

1960 *Juvenile Courts*  
SEPT.

18

Study of

THE JUVENILE COURT

AND

ITS ATTENDANT SERVICES

conducted by

The Youth Services Division

of the

Edmonton Council of Community Services

Considered and accepted  
by the  
Youth Services Executive  
on September 21, 1960.

EDMONTON COUNCIL OF COMMUNITY SERVICES

YOUTH SERVICES DIVISION

JUVENILE AND FAMILY COURT STUDY

BACKGROUND OF STUDY -- In January of 1959, a study was completed by a special committee appointed by the Youth Services Executive of the Edmonton Council of Community Services to determine if there was a need for a Society for the Prevention of Cruelty to Children. As a result of its investigations, the committee reported that protection services and legislation were adequate if used by an informed public.

This was the main finding of the Committee. However, during the course of the study, the Committee was informed of a number of questions and problems not specifically related to the adequacy of protection services, but pertaining to the welfare of children. These were listed in a supplementary report for consideration by the Youth Services Executive Committee.

Part of the supplementary report concerned the physical separation of the Juvenile and Family Court and the City Probation and Family Court counselling staff. The Special Committee questioned the effectiveness of the above arrangement by suggesting that:

1. Where there is divided jurisdiction there is danger that the child and family will suffer;
2. Where the Family Court counsellor is not attached to the Court his authority is limited and his work will suffer as a consequence.

The Committee recommended that this question receive further investigation.

In acting on this proposal, the Youth Services Executive decided that before taking any further action it would be helpful to convene a meeting with representatives of the Attorney General's Department, the City Welfare Department, the Law Society, the Family Service Bureau, and the Juvenile and Family Court to discuss the question. Such a meeting was held on Thursday, May 14, 1959.

Those attending the meeting agreed that physical separation of the City staff from the Court was undesirable though explainable in the light of past developments. However, they saw a need for an evaluation of how the present system is working. It was recommended to the Youth Services Executive that a study be undertaken of "The True Nature and Function of the Juvenile and Family Court and Its Attendant Services."

The Youth Services Executive accepted this recommendation and appointed one of its members, Rev. Walter Fitzgerald, to serve as chairman of such a study. Invitations to name representatives to serve on the study committee were sent to: the Attorney General's Department; the Department of Public Welfare; the Law Society of Alberta; the Edmonton Family Service Bureau; the City of Edmonton; the Edmonton City Police. Chief Constable Anthony did not consider it would be advisable for a representative of the Police Department to serve on the committee, but instructed Sgt. of Detectives S.G. Hooper to render all possible assistance to the Committee. The other bodies named appointed individuals to serve on the Committee.

Juvenile and Family Court Study - Page 2

PROCEDURE - The procedure adopted for the study was that of tracing the typical case of a juvenile delinquent through its various stages from the laying of the complaint and first contact with the police to the final disposition of the case in court. Ten meetings of the Committee were held, one of which was devoted to a visit to the Good Shepherd Home and a discussion with the Sisters of their work with delinquent girls who are placed there prior to a court appearance. In addition Judge Bisset was present at one meeting to describe and discuss the work of the Juvenile Court.

Following the meetings of the Committee, the chairman and secretary prepared a draft report which was considered at two further meetings of the Committee.

During the consideration of the draft report, several members of the Committee noted that they were appointed representatives of their organization and were not serving as private individuals. They questioned if they were in a position to lend their names to a report that had not first been considered by the bodies they represented. It was agreed this was a valid concern. Accordingly, a special Committee was appointed consisting of individuals not directly concerned with delinquency services to prepare a final report for presentation to the Youth Services Executive of the Edmonton Council of Community Services. This report, therefore, while based on the proceedings of the full Committee is presented only in the name of the Special Committee and does not necessarily reflect the opinions of the members of the full Committee. The members of the Special Committee were: Father W. Fitzgerald; Mr. W.B. Dockrell; Mr. Merrill McDonald and Mr. D. Critchley.

Members of the Study Committee were: Rev. W. Fitzgerald, chairman (Youth Services Executive); Mr. E.S. Bishop (City Welfare Department); Mr. Jackson N. Willis (Edmonton Family Service Bureau); Mr. J.C. Cavanaugh (The Law Society of Alberta); Mr. G.L. McPherson (Juvenile Offenders Branch); Mr. John E. Ward (Provincial Child Welfare Department); Mr. W.B. Dockrell (of the Faculty of Education, University of Alberta, but serving in an individual capacity); Mr. D. Critchley, secretary (Youth Services Division). In addition Mr. A. Dorosh (City Welfare Department), Mr. Fred Klette and Mr. Merrill McDonald (Edmonton Family Service Bureau), attended many meetings of the committee as replacements for Mr. Bishop and Mr. Willis when they were unable to attend.

