

THE COUNCIL OF COMMUNITY SERVICES OF EDMONTON AND DISTRICT  
A BRIEF PREPARED BY THE DELINQUENCY PREVENTION AND CONTROL  
STUDY GROUP FOR THE DEPARTMENT OF JUSTICE COMMITTEE ON  
JUVENILE DELINQUENCY.

Council of Community Services,  
10011 - 103 Street,  
Edmonton, Alberta.

Dear Sirs:

The Delinquency Prevention and Control Study Group is a committee of the Youth Services Division of the Council of Community Services of Edmonton and District. The purpose of this committee is to study the causes of, the prevention of, and the successful treatment of juvenile delinquency. The committee was formed four years ago, and its membership includes representation from the Juvenile Offenders Branch, the Kiwanis Boy's Home of Edmonton, the Guidance Branch of the Department of Education, the Family Service Bureau, the John Howard Society, the Faculty of Education of the University of Alberta, the Edmonton Public School Board, the Edmonton Separate School Board, the Edmonton City Welfare Department, the Edmonton Juvenile and Family Court, the Juvenile Investigation Branch of the Edmonton City Police, the Child Welfare Division of the Department of Public Welfare for the Province of Alberta, the Edmonton City Recreation Department, the Canadian Mental Health Association, the Young Men's Christian Association, the National Parole Service, The Boys' Club of Edmonton and the Young Women's Christian Association. The members of the Delinquency Prevention and Control Study Group Committee, therefore, represent a body with a great deal of experience in delinquency detection, prevention, and treatment.

In this brief, it is our intention to present the views of the Committee on the prevention of, and the treatment of juvenile delinquency. In its presentation, our committee has extended the term "juvenile" beyond the legal definition, to include those who usually are referred to as teenagers.

While the primary concern of this group is limited to correctional and preventative programs in Alberta, and particularly to those in existence in the greater Edmonton area, in our submission we have considered the implications of the juvenile delinquency problem for Canada as a whole.

Our brief is presented in two parts: prevention and treatment. We consider that there are three lines of social defence in the community:

The Home

The vast majority of children are raised in wholesome homes, whose parents are able to promote and foster emotionally healthy children. There are, however, a certain number of parents who, due to their own problems, are unable to provide an emotionally healthy environment for their children. These children frequently grow up, and exhibit problems in their social adjustment. Some turn these problems inward, and become psychologically disturbed. Others rebel against society, commit anti-social acts, and thus become delinquent. The same etiological factors may produce an emotionally disturbed child, or a delinquent child. Frequently juvenile delinquency is a symptom of an emotional disturbance, and is not necessarily an illness entirely different in nature from any other.

Community Services (the school, the church and groups such as Boy Scouts, Girl Guides, etc.)

These organizations are not basically established for the prevention and treatment of juvenile delinquency. Nevertheless, many problems of maladjustment are observed by the staff of such organizations, and often help is provided to the child and to his family to assist in overcoming these problems. Occasionally, however, the symptoms of incipient delinquency are overlooked in these community services.

It is thought that, if more information on behavioural patterns was made available to the groups mentioned above, they would be able to detect a good many problems of maladjustment before the onset of overt delinquent behaviour. Should early detection methods be applied, problem children would be referred for treatment to specialized agencies before the delinquency patterns became established.

Professional Agencies (Children's Aid Societies, Family Welfare Bureaus, and social services provided by various provinces, cities, and municipalities.)

These social agencies, in some instances, have professional staff trained to deal with personal problems. Unfortunately, these practitioners are frequently overworked to the point where they cannot provide a degree of social casework service which they might wish to

render to their individual clients. There is an immediate necessity for the establishment of a School of Social Work in Alberta, and encouragement should be given to other provinces for the extension of training facilities for social workers. If a greater number of professionally trained staff were available, and if time permitted, many maladjusted children could be treated prior to becoming major behaviour problems in the community.

