justice environment, in cities in the USA, and involved observation of patrol officers' decision-making concerning the arrest decision; whereas,

²² Black & Reiss (1970) identified a fourth factor as important – the presence of situational evidence, which was important to his patrol officers because they could not, or did not want to, arrest youths unless they had readily available evidence of guilt. The availability of evidence was not an issue in our study, and we did not ask about it, because the question of charging versus AM versus informal action *presupposes* that there is sufficient evidence to charge.

our study asked the opinions of a sample of police officers of all ranks and duty assignments, working in every type of community and geographical area of modern Canada. It is equally striking that our four top-ranked factors - the three factors identified above, plus the victim's preference - are the same four factors identified by Doob (1983: 161) as most important in his study of decision-making by Youth Bureau officers in a southern Ontario police service in the late 1970's, when the Juvenile Delinquents Act was in force.²³ Plus ça change...!

Apart from the circumstances which practically all, or practically no, respondents identified as a factor in their decision-making (i.e. the first and last groups above), the weight given by respondents to each of the other factors varied fairly systematically along several dimensions. The variations pertaining to each factor have been noted in the individual sections of this chapter. In order to summarize these variations, we constructed tables of rankings of factors, like Table V.17, but for specific categories of police agencies and officers which had appeared repeatedly as dimensions along which opinions varied. The results of this analysis are shown in Table V.18.

The most striking thing about Table V.18 is the consistency of views among different categories of police officers. Very few of the factors are ranked more than one or two places above or below the overall rankings by any group. Many of the variations noted in the individual sections of this chapter in the weight given to particular factors by certain categories of officers are differences in emphasis, rather than differences in the overall rankings of factors. However, there are some significant variations in rankings, which are consistent with the more detailed differences in percentages which are discussed above.

Officers in metropolitan agencies, and in communities with perceived high levels of youth crime and identified problems with serious property or violent youth crime, or gang-, or drug-related youth crime, are more likely to take into account factors such as whether the crime was gang-related and any gang affiliation of the apprehended youth, and whether there was an adult co-offender. They are less influenced by the victim's dispositional preference, whether the youth was under the influence of alcohol or drugs, or the youth's age or home and school situations. These results suggest an offence-orientation, and possibly, an orientation toward crime control, rather than toward the offender or victim. This in turn is reminiscent of the claim by Weisheit et al. (1999: 110) that "the larger the community the more likely citizens were to believe that police should limit their role to enforcing criminal laws". However, we emphasize that these are only relative tendencies, in comparison with officers in other types of communities, not absolute characterizations.

²³ Doob treated the youth's "attitude" and "action when apprehended" as two separate factors; our respondents included them both in their answers to our question about "demeanour".

Table V.18 Rankings of situational factors affecting police decision-making with youth, for sub-groups of officers

Factor	Rank	Region						Level of youth crime			Type of community			Policing aboriginals		Type of youth crime problem					Location of officer	
		All	Territ ories	B.C.	Prair ies	Ont.	Que.	Atlan tic	A lot	Normal amount	Not very much	Metr opolit an	Subur b/exur ban	Rural/ small town	Off- reser ve	On reser ve	Ser. prop erty	Ser. viol ent	Gang	Drug	Pros tituti on	Youth squad
	128	8	12	22	29	13	7	30	49	12	36	16	39	35	22	69	30	26	81	9	15	14
Seriousness	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Harm done	2	3	2	2	3	3	3	3	2	2	2	2	3	3	3	2	3	3	2	2	3	3
Presence of weapon	3	2	4	3	2	2	2	2	3	4	4	4	2	2	2	3	2	2	3	5	2	2
Prior record	4	4	3	4	4	4	4	4	4	3	3	3	4	4	4	4	4	4	4	3	4	4
Demeanour	5	5	5	5	7	9	5	5	6	6	5	5	6	5	5	5	5	6	5	4	5	5
Victim preference	6	7	6	7	5	5	6	10	5	5	7	7	5	6	6	8	8	9	6	8	11	6
Parental involvement	7	10	13	6	8	7	10	6	7	9	8	6	8	7	7	6	7	7	7	6	8	9
Home/school situation	8	9	8	9	9	8	9	8	9	7	10	8	7	9	8	9	10	10	9	7	7	10
Gang related crime	9		9	8	6	6		7	8	10	6	11	10	8	9	7	6	5	8	9	6	7
Age	10	6	14	11	11		7	11	10	8	11	12	9	11	10	11	12	11	11	13	12	12
Gang affiliation	11		12	10	10	11		9	11	11	9	13	13	10	11	10	9	8	10	11	10	8
Group crime	12		10	13	13	12		14	13	12	17	9	11	15	12	12	11	12	13	12	14	11
Location/time of day	13		7	16	12			13	12	15	12	14	15	13	14	13	15	13	12	10	9	14
Use of alcohol/drugs	14	8			16		8	15	15	13	14	17	14	12	13	15	17		14	15	13	
Victim-youth rel'n	15	11		14	14			16	14		15	16	12	14	15	16	16	16	16		16	
Adult co-offender	16		11	12	17	10		12	16	14	13	10	16	16	16	14	14	14	15	14	15	13
Type of victim	17			15	15			17	17		16	15				17	13	15	17			
Gender	18			17					18		18							17	18			15
Race	19								19		19								19			