At this point, it is noted that the Study Committee was charged with the responsibility of studying the Family Court as well as the Juvenile Court. Unfortunately, the Committee has found that the study of the Juvenile Court has occupied considerable time and it has not been possible to consider the Family Court. It is felt it would not be advisable further to prolong the study by attempting to examine the Family Court at this time. It may well be, however, that any of the comments concerning the separation of the staff of the Juvenile Court and the City Probation Department are pertinent to the Family Court.

The Special Committee would like to express sincere appreciation to the members of the Study Committee for the considerable time they devoted to the study and for the valuable contribution they made. In addition, thanks are due to the Sisters of the Good Shepherd Home and to Judge Bisset for their cooperation and help.

The findings and recommendations of the Special Committee are presented under three major headings:

- 1) Separation of Juvenile Court and City Probation Staff.
- 2) Attendant services
- 3) Related problems and questions

For purposes of convenience the recommendations have been extracted from the body of the report and follow herewith.

RECOMMENDATIONS

1. That a Juvenile Court Committee be formed with the following functions: the gathering, interpretation and dissemination of information on the incidence of delinquency in Edmonton; the appraisal of treatment measures; and the development of a coordinated and unified philosophy and approach to the delinquent.

2. That there be a Juvenile Court and a Juvenile Court judge with sole responsibility for Edmonton; that the Probation Section of the City Welfare Department should serve such a Court and, furthermore, that the Probation Section and the Court should be housed in the same facility.

3. That the staff of the Provincial Guidance Clinic be increased sufficiently to permit it more adequately to serve the Juvenile Court or, if this is not possible, that the Juvenile Court have diagnostic and treatment services of its own.

4. That an experimental group home be established in Edmonton and that the Attorney General's Department convene a meeting to explore this recommendation further and to discuss possible means of its implementation.

5. That a training school be established in Alberta and that the Youth Services Executive explore this recommendation further with the Attorney General's Department.

6. That children should only be admitted to a detention home for the following reasons:

- a) Serious offences where it would be dangerous for the child to be at large.
- b) In those cases where it is suspected the child would run away.
- c) For the child's own protection (for example, where the parents refuse to accept or would abuse the child.)

7. That pre-sentence social histories of delinquents only be read after guilt has been determined.

8. That in the pre-sentence investigation every effort be made to obtain as much information from all persons and resources having contact with the child as possible. This would include such areas as the detention home, the school, the home, recreation organizations, the church and the Guidance Clinic.

9. That there is considerable merit in the suggestion that more use be made of restitution and that this question be discussed by the Juvenile Court Committee if such is established.

10. That every care be taken to impress on the juvenile the seriousness of a Court appearance and of probation and its responsibilities.

11. That the Juvenile Court judge define the terms and responsibilities of probation and require progress reports from the probation officer.

12. That the procedure for charging a juvenile receive further investigation and discussion by the Juvenile Court Committee if such is established.

13. That in principle the first investigation of the juvenile should be related to the home, or where it is essential that contact be made with the juvenile while he is in school, the principal might be asked to detain the juvenile concerned after school. The Committee recommends that this question be considered by the Juvenile Court Committee if such is established.

14. That adequate research and statistical resources should be available to the Juvenile Court and are essential but that such resources are at the present time limited. This responsibility should be undertaken by the Juvenile Court Committee if such is established.

15. That both revision and clarification of philosophy and intent of the juvenile delinquent's act are essential and that this report be sent to the Canadian Corrections Association under the heading confidential with support being given for the efforts of the Association in this regard.

16. That if a Juvenile Court Committee is created it concern itself with the question of the nature and function of a Juvenile Court and thus help to develop a defined approach to the treatment of the juvenile delinquent.

17. That if a Juvenile Court Committee is established it concern itself with the adequacy of measures designed to prevent juvenile delinquency.

