# Defining "Dangerous" and "Hard-Core" Delinquents: The Views of Juvenile Justice System Professionals in British Columbia

ROY E. L. WATSON

The planned introduction of a program of secure containment for what were described as "hard-core" and "dangerous" juvenile offenders in British Columbia late in 1977 provided an unusual opportunity to investigate the definition of such offenders by justice system personnel. Repeal of the Training Schools Act eight years earlier[1] began a period during which the removal of delinquents from their home communities for institutionalization was replaced by the use of a variety of "child care resources located in the juveniles' home communities" (British Columbia, Department of the Attorney-General, 1973:136). Miller and Ohlin report that, under similar circumstances in the closing down of large-scale training schools in Massachusetts, many justice system professionals — police, judges, probation workers — had felt "that some type of punitive, maximum security facility, however small in capacity, is essential to induce greater conformity in those offenders spared this type of commitment" (1976:163). Something similar appears to have happened in British Columbia. A Task Force on Correctional Services reported, early in 1973, that "police and social agencies alike [had expressed] great concern regarding the absence of facilities and services to control and treat the aggressive, acting-out delinquent who presents a danger to both himself and to the community" (British Columbia, Department of the Attorney-General, 1973:127). Two years later, the British Columbia Royal Commission on Family and Children's Law affirmed its belief that "the provincial government's policy emphasizing that juveniles in trouble with the law should be returned to their families and to their communities, rather than being sent to juvenile prisons, is altogether sound." Nevertheless, it continued: "we have to acknowledge that there are a limited number of juveniles who must be confined, in some cases over the short term, in other cases over the long term, to protect themselves and the public" (British

[1] An excellent historical review of juvenile justice policy in British Columbia is contained in John A. MacDonald, *Juvenile Training Schools and Juvenile Justice Policy in British Columbia* (mimeo'd, May 1977).

Columbia, Royal Commission on Family and Children's Law, 1975:68). The evident reluctance with which the commissioner, Mr. Justice Berger, made his recommendation is suggested by the strict time limits and other safeguards which he recommended to avoid possible abuses to which the renewed availability of secure facilities might be liable (78-80). His skepticism that secure containment could accomplish much in the rehabilitation of those confined is also apparent; secure containment was intended to protect the community and the juveniles themselves from their dangerous actions (85).

Actual passage of the Corrections Amendments Act, 1977, under which the secure containment program was to be introduced, seems to have been precipitated by a number of incidents which had led to the expression of strong public and professional dissatisfaction with what was alleged to be lax treatment of certain juveniles (British Columbia, Ministry of the Attorney-General, 1977:11). The new program was aimed at satisfying "the need of the community for protection from a delinquent child who is dangerous to the public, or from a small group of hard-core delinquent youth who are constantly before the courts" (British Columbia, Ministry of the Attorney-General, 1977:1; cf. Stephenson, 1973 and 1975). At the same time, however, criteria were contained in the Act to define narrowly those who could be confined as dangerous or hard-core. Only those juveniles, fourteen years of age or older, who were found to be delinquent "by reason of an offense for which an adult committing the offense would be liable to imprisonment of more than two years" and who were also "found by the court to be . . . unsuitable for inclusion in any other program available for youth . . ." (e.g., group homes, probation) were to be admissible (Corrections Amendment Act, 1977: Sec. 44(1) a and b). The research to be reported sought to discover how the professionals charged with implementation of the program would identify such dangerous and hard-core individuals.[2]

*The Labelling Perspective*

The growing influence of what has come to be referred to as "the labelling perspective" in the study of deviance (Gibbs and Erickson, 1975) has been associated with a shift in emphasis from research into the etiology of crime and recidivism to the operation of the juvenile justice

[2] The study was jointly supported by grants from the Vancouver Foundation and the Corrections Branch, Ministry of the Attorney-General, British Columbia. A full report is contained in Roy E. L. Watson, *The Perceived Need for Secure Containment of Juveniles: The Opinions of Justice System Personnel and Selected Community Members* (author, December 1978).

