

PART II.—JUVENILE DELINQUENCY

Section 1.—Causes and Court Treatment of Juvenile Delinquency

It is generally accepted that boys and girls are not wholly responsible for their offences and that the child's family and the community in which he lives must share the blame. The statement that a community deserves the delinquency it has, places the responsibility in each locality firmly on the shoulders of every adult citizen.

A review of various studies* into the cause of juvenile delinquency shows the most generally accepted conditions predisposing to children's anti-social behaviour are as follows:—

- (1) Broken homes, where one parent is absent, or where parents do not live in harmony.
- (2) Vicious homes, characterized by drunkenness and cruelty.
- (3) Poor and overcrowded living quarters.
- (4) Lack of discipline and parental interest with consequent improper training in the home.
- (5) Low income.
- (6) Physical disability.
- (7) Lack of wholesome recreation and community welfare services.

These conditions create a feeling of insecurity in the life of a child, a lack of confidence in himself, a need for affection without which he has a sense of rejection by his family or by society. The result, in many cases, is anti-social behaviour. The elimination of the causes of misbehaviour is, therefore, more important as a means of prevention and control of juvenile delinquency than is punishment. The Juvenile Delinquents Act, passed in 1908 and revised in 1929, was framed with this purpose in mind. It embodies the principle underlying the proper handling of juvenile offenders.

Under the provisions of the British North America Act, the Parliament of Canada is given power to declare juvenile delinquency to be a crime, but it has no jurisdiction to legislate regarding the civil status of delinquency except as it might be related to legislation respecting criminal law.

The Juvenile Delinquents Act defines a 'child' as "any boy or girl apparently or actually under the age of 16 years" Provision is made, however, by which the Governor in Council may proclaim that in any province the definition of a 'child' shall be broadened to include any person "under the age of 18 years" This has been done in British Columbia, Alberta, Manitoba and Quebec.

According to the Juvenile Delinquents Act, a child over the age of seven is capable of committing a crime, but should be dealt with not as an adult to be punished but as an adolescent requiring good health, encouragement and supervision.

For uniformity, the figures relating to juveniles compiled by the Dominion Bureau of Statistics refer only to those under 16 years of age. In this connection, it is interesting to note that the Conference on the Prevention and Control of Juvenile Delinquency called by the Attorney General of the United States in Washington in November, 1946, recommended that the "under the age of 18 years" as describing a juvenile delinquent be adopted throughout the United States.

* See footnote to p. 253, also Report of the Royal Commission to Investigate the Penal System Canada, c. XV. p. 175.