#### SEPARATION OF JUVENILE COURT AND CITY PROBATION STAFF

Existing Arrangements - The Juvenile Court is a Provincial responsibility and in addition to the juvenile court judge is staffed by: 1) the chief probation officer, 2) a senior probation officer, 3) an intake worker, 4) clerical staff.

Probation for Edmonton children is undertaken by the Probation Section of the City Welfare Department. The Probation Section employs a Probation supervisor and male and female probation officers. The staff of the City Welfare Department has its offices in the City Hall and is thus separated from the Juvenile Court facilities.

Comments on Existing Arrangements - During the deliberations of the Study Committee, the following comments were made concerning the arrangement whereby probation for Edmonton children is separated from the Juvenile Court physically and administratively. In support of the existing arrangement, it was suggested that: 1) many of the children placed on probation already are known to the City Welfare Department. The Probation Section by being part of the City Welfare Department is able to prevent duplication and to pool information about the child. It was suggested it would be more difficult for this to happen if the probation staff were administratively a part of the Juvenile Court and were housed in the same facility as the court.

Juvenile and Family Court Study - Page 5

2) At the present time it would not be possible to house the City Probation Staff in the Juvenile Court facility because of a lack of space.

3) At one time the City Probation staff had been located in the Court Building, but this had resulted in problems of supervision.

Arguments advanced against the existing arrangement were that:

1) Separation of staff administratively and their location in separate buildings, tends to promote divided loyalties and different approaches to the juvenile.

2) It would be helpful if the juvenile delinquent reported to a probation officer who was obviously a part of the court structure by being housed in the same facilities. This would serve to remind the child that the probation officer is a representative and has the authority of the court.

3) It makes it difficult to carry out a unified and consistent approach to the juvenile.

The special committee found little evidence to suggest that in itself any major problems are caused by the present arrangement whereby the probation staff is physically and administratively separated from the Court. However, when viewed in the context of all the services for delinquents in Edmonton, this separation appears to be part of a pattern that makes coordination and the development of a unified and consistent approach to the delinquent difficult. (see chart at the end of this report). Thus the Boys' Detention Home is administered by the City Welfare Department, the Good Shepherd Home is a private agency, the Guidance Clinic is the responsibility of the Provincial Health Department, and the Juvenile Court is the responsibility of the Attorney General's Department.

After considering the many aspects of this problem, the special committee believes that the present arrangement makes it difficult to develop a coordinated and defined approach to the juvenile delinquent. It is of the opinion that such an approach is essential if the interests of the delinquent and the community are to be served and effective rehabilitation accomplished.

The special committee found much to suggest that at the present time there is considerable lack of information concerning the extent of the problem of delinquency in Edmonton as well as concerning the effectiveness of remedial measures. It would also seem that there could be improvement in communication between community services concerned directly or indirectly with the delinquent.

In considering possible improvements, the special committee has tried to take into account the existing situation and services in Edmonton. It believes that the following recommendations could be effected without too much difficulty and would represent a logical and positive development of present practice.

In section 27 of the Juvenile Delinquent's Act it is stated that: "there shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as the Juvenile Court Committee." In section 28 of the Act the duties of the committee are set forth as follows: "... to meet as often as may be necessary and consult with the probation officers with regard to juvenile delinquents, to offer, through the probation officers and otherwise, advice to the

Court as to the best mode of dealing with such delinquents, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents."

Recommendation 1 The special committee believes that the creation of a Juvenile Court committee would be a most helpful step and recommends that such a committee be created. Since many trained persons are presently working with delinquents in Edmonton, the special committee believes that the Juvenile Court committee would not be most productively occupied if it were as directly involved in the consideration and treatment of individual delinquents as is suggested in section 28 of the Juvenile Delinquent's Act. The special committee would see as more appropriate functions of the Juvenile Court committee the gathering, interpretation, and dissemination of information on the incidence of delinquency in Edmonton; the appraisal of treatment measures; and the development of a coordinated and unified philosophy and approach to the delinquent. The special committee believes it would be highly desirable if the judge of the Juvenile Court and the supervisor of the Probation Section of the City Welfare Department sat in an advisory capacity with the Juvenile Court Committee.

Recommendation 2 The special committee believes that Edmonton has now grown to the point where it would be desirable to have a Juvenile Court and judge appointed with sole responsibility for Edmonton and would so recommend. It is of the opinion that the Probation Section of the City Welfare Department should serve such a Court and furthermore that the Probation Section and the Court should be housed in the same facility. If this recommendation were effected, the special committee is of the opinion that it would avoid some of the duplication that appears to exist under the existing arrangement whereby the Juvenile Court has a chief probation officer and a senior probation officer in addition to the probation section of the City Welfare Department.

