Osgoode Hall Law Journal

Volume 2, Number 3 (April 1962)

Article 6

Correction Facilities for the Juvenile Offender: A Comparison of Ontario and the U.K.

Jack M. Stitt

Correction Facilities for the Juvenile Offender — a Comparison of Ontario and the U.K.

JACK M. STITT*

I. THE PROBLEM AND ITS GROWTH

"Juvenile Delinquency is the Cause of Some Alarm" . . . "Juvenile Delinquency is on the Rise" . . . "more Juveniles than Adults Arrested To-day". These are but a few of the many thought-provoking headlines that screamed out at us during 1961 from our local newspapers. Recently from the State of Washington came this desperation headline "Will Publish Names in Some Cases."

The enormity of the juvenile delinquency problem now facing us is illustrated in the following chart which indicates the trend over the three year period ending in 1961 for Metropolitan Toronto.[1]

Year	Number of offenders before the court	Increase in numbers from previous year	% Increase from previous year	Number of offences committed	Increase in numbers from previous year	% increase from previous year
1959	1987	—	—	2380	—	—
1960	2785	798	40%	4207	1827	77%
1961	3564	779	28%	5769	1562	37%

These figures represent a total increase over the two years of 79% in the number of offenders and 142% in the number of offences committed.

Of the 2,785 children who appeared before the Juvenile Court in 1960, about 44% had their cases adjourned sine die.[2] A further 25%[3] had their case adjourned sine die, but were put under the supervision of the court through probation officers, who may be appointed by the court under Section 29 of the Juvenile Delinquents Act.[4] Another 11% had their case adjourned sine die and were put

---

* Mr. Stitt is in the third year at Osgoode Hall Law School.

1 Figures obtained from Mr. J. Rose, Clerk of the Court for Metropolitan Toronto Juvenile and Family Court.

2 In 1,221 cases (1,077 boys and 144 girls) no conviction was registered against the child, even though the child entered a plea of guilty or was so found by the court, the judge allowing the offender to return to his parents, or foster home or other place of residence, without imposing any type of penalty.

3 709 offenders, 602 boys and 107 girls.

4 R.S.C. 1952, c. 160.

under the supervision of some other person or organization, such as the Big Brother or Big Sister organizations. In about 4% of appearances, the court ordered the convicted offender to pay a fine. This fine, which may be payable on the instalment plan, is generally very nominal and the court hopes that the juvenile offender, himself, will pay it, even if the parents pay the fine initially and then deduct it from any allowances the offender might be in the habit of receiving. About 6% of the cases were dismissed in court, and in 4% of the cases the charge was withdrawn. Most noteworthy is that 179 offenders, 138 boys and 41 girls, were sent to Provincial Training Schools. That is, in about 6% of the cases the court felt that all other treatment and care available to it would not be adequate to help, guide or properly supervise the offender and as a last resort, a committal to a training school was the only alternative open. The significance of this statement will form the basis for the major discussion in this article. It is interesting to note that though Section 9(1) of the Juvenile Delinquents Act permits the court in its discretion, on an indictable offence, to order the child to be proceeded against by indictments in the ordinary courts in accordance with the provisions of the Criminal Code in that behalf, no use was made of the section in 1960, and all cases were tried in Juvenile Court.

II. *THE JUVENILE DELINQUENTS ACT*

(a) *Some Definitions*

By section 2(2)(h) of the Act "juvenile delinquent" means any child who violates any provision of the Criminal Code or of any Dominion or Provincial statute, or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality or any similar form of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion, or Provincial statute. By section 2(1)(a) "child" means any boy or girl apparently or actually under the age of sixteen years, or such other age as may be directed in any province pursuant to subsection (2).

Section 2(2) empowers the Governor in Council to extend the definition of a child to any boy or girl apparently or actually under the age of eighteen years. So far, at least, Ontario has not adopted any extension of the "Under Sixteen" limit although, it is submitted, some thought towards this end may have to be given in the near future.