A major problem in this area is to discover ways in which the children's problems can be detected at an early age, so that appropriate treatment may be provided. On the one hand, parents and the various community services should learn how to detect early manifestations of social maladjustment. On the other hand, sufficient facilities should be made available at the social agency level to provide professional casework services to the disturbed child or the delinquent and his parents. It will be noted that, in the previous paragraph, we referred to "professional social work services". In most provinces, a certificate of proficiency is required by a barber before he is permitted to practice his skills on the exterior of one's head, but a similar certificate is not required for those treating the deep-seated emotional problems of children, and thus, in effect, work on the interior of one's cranium. We are of the opinion that more lasting effects are produced by psycho-therapy than by the techniques of the tonsorial practitioner, and that professional training, indeed, should be a pre-requisite for anyone endeavouring to do therapeutic work with children with emotional problems or with patterns of delinquency.

There is universal agreement in the maxim that prevention is better than cure. Since there is no one cause for the development of juvenile delinquency, there is no one way of preventing it. This implies a differential approach to problems of both prevention and treatment. We believe that effective delinquency prevention and  
treatment programs would necessitate concerted cooperative efforts on the part of individual citizens and the total community resources. This broad approach would include the educating of the general public to the problems of protection of children in trouble, and the treatment

of maladjusted juveniles. It would also involve the training of specialists to deal with the potential delinquent, and the delinquent. Many local groups have shown an interest in this field. In Edmonton, the Council of Community Services has given outstanding leadership, and has prepared briefs dealing with such matters as juvenile courts, their function and need. It might be mentioned that the Council of Community Services has only been able to give this leadership because of the willingness of the professional practitioners and private citizens to become involved in social action matters such as; community studies, preparation of briefs, etc. It is generally agreed that without citizen participation, the work of the professional is hampered, and that leadership in the field should come from a partnership between the layman and the professional.

#### The Treatment of Juvenile Delinquency

There would appear to be a need for the revision of the Juvenile Delinquent's Act. At the time the Act was proclaimed, in 1929, it was a progressive piece of legislation, which was based on an excellent philosophy. The Act requires that; "a child adjudged to be delinquent shall be dealt with, not as an offender, but as one in a condition of delinquency, and therefore requiring help and guidance and proper supervision." (Section 3, Sub-section 2)

Section 38 is even more explicit in defining the purpose of the Act; " this Act shall be liberally construed to the end that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be, that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance."

Although the basic philosophy of the Juvenile Delinquent's Act is excellent, there are gaps which render some sections ineffectual. It is generally agreed that there should be a uniform age for juveniles across Canada. At the present time in some provinces, children become adults at the age of sixteen, and in other provinces they become adults at the age of eighteen. In the province of Alberta a child, if male,

remains a juvenile until the age of sixteen, whereas, if female, a child remains a juvenile until the age of eighteen. This situation produces anomalies across Canada. It is actually possible for a person to be put on probation as an adult in one province, move to another province, commit a subsequent offence, and appear in court as a juvenile. Thus, a person may be on probation as a juvenile in one area, and as an adult in another. It is recognized that these disparities arise from the fact that Federal enabling legislation permits the various Provincial legislatures to set their own limits for the juvenile age. We are of the opinion that a Federal statute should be enacted to bring uniformity in this regard all across Canada.

Section 9 of the Juvenile Delinquent's Act deals with the transfer of a child to open adult court. The Act states; "that in no case will such a procedure be followed unless it is in the best interests of the child, and community". We believe that this section should be ammended to make it mandatory that parents be notified of the appearance of the child in Juvenile Court, where action for a transfer to adult court is contemplated. It should be noted that most Juvenile Courts provide the legal protection of notifying the parents of the pending court appearance even if a transfer to adult court is contemplated. Nevertheless, we understand that in other parts of Canada this practice is not always followed.

The Delinquency Prevention and Control Study Committee has become acutely aware that the judge of the Juvenile Court is faced with a most difficult decision in deciding that which is " in the best interests of the child" in many cases. Our discussions concerning the provisions of the Act pertaining to the fining of juveniles, were for the most part, inconclusive. While we are of the opinion that the imposition of fines in some instances can have a therapeutic effect on the juvenile delinquent, we think that further exploration should be made with regard to the value and limits of present fining procedures under the Act. We believe also, that consideration should be given to the advisability of having children make restitution for damage that they might have done in the perpetration of delinquent acts.