Notes:

The first row shows the number of officers in this group who commented on the importance of at least one, but not necessarily, all, of the factors.

Cells which are blank indicate factors which could not be ranked, because none of the respondents in this group considered them to be a factor or major factor, i.e. their score is 0%, and they are tied for last place in the ranking.

Generally, officers in rural and small town communities, and communities with low perceived levels of youth crime and few or no problems with particular types of serious youth crime, are more likely to take into account factors such as: the victim's dispositional preference, the youth's home or school situation and age, whether the youth was under the influence of alcohol or drugs, and any relationship between a victim and the apprehended youth. The greater attention to these factors suggests an orientation toward offenders and victims – i.e. *people* – rather than toward the characteristics of the offence; and this in turn suggests a more community-oriented and particularistic style of policing, and, possibly, an ability and willingness to take secondary factors into account because these officers are not overloaded with a high volume of youth crime, or significant amounts of serious youth crime.

Officers in suburban and exurban jurisdictions differ somewhat from both metropolitan and rural police. They are more concerned with crime committed by a group (*not* gang crime), whether there was an adult co-offender, and the type of victim (person or business); and less concerned than officers in other types of communities with whether crime is gang-related, and with the youth's age or use of alcohol or drugs.

Officers in police agencies in communities with a youth prostitution problem have a profile of factor rankings which is somewhat different from that of officers in communities with other kinds of youth crime problems. They tend to be more influenced by the location and time of day of an incident, and by an adult co-offender – both of which have an obvious relevance to street prostitution; and they are less concerned than other officers with the use weapons, victim preference, and – surprisingly – the youth's age.

Each of the regions of Canada appears to have its own pattern of variations from the overall rankings of factors, but there is considerable similarity between the profiles for officers in the Atlantic provinces and the Territories. Officers in both regions tend to be influenced more than other officers by the youth's age, use of alcohol or drugs, and any relationship between the victim and the youth – suggesting the people-oriented approach noted above as characteristic of rural/small town and low-crime jurisdictions, although the Territories are certainly not a low-crime region.

Officers in agencies whose jurisdiction includes a First Nations reserve²⁴ are more likely to consider the harm done to a victim and the victim's dispositional preference – suggesting a style of policing more oriented to community policing and/or Restorative Justice. They are also more likely to take into account the youth's demeanour, age, and home or school situation, and less likely to consider the youth's prior record as a major factor – suggesting an approach to youth crime which is (relatively) more offender- than offence-oriented.

²⁴ The following comments are based on percentage differences noted in the body of this chapter, since the factor rankings shown in Table V.18 for officers who police a reserve do not differ substantially from the overall rankings.

Officers in communities with a significant number of off-reserve aboriginals are more likely to consider gang-related crime and any gang affiliation of the youth, and the involvement of alcohol or drugs in the crime, possibly reflecting the characteristic social problems of aboriginal youth living off-reserve.

Officers in youth squads are more likely to consider factors such as the youth's demeanour and home or school situation, whether the crime was gang-related and the youth's gang affiliation, and the location and time of day of the incident; and are less likely to consider the victim's dispositional preference, or whether it was a group crime or an adult co-offender involved. This suggests the strong offender-orientation of officers in this assignment.

School Liaison Officers also tend to be influenced by whether the crime was gang-related and the youth's gang affiliation, but also by an adult co-offender; and they are less concerned than other officers with the level of parental involvement, and the youth's age and home or (surprisingly) school situation. Thus, the profile of factors which influence their decision-making is considerably different from that of youth squad officers.

Female officers are more likely than males to consider the victim's dispositional preference, whether the incident was gang-related, the youth's demeanour and the level of involvement of the parents; and less likely than males to consider the youth's age or whether the crime was committed by a group.

Officers with more experience are more likely to consider alcohol or drug involvement, and the youth's demeanour and age, and less likely to consider the victim's dispositional preference.