(b) *The Courts' Alternatives*

Section 20 of the Juvenile Delinquents Act is the key section of the Act setting out, as it does, the various discretionary alternatives that the court has in the disposition of a child adjudged to be a juvenile delinquent. Section 20(1) reads as follows:

> In the case of a child adjudged to be a juvenile delinquent the court may, in its discretion, take either one or more of the several courses of

action hereinafter in this section set out, as it may in its judgment deem proper in the circumstances of the case:

(a) suspend final disposition;

(b) adjourn the hearing or disposition of the case from time to time for any definite or indefinite period;

(c) impose a fine not exceeding twenty-five dollars, which may be paid in periodical amounts or otherwise;

(d) commit the child to the care or custody of a probation officer or of any other suitable person;

(e) allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required;

(f) cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court;

(g) impose upon the delinquent such further or other conditions as may be deemed advisable;

(h) commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant-Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent, if one there be, or

(i) commit the child to an industrial school duly approved by the Lieutenant-Governor in Council.

While the provision in clause (f) affords the Court a very desirable course of action, the scarcity of suitable foster homes has frustrated this alternative, due to the lengthly delay in placing the child. Until recently, all placings in foster homes were carried out through the facilities of the Children's Aid Society of Toronto, but a short time ago one of the judges of the Juvenile Court of Metropolitan Toronto, to expedite placement of a girl, placed her in a foster home approved by the court thus by-passing the Children's Aid Society.[5]

The 1960 percentages indicate that of the total number of appearances before the court, only 6% were sent to an industrial training school. This means, therefore, that 94% received no more serious sentence than probation (excluding fines). Although no official breakdown is available, observation suggests that a very large percentage of those appearing before the courts were recidivists.[6] The judge in all these instances from his review of the case, which has been augmented by clinical, psychiatric, scholastic, social and psychological reports, may often feel that the best solution for the offender is not

[5] As part of the judgment the court made an order directing the Municipality of Metropolitan Toronto to pay $10.00 weekly for the support and maintenance of that girl. Metropolitan Toronto appealed this order and Schatz J. decided that payment should be made by the city rather than by Metro. See Toronto Daily Star — April 11, 1962.

[6] As of Jan. 1st, 1962, the superintendent of the Detention/Observation Home of the Juvenile Court of Metro Toronto is keeping an official tabulation of this breakdown. For the relatively short period of Jan. 1, 1962 to Feb. 21, 1962, out of a total of 197 admittances to the Home, 115 were repeaters. This gives us a 58% incidence of recidivism. The officials of the Home feel that this percentage could conceivably be higher over a 12 month period.

to send him to a training school. On the other hand, he may also feel that merely sending the offender back to his home, or requiring that child to report periodically to a probation officer, or the imposition of a very nominal fine is not the answer in that it may not bring home to the child in a positive manner that he has committed an offence contrary to the laws of this country and that it is wrong so to do. In the case of recidivists, this is clearly a strong implication. What can the local judge do? Any intermediary course of action between prison and probation appears to be, in practice, out of the question. Why? Because in spite of section 20(1)(g) of the Act which offers scope for the adoption of any intermediary steps the courts might "deem advisable" the facilities for administering such solutions are not available. Again why, when the Act appears to contemplate such a course of action? The answer appears to be the usual one, the lack of finances. It may unfortunately be a case of "penny wise and pound foolish."