#### ATTENDANT SERVICES

Facilities for Differential Treatment - It became apparent during the deliberations of the study committee that many different types of children come to the attention of the police and the Juvenile Court. There are those whose behaviour can perhaps best be described as mischievous and who can be expected to cause little further trouble following either a warning from the police or an appearance in Juvenile Court. There are, however, many children whose behaviour is disruptive and often symptomatic of considerable disturbance. It should be apparent that no one treatment procedure will be able adequately to serve this latter category of child.

In spite of this fact, the attendant services at the disposal of the Juvenile Court are extremely limited and in many cases overburdened. The special committee believes that if a Juvenile Court is really to be effective it must have a variety of treatment services at its disposal. The following comments and recommendations are made in the hope that they will suggest ways in which the delinquent can be more effectively served.

Diagnostic Services - Throughout the deliberations of the study committee, attention was drawn to the fact that at the present time there is a long waiting list at the Provincial Guidance Clinic. It would appear it is possible to use the diagnostic services of the Clinic if one is able to wait a month. The waiting period for therapy (except in extreme cases) is much longer. There would seem to be a general feeling on the part of professional workers as well as the public that there is little point in expecting treatment services from the Guidance Clinic; many seemed equally discouraged concerning diagnostic services. It is to be noted that the Provincial Guidance Clinic in Edmonton is responsible for serving not only Edmonton but the Northern area of Alberta.

The special committee believes the following quotations are pertinent:

"A Child Guidance Clinic staffed by psychiatrists, psychologists, and specially qualified social workers, is one of the special services that should be at the command of the Juvenile Court if the need does not justify operation of a clinic by the Court itself. A skilled, painstaking study of the social history, personality, physical condition, ability, and handicaps of the individual delinquent is absolutely necessary for intelligent treatment." (Your Town Against Delinquency, Canadian Welfare Council, page 19)."

"At the very least the Court requires a good probation staff and necessary clinical facilities - and well-equipped quarters to work in. In addition, certain supplementary services are needed - those best provided by family and children's casework agencies, by mental health clinics, by Child Guidance Clinics." (Helping Delinquent Children, U.S. Department of Health, Education and Welfare, page 26.)"

"Every children's court needs facilities for psychiatric study, which should include physical and mental examination and study by a psychiatrist to probe skilfully into the deeper causes of the child's behaviour. We are learning more and more, the profound significance of physical, mental and emotional deviations, all of which should be carefully investigated in a scientific study of the individual. A psychiatric clinic which serves the court has become standard equipment in many cities." (The Juvenile Court Steps In, National Probation and Parole Association, page 13.)"

"Well intentioned staffs request the guidance of psychiatric hospitals, court clinics or other facilities. They review the analysis and report and, in good faith, arrange dispositions which they consider to be appropriate implementation of the recommendations . . . . Yet when the matter is explored in other context, those that know the facilities (recommended) and are qualified to judge, are often close to unanimous in their agreement that the treatment needs of clients cannot be met."  
(A.J. Kahn, For Children in Trouble, Citizen's Committee for Children).

In order for a Juvenile Court to make a proper assessment and effect a constructive disposition of certain cases coming to its attention, the special committee believes it is essential that the Court must be assured not only of adequate diagnostic but also treatment facilities. It appears that the Juvenile Court does not have assurance of such at the present time.

Recommendation 3 That the staff of the Provincial Guidance Clinic be increased sufficiently to permit it more adequately to serve the Juvenile Court or, if this is not possible, the Court should have diagnostic and treatment services of its own.

Group Homes - Many children, both delinquent and/or neglected, betray behaviour which suggests they cannot make a satisfactory adjustment at home or in foster or adoptive homes, but at the same time the behaviour is not such as to warrant the children being placed in an institution such as Bowden or the Alberta Institute for Girls. Also, existing children's institutions would not seem to be able to cope adequately with such children.

In connection with an institution such as Bowden, it appears that children are usually committed after every other approach has failed (often many times), and



because there is no other institutional setting to which they can be sent for help. Bowden, however, is often not equipped by staff or purpose to deal with some of the children it receives.

Of course this is not a situation peculiar to Edmonton as the following quotation indicates.