The committee is also aware that the juvenile court judge faces a dilemma in some provinces when dealing with a child who comes before the court for an act that would be considered an indictable offence in adult court. Frequently, in such circumstances, it might appear obvious to the judge that the child requires specialized institutional treatment over a fairly lengthy period of time. The judge, however, is aware that the child would be released from the juvenile institution upon reaching a certain chronological age, whether or not treatment has been completed. At this point he must decide whether it is in the best interests of the child to send him to the juvenile institution, or to transfer him to police court where a definite sentence may be imposed. Thus the "best interests of the child" may be determined in part by the institutional facilities available within the province, and the release procedures used for children detained for treatment in such institutions.

The committee is also aware that the existing juvenile institutions do not always suit the treatment needs of some children who appear in court on indictable offences. Thus the court may be tempted to transfer the child to adult court merely because sufficient treatment facilities are unavailable in the juvenile field. The committee is also aware that some children that appear in juvenile court for actions which would be considered summary conviction offences in adult court are not capable of responding to the treatment available in existing juvenile institutions. The court is then faced with the dilemma of having a child before the bench who is in need of institutional treatment, but the court is aware that existing juvenile institutions will not meet the needs of the child and the court cannot transfer the child to adult court, where he could be sentenced to an adult institution with appropriate facilities. Our committee believes that the court should have at its disposal, a variety of institutions that could provide differential treatment based on the individual needs of a child in trouble.

The Delinquency Prevention and Control Study Group has examined three solutions to this problem, but feels that insufficient study has taken place at the present time to make a recommendation as to which

one of these three solutions would be most appropriate.

One opinion is that the provisions of the Juvenile Delinquent's Act are adequate, and that the problem would be solved if a greater variety of institutions were made available, so that any child appearing before the court, who needs institutional treatment, could be sent to the appropriate institution.

The second opinion was that there is some need for a court with jurisdiction between that of the juvenile court, and adult court. This would be a court that would deal with young offenders as differentiated from juvenile delinquents, and adult criminals. It was agreed, however, that the jurisdiction of the intermediary court should be based on the philosophy that governs the Juvenile Delinquent's Act.

A third school of thought is that the provisions of section 9 of the Juvenile Delinquent's Act should be modified to permit the transfer of any child over fourteen to adult court whether or not the charge is indictable, and if it is deemed to be in the best interests of the child and community. This would permit the court to treat the child not on the basis of the gravity of the offence, but on the basis of the rehabilitative needs of the child.

As mentioned previously, it is generally considered that the philosophy of the Juvenile Delinquent's Act is one of enlightenment. It is thought that the Federal government might do well to encourage the Provincial governments to look at their legislation relating to juvenile courts, and the treatment of juvenile delinquents to see if they are being consistent with the philosophy of the Juvenile Delinquents Act.

#### Police and Courts

In most instances, a child's first contact with the authoritarian aspects of the law is with the police. The majority of police officers have a great deal of understanding for juveniles. It is thought however, that during the training days of a constable's career, courses might well be included on the early detection, prevention and treatment of juvenile delinquency, as well as other resources for the referral of children with problems. Such a course would provide a constable with

an understanding of his position in the entire correctional process. It is believed that the majority of law enforcement agencies would be pleased to have such information made available to them, for most of the senior officials agree that the prime role of the police is the prevention of crime. When a juvenile appears in court, he undergoes an experience that might well influence the rest of his life. We believe that it is imperative that a child appearing before the court should be treated in a manner that is most likely to aid in his rehabilitation. We believe strongly that the Judge of the juvenile court should be a highly qualified person, learned not only in the law, but also in human behaviour. Ideally, the Judge of the juvenile court should be adequately remunerated for the most difficult task that he performs. The Judge of the juvenile court should also have expert guidance from the probation officer who, as a court social worker, would prepare a social history and advise the judge as to the treatment facilities available to meet the needs of the individual delinquent child.