system and its consequences for apprehended youth (Brickey, 1978:5). From this perspective the major characteristic which differentiates delinquent from non-delinquent youth is not the performance or non-performance of deviant acts, but the apprehension of the former and their earlier exposure to processing by the justice system (Sanders, 1976:14-15). Well-intentioned efforts to rehabilitate delinquent youth are commonly defeated by this stigmatizing effect of the act of intervention (Parsloe, 1978:2). While such findings have reference to the entire process of juvenile justice from initial apprehension by the police through court proceedings to post-dispositional treatment, from the labelling perspective, confinement in a secure facility as either dangerous or hard-core would seem to confirm once and for all that a youth is a delinquent. Understanding the criteria justice system professionals would apply in deciding which juveniles should be so confined is, therefore, most important — fateful for the youth involved (cf. Becker, cited in Sanders, 1976:54) and indicative of the demands likely to be placed on the new secure containment program.

While the various agencies which administer juvenile justice may be perceived by the youth being processed to constitute "a system," most observers are agreed that use of the term "juvenile justice system" is no more than a loose shorthand phrase to designate personnel who may, in fact, hold different and conflicting views of the "priorities, constraints, constituencies, and methodologies" which govern their actions (Rosenheim, 1976:xvi; cf. Coffey, 1974:33, 44). Referring specifically to British Columbia, the Task Force on Correctional Services and Facilities alluded to these contrasting goals held by component agencies. In its words: "the interest of the police is in adequate *control* of offenders, the interest of the courts in imposing *consequences* for crime for the purpose of general prevention, and the interest of corrections in adequate provision for *rehabilitation*" (British Columbia, Department of the Attorney-General, 1973:182). The report of the task force suggested that whatever attributes of "a system" were discernible were due to the key role of Probation Officers in working to overcome the potential conflicts among other agencies (p. 182). These characterizations of the juvenile justice system suggest that, in examining the definition of dangerous and hard-core delinquents, care must be taken to identify possible differences among personnel belonging to the component agencies.

### *Aims of the Research*

The study from which the data to be reported here are drawn was undertaken at the invitation of the Corrections Branch, British Columbia

Ministry of the Attorney-General, and was aimed at identifying the views which justice system personnel and selected community members held with respect to the treatment of juvenile offenders in the period immediately prior to the inauguration of the new containment program. As such the study sought to establish a base line against which the views of personnel might be compared, at some later time, after experience had been gained with secure containment. For this purpose, the answers to two specific questions were sought: First, what was the level of support for the introduction of secure containment? Second, were there systematic variations among personnel from the different component agencies of the justice system and between them and selected community members with respect both to support for containment and to their definitions of the individual juveniles with whom it should be used?

*The Population Surveyed*

Since probation officers play an important role both in the decision to proceed to trial and, later, in sentencing through their pre-sentence report to the court, it seemed desirable to attempt to include in the study all probation staff who had juveniles as any part of their caseloads. The relatively small number of Crown counsel and provincial judges made it feasible to aim at including all these court personnel in the survey also. In the case of police, whose decisions to arrest or otherwise dispose of a case are crucial in determining which deviant youth enter the justice system (cf. Black and Reiss, 1970; Hagan, 1979; Pillavin, 1964), the large numbers made some sampling procedure mandatory. Among lower mainland and southern Vancouver Island detachments of RCMP and municipal police departments, a random sampling procedure was followed. In the remainder of the province, a different method seemed to be indicated. Earlier studies had shown that different communities often displayed markedly varying rates of admission into correctional services and of transfer into adult court (British Columbia Department of the Attorney-General, 1973:37, 128-9). To ensure that police respondents would be drawn from each community, a questionnaire was sent to each RCMP detachment regardless of its size. Finally, because community variation might reflect the possible influence of public opinion upon the local agents of the justice system, it was decided to survey core members of the Justice Councils. The recent formation of the councils with the purpose of bringing "citizen input into the Justice System" suggested that their members were likely to be both well informed about juvenile problems and in a position to influence decisions (Lajeunesse, 1976:4).

