



Weagant: a system that exposes young offenders to an adult prison experience

Flaws In New Laws For The Young

David faces charges of robbery and breaking and entering. Four months ago police took him to the Metro Toronto West Detention Centre after a police chase ended in his capture. His arrest marked the third time that he had been taken into custody during the past year. "You saw me when I came in here, eh?" David asked his cellmate recently. "I was drinking and doing drugs at the time. I couldn't even see." Because he is a young offender, David's name, and some details of his past, have been altered. He and his cellmate are among the most visible members of a host of young Canadians who will become entangled with the law this year—for reasons that range from lawbreaking to their disputed status in child custody battles.

Change: While counsellors and criminologists say that behind many juvenile crimes are family breakups, problems at school and high unemployment, they note that there has been one significant change in recent

years: a dramatic increase in legal rights available to young people. Declared Jill Frayne, a family counsellor with Toronto's East Metro Youth Centre: "Many more kids are aware of how well, or poorly, the law works. Kids are a lot wiser."

For one thing, Ontario children were represented by their own lawyers in more than 750 custody battles during the first six months of 1987. Still, many experts say that the young people who show most familiarity with the laws of the land are those who break them. And they add that many are well-versed in the protections offered by the Young Offenders Act—the federal legislation dealing with young lawbreakers aged 12 to 17.

Since the law's passage in 1984—replacing the 76-year-old Juvenile Delinquents' Act—lawyers, police officers, social workers and youth counsellors have sought to gauge its effectiveness. They say that it is difficult to do so as there are no reliable nationwide analyses of crimes committed by ado-

lescents—and few available statistics other than figures that pertain to incarceration. But rough provincial estimates indicate that the number of adolescents involved in the criminal system has not changed significantly since the act took effect.

Praise: Many experts have praised two key elements of the act—rigorous concealment of a young offender's identity, and specific sentences similar to those found in the adult Criminal Code. Under the old system, offenders between the ages of 7 and 16 could be classified as delinquents indefinitely. Still, other counsellors and social workers complain that few provinces have the means to take full advantage of alternatives to incarceration in the new act's sentencing provisions. Among the most important: a judge's option to recommend that a convicted youth perform community work for such minor crimes as shoplifting. Brian Weagant, a staff lawyer at Justice for Children, a free legal clinic in Toronto, criticized the province's practice of holding offenders aged 16 and 17 in custodial units attached to adult jails. Said Weagant: "It is really adult prison culture for some of these kids."

But some adolescents who have served time in secure units for young offenders have expressed contempt for what they describe as soft treatment. One of them, a 16-year-old Moncton resident who had served time in Kingsclear Youth Training Centre in Fredericton, described it as "a joke." "It's too easy," the youth said, ridiculing the TV sets and other luxuries permitted the inmates. "Some parents would pay to send their kids to a place like that." Another young Toronto offender, awaiting sentence for theft, said that the outside world offers little incentive to him to turn away from criminal activity. He declared, "I can get a job and maybe after a month I can earn \$2,000, but you can rip off three or four houses in one night and get \$4,000."

Adult: As for David, the system has not provided him with any easy solutions. "I can't cope that good on the outside," he said. And when he finishes serving a sentence that is still to be determined, he will be 18—and an adult in the eyes of the law. He will also have adult responsibilities. Holding out a photograph of a baby, David declared, "I got a daughter." But for David and other young offenders, the decision to go straight is full of complex challenges which are not always eased by a system that—despite its improvements—remains flawed.

—JULIA BENNETT with correspondents' reports