It is considered that the juvenile court has to be a reasonable meeting ground between the social needs of the child in society on the one hand, and the protection of the legal rights of the child and society on the other. It is thought that a juvenile court that does not have at least one judge with complete legal training and one judge with "social feeling", will not be fully equipped to provide the services it ideally should. It would be desirable if the qualities of complete legal training and "social feeling" should be combined in this same individual.

In certain areas the functions of the police magistrate and the judge of the juvenile court are combined in the same individual. These are two very important functions. It is sometimes no doubt difficult for a magistrate to change his role and become a juvenile court judge, only to change back to being a magistrate again. This would not seem ~~to be entirely fair to the court and perhaps consideration could be~~ given to the division of these functions. The orientation of the adult criminal court and the juvenile court are different, and it must pose a problem to one individual to switch back and forth from being a magistrate and a judge of a juvenile court.



If a sufficient number of qualified judges of the juvenile court cannot be located, an alternative solution might be to have the judge of the juvenile court merely decide whether or not a child is delinquent, and leave the prescription of appropriate treatment to a tribunal, such as a youth authority (refer to California Youth Authority). Such a tribunal could be cognizant of all facilities that exist within the province, and could obtain expert guidance from the probation officers, and other persons, such as psychiatrists, psychologists and child guidance centers, if this is deemed appropriate.

Detention of the Child

It is felt that an examination of detention facilities across Canada should be made. Probation officers working in many parts of Canada are aware that children are lodged in police cells, fire halls, and other such detention centers. It is difficult to construe such treatment as being "in the best interests of the child". If possible a child awaiting appearance in court should be returned to his own parents, if they are capable of providing supervision and guidance, until such time as the child is to appear in court. If the child is to be held in detention, he should be held in such a place that he will not come into contact with adult offenders, and he should not be held in degrading circumstances as exist in some local lock-ups.

If a child is to be held more than overnight in custody, there should be some program to provide for the child. There is nothing worse for personal development than enforced idleness, in an environment that could be corrupting. The object of detention should be to better the child, to provide diagnostic information, and assist in reformation and not to promote the deterioration of an already disturbed personality. In addition to making the period of detention as valuable as possible, both from the point of view of diagnosis and the protection of society, it is felt most important that the length of detention be kept to the minimum necessary to obtain the objectives.

Undoubtedly, there are occasions when a child is detained for several weeks prior to his first court appearance primarily because he is a "security risk", or secondly, because there was no suitable home or foster home in which to place the child. If the prolonged period of detention stems only from the fact that the court dockets are over loaded, this is an extremely unhealthy situation, that should be remedied as quickly as possible.

There may be a case for having juveniles appear in court twice when such detention is required. The first appearance, (as with the adult) would be for the admission of, or the determination of, whether or not a child is a juvenile delinquent within the meaning of the Juvenile Delinquent's Act. If the child is found to be in a state of delinquency, a considerable period of time may be required for a proper assessment. The child so detained would be one who has been adjudged delinquent or who has admitted to being a juvenile delinquent, rather

than as one who is alleged to be a juvenile delinquent. Under the present operation in most Provinces, it is theoretically possible that a child could be detained for several days or weeks prior to his appearance in court, and then after denying the delinquency, he could be found not to have committed a delinquency. It is an extremely dangerous possibility, and some provision in law should be made to prevent such an occurrence. No child should be held in custody without a charge being laid, and without the child's appearance in court at the earliest possible date, for the determination of delinquency.

Some people are of the opinion that it is an emotionally damaging experience for a child to be placed on tenderhooks regarding whether or not he is going to be adjudged a juvenile delinquent. If there is any argument for the deterrent effect of anxiety and fear, it lies not at the point of whether or not a child is going to be adjudged to have committed a delinquency. Rather, it is determined by the disposition of the court if he is adjudged to be a juvenile delinquent within the meaning of the Act. In simpler terms, the sooner the question of guilt or innocence is settled, the better. If, after the determination a period of days or weeks is required to decide the best plan for the child, the delaying of the disposition of the court is certainly in the best interests of the child and the community. If the only argument in favour of a combined determination of delinquency and the disposition of the case, at one and the same time, is that it saves the court time, then this is not felt to be in the best interests of the child.