Each respondent received a questionnaire together with a covering letter explaining the purposes of the study and its sponsorship and guaranteeing confidentiality. Certain of the professional respondents also received a letter from their administrative head urging completion of the questionnaire. A stamped, pre-addressed envelope for its return was provided. Approximately two weeks following the mailing a follow-up letter was sent urging completion and/or — because there was no way of identifying those who had already returned the material, in the event they had completed it — thanking them for so doing.

*Findings*

Table 1 provides details of the distribution and completion of the questionnaire. A number of its recipients declined to participate, explaining their reason for this. In the case of provincial judges, the fact that the

TABLE 1

*Distribution and Return of Questionnaires*

| | *Category of Recipient* | | | | | | |
|---|---|---|---|---|---|---|---|
| | *Judges* | *Crown Counsel* | *Probation Officers* | *Police* | *All Justice System* | *Justice Council* | *All* |
| Total Mailed | 100 | 128 | 181 | 221 | 630 | 234 | 864 |
| Returned: | | | | | | | |
| Undelivered | 2 | — | — | — | 2 | 4 | 6 |
| After Cutoff | — | 3 | — | — | 3 | 3 | 6 |
| Refusal | 9 | 4 | 1 | — | 14 | 17 | 31 |
| | 11 | 7 | 1 | 0 | 19 | 24 | 43 |
| Net Distribution | 89 | 121 | 180 | 221 | 611 | 210 | 821 |
| Completed *n* | 43 | 84 | 157 | 188 | 472 | 118 | 590 |
| % | 48.3 | 69.4 | 87.2 | 85.1 | 77.25 | 56.2 | 71.9 |

legal basis for the containment program had been challenged in the courts was the major reason, though a number felt that it was inappropriate for a judge to respond to hypothetical questions relating to the sentences they would impose. Most of the others returning the materials uncompleted explained that they had no duties relating to juveniles or, in the case of Justice Council members, that they were unfamiliar with the problem of juvenile delinquency.

*Support for the Introduction of Containment*

Respondents were asked whether they had approved or disapproved of the introduction of the containment program. In addition, their evaluation of the existing pre-containment methods of dealing with "hard-core" delinquents was sought with respect to both its effectiveness and its laxity. As may be seen from Table 2, respondents approved strongly of secure containment. Of justice system professionals, only among probation officers was there a sizeable minority (12.7 per cent) disapproving; the others approved virtually unanimously. Among community respondents just over one-quarter did not approve, reflecting largely the representation of social service personnel, teachers and clergy, among council members.[3]

Respondents generally perceived the pre-containment treatment of "hard-core" delinquents to be both ineffective and lenient (Tables 3 and 4). Police and, to a lesser degree, Crown counsel seem to have been somewhat more impressed by its leniency than by its ineffectiveness. Provincial judges stressed the ineffectiveness of the treatment much more than its alleged leniency. Once again, only among probation officers was there a sizeable minority (17.4 per cent) who believed that the treatment was either "somewhat" or "very" effective. Fewer of the probation staff condemned the pre-containment handling of juveniles as either very ineffective or excessively lenient. Justice Council respondents, because of the aforementioned inclusion of social service personnel among them, also had a minority (12.0 per cent) who saw the treatment as effective to some degree. In this respect, as in their evaluation of the leniency of pre-containment treatment, council respondents were most similar to probation officers.

*The Definition of "Dangerous" and "Hard-core"*

As has been seen, the official rationale for the reintroduction of secure containment identified two categories of offenders as the intended clients: those dangerous to themselves or their communities, and hard-core delinquents constantly before the courts. To differentiate between these, the questionnaire had presented two sets of hypothetical conditions. The first

[3] When providing a list of their core members for the survey, Justice Councils were asked to exclude any justice system professionals. Those surveyed reported a wide variety of occupations among which teachers (15) and child-care workers of the Ministry of Human Resources (17) were the most numerous. Each of these groups had a sizeable minority who disapproved of the introduction of secure containment — 40 per cent of teachers and 41 per cent of child-care workers. Only clergymen (60 per cent of 5 respondents) and defence attorneys (50 per cent of 8) disapproved more strongly.