"At the present time most of the delinquent boys and girls in our training schools were sent there as a last resort. Juvenile Court judges are being forced to send children to these schools - without regard for their needs - simply because of the lack of probation service, clinical facilities and other such resources in our community." (Helping Delinquent Children, U.S. Department of Health, Education and Welfare, page 28).

The special committee believes that the lack of facilities that will permit differential treatment of the juvenile is one of the major gaps in existing services. In many other cities, group homes have been established for the inbetween category of child who does not appear to be ready for the freedom of probation and yet does not require training school commitment. It appears that the group home which caters to a small group of children can, if adequately staffed, be a most effective resource. It also has the added advantage of being able to accept children on the basis of behaviour disturbance rather than solely for having committed a delinquency. Thus, it is a resource that can be used by bodies such as the Provincial and City Welfare Departments as well as the Juvenile Court. In some cities, group homes are established by public authorities while others are under private auspices.

Recommendation 4 The special committee recommends that an experimental group home be established in Edmonton and suggests that the Attorney General's Department convene a meeting to explore this recommendation further and to discuss possible means of its implementation.

Training School - The special committee notes that Bowden Institute is not classified as a training school. Its knowledge of Bowden Institute suggests that this is a wise distinction in that Bowden does not have the resources of the usual training school. The special committee believes, however, that a training school is an essential resource.

Recommendation 5 The special committee recommends that a training school be established in Alberta and that the Youth Services Executive explore this recommendation with the Attorney General's Department.

#### RELATED PROBLEMS

Pre-sentence Detention - The special committee learned that the facilities of the Detention Home are often overburdened. It is believed that the following recommendations would not only be consistent with good standards of detention practice, but would also tend to relieve pressure on Detention facilities in that a number of children who are now placed in detention prior to a Court appearance would await Court appearance in their own homes. The special committee strongly believes that detention prior to Court appearance is justified only in extreme cases and it is of the opinion that harm can be caused to the child who is placed in detention for reason other than those defined in the recommendations.

The special committee notes the following statements:

"Before a child is admitted to a detention facility the intake service of the Probation Department should hold initial interviews to determine whether release to parents or guardian is possible so that unnecessary overnight detention may be avoided. Intake policies and procedure should be incorporated in rules of the Court." (Standards and Guides for the Detention of Children and Youth)

"Children apprehended for delinquency should be detained for the Juvenile Court when, after proper intake interviews, it appears that casework by a probation officer would not enable the parents to maintain custody and control, or would not enable the child to control his own behaviour. Such children fall into the following groups: a) children who are almost certain to run away during the period the court is studying their case ... b) children who are almost certain to commit an offence dangerous to themselves or to the community .... c) children who must be held for another jurisdiction; e.g. parole violators, runaways from institutions ..." (Standard Juvenile Court Act), National Probation and Parole Association Journal, October 1959, page 361).

Recommendation 6 The special committee recommends that children should only be admitted to a detention home for the following reasons:

- 1) Serious offences where it would be dangerous for the child to be at large.
- 2) In those cases where it is suspected the child would run away.
- 3) For the child's own protection (e.g. where the parents refuse to accept or would abuse the child.)

Court Procedure - There was considerable discussion of the fact that the Juvenile Court judge under present practice is able to read the social history that is prepared by the probation officer previous to guilt being determined. It was pointed out that in England it was against the law for the judge to see such a history before guilt has been established. It was asked if there would not be a danger that some magistrates would be adversely influenced if they saw the report beforehand. This might be particularly true of rural magistrates who often have no legal background. It was thought it might be possible for the social history to be prepared beforehand, but for the judge to wait until guilt had been determined before reading the history.

In answer to these opinions, it was suggested that a juvenile court judge could be just as adversely influenced by the fact he had seen the juvenile on previous occasions in court and therefore might have a negative attitude toward him.

While the special committee feels there is much to be said for both points of view, it is of the opinion that every care should be taken to ensure that the legal rights of the child are protected and that, consistent with the responsibility of the court acting in the best interests of the child, care should be taken that due process of law is not violated.

Recommendation 7 The special committee believed there is much to recommend the suggestion that pre-sentence social histories only be read after guilt has been determined. It is recognized this might well add to the problem of the Juvenile Court that is already overburdened with a waiting list of cases, but in this case feels the principle is sufficiently important that it should take precedence over expediency.

