

Two kinds of sentences — probation and commitment to an institution — maintain, for a certain period of time, a relationship between the person dealt with by the court and the legal institutions of a community. There are several types of institutions to which a person can be committed, such as penitentiaries, reformatories, jails and industrial farms. Theoretically, every institution has a specific purpose which is supposed to be taken into account when arriving at a legal decision. In practice, however, the availability of an institution in a given community is a factor in determining the decision rendered by the court.

Young adult offenders (16-24 years). Attention is focused on the needs of the young adult offenders, 16-24 years of age, who constitute a promising group for rehabilitation in modern reception and diagnostic centres equipped with educational, trade training and other formative disciplines. The young men and women in this age group accounted for 23.4% of the total population 16 years of age or over in 1968 but they formed over half of the criminal population committing indictable offences. The group includes some of the most daring offenders, who already may be experienced criminals, as well as first offenders likely to be turned from crime by further education and training. There were 23,118 young adult offenders in 1970, an increase of 19.1% over the previous year (see Tables 3.9 and 3.10).

Convictions for summary conviction offences. Offences punishable on summary conviction under the criminal code or under the provincial summary conviction Acts as the case may be, are triable by magistrates and justices of the peace. Data relating to these offences are based on convictions; no information is available on either the number of persons involved in these offences or the number of charges (see Table 3.11).

Appeals. Appeal is an important safeguard in Canada's legal system. The conviction or the sentence pronounced by a judge of a first instance court may be appealed on the grounds that the verdict was unreasonable, that there was a wrong decision on some question of law or that there was a miscarriage of justice. In 1970 there were 2,910 appeals in indictable cases disposed of by the courts, of which 410 were Crown appeals and 2,500 appeals of the accused. Of the Crown appeals, 65 were from acquittal and 345 from sentence. Appeals in summary conviction cases disposed of by the courts numbered 1,727 in 1970. Of these, 337 were appeals of the informant and 1,390 appeals of the accused. The informant appeals comprised 262 from acquittal and 75 from sentence, and appeals of the accused comprised 1,129 from conviction and 261 from sentence.

3.8.2 Juvenile delinquents

Juvenile delinquent, as defined in the Juvenile Delinquents Act, means any child who violates any provision of the criminal code or of any federal 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 provision of any federal or provincial statute. The commission by a child of any of these acts constitutes an offence known as a delinquency. The upper age limit of children brought before the juvenile courts in the provinces varies. The Act defines a child as meaning any boy or girl apparently or actually under the age of 16 years, or such other age as may be directed in any province. In Prince Edward Island, Nova Scotia, New Brunswick, Ontario and Saskatchewan under 16 is the official age; in Alberta under 16 for boys and under 18 for girls; in Newfoundland under 17; in Quebec, Manitoba and British Columbia under 18 years. Up to 1967, it was the practice of Statistics Canada to publish information about juvenile delinquents 16 years of age or over separate from that of juveniles under 16 years of age. From 1967 on, the figures include all those considered as juveniles by the respective provinces, regardless of the differing upper age limits.

Included in the statistics of juvenile delinquents (Tables 3.12-3.16) are cases (alleged as well as adjudged) which were brought before the courts and dealt with formally. A case was counted separately each time a child appeared before the court for a new delinquency or delinquencies. In instances where multiple delinquencies were dealt with at one court appearance, only one delinquency — the most serious — was selected for tabulation. Delinquencies reported as informal cases by the courts were not included nor were cases of children presenting conduct problems which were not brought to court or which were dealt with by the police, social agencies, schools or youth-serving agencies. Thus, community facilities for dealing with children's problems may have an influence on the number of cases