TABLE 2

*Respondents' Approval of the Youth Containment Program*

| *Attitude Toward Youth Containment* | *Justice System Professionals* | | | | | | | | | | *Community Respondents* | | *All* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Police* | | *Crown Counsel* | | *Provincial Judges* | | *Probation Officer* | | *All Professional* | | | | | |
| | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % |
| Disapproved | 3 | 1.6 | 2 | 2.4 | 3 | 7.0 | 20 | 12.7 | 28 | 5.9 | 30 | 25.6 | 58 | 9.9 |
| Approved | 184 | 98.4 | 82 | 97.6 | 40 | 93.0 | 137 | 87.3 | 443 | 94.1 | 87 | 74.4 | 530 | 90.1 |

TABLE 3

*Perceived Effectiveness of the Correctional Program for "Hard-core" Juveniles before Secure Containment*

| *Perceived Effectiveness* | *Justice System Professionals* | | | | | | | | | | *Justice Council Members* | | *All* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Police* | | *Crown Counsel* | | *Provincial Judges* | | *Probation Officer* | | *All Professional* | | | | | |
| | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % |
| Very Effective | 2 | 1.1 | 1 | 1.2 | — | — | 2 | 1.3 | 5 | 1.1 | 1 | .9 | 6 | 1.0 |
| Somewhat Effective | 6 | 3.2 | 4 | 4.8 | 1 | 2.3 | 25 | 16.1 | 36 | 7.7 | 13 | 11.1 | 49 | 8.4 |
| Somewhat Ineffective | 50 | 26.7 | 18 | 21.4 | 7 | 16.3 | 62 | 40.0 | 137 | 29.2 | 43 | 36.8 | 180 | 30.7 |
| Very Ineffective | 120 | 69.0 | 61 | 72.6 | 35 | 81.4 | 66 | 42.6 | 291 | 62.0 | 60 | 51.3 | 351 | 59.9 |
| All | 187 | 100.0 | 84 | 100.0 | 43 | 100.0 | 155 | 100.0 | 469 | 100.0 | 117 | 100.1 | 586 | 100.0 |

TABLE 4

*Perceived Leniency of Correctional Program before Secure Containment*

| *Perceived Leniency* | *Justice System Professionals* | | | | | | | | | | *Justice Council Members* | | *All* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Police* | | *Crown Counsel* | | *Provincial Judges* | | *Probation Officer* | | *All Professional* | | | | | |
| | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % | *n* | % |
| Too Lenient | 141 | 75.4 | 60 | 74.1 | 28 | 68.3 | 58 | 37.9 | 287 | 62.1 | 55 | 50.0 | 342 | 59.8 |
| Somewhat Lenient | 44 | 23.5 | 21 | 25.9 | 12 | 29.3 | 79 | 51.6 | 156 | 33.8 | 44 | 40.0 | 200 | 35.0 |
| About Right | 1 | 0.5 | — | — | 1 | 2.4 | 11 | 7.2 | 13 | 2.8 | 5 | 4.5 | 18 | 3.1 |
| Somewhat or Too Harsh | 1 | 0.5 | — | — | — | — | 5 | 3.3 | 6 | 1.3 | 6 | 5.4 | 12 | 2.0 |
| All | 187 | 99.9 | 81 | 100.0 | 41 | 100.0 | 153 | 100.0 | 462 | 100.0 | 110 | 99.9 | 572 | 99.9 |

described a juvenile with "*no* prior contact with the system" who is found to be in a state of delinquency by reason of each of thirteen specific offences selected to represent a range in their seriousness (cf. Normandeau, 1966, and Rossi et al., 1974). The second set, emphasizing the element of recidivism, described five conditions ranging from "a juvenile *known* to authorities but with no formal adjudications (convictions)" to "a juvenile on probation for a serious offence" who in each case commits some further offence(s), either minor or serious. For each situation identified, the respondents were asked whether secure containment should be used "never," "infrequently," "frequently," "usually," or "always."