Pre-Sentence Investigations - The Probation Section of the City Welfare Department is responsible for providing the Juvenile Court with information concerning the delinquents brought before it from Edmonton. It would appear that in addition to information concerning the home, the main other resources used to gain a better knowledge of the child are the school and the Guidance Clinic. While differences of opinion seemed to exist concerning how intensive pre-sentence investigations should be, the special committee believes that if a juvenile court appearance is justified there should be as full a preliminary investigation as possible. With such an investigation, there would undoubtedly be in some cases an earlier detection of behaviour or problems symptomatic of more serious disturbances.

While not suggesting that the following example of practice in another city would necessarily be appropriate for Edmonton, the special committee believes it serves to illustrate the importance attached to pre-sentence investigation.

"...We have incorporated a process for study and investigation into two parts, essentially as follows: a child who is referred to court has an intensive screening casework interview with a counsellor. The offence, attitude of everyone concerned, and potential for rehabilitation are looked at. Circumstances may indicate commitment, complete release or need for further study. If study is indicated, the judge sets a date for a re-hearing, usually in three months.

In most instances the child is allowed to be home during the three months. A trained worker helps the child and family decide which direction the study shall take. At the end psychological study will have been made, school reports will be in, and the child will have had an opportunity to demonstrate his capacity for change." (The Importance of Pre-Trial Investigation and Study, Child Welfare, June 1959, page 29).

Recommendation 8 The special committee is of the opinion that the resources of the probation section of the City Welfare Department limit the intensiveness of the pre-sentence investigation that can be undertaken. It is believed, however, that every effort should be made to obtain as much information from all persons and resources having contact with the child as possible. This would include such areas as the detention home, the school, the home, recreation organizations, the church and the Guidance Clinic.

Restitution - During the deliberations of the total committee, it was suggested that more use might be made of restitution with beneficial results.

Recommendation 9 The committee believes there is considerable merit in this suggestion and believes it is the type of question that a Juvenile Court Committee could profitably discuss if it were established.

Attitudes of Some Juveniles to the Juvenile Court and Probation - It was suggested to the committee that some juveniles consider the Juvenile Court and probation to be a "soft go".

Recommendation 10 While the special committee does not know the extent of such attitudes, it believes every care should be taken to impress upon the juvenile the seriousness of a court appearance and of probation and its responsibilities.

Accountability and Terms of Probation: Discussions held by the Study Committee suggest that varying attitudes exist concerning the responsibilities of a juvenile court judge and a probation officer. Practice would seem to differ not only in Alberta but throughout the North American continent. Thus, some juvenile court judges define the conditions of probation and stress accountability of the probationer and the probation officer to the judge; others prefer to leave this responsibility to the probation officer believing he is better equipped to determine the most appropriate approach to the probationer.

While recognizing there is much to be said for both points of view, the special committee tends to favour the approach whereby the juvenile court judge assumes the major responsibility (albeit with the benefit of the report and recommendations of the probation officer, the Guidance Clinic, etc.). The special committee believes this would:

1. stress for the probationer the fact that the probation officer is an agent of and responsible to the court thus reinforcing his authority and discouraging any tendency to treat probation lightly; and
2. by requiring progress reports from the probation officer, a careful check would be kept on whether the probationer is benefitting from probation;

Recommendation 11 That the juvenile court judge define the terms and responsibilities of probation and require progress reports from the probation officer.

Charging a Juvenile - The special committee discussed at some length the standards that are used to determine if a juvenile is to be charged. It appears there is some difference of opinion concerning when it is appropriate that a juvenile be charged and thus appear in Juvenile Court. It was agreed it would not be realistic to charge every juvenile who commits an offence, but that it would be helpful to have an agreed upon basis for determining whether a child should appear in court. If such an agreement does not exist between the various services concerned with the juvenile, the special committee believes there is a danger of antagonism and differing approaches developing.

Recommendation 12 The special committee believes this question is of sufficient importance to merit further investigation and discussion. It is recommended that the Juvenile Court Committee, if such is established, could investigate this problem further.

Juvenile Investigation - It was pointed out that after a complaint has been laid very often the first contact the officers of the Juvenile Investigation Branch of the Police Department have with the child is through the school. Several problems seem to be involved here. Concern was expressed that when a child is removed from his classroom or school setting all the other children are aware of this fact. Does this not violate the child's right under the Juvenile Delinquent's Act to secrecy? It was also pointed out that not infrequently a child is questioned about an offence concerning which he may have knowledge but in which he was not involved. It was suggested this can result in the child being labelled a delinquent by his classmates.