#### Juvenile Probation

Probation is of utmost importance. The probation officer should be a professionally trained person, and we believe the most appropriate training is in the field of social casework. The majority of probation officers throughout all areas at the present time are working valiantly against incredible odds. They are expected to prepare pre-sentence reports for the court, and to supervise a multitude of probationers, the numbers which vary with community situations. Probation officers are overworked to the point where they frequently see their probationers only once each month, and then only for a brief period of time. Also, we know that it is of primary importance that parents of children on probation be involved on a regular casework basis, as in most cases the child's problems stem from the home environment. Attempts at resolving the problem will be more effective if the problem is alleviated or minimized at the source, with the focus not solely being on the manifestation of the problem -- the child. To make this possible probation officers should have realistic caseloads. The National Probation and Parole Association ( now known as the National Council of Crime and Delinquency -- U.S.A.), has set standards for probation and supervision. It is recommended that if probation is to provide effective treatment, no officer should be asked to supervise more than twenty-five probationers. There should be a correspondingly fewer number

if he is expected to produce meaningful pre-sentence reports for the court. Comparative study might well be made as to the number of probationers that one officer can supervise in an urban area, and in a rural area. It is recognized that a probation officer in a rural center must allow a considerable portion of his time for travel.

Probation officers frequently occupy one man offices. These are scattered throughout the provinces. There is a lack of opportunity for regular case consultation with a competent casework supervisor. A properly qualified senior probation officer should be available to provide a high level of supervision for each junior officer. The quality of the services would be improved if regular case consultation with a highly trained experienced supervisor were available. The ideal casework supervisor for a probation officer would combine a wealth of theoretical knowledge and practical experience in the general field of corrections.

The crux of probation is the casework supervision. Professional supervision does not imply five minute interviews in a police office, or in a probation officer's car. In fact, it implies long interviews with a probationer, with his family, with school authorities, and other community resources. It is a painstaking job that must be done carefully.

#### Treatment Resources.

The probation services should be supported and supplemented by other related services. No child, because of geographical location of his home, should be denied access to a child guidance center, to a psychiatrist, to a psychologist, or other professionals in the field of corrections. These services should be readily available, so that if a child is found to be in a state of delinquency, and if a diagnosis is required prior to the disposition of the case, the probation officer may acquire the needed information at short notice. At the present time, in certain areas, there are waiting lists at Child Guidance centers. Too often diagnosis and prescribed forms of treatment cannot be implemented until after a wait of a considerable period of time. It seems manifestly unfair that a child before the court should be sent to a correctional institution because of the lack of resources in his home area. One of the most important resources is the foster home. The cost of keeping the child in a public institution is very high. A correspondingly large amount of money should be made available to the probation and welfare authorities for the provision of good foster homes in which the emotional and material needs of a delinquent child would be properly fulfilled. ~~Certain children cannot respond to treatment in~~ free society. They must be sent to correctional institutions. Correctional institutions should be small. Classification and diagnosis are integral to any rehabilitative institutional treatment program, and it is imperative that the diagnosis and therapy be carried out by professionally trained and qualified staff. On the basis of classification treatment should be prescribed. Adequate classification implies a

variety of treatment resources in small specialized institutions with populations of fifty or less. All institutions should be small enough that the superintendent can come to know each child intimately. Within each small institution there should be adequate means of segregation where the child might be placed in the program under the direction of supervisors who are best qualified to meet the individual rehabilitative needs of the child.

At no time should any child be released from a juvenile correctional institution on the basis of chronological age alone. Release should only be granted after the child has responded successfully to the treatment program to the point where he can benefit from continued treatment in the community. This treatment should be assured in any post-release plan. The child should not be turned out of the institution to fend for himself, but should be released under competent professional casework supervision, and provision should be made for his return to the institution if he does not respond to this supervision. It should be the duty of the supervisor, not only to help in the treatment of the individual but also work for the community acceptance of individuals released from juvenile correctional institutions.