The five permitted responses provide a basis for deriving measures of what the respondents regard as dangerous and hard-core. The respondents attempting to complete these items must have felt some constraint because of the abstract, if not to say artificial, character of the questions being posed.[4] In the absence of much of the information which would ordinarily be known about a youth — his age, maturity, family background, school record, attitudes, the circumstances of the offence, etc. — except that it is a first offender in the one set of questions and a repeat offender in the other, the respondent is asked to decide upon the appropriateness of containment. In these circumstances, many could be expected to hedge by choosing one of the intermediate responses rather than to reply either "yes" or "no" by checking the responses "always" or "never." In the case of a first offender, the response "infrequently" implies that, while there might be personal or situational circumstances which, if known, would make confinement advisable in the particular instance, the offence itself is not of such a serious nature that the offender should ordinarily be confined to protect the community. The response "usually," on the other hand, implies an offence which is perceived as sufficiently threatening that extenuating circumstances would only rarely mitigate treatment to something other than containment. "Frequently," as a response, implies an offence which, while dangerous enough to lead to containment in most circumstances, is not sufficiently threatening to override all extenuating factors. Thus, a measure of the seriousness of offences, as perceived by

[4] Neither in the pretest of the questionnaire nor in comments invited from respondents was the "artificial" nature of the items relating to first offenders and repeaters identified as posing any problem. Moreover, as a comparison of the number of respondents in Tables 5 and 6 with the total number of participants in the survey in Table 1 reveals, very few who returned the questionnaire failed to complete each part of these items. It is, of course, possible that an unwillingness to reply to these items in the absence of the full documentation of the characteristics of juveniles, which is normally available to a court, may account for the relatively low response rate of judges.

respondents, is suggested. Where a majority of respondents feel that the offender should be confined "never" or "infrequently," the offence is not such as to constitute a danger. Where a majority feel that confinement should be used "frequently," "usually" and "always," that offence is "dangerous." And where a majority would confine even a first offender "usually" and/or "always," it is "very dangerous." Similarly, the responses to the questions describing repeat offenders may be used to distinguish hard-core from other delinquents and, among the former, those who are confirmed hard-core individuals who should rarely or never elude containment.

*Dangerous Offenders*

Examination of the distribution of responses to the items describing first offenders reveals systematic differences among the different categories of respondent with respect to their assessments of the danger of the various offences. Police generally perceive a broader range of offences to be dangerous: of the thirteen offences listed, all but three are dangerous and of these seven are very dangerous. For three crimes involving violence — armed robbery with violence, impulsive murder and rape — well over 80 per cent of police respondents believed that containment should be invoked either "usually" or "always." Crown counsel and provincial judges perceived only seven offences to be dangerous or very dangerous. Of the four offences which are very dangerous to Crown counsel, two — armed robbery with violence (50.7 per cent) and trafficking in hard drugs (50.6 per cent) are so only by a narrow margin. Judges, on their part, identified only two offences, impulsive murder and trafficking, as very dangerous. Finally, the majority of probation officers agreed that only four offences were dangerous, each of which involved violence against the person, and of these only one — impulsive murder — narrowly qualified as very dangerous. In the case of a fifth offence — trafficking — the respondents divided evenly; half believed it should "never" or "infrequently" lead to containment, half believed that it should "frequently," "usually," or "always."

The justice system is sometimes depicted schematically as a progressively constricted network of conduits, broad at its intake but providing many points of exit before delivering a relatively small group into containment. (See: President's Commission on Law Enforcement, 1967; 8-9). The data just considered suggest why this model is appropriate. The police, controlling as they do the initial intake, tend to define a broad range of offences as dangerous or very dangerous but, as one moves through the

system, each group of personnel would constrict the range of offences regarded as dangerous and the degree of danger which each is perceived to present. Indecent assaut, break and entry, and trafficking in soft drugs, each of which is a dangerous offence to the police, are not so regarded by other system professionals. Arson and armed robbery (non-violent), which police define as very dangerous, are only dangerous to Crown counsel and judges, while most probation officers hold that for neither offence is containment ordinarily required. Similarly for other offences, there is a progression whereby, as one moves through the system, they come to be redefined as less serious or as not requiring containment.