In justification of the existing procedure it was pointed out that if too much time elapses between the commission of the delinquency and the apprehension

of the juvenile, it allows opportunity to dispose of evidence or construct an alibi. It was indicated that any other procedure might well require additional staff for the Juvenile Investigation Department.

Recommendation 13 The special committee believes that improvements could be effected in the existing procedure. It would suggest that:

1. In principle the first investigation of the juvenile should be related to the home.
2. Where it is essential that contact be made with the juvenile while he is in school, the principal might be asked to detain the juvenile concerned after school.

The committee recommends that this question be considered by the Juvenile Court Committee if such is established.

Statistics - While the special committee recognizes there is considerable debate concerning the validity of delinquency statistics, most authorities accept the importance of a Juvenile Court having adequate statistics and research resources at its disposal. As has been noted earlier in the report, few persons in Edmonton or Alberta appear to be informed concerning the actual extent of the delinquency problem or of the effectiveness of remedial measures. In this connection, the Special Committee endorses the following quotation:

"A record and statistical system is necessary for every good court .... A statistical plan for the Court which will indicate the extent and location of delinquent groups in the community is necessary. Such statistics permit the Court to analyze its successes and failures and change its methods accordingly. An annual report which combines the statistics of the work of the Court with interpretative and illustrative material should be issued by every Court. Attention can thus be called to delinquent areas and sore spots in the community which need special attention." (The Juvenile Court Steps In, National Probation and Parole Association, page 14)

Recommendation 14 The special committee believes that at the present time the research and statistical resources available to the Court are limited but that such are essential. It sees this as another responsibility that should be undertaken by a Juvenile Court Committee.

Nature of a Juvenile Court It has been evident during the deliberations of the study group that various conceptions exist concerning the nature and function of a Juvenile Court. Information from other provinces in Canada and from the United States indicates that this is a fairly widespread problem. There is the conception of the Juvenile Court as a legal body with a major function that of determining guilt and adjudicating accordingly. Others see the Court as a socio-legal body, almost a social agency, where stress is placed on the individual child and his needs with the Court and its services shaped according to the particular situation.

Those supporting the first or legal conception are concerned that the legal rights of the child be protected and suggest that the socio-legal court often violates these rights. Some believe the socio-legal court is too informal and its application of the conception of the delinquent as being one in need of help tends

to "softness" and does not place sufficient stress on authority and discipline. They believe that stress is placed on the responsibility of the Court, but that the responsibility of the child is often overlooked.

Those favouring the socio-legal approach suggest that the "legal" court often lacks individualization and is overly concerned with legalities to the detriment of some children. They believe that the socio-legal approach is more in keeping with the spirit of the Juvenile Delinquent's Act.

The special committee does not believe this is a matter which can be solved by taking sides. It is convinced, however, that there is need for and often a lack of an integrated, coordinated, and agreed upon approach to the delinquent.

Recommendation 15 The special committee notes there is a committee of the Canadian Corrections Association concerned with possible revisions of the Juvenile Delinquent's Act. The special committee believes that both revision and clarification of philosophy and intent are essential. It recommends that this report be sent to the Canadian Corrections Association under the heading confidential with support being given for the efforts of the Association.

Recommendation 16 The special committee also recommends that the Juvenile Court Committee if such is established should concern itself with the question of the nature and function of a Juvenile Court and thus help to develop a defined approach to the treatment of the delinquent.

#### PREVENTION OF JUVENILE DELINQUENCY

On several occasions during the deliberations of the committee, concern was expressed that inadequate attention is being given to the prevention of juvenile delinquency. It was suggested that few services are equipped to serve the pre-delinquent or to deal with problems that often contribute to delinquencies such as family conflict and breakdown.

Recommendation 17 Although the committee was not able to give this question the consideration it deserves, it recommends that if a Juvenile Court Committee is established, it concern itself with the adequacy of measures designed to prevent juvenile delinquency.