III. *FACILITIES AVAILABLE IN ONTARIO*

What facilities are there in the typical urban Ontario area for dealing with the juvenile in difficulty? Toronto, obviously, at least numerically, has the greatest juvenile delinquency problem. When a child in the Metropolitan Toronto area who is suspected of a breach of the Juvenile Delinquents Act is apprehended, he is brought to the Detention/Observation Home on Jarvis Street. The Observation Home is part of the impressively modern building which houses the Courtrooms and Administration Offices of the Metropolitan Toronto Juvenile and Family Court. The staff consists of a superintendent, two assistants, 10 male supervisors, 8 female supervisors and such other casual supervisors as may be needed, depending on the number of juveniles placed in its care. There is a Physical Training instructor, 3 University graduates from the School of Occupational Therapy and a complete kitchen staff. The building has sleeping facilities for 40 boys and 20 girls and there have been times when this capacity figure has almost been reached. Most of the juveniles are brought in by the youth bureaus of the various police precincts. This can be done at anytime during the day or night, as there is a staff on duty 24 hours a day and 7 days a week at the Home. This is basically a holding or detention area.

Every juvenile brought into the Observation/Detention Home appears in juvenile court on the next regular morning that court is in session. The judge, before passing sentence on a juvenile, may remand him for a period of 7 or 14 days or more so that a clinic may be held for that youth and a report sent back to the judge to aid him in his disposition of the case.[7] The Home has a staff of psychiatrists, psychologists, probation officers and social workers who do their best to analyze the basic problems of the offenders and render a factual and comprehensive report to the judge, together with recommendations.

---

7 Juvenile Delinquents Act, R.S.C. 1952, c. 160, s. 16.

For many the stay at the Home may be as short as one day. For some it may be one or two weeks, and in isolated cases, the stay may be longer until suitable accommodations may be found. From January 1st, to December 31st, 1960, the Home booked in 1,279 juveniles composed of 970 boys and 309 girls. The average stay per boy in the Home was 4.83 days and for the girls 7.09 days. Of that number 877 were released to the custody of their parents, 172 were committed to a training school, 64 were returned to a training school, and the rest were released to relatives or to some other jurisdiction or organization such as the Children's Aid Society.

A comparison of figures for the first 6 months of 1960 and 1961 shows that there was a 55% increase in admittances to the Home in the first half of 1961 over the same period for 1960.[8] This sharp increase again serves to vividly illustrate the fact that juvenile delinquency is on a continuing upswing over the past few years.

In Ontario the training school facilities are limited and overcrowded. The Bowmanville Training School at Bowmanville, near Toronto, takes care of all male Protestant committals between the ages of 14-16. Actually, all Protestant male offenders committed to a training school are sent there first and those under 14 years of age then sent to another training school at nearby Cobourg. The Catholic counterpart to Bowmanville is St. John's Training School at Uxbridge. There is also another Catholic Training School at Albert, which takes care of the committals from Eastern Ontario. For the Protestant girls there is Galt Training School and its Catholic counterpart is St. Mary's in Toronto. All of these institutions are supported on a per diem rate by the municipality from which the juvenile delinquent comes, and by the Provincial Government. There is also an Institute for Emotionally Disturbed Children, at Warrendale, near Newmarket, where female delinquents between the ages of 8 and 15 may be treated. A similar institution for the boys is located in Smith Falls. Toronto also has a Working Boys' Home which can accommodate 76 boys between the ages of 12 and 18. Cases are referred to it from provincial agencies, private schools, training schools and juvenile courts.[9] Various districts throughout Ontario have their own Juvenile Courts; but all use these training schools.

An integral part of the Juvenile Court is its Probation Department. In Toronto, there are eight men and four women who try to look after the many cases that are given to their department each year.[10] Probationers see their officer once a week in many cases but this can be changed to fortnightly or monthly visits at the discretion of the probation officer, his decision being based on the severity of

8 Figures obtained from M. J. Rose, Clerk of the Juvenile Court.

9 Location and description of facilities obtained from Mr. J. Rose, Clerk of the Juvenile Court.

10 During the early part of 1961, one officer was so busy that he was handling between 85 and 100 cases at one time.

the situation and the amount of advice and supervision he deems necessary for that particular case.