As has been noted, the Justice Councils had been formed in British Columbia to provide "citizen input into the justice system." Examination of the responses of Justice Council respondents in Table 5 allows one to infer the likely nature of this input. While somewhat less likely than police to define offences as dangerous or very dangerous, the council responses nevertheless correspond most closely to those of police. Thus the influence of the councils could be expected to support police opinion favouring the more frequent use of containment.

*Hard-core Offenders*

Table 6 details the distribution of responses to the items which described youths with varying degrees of prior exposure to the system who become involved in further offences. As in the definition of dangerous offenders, the police respondents were more ready to regard recidivist youth as requiring confinement. Both youth on probation for a serious (i.e., indictable) offence and for minor offences (summary conviction) who are involved in further minor offences should, to a majority of police, be confined at least "frequently." No other category of respondent regarded these as hard-core. The youth on probation for a serious offence who commits a further serious offence was judged by 88.8 per cent of police respondents to be a confirmed hard-core. A majority of Crown counsel (59.8 per cent) also agreed that such youth should "usually" or "always" be confined but for judges, and especially probation officers, this condition defined hard-core but not what was identified above as confirmed hard-core requiring virtually automatic confinement.

Comparison of the responses in Tables 5 and 6 reveals an unexpected, not to say startling, difference in the readiness of respondents to use containment. In preparing the two items, it was assumed by the researcher that respondents would be far more severe in their responses to repeat

TABLE 5

*Frequency of Confinement of First Offenders for Selected Offences by Category of Respondent*

| Offense | Police | | | | Crown Counsel | | | | Judges | | | | Probation Officer | | | | Community | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Never or Infrequent* % | *Frequent* % | *Usually or Always* % | *n* | *Never or Infrequent* % | *Frequent* % | *Usually or Always* % | *n* | *Never or Infrequent* % | *Frequent* % | *Usually or Always* % | *n* | *Never or Infrequent* % | *Frequent* % | *Usually or Always* % | *n* | *Never or Infrequent* % | *Frequent* % | *Usually or Always* % | *n* |
| Impulsive Murder | 9.1 | 6.4 | 84.5 | 187 | 20.5 | 12.8 | 66.7 | 78 | 30.0 | 10.0 | 60.0 | 40 | 32.0 | 17.3 | 50.6 | 150 | 21.5 | 8.9 | 69.7 | 112 |
| Trafficking Hard Drugs | 7.5 | 19.1 | 73.4 | 188 | 23.5 | 25.9 | 50.6 | 81 | 24.4 | 24.4 | 52.2 | 41 | 50.0 | 28.0 | 22.0 | 150 | 16.7 | 20.2 | 63.2 | 114 |
| Rape | 5.9 | 10.1 | 84.1 | 188 | 14.8 | 25.9 | 59.3 | 81 | 30.0 | 30.0 | 40.0 | 40 | 30.6 | 29.3 | 40.0 | 150 | 13.0 | 17.4 | 69.6 | 115 |
| Assault | 9.1 | 18.7 | 72.2 | 187 | 25.4 | 39.2 | 35.4 | 79 | 34.1 | 34.1 | 31.7 | 41 | 42.0 | 31.3 | 26.7 | 150 | 16.7 | 21.1 | 62.3 | 114 |
| Armed Robbery Violent | 3.7 | 9.6 | 86.7 | 188 | 13.5 | 35.8 | 50.7 | 81 | 24.4 | 34.1 | 41.5 | 41 | 30.7 | 28.7 | 40.6 | 150 | 13.0 | 14.8 | 72.2 | 115 |
| Armed Robbery Non-Violent | 13.4 | 23.0 | 63.7 | 187 | 29.7 | 39.5 | 30.9 | 81 | 48.8 | 29.3 | 22.0 | 41 | 54.0 | 30.7 | 15.3 | 150 | 28.1 | 21.1 | 50.8 | 114 |
| Break & Entry | 45.2 | 36.6 | 18.2 | 186 | 67.9 | 28.4 | 3.7 | 81 | 82.9 | 4.9 | 12.2 | 41 | 88.7 | 10.0 | 1.3* | 150 | 53.1 | 27.4 | 19.4 | 113 |
| Trafficking Soft Drugs | 32.0 | 38.3 | 29.8 | 188 | 69.2 | 19.8 | 11.1 | 81 | 73.2 | 17.1 | 9.7 | 41 | 86.7 | 11.3 | 2.0 | 150 | 51.8 | 17.9 | 30.4 | 112 |
| Arson | 21.4 | 24.1 | 54.5 | 187 | 43.2 | 34.6 | 22.2 | 81 | 48.8 | 26.8 | 24.4 | 41 | 63.6 | 27.3 | 9.3 | 150 | 26.1 | 30.4 | 43.5 | 115 |
| Indecent Assault | 26.0 | 29.8 | 44.1 | 188 | 57.5 | 28.8 | 13.8 | 80 | 77.1 | 14.6 | 7.3 | 41 | 72.7 | 20.0 | 7.4 | 150 | 32.2 | 30.4 | 37.4 | 115 |
| Theft over $200.00 | 68.6 | 19.7 | 11.7 | 188 | 87.7 | 11.1 | 1.2 | 81 | 90.3 | 4.9 | 4.9 | 41 | 98.0 | 2.0 | — | 151 | 62.8 | 18.6 | 18.6 | 113 |
| Theft under $200.00 | 80.3 | 13.3 | 6.4 | 188 | 97.5 | 2.5 | — | 81 | 95.2 | 4.9 | — | 41 | 100.0 | — | — | 152 | 74.3 | 13.3 | 12.4 | 113 |
| Possession Soft Drug | 84.6 | 9.0 | 6.4 | 188 | 100.0 | — | — | 80 | 95.0 | 2.5 | 2.5 | 40 | 100.0 | — | — | 150 | 81.3 | 11.6 | 7.1 | 112 |