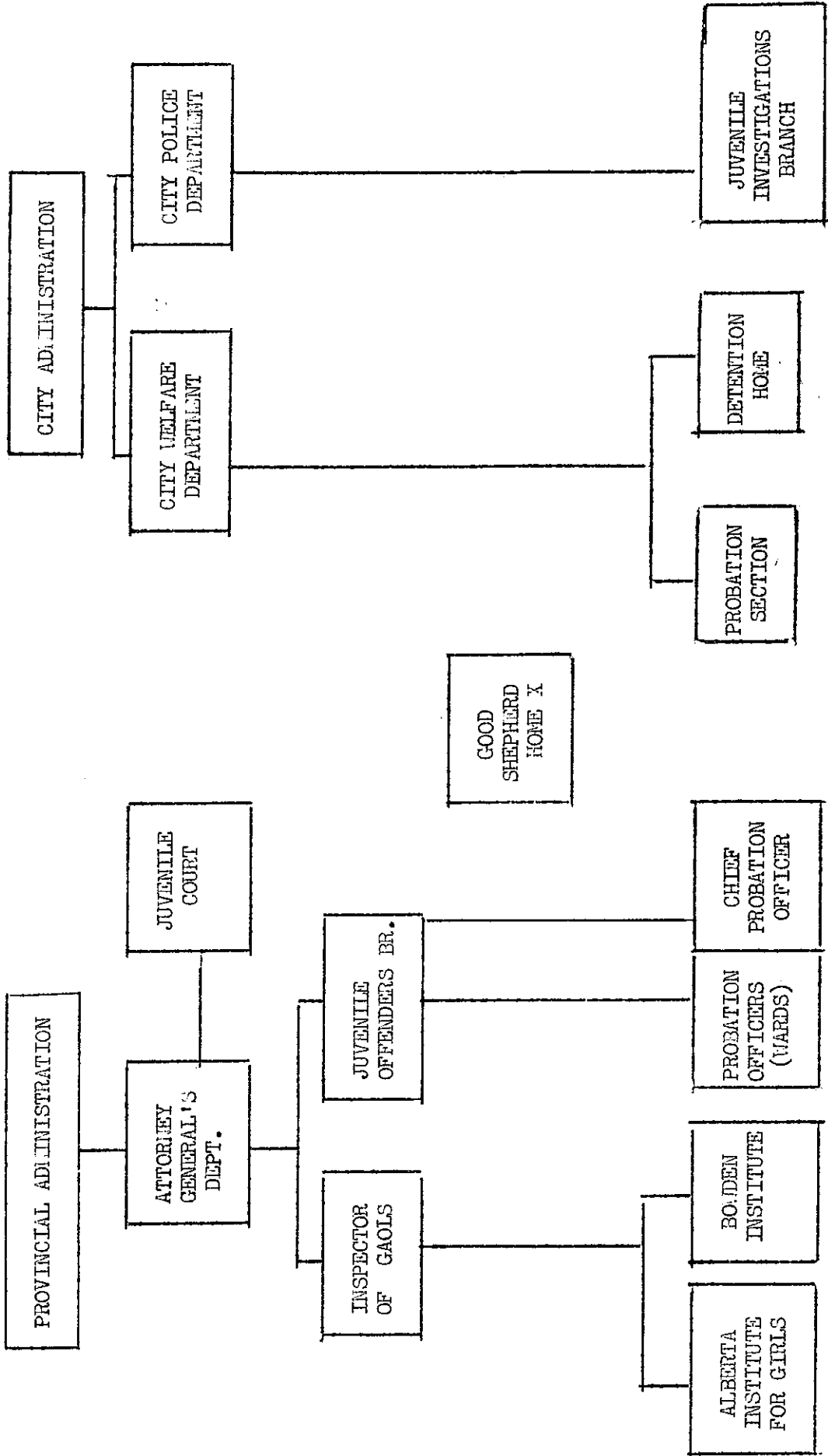
#### CONCLUSION

Throughout the deliberations of the study committee, the special committee has been most impressed with the evident sincerity and dedication of those working with or concerned about the problem of juvenile delinquency. The special committee is aware of the good work being done with what is often very meagre resources.

The Special Committee trusts this report will not be accepted as a dogmatic effort to solve the problem of delinquency, but will rather serve to stimulate discussion of ways in which existing practice and services can be further strengthened and improved.

Respectfully submitted by  
Rev. W. Fitzgerald, chairman  
D.B. Dockrell  
Merril McDonald

ADMINISTRATIVE CHART OF DELINQUENCY SERVICES



X USED BY THE CITY OF EDMONTON AS  
A DETENTION HOME FOR GIRLS.