There should be some authority with power vested in it, to decide when a child who has benefitted sufficiently from institutional treatment should be released to resume his activities as a citizen at large in the community. There would seem to be two alternatives. There could be a series of local or provincial boards, or one national board. The local boards would have the advantage of having an intimate knowledge of the local situation, whereas a national board would have the advantage of ensuring that every child in custody would receive equal consideration no matter in what part of Canada he was detained for treatment. No matter where the child is detained, provision should be made for periodic reviews of the cases of every child in custody. A precedent in this type of situation seems to have been established with the appointment of the National Parole Board which has the responsibility of paroling adults who have committed offences against the laws of Canada, and who are detained in provincial correctional institutions. The parallel is not exact, for the adult is normally released at the expiration of sentence from a provincial jail whereas, we believe, a child should receive an indeterminate sentence with no fixed release date and should only be released when he has responded to treatment.

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The points raised in this brief are summarized in the following recommendations:

RECOMMENDATIONS:

1. It is recommended that a program of public education be carried out on a national level, designed to teach the basic principles of mental health and to reach that segment of the public which has the greatest need for such education.
2. It is recommended that the community groups serving the interests of youth have made available to them, information concerning, not only the detection of children with social problems, but also methods of dealing with minor problems, and methods of referral of children to appropriate professional services.
3. It is recommended that the Federal Government continue its present program of financial assistance to the training of professionals in the field of social work and allied professions, so that personnel will be available to treat children in need, and that Provincial Governments, where appropriate, establish schools of Social Work, to provide facilities for training.
4. It is recommended that there be a uniform legal definition of the term 'juvenile' applicable to males and females in all provinces and territories of Canada.
5. It is the opinion of the majority of the group, that a juvenile be defined in all provinces as a person actually or apparently under the age of 18.
6. It is recommended that the provisions of Section 9 of the Juvenile Delinquents Act be left much as in the present Act, so that a child may be transferred to adult court if this is deemed to be in the best interests of the child and the community.
7. It is recommended that the provisions of the Juvenile Delinquent's Act relating to fines be re-examined.
8. It is recommended that the parents of a child who is to appear in a court must be notified of the juvenile courts hearing in all cases, even though a transfer to police court is contemplated. If this is not done the trial should be declared null and void.
9. It is recommended that the findings of the federal specialists in juvenile delinquency be made available to the R.C.M.P., Provincial, City, Municipal, Town and Village Police courses for initial and in-service training in the prevention and treatment of juvenile delinquency.
10. It is recommended that juvenile court judges be carefully selected for a combination of legal knowledge and insight into the needs of children, that they be well paid, and that they be treated as a court of appropriate status in fact as well as in law.
11. It is recommended that the possibility of enabling legislation be considered which would provide for the setting up of provincial youth authorities to prescribe treatment for children found by the court to be in a state of delinquency.

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12. It is recommended that an appropriate program be encouraged in detention homes, so that the child profits by the experience of detention, and does not become more hostile and aggressive while being held in detention for diagnostic purposes only.

Recommendations (Cont'd)

13. It is recommended that the Federal Government encourage the expansion of juvenile probation services.
14. It is recommended that the Federal Government assist the provinces in promoting higher standards of professional service on the part of correctional officers through conditional grants in aid to correctional practitioners, in order that they might obtain training in the field of social work.
15. It is recommended that the Federal Government consider using its facilities (such as the penitentiary staff training college) for giving refresher courses to juvenile court judges and probation officers.
16. It is recommended that the Federal Government encourage the establishment of ancillary treatment services to back up the court and probation officers (such as Child Guidance Centers).
17. It is recommended that children committed to juvenile institutions be subject to diagnostic classification, sent to institutions designed to meet their individual rehabilitative needs, provided with the necessary treatment, and be released only when the child has obtained sufficient benefit from treatment to live a relatively normal life in the community.
18. It is recommended that juvenile institutions be kept very small in the order of fifty children or less, and there be a high staff-to-child ratio.
19. It is recommended that consideration be given to establishing a uniform release procedure, applicable to all juvenile institutions in Canada, so that the child may only be released from a correctional institution when he has responded to the treatment provided, so that equal consideration will be given to every child no matter where he happens to be detained in Canada.

Respectfully submitted,

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Chairman  
Delinquency Prevention and  
Control Study Group.