* "Usually" only.

offenders than to first offenders. This, however, does not appear to be the case except for police; the 88.8 per cent who would confine the serious repeat offender exceeds the percentage for any of the offences listed for first offenders. Crown counsel, however, take a more serious view of the first offender guilty of impulsive murder than of the serious recidivist. Judges would add hard drug trafficking and armed robbery with violence to impulsive murder as offences which should lead more often to confinement even for a first offender than the serious recidivist would experience. Probation officers also appear to be generally more prepared to confine first offenders guilty of serious crimes of violence than the serious recidivist. How is this apparent anomaly to be explained?

It is possible that the apparently greater leniency toward repeat offenders is simply due to the different formats of the questions posed in the two items. In the case of first offenders, specific offences were identified while, with the recidivists, reference was made to general categories of offences; viz., indictable and summary conviction offences as defined in the Criminal Code of Canada. Respondents may have had in mind that the Code treats many crimes as indictable which are not dangerous or sufficiently so as to require confinement. If this explanation is correct, then, since most members of the juvenile justice system can be assumed to be equally familiar with the distinctions made by the Code, most, including police, could be expected to be less prepared to confine serious recidivist youth than very dangerous first offenders. But clearly this is not so, and the contrast between police and other system professionals suggests that an alternative explanation is required. This alternative is that professional respondents, other than police, are less severe in their attitudes toward the repeat offenders because the youth involved are all under some form of professional supervision. Because they are close to the situation in which the delinquent act occurs, police are more likely to be concerned with the offence itself than with the apparent failure of treatment. Other professionals are much more oriented to the treatment of offenders "not as offenders, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision" (Juvenile Delinquents Act, Section 3(2)). As such, further deviant behaviour, even serious crime, may be perceived to reflect on the supervision and its failure to interrupt the delinquent career. The response is, therefore, not to remove the delinquent from the community by confining him, but to try again by some treatment other than containment.