The meeting places vary. Sometimes the probationer will report to his officer at the probation offices situated in the Juvenile and Family Court Building. However, in most cases, the officer will set up temporary visiting bases at youth club rooms, or the Y.M.C.A. or other suitable and centrally located places so that he will be able to interview the greatest number of probationers in the time available to him. Many times the officer will visit the home of his probationer and check on the family as well so that he can offer them help or guidance.[11]

The reasons for recommending probation were stated recently by a highly qualified English magistrate.[12]

> We seem to feel that where a fine or conditional discharge is inappropriate, probation is the answer for young offenders, especially for first offenders. We make second offenders fairly frequently, third ones very rarely. Where married women are concerned the additional help they receive over domestic matters from a probation officer is often in our minds. We use probation as a form of support for boys coming from Detention Centres, where this is possible. We also find it a valuable provision for the young man who has no home or roots and is without proper adult guidance. (This points to a weakness in our Child Care Services . . . they end too young.) About 20% of our probationers fail. We constantly try to improve our knowledge so that we can know which type of offender is most likely to succeed, but it must also be admitted that we frequently "take a chance" without much hope because probation has such miraculous and unexpected successes sometimes.

The Juvenile Probation Department of Metropolitan Toronto has felt the great increase of delinquency the past few years as a comparison of the following half-year figures will show.[13]

FOR THE 6 MONTH PERIOD Jan. 1-June 30

Year	Total No. of Probationers	No. of Boys	No. of Girls	% Increase over Previous Year
1959	423	363	60	—
1960	617	519	98	46%
1961	746	612	134	21%

The 46% increase in probationers in 1960 over 1959 corresponds to the 52% increase in the number of appearances before the court for the same period.[14] Similarly the 21% increase in probationers in 1961 over the comparable period for 1960 relates closely to the 31% increase in appearances before the court for the same period. The number of juveniles on probation in 1961 was 76% higher than

---

11 A survey by the Probation Department of the Metropolitan Toronto Juvenile Court indicates that approximately 85% of convicted juvenile offenders come from homes from which one parent was absent through death, divorce, separation or other cause. Re-marriage, common-law unions and working mothers with little or no time for the children were factors very frequently encountered.

12 Grunhut, quoted in *The Selection of Offenders for Probation in England* 27 (United Nations 1959).

13 Figures obtained from Metropolitan Toronto Juvenile and Family Court records.

14 See note 1 *supra* and accompanying text.

in 1959, only two years earlier. This in itself clearly indicates the urgent and immediate need for more probation officers in this important field.

In 1959, 365 probation cases were discharged by that department. Of this number, 144 were sent back to their parents' care; 83 reached their sixteenth birthday, and 55 were sent to provincial training institutions. In 1960, 483 probationers were discharged from probation. Of this number, 199 were returned to the care of their parents; 133 turned sixteen and 95 were sent to various training schools.[15]

The probation system as described in Metropolitan Toronto is fairly typical of the systems throughout the province. The Detention/Observation Home is unique to Toronto.

Despite the seemingly wide and varied discretionary powers given to the court by Section 20 (1) (g) of the Juvenile Delinquents Act, because of the scarcity of physical facilities, there actually is very little that an Ontario court can prescribe "in-between" the two extremes of either sending the offender home to his parents with or without probation on the one hand or committing the offender to an approved training school for an indefinite period on the other hand. The inadequacy of the Ontario facilities becomes plainer still when a contrast is made with the extensive "in-between" treatment available to the juvenile courts of the United Kingdom.

IV *FACILITIES AVAILABLE IN THE UNITED KINGDOM*

The United Kingdom has been combatting this ever-increasing problem of juvenile delinquency in a more fruitful manner. Not that the United Kingdom has developed Utopian remedies or has solved the problem of juvenile delinquency. What appears is a much more concerted and seemingly more successful effort towards halting its rise.[16]

One of the most successful techniques in use in England is committal to a probation home.[17] This is a small establishment which houses no more than 30 boys or girls. The house is generally situated in the country surrounded by gardens and fields. The accent is on training and rehabilitation and the treatment is of a non-punitive character. The usual 12 months spent there by the probationer is under the care of trained officers who operate the homes as a type of miniature community. A significant feature is that there is a close liaison between the staff of the home and the probation officer who will supervise the offender when he is discharged from the home.