Support for this latter explanation is found in the comparison of responses of council members. Generally, these correspond closely to the

TABLE 6

*Frequency of Confinement for Repeat Offenders by Category of Respondent*

| | *Police* | | | | *Crown Counsel* | | | | *Judges* | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Condition* | *Never or Infrequent* | *Fre-quent* | *Usually or Always* | *n* | *Never or Infrequent* | *Fre-quent* | *Usually or Always* | *n* | *Never or Infrequent* | *Fre-quent* | *Usually or Always* | *n* |
| I | 71.5 | 19.9 | 8.6 | 186 | 92.7 | 4.9 | 2.4** | 82 | 92.7 | 4.9 | 2.4*** | 41 |
| II | 40.3 | 36.6 | 23.1 | 186 | 75.6 | 18.3 | 6.1 | 82 | 80.5 | 14.6 | 4.9 | 41 |
| III | 60.4 | 28.3 | 11.2 | 187 | 87.8 | 11.0 | 1.2 | 82 | 87.8 | 7.3 | 4.9*** | 41 |
| IV | 36.4 | 36.9 | 26.7 | 187 | 67.1 | 25.6 | 7.3** | 82 | 73.0 | 9.8 | 17.1 | 41 |
| V | 3.7* | 7.5 | 88.8 | 187 | 9.8* | 30.5 | 59.8 | 82 | 24.4* | 39.0 | 36.6 | 41 |

| *Probation Officers* | | | | *Community* | | | |
|---|---|---|---|---|---|---|---|
| *Never or Infrequent* | *Fre-quent* | *Usually or Always* | *n* | *Never or Infrequent* | *Fre-quent* | *Usually or Always* | *n* |
| 92.7 | 3.9 | 0.7** | 152 | 57.1 | 20.5 | 22.3 | 112 |
| 89.6 | 9.1 | 1.3** | 154 | 53.0 | 23.5 | 23.5 | 115 |
| 96.1 | 3.2 | 0.6** | 154 | 72.2 | 15.7 | 12.2 | 115 |
| 90.2 | 7.2 | 2.6** | 153 | 36.0 | 31.6 | 32.5 | 114 |
| 29.4 | 42.5 | 28.1 | 153 | 9.5* | 14.7 | 75.9 | 116 |

responses of the police; the community respondents take a much more serious view of recidivists than that taken by any professional respondents other than the police. However, for the condition in which the youth is described as "known to authorities, but without formal adjudications," the views of these community respondents are considerably more severe than even those of the police. Why is this? The phrase "known to authorities" in this item implies a youth who is under surveillance by police but has not yet been formally charged and so made known to other elements of the justice system. Where police are cast in the role of supervisors (condition I), they too hesitate to define the offence involved as hard-core even though it is a serious one. Community respondents, not being inhibited by involvement in such a relationship, are more ready to confine. Where the juveniles are already under supervision by others as probationers, police take a more serious view of repeat offences and are much more prepared to confine them as hard-core even for minor offences.

*Summary and Conclusions*

Professionals in the juvenile justice system of British Columbia were surveyed at the time of the introduction of a new program providing secure containment for dangerous and hard-core delinquents in an attempt to discover how they would define such offenders. Police were found to define a broader range of offences as indicative of dangerous youth who should be confined. As the juvenile moves through the system, however, each group of professionals in deciding whether or not to take action leading toward containment would apply a progressively narrower definition of the dangerous offender. With respect to the definition of

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* "infrequently" only

** "usually" only

*** "always" only

Condition I A juvenile "known" to authorities but with no formal adjudications (convictions) commits an offence indictable if by an adult.

Condition II A juvenile on probation for a series of minor offences commits a further series of minor offences.

Condition III A juvenile on probation for a serious offence has breached the terms of probation by behaviour which would not be an offence if committed by an adult.

Condition IV A juvenile on probation for a serious offence (indictable if adult) commits a series of minor offences (summary convictions if by an adult).

Condition V A juvenile on probation for a serious offence commits a further serious offence.

hard-core offenders, police were far more ready than other professionals to regard repeat offenders as requiring containment. Each group of professionals, other than police, appeared to be less ready to confine repeat offenders, even for serious offences, than dangerous first offenders. This unexpected finding is best accounted for by the tendency of professionals to moderate the definition of those under their supervision. Community respondents, drawn from the core membership of the Justice Councils, would define dangerous and hard-core juvenile offenders more broadly than any professionals other than police. Their influence, if effective, would therefore be to increase the number of juveniles confined.

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