The probation hostel offers an approach similar to the probation home but is generally for juveniles a little older who are working

---

15 Figures obtained from Metropolitan Toronto Juvenile Court records.
16 The U.K. Counterpart to our Juvenile Delinquents Act is the Children and Young Persons Act, 1933, 23-24 Geo. V c. 12.
17 P. 23 — The Selection of Offenders for Probation.

and not attending school. They live in the hostel and work out. It enables the offender to be separated temporarily from any bad home environment or influence, and also helps the court to avoid, in suitable cases, the more rigorous methods of committal to a detention centre, approved school or Borstal.[18]

The probation homes and probation hostels are generally not suited for those offenders who have already spent time in an approved institution. The offender who is accepted, must be sincere and willing to co-operate and join whole-heartedly in the life of this small community.

Sometimes the court feels that the best remedy for the offender is a short-sharp lesson type of sentence that is more punitive in nature. This generally involves a detention of about 10 weeks served in a detention centre. This type of treatment is for offenders over 14 years of age.

Current research into the after-conduct of boys released from detention confirms the experience of the courts that there is an urgent need for after-care.[19] An effective probation officer can perform miracles if the sentence was such that it will allow his taking over the supervision of the offender after he has been released from detention. This type of after-care treatment has been somewhat hampered by the 1948 decision in *Regina v. Evans*[20] which declared probation imcompatible with a committal to a detention centre in spite of the desirability of appropriate after-care. According to this decision, probation must begin at once after conviction and ought not to be deferred till after a sentence has been served.

The newest and most fascinating type of United Kingdom juvenile facility is the attendance centre.[21] In 1950, the first such centre was opened at Peel House in the Metropolitan District of London. By 1957, thirty-seven such centres had been set up in the United Kingdom.

When the legislation originating this scheme[21a] was being discussed in the Parliamentary debates, there was a clear emphasis placed on the punitive aspect. Both at the committee and at the report stage in the House of Lords every speaker treated the scheme, basically, as a punitive measure. The tenor of those debates is fairly echoed in the speeches of Lord Templewood (Sir Samuel Hoare), the proposer of the scheme. In one of his speeches on the Bill he stated:

---

18 Despite the fact that all of these reformative institutions must comply with certain statutory standards, they are all more or less left to the discretion of those appointed by the government to manage the homes; they decide their own policy and methods of operation and supervision, but they still receive that all-important financial aid from the Home Office, with a minimum of interference.

19 Grunhut, *op. cit. supra* note 12, at 20.

20 The Times (London, England) 2 Dec. 1958.

21 See generally, McClintock, *Attendance Centres* (Cambridge 1961).

21a Passed in 1948, and coming into effect in 1949.

"It was to be a short, sharp punishment; the object being to deprive the young offender of a half holiday, to prevent his going to a football match or a cinema and perhaps not less important, to make him ridiculous to his friends and relatives." However, when the Rules were issued on May 2, 1950, thoughts on the matter had changed considerably, as evidenced by Rule 2 which states: "The occupation and instruction given at an attendance centre shall be such as to occupy the boys during the period of attendance in a manner conducive to health of mind and body." As can be readily seen, this language denotes a clear emphasis on a reformative aim and was an unexpected shift from the character of the purpose that emerged in the Parliamentary debates. Of course, the ultimate aim and approach of each individual attendance centre has depended to a great extent on the local factors such as personnel staffing the centre, the location of the centre and the type of delinquency, the background of the offenders and the attitudes of the magistrates.

The magistrate may issue an attendance order for a convicted male offender over 12 and under 17 years of age.[22] No boy who has spent time in an approved reformative institution previously, is eligible for this order. The offender may be sentenced to a maximum of 24 hours attendance.[23] He stays at his normal place of residence, but serves his time at the centre on week-ends, usually a Saturday afternoon, from a minimum of 1 hour to a maximum of 3 hours on any one day. In this manner his home life and school activities are not disturbed. The order is intended as a method of dealing at an early stage with the less serious forms of delinquency and as a supplementary method of treating misconduct in offenders already on probation. The aim is to bring home to the child the wrongfulness of his behaviour by punishment, consisting in the deprivation of his leisure time during the week-ends. Since the maximum imposition is such a relatively short time, the number of juveniles likely to benefit from an attendance order is limited and care must be taken to select those who indicate the greatest amenability.

The situs of an attendance centre is in the jail for the area.[24] At the head of the centre is a chief of police or possibly an inspector of police. The staff consists of those police officers who volunteer to take on this after-duty task. They are remunerated by the Home Office for their extra services, but, in order to be eligible, they must have had a certain amount of previous experience in boys' clubs and be able to handle boys and secure their confidence and trust. To date, attendance centres have been limited to urban and industrial areas, where juvenile delinquency outbreaks seem most urgently to necessitate this sort of remedy. The centre is impractical for sparsely populated areas as it is difficult for the offender to commute from a residence which may be many miles distant from the attendance centre.

22 There are no attendance centres available for female offenders.
23 McClintock, *op. cit. supra* note 21, at 12.
24 *Id.* at 28.

It is felt that one officer instructor can handle about 7 boys and that a minimum of 2 and a maximum of 4 instructors per centre provides the most ideal staff. It is important that the officer chosen be capable of maintaining discipline. The officers are given a free hand in the organization and management of the centre. They choose and plan the occupation they feel best suited to obtain the discipline they seek. Generally, the police premises are adequate, although boys' clubs, schools or gymnasiums etc. may be hired. Space is required for physical training, washrooms, storing of equipment, a room for clerical work, as well as room for interviewing, assembly and instruction. An important aspect is privacy. In most centres fatigues constitute the main occupation, with little or no cultural or educational activities and the course in general is very disagreeable. Physical training is an important aspect of all centres with the stricter ones placing more emphasis on this aspect than the teaching of crafts or the stimulation of the offender to become interested in citizenship or other social functions. Some centres only resort to fatigues as a form of penalty for some minor acts of disobedience. All centres stress cleanliness, neatness, promptness and strict standards of discipline.

Wherever possible segregation of age groups is carried out. The junior groups consist of offenders 12 and 13 years of age. The senior groups are made up of 15 and 16 year olds, while the 14 year olds could be placed in either age group depending on their size, attitude and mental development. If the groups can be restricted to reasonably small numbers, they are most likely to show the best success, all other factors being equal.

Since corporal punishment is not allowed, no immediate harsh punishment is available, but certain other types of sanctions can be implemented such as segregation from the rest of the class, a change to a more disagreeable task, or reduction of daily attendance from 2 hours to 1 hour per day so that the offender will have to put in double the number of appearances to make up his sentence time. Lateness of arrival at the centre may require the offender to go home and not count his arrival as part of his time, thus necessitating another appearance. Finally, a continual disobedience could necessitate re-opening the case and perhaps threatening the offender with committal to a correction home. In most cases, these sanctions have proven adequate.[25]

About 1,200 offenders annually were ordered to attendance centres in the years 1954 to 1957.[26] In 1957, this figure jumped (due mainly to the opening of more centres) to 1,754 committals. This figure may be compared to 546 committals to remand homes and 480 committals to detention centres for the same year. The 1,200 or so ordered to attendance centres in 1956 represented about 3.3% of the total of juvenile offenders convicted of indictable offences that year.

---

[25] *Id.* at 37.
[26] *Id.* at 14.

While the various centres differ in the application of the concept of discipline, all agree in its wholehearted enforcement and feel that the instilling of discipline, smartness and self-respect express in sum the practical aims of this newly devised treatment. The officers of the centres try, as much as possible, to keep records of each offender over whom they have charge. They note all significant observations each day, and in this way not only have they compiled a valuable file on each offender, but also they are able to study the reports and determine for which type of offender the attendance centre treatment is valuable and for which type it is useless. This information has proven to be of invaluable assistance to the magistrates in their disposition of subsequent cases.[27] The reports also form part of a larger file on the offender which consists of a regular case history on him, stating previous offences and dispositions, family and social historical background, scholastic records, employment records and anything else that might be pertinent.

This type of treatment has only been in force now for eleven years. Certain changes in the enabling Act, aimed at its improvement, were made late in 1961.[28] The main change implemented in the amendment to the Criminal Justice Act was to raise the maximum number of committal hours from 12 to 24. Under the original legislation, the only way an offender could be sentenced to 24 hours attendance was if he was convicted on two charges at the same time and sentenced to the maximum of 12 hours for each offence with the sentences to run consecutively. This was rarely done. Those persons who were involved with this type of treatment and who were in a position to watch its growth and development over the past few years felt that after 12 hours, in many cases, the beneficial effect of the discipline was just becoming noticeable. The amendment is therefore welcomed by those who are charged with the enforcement of the Act.

Although the best response under this treatment was obtained from boys 15 years of age who had just left school and started to work, it was felt that the approach could also be of a major benefit to boys at an early stage of delinquency. A change was accordingly made to include offenders 10 and 11 years of age.[29]

The majority of attendance centre orders are made for offences against property. About 60% of the orders are for either larcency or receiving and about 24% are for breaking and entering. Only 40% of the boys sent to an attendance centre are first offenders.[30] In 28% of the cases the offender has been before the court on at

---

[27] *Id.* at 17.

[28] Puxon, *The Criminal Justice Act, 1961* (1961) 105 Sol. J. 918.

[29] A further recommendation and one which merits special attention at this time, is to incorporate probation with an attendance centre order, so that an eye can be kept on the discharged offender and further assistance may be accorded him. To date this recommendation has not been added to the Act.

[30] Since the lowering of the age limit, late in 1961, to commit offenders 10 and 11 years of age, this percentage will rise sharply.

least 3 previous occasions and this compulsory order of attendance was probably a last endeavor on the part of the convicting magistrate to avoid committing the delinquent to an approved school.

This system appears to have met with a fair measure of success even though it is still in its infancy and will no doubt increase its worth as its application is amended to conform to emerging requirements. A great deal of the success is also dependent upon the amount of time the magistrates and judges are able to spend in analyzing the statistics based on studies and reports of previous cases and the importance that they are willing to place on them. Study shows that the short attendance centre treatment was successful in about 62% of both age groups, with the older group showing a little better success rate.[31] In this context "success" means that of all the boys sent to attendance centres 62% of them never appeared again before the juvenile courts. It is submitted that these figures strongly vindicate this new departure in treatment and should provide real incentive to improve upon its techniques of application and to continue amending the Act to keep it up to date with changing requirements.

English courts appear to place a good deal of stress on and confidence in their probation system, which is run in a manner very similar to the operation described for Toronto. The importance of this aspect of the machinery for dealing with juvenile delinquency emphasizes the seriousness of the problem of too heavy work loads for probation officers.

In addition to the numerous "in-between" remedies, the United Kingdom also has a number of approved schools somewhat similar to our training schools in Ontario. These are for the offenders who have not been able to respond to any of the aforementioned remedies and their complete detention for a period over one year is indicated. England also boasts of its unique Borstal system which is applicable to youths between 17 and 21 years of age. Committal to that type of institution is generally for a period of 18 months or more, depending on the individual case and the offender's ability to respond to treatment. England also has a large number of remand homes which serve, roughly, the same function as Toronto's Observation Home. All in all, the system definitely offers a much wider scope for the solution and treatment of juvenile problems than do the procedures used (or available) in Ontario—or, for that matter, anywhere else in Canada.

V. *THE FUTURE IN ONTARIO: SOME SUGGESTIONS*

The sample figures cited above indicate the alarming proportions of the recent increase in juvenile delinquency in the Toronto area. It is probably fair to assume that comparable growth is occurring elsewhere in Ontario and in Canada. The challenge is being met as

31 McClintock, *op. cit. supra* note 21, at 81.

forcefully as possible with the facilities available. The juvenile court judiciary, are ever mindful of the critical role their disposition of the delinquency cases before them may play in steering the delinquent on the right path or in foreclosing him from ever getting off the wrong one. In Toronto, they are relying heavily on pre-history reports and clinical reports prepared by the psychologists and psychiatrists on the staff of the Juvenile Court. The offenders are kept in their home environment where that is feasible; medical treatment is ordered where its need is indicated by the reports; offenders committed to a training school are only those whose problem appears to dictate that step.

The dominant fact which emerges is the need for a greater choice of facilities which would afford a greater range of alternatives in dealing with offenders. Contrast with the situation in England emphasizes the inadequacy of our approach and our facilities. Most of the officials of the Metropolitan Toronto Juvenile Court who were interviewed favour adoption of some of the United Kingdom techniques; the attendance centre, in particular is regarded as an innovation which might, with particular benefit, be incorporated into our system.

A concerted effort is also required to find a greater number of suitable foster homes. The recent opening in the west end of Toronto of a "Boys' Village" represents an attempt to provide a regulated sort of home and community environment for boys whose own homes are inadequate. The "village" can accommodate a small group of boys (not more than 20), and it is hoped eventually to have many of them scattered throughout the city to enable the children who are placed in them to be maintained in their own familiar residential districts.

An important step needed to reduce the repetition of delinquency is the segregation of first offenders from recidivists and of youngsters 8-10 year of age from older offenders.

Another suggestion is that the definition of "child" be amended to include offenders up to 18 years of age, as permitted by s. 2 (2) (a) of the Juvenile Delinquents Act. This, of course, would necessitate a major re-arrangement of many existing facilities, but would give the juvenile authorities a valuable extra two years in their fight to prevent juvenile offenders from becoming adult offenders.

In 1961 Justice Minister Fulton announced the appointment of a Royal Commission to investigate the problems of juvenile delinquency in Canada. It is to be hoped that the Commission will approach their task with and maintain toward it an enthusiasm and a broad view and not fall into the evident, and almost inevitable, feeling of frustration of the judge in the State of Washington who

recently stated[32] that, as a last resort, he would release to the press the names of juveniles who committed certain kinds of offences.[33]

Frustrations there are, aplenty, in this excruciatingly human area. One who becomes closely involved with the problems of juvenile delinquency must accept the fact that there are going to be failures — many failures — and balance against this that there are successes, and recognize that with a constant effort to improve the techniques of treating the problem more successes can be attained.

Whatever recommendations the Commission does make, it is to be hoped that they do not founder on the problem of finances. The suggestions made above, and any further suggestions made by the Commission will raise anew the plaint of shortage of funds, a plea which is ever advanced to explain the lack of adequate facilities. As a problem it must be conceded to exist; as an excuse it cannot be tolerated. If valid proposals are advanced to render the machinery for dealing with juvenile delinquents more effective, then the funds to implement the proposals will simply have to be obtained — from government, from endowment funds, from private individuals or from some other source. There is really no choice, for the present trend indicates quite clearly that Canada cannot afford to deal with the problem ineffectively.

---

32 Jan. 1, 1962.

33 Of course, this particular step could never be taken under our present legislation. Section 12 of the Juvenile Delinquents Act requires that the trials of children shall take place without publicity and that the names of the children involved